



Friday, February 27th, 2014

The Honourable Gail Shea
Minister of Fisheries and Oceans
200 Kent Street, 8th Floor
Ottawa, ON, K1A 0E6

Re: Torngat Joint Fisheries Board Recommendations on the *Policy on the Development of New Commercial Fisheries*

Dear Minister,

The Torngat Joint Fisheries Board is established by the Labrador Inuit Land Claims Agreement to provide advice on the conservation and management of fish, fish habitat, and fisheries in and adjacent to the Labrador Inuit Settlement Area. In accordance with this mandate, we have taken this opportunity to provide comments on the *Policy on the Development of New Commercial Fisheries* (the Policy). We join you in recognizing a need for an updated policy on new commercial fisheries, and commend you for having undertaken this important process. A strong policy on the development of new commercial fisheries can result in a future fishery that is more equitable, and more beneficial to adjacent communities, than the one we have currently. With this as a goal, we make the following points for your consideration:

1. The proponent is responsible for costs associated with the collection and analysis of data required for the developing fishery. The proponent will be given priority consideration in access and allocation. The use of the word 'priority' in reference to future access and allocation to the proponent is problematic – the priority, as stated elsewhere in the Policy, is land claims obligations. Further, in many cases the proponent(s) of new fisheries will be established participants in existing fisheries – therefore, prioritizing their access to new fisheries will systematically entrench historical inequities.
2. The Policy will be interpreted in a manner that is consistent with DFO's obligations under land claims agreements. The Policy should be explicit that land claims obligations, at least in the case of the Labrador Inuit Land Claims Agreement, are not exhaustive, but in fact operate as minimum guarantees, or first demands, before secondary allocation criteria such as adjacency and historical attachment are applied.
3. The Policy will be applied in a manner that is consistent with other DFO policies. Other DFO policies prioritize increased Aboriginal participation in commercial fisheries, and that commitment should be reiterated here.
4. The policy will not apply to fisheries that were previously closed or under moratorium. We recommend that the policy be applied not only to new commercial fisheries but to re-emerging fisheries as well. If there is to be a cod fishery in



Newfoundland and Labrador, it will not be the cod fishery we have known- it will be a new fishery.

5. The Policy will give due consideration to, and should not conflict with or anyway impair, existing fisheries. This seems to apply only to existing commercial fisheries and does not specifically apply to existing recreational fisheries, or food, social and ceremonial fisheries (which are otherwise outside the scope of application). This may be interpreted as tacit approval of conflicts with non-commercial fisheries.
6. The Policy focuses extensively on bio-physical data (e.g., quantifying the abundance or distribution of the resource, assessing habitat impacts, etc). There is no equivalent requirement to collect or analyze data on social-economic costs or benefits for adjacent communities (which is odd given that supporting economic opportunities in the fishing industry and fishing communities is given equal weight with conservation and sustainable use in the Policy objective).
7. Provincial and territorial governments have a general mandate for fisheries and economic development; they will be privy to, and may provide financial support for, industry proposals. The Nunatsiavut Government is neither a provincial nor a territorial government, but they have a similar mandate with respect to fisheries development. It is unclear how the Nunatsiavut Government (and Aboriginal governments generally) will be affected by the Policy.
8. It is unclear who will be responsible for identifying/contacting potential collaborators with relevant expertise or capabilities? Specifically, the Policy states only that "in undertaking new fisheries, DFO will work with appropriate Boards or other bodies established under Land Claims Agreements". This provides very little guidance as to how these relationships will be formed or structured in practice.

Thank you for this opportunity to participate in this important process. We are available at your convenience to further discuss the Policy and to elaborate on the points we have raised.

Yours truly,

John Mercer
Chairperson
Torngat Joint Fishery Board