



Tuesday, March 5, 2013

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 Labrador Inuit Land Claims Agreement (LILCA) as the primary body advising the Minister on matters relating to the conservation and management of fish, fish habitat, and fisheries in Nunatsiavut, with advisory powers in waters adjacent to the Labrador Inuit Settlement Area. Accordingly, and pursuant to the provisions of the LILCA, please find attached the TJFB's 2013 recommendations regarding the continuing co-management of turbot in the Labrador Inuit Settlement Area and waters adjacent.

After careful analysis of the status of the resource, and the development and management of the turbot fishery, the Board recommended in 2010, 2011, and 2012 that the Minister establish a 650mt Nunatsiavut communal turbot allocation. The Board was copied on a letter to the Nunatsiavut Minister of Lands and Natural Resources dated July 6, 2012, in which you establish a Nunatsiavut communal allocation of 3.38% of the Canadian allocation in NAFO Subarea 2 and Division 3KLMNO, which will equate to 189mt in 2013.

However, we respectfully note that at the time of this writing eleven months have passed and the Board has not received a response to its 2012 recommendation, other than an acknowledgement of receipt on May 16. Timely written responses (13.11.8) are essential in informing subsequent Board research and analysis, and help us to fulfill our mandate to provide you with the best possible advice on matters relating to fisheries conservation and management in and adjacent to the Labrador Inuit Settlement Area.

That said, the communal allocation creates a distinct opportunity to diversify the commercial fishery in Nunatsiavut, and it creates challenges as well. Our intention with this correspondence is to identify possible challenges, and recommend mitigation measures to you and your officials.

It is obviously our shared hope that turbot become an important part of a profitable and sustainable fishery in Nunatsiavut, and it is in this spirit that we attach the following



recommendations. Please be assured that we are available at your convenience to further discuss.

Yours truly,

John Mercer
Chairman
Torngat Joint Fisheries Board





Torngat Joint Fisheries Board
Memorandum to the Minister of Fisheries and Oceans
Turbot Co-Management
(March 5, 2013)

Issue: Turbot co-management in and adjacent to the Labrador Inuit Settlement Area

Recommendation:

It is recommended by the Torngat Joint Fisheries Board that:

- The communal allocation not affect the existing season/quota split;
- The Nunatsiavut Government be issued a communal licence to accompany the communal allocation.

Background:

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

- The Board is established by Part 13.10 of the Labrador Inuit Land Claims Agreement (LILCA), with its roles, responsibilities and powers outlined in Part 13.11. The Board is the primary body making recommendations on the conservation and management of fish, fish habitat, and fisheries in the Labrador Inuit Settlement Area, 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 (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. This said, the Nunatsiavut Government's Fisheries Policy developed in 2012 is providing direction, and increased access to the Northern Shrimp fishery through a special allocation in Shrimp Fishing Area 4, and the Turbot fishery through a communal allocation in 2013, are providing benefits and opportunities.

- In previous correspondence, and most thoroughly in an analysis the Board conducted in 2009 and appended to its 2010 turbot recommendation, the TJFB has detailed the emergence and evolution of the turbot fishery in and adjacent to Nunatsiavut. With the risk of oversimplifying a thorough analysis, it will suffice to say that Nunatsiavut interests have not been the primary beneficiaries of adjacent resources, and periodic attempts to remedy this situation have, by in large, met with failure.

3. Turbot Science and Resource Status

- Turbot is understood to be a contiguous stock in the northwest Atlantic. Management units are intended to distribute access and effort.
- Our understanding of the Turbot resource is derived primarily from commercial fisheries data complimented by fishery independent research trawl surveys. Infrequent trawl surveys in 2GH are a source of uncertainty for the entire stock complex.
- Turbot have been heavily exploited since the 1980's but the resource has proven resilient, suggesting there may be some systemic safeguards against overexploitation. But most fisheries in subareas 2 and 3 target turbot that are not sexually mature, and the proportion of old/large fish in the catch has declined over the last two decades to very low levels.
- In 2003, the Fisheries Commission of NAFO (with advice from the Scientific Council) established a fifteen year rebuilding plan for the 2+3KLMNO portion of the turbot resource. In 2010 the Fisheries Commission concluded a management strategy evaluation and established harvest control rules which limit TAC adjustments in any given year to +/-5%. As a result, the 2+3KLMNO TAC for 2013 was reduced by 5%. The TJFB fully supports the rebuilding plan, the harvest control rules, and the resultant 5% decrease in 2013.
- The Board conducted an exploratory turbot survey within several deepwater fjords in the Labrador Inuit Settlement Area in July of 2012 and analysis is ongoing.

