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Conserving wildlife through the application of Inuit Qaujimajatuqangit and scientific knowledge

≺∟△ 11, 2017

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LA 24, 2016

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⊃Ś⁰⊃⁰ Mr. イ⊅い

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^{*} $P^*U^*<\Delta^c$ TAC- c C' c C'+ c



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July 27th 2017

Honourable Dominic LeBlanc Minister of Fisheries, Oceans and the Canadian Coast Guard 200 Kent Street Ottawa, Ontario K1A 0E6

Dear Minister LeBlanc:

Re: Addendum to the July 11th 2017 Nunavut Wildlife Management Board letter on decisions and recommendations regarding allocation of Nunavut's commercial Greenland halibut (turbot) and shrimp resources for 2018-2019

Please accept this letter as an addendum to the Nunavut Wildlife Management Board's (NWMB or Board) July 11th 2017 letter regarding the 2018-2019 allocations of Nunavut's commercial Greenland halibut (turbot) and shrimp resources. Important information was not included on the shrimp sub-allocations within the Nunavut Settlement Area and Nunavut's share of shrimp allocations in Shrimp Fishing Area 1 (SFA 1).

The Board can confirm that it decided that the existing sub-allocations should remain in place for Nunavut's share of the shrimp Total Allowable Catch (TAC) within the Nunavut East and Nunavut West Assessment Zones in the Nunavut Settlement Area. Specifically, 70% of all Northern (*Pandalus borealis*) and Striped (*P. montagui*) shrimp to Baffin Fisheries Coalition and 30% of all Northern (*P. borealis*) and Striped (*P. montagui*) shrimp to Qikiqtaaluk Corporation, as per the final decision of the NWMB on July 19th 2016 (Attachment 1).

The Board also confirms that it recommends that the Minister's allocation decision of May 24th 2016 for Nunavut's share of the shrimp TAC in SFA 1 should also remain in place: Baffin Fisheries Coalition 40%, Qikiqtaaluk Corporation 40%, Cumberland Sound Fisheries Limited/Pangnirtung Fisheries Limited Partnership 20% (Attachment 2). For further clarification regarding SFA 1 fishing season: the SFA 1 season corresponds to the calendar year and the roll-over of the noted SFA 1 allocations should extend until December 31st 2018.

Should you or your officials have any questions or concerns with respect to the NWMB's decisions, recommendations and/or accompanying reasons – or to any other aspect of

this letter – please do not hesitate to contact the Board at your convenience. The NWMB looks forward to receiving your response in the near future.

Sincerely,

Daniel Shewchuk A/Chairperson of the

Janil Se hal

Nunavut Wildlife Management Board

Attachments (2)

c.c. Sylvie Lapointe, A/Assistant Deputy Minister, Ecosystems and Fisheries Management Operations, Fisheries and Oceans Canada;

Dale Nicholson, A/Regional Director General, Central and Arctic Region, Fisheries and Oceans Canada;

Sandra Courchesne, Senior Fisheries and Aquaculture Management Officer; Fisheries and Oceans Canada; and

Larry Dow, Northern Operations, Fisheries and Oceans Canada



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≺∟∆ 27, 2017

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July 19th 2016

The Honourable Dominic LeBlanc
Minister of Fisheries, Oceans and the Canadian Coast Guard
15th Floor, Centennial Towers
200 Kent Street
Ottawa, Ontario
K1A 0E6

Dear Minister LeBlanc:

Re: Nunavut Wildlife Management Board final decision concerning the allocation of commercial marine shrimp resources inside the Nunavut Settlement Area

1. The NWMB final decision

On July 14th 2016, the Nunavut Wildlife Management Board (NWMB or Board) held an In-Camera decision-making session to reconsider and reach a final decision concerning the allocation of commercial marine shrimp resources inside the Nunavut Settlement Area. Pursuant to Section 5.3.21 of the *Nunavut Land Claims Agreement*, the NWMB was required to conduct its reconsideration in light of the Minister's May 24th 2016 written reasons for rejecting the Board's initial decision¹. Pursuant to the legal principles of procedural fairness, the Board also considered written submissions² from both Baffin Fisheries Coalition and Qikiqtaaluk Corporation in response to the NWMB's initial decision and reasons and the Minister's reasons for rejection. Following a thorough reconsideration, the NWMB decided to modify it original decision. The Board's final decision is as follows:

RESOLVED that, in compliance with the relevant terms of the <u>Nunavut Land Claims</u>
<u>Agreement</u> and the <u>Nunavut Wildlife Management Board Allocation Policy for Commercial</u>
<u>Marine Fisheries</u>, the Nunavut Wildlife Management Board (NWMB) decide to allocate:

 70% of all Northem (<u>Pandalus borealis</u>) and Striped (<u>P. montagui</u>) shrimp quotas in the marine waters of the Nunavut Settlement Area to Baffin Fisheries Coalition; and

¹ Attached as Appendix A.

