



Monday, April 18, 2011

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

Re: Management Measures for Snow Crab in Crab Fishing Area 1 - Nunatsiavut

Dear Minister Shea:

Pursuant to the provisions of the Labrador Inuit Land Claims Agreement, please find attached the Torngat Joint Fisheries Board's 2011 recommendations regarding the continuing co-management of the Nunatsiavut snow crab fishery in Snow Crab Fishing Area 1 (CFA 1).

The Torngat Joint Fisheries Board (TJFB) 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 Board has taken great care to consult with harvesters, processors, managers and researchers regarding the ongoing co-management of snow crab in CFA 1. Building on a participatory process initiated in 2010, the TJFB hosted a snow crab workshop in Makkovik on 2-3 February, 2011. The attached recommendations are a culmination of that process, and they reflect two years of research, analysis, and consultation.

Attached here, for your consideration, are the TJFB's recommendations respecting future research requirements, and quota levels for the 2011 snow crab fishery in CFA 1. We look forward to your timely response and working with the Nunatsiavut Government and regional DFO officials to implement these important changes.

Your's truly,

John Mercer
Chairman
Torngat Joint Fisheries Board



Torngat Joint Fisheries Board
Memorandum to the Minister of Fisheries and Oceans
Snow Crab Management in Nunatsiavut
(April 18, 2011)

Issue: Management Measures for Snow Crab in Crab Fishing Area 1 - Nunatsiavut

Recommendation:

It is recommended by the Torngat Joint Fisheries Board that:

- The 2011 Quota level for the Nunatsiavut Snow crab fishery be maintained at the 2010 level of 462t;
- The two Crab Management Areas currently defined and described as **2J North** and **2H south of 55° 50' N (2GHJ)** be merged into a single crab management unit bounded to the south at latitude 54°40'N and to the north at latitude 56° 00' N (see Appendix 2);
- The northern boundary of 2H South be moved ten miles northwards to 56° 00' N.
- The boundary change be implemented for the 2011 crab fishing season and communal snow crab licences to the Nunatsiavut Government and its designated fishers be adjusted accordingly;
- The portion of Crab Fishing Area 1 situated north of latitude 56° 00' be managed as an exploratory snow crab management unit, with a maximum pre-emptive catch level set at 100 mt;
- The transfer of quotas between the crab management areas is prohibited. The 100 mt provision for the exploratory snow crab management area must be harvested in the area north of latitude 56° 00' N.
- The fall multi-species survey be conducted in NAFO division 2H annually, as it is in other areas;



- Data be collected and presented in relation to the management unit described herein, which is comprised of 2J North and 2H south of 56° 00' N.

We respectfully acknowledge the Minister's responsibility in these matters, and we look forward to your timely reply.

1. Case History and Context

- The Torngat Joint Fisheries Board (TJFB), comprised of federal, provincial, and Nunatsiavut appointees, is established by the Labrador Inuit Land Claims Agreement to advise the Minister on fisheries management in 'the zone' and waters adjacent to.
- Nunatsiavut fishers enjoy exclusive access to the snow crab fishing grounds in Crab Fishing Area 1, as described in the Atlantic Fishery Regulations, 1985. The commercial fishery occurs in two crab management areas: **2J North** - situated between 54° 40' N and 55° 20' N and **2H south of 55° 50' N (2GHJ)** situated between 55° 20' and 55° 50' N. There has also been nominal fishing effort in an exploratory zone north of 55° 50' (see crab management areas Appendix 1). This exclusivity enables the Nunatsiavut Government, fishers and DFO flexibility to implement conservation measures quickly in response to changing conditions.
- Crab Fishing Area 1 is a large area, but it contains a modest resource (the recorded peak TAC of 700t was established in 1999; 2010 TAC of 462t). The 2010 TAC was divided amongst three Crab Management Areas as follows:
 1. 2J North, 362t;
 2. 2H South of 55°50' N, 100t;
 3. 2H North of 55°50' N, exploratory provision for a maximum catch up to 100t.

