



March 24, 2022

The Honourable Joyce Murray  
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**Re: Northern Shrimp Co-Management in and adjacent to Nunatsiavut**

Dear Minister Murray,

On behalf of the Torngat Joint Fisheries Board (TJFB), we hereby advise on the conservation and management of northern shrimp in and adjacent to the Labrador Inuit Settlement Area. The Labrador Inuit Land Claims Agreement specifically defines a marine zone and waters adjacent. Three Shrimp Fishing Areas (SFA) are within and adjacent to Nunatsiavut – the Eastern Assessment Zone (EAZ), SFA 4, and SFA 5 – while SFA 6 is adjacent to Nunatsiavut. 2022 will be an interesting and important test of: 1) our commitment to allocation principles in the EAZ; 2) our interpretation of the Precautionary Approach (PA) Framework in SFA's 4 and 5; and 3) our commitment to conservation in SFA 6. Each SFA is further discussed below, with Total Allowable Catch (TAC) and allocation recommendations by area.

**Eastern Assessment Zone (Davis Strait-West)**

The EAZ is in and adjacent to Nunatsiavut. The 21% overlapping portion of the current EAZ was excised from the Nunatsiavut marine zone and waters adjacent to the zone. 4,400km<sup>2</sup> of Nunatsiavut waters, and the thousands of tonnes of shrimp in those waters, were annexed and lost. The area is a part of the social, cultural, ecological, economic, and legal fabric of Nunatsiavut, and is enshrined as such in the Labrador Inuit Land Claims Agreement. Despite adjacency, historical attachment, and Land Claims obligations, the Nunatsiavut Government has no access to the TAC of 8,308.75t.

Although there is no PA Framework in place for the EAZ the stock is generally considered to be healthy. The biomass estimates have declined by greater than 30% and the TAC, if unchanged, will give a 2022/23 exploitation rate of 22.8. This is a high exploitation rate for an area with no management framework, outstanding challenges to procedural fairness, and a declining biomass signal.



The Torngat Joint Fisheries Board recommends:

1. That the TAC be reduced by 15%.
2. That the Nunatsiavut Government be added as allocation holder, with access that reflects adjacency, historical attachment, the Labrador Inuit Land Claims Agreement, and federal commitments to reconciliation.
3. That the Nunatsiavut Government and the Torngat Joint Fisheries Board be included in EAZ decision-making processes.

#### **SFA 4**

SFA 4 is 100% in and adjacent to Nunatsiavut. The Nunatsiavut Government has access to just 10% of a 9,957t TAC. There is more shrimp in SFA 4 allocated to shrimp research in the EAZ, than is allocated to the adjacent Inuit Government.

The fishable biomass in SFA 4 increased 156% from 58,900t to 151,000t, and if the TAC is unchanged the projected exploitation rate will be approximately 6.6%. The stock is in the healthy zone of the PA Framework. There is some ambiguity as to the target exploitation rate for a stock assessed to be in the healthy zone, with reasonable interpretations ranging from 15% to as high as 25%. In any event, no reasonable interpretation would consider 6.6% an appropriate exploitation rate for this stock. There is likewise some ambiguity around the general prohibition of annual TAC adjustments exceeding 15%. The limit on TAC adjustments is intended to provide a measure of stability, and this goal has merit. But the biomass increase in this case really is exceptional and warrants an exceptional TAC adjustment. The target exploitation rate and the 15% rule can not both be satisfied in 2022/23 – one of them will be breached, and ought to be. We recommend that the 15% adjustment rule be suspended in this instance to target a conservative exploitation rate of 15%.

The recommended increase provides an opportunity to remedy longstanding inequities in the fishery. If the biomass increase is exceptional and warrants an exceptional TAC adjustment, it also represents an exceptional opportunity for equity and reconciliation and warrants an exceptional approach to allocation. Proportional sharing has emerged as the de facto principle for allocation decisions, completely supplanting all of the traditional principles including land claims obligations, procedural and substantive fairness, adjacency, historical attachment and economic viability. We consider this regressive – if proportional sharing has some merit in the context of minor incremental TAC adjustments, it is totally inappropriate in the context of a 12,000t increase. The recommended increase (12,650t) is more than the current fishery (9,957t). This is exceptional, and we submit that any good faith interpretation of established allocation principles will yield a more equitable result than proportional sharing. We recommend that there be no new entrants to a zone that is 100% in and adjacent to the Labrador Inuit Settlement Area, and where the vast majority of the

current fishery is allocated already to non-adjacent users. Based on our analysis of allocation criteria we recommend further that 100% of the increase be allocated to the Nunatsiavut Government. This would bring Nunatsiavut Government access to the adjacent fishery (EAZ and SFA's 4-6) to 26%.

