ᑲᑐᑎᓗᒍ ᓄᓇᕗᑦ ᐱᕈᖅᐸᓕᐊᑎᓪᓗᒍ
Building Nunavut Together
Nunavuliuqatigiingniq
Bâtir le Nunavut ensemble

November 9, 2018

RE: Final approval of the draft revised *Nunavut Wildlife Management Board Allocation Policy for Commercial Marine Fisheries*

To Whom It May Concern,

On behalf of the Government of Nunavut, Fisheries and Sealing Division, this letter confirms our support for the updated *NWMB Allocation Policy for Commercial Marine Fisheries*. We have reviewed the draft in detail and are submitting comments and corrections for the Board's consideration. Several are simply typographical errors and others are more complex questions or comments.

Overarching comments on the new Policy are as follows:

- There remains concern that the scores for applicants (assuming they have met all mandatory requirements) will still come out to be pretty similar amongst companies, requiring the FAC and the NWMB to qualify allocation decisions using the more subjective aspects of the Policy. We encourage the Board to consider all possible scenarios that would result in either a penalty or an increase to allocations awarded.
- Document should have a Glossary of Terms/Definitions provided (e.g. "Economic Dependence") so that terms and concepts are clear to the public, applicant, the FAC and the NWMB.
- It remains to be seen what the full extent of unintended consequences or impracticalities the new policy will create. We recommend the Board give consideration to re-visiting the policy immediately following the next round of full allocations, so that a policy update process can begin earlier in the allocation cycle and be undertaken more quickly and fully in the years to come.

Please let us know if you would like any additional information.

Yours sincerely,

Janelle Kennedy

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

SUBMISSION Comments and Corrections

Typos/Errors

- Pg 2 – 2.1(a) – capitalize Total Allowable Harvest
- Pg 7 – section 7 header - Nunavut spelled wrong
- Pg 3 – Section 3 – the Nunavut Fisheries Strategy needs to be referenced as “2016-2020”
- Pg 3 – Section 3(b) – include “(TC)” after Transport Canada and then use TC throughout rest of document (e.g. correct reference on Pg 5 and 6). Same applies to use of DFO. Write it out the first time and use the acronym consistently thereafter.
- Pg 4 – Section 4(2) – check that spelling is correct and consistent throughout document of “Piliriqatigiinniq”
- Pg 8 – no need to capitalize “mandatory”
- Pg 5 – Section 5 – last paragraph add “*immediately* prior to application”
- Pg 13 – it appears this table is incorrectly labeled and should be “Table 7.0.2”
- Pg 14 – Could this section be given a different number? It’s seems out of place.
- Pg 15 – Section 7.2.1c. – Should this be out of 2? Or is there a category missing?
- Pg 16 – “need to include box” – The [Note] in #1 is confusing the way it’s written.
- Pg 17 – Section 7.2.4c. – says “1 point possible” but the description of points that follows suggests that there are **4** points available.
- Pg 22 – top of page – should “add note” be there?
- Pg 22 – Section 7.4.2c. – “Identity % asset…” is repeated twice.
- Pg 24 – Section 7.5.3b. – score should be /**3**, not /4.
- Pg 25 – Section 7.5.4 – at the top it says there’s 1 point available but in the description it shows 3 points available. Also the summary point bracket is not consistently used in each scorable criteria. Either include “(x point) after each scorable opening line or delete it.
- Pg 26 – do not capitalize “management”
- Overall – make the document more readable by having a proper Table Of Contents and improve the formatting and page layout throughout. As it is it is very hard to follow. Make use of the Headers and Footers to ensure the reader knows where they are in the document by including the section titles and page numbers.