² Attached as Appendices B and C.

2. 30% of all Northern (<u>P. borealis</u>) and Striped (<u>P. montagui</u>) shrimp quotas in the marine waters of the Nunavut Settlement Area to Qikiqtaaluk Corporation;

for the two (2) year period commencing on April 1 2016, and ending on March 31 2018, subject to the annual receipt by the NWMB of reliable evidence of satisfactory effort through <u>Annual Reports</u> from allocation holders and <u>Verification Reports</u> from Fisheries and Oceans Canada and Transport Canada.

2. The Minister's reasons for rejection of the initial NWMB decision

The Minister rejected the NVMB's initial decision concerning allocation of shrimp quotas inside the Nunavut Settlement Area, noting that "...[Baffin Fisheries Coalition] has been challenged to fully use its shrimp allocations inside the [Nunavut Settlement Area] in the past three years..." as well as the "...importance of economic viability for harvesters and the repeated requests from [Qikiqtaaluk Corporation] for fishing opportunities in this area". It was indicated that the Minister "...would be able to support a 70/30 split of both Pandalus montagui and Pandalus borealis shrimp allocations between [Baffin Fisheries Coalition] and [Qikiqtaaluk Corporation] respectively, for a two year term (2016 and 2017)", as "...these decisions allow for short term stability to harvesters and an opportunity to review this allocation structure once the two year term is completed".

3. The NWMB's reconsideration in light of the Minister's reasons for rejection and other relevant considerations

In modifying its initial decision, the NWMB carefully considered the Minister's May 24th 2016 written reasons for rejecting the Board's initial decision, and written response submissions from Baffin Fisheries Coalition and Qikiqtaaluk Corporation. It also carefully considered relevant July 21st 2014 correspondence³ from the Minister indicating that:

"While I agree that Baffin Fisheries Coalition is a sound candidate for the allocation of these shrimp quotas inside the [Nunavut Settlement Area]/[Nunavik Marine Region], a four year allocation term [2014 to 2017 inclusive] would not facilitate economic development opportunities for other Nunavut based enterprises...I have decided to approve the allocation of Nunavut's share of these shrimp resources to Baffin Fisheries Coalitions [sic] for a two year (2014 and 2015) term only. This decision allows for the short term stability to [Baffin Fisheries Coalition] and will facilitate potential economic development opportunities for other Nunavut based enterprises in the near future."

The NWMB understands that both Baffin Fisheries Coalition and Qikiqtaaluk Corporation have the capacity to harvest shrimp inside the Nunavut Settlement Area, and noted the importance of vessel ownership and returning the benefits derived from this fishery to

³ Attached as Appendix D.

Nunavummiut while supporting Inuit employment and further economic development. The NVMB also noted that the available shrimp quotas inside the Nunavut Settlement Area are sufficient to support economic viability for more than one allocation holder, in conjunction with other allocations of shrimp. The NWMB did not agree that the "...repeated requests from [Qikiqtaaluk Corporation] for fishing opportunities in this area..." noted by the Minister should be considered in making a final decision, and rejected the notion that the repetition of such requests by an allocation holder constitutes — on its own - a justifiable reason for providing them with a share of the allocation. The Board also considered the requirement, as outlined in the NWMB's Allocation Policy for Commercial Marine Fisheries and noted in its February 24th 2016 initial decision letter, to provide fair warning and notice to an allocation holder before any reductions are applied to an enterprise's allocations.

The NWMB agreed that Baffin Fisheries Coalition has not demonstrated full use of the resource and that other Nunavut enterprises should be provided the opportunity to participate in Nunavut's shrimp fishery to support economic viability for harvesters. In making its initial decision, the NWMB's reasoning was that one additional fishing season was needed for Baffin Fisheries to demonstrate improved shrimp fishing efforts inside the Nunavut Settlement Area, given Baffin Fisheries Coalition's recent vessel acquisition as well as recent increases in catches. For this reason, the Board's initial position was to provide Baffin Fisheries Coalition with an explicit warning⁴ that evidence of improved shrimp harvest in the Nunavut East and Nunavut West management units should be provided in its next *Annual Report*, following the 2016 fishing season, in order to avoid potential reductions in future allocations.

During the NWMB's reconsideration, however, the Board took into careful account the Minister's intention to "...facilitate potential economic development opportunities for other Nunavut based enterprises in the near future..." (emphases added) stated in July 21st 2014 correspondence, and – upon reflection - was satisfied that this correspondence from the Minister, who exercises ultimate responsibility for fisheries management, provided adequate notice in 2014 of an intended 2016 allocation reduction for Baffin Fisheries Coalition, along with a development opportunity for one or more qualified Nunavut-based enterprises.

