

- Increases/Decreases to TAC consensus slide: it is probable that the turbot fishery will be moving to a Precautionary Approach in its management. This should be taken into consideration as it will likely affect how TACs are set.
- Annual Performance Reviews consensus slide: AFA would like to highlight the fact that DFO has indicated they do not intend to adjust allocations between multi-year quota applications. Thus, we would like to emphasize that the reporting requirements to industry for the Annual Review should be streamlined to better reflect the concept of a “Progress Report” rather than a review to determine if penalties are required.
- Appeal Process consensus slide: AFA strongly advocates for the implementation of an independent appeals process. Every judicial or quasi-judicial system in Canada has an appeals process. A more detailed suggestion of how this could be implemented for the *Allocation Policy* is provided below.

In addition to the points of consensus, AFA requests that the NWMB take into consideration the following comments while drafting the revisions.

Suggested Appeals Process

The appeals process should be applicable only if there is a perceived misapplication of the *Allocation Policy* by the FAC. It should not be used to dispute the amount of allocation recommended by the FAC. The appeal panel or moderator must be independent of the FAC and NWMB. Further, the launching of an appeal must not create tension between an applicant, the FAC and the NWMB that could result in retribution in the future against the applicant. A suggested timeline is provided in the next paragraph.

In order to efficiently implement an appeal, an applicant should have five (5) business days following the delivery of the FAC’s preliminary recommendations to serve notice that they intend appeal. The written complaint and supporting arguments should be provided by the applicant within the next five business days (ten business days total after the release of the recommendations). The FAC should have five business days to respond to the complaint, and the independent appeals panel or moderator will have five business days to issue a binding decision. This decision will be binary – a) no misapplication of the *Policy* has occurred and the preliminary recommendations stand, or b) a misapplication of the *Policy* has taken place and the FAC must reconvene and reassess all of the applications. In total, this appeal should take 20 business days, fitting within the 30 day response period following the preliminary recommendations.

Clarifying Ambiguous Evaluation Terms

One of the strongest points of consensus among stakeholders was the need to clarify the terms used on the Evaluation Form. These terms need to be objective and quantifiable to ensure that the industry, NWMB and FAC are interpreting the *Policy* in the same manner. AFA recommends that a subset of stakeholders convene for a working group to identify and define

these contentious terms. Ideally the group should include only one representative from each of the following organizations:

- Arctic Fishery Alliance
- Baffin Fisheries
- Cumberland Sound Fisheries Ltd/Pangnirtung Fisheries Ltd.
- Qikiqtaaluk Corporation
- Government of Nunavut, Fisheries & Sealing Division
- Nunavut Tunngavik Inc.
- Nunavut Wildlife Management Board

At the “definitions workshop”, the evaluation form should be rewritten into a table with each term defined and the criteria for each score provided. For example, the current evaluation of direct benefits is written as:

Demonstrate other direct benefits provided to Nunavut owner(s)/community(ies)/industry(ies), in total dollars and percentage of total revenues – 7 points

In a revised evaluation form, this would be rewritten to:

- Demonstrate other direct benefits provided to Nunavut owner(s)/community(ies)/industry(ies) as a percentage of revenue. 7 points.

Direct benefits is defined as non-wage distributions of revenue to Nunavut owner(s)/community(ies)/industry(ies). For greater clarity, non-wage distributions may include cash bonuses to shareholders and/or investments by an enterprise into programs that have short or long-term potential benefits to Nunavut owner(s)/ community(ies)/ industry(ies). These include but are not limited to: exploratory fisheries (inshore or offshore), training or education support for fisheries or otherwise (e.g. scholarships, distance learning, in-community training), donations to community events, efforts to improve food security (e.g. distributing or purchase of groceries or hunting or fishing equipment), etc. Industry-mandated contributions (i.e. to NFMTCC or NOAHA) are excluded. Scoring is as follow:

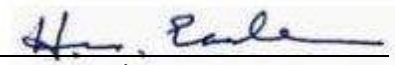
Score	Criteria
0	Other direct benefits not provided
1	Direct benefits between 0.1 and 5% of total annual revenue distributed
2	Direct benefits between 5.1 and 10% of total annual revenue distributed
3	Direct benefits between 10.1 and 15% of total annual revenue distributed
4	Direct benefits between 15.1 and 20% of total annual revenue distributed
5	Direct benefits between 20.1 and 25% of total annual revenue distributed
6	Direct benefits between 25.1 and 30% of total annual revenue distributed
7	Direct benefits greater than 30% of total annual revenue distributed

Preliminary Recommendations Holdback

Finally, AFA suggests that the *Allocation Policy* include the obligation for a holdback of quota (e.g. 10% of Nunavut's allocation) whenever the FAC makes a preliminary recommendation. This will allow the FAC to adjust their recommendations without penalizing other applicants after the response period.

AFA looks forward to reviewing the first revisions of the *Allocation Policy*. We hope that the suggestions provided above will assist in the preparation of these revisions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Harry Earle", is positioned above a horizontal line.

Harry Earle
General Manager
Arctic Fishery Alliance

CC:

Lootie Toomasie, CEO Arctic Fishery Alliance

Jaypetee Akeeagok, Chairman Arctic Fishery Alliance