The Torngat Joint Fisheries Board recommends:

1. That the TAC be increased to 22,650t.
2. That the entire increase be allocated to the Nunatsiavut Government.

## **SFA 5**

SFA 5 is 97% in or adjacent to Nunatsiavut. The Nunatsiavut Government has access to less than 10% of a 16,080t TAC. Despite a modest decline in biomass, SFA 5 remains in the healthy zone of the PA Framework. If the TAC is unchanged the projected exploitation rate will be 22.6%. While 22.6% may be an acceptable exploitation rate, especially in the context of a declining biomass and a stable TAC strategy, it is on the high side of acceptable and we therefore recommend that the 2021/22 exploitation rate of 20% be rolled over, for a TAC decrease to 14,200. This decrease matches the observed decline in fishable biomass. As in SFA 4, we recommend that TAC adjustments – both increases and decreases – be treated as an opportunity to introduce some equity to the system, and that decisions be based on established allocation criteria. We recommend that the Nunatsiavut Government be exempted from sharing in any decreases until their proportional access to adjacent fisheries for northern shrimp is brought in line with these principles.

The Torngat Joint Fisheries Board recommends:

1. That the TAC be decreased to 14,200t.
2. That the Nunatsiavut Government be exempted from any decrease.

## **SFA 6**

SFA 6 is 7% adjacent to Nunatsiavut. The Nunatsiavut Government has no access to the 9,534t TAC. The stock is in the critical zone of the PA Framework for the 6<sup>th</sup> straight year, and the fishable biomass has declined by a further 20%. If the TAC is unchanged in 2022/23 the exploitation rate will be 10.1%, which exceeds the 10% maximum identified in the PA Framework. When this stock recovers out of the critical zone, we look forward to a meaningful analysis of allocation principles, and recommend that the Nunatsiavut Government be allocated access to an adjacent area they have been completely excluded from. The parallel to the EAZ is noteworthy. The Nunatsiavut Government does not have access to a single shrimp in any area that is shared, yet it shares 90% of the shrimp in the two areas that are wholly adjacent. This is generosity in the extreme, with no reciprocity North or South.



The Torngat Joint Fisheries Board recommends:

1. That the TAC be reduced to 9,430t to target an exploitation rate of 10%.
2. Allocate equitable access to the Nunatsiavut Government when the stock recovers out of the critical zone.

### **The Future of the Fishery**

The entire fishing industry in and adjacent to Nunatsiavut is nearing very real viability thresholds. Challenges are many, including labour force, transportation, rising costs, and not least – access to resource. There are just three commercial fisheries adjacent to Nunatsiavut – turbot, snow crab, and shrimp. The Nunatsiavut Government has access to just 3.38% of a declining turbot resource, and less than 20% access to a snow crab resource that has been declining precipitously. Northern Shrimp in SFA 4 provides the only foreseeable opportunity to build a resilient commercial fishery in Nunatsiavut and remedy long-standing inequities. In Shrimp Fishing Area 4, which is in Nunatsiavut and 100% adjacent to it, the Nunatsiavut Government has less than 10% access to a resource that tripled in 2021. With our shared commitment to reconciliation, a ratified land claim agreement, and any reasonable weighting of established allocation criteria, these are Nunatsiavut waters and these are Nunatsiavut shrimp. We recommend that this allocation decision, and all allocation decisions, be based on an open and transparent application of established principles. Proportional sharing is not an established allocation principle – its application entrenches inherited inequities and forecloses on any meaningful assessment of our shared values, goals and principles.

Kind regards,

Richard Comerford  
Chairperson  
Torngat Joint Fisheries Board