Notwithstanding its change in position as a result of the NLCA Article 5 reconsideration process, the NWMB recognizes and appreciates Baffin Fisheries Coalition's efforts in acquiring 100% ownership of its vessels and, by extension, increasing the benefits returned to Nunavut. The Board therefore agreed that a significant majority of the allocation should remain with Baffin Fisheries Coalition, in recognition of its very fine record in this fishery, its overall strong fishing capacity, its consistently responsible stewardship, as well as the tremendous efforts over many years made by the Coalition –

⁴ Attached as Appendix E

not only in this fishery, but in Nunavut commercial fisheries development in general. Accordingly, the NWMB decided that the Baffin Fisheries Coalition should retain a full 70% of all shrimp quotas in the Nunavut Settlement Area, and that Qikiqtaaluk Corporation be provided a two-year opportunity to fish the remaining 30%. The Board also agreed that allocating these resources for a two-year term will provide an opportunity to review the allocation structure, as well as the performance of both enterprises in the fishery.

4. Conclusion

Mr. Minister, the NWMB hereby forwards its final decision to you, for your consideration pursuant to the relevant terms of the *Nunavut Land Claims Agreement*. The NWMB would also like to take this opportunity to confirm that your acceptance of the Board's decision to allocate 100 tonnes of Northwest Atlantic Fisheries Organization Division 0A turbot to the Qikiqtaaluk Wildlife Board was for a three-year term, expiring on December 31st 2018.

The NWMB looks forward to your reply. If you or your officials have any questions with respect to the contents of this letter, please do not hesitate to contact the NWMB at your convenience.

Sincerely,

Daniel Shewchuk

A/Chairperson of the

Nunavut Wildlife Management Board

Attachments (5)

c.c. Jacopie Maniapik, Chairperson, Baffin Fisheries Coalition; Levi Barnabas, Chairperson, Qikiqtaaluk Corporation; Patrick Martin, Baffin Fisheries Coalition; and Jerry Ward, Qikiqtaaluk Corporation. Minister of Fisheries and Oceans



Ministre des Pêches et des Océans

Ottawa, Canada K1A 0E6

MAY 2 4 2016

Mr. Daniel Shewchuk A/Chairperson Nunavut Wildlife Management Board Box 1379 Iqaluit, NU X0A 0H0

Dear Mr. Shewchuk,

Re: Nunavut's commercial marine fisheries allocations

Thank you for your correspondence of February 24, 2016, conveying the Nunavut Wildlife Management Board's (Board) decisions and recommendations regarding Nunavut's commercial marine fisheries allocations and the follow up letter from the Board's Executive Director of April 1, 2016.

The Board's recommendations have been very helpful and were an important consideration in my decision on the allocation of Nunavut's share of Greenland halibut and shrimp to Nunavut enterprises.

As you are aware, the decision on how to allocate fish outside the Nunavut Settlement Area (NSA) is a Ministerial responsibility. I very much appreciate the work of the Board in guiding the process for your advice. I appreciate that the process for establishing allocations has been a challenging one and we have both heard from Nunavut enterprises and others about the process and the Fisheries Advisory Committee's final recommendations.

As you know, I consider the working relationship with the Board to be one of respect and partnership. As we have discussed, it will be important for both of us to work to ensure that we have effective ongoing communications and processes that work for both of us and for Nunavut enterprises.

In that regard, I commend the Board for undertaking a thorough review of its *Allocation Policy* to address various concerns raised by Nunavut enterprises. I have asked my officials to work with the Board in any way that may assist you in this work to ensure fairness and equity. This important work should also enable us to develop a common understanding of roles and responsibilities in the allocation of fish to individual fishing enterprises.

.../2

For the allocations, I have agreed to maintain all allocations for Greenland halibut at current distribution levels for 2016-2017. For shrimp in Shrimp Fishing Area 1, I have distributed the allocations such that Baffin Fisheries Coalition (BFC) receives 40% of Nunavut's share, Qikiqtaaluk Corporation (QC) receives 40%, and Cumberland Sound Fisheries Limited/Pangnirtung Fisheries Limited Partnership (CSFL/PFL) receives 20%. For shrimp in Davis Strait-East, I have distributed the allocations such that BFC receives 57% of Nunavut's share, QC receives 28.5%, and CSFL/PFL receives 14.5%. Table 1 (appended) summarizes current (2015) and modified (2016-2017) *Pandalus borealis* allocations to Nunavut fishing enterprises outside the NSA. Nunavut enterprise allocations will be subject to any changes in respective TACs during the two year term.