2. Scientific Knowledge

- Fisheries research has been intermittent in NAFO division 2H, but there is considerable data indicating the 2H and 2J boundary approximates a natural biological boundary for the species. North of the 2J/2H line conditions for snow crab production are marginal, and resource abundance becomes sparse and discontinuous. Landings in 2H decreased slightly from 86t in 2009 to 70t in 2010, while catch-per-unit-effort (CPUE) increased slightly over the same period. The exploitable biomass index generated from the fall multi-species survey showed little change from 2008 to 2010, with no pre-recruits.



- In 2009 and 2010 the TJFB conducted exploratory surveys of division 2H north of 55° 50' N. The survey yielded extremely low catch rates of commercial-sized crab, no females, and virtually no juveniles. Crab Management Area 2H south of 55° 50' N remains the northernmost extent of known snow crab concentrations.
- In NAFO division 2J the exploitable biomass index decreased from 2006 to 2009, but changed little to 2010; the pre-recruit index has fluctuated without trend since 2004. Catch per unit effort increased from 2004 to 2009, but decreased sharply in 2010. Labrador Inuit fishers are concerned that the resource assessment in NAFO Division 2J as a whole does not reflect strong zonal differences in performance north and south of 54° 40'. Modifying data collection and analysis activities so as to disaggregate 2J North from 2J South will address these concerns and facilitate decision-making.

3. Fishery Performance

- The crab fishery in Nunatsiavut is performing reasonably well with the current TAC. Catch-per-unit-effort derived from the Vessel Monitoring System shows a slight increase in 2H (from 359.0 kg/hr in 2009 to 361.5 kg/hr in 2010), and a significant decrease in 2J (from 385.1 kg/hr in 2009 to 250.1 kg/hr in 2010). Both remain above 2004 lows of 267.3 kg/hr in 2H and 143.6 kg/hr in 2J. Total landings of 418t in 2010 represent a slight increase from 410t in 2009.

4. Key Considerations

- The key consideration, as always, is whether or not the resource can sustain the proposed TAC. The evidence suggests that it can, but there are concerns about recruitment and biomass indices, compounded by uncertainty relating to the impacts of trawling and seismic exploration. The additional measures scheduled for implementation in 2011 are **intended to reduce the risk of over-exploitation by distributing fishing effort across a larger area, and ensuring the exploratory quota of 100t is harvested north of 56° 00' N or not at all.**
- Merging Crab Management Areas 2J North and 2H South will link effort with costs and returns, and will reduce pressure on locally exhausted fishing grounds. Workshop participants recognized concerns of sequential exploitation – shifting pressure from the most productive grounds to the next most, as each is exhausted in turn – but arrived at consensus that the arbitrary division between 2J North and 2H South stands as a greater risk to conservation as it mandates harvest pressure in each area for a whole fishing



season, despite in-season indicators of abundance. In effect, it limits adaptive capacity by de-linking ecological feedback and the capacity/autonomy to act.

- Workshop participants also considered the potential effects of the entire 462t quota being fished in either 2J North or 2H South (likely 2J North). Again, the consensus decision was that the added risks of what would amount to a 100t increase in 2J North (if the entire 100t quota now fished in 2H South were to shift to 2J North) would be more than offset by the reduced risk of over-exploitation in 2H South, and the added flexibility to distribute fishing effort in response to in-season ecological indicators.
- Currently there are provisions for a total catch of 100t in the exploratory portion of 2H north of 55° 50' N. The management measures outlined here, and scheduled for implementation in 2011, would expressly prohibit any of the 100t exploratory allowance being fished south of 55° 50' N in what is now 2H South. This provision will effectively safeguard against any fishing pressure additive to the 462t quota.
- An annual survey of 2H North and the new management unit comprised of 2H south of 55° 50' N and 2J North will increase confidence in future surveys. Analysis of 2J as a whole does not reflect the reality that effort is managed independently north and south of 54°40' N. The relatively minor methodological changes required will greatly increase the relevance of results.
- The Nunatsiavut snow crab fishery is exclusive to Nunatsiavut interests, with quotas held and allocated by the Nunatsiavut Government and Torngat Fish Producers Cooperative Society Limited. The Subsidiarity Principle holds that resource management decisions should be made at local and regional levels of political/social organization, with intervention from more centralized (distant) management authorities to accomplish specific tasks when necessary or advantageous. In the context of the snow crab fishery in Crab Fishing Area 1, the Nunatsiavut Government is the appropriate political organization, and Nunatsiavut itself the appropriate level of social organization.

