

Central and Arctic Region 520 Exmouth Street Sarnia, Ontario N7T 8B1

### Pêches et Océans Canada

Région du centre et de l'arctique 520 rue Exmouth Sarnia (Ontario) N7T 8B1

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**ਵੱ**ਰ 29, 2017

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MAY 2 9 2017

Mr. Daniel Shewchuk A/Chairperson Nunavut Wildlife Management Board c/o Ms. Taqialoo Sataa < tsataa@nwmb.com >

Dear Mr. Shewchuk:

Thank you for your correspondence of May 17, 2017 (attached). The Nunavut Wildlife Management Board (NWMB or Board) is currently considering a request from the Ekaluktutiaq Hunters and Trappers Organization (EHTO) for an increase to the arctic char commercial quota on Lauchlan River. The Department of Fisheries and Oceans (DFO) has been requested by the Board to provide additional information on the Lauchlan River commercial fishery operation to assist with the Board's decision-making process.

In 1993, when the Nunavut Agreement came into force, the arctic char commercial quota for Lauchlan River was 9100 kg. The quota was varied by DFO to 2400 kg in 1995 based on DFO science advice, and consultation and support from the EHTO. DFO could not identify any documentation by DFO or the NWMB that indicates the quota was varied using the formal decision-making process as set out in Article 5 of the Nunavut Agreement. This was likely due to the newness of the Nunavut Agreement, the direction provided by the Board to work directly with HTOs in making quota variation decisions,, and that until the Nunavut Wildlife Harvest Study was completed, the Board was not in a position to establish total allowable harvest levels (see attached DFO letter to Kivalliq HTOs and NWMB minutes, regular meeting no. 7, April 1995, pg 10).

The 2400 kg Lauchlan River commercial quota identified in the 2014 Integrated Fisheries Management Plan (IFMP) for Cambridge Bay Commercial Fisheries was considered by the co-management organizations that developed the IFMP to be the current quota. No changes to the existing management regime were being proposed by DFO when the IFMP was submitted to the Board for approval. DFO does not, therefore, take the position that the NWMB's approval and the Minister's subsequent acceptance of the IFMP included approval/acceptance of the 2400 kg Lauchlan River char commercial quota.





In absence of information indicating that the commercial quota for Lauchlan River was modified in accordance with the Nunavut Agreement, it would be DFO's position that the quota is 9100 kg. However, in 1995, DFO science recommended that the commercial arctic char quota at the Lauchlan River be reduced to 2400 kg due to concerns with the sustainability of commercial harvesting at 9100 kg. This continues to be the best available information DFO can provide to the Board at this time. Therefore, in keeping with the principles of conservation, DFO would like to provide the Board with the following recommendation:

The NWMB approve the request by the EHTO, which includes a proposed 5-year fishery-dependent and fishery-independent sampling program by the EHTO, the Kitikmeot Foods, and DFO, on an interim basis. This will enable the necessary information to be collected to complete a stock assessment of the Lauchlan River. This information can then be used in the decision-making process as per the Nunavut Agreement to determine if modifications to the existing quota (9100 kg) are required.

I hope this additional information will prove useful to the Board.

Yours sincerely,

Dale Nicholson

A/Regional Director General Central and Arctic Region Fisheries and Oceans Canada

Attachments: (3)

- (1) Invitation for replies to written submissions filed at the public hearing of the Nunavut Wildlife Management Board concerning the proposed increase to the commercial quota for Arctic char at Lauchlan River (Byron Bay)
- (2) 1995 DFO letter to Kivallig HTOs
- (3) NWMB minutes, regular meeting no. 7, April 1995

#### Cc:

Bobby Greenley, Chairperson Ekaluktutiaq HTO
Paul Irngaut, Director of Wildlife and Environment, NTI
Scott Gilbert, Regional Director, DFO
Larry Dow, Director, Northern Operation, DFO
Allison McPhee, Division Manager, DFO



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June 29th 2017

Hon. Dominic LeBlanc Minister of Fisheries, Oceans and the Canadian Coastguard, Government of Canada Hon. Joe Savikataaq Minister of Environment Government of Nunavut Aluki Kotierk
President of Nunavut
Tunngavik Inc

