SUBMISSION TO THE NUNAVUT WILDLIFE MANAGEMENT BOARD

FOR

Information: X Decision:



Issue: Update on reconsideration of the NWMB's decision to establish a total allowable harvest and basic needs level for Kingnait Fjord arctic char

Overview:

At the Nunavut Wildlife Management Board's (NWMB or Board) June 2015 quarterly meeting, Nunavut Tunngavik Incorporated presented a request for a final decision concerning the level of total allowable harvest and basic needs level for the arctic char fishery in Kingnait Fjord. The Board made its initial decision in April 2010, which was rejected by the Minister of Fisheries and Oceans. The NWMB chose to delay a final decision to allow time for several outstanding issues to be resolved. These issues are described below.

Background:

In June 2009 the NWMB held an in-person public hearing in Pangnirtung to consider the level of total allowable harvest, the basic needs level and the allocation of the surplus, if any, for the arctic char fishery in Kingnait Fjord. In December 2009, the Board reviewed the evidence and arguments presented at the hearing and made several decisions¹. These initial decisions were forwarded to the Minister of Fisheries and Oceans on April 9th 2010. On August 5th 2010, the Minister provided her response rejecting the Board's initial decisions².

In the course of its reconsideration process, the NWMB became concerned that forwarding a final decision to the Minister for acceptance, variation, or rejection, pursuant to Section 5.3.22 of the *Nunavut Land Claims Agreement*, would likely lead to a judicial review of the Minister's decision. This concern was primarily due to underlying disagreements among comanagement partners regarding appropriate mechanisms for management of fish stocks governed by a total allowable harvest and basic needs level, as well as the types of harvest to be included in the calculation of the basic needs level. On September 2nd 2011, the NWMB wrote to the Minister proposing postponement of the final steps of the *Nunavut Land*

¹ Prior to the NWMB's December 2009 decisions, a commercial quota of 2,000 kg, established by the Board in 2005, was in place. There was no limit on non-commercial harvesting.

² The Minister did, however, approve the NWMB's decision to approve a conversion factor of 2 kilograms per fish.

Claims Agreement decision-making process so that the NWMB, Fisheries and Oceans Canada, Nunavut Tunngavik Incorporated and the Government of Nunavut could meet to discuss the use of management tools for fish stocks under a basic needs level regime and to achieve consensus on the types of harvest to be included in the calculation of the basic needs level. In an October 24th 2011 reply, the Minister agreed to a postponement but did not acknowledge the timelines proposed by the NWMB.

Since the NWMB's last correspondence with the Minister on this matter, staff from Fisheries and Oceans Canada, Nunavut Tunngavik Incorporated, the Government of Nunavut, and the NWMB have discussed these issues, at the Canada-Nunavut Fisheries and Marine Mammal Cooperation Committee, the Fisheries Oversight Committee, the Arctic Char Working Group and at the Nunavut Fishery Regulations Working Group, with limited progress. At the NWMB's June 2015 quarterly meeting, the Board was presented with a request from Nunavut Tunngavik Incorporated to make a final decision on the total allowable harvest and basic needs level for the arctic char fishery in Kingnait Fjord. Nunavut Tunngavik Incorporated indicated that this request was motivated by continued failures, in various forums, to reach a consensus among co-management partners on the issues mentioned above. Fisheries and Oceans Canada staff indicated that a complete response to Nunavut Tunngavik Incorporated's proposed draft Nunavut Fishery Regulations, provided to co-management partners in August 2013, was expected shortly.

The NWMB decided to postpone any formal response to Nunavut Tunngavik Incorporated's request until a response from Fisheries and Oceans Canada was received. On June 23rd 2015, Fisheries and Oceans Canada staff provided, by email, a regulatory proposal with comments on Nunavut Tunngavik Incorporated's draft Nunavut Fishery Regulations as well as responses to several questions previously posed by Nunavut Tunngavik Incorporated concerning Fisheries and Oceans Canada's position. Fisheries and Oceans Canada also requested an opportunity to meet in person to discuss this proposal.

Fisheries and Oceans Canada's regulatory proposal does not appear to have changed substantively since the last meeting of the Nunavut Fishery Regulations Working Group in September 2014. In a July 17th 2015 letter to the Minister of Fisheries and Oceans Canada, Nunavut Tunngavik Incorporated expressed disappointment with her Department's response and declined a meeting of the Nunavut Fishery Regulations Working Group based on fundamental and insurmountable disagreements.

Prepared by: Danica Crystal, Wildlife Management Biologist **Reviewed by:** Sarah Spencer, Wildlife Management Biologist

Date: August 19th 2015

PROPOSAL REVIEW Nunavut Wildlife Studies Fund

Project Number: 210-15-03 **Applicant:** James Simonee (Pond Inlet)

Title: Building Capacity for community-based monitoring of arctic char in Pond Inlet

Funding Requested: \$25,950.00¹

Scoring Breakdown: NWMB Priority: 4.5 / 7.5

Total Score 75.85/100 Regional Priority: 11.5/17.5 (0 points deducted) Quality: 28.50 / 35.00

Consultation: 14.25 / 15.00

Funding: 17.10 / 25

Project Summary:

The goal of this project is to study the cumulative impacts of resource extraction on Arctic char and other marine wildlife. Specifically, the project will address gaps in baseline information and knowledge in the Northern Baffin region by mapping and monitoring the ecological response (behavior, distribution, body conditions) of Arctic char, seals and narwhals to resource development activities (shipping traffic and pollution) from Milne Inlet onward across the Eclipse Sound. Stage 1 of the project will be conducted in 2015-2016 and will focus on arctic char. The objectives of stage 1 are: 1) Develop research capacity for the monitoring of arctic char in the Milne Inlet/ Eclipse Sound area; 2) Study the abundance and health status (fat, size, contaminants) of Arctic char in key location from the Milne Inlet area onward throughout the ore shipping route; 3) Document the observations, knowledge and concerns of local fishers and elders on the impact of resource development on fish; 4) Develop a community reporting program for people to report observations and stories on the fish population.

