



SEP 15 2010



Mr. Willie Nakoolak
Acting Chairperson
Nunavut Wildlife Management Board
P.O. Box 1379
Iqaluit, Nunavut
X0A 0H0

Dear Mr. Nakoolak:

Thank you for your correspondence of April 9, 2010, regarding the policy position of the Nunavut Wildlife Management Board (NWMB) that all forms of Inuit harvesting (commercial and subsistence) are to be included in the calculation of a Basic Needs Level (BNL).

I appreciate the NWMB's explanation on how it formed its position and agree that implementing a change from the current Nunavut wildlife management regime will take a collaborative effort from all co-management agencies. Fisheries and Oceans Canada (DFO) is committed to engaging in these discussions in an expeditious manner.

However, I am unable to support the NWMB's policy position to include all commercial harvests, namely: the harvest of fish for sale to a fish plant for export outside of the Nunavut Settlement Area (NSA) in the calculation of a BNL. This resolution would have broad implications for the wildlife management regime and for the marketing and economics of Nunavut fisheries. I would ask that you reconsider your policy position in light of the information below.

As you are aware, DFO is of the view that a BNL does not include commercial harvest of fish for export outside the NSA, but rather the BNL consists of harvesting for (a) consumption and use by Inuit, (b) intersettlement trade, and (c) marketing for consumption or use in the NSA. I have attached a copy of our position which was provided to the Board for the Kingnait Fiord Arctic char public hearing process in 2009.

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As outlined in the Nunavut Land Claims Agreement (NLCA), Inuit harvesting (including BNL harvesting) is to be overseen by the Regional Wildlife Organizations (RWOs) and local Hunters and Trappers Organizations (HTOs). This includes the regulation of harvesting practices and techniques among members, the use of non-quota limitations, the allocation of the BNL, and the monitoring and enforcement of the BNL to ensure it is not exceeded. DFO is not aware of any management tools currently in place which would allow the HTOs or RWOs to regulate, monitor or enforce harvesting practices of its members to provide for the conservation and sustainability of fish stocks under a BNL regime. As a first step, co-management partners will need to engage in discussions on how to facilitate these wildlife organizations in the administration of a BNL fishery.

The NWMB's letter did not provide any insights into its views on what tools or mechanisms are necessary to allow for the sustainable management of fisheries under a BNL regime that includes all commercial harvest. Without an effective fisheries management regime in place it would be extremely difficult to demonstrate the biological sustainability of Nunavut's fisheries, which may impact future economic opportunities.

Currently, commercial fisheries in Nunavut are managed through a co-management regime established under the NLCA. This may include using a number of management tools, such as the issuance of licences, the establishment of harvesting levels and non-quota limitations (related to, for example, mesh size, gear type, time and waterbody), harvest monitoring and enforcement, and the collection of biological information. Collectively, these management tools are in place to provide for the conservation and sustainability of a fishery.

I am very much aware and supportive of Nunavut's desire to increase economic prosperity through sustainable fisheries development. However, globally competitive fisheries need to be able to demonstrate sustainability. Including commercial harvests in the BNL calculation as outlined in the Board's policy position, without an effective BNL management regime in place, could reduce future marketing and economic opportunities for Nunavummiut.

Increasingly, fisheries operations are seeking Marine Stewardship Council (MSC) certification or other eco-certification mechanisms as a means of proving their sustainability. I understand that the Government of Nunavut has explored eco-certification options for several Nunavut fisheries. Central to this certification is demonstrating that an effective fishery management regime is in place. I understand that some fish purchasers outside of Nunavut have recently required certification that exported product comes from a sustainable, managed fishery as a condition of purchase (ie: at Pangnirtung fish plant) and that, in their view, a fishing licence issued by DFO is certification of a sustainable management regime.

In addition, as of January 1, 2010, the European Union (EU) regulation to prevent, deter and eliminate illegal, unreported and unregulated fishing came into effect. This regulation applies to anyone in the fishing industry, including Nunavut based fishing enterprises, who exports their products to the EU. Catch certificates are currently being issued by DFO once the fishing industry provides the necessary documentation that attest that fish and fish products originate from legal, reported and regulated fisheries.

In closing, I recognize there is a need to develop and facilitate a BNL regime consistent with the NLCA. I would ask that the NWMB work expeditiously with DFO and other co-management agencies to develop an alternate fisheries management regime that can demonstrate effective sustainable management of a BNL fishery while meeting the desired economic opportunities and market requirements for Nunavut's fisheries.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Gail Shea'.

Gail Shea, P.C., M.P.

Attachment