With respect to Greenland halibut and shrimp resources inside the NSA, I would like to reaffirm the acceptance of the Board's decision to designate 100t from the Division 0A Greenland halibut Total Allowable Catch for inside the NSA until December 31, 2017.

For shrimp inside the NSA, I note BFC has been challenged to fully use its shrimp allocations inside the NSA in the past three years. As such, I am not prepared to accept exclusive allocation of the shrimp resources inside the NSA to BFC for another three years and will be varying this decision of the Board. For reference, I would be able to support a 70/30 split of both *Pandalus montagui* and *Pandalus borealis* shrimp allocations between BFC and QC respectively for a two year term (2016 and 2017). I note in this regard the importance of economic viability for harvesters and the repeated requests from QC for fishing opportunities in this area. I look forward to hearing the Board's views on this matter at its earliest convenience.

These decisions allow for short term stability to harvesters and an opportunity to review this allocation structure once the two year term is completed.

I appreciate that the allocation of commercial fisheries resources amongst competing interests is difficult and the efforts of the Board to establish an open and transparent mechanism to guide the Board in determining its allocation recommendations is very much appreciated.

I look forward to working with the Board on this important issue.

Yours sincerely,

Hunter Tootoo, P.C., M.P.

Minister of Fisheries, Oceans and the Canadian Coast Guard

Table 1. Current (2015) and modified (2016-2017) *Pandalus borealis* allocations to Nunavut fishing enterprises.

Area	Enterprise	2015 Quota (mt)	% of Nunavut Share in 2015	% of Nunavut Share 2016 & 2017	*2016 Quota (mt)
SFA 1	Baffin Fisheries Coalition	2421	65.060%	40%	1488
	Cumberland Sound/ Pangnirtung Fisheries	1300	34.940%	20%	745
	Qikiqtaaluk Corporation	0	0.000%	40%	1488
Davis Strait East	Baffin Fisheries Coalition	917	57.170%	57%	917
	Cumberland Sound/ Pangnirtung Fisheries	458	28.550%	14.5%	229
	Qikiqtaaluk Corporation	229	14.270%	28.5%	458

^{*}Shrimp TACs for 2016 may change pending Ministerial decision.



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July 11th 2017

Honourable Dominic LeBlanc
Minister of Fisheries, Oceans and the Canadian Coast Guard
200 Kent Street
Ottawa, Ontario
K1A 0E6

Dear Minister LeBlanc:

Re: Nunavut Wildlife Management Board decisions and recommendations regarding allocation of Nunavut's commercial Greenland halibut (turbot) and shrimp resources for 2018-2019

Nunavut's commercial turbot (Greenland halibut) and shrimp allocations will expire at the end of the upcoming fishing season: turbot on December 31st 2017 and shrimp on March 31st 2018. Nunavut Wildlife Management Board (NWMB or Board) is responsible for making decisions and recommendations on the commercial fisheries allocations of Greenland halibut (turbot) and shrimp (Northern and Striped shrimp), inside and outside of the Nunavut Settlement Area as per the *Nunavut Agreement*.

The NWMB Allocation Policy for Commercial Marine Fisheries 2012 (Allocation Policy) guides the process for initiating calls for applications, review, and assessment of the fisheries industries' proposals. In 2016, NWMB began a review of the Allocation Policy. The review and approval of the Allocation Policy will not be complete until mid-2018, as such, the Board has considered how best to move forward in light of the upcoming expiration of turbot and shrimp allocations.

After considering all relevant information presented at the NWMB's Regular Meeting (RM 002-2017) on June 5th 2017, the NWMB at its In-Camera meeting (IC 002-2017) on June 6th 2017 made the following decisions:

RESOLVED that the NWMB recommends that the Nunavut Turbot Allocations for the Northwest Atlantic Fisheries Organization Divisions OA and OB remain as per the Minister's decision letter of May 24th 2016 (attached) until December 31st 2018.

RESOLVED that the NWMB recommends that the Nunavut Shrimp Allocations for the Shrimp Fishing Area 1 and Davis Strait East remain as per the Minister's decision letter of May 24th 2016 (attached) until March 31st 2019.

In regards to the NWMB recommendations and decisions on shrimp allocations for Davis Strait West, Nunavut East Assessment Zone, and Nunavut West Assessment Zone,

these letters were sent to the Minister on July 7th 2017 and June 23rd 2017 respectively. The noted letters also recommend roll-over of existing allocations until the Allocation Policy has been revised and approved.

Should you or your officials have any questions or concerns with respect to the NWMB's decisions, recommendations and/or accompanying reasons – or to any other aspect of this letter – please do not hesitate to contact the Board at your convenience. The NWMB looks forward to receiving your response in the near future.

