



Wildlife Briefing Note

Issue: Schedule for Final NWMB decision re Basic Needs Level for Kingnait Fiord Char Fishery

Background: The public hearing regarding the striking of a Basic Needs Level (BNL) for this fishery took place in June, 2009. NTI submitted that Article 5 of the NLCA requires that fish caught by Inuit in the relevant period for sale to a processing plant and export from Canada be included in any BNL. DFO disagreed, arguing that the only fish caught for sale that qualify to be included in the BNL are fish caught for sale in Nunavut.

In its initial decision, sent to the Minister in April, 2010, the Board agreed with NTI's interpretation of Article 5. In August, 2010, the Minister rejected the Board's initial decision and adopted the Department's position. The Board invited final written submissions in November, 2010, and these were exchanged.

In September, 2011, the Board informed the parties that it would delay its final decision until the end of the 2011/2012 winter, so that NTI and DFO could reach agreement or agree on an alternative means of resolving the matter.

More than six months have passed since the end of the time that the Board offered the parties to agree on a way forward. NTI and DFO met in October, 2012 for this purpose but did not reach agreement. A further meeting is scheduled in February, 2013, in order to resolve the issue.

In the meantime, implementation of Article 5's TAH-BNL system is at a standstill for this and all other fisheries that supply fish plants in Nunavut.

Recommendation:

The NWMB should commit to making a final decision on the BNL for Kingnait Fiord char by July 2013 unless NTI and DFO have informed the Board by March 31 2013 that they have agreed on an alternative means of resolving the issue.

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