

**SUBMISSION TO
THE NUNAVUT WILDLIFE MANAGEMENT BOARD
JUNE 2021**

Information: X

Decision:

Issue: Update on the Status of Northern Fisheries under the U.S. Marine Mammal Protection Act Import Provisions

Background:

The United States (U.S.) is preparing to implement the Marine Mammal Protection Act (MMPA) Import Provisions rule. This rule ensures that the U.S. will only accept imports of fish and fish products originating from foreign countries that have enacted management measures to reduce marine mammal bycatch and prohibit the intentional mortality or serious injury of marine mammals in the course of commercial fishing operations. Originally proposed to be fully implemented on January 1, 2022, NOAA has recently announced a one year extension until January 1, 2023.

The MMPA process is administered by the U.S. National Oceanic and Atmospheric Administration (NOAA). On October 7, 2020 NOAA published the Final List of Foreign Fisheries (LOFF) for 2020, which includes all fisheries for each harvesting nation that export to the U.S.. The LOFF categorizes each of these fisheries as either “exempt” or “export”, based on the likelihood that marine mammal bycatch will occur during the course of fishing operations.

Table 1. DFO Arctic Region fisheries included in the 2020 List of Foreign Fisheries

Species	Fishery/Location	Gear Type	Listing
Arctic Char	Cambridge Bay	Fixed gear; Gillnet, Weir	Export; proposed for reclassification to Exempt
Arctic Char	Cumberland Sound	Fixed gear; Gillnet	Export; proposed for reclassification to Exempt
Arctic Char	Nunavut Settlement Area (NSA)	Fixed gear; Gillnet	Export; proposed for reclassification to Exempt
Greenland Halibut	Cumberland Sound Turbot Management Area (CSTMA)	Fixed gear; Longline	Export
Greenland Halibut	NAFO Subarea 0, 100 ton	Fixed gear; Longline	Export
Greenland Halibut	NAFO Subarea 0	Fixed gear; Longline, Gillnet	Export
Greenland Halibut	NAFO Subarea 0	Mobile gear; Trawl	Export
Shrimp	Shrimp Management Units (SMU) 0, 1, EAZ, WAZ	Mobile gear; Otter Trawl	Export

As part of the implementation process, Canada is required to submit one Comparability Finding (CF) Application to be reviewed by NOAA for each of our fisheries on the LOFF (see Table 1 for Arctic Region fisheries). An approved CF will be required to export fish and fish products to the United States after January 1, 2023 and will be valid for 4 years. NOAA will repeat the MMPA cycle, including LOFF publication and CF application/renewal every 4 years to ensure that an up-to-date record of fisheries and their management measures are in place in advance of expiry.

Current Situation:

On January 14, 2021 DFO participated in a technical consultation with NOAA at which Canada proposed the reclassification of 13 Canadian fisheries on the LOFF from export to exempt, including the three Arctic Char fisheries in Nunavut. Individual fishery proposals will be reviewed by NOAA in the coming months and notice will be provided when a decision has been made.

DFO has begun the CF Application Process, to be completed by November 30, 2021. DFO has drafted fishery profiles (also referred to as “two-pagers”) and solicited input from co-management partners and stakeholders on the data which will be provided to NOAA (TAB 1). NOAA requires that all LOFF fisheries list by-catch or non-directed species that are exported to the U.S. under a licence directed for other species. At this time, DFO is requesting that stakeholders and co-managers provide a list of by-catch or non-directed species that are caught and exported to the U.S. under their directed licence for any of the 8 Arctic Region LOFF fisheries. This will help to maintain the ongoing economic viability of our fisheries by ensuring export is not obstructed.

Under the U.S. MMPA, countries must demonstrate that there is a prohibition on the intentional killing of marine mammals during the course of commercial fishing. To meet this requirement Canada ceased to authorize the lethal removal of nuisance seals during the course of commercial fishing and aquaculture operations. In place, we are working to provide similar allowances through amendments to the Marine Mammal Regulations and Pacific Aquaculture Regulations where lethal removal may be required, such as an imminent threat to human health and safety. As well, Canada is looking to provide additional tools by proposing to authorize the use of certain non-lethal deterrence methods to protect fishing equipment and catch. These amendments have gone through engagement processes with stakeholders and co-management partners, and are anticipated to be published in Canada Gazette 1 in early summer 2021 for public consultation. Proposed amendments do not affect subsistence harvest or harvest for Food, Social or Ceremonial purposes in any way.

Consultation:

Ongoing engagement between DFO and co-management partners has occurred since December 2018, including the submission of information notes to the NWMB and NMRWB in June 2019, and September 2020. The most recent co-management and stakeholder conference call was held on February 25, 2021 at which time DFO reviewed the 2020 LOFF and updated co-management organizations with details of a technical consultation between DFO and NOAA. A summary of each conference call is provided to all invitees. Feedback received through this process has been incorporated into all regional submissions to NOAA. A complete list of consultation activities is appended for reference (TAB 1). DFO will continue to engage with co-management organizations as updates become available.

Recommendation:

Any concerns the Board may have should be brought to the attention of Caitlin Bartel (DFO) prior to the closure of the CF Application Process on November 30, 2021.

Prepared by:

Caitlin Bartel, DFO, Resource Management, Arctic Region.

