



Wednesday, April 4, 2012

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

**Re: Turbot Co-Management In and Adjacent to Nunatsiavut**

Dear Minister Ashfield:

The Torngat Joint Fisheries Board (TJFB) was established by the three signatories to the Labrador Inuit Land Claims Agreement (LILCA) as the primary body advising you on matters relating to the management of fish, fish habitat, and fisheries in Nunatsiavut, with advisory powers in waters adjacent to the Labrador Inuit Settlement Area.

Pursuant to the provisions of the LILCA, please find attached the TJFB's 2012 recommendations regarding the continuing co-management of turbot in NAFO Sub-areas 2GHJ, as these areas overlap the Labrador Inuit Settlement Areas and are therefore within, and adjacent to it.

After a three-year process that has included careful analysis of the development and management of the turbot fishery, the TJFB continues to consistently and reasonably recommend that the Minister establish a 650mt Communal Turbot Allocation for the Nunatsiavut Government.

The attached recommendation builds on the 2010 and 2011 submissions, and represents a distinct opportunity to increase aboriginal involvement in the fishery, while adhering to long held allocation principles of adjacency and historical attachment, and the Crown's obligations respecting the Labrador Inuit Land Claims Agreement.

We look forward to your timely response and in the interim, as discussions are still ongoing about a TJFB-Ministerial Working Group, please be assured we are available at your convenience to discuss this recommendation face-to-face.

Yours truly,

John Mercer  
Chairperson



**Torngat Joint Fisheries Board**  
Memorandum to the Minister of Fisheries and Oceans  
2GHJ Turbot Resources and Allocation  
(April 4, 2012)

**Issue:** A Turbot Allocation for Nunatsiavut

**Recommendations:**

- It is recommended by the Torngat Joint Fisheries Board that the Minister establish a 650mt Nunatsiavut Government (NG) Communal Turbot Allocation (CTA).
- It is recommended that the NG CTA be allocated from the overall Canadian Quota.
- It is recommended that the NG CTA be harvested within and adjacent to the Labrador Inuit Settlement Area (LISA).

**Background:**

**1. The Torngat Joint Fisheries Board and the Labrador Inuit Land Claims Agreement**

- The Board is the creation of the three negotiating parties to the Labrador Inuit Land Claims Agreement (LILCA), with its roles; responsibilities and powers outlined in parts 13.10 and 13.11 of Chapter 13. The Board is the primary body making recommendations on fish, fish habitat, and fisheries in the Labrador Inuit Settlement Area (LISA), and has advisory powers in waters adjacent to the 'Zone'. The TJFB has both the authority and the responsibility to make recommendations to the Minister in respect of issues surrounding the management of turbot, as per 13.11. 1 (a) and (b), and 13.11.2 (a) through (h) of the LILCA.

**2. Review of the Turbot Fishery and Fishery Development in Nunatsiavut**

- The state of the fishery in Nunatsiavut is largely unchanged since the 1975 Royal Commission Report on Labrador. The northern Labrador fishery has stagnated over the period, while southern fleets have progressed steadily, and Nunavut's fishery has expanded dramatically.
- The approach taken in developing the Nunavut turbot fishery has been the provision of substantial allocations for the exclusive use of the region (i.e. 6,500mt provided in NAFO 0A since 2001, and a 1,350mt increment on November 9, 2009 to the 1,500mt previously held in NAFO 0B, which brought Nunavut's total turbot allocations to 9,350mt). Consequently, the Nunavut harvesting sector has rapidly

expanded after many years of virtual non-existence. Moreover, Nunavut has been given latitude to develop a fishery of its own design; Labrador Inuit were constrained by policy and program measures to develop an inshore fishery based on <65' vessels (without dedicated allocations), which are inappropriate for the environment in which they reside and operate.

- In recent years the DFO has implemented a split season management measure. The Board has long dismissed the quota/season split as an effective tool to allow access to Nunatsiavut fishers. It amounts to a “half-measure”, is difficult to manage, and was not supported by Nunatsiavut fishers or the remainder of the inshore fleets, nor did it generate a satisfactory outcome in terms of fleet development and local landings.
- Past programs and current fishery management measures aimed at assisting local fishers in participating in the Turbot fishery, though well intended, were not sufficient or effective. We note that mid-season changes in 2011 were responsive to requests from processors and harvesters in Nunatsiavut, and greatly improved the efficiency at the close of the season. Nevertheless, Governments’ genuine efforts and objectives for fishery development in Nunatsiavut have not been attained, as evidenced by the current inactivity and absence of a fleet.
- A communal allocation is the only practical means to achieve multiple objectives and resolve longstanding inequity.

### **3. Turbot Science and Resource Status**

- Turbot is understood to be a contiguous stock in the northwest Atlantic. Hence, management units are intended to restrict access and movement of vessels or fishery participants in relation to resource distribution.
- Turbot have been heavily exploited since the 1980's and experiencing recent declines however the resource has proven resilient.
- In 2003, the Fisheries Commission of NAFO established a fifteen year rebuilding plan for the 2+3KLMNO portion of the turbot resource, with the intent to: “take effective measures to arrest the decline in the exploitable biomass and to ensure the rebuilding of this biomass to reach a level that allows a stable yield of the Greenland halibut fishery over the long term.”