Project Contributions:

Requested from NWMB	\$25,950.00 ²	31%
Other Contributions	\$57,431.00	69%
Total	\$83,381.00	100%

NWMB Staff Evaluation:

<u>NWMB Priority</u>: #4 – Contributes to the provision of advice regarding the Nunavut Settlement Area's marine areas and proposed decisions which would affect those marine areas.

¹ The Board has approved four NWSF projects for the 2015-16 fiscal year totaling \$73,562, leaving **\$26,438** for additional projects.

² The application requested \$29,842.50 from the NWMB. However, \$3,892.50 of the requested amount was for administration, which is not eligible for funding under the NWSF funding guide and policy.

<u>Regional Priority</u>: # 3 Qikiqtaaluk – Marine Wildlife: effects of increased shipping traffic on Arctic char, narwhal and other species.

Project design: The study will take place in Eclipse Sound, between Milne Inlet and Pond Inlet. The applicant will study Arctic Char harvested by local fishers during the months of August-September (fall migration) and winter. Eleven traditional fishing locations will be sampled. These locations have been divided into three zones according to their exposure to mining activities: 1) High disturbance zone with potential higher exposure to traffic, noise and pollution; 2) Mid-disturbance zone with potential mid-exposure to traffic, noise and pollution; and 3) Low disturbance zone with no exposure to traffic and potential low exposure to noise and pollution (See Appendix 1 for a map of these locations). Approximately 10 fish per location will be sampled. The fish will be necropsied at the Mittimatalik Hunters and Trappers Organization (Government of Nunavut – Department of Environment has provided the necropsy instrument kits). The fish will be measured, weighed (including liver weight and gonad weight), aged (otholiths) and inspected for parasites. The applicant will also collect fin clips for DNA marking and muscle samples for diet and contaminant analyses. The biological samples collected will be stored frozen and sent to a lab for analyses. In addition, the applicant will document local observations, perspectives and concerns regarding the potential impacts of resource development on Arctic char from community members. This will involve logging informal discussions with fishers throughout the summer, individual and group interviews with six fishers and six elders and mapping sessions on fish-seal-narwhal harvest locations with Coastal Management Resource Nunavut in fall 2015.

<u>Application of results</u>: This study will provide baseline information needed to assess the impacts of ore extraction and shipping activities on local fishers and marine wildlife. The results of this study will help community leaders, government and industry develop best management practices (e.g. determining the location of shipping routes and timing) to mitigate the impact of the mining industry on local fish populations.

Community involvement / consultation: The Mittimatalik Hunters and Trappers Organization have reviewed the project proposal and have provided their support. The project will employ a local research assistant for a total of 70 days. The fish will be collected by local fishers who will be provided a stipend of \$60 per fish. The fish will be returned to the family after sampling if requested, or distributed for consumption in the community through the Hunters and Trappers Organization. Traditional ecological knowledge and Inuit Qaujimajatuqangit will be documented through informal discussions with the fishers and individual and group interviews with fishers and elders. The results of the project will be shared with the community in the form of a community report and an Inuit Knowledge on Arctic Char Report. In addition, the applicant plans on presenting the project at the ArcticNet conference in Vancouver in December 2015.

Prepared By: Karla Letto, Wildlife Management Biologist, NWMB **Reviewed By:** Sarah Spencer, Wildlife Management Biologist, NWMB

Date: September 1st, 2015

Appendix 1

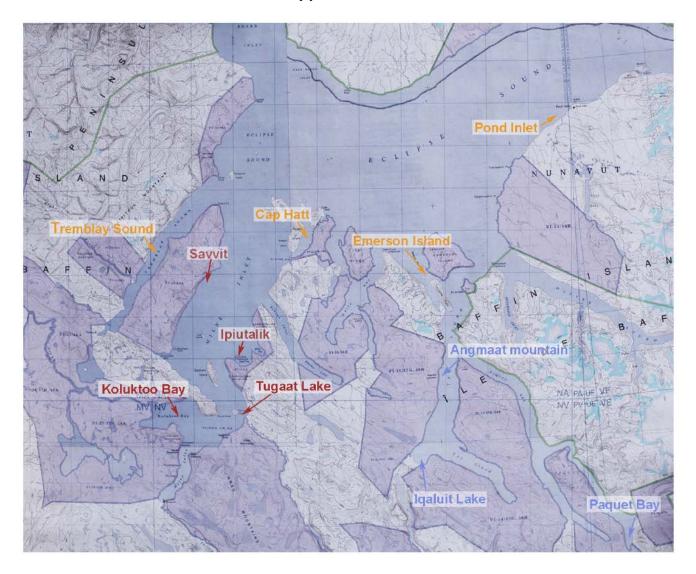


Figure 1. Map showing the location of traditional harvest sites for arctic char. Red indicates zone 1 (high-disturbance area with potential high exposure to traffic, noise and pollution), orange indicates zone 2 (mid-disturbance area with potential moderate exposure to traffic, noise and pollution) and blue indicates zone 3 (low-disturbance area with potential low exposure to traffic, noise and pollution).