5. Current Status of Consultations

- The TJFB hosted fishers, processors, managers, and researchers at a two-day workshop in Upper Lake Melville in March of 2010 to discuss four core themes: quotas,



conservation, timing, and locations. The workshop was the first of its kind and was intended as the primary mechanism for knowledge sharing within and amongst stakeholder groups. Discussions were then developed into five specific recommendations submitted to the Minister of Fisheries and Oceans on 14 May 2010.

- A follow-up workshop was held in Makkovik in February 2011 to further discuss policy options relating to the Nunatsiavut snow crab fishery – agenda items included quotas and zones, exploratory quotas, effects of trawling and seismic exploration, and handling procedures. The recommendations presented here flowed directly from the 2011 workshop and subsequent Board deliberations.
- For two years the TJFB has worked to make the crab management process in Nunatsiavut as transparent and inclusive as possible. In that spirit, the TJFB shared a draft of these recommendations with the Nunatsiavut Government on 15 March, 2011, and received a reply on 7 April. In their reply the Nunatsiavut Government disclosed their intention to submit recommendations that differ substantively from those of the Board on several key points (Appendix 3). The Board held a teleconference on 12 April to consider the Nunatsiavut Government’s recommendations, and a summary of those discussions is provided below.

Quota in 2H South

The Board, by way of this Memorandum, recommends that the TAC in 2H South remain at 100 mt, while the Nunatsiavut Government recommends a TAC of 70 mt (a decrease of 30%) which reflects recent harvest levels. The Board’s analysis of the best available scientific information, performance indicators, and consultations with fishers, does not support a reduction at this time. Furthermore, the TJFB is concerned that a reduction will negatively affect future fisheries development, will discourage exploration, and will have a negligible effect on conservation. All of this being said, the Board recognizes that the scientific evidence is highly uncertain, and is not altogether encouraging; if the Nunatsiavut Government wishes to err on the side of caution, in keeping with the Precautionary Principle as it is defined in the LILCA, then the TJFB does not object. The TJFB points out that inline with the Subsidiarity Principle, the Nunatsiavut Government is at liberty to set harvest



levels that are less than the DFO TAC, and can therefore decrease harvest pressure without forfeiting any autonomy to act either in-season or in the future.

Quota in 2J North

The Nunatsiavut Government and the TJFB are both recommending that the 2010 quota of 362 mt in 2J North be maintained for the 2011 Fishery.

Boundary between 2J North and 2H South

The TJFB is recommending that the boundary line between 2J North and 2H South be removed – this is consistent with the message put to the Board at two successive multi-stakeholder workshops in 2010 and 2011. The Nunatsiavut Government is recommending that the boundary line remain as is, but they provide no supporting evidence or rationalization. In the absence of any new evidence or rationale, the Board is disinclined to vary a recommendation that resulted from two years of focused consultation, deliberation, and analysis.

Northern Boundary of 2H South

The Nunatsiavut Government and the TJFB are both recommending that the northern boundary of 2H South be moved ten miles northwards to 56° 00' N. This recommendation complements the removal of the 54°40' N line providing a larger harvest area and potentially decreasing pressure throughout.

Transfers of Exploratory Quotas

The TJFB and the Nunatsiavut Government are both recommending that there be no transfer of the exploratory quota in 2H North to 2H South or 2J North.



