



June 27, 2005

Honourable Geoff Regan  
Minister of Fisheries and Oceans  
15<sup>th</sup> Floor, Centennial Towers  
200 Kent Street  
Ottawa, Ontario  
K1A 0E6

Dear Mr. Regan:

**Re: Establishment of a level of commercial char harvesting of 2,000 kilograms in Kingnait Fjord, for the Pangnirtung Hunters and Trappers Organization**

In the year 2000, the Pangnirtung Hunters and Trappers Organization (HTO) requested that the Nunavut Wildlife Management Board (NWMB or Board) close the commercial char fishery in Kagitugulu Lake within the Kingnait Fjord. The Board decided to support the HTO's request, and the lake was closed to commercial harvesting for the next 5 years. At the NWMB's 42<sup>nd</sup> meeting (June 7<sup>th</sup> to 10<sup>th</sup> 2005), the Board reviewed a request from the Pangnirtung HTO to re-open the commercial char fishery, starting in the summer of 2005, and with a level of harvest of 2,000 kilograms.

Scientific analysis by the Department of Fisheries and Oceans (DFO) of fish collected in the 2003 subsistence harvest has led DFO science to conclude that the stock appears to be healthy and can support a limited commercial harvest. In its May 27<sup>th</sup> 2005 submission to the NWMB, DFO set out three options for the Board's consideration:

1. Maintain the closure (lowest level of risk);
2. Permit a total level of harvesting from all sources (subsistence and commercial within Kagitugulu Lake and a small sister lake on the same river system) of 2,000 kg, subject to the collection of biological data in accordance with the five-year data collection plan for new fisheries (moderate level of risk); or
3. Re-open the lake to commercial fishing at the former level of 4,500 kg (highest level of risk).

DFO recommended that the NWMB choose option 2, and also establish the following non-quota limitation with respect to the use of gillnets: a mesh size of five and a half inches only.

In accordance with the terms of the *Nunavut Land Claims Agreement* (NLCA), and taking into account the conclusions of DFO science, DFO's May 27<sup>th</sup> options and recommendations, and the fact that the commercial fishery was closed for a full five years, the Board made the following two decisions:

*"Resolved that, pursuant to section 5.6.16 of the NLCA, the NWMB approve an annual level of harvesting by the Pangnirtung HTO for the commercial harvest of char in Kingnait Fjord of 2,000 kilograms, conditional upon:*

- the collection each year of biological data for the commercial fishery in accordance with the five-year data collection plan for new fisheries (including length, weight, age, CPUE and the total amount harvested), and*
- the reporting each year of all harvests in both the subsistence and commercial fisheries in Kingnait Fjord."*

*"Resolved that, pursuant to section 5.6.48 of the NLCA, the NWMB establish the following non-quota limitation with respect to the use of gillnets in the Kingnait Fjord commercial char fishery: a mesh size of five and a half inches only."*

The NWMB hereby forwards both of its decisions to you in accordance with NLCA s.5.3.17.

Mr. Minister, please note that, if there had been sufficient time, the NWMB would have considered establishing a total allowable harvest (TAH) for the Fjord, including a basic needs level, potentially an adjusted basic needs level, and potentially a surplus. However, that process would have taken some time to complete, especially because the NWMB has only just begun to implement the new TAH management system within the Nunavut Settlement Area.

In the meantime, both the HTO and DFO indicated a desire for the NWMB to make a decision that would apply to the 2005 season. Accordingly, in order to accommodate the wishes of the HTO and DFO, the Board has, for the time being, relied upon its authority in NLCA s.5.6.16 to establish "*levels of ...harvesting in the Nunavut Settlement Area*". The NWMB may review its decision and establish a TAH prior to the 2006 harvest season.

Yours sincerely,



for  
Harry Flaherty  
A/Chairperson of the Nunavut Wildlife Management Board

c.c. Area Director – Eastern Arctic, Department of Fisheries and Oceans