Sincerely,

Daniel Shewchuk A/Chairperson of the

Nunavut Wildlife Management Board

David Sculing

Attachments (1)

c.c. Sylvie Lapointe, A/Director General, Fisheries Resource Management, Fisheries and Oceans Canada;

David Burden, Regional Director General, Central and Arctic Region, Fisheries and Oceans Canada; and

Larry Dow, Northern Operations, Fisheries and Oceans Canada

Minister of Fisheries and Oceans



Ministre des Pêches et des Océans

Ottawa, Canada K1A 0E6

MAY 2 4 2016

Mr. Daniel Shewchuk A/Chairperson Nunavut Wildlife Management Board Box 1379 Iqaluit, NU X0A 0H0

Dear Mr. Shewchuk,

Re: Nunavut's commercial marine fisheries allocations

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As you are aware, the decision on how to allocate fish outside the Nunavut Settlement Area (NSA) is a Ministerial responsibility. I very much appreciate the work of the Board in guiding the process for your advice. I appreciate that the process for establishing allocations has been a challenging one and we have both heard from Nunavut enterprises and others about the process and the Fisheries Advisory Committee's final recommendations.

As you know, I consider the working relationship with the Board to be one of respect and partnership. As we have discussed, it will be important for both of us to work to ensure that we have effective ongoing communications and processes that work for both of us and for Nunavut enterprises.

In that regard, I commend the Board for undertaking a thorough review of its *Allocation Policy* to address various concerns raised by Nunavut enterprises. I have asked my officials to work with the Board in any way that may assist you in this work to ensure fairness and equity. This important work should also enable us to develop a common understanding of roles and responsibilities in the allocation of fish to individual fishing enterprises.

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These decisions allow for short term stability to harvesters and an opportunity to review this allocation structure once the two year term is completed.

I appreciate that the allocation of commercial fisheries resources amongst competing interests is difficult and the efforts of the Board to establish an open and transparent mechanism to guide the Board in determining its allocation recommendations is very much appreciated.

I look forward to working with the Board on this important issue.

Yours sincerely.

Hunter Tootoo, P.C., M.P.

Minister of Fisheries, Oceans and the Canadian Coast Guard

Table 1. Current (2015) and modified (2016-2017) *Pandalus borealis* allocations to Nunavut fishing enterprises.

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	Qikiqtaaluk Corporation	229	14.270%	28.5%	458

^{*}Shrimp TACs for 2016 may change pending Ministerial decision.



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July 27th 2017

Honourable Dominic LeBlanc Minister of Fisheries, Oceans and the Canadian Coast Guard 200 Kent Street Ottawa, Ontario K1A 0E6

Dear Minister LeBlanc:

Re: Addendum to the July 11th 2017 Nunavut Wildlife Management Board letter on decisions and recommendations regarding allocation of Nunavut's commercial Greenland halibut (turbot) and shrimp resources for 2018-2019

Please accept this letter as an addendum to the Nunavut Wildlife Management Board's (NWMB or Board) July 11th 2017 letter regarding the 2018-2019 allocations of Nunavut's commercial Greenland halibut (turbot) and shrimp resources. Important information was not included on the shrimp sub-allocations within the Nunavut Settlement Area and Nunavut's share of shrimp allocations in Shrimp Fishing Area 1 (SFA 1).

The Board can confirm that it decided that the existing sub-allocations should remain in place for Nunavut's share of the shrimp Total Allowable Catch (TAC) within the Nunavut East and Nunavut West Assessment Zones in the Nunavut Settlement Area. Specifically, 70% of all Northern (*Pandalus borealis*) and Striped (*P. montagui*) shrimp to Baffin Fisheries Coalition and 30% of all Northern (*P. borealis*) and Striped (*P. montagui*) shrimp to Qikiqtaaluk Corporation, as per the final decision of the NWMB on July 19th 2016 (Attachment 1).

The Board also confirms that it recommends that the Minister's allocation decision of May 24th 2016 for Nunavut's share of the shrimp TAC in SFA 1 should also remain in place: Baffin Fisheries Coalition 40%, Qikiqtaaluk Corporation 40%, Cumberland Sound Fisheries Limited/Pangnirtung Fisheries Limited Partnership 20% (Attachment 2). For further clarification regarding SFA 1 fishing season: the SFA 1 season corresponds to the calendar year and the roll-over of the noted SFA 1 allocations should extend until December 31st 2018.

Should you or your officials have any questions or concerns with respect to the NWMB's decisions, recommendations and/or accompanying reasons – or to any other aspect of

this letter – please do not hesitate to contact the Board at your convenience. The NWMB looks forward to receiving your response in the near future.