Date: April 8, 2021

TAB 1: List of regional co-management and stakeholder engagement opportunities surrounding the U.S. MMPA Import Provisions

LOFF Fishery	Organization(s) Contacted	Method of Engagement
Cambridge Bay Arctic Char	Kitikmeot Foods Ltd. (KF) Ekaluktutiak HTO Cambridge Bay Community Elders Nunavut Wildlife Management Board Nunavik Tunngavik Inc. Nunavik Marine Regional Wildlife Board Makivik Government of Nunavut	KF Post-Season Meeting (Jan 2019) Request for comment prior to Progress Report submission (May 2019)
Cumberland Sound Arctic Char	Pangnirtung HTO: Nunavut Wildlife Management Board Nunavut Inuit Wildlife Secretariat Nunavik Tunngavik Inc. Nunavik Marine Regional Wildlife Board Makivik Government of Nunavut	Request for comment prior to Progress Report submission (May 2019)
Nunavut Arctic Char Fisheries (remainder)	Community HTOs: Clyde River, Resolute Bay, Pond Inlet, Qikiqtarjuaq, Arctic Bay, Igloolik, Hall Beach, Grise Fiord ,Cape Dorset, Iqaluit, Kimmirut, Sanikiluaq, Gjoa Haven, Taloyoak, Kugaaruk, Kugluktuk, Bathurst Inlet Kitikmeot Regional Wildlife Board Nunavut Wildlife Management Board Nunavik Tunngavik Inc. Nunavik Marine Regional Wildlife Board Makivik Government of Nunavut	Request for comment prior to Progress Report submission (May 2019)
Cumberland Sound Turbot Management Area (CSTMA) Greenland Halibut	Pangnirtung HTO Cumberland Sound Fisheries Ltd./Pangnirtung Fisheries Ltd. Nunavut Wildlife Management Board Nunavut Inuit Wildlife Secretariat Nunavik Tunngavik Inc. Nunavik Marine Regional Wildlife Board Makivik Government of Nunavut	NFA – DFO Meeting (Dec 2018) Request for comment prior to Progress Report submission (May 2019)

NAFO Subarea 0, 100 ton	Community HTOs: Arctic Bay, Pond Inlet, Clyde River, Qikiqtarjuaq, Resolute Bay, Grise Fiord, Nunavut Wildlife Management Board Nunavut Inuit Wildlife Secretariat Nunavik Tunngavik Inc. Nunavik Marine Regional Wildlife Board Makivik Government of Nunavut	Request for comment prior to Progress Report submission (May 2019)
NAFO Subarea 0 Greenland Halibut (Fixed and Mobile Gear)	Nunavut Wildlife Management Board Nunavut Fishery Association (NFA) Eastern Arctic Groundfish Stakeholders Advisory Committee (EAGSAC) Nunavik Tunngavik Inc. Nunavik Marine Regional Wildlife Board Makivik Government of Nunavut	NFA – DFO Meeting (Dec 2018) EAGSAC Stakeholder Advisory Meeting (Feb 2019) Request for comment prior to Progress Report submission (May 2019) EAGSAC Stakeholder Advisory Meeting (Feb 2020) EAGSAC Stakeholder Advisory Meeting (Jan 2021)
SMU 0, 1, EAZ, WAZ Shrimp	Nunavut Wildlife Management Board Northern Shrimp Advisory Committee (NSAC) Nunavik Tunngavik Inc. Nunavik Marine Regional Wildlife Board Makivik Government of Nunavut	NSAC Meeting (Mar 2019) Request for comment prior to Progress Report submission (May 2019) NSAC Stakeholder Advisory Meeting (Mar 2020) NSAC Stakeholder Advisory Meeting (Mar 2021)
All LOFF Fisheries – Status Update	<u>Community Hunters and Trappers Organizations/Associations:</u> Cambridge Bay, Issatik (Whale Cove), Arviq/Naujaat (Repulse Bay), Aqigiq (Chesterfield Inlet), Aiviit (Coral Harbour), Arviat, Rankin Inlet, Baker Lake, Ikajutit (Arctic Bay), Pond Inlet,	Regional Conference Call and Summary (Nov 2019) Regional Conference Call and Summary (Mar 2020)

	<p>Clyde River, Igloolik, Hall Beach, Resolute Bay, Grise Fiord, Iqaluit HTO, Mayukalik (Kimmirut), Nattivak (Qikiqtarjuaq), Sanikiluaq, Gjoa Haven, Kurairojuark (Kugaaruk), Kugluktuk, Taloyoak, Bathurst Bay, Pangnirtung</p> <p><u>Regional Wildlife Organizations:</u> Kitikmeot, Qikiqtaaluk, Kivalliq</p> <p><u>Government Organizations/Boards:</u> Nunavut Wildlife Management Board, Nunavik Marine Region Wildlife Board, Makivik, Nunavut Tunngavik Inc., Government of Nunavut, Nunavut Development Corporation, Fisheries Joint Management Committee, Inuvialuit Game Council, Gwich'in Renewable Resource Board</p> <p><u>Processors/Companies/Other:</u> Kitikmeot Foods Ltd., Atuqtuarvik Corp., Kilabuk Outfitting, Pangnirtung Fisheries Ltd., Arctic Fisheries Alliance, Nunavut Country Foods, Nunavut Fisheries Association, Baffin Fisheries Coalition, Cumberland Sound Fisheries, Qikiqtaaluk Corporation, Iglugili, Kivalliq Arctic Foods Ltd., Eastern Arctic Groundfish Stakeholders</p>	<p>Regional Conference Call and Summary (Apr 2020)</p> <p>Notification of pre-consultation for proposed amendments to the Marine Mammal Regulations (Aug 2020)</p> <p>Request for comment prior to CF Application process (Nov 2020)</p> <p>Regional Conference Call and Summary (Feb 2021)</p>
All LOFF Fisheries	<p>Nunavut Wildlife Management Board</p> <p>Nunavik Marine Region Wildlife Board</p>	<p>Regular Meeting Submission – Information Note (June 2019)</p> <p>Regular Meeting Submission – Information Note (Sept 2020)</p>