

Kingnait Fiord (Cumberland Sound area) Arctic Char Fishery

The Pangnirtung HTO had a NWT Fishery Regulation commercial fishery established in schedule V for 4500 kg of sea-run arctic char. This char stock was fished for many years both commercially and domestically with an estimated average annual harvest of about 10,233 kg (NWHS).

In 2000 the Pangnirtung HTO requested that the NWMB remove the schedule V commercial quota of 4500 kg, in order to allow the char stock to recover. HTO members (fishermen) were reporting a decline in the numbers of large fish in this stock. The NWMB made decision in 2000 to close the commercial fishery on Kingnait Fiord Char.

In 2003 the Pangnirtung HTO requested to open Kingnait Fiord to commercial fishing. In June 2005 the NWMB made a decision to establish a 2000kg commercial quota.

NTI and NWMB have agreed that if a quantitative limit (quota), is to be established on the Inuit right to harvest that it would be a total allowable harvest. The NWMB held a public hearing in June 2009 on Kingnait Fiord in Pangnirtung. At the public hearing the following recommendations were made to the NWMB:

- DFO recommended that the TAH be established at 2700-4800 kg and that the BNL be set at 7600 kg.
- NTI recommended that there should be no TAH established and that the Kingnait Fiord char fishery be managed by the HTO with a fishing plan. NTI also noted that the BNL for Kingnait Fiord char should include all Inuit fishing during the harvest study and that it be set at 10,233 kg, if and when a TAH would be established.

The NWMB decision for Kingnait Fiord was to establish a TAH of 6250 kg and a BNL of 10233 kg. The Fisheries Minister, as per NLCA 5.3.18(b), rejected the NWMB decision with written reasons, and as per NLCA 5.3.21 the NWMB is required to consider the Ministers reasons and make a final decision.

As there is no consensus on either the TAH or BNL between DFO, NTI and NWMB, the parties have agreed to defer a Final NWMB decision pending meetings/workshops between the parties to explore alternative solutions. There have been a number of meetings during this time, but there have been no alternative solutions to address the differences.

NTI has requested that the NWMB proceed with a Final Decision by July 2013. NTI is also recommending the NWMB fully consider all options being proposed and to fully consider the implications of establishing a TAH and BNL fishery for the following reasons;

- Previous commercial quota was 4500 kg plus domestic fishing for total of 10,233 kg.
- HTO has demonstrated responsible management of the fishery by requesting the closure of the commercial fishery.
- The Kingnait Fiord stock has rebounded to a level that the HTO wants to be able to sell char again (2200 kg) at a rate that is 50% of previous commercial harvest levels.
- DFO is recommending a total allowable harvest level of 2700-4800 kg, which is a reduction of 50-75% of the previous levels of harvest, on a stock that the HTO considers to have returned to previous abundance levels.
- The setting of a TAH will require the establishment of a Basic Needs Level – and there currently is a basic fundamental disagreement between DFO and Inuit on what catch information is to be considered in establishing BNL.

- The allocation and enforcement of community basic needs levels is the function of the HTO – the HTO's level of enthusiasm to implement a BNL fishery that is a 75% reduction to a fishery that is considered healthy can be expected to be low.
- The HTO would be able to manage the Kingnait Fiord char fishery without a TAH being established, with a "Stewardship plan" that could be the foundation for all BNL fisheries in the future. The continued collection of data from the fishery as described in the plan, would ensure continuous monitoring of the status of the stock, thereby ensuring that if changes are observed and documented that levels of harvesting would be adjusted, with a minimum of regulatory process.

November 13, 2012

HTO Stewardship Plan for Commercial Sale of Arctic Char - Without TAH or BNL

Process

1. DFO staff work with the HTO to develop the plan, for HTO approval.
2. RWO must also approve the plan.

Contents

3. Plan sets a community sale-for-export limit. The limit would in most cases equal
 - 1) the amount of any quota contained in Schedule V for the water body, or
 - 2) where the water body is not on Schedule V, an amount calculated on the basis of DFO's Exploratory Fishery Guidelines.
 - Eg 2200 kg for Kingnait char.
 - The HTO would not be locked in to these bases for calculating the limit
4. HTO may allocate the limit between individual/family members, or not, at HTO's discretion.
 - examples of possible allocation methods can be provided, including methods that rely on reporting by individuals/families to HTOs
5. Plan sets "non-quota limitations" on fish caught for sale to plants.
 - eg net mesh size, soak times, fishing area, fishing times
 - note: NWMB has set a net mesh size NQL for fisheries currently subject to exploratory licences
6. Plan sets requirements for sampling by harvesters of fish caught for sale to plants. EG weights; otoliths.

Option: Plant managers could accept responsibility for sampling in the plant instead.

