



By Email

April 20, 2017

Kevin Stringer  
Associate Deputy Minister  
Fisheries and Oceans Canada  
200 Kent Street  
Ottawa, Ontario K1A 0E6

Dear Mr. Stringer:

**Re: Written public hearing of the NWMB concerning the proposed increase to the commercial quota for Arctic char at Lauchlan River (Byron Bay)**

Nunavut Tunngavik Incorporated (NTI) received notice of this proceeding on April 8, 2017. The deadline for written submissions is May 12, 2017.

The proposal before the Nunavut Wildlife Management Board (NWMB) is for an increase to a commercial fishing quota from 2,400 kg to 5,000 kg. The proposal is made by the Ekaluktutiaq Hunters and Trappers Organization (HTO) on the advice of Fisheries and Oceans Canada (DFO), and the fishery is to be conducted by the HTO and its members.

The proposal describes the “current quota” as having been “set ... by DFO in 1994,” and it describes the quota of 9,100 kg. provided in Schedule V of the *Northwest Territories Fishery Regulations* as “[t]he original quota” (page 1).

As you know, under the *Nunavut Agreement*, Inuit have the right to fish without quantitative limitation unless the limitation either 1) is a justified Total Allowable Harvest established by the NWMB, or 2) continues, without modification, a limitation that was constitutionally valid and in place before the Agreement came into effect on July 9 1993: sections 5.3.3, 5.6.1, 5.6.4 and 5.6.48, *Nunavut Agreement*.

In order to confirm the history of the quota in question, NTI has requested from the NWMB the complete record of previous NWMB consideration of quotas on this fishery, and from DFO the record of all previous quotas, and variation orders issued since July 9, 1993.

Replying to NTI’s request, DFO officials have noted that there is already available from a DFO 2013 stock status report the following historical summary:

The Lauchlan River was first fished for commercial purposes in 1970 ... . This fishery was assigned a site-specific quota ... in 1972 ... .

[T]he quota was increased to 9,100 kg in 1979 ... This site was not fished in 1994 but was opened in 1995 under a reduced quota of 2,400 kg.

NTI wishes to point out to DFO immediately that, if this summary is complete and correct in its relevant detail, the “current quota” of 2,400 kg that the Board is being asked to modify does not apply to Inuit. It is not the limitation that was in effect on July 9 1993, nor is it a justified Total Allowable Harvest established by the NWMB. Further, the Schedule V quota of 9,100 kg is the quota that applies to Inuit, because it was in effect on July 9, 1993 and has not been removed by the NWMB or modified by means of a justified Total Allowable Harvest.

If the above information is not complete and correct in its relevant detail, please provide any corrections and additions that, in DFO’s view, could point to any different conclusion. Otherwise, please advise the Ekaluktutiaq HTO and NWMB immediately that the current quota applicable to the HTO and its members is 9,100 kg. If DFO disagrees with the interpretation of the *Nunavut Agreement* set out in this letter in any respect, please note any points of disagreement and provide DFO’s reasons in full.

Considering that the proposal before the Board appears to have been made on the basis of an error, and in light of the NWMB’s timelines for written submissions, please reply to this letter in writing by April 25, 2017. Thank you.

As you also know, Inuit are entitled under the *Nunavut Agreement* to fish char in the Nunavut Settlement Area (NSA) for sale outside the NSA without any form of licence excepting a transport permit, which may not be refused Inuit without good cause: sections 5.7.26, 5.7.30, and 5.7.31, *Nunavut Agreement*. Among other reasons, I remind you of these additional features of Inuit fishing rights in order to underscore the continuing importance of DFO’s completing *Nunavut Agreement*-compliant *Nunavut Fishery Regulations* as soon as possible.

Sincerely,



James T. Arreak,  
Chief Executive Officer

CC      Chairperson Bobby Greenley, Ekaluktutiaq HTO  
         Acting Chairperson Daniel Shewchuk, NWMB