



31 March 2017

Honourable Dominic LeBlanc
Minister of Fisheries and Oceans
Room 556, Confederation Building
Ottawa, ON
K1A 0A6

Re: Turbot Co-Management in and adjacent to the Labrador Inuit Settlement Area

Dear Minister LeBlanc,

On behalf of the Torngat Joint Fisheries Board (TJFB or 'the Board'), I am pleased to write regarding the 2017 Turbot fishery in and adjacent to the Labrador Inuit Settlement Area in North Atlantic Fisheries Organization (NAFO) Sub-Divisions 2+3KLMNO. The Board is fully engaged with Turbot management and conservation locally, regionally, and internationally.

Although the Nunatsiavut Government has access to the Turbot fishery in 2+3KLMNO, their access is limited. Nunatsiavut's fishery is supported by the combination of the Turbot, Snow Crab, and Northern Shrimp fisheries – neither of which can operate autonomously. Turbot has become an important adjacent fisheries resource in Nunatsiavut, and as a result, the Nunatsiavut Government receives 3.38% of the Canadian quota for 2+3KLMNO. However in areas North of Nunatsiavut, adjacent users of the Turbot resources, such as Nunavut and Nunavik, have been the primary beneficiaries, but the same has not been true for adjacent users in Nunatsiavut. The Board has long recommended that the Nunatsiavut Government's communal allocation be increased to an economically viable level of 650 MT, and with consultation with the Nunatsiavut Government and considering feedback from the Nunatsiavut Fisheries Workshop, we maintain this recommendation for the 2017 fishing season.

The current communal allocation is narrowly supplemented by three Groundfish licenses the Nunatsiavut Government holds for the competitive 2+3K Turbot fishery. It is only with the implementation of a quota/season split between June/August that the Nunatsiavut Government has been able to participate in this competitive Turbot fishery- being limited to the August portion. The Board has continually maintained the continuation of the split season as has been proven beneficial to the Nunatsiavut Government in terms of access to the Turbot fishery.

As interest in the Turbot fishery is increasing, the Board recognizes that the management of the split season is becoming challenging for DFO to maintain, and that there has been additional pressure from other stakeholders to eliminate the split season. The Board has considered these issues and strongly recommends that the Minister accepts our advice, and increase the Nunatsiavut Governments' communal allocation to 650 MT (12.1% of Canadian quota). The Board believes that this increase can provide a solution to the challenges faced with managing the current split season, if DFO wishes to move to a single season.



Whether in terms of fleet development or negotiated lease arrangements, the communal and competitive fisheries are inter-dependent. We ask the Minister to consider a holistic approach when determining Turbot allocations in 2+3KLMNO, and consider the cumulative effects these decisions have on Nunatsiavut. We thank you for considering this advice and request a meeting at your convenience to discuss the future direction of the Turbot fishery in and adjacent to the Labrador Inuit Settlement Area.

Yours truly,

John Mercer
Chair, Torngat Joint Fisheries Board

cc: Mr. Kevin Anderson, DFO Regional Director General, Newfoundland and Labrador
Hon. Darryl Shiwak, Minister of Lands and Natural Resources, Nunatsiavut Government
Hon. Steve Crocker, Minister of Fisheries and Lands Resources, Government of Newfoundland and Labrador



Torngat Joint Fisheries Board
Memorandum to the Minister of Fisheries and Oceans
Turbot Co-Management in 2+3KLMNO
(31 March 2017)

Turbot Co-Management In and Adjacent to the Labrador Inuit Settlement Area.

Recommendations:

Pursuant to Part 13.11 of the Labrador Inuit Land Claims Agreement, the Torngat Joint Fisheries Board has recommended to:

- Increase the Nunatsiavut Government Communal Allocation for Turbot to 650 MT.

1.0 Background:

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

- The Torngat Joint Fisheries Board is established by Part 13.10 of the Labrador Inuit Land Claims Agreement 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 (a) and (b).