- The status of the resource in 2G and 2H is uncertain, and this has been the case for many years - it follows that the stock, which is presumed to be contiguous, is poorly understood across the entire 2+3K management Unit.
- There is no robust scientific basis to the quota currently set for turbot in NAFO 2+3K, or in fishing areas to the north and south. The recent 1500mt increase of the 0B turbot quota came from the best available, but dubious information sources including Canadian offshore vessel single and double trawl CPUE data and proxies in the form of surveys in Greenlandic waters in depths <600 metres, and a deep water Greenland Halibut survey conducted by Denmark in NAFO 1CD. There is no dedicated Canadian survey in 0B to validate the 1500t quota increase, as the only two surveys in the management unit were conducted in 2000 and 2001.
- The absence of regular research surveys in NAFO Divisions 2G and 2H is an unnecessary source of uncertainty. The paucity of science and absence of surveys in 2GHJ is a longstanding point of contention that is adding to current frustration over allocation of turbot and other resources. The Board deems it prudent to take the initiative to address the significant gap in science information in NAFO 2GHJ.
- The 2012 TJFB Research Work Plan includes the design and implementation of an exploratory turbot fishing survey wholly within the Labrador Inuit Settlement Area (LISA) that should help with the understanding of the resource within LISA. The TJFB would like to collaborate with the DFO on this work.

#### **4. Torngat Joint Fisheries Board Observations**

- The TJFB have observed a trend toward overfishing in the 2+3K >100' fleet, which is an unnecessary and unacceptable source of uncertainty.
- The TJFB has further observed extensive adjustments to the Turbot quotas and feel that 650mt can confidently be managed from the overall Canadian quota.
- By any reasonable standard it is clear that Labrador Inuit access to the turbot fishery is inequitable given Nunatsiavut's adjacency to some of the most productive fishing grounds in the northwest Atlantic. To be precise, 7.5% of the LISA overlaps with NAFO areas 2GH and J (see appendix A).

#### **5. Legislative and Policy Considerations:**

- The Labrador Inuit Land Claims Agreement, the Fisheries Act, the North Atlantic Fisheries Organization Fisheries Commission decisions and the Department of



Fisheries and Oceans policies provide the legal, constitutional and policy basis to the supplied recommendation and the suggested course of action.

- The TJFB further notes advancements by the Nunatsiavut Government to establish a comprehensive Commercial Fishing Policy. This new policy combined with sufficient access to the turbot resources could provide the basis for a sustainable fishing industry in Nunatsiavut.

## **6. Intergovernmental Considerations**

- The Governments of Canada, Newfoundland and Labrador, and Nunatsiavut have appointees on the Torngat Joint Fisheries Board.
- A reallocation from the overall Canadian Total Allowable Catch is confined to Canada and is under the purview of the Department of Fisheries and Oceans Canada.
- A reallocation from the broader North West Atlantic stock complex would involve interests outside of Newfoundland and Labrador and Canada.
- It is noted that the TJFB is following up within the DFO to seek participation on the Canadian Delegation to the NAFO Scientific Working Group and General Council meetings.

## **7. Consultations and Meetings on Turbot**

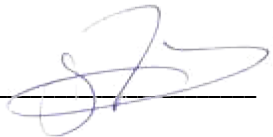
- Since 2008 the Torngat Joint Fisheries Board has invested considerable time and resources to gain a comprehensive understanding of the various issues and positions surrounding turbot.
- The Board consulted with fishers and community members in each of Nunatsiavut's five communities during the week of November 3-7, 2008. Subsequently, a retrospective analysis was conducted for the period from the 1960s, when the fishery expanded, through to Canada's commencement of modern licensing, allocation and scientifically based management in its fisheries (i.e. the early to mid-1970s), and up to the present day.
- The Board met at length on four separate occasions between January 2009 and September 2009 to deliberate on the positions put forward at the community consultations, to clarify its role with respect to turbot management, and to identify data gaps and arrange for the collection of relevant information. In early November

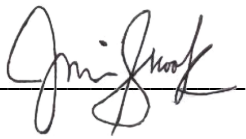
the Board finalized a report on the history of the Nunatsiavut and Canadian turbot fishery.

- At a meeting on November 16<sup>th</sup>, 2009 the Board concluded its review of the available information, and commenced formulation of its final recommendation, which was finalized at a January 26<sup>th</sup> meeting and submitted on February 17, 2010.
- The Board has met four times since the original submission and has continued to seek out opportunities to provide the Minister with sound, well-reasoned advice intended to equitably and sustainably manage resources located within and adjacent to Nunatsiavut for the betterment of Nunatsiavut fishers and all Canadians.
- The TJFB submitted a draft version of this recommendation to the Nunatsiavut Government on March 22, 2011. The Executive Council of the Nunatsiavut Government met on April 6<sup>th</sup>, 2011, and issued a letter of support the following day.
- The TJFB met on January 19, 2012 and received a science update from the Department of Fisheries and Oceans and subsequently met to finalize its 2012 recommendations.
- A TJFB representative attended the recent 2+3KLMNO Groundfish Advisory Meeting on April 3, 2012 in St. John's, Newfoundland.
- The TJFB regularly attends Turbot Working Group Meetings to gain an understanding of stakeholder's perspectives. It is the clear position of the TJFB that attendance at such meetings are not the venue to make recommendations to the Minister, and furthermore attendance at such meetings does not constitute support for actions arising from the meetings such as split season approaches and allocation decisions.
- From the April 3, 2012, 2+3KLMNO Groundfish Advisory Meeting in St. John's, Newfoundland, it is the understanding of the Board from discussions with the Fish, Food and Allied Workers (FFAW) staff, that the FFAW feel strongly that a NG CTA should not be allocated solely at the expense of the 2+3K <65' fleet and preferable not solely from the overall 2+3K fleet. This would seem reasonable and if the NG CTA were managed from the overall Canadian quota it would have minimal impact on any single stakeholder group.



Prepared by: Torngat Wildlife, Plants and Fisheries Secretariat

Approved by:  Chairperson

Approved by:  Executive Director

## Appendix A