Sincerely,

Daniel Shewchuk A/Chairperson of the

Janil Se hal

Nunavut Wildlife Management Board

Attachments (2)

c.c. Sylvie Lapointe, A/Assistant Deputy Minister, Ecosystems and Fisheries Management Operations, Fisheries and Oceans Canada;

Dale Nicholson, A/Regional Director General, Central and Arctic Region, Fisheries and Oceans Canada;

Sandra Courchesne, Senior Fisheries and Aquaculture Management Officer; Fisheries and Oceans Canada; and

Larry Dow, Northern Operations, Fisheries and Oceans Canada



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≺∟∆ 27, 2017

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כספי אסייש

David Sterling

כסת כס, אוירסכרת שטבסיים, בוירסכרת שטבסיים, בוירסכרת לי שבכר



ロロット シレイーに Proceed Board Munayunmi Anngutighatigut Aulapkaijitkut Katimajiat Nunayut Wildlife Management Board

July 19th 2016

The Honourable Dominic LeBlanc
Minister of Fisheries, Oceans and the Canadian Coast Guard
15th Floor, Centennial Towers
200 Kent Street
Ottawa, Ontario
K1A 0E6

Dear Minister LeBlanc:

Re: Nunavut Wildlife Management Board final decision concerning the allocation of commercial marine shrimp resources inside the Nunavut Settlement Area

1. The NWMB final decision

On July 14th 2016, the Nunavut Wildlife Management Board (NWMB or Board) held an In-Camera decision-making session to reconsider and reach a final decision concerning the allocation of commercial marine shrimp resources inside the Nunavut Settlement Area. Pursuant to Section 5.3.21 of the *Nunavut Land Claims Agreement*, the NWMB was required to conduct its reconsideration in light of the Minister's May 24th 2016 written reasons for rejecting the Board's initial decision¹. Pursuant to the legal principles of procedural fairness, the Board also considered written submissions² from both Baffin Fisheries Coalition and Qikiqtaaluk Corporation in response to the NWMB's initial decision and reasons and the Minister's reasons for rejection. Following a thorough reconsideration, the NWMB decided to modify it original decision. The Board's final decision is as follows:

RESOLVED that, in compliance with the relevant terms of the <u>Nunavut Land Claims</u> <u>Agreement</u> and the <u>Nunavut Wildlife Management Board Allocation Policy for Commercial Marine Fisheries</u>, the Nunavut Wildlife Management Board (NWMB) decide to allocate:

 70% of all Northem (<u>Pandalus borealis</u>) and Striped (<u>P. montagui</u>) shrimp quotas in the marine waters of the Nunavut Settlement Area to Baffin Fisheries Coalition; and

¹ Attached as Appendix A.

² Attached as Appendices B and C.

2. 30% of all Northern (<u>P. borealis</u>) and Striped (<u>P. montagui</u>) shrimp quotas in the marine waters of the Nunavut Settlement Area to Qikiqtaaluk Corporation;

for the two (2) year period commencing on April 1 2016, and ending on March 31 2018, subject to the annual receipt by the NWMB of reliable evidence of satisfactory effort through <u>Annual Reports</u> from allocation holders and <u>Verification Reports</u> from Fisheries and Oceans Canada and Transport Canada.

2. The Minister's reasons for rejection of the initial NWMB decision

The Minister rejected the NVMB's initial decision concerning allocation of shrimp quotas inside the Nunavut Settlement Area, noting that "...[Baffin Fisheries Coalition] has been challenged to fully use its shrimp allocations inside the [Nunavut Settlement Area] in the past three years..." as well as the "...importance of economic viability for harvesters and the repeated requests from [Qikiqtaaluk Corporation] for fishing opportunities in this area". It was indicated that the Minister "...would be able to support a 70/30 split of both Pandalus montagui and Pandalus borealis shrimp allocations between [Baffin Fisheries Coalition] and [Qikiqtaaluk Corporation] respectively, for a two year term (2016 and 2017)", as "...these decisions allow for short term stability to harvesters and an opportunity to review this allocation structure once the two year term is completed".

3. The NWMB's reconsideration in light of the Minister's reasons for rejection and other relevant considerations

In modifying its initial decision, the NWMB carefully considered the Minister's May 24th 2016 written reasons for rejecting the Board's initial decision, and written response submissions from Baffin Fisheries Coalition and Qikiqtaaluk Corporation. It also carefully considered relevant July 21st 2014 correspondence³ from the Minister indicating that:

"While I agree that Baffin Fisheries Coalition is a sound candidate for the allocation of these shrimp quotas inside the [Nunavut Settlement Area]/[Nunavik Marine Region], a four year allocation term [2014 to 2017 inclusive] would not facilitate economic development opportunities for other Nunavut based enterprises...I have decided to approve the allocation of Nunavut's share of these shrimp resources to Baffin Fisheries Coalitions [sic] for a two year (2014 and 2015) term only. This decision allows for the short term stability to [Baffin Fisheries Coalition] and will facilitate potential economic development opportunities for other Nunavut based enterprises in the near future."