1.2 *Case History*

- The TJFB has submitted recommendations on Turbot annually since 2010. Each year the Board has recommended a Nunatsiavut communal allocation of 650 MT. In 2013, the Nunatsiavut Government was issued a communal allocation of 3.38% of the Canadian allocation in 2+3KLMNO. This allocation was taken from the top of the Canadian quota.
- The Total Allowable Catch (TAC) for 2+3KLMNO is set by NAFO, and is derived from the Management Strategy Evaluation (MSE) with a Harvest Control Rule (HCR).
- The MSE is currently under review by NAFO, and will be implemented for the 2018 season. Because this review is underway, it was agreed that the TAC for 2017 will be rolled over from the previous year, at 14,799 MT which deviates from the HCR (NAFO, 2016).
- The Nunatsiavut Government will receive 181 MT of communal allocation in 2017 (3.38% of the Canadian quota).

1.3 Quota and Landings (2016)

- The Nunatsiavut Government communal allocation in 2016 was 181 MT with 4 Beneficiary fishers designated.
- In 2016, the Nunatsiavut Government landed 100% of the communal quota in Makkovik, Nunatsiavut.
- The Nunatsiavut Government holds an additional 3 groundfish licenses, and is able to fish in the competitive turbot fishery.
- The total quota for the 2+3K competitive fishery was 1,900 MT, split between the June portion of 1,425 MT (75%) and the August portion of 475 MT (25%). The Nunatsiavut Government is only able to participate in the August portion of the competitive fishery.
- The Makkovik facility also processed 36 MT of the 2+3K competitive quota: 19 MT of the Nunatsiavut Government's competitive licenses, and 17 MT from other competitive licenses.

1.4 Cumulative Effects

- The fishery has only been able to be sustained in Nunatsiavut because it is supplemented by the Turbot, Snow Crab, and Northern Shrimp fisheries. With the current communal allocation of Turbot, a single species processing plant within Nunatsiavut is not possible.
- The combination of these fisheries is crucial to the socio-economic fabric of Nunatsiavut, which has both direct and indirect impacts.
- However, there has been a declining trend in the competitive landings to the Makkovik processing facility.
- Consistent access to the Turbot resource allows for predictable revenue, employment, and processing facilities within and for Nunatsiavut and its Beneficiaries.

2.0 Management Framework:

2.1 NAFO

- Turbot, which is listed in Schedule C of the LILCA, is managed by NAFO in areas 2+3KLMNO. As a species listed in Schedule C, the TJFB shall make recommendations to the Minister on the management of the Turbot fishery within the LISA (13.11.1 b) and advise the Minister on matters that relate to Turbot in waters adjacent to the Zone.
- Several different surveys have been done throughout 2+3KLMNO which provided coverage of the majority of the spatial distribution of the stock. However, NAFO's Scientific Council recognizes that variations of divisional and depth coverage of these surveys creates complications when comparing results (NAFO, 2015b).
- A single survey series which covers the entire stock area is not available.
- In 2003, in response to an apparent declining stock, 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 determined a risk-based management approach and implemented a management strategy evaluation (MSE) and established harvest control rules (HCR) which limit TAC adjustments in any given year to +/-5%. A MSE review is overdue, and has been delayed since 2014.

- A review of the MSE is underway, and will be completed and implemented for the 2018 season. Part of this review will require a full stock assessment in 2017.

2.2 Split Season/Quota

- Nunatsiavut Beneficiaries access and participation into the competitive fishery is limited due to seasonal environmental conditions, particularly ice, in NAFO areas 2+3K.
- In 2007, the DFO implemented a quota/season split to allow northern interests an opportunity to participate in the competitive Turbot fishery, with a 75/25 percent season split between June and August.
- The split season allows the Nunatsiavut Government to fish in the August portion of the competitive fishery, ensuring competitive quota is available later in the year as environmental conditions improve.
- The quota/season split has been only partially successful in this respect, but it has proven a necessary compliment to the communal allocation.
- However, as interest in the Turbot fishery has increased, management of the split season has become more challenging. There is now interest in creating a single season for the Turbot fishery.
- A single Turbot fishing season is possible, only if the described limitations to access are considered. Additionally, a solution to this challenge, is to increase the Nunatsiavut Government's communal allocation to 650 MT, which would ensure Nunatsiavut's participation in the fishery, regardless of season.

