

Jason Akearok Executive Director Nunavut Wildlife Management Board PO Box 1379 Iqaluit, NU, X0A 0H0

February 19, 2016

RE: Written submission from the Government of Nunavut Department of Environment regarding the Nunavut Wildlife Management Board's authority under the NLCA to make a decision regarding the Proposal for Decision from Fisheries and Oceans Canada to approve the Qammarttalik Cove Emerging Char Fishery Plan of the Nattivak Hunters and Trappers Organization.

Dear Mr. Akearok,

This letter is in response to the Nunavut Wildlife Management Board's (NWMB or Board) request for a written submission from the Government of Nunavut Department of Environment regarding the NWMB's authority under the Nunavut Land Claims Agreement (NLCA) to make a decision regarding the Proposal for Decision (Proposal) from Fisheries and Oceans Canada (DFO) to approve the Qammarttalik Cove Emerging Char Fishery Plan of the Nattivak Hunters and Trappers Organization (Nattivak).

The fishing industry and co-management partners have long recognized that Nunavut-specific Fishery Regulations (Regulations) are needed in order to formalize and synchronize fisheries management practices and ensure consistency with the NLCA. The Government of Nunavut Department of Environment (Department) agrees that modern Regulations would benefit Nunavut and provide additional clarity and certainty to the industry, and it is difficult that the matter is not yet resolved. However, we do not believe that the way forward involves challenging the Board's authority to make a decision regarding the Proposal or their involvement in the approval of plans (however they are defined) for the management and protection of wildlife, including fish.

Section 5.2.33 of the NLCA identifies the NWMB as "the main instrument for wildlife management in the Nunavut Settlement Area (NSA) and the main regulator of access to



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wildlife"; this includes land animals, marine mammals, birds, and fish. Since its inception the NWMB has been centrally involved in the development and management of Nunavut's fisheries through the provision of advice, approvals, reviews, consultations, quota sub-allocations, and co-management with key stakeholders. The NWMB also serves as part of the Nunavut Marine Council and has the duty and power to provide advice on any aspect of the aquatic environment in Nunavut to the other marine council Institutions of Public Government (IPGs), other government agencies and Government, both federal and territorial (NLCA s.15.4.1).

The intention of issuing "stand-alone" approvals for fisheries plans was initially a temporary measure to allow community-based, commercial Arctic char development activities to proceed while the NWMB and NLCA parties worked towards the implementation of the NCLA Article 5, particularly the TAH-BNL-surplus allocation system. Although the current practice is not ideal, as it does not yet allow for the determination of a total allowable harvest (TAH) or basic needs level (BNL), it has been successful to date by giving communities the ability to continue to develop their commercial char fisheries while managing the species in a sustainable and environmentally responsible manner. Further, this method allows local fishers to sell their fish to processing plants and other for-profit enterprises as fish harvested under a license; reassuring buyers that the product is coming from a sustainable and approved commercial fishery.

Our Department does not support NTI's claim that the NWMB lacks the authority under the NLCA to make a decision regarding the Proposal from DFO and Nattivak to approve the Qammarttalik Cove Emerging Char Fishery Plan. Furthermore, with the new Federal government in place, we are hopeful that progress will be made in the near future regarding Nunavut-specific Regulations. The Department acknowledges that the first step of re-engagement of the stakeholders on these matters has been made by NWMB through their December 18th, 2015 invitation to renew discussions. As such, with the new government's commitment to "... a renewed, nation-to-nation relationship with Indigenous Peoples, based on recognition of rights, respect, co-operation, and partnership" 1, the Department feels optimistic that discussions will resume in the near future and significant progress will be made in both areas. The Department looks

¹ Mandate letter from the Prime Minister to the Minister of Fisheries, Oceans and the Canadian Coast Guard, November 13, 2015. http://pm.gc.ca/eng/minister-fisheries-oceans-and-canadian-coast-guard-mandate-letter



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forward to working with the NWMB, NTI, and other co-management partners to resolve outstanding issues for Nunavut-specific fisheries regulations.

Sincerely,

Gabriel Nirlungayuk

Deputy Minister Department of Environment

Government of Nunavut