The NWMB understands that both Baffin Fisheries Coalition and Qikiqtaaluk Corporation have the capacity to harvest shrimp inside the Nunavut Settlement Area, and noted the importance of vessel ownership and returning the benefits derived from this fishery to

³ Attached as Appendix D.

Nunavummiut while supporting Inuit employment and further economic development. The NVMB also noted that the available shrimp quotas inside the Nunavut Settlement Area are sufficient to support economic viability for more than one allocation holder, in conjunction with other allocations of shrimp. The NWMB did not agree that the "...repeated requests from [Qikiqtaaluk Corporation] for fishing opportunities in this area..." noted by the Minister should be considered in making a final decision, and rejected the notion that the repetition of such requests by an allocation holder constitutes — on its own - a justifiable reason for providing them with a share of the allocation. The Board also considered the requirement, as outlined in the NWMB's Allocation Policy for Commercial Marine Fisheries and noted in its February 24th 2016 initial decision letter, to provide fair warning and notice to an allocation holder before any reductions are applied to an enterprise's allocations.

The NWMB agreed that Baffin Fisheries Coalition has not demonstrated full use of the resource and that other Nunavut enterprises should be provided the opportunity to participate in Nunavut's shrimp fishery to support economic viability for harvesters. In making its initial decision, the NWMB's reasoning was that one additional fishing season was needed for Baffin Fisheries to demonstrate improved shrimp fishing efforts inside the Nunavut Settlement Area, given Baffin Fisheries Coalition's recent vessel acquisition as well as recent increases in catches. For this reason, the Board's initial position was to provide Baffin Fisheries Coalition with an explicit warning⁴ that evidence of improved shrimp harvest in the Nunavut East and Nunavut West management units should be provided in its next *Annual Report*, following the 2016 fishing season, in order to avoid potential reductions in future allocations.

During the NWMB's reconsideration, however, the Board took into careful account the Minister's intention to "...facilitate potential economic development opportunities for other Nunavut based enterprises in the near future..." (emphases added) stated in July 21st 2014 correspondence, and – upon reflection - was satisfied that this correspondence from the Minister, who exercises ultimate responsibility for fisheries management, provided adequate notice in 2014 of an intended 2016 allocation reduction for Baffin Fisheries Coalition, along with a development opportunity for one or more qualified Nunavut-based enterprises.

Notwithstanding its change in position as a result of the NLCA Article 5 reconsideration process, the NWMB recognizes and appreciates Baffin Fisheries Coalition's efforts in acquiring 100% ownership of its vessels and, by extension, increasing the benefits returned to Nunavut. The Board therefore agreed that a significant majority of the allocation should remain with Baffin Fisheries Coalition, in recognition of its very fine record in this fishery, its overall strong fishing capacity, its consistently responsible stewardship, as well as the tremendous efforts over many years made by the Coalition –

⁴ Attached as Appendix E

not only in this fishery, but in Nunavut commercial fisheries development in general. Accordingly, the NWMB decided that the Baffin Fisheries Coalition should retain a full 70% of all shrimp quotas in the Nunavut Settlement Area, and that Qikiqtaaluk Corporation be provided a two-year opportunity to fish the remaining 30%. The Board also agreed that allocating these resources for a two-year term will provide an opportunity to review the allocation structure, as well as the performance of both enterprises in the fishery.

4. Conclusion

Mr. Minister, the NWMB hereby forwards its final decision to you, for your consideration pursuant to the relevant terms of the *Nunavut Land Claims Agreement*. The NWMB would also like to take this opportunity to confirm that your acceptance of the Board's decision to allocate 100 tonnes of Northwest Atlantic Fisheries Organization Division 0A turbot to the Qikiqtaaluk Wildlife Board was for a three-year term, expiring on December 31st 2018.

The NWMB looks forward to your reply. If you or your officials have any questions with respect to the contents of this letter, please do not hesitate to contact the NWMB at your convenience.