3.0 Total Allowable Catch and Allocations (2017):

- The Nunatsiavut Government will receive 181 MT (3.38%) of the 5,363 MT Canadian allocation of 2+3KLMNO in 2017 (NAFO, 2016). The Nunatsiavut Government will have access to 3.38% of 3,718 MT in 2+3K (126 MT), and 3.38% of 1,645 MT in 3LMNO (55 MT).
- For the 2017 season, there has been increases in NAFO areas in the North. In Subarea 0, the Turbot TAC for 2017 and 2018 has increased by 575 MT in 0A, and 575 MT 0B. In 0A, Nunavut received 100% of this increase, and in 0B, Nunavut received 90% of the increase, and Inuit fishers in Nunavik will receive 10% (DFO, 2017).
- The Turbot fishery in the North continues to develop, with emphasized indigenous access to the fishery in these areas. However, the Turbot fishery in Nunatsiavut has progressed little. This inequality is reflected in amount of communal quota provided to the Nunatsiavut Government. In total, licence holders in Nunavut hold 100% of the Canadian quota in 0A;



and in 0B, Nunavut and Nunavik Inuit have access to almost 50% of the available quota- the Nunatsiavut Government has only 3.38% of the resource adjacent to their Zone.

- Although the 2013 communal allocation has increased Nunatsiavut Government participation, the Nunatsiavut Government is not a significant beneficiary of the Turbot resources in and adjacent to the zone which is established by the LILCA and accounts for 7.66% of NAFO Sub-Divisions 2+3K, and 5.33% of 2+3KLMNO (Figure 1).