 - note: currently there are sampling requirements for exploratory fisheries but not for the commercial fishery once the water body is listed on Schedule V. Option: plans could set any sampling requirements on a time-limited basis – eg only for the first three or five years.

Implementation

7. NU plant managers restrict quantities purchased to the community sale-for-export limit identified in the approved HTO stewardship plan. IF HTO allocates the limit between

individuals/families, the stewardship plan may also rely on plant managers to restrict quantities purchased from individuals and families according to the HTO's allocations.

- Note: need to nail down export permit requirements, and ensure that controls are adequate where an individual Inuk or Inuit company is exporting directly. Where there is an export permit requirement, plan could rely on the issuing agency to restrict permitted quantities to the stewardship plan sale-for-export limit.

8. HTO by-laws and customary/informal means of implementation and enforcement

- HTO means of enforcement could include denying individuals/ families a sale-for-export allocation in the following year if they exceed their allocation for sale-for-export in the current year

9. Inuit fishing under stewardship plans is unlicensed.

HTO Fish Plan With a TAH and BNL

Process -as per stewardship plans -

1. DFO staff work with the HTO to develop plan, for HTO approval.
2. RWO must also approve the plan.

Contents

- 3¹. Plan could either identify the undivided TAH/BNL as allocated to the HTO by the RWO (Option A), or go further and divide the TAH/BNL into separate limits –consumption, and sale-for-export (Option B):

Option A - Plan identifies the TAH/BNL that is available to the HTO.

- Eg of a 4800kg TAH for Kingnait Fiord char, 4800 kg is available to Pangnirtung HTO

Option B - Plan divides TAH/BNL into a limit for personal consumption and a limit for sale-for-export.

- Eg of a 4800kg TAH for Kingnait Fiord char, 2600 kg is set aside for consumption; 2200 kg is set aside for sale-for export;
- It would be up to the HTO to choose btw Options A or B in the fish plan

4. HTO allocates the TAH/BNL (Option A) or the consumption and sale-for-export limits (Option B) between individuals and families.

- HTO allocation of the TAH/BNL to individuals/families under Option A would be mandatory; allocation of divided limits under Option B would be discretionary (i.e. under Option B, implementation could depend instead mainly on purchases of sale for export by the fish plant managers)
- examples of possible allocation methods can be provided, including methods that rely on reporting by individuals/families to HTOs

5. Plan sets “non-quota limitations” on harvesting for sale to plants only – as per stewardship plans.

6. Plan sets requirements for sampling by harvesters of fish caught for sale to plants – as per stewardship plans.

Option: Plant managers could accept responsibility for sampling in the plant instead.

¹ HTOs may find it onerous to restrict quantities of fish caught by their members for consumption. This concern applies both to Option A, in which the restriction is global (total TAH/BNL available) and Option B, in which consumption is restricted specifically. HTOs are accustomed under the NWT Fisheries regs to having no limits set on fishing for consumption. Perhaps there is an Option C, in which the HTOs hire/appoint independent monitors to observe the fisheries and confirm the reliability of individual reporting practices.

7. Plan sets requirements for individuals to report their harvest to the HTO periodically.

- Reporting could be in total amounts per individual or family (Option A above), or divided between consumption and sale-for-export (Option B above)
- examples of possible reporting requirements can be provided
- Question: is this effective without amending the regs to 1) prohibit individuals from harvesting without meeting HTO reporting requirements, and 2) prohibit individuals from exceeding their HTO allocations

Implementation

8. NU plant managers restrict quantities purchased to the amount of the TAH/BNL (Option A above). Under Option A, plan could also rely on plant managers to restrict quantities purchased from individuals and families according to the HTO's allocation of the TAH/BNLs.

Alternatively, plant could restrict purchases only to the limit set for sale-for-export (Option B above). Under Option B, if the HTO has chosen to allocate the limit set for sale-for export between individuals and families, plan could also rely on plant managers to restrict quantities purchased from individuals and families according to the HTO's allocation of that limit.

- Note: as in the case of stewardship plans, there is a need to nail down export permit requirements, and ensure that controls are adequate where an individual Inuk or Inuit company is exporting directly. Where there is an export permit requirement, and if the fish plan sets a limit on sales for export (Option B above) the plan could rely on the issuing agency to restrict permitted quantities to the sale-for-export limit.

9. HTO by-laws and customary/informal means of implementation and enforcement

- HTO means of enforcement could include denying individuals/ families an allocation in the following year if they exceed their allocation in the current year. Such a practice would have to meet the standard set by s. 5.7.11 (no HTO decision may unreasonably prevent an Inuk from harvesting in order to meet individual/family consumption needs).

10. Inuit fishing under stewardship plans is unlicensed.