Prepared by: Torngat Wildlife, Plants and Fisheries Secretariat

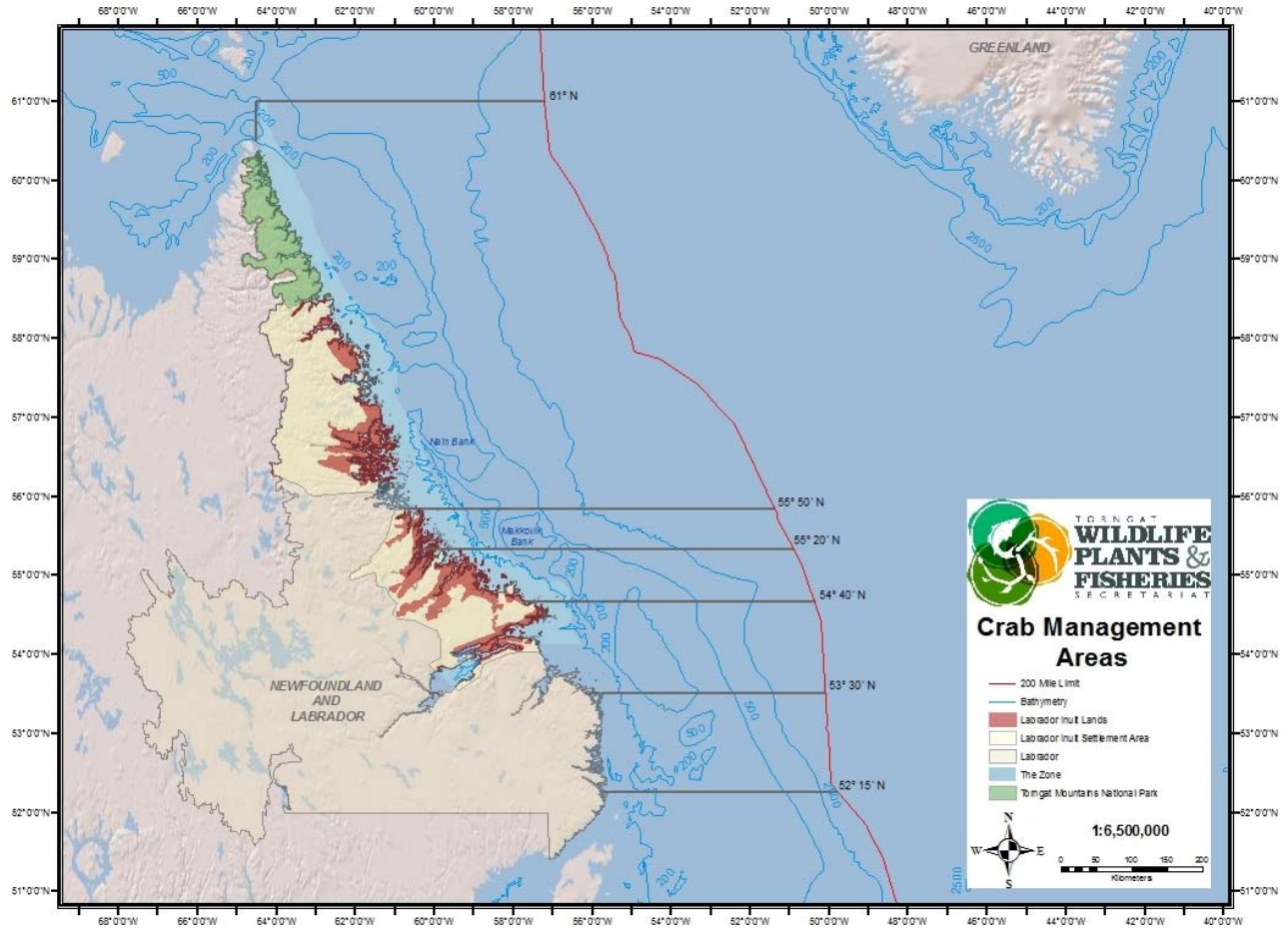
Approved by: _____ Executive Director

Approved by: _____ Chairman



Appendix 1

Coordinates of Current Crab Management Areas in Northern Labrador

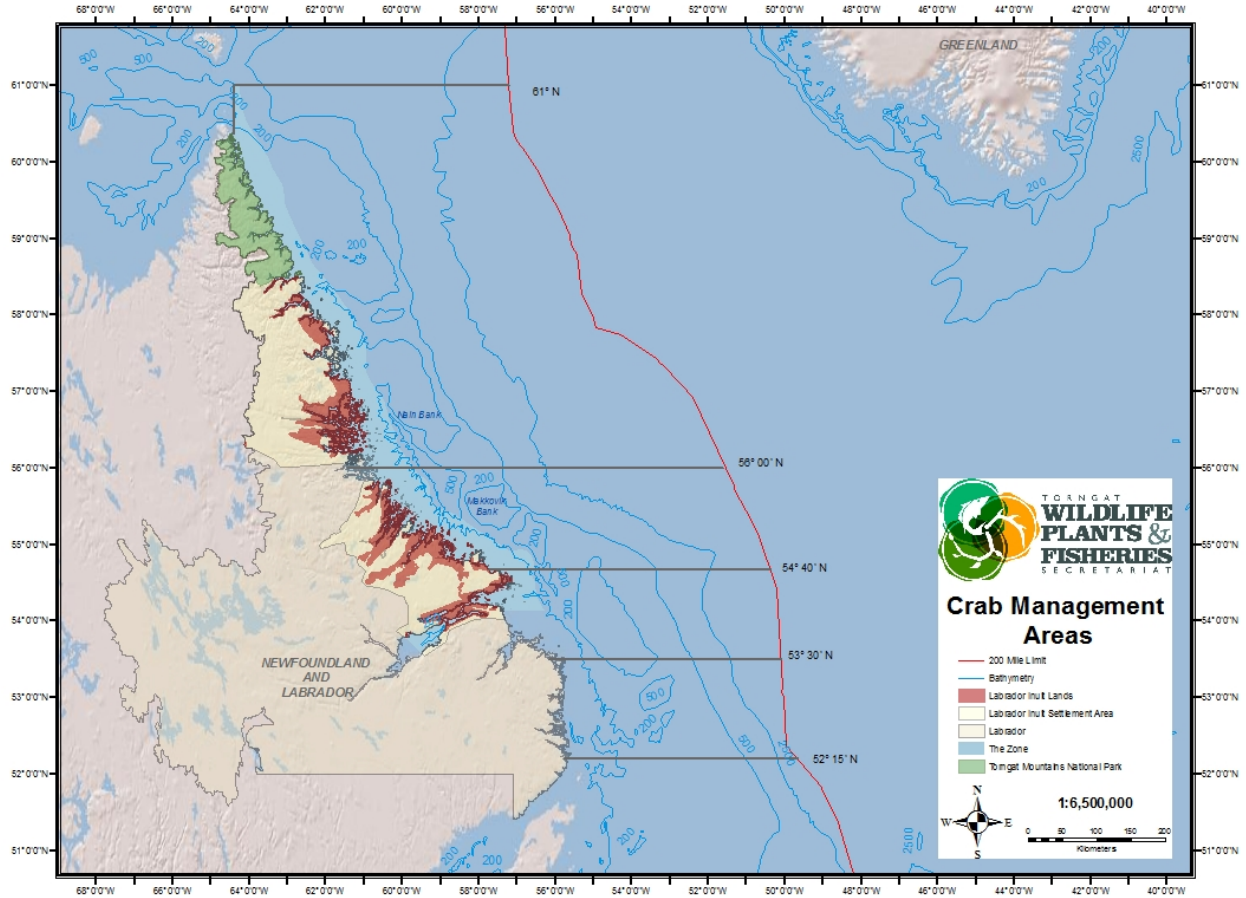




Appendix 2

Coordinates of Revised Crab Management Areas in Northern Labrador







Appendix 3

Nunatsiavut Government Response to Consultation Letter



NUNATSIAVUT
kavamanga Government

Nunaliginikmik amma Nunamiutanik
Ujaganik Imaniklu

Lands and Natural Resources

April 7, 2011

Via email jamie.snook@torngatsecretariat.ca

Jamie Snook
Executive Director, Torngat Secretariat
Happy Valley - Goose Bay, NL

Mr. Snook:

**TJFB Consultation letters
2011 Crab, Shrimp and Turbot Allocations**

The Nunatsiavut Governments Executive Council met yesterday to discuss the TJFB recommendations on the 2011 commercial fishery. As per your letters dated March 15, 17 and 22, 2011 requesting a submission of the Nunatsiavut Government's (NG) views on the Torngat Joint Fisheries Board's (TJFB) 2011 crab, shrimp and turbot recommendations, the NG would like to provide the TJFB with the following comments.

NG'S VIEW ON TGFB'S CRAB RECOMMENDATION:

The Nunatsiavut Government is *not* in support of the following recommendation:

The 2011 Quota level for the Nunatsiavut Snow crab fishery be maintained at the 2010 level of 462 mt.