Bobby Greenley Chairperson Ekaluktutiak Hunters and Trappers Organization Joe Ashevak Chairperson of the Kitikmeot Regional Wildlife Board

### Dear Colleagues:

Re: Decision of the Nunavut Wildlife Management Board following its written public hearing concerning the commercial quota for Lauchlan River (Byron Bay) char

In April of this year, the Nunavut Wildlife Management Board (NWMB or Board) commenced a written public hearing to consider a char fishery *Proposal for Decision* (Proposal) from the Ekaluktutiak Hunters and Trappers Organization (HTO). The Proposal was to increase the commercial quota for the arctic char fishery at Lauchlan River (Byron Bay) from the current level of 2,400 kgs to 5,000 kgs.

Two very helpful hearing submissions – filed on April 20<sup>th</sup> and May 12<sup>th</sup> 2017 - from Nunavut Tunngavik Inc. (NTI) asserted, with reasons, that the current quota is actually 9,100 kgs, and not 2,400 kgs. On May 29<sup>th</sup> 2017, Fisheries and Oceans Canada (DFO) also filed a very helpful submission which confirmed that the present quota is 9,100 kgs.

The explanation for the confusion is as follows:

- Lauchlan River char were first fished for commercial purposes in 1970. The site was
  originally included within an overall Wellington Bay area quota of 45,400 kgs. By 1972,
  Lauchlan River had its own quota of 18,160 kgs. That amount was varied over
  subsequent years, and eventually set at 9,100 kgs in 1979.
- 2. The Nunavut Agreement (Agreement) came into effect on July 9<sup>th</sup> 1993, at which time the quota was still 9,100 kgs. Under the terms of the Agreement, any quota in force immediately prior to July 9<sup>th</sup> 1993 can only be modified or removed by the NWMB in accordance with Article 5 of the Agreement.<sup>1</sup>

<sup>&</sup>lt;sup>1</sup> Section 5.6.4 of the Nunavut Agreement: "Any restriction or quota on the amount of wildlife that may be harvested that is in force immediately prior to the date of ratification of the Agreement shall be deemed to have been established by the NWMB, and shall remain in effect until removed or otherwise modified by the Board in accordance with this Article."

- 3. In 1995, DFO decided on scientific advice to vary the quota to 2,400 kgs. However—undoubtedly due to the newness of the Agreement and an accompanying lack of familiarity with the requirements of Article 5—that variation was made without any involvement from the NWMB.
- 4. Accordingly, while DFO and the HTO understood that the quota had been legally varied in 1995, it had not. Both parties continued to believe right through to 2017 that the quota was 2,400 kgs, and the fishery was therefore conducted pursuant to that understanding. The NWMB then held its 2017 hearing with the result that the 1995 mistake was discovered.

The NWMB met on June 6th 2017 to consider the Proposal and all of the written submissions, and passed a resolution recognizing that the current legal commercial quota for Lauchlan River (Byron Bay) char is 9,100 kgs - and therefore no *Nunavut Agreement* decision-making is required at this time.

The Board also decided at its June 6<sup>th</sup> meeting to inform the hearing parties that the NWMB is in support of continued conservation-based management of the fishery by the HTO and Fisheries and Oceans Canada. Both parties – with the operational support of Kitikmeot Foods Ltd. - have worked collaboratively and diligently over many years to build and maintain a model, sustainable commercial char fishery.

The NWMB is particularly impressed with the excellent monitoring and reporting program that is in place, as well as with the commitment to shared stewardship and best management practices. The Board is confident that the parties will continue to successfully collaborate on the further development of this impressive fishery.

Should you have any questions concerning this letter, please do not hesitate to contact the NWMB.

Yours sincerely,

Dan Shewchuk

A/Chairperson of the

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Nunavut Wildlife Management Board

c.c. Larry Dow, Director of Northern Operations, Fisheries and Oceans Canada; Scott Gilbert, Regional Director, Fisheries Management, Fisheries and Oceans Canada; Paul Irngaut, Director of Wildlife and Environment, Nunavut Tunngavik Incorporated; Ema Qaggutaq, Kitikmeot Regional Coordinator, Kitikmeot Regional Wildlife Board; and

Janelle Kennedy, A/Director of Fisheries and Sealing, Government of Nunavut Department of Environment