4. Torngat Joint Fisheries Board Concerns and Recommendations

- In 2007 the DFO implemented a quota/season split to allow northern interests an opportunity to participate in the competitive turbot fishery. Board analysis in 2009 and each year since indicates that the quota/season split has been only partially



successful in increasing northern access, and the TJFB has annually recommended a communal allocation as an alternate means of accomplishing the same objective.

- In 2010, 2011, and 2012 the Board recommended a communal allocation of 650mt. This allocation was recommended as a compliment to the existing quota/season split. The 3.38% communal allocation (189mt in 2013) will be insufficient in itself, but can be an effective supplement to the competitive fishery. In previous correspondence the Board argued the quota/season split has been an ineffective 'half measure', which by itself it is, but paired with a 3.38% communal allocation it becomes a necessary half measure.
- The Nunatsiavut Government has access to the competitive Turbot fishery through three enterprises¹, each with associated groundfish licences. But in practice access is only made possible through the existing quota/season split. Removing the split would effectively preclude Nunatsiavut Government participation in the competitive fishery, or put them in the unenviable position of having to choose between the competitive Turbot fishery and the communal Snow Crab fishery. Neither case would serve our shared goal of sustainable fisheries management in Nunatsiavut.
- The 3.38% communal allocation is not paired with a communal licence. The analysis conducted by the Board in 2009 recognized that "technology and knowledge transfer (i.e., mentoring) has been a longstanding objective of Canadian fisheries policy in respect of providing resource allocations (without licences) to Aboriginal and special interest groups". The analysis concludes that "while the intent of the policy is genuine, cogent, and has been acceptable for some, a reality is it is difficult to emerge as a stand-alone entity under such arrangements."
- Increased Aboriginal access to commercial fisheries is a goal that has been incorporated into numerous Departmental policies, programs, strategies, and processes, including the Commercial Fisheries Policy for Eastern Canada, the Aboriginal Fisheries Strategy, the Allocation Transfer Program, the ongoing Fisheries Modernization process, and the Integrated Aboriginal Policy Framework (2007: 3), which states as a goal: "to contribute to the broader Government of Canada objective of greater economic development for First Nations by assisting with greater access to economic opportunities, such as commercial fishing".

¹ One of the three enterprises is owned by the Nunatsiavut Group of Companies but is currently being managed by the Nunatsiavut Government.



- The TJFB has attended Turbot Working Group Meetings to gain an understanding of stakeholder perspectives. It is the clear position of the TJFB that attendance at such meetings does not constitute support for actions and recommendations arising therefrom, including split season approaches and allocation recommendations. The Board will continue to satisfy its responsibility to provide management and conservation advice to the Minister in accordance with Chapter 13 of the LILCA.

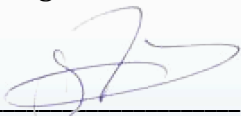
Legislative and Policy Considerations:

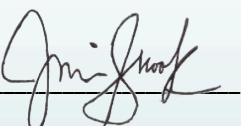
- The Labrador Inuit Land Claims Agreement, the Fisheries Act, the Aboriginal Communal Fishing Licences Regulations, the North Atlantic Fisheries Organization Fisheries Commission decisions, and Department of Fisheries and Oceans policies provide the legal, constitutional and policy context to the supplied recommendations.

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 held consultations during the week of November 3-7, 2008 in the Nunatsiavut communities of Nain, Hopedale, Postville, Makkovik and Rigolet.
- In 2009 the Board finalized a report on the history of the Nunatsiavut and Canadian Turbot fishery.
- The TJFB participated in the NAFO Annual General Meeting in September of 2012.
- The TJFB hosted a Turbot Workshop in Happy Valley-Goose Bay, NL, in November of 2012.

Prepared by: Torngat Wildlife, Plants and Fisheries Secretariat

Approved by:  Chairman

Approved by:  Executive Director