Nunatsiavut Government is recommending the following to TJFB and DFO:

The 2011 quota reflect the level of 2010 removals in 2HS (70 mt).

The 2JN 2011 quota be maintained at the 2010 level.

The separation between NAFO area 2JN and 2HS be maintained.

The northern boundary limit of 2HS, 55° 50' N be extended ten miles north to 56° 00' N.

No transfers of the 2HN exploratory quota to any other area for the 2011 season.

We feel our suggestions reflect what the science is indicating and can help ensure the crab fishery in these areas are sustainable over the long term.

Should TJFB decide to present their current recommendation to the Minister of Fisheries, the Nunatsiavut Government is recommending the following language change be made to better reflect the Nunatsiavut Government's role in fisheries management in Northern Labrador:

“And as per your commitment of 28 June, 2010, the Board will recommend NG work with regional officials to”.

In replacement of the following wording

“And as per your commitment of 28 June, 2010, the Board will work together with regional officials to”.

NG’S VIEW ON TJFB’S TURBOT RECOMMENDATION:

The Nunatsiavut Government is in support of the following recommendation:

The Minister establish a 650mt Nunatsiavut Communal Turbot Allocation.

NG’S VIEW ON TJFB’S SHRIMP RECOMMENDATION:

The Nunatsiavut Government is in support of the following:

Increase the exploitation rate on the northern shrimp fishable biomass in Shrimp Fishing Area 4 (SFA 4) to 14% in 2011 and allocate 75% of the corresponding increase in the Total Allowable Catch (TAC) to the Nunatsiavut Government;
Exempt the Nunatsiavut Government from any future quota reductions in SFA 5.

However, the Nunatsiavut Government is suggesting that the following statement be revised and reworded to clearly distinguish Labrador Inuit stakeholders and their participation in the SFA 4 and 5 shrimp fishery as this may lead to further confusion on NG’s percentage participation in the shrimp fishery:

“An examination of the allocations of the Labrador Inuit licence-holders in SFAs 4 and 5, which is extraneous to this issue because the LILCA refers only to the Nunatsiavut Government, reveals that participation is below 10% and 17%, respectively, and less than 15% overall given that these entities hold only 4,936t of the total 34,620t available in these areas (and less if the allocations held under a 50/50 joint venture in Pikalujuk Fisheries are extracted)”.

If you have any questions or would like to further discuss some of the views that have been presented, please do not hesitate to contact me at 709-896-8582 or via email at carl_mclean@nunatsiavut.com.j

Sincerely,



Carl McLean
Deputy Minister