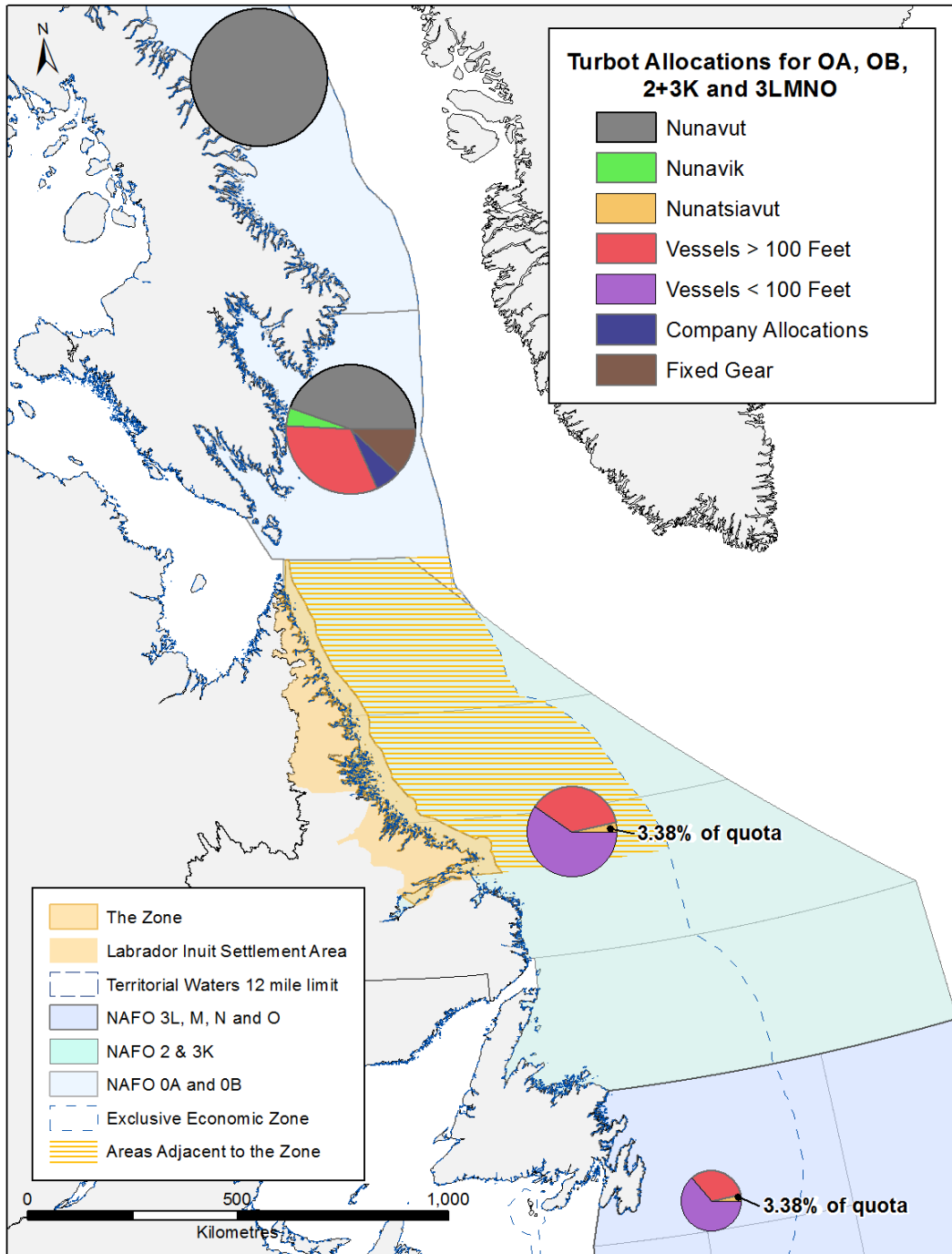


Figure 1 2017 Turbot Allocations for 0A, 0B, 2+3K, and 3LMNO

4.0 Resource Status:

- A warming oceanographic regime on the Newfoundland and Labrador Shelf is creating an environment which is more favorable to Groundfish (Colbourne et al. 2016).
- However, the interpretation of the turbot stock status has been complicated due to survey discrepancies in that interruption of survey results are becoming increasingly complicated, and as a result, the overall trend for the stock since 2007 is unclear (NAFO, 2016b).
- The fishable biomass of the three surveys that are used in the HCR show differing trends from 2011-2015 (Figure 2).
- Results of Canadian surveys and the EU Flemish Cap survey indicate that recruitment (age 1-4) has been below average in the four most recent years (NAFO, 2016b).

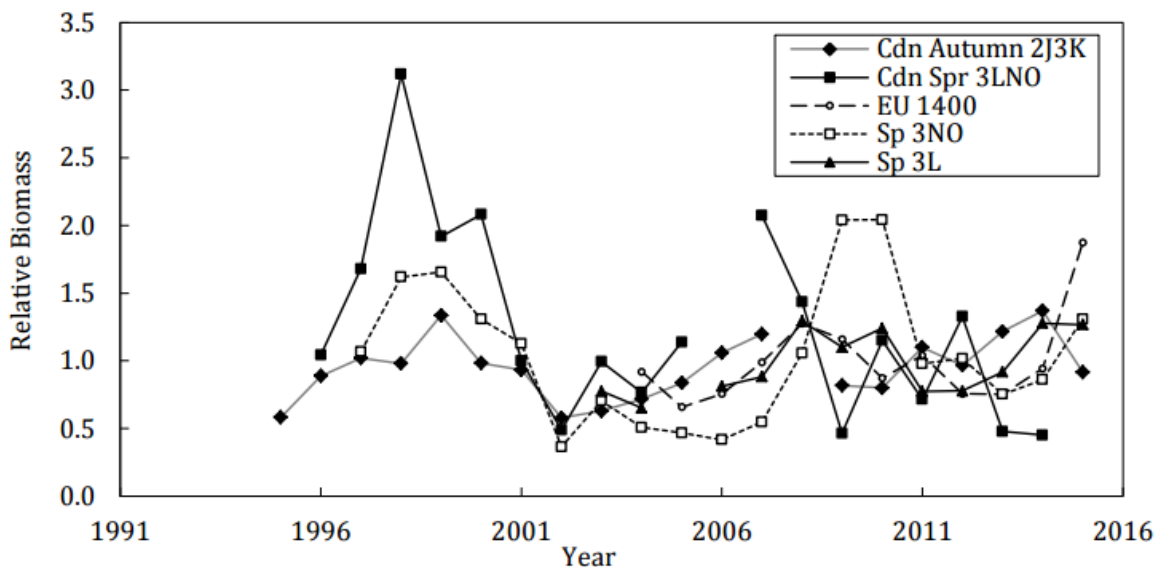


Figure 2 Turbot in 2+3KLMNO: Relative biomass indices from Canadian autumn survey in 2J3K, Canadian spring surveys in 3LNO, European Union (EU) survey of the Flemish Cap, and EU-Spain survey in 3NO (NAFO, 2016b)

5.0 Consultation and Deliberation

- The Board meets quarterly and Turbot is an Agenda item at each meeting. This recommendation emerged from meetings held in Happy Valley-Goose Bay, NL on January 31st-February 1st, 2017, and on March 29th-30th, 2017.
- The Board met with the Nunatsiavut Government Deputy Minister of Lands & Natural Resources to discuss this recommendation.
- Turbot was an agenda item during the Nunatsiavut Fisheries Workshop which was held on November 22-23rd, 2016 in Happy Valley-Goose Bay, NL. Its purpose was to provide an overview of the past fishing season, discuss current and future management approaches, and provide stakeholders consultation.