Comments/Questions

- Pg 1 – consider keeping it consistently "Nunavut agreement"; shortening it any further could cause confusion.
- Pg 5 – Section 6 – should be changed to be Section 7 and merged with the first part of Section 7. It is confusing to have Section 6 describe the mandatory requirements and then have Section 7.0 repeat the information in a scoring section. These two sections should be merged and re-numbered accordingly. Also, suggest not using the format "7.0" as this is confusing. The first part of a section is always assumed to start at "0" and all parts under that get numbered starting at "1". So the mandatory requirements should be Section 7.1.
- Pg 8 - Scoring value 3 d – Provide reference to the definition of "historical connection" as being that which DFO defines.
- Pg 8 – Scoring guidelines – this paragraph is poorly structured and difficult to follow. Refers to section 7, section 6, mandatory requirements, tables…. Just not super clear or easy to follow but seems important so should be revised
- Pg 9 – Table 7.0.2 is poorly labeled and also mislabelled in document. Also, why does it have to say "See Table 7.0.2"? could they be merged and save the reader from jumping from one to the next?
- Pg 10 –
    - Table 7.0.1 "Explanatory paragraph required" column seems to have no useful purpose.
    - 3rd row in the "reporting criteria" column says allocation holders **must** provide IQ and 3rd row in the "explanatory text and or verification report" column says **if** requested to provide IQ … Please clarify.
    - 4th row in the "reporting criteria" column – "1. Assist in the ID of sensitive habitat…." what is the nature of "assistance" in this context? and "2. Avoid fishing in locations…" "avoid" is a loose term which can be ambiguous.
- Pg 11 –
    - 1st row in the "reporting criteria" column – "sound waste management" – requires reference to definitions or known standards.
    - 2nd row in the "reporting criteria" column – "must minimize emissions" – requires reference to definitions or known standards.
    - 3rd row in the "reporting criteria" column – "responsible and sustainable fish harvesting" – requires reference to definitions.

  - 4th and 5th rows in the "Explanatory paragraph required" column – instructions are lacking.
  - 5th row in the "reporting criteria" column – what is meant by "undesirable species"? Clarify and define as much as possible.
- Pg 18 –
  - Section 7.2.5a - there are 2 ways identified to get 4 points and so this must be defined somewhere.
  - Section 7.2.6a – goals and objectives should be tabulated by the applicant showing both their original and their new ones and descriptions of how the original ones were met. The reviewers should not be digging to find out the exact number of goals in each in order to score. Also, reviewers may find a goal that the applicant has not included in their reporting.
  - Section 7.3.1 a and b – if points 1, 2 and 3 are all meaning the same thing in the description so it is unclear how they would be scaled. Is 7.3.1a is scaled as 1=1, 2= 5 and 3=10? And 7.3.1b is scaled 1=1, 2=2.5 and 3=5? What is the scaling for? If you want the overall value of the question to be higher, just change the original point value and make the question properly out of 10 or 5.
  - Why doesn't Section 7.3.1 a and b follow the same categories for percentages as in 7.4.1 or vice versa?
- Pg 19 – Section 7.3.1c. - How do you get 3 points?
- Pg 20 – Section 7.3.2a. – Provide rationale for this point system so it is clear in the policy.
- Pg 22 – Section 7.4.2c. – Applicants should be directed to provide past and current information in a tabular format. Also, why are all options worth 1 point? There should be some extra weight given to applicants who achieve or have 100%.
- Pg 23 – Section 7.5.1b. – if there is no score for this section applicants might not do it; suggest making this wirth 1 point for partial completion and 3 points for full compliance. There should be an incentive to assist HTOs and ensure they are strong and capable.
- Pg 26 – Section 8 – This section is important and most of it could be included in the beginning or in an Appendix. The comment on ECEFZs is a good one, but seems out of place in a Policy document and should be something the Board considers elsewhere.
- Pg 29 – Section 11.1 – Is there a defined level of detail that is required for the public summaries? If it's not defied you might get public summaries that are super vague and not at all informative

- Pg 30 – Part 2 – What qualifies as a trade secret? A Glossary of Definitions might help make this clear.
- Pg 35 – Section 14.2 – use of the term “culpable negligence” quite possibly misused in this section; consider seeking legal advice on this term’s use.
- Pg 43 – Section 3.2 – provide more detail of how to ensure appointments will be staggered. For example is one member is expiring just as a new member is being appointed from the same organization then the organization should be given the opportunity to extend the existing member by a year to provide that overlap, with the person replacing them after that year being given a 5 year term. Also, describe the renewal process and how the organizations should provide notice to the NWMB regarding renewals and timelines for providing the information needed.