Sincerely,

Daniel Shewchuk

A/Chairperson of the

Nunavut Wildlife Management Board

Attachments (5)

c.c. Jacopie Maniapik, Chairperson, Baffin Fisheries Coalition; Levi Barnabas, Chairperson, Qikiqtaaluk Corporation; Patrick Martin, Baffin Fisheries Coalition; and Jerry Ward, Qikiqtaaluk Corporation. Minister of Fisheries and Oceans



Ministre des Pêches et des Océans

Ottawa, Canada K1A 0E6

MAY 2 4 2016

Mr. Daniel Shewchuk A/Chairperson Nunavut Wildlife Management Board Box 1379 Iqaluit, NU X0A 0H0

Dear Mr. Shewchuk,

Re: Nunavut's commercial marine fisheries allocations

Thank you for your correspondence of February 24, 2016, conveying the Nunavut Wildlife Management Board's (Board) decisions and recommendations regarding Nunavut's commercial marine fisheries allocations and the follow up letter from the Board's Executive Director of April 1, 2016.

The Board's recommendations have been very helpful and were an important consideration in my decision on the allocation of Nunavut's share of Greenland halibut and shrimp to Nunavut enterprises.

As you are aware, the decision on how to allocate fish outside the Nunavut Settlement Area (NSA) is a Ministerial responsibility. I very much appreciate the work of the Board in guiding the process for your advice. I appreciate that the process for establishing allocations has been a challenging one and we have both heard from Nunavut enterprises and others about the process and the Fisheries Advisory Committee's final recommendations.

As you know, I consider the working relationship with the Board to be one of respect and partnership. As we have discussed, it will be important for both of us to work to ensure that we have effective ongoing communications and processes that work for both of us and for Nunavut enterprises.

In that regard, I commend the Board for undertaking a thorough review of its *Allocation Policy* to address various concerns raised by Nunavut enterprises. I have asked my officials to work with the Board in any way that may assist you in this work to ensure fairness and equity. This important work should also enable us to develop a common understanding of roles and responsibilities in the allocation of fish to individual fishing enterprises.

.../2

For the allocations, I have agreed to maintain all allocations for Greenland halibut at current distribution levels for 2016-2017. For shrimp in Shrimp Fishing Area 1, I have distributed the allocations such that Baffin Fisheries Coalition (BFC) receives 40% of Nunavut's share, Qikiqtaaluk Corporation (QC) receives 40%, and Cumberland Sound Fisheries Limited/Pangnirtung Fisheries Limited Partnership (CSFL/PFL) receives 20%. For shrimp in Davis Strait-East, I have distributed the allocations such that BFC receives 57% of Nunavut's share, QC receives 28.5%, and CSFL/PFL receives 14.5%. Table 1 (appended) summarizes current (2015) and modified (2016-2017) *Pandalus borealis* allocations to Nunavut fishing enterprises outside the NSA. Nunavut enterprise allocations will be subject to any changes in respective TACs during the two year term.

With respect to Greenland halibut and shrimp resources inside the NSA, I would like to reaffirm the acceptance of the Board's decision to designate 100t from the Division 0A Greenland halibut Total Allowable Catch for inside the NSA until December 31, 2017.

For shrimp inside the NSA, I note BFC has been challenged to fully use its shrimp allocations inside the NSA in the past three years. As such, I am not prepared to accept exclusive allocation of the shrimp resources inside the NSA to BFC for another three years and will be varying this decision of the Board. For reference, I would be able to support a 70/30 split of both *Pandalus montagui* and *Pandalus borealis* shrimp allocations between BFC and QC respectively for a two year term (2016 and 2017). I note in this regard the importance of economic viability for harvesters and the repeated requests from QC for fishing opportunities in this area. I look forward to hearing the Board's views on this matter at its earliest convenience.

These decisions allow for short term stability to harvesters and an opportunity to review this allocation structure once the two year term is completed.

I appreciate that the allocation of commercial fisheries resources amongst competing interests is difficult and the efforts of the Board to establish an open and transparent mechanism to guide the Board in determining its allocation recommendations is very much appreciated.

I look forward to working with the Board on this important issue.

Yours sincerely,

Hunter Tootoo, P.C., M.P.

Minister of Fisheries, Oceans and the Canadian Coast Guard

Table 1. Current (2015) and modified (2016-2017) *Pandalus borealis* allocations to Nunavut fishing enterprises.

Area	Enterprise	2015 Quota (mt)	% of Nunavut Share in 2015	% of Nunavut Share 2016 & 2017	*2016 Quota (mt)
SFA 1	Baffin Fisheries Coalition	2421	65.060%	40%	1488
	Cumberland Sound/ Pangnirtung Fisheries	1300	34.940%	20%	745
	Qikiqtaaluk Corporation	0	0.000%	40%	1488
Davis Strait East	Baffin Fisheries Coalition	917	57.170%	57%	917
	Cumberland Sound/ Pangnirtung Fisheries	458	28.550%	14.5%	229
	Qikiqtaaluk Corporation	229	14.270%	28.5%	458

^{*}Shrimp TACs for 2016 may change pending Ministerial decision.