- A representative of the Board has participated as a member of the Canadian delegation to the NAFO annual general meetings since 2012, and attended the NAFO Annual Meeting from September 19th-23rd.
- Additionally, a Board representative is part of the NAFO MSE Working Group for Turbot. The Working Group meets regularly to guide the review process.
- A representative of the Board participated in the 2+3KLMNO Turbot Working Group meeting on February 7th, 2017 to gain an understanding of stakeholder perspectives.

6.0 Other 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.
- In early 2016, Canada adopted the United Nations Declaration on the Rights of Indigenous Peoples (UN, 2007). This affirmation further supports the Prime Minister's mandate of strengthening relationships with Indigenous Peoples based on respect, partnership, and co-management (Office of the Prime Minister, 2015).

7.0 Summary, Conclusions and Recommendations

- The Board has fully considered the immediately adjacency of Nunatsiavut to areas 2+3K; and considering that 7.33% of 2+3K is within the zone; and having also considered allocations to the North and South; the Board recommends that the communal allocation be increased to 650 MT (12.1% of the Canadian quota).
- Additionally, the Board recognizes the existing quota/season split which has been in place since 2007; and recognizing that the Nunatsiavut Government's access to the competitive Turbot fishery is made possible by the split; and that the competitive fishery facilitates their ability to harvest the communal allocation; the Board offers this recommendation as a solution to the challenge of managing the split season and desired shift to a single season.



Work Cited

- Colbourne, E., Holden, J., Senciall, D., Bailey, W., Snook S., & Higdon, J. (2016). Physical Oceanographic Conditions on the Newfoundland and Labrador Shelf during 2015. *Research Document 2016/079. Canadian Science Advisory Secretariat*. Newfoundland and Labrador Region, Fisheries and Oceans Canada.
- DFO (2017). *The 2017 and 2018 Canadian Total Allowable Catches for Greenland Halibut in NAFO Subarea 0* [Notice to fishers]. January 25, 2017.
- NAFO (2016) *Report of the Fisheries Commission and its Subsidiary Body: the Standing Committee on the International Control (STACTIC), 19-23 Sept 2016*. Northwest Atlantic Fisheries Organization. FC Doc. 16-20
- NAFO (2016b). *Report of the Scientific Council Meeting, 03-16 June, 2016*. Northwest Atlantic Fisheries Organization. SCS Doc. 16-14 (Revised).
- Office of the Prime Minister (2015). Minister of Fisheries, Oceans and the Canadian Coast Guard Mandate Letter. Retrieved from <http://pm.gc.ca/eng/minister-fisheries-oceans-and-canadian-coast-guard-mandate-letter>
- Torngat Joint Fisheries Board (2013). *Turbot Co-Management In and Adjacent to Nunatsiavut*. Torngat Wildlife, Plants and Fisheries Secretariat. Retrieved from http://www.torngatsecretariat.ca/home/files/cat3/2013_turbot_recommendations.pdf
- Torngat Joint Fisheries Board (2014). *Turbot Co-Management In and Adjacent to the Labrador Inuit Settlement Area*. Torngat Wildlife, Plants and Fisheries Secretariat. Retrieved from http://www.torngatsecretariat.ca/home/files/cat3/2014_turbot_recommendations.pdf
- Torngat Joint Fisheries Board (2015). *Turbot Co-Management In and Adjacent to the Labrador Inuit Settlement Area* Torngat Wildlife, Plants and Fisheries Secretariat.
- UN General Assembly (2007), *United Nations Declaration on the Rights of Indigenous Peoples: resolution / adopted by the General Assembly, 2 October 2007, A/RES/61/295* retrieved from http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf