



Thursday, July 28, 2011

The Honourable Keith Ashfield, M.P.
Minister of Fisheries and Oceans
200 Kent Street
Ottawa, Ontario
K1A 0E6

Re: Proposed Re-Zoning of Shrimp Fishing Areas In and Adjacent to Nunatsiavut

Dear Minister Ashfield:

Pursuant to the provisions of the Labrador Inuit Land Claims Agreement, please find attached the Torngat Joint Fisheries Board's (TJFB) 2011 recommendations regarding the proposed re-zoning of SFAs 2, 3, and 4.

The Torngat Joint Fisheries Board was established by the three signatories to the Labrador Inuit Land Claims Agreement, with its powers and responsibilities defined in Chapter 13. The Board is established as the primary body advising the responsible Minister(s) on matters relating to the management of fish, fish habitat, and fisheries in Nunatsiavut, with advisory powers in waters adjacent to 'the Zone'. The proposed Davis Strait SFA lies within and adjacent to the zone.

The management of *P. montaguis* and *P. borealis* fisheries in SFAs 2, 3, and 4 is complex, and we commend your efforts towards simplification. Moreover, we are supportive of the scientific rationale underpinning the proposal, and the drive for Marine Stewardship Certification.

That said, the proposed changes to boundaries, quotas, and allocations do constitute new opportunities in the shrimp industry, and therefore trigger Parts 13.12.9 and 13.12.7 of the Labrador Inuit Land Claims Agreement, entitling the Nunatsiavut Government to 11% of the quantity available to be harvested. Parts 13.12.9 and 13.12.7 have not been satisfied, nor is there an identified process for their satisfaction – this being the case, the TJFB can not support the proposal.

We have also noted that the proposed changes target an exploitation rate of 15%, which is consistent with Annex I of the Northern Shrimp Management Plan and exploitation rates in SFAs 5, 6, and 7. In 2010 and 2011 the TJFB recommended that the exploitation rate in SFA 4 be increased to 14%, and on both occasions the advice of the Board was ignored or rejected in favour of the status quo. Without clear rationalization as to why 15% is an



appropriate target exploitation rate in every SFA other than 4, we can not support this proposal.

We look forward to a revised proposal that more accurately reflects sharing agreements specified in the Labrador Inuit Land Claims Agreement, and management objectives employed across all areas.

Yours truly,

John Mercer
Chairman
Torngat Joint Fisheries Board



Torngat Joint Fisheries Board

Memorandum to the Minister of Fisheries and Oceans
Northern Shrimp Co-Management in and Adjacent to Nunatsiavut
(July 26, 2011)

Issue: Management of the Northern Shrimp Fishery in the Labrador Inuit Settlement Area, and waters adjacent to “the Zone”.

Recommendation:

The Torngat Joint Fisheries Board recommends that the Minister:

- Include the Torngat Joint Fisheries Board and the Nunatsiavut Government in negotiations pertaining to the re-allocation of northern shrimp quotas resulting from the proposed re-zoning of SFAs 2, 3, and 4.

Background:

- In a letter dated 5 August, 2010, the Director General of Resource Management with the Department of Fisheries and Oceans Canada requested input from the Nunatsiavut Government and the Torngat Joint Fisheries Board regarding a proposal from the Northern Shrimp Advisory Committee to re-zone SFAs 2, 3, and 4 west of 63°W.
- A revised version of the proposal was released at a stakeholder meeting in November of 2010, and subsequently developed through to 30 March, 2011, when the Department of Fisheries and Oceans presented it to the TJFB at a meeting held in St. John's, Newfoundland and Labrador.
- The proposed re-zoning is intended to facilitate Marine Stewardship Council certification by re-aligning the boundaries of management units to better reflect jurisdictional boundaries between Nunatsiavut, Nunavik, and Nunavut, and ecological boundaries between *P. montaguensis* and *P. borealis*. The Redefined management units would have a target exploitation rate of 15%, in accordance with Annex I of the 2007 Northern Shrimp Integrated Fisheries Management Plan.

Allocations:

- The proposal stipulates that allocations in the new management units are to be negotiated by Makivik and Nunavut Tunngavik Incorporated. The proposed Davis



Strait SFA lies within and adjacent to Nunatsiavut – excluding the TJFB and the Nunatsiavut Government from these negotiations clearly conflicts with the letter and spirit of the Labrador Inuit Land Claims Agreement, the Nunavut Land Claims Agreement, and the Nunavik Inuit Land Claims Agreement. The Labrador Inuit Land Claims Agreement specifies that:

13.14.3

“Any Legislation implementing a Domestic Interjurisdictional Agreement that relates to any species or stock of Fish or Aquatic Plant, Fish Habitat or the management of fisheries in or affecting the Labrador Inuit Settlement Area shall be interpreted and administered to treat Inuit on at least as favourable a basis as any other aboriginal people of Canada affected by the Legislation.”

13.14.4

“When Canada or the Province negotiates a Domestic Interjurisdictional Agreement or an amendment thereto, that relates to any species or stock of Fish or Aquatic Plant, Fish Habitat or the management of fisheries in or affecting the Labrador Inuit Settlement Area, the Torngat Joint Fisheries Board shall have a role in the negotiations commensurate with its status, functions and responsibilities.”

- The Minister and any allocation negotiations will have to satisfactorily address Section 13.12.9 of the Labrador Inuit Land Claims Agreement, which stipulates that:

13.12.9

“If the system for allocating commercial opportunities in relation to a species or stock of Fish or Aquatic Plant changes from the system existing on the Effective Date, the Minister shall offer to the Nunatsiavut Government participation under the new system that is at least as favourable as that set out under sections 13.12.2 through 13.12.8 in relation to that species or stock of Fish or Aquatic Plant.”

- Re-zoning SFAs 2, 3, and 4 clearly represents a change to the allocation system in and adjacent to Nunatsiavut. Section 13.12.9 references 13.12.7, which entitles the Nunatsiavut Government to 11% of the quantity available to be harvested.
- The proposal further legitimizes the TJFB’s recommendation to increase the exploitation rate in SFA 4 from 9% to 14%, which would be consistent with, but still slightly more conservative than, the target exploitation rate identified in the



Northern Shrimp Management Plan, and exploitation rates in SFAs to the north and south.

Legislative and Policy Considerations:

- The Labrador Inuit Land Claims Agreement, Nunavut Land Claims Agreement, Nunavik Inuit Land Claims Agreement, and the Fisheries Act provide the legal and constitutional basis to the supplied recommendation and the suggested course of action.

Consultations and Meetings

- On March 30, 2011, the Resource Management Division of Fisheries and Oceans Canada presented its re-zoning proposal to a meeting of the Board held at St. John's, Newfoundland and Labrador.
- In a letter to the Fisheries and Aquaculture Branch of Fisheries and Oceans Canada dated February 3, 2011, the Nunatsiavut Government recognize the merits of the re-zoning proposal, but also point out inconsistencies with the Labrador Inuit Land Claims Agreement.

Prepared by: Torngat Wildlife, Plants and Fisheries Secretariat

Approved by: _____ Executive Director

Approved by: _____ Chairman