



12 May 2017

Daniel Shewchuk
A/Chairperson
Nunavut Wildlife Management Board

Josepi Padlayat
Chairperson
Nunavik Marine Region Wildlife Board

Re: Shrimp Co-Management in the Eastern Assessment Zone; Nunavut Wildlife Management Board and Nunavik Marine Region Wildlife Board Written public hearing to consider the 2017/18 and 2018/19 Total Allowable Catch levels for Northern and Stripped shrimp

Dear Mr. Shewchuk and Mr. Padlayat,

Thank you for contacting the Torngat Joint Fisheries Board (TJFB, “the Board”) regarding input into the Nunavut Wildlife Management Board (NWMB) and the Nunavik Marine Region Wildlife Board’s (NMRWB) joint written public hearing on the 2017/18 and 2018/19 total allowable catch (TAC) level and sharing arrangement decisions for Northern Shrimp in the Eastern and Western Assessment Zones (EAZ and WAZ). As an established fisheries co-management board with jurisdiction in this region, we have made a recommendation to the Minister of Fisheries and Oceans Canada (DFO) to be formally involved in this hearing process. In the interim, while we wait for clarification from the Minister, we will be making a separate formal submission regarding TAC and sharing arrangements.

The EAZ, which includes the Nunavik/Nunavut-East, the Davis Strait-East, and the Davis Strait-West Shrimp Fishing Areas (SFA), is a management area that was established by DFO in 2011 for Northern Shrimp TAC establishment in the region. Since then, the NWMB and the NMRWB have been the main participants in the management, the decision making, and in the fishery itself; with Nunavut and Nunavik Inuit being the primary beneficiaries of the Northern Shrimp resource in this region. As you may be aware, the TJFB has made recommendations to the Minister of DFO regarding the management of Northern Shrimp fishery in the EAZ for several years. Ultimately, the Board has written to the Minister seeking confirmation that the EAZ is in fact within and adjacent to the Labrador Inuit Settlement Area. Moreover, the Board has argued that because there is a distinct overlap between the two areas, the TJFB should be included in any decision-making processes relating to the EAZ, and that the Nunatsiavut Government and Labrador Inuit be beneficiaries of the Northern Shrimp resource in their territory.

The marine ‘Zone’ of the Labrador Inuit Settlement Area (LISA) extends into the EAZ, specifically into the Davis Strait-West SFA, and a significant portion of the EAZ is immediately adjacent to the Zone (see Appendix A). Appendix A-3, Part 1 of the *Labrador Inuit Lands Claim Agreement* defines the geographic boundaries of the LISA and the Zone. Within this Part, the Zone is defined as Tidal Waters “...proceeding due east along the parallel of latitude of 61°00’N to the intersection with a line every point of which is at a distance of 12 nautical miles from the



nearest point of the baselines...” proceeding in a southerly direction to 57°07’54’’N. However, the Davis Strait-West SFA extends southerly to 60°30’N, resulting in a 700 km² overlap of the Labrador Inuit Settlement Area and the SFA.

Additionally, the *Labrador Inuit Lands Claim Agreement* defines Waters Adjacent to the Zone as Canadian fisheries waters within portions of NAFO Divisions 2G, 2H, and 2J “adjoining and lying due eastward of the Zone.” The Davis Strait-West SFA and EAZ extend into 2G.

For these reasons, the Board believes there is a place for us within your joint hearing process, as the Board has prescribed roles and responsibilities with respect to fisheries management within and adjacent to the Zone, and for this case, the EAZ. As per Part 13.11.1 of the *Labrador Inuit Lands Claim Agreement*:

13.11.1 The Torngat Joint Fisheries Board shall make recommendations to the Minister in relation to:

- (a) the Conservation of species or stocks of Fish in the Labrador Inuit Settlement Area listed in schedules 13-B and 13-C, species of Aquatic Plants in the Labrador Inuit Settlement Area and Fish Habitat in the Labrador Inuit Settlement Area; and
- (b) the management of fisheries in the Labrador Inuit Settlement Area, other than the Inuit Domestic Fishery and the Inuit Domestic Harvest Level, with respect to a species or stock of Fish listed in schedules 13-B and 13-C, and shall be the primary body making such recommendations.

The EAZ is, indeed, within and adjacent to the Labrador Inuit Settlement Area, giving the TJFB a formal role in its management. We have requested to be a partner and convener to help facilitate the establishment of fair sharing arrangements and sustainable harvests between the three jurisdictions. The management and conservation of Northern Shrimp in the Zone and in the EAZ present an opportunity for regional co-management between the Nunavik, Nunavut, and Nunatsiavut Inuit. The Board looks forward to continuing dialogue and to strengthen our relationship with the NWMB and the NMRWB, and hope we can work together on Northern Shrimp co-management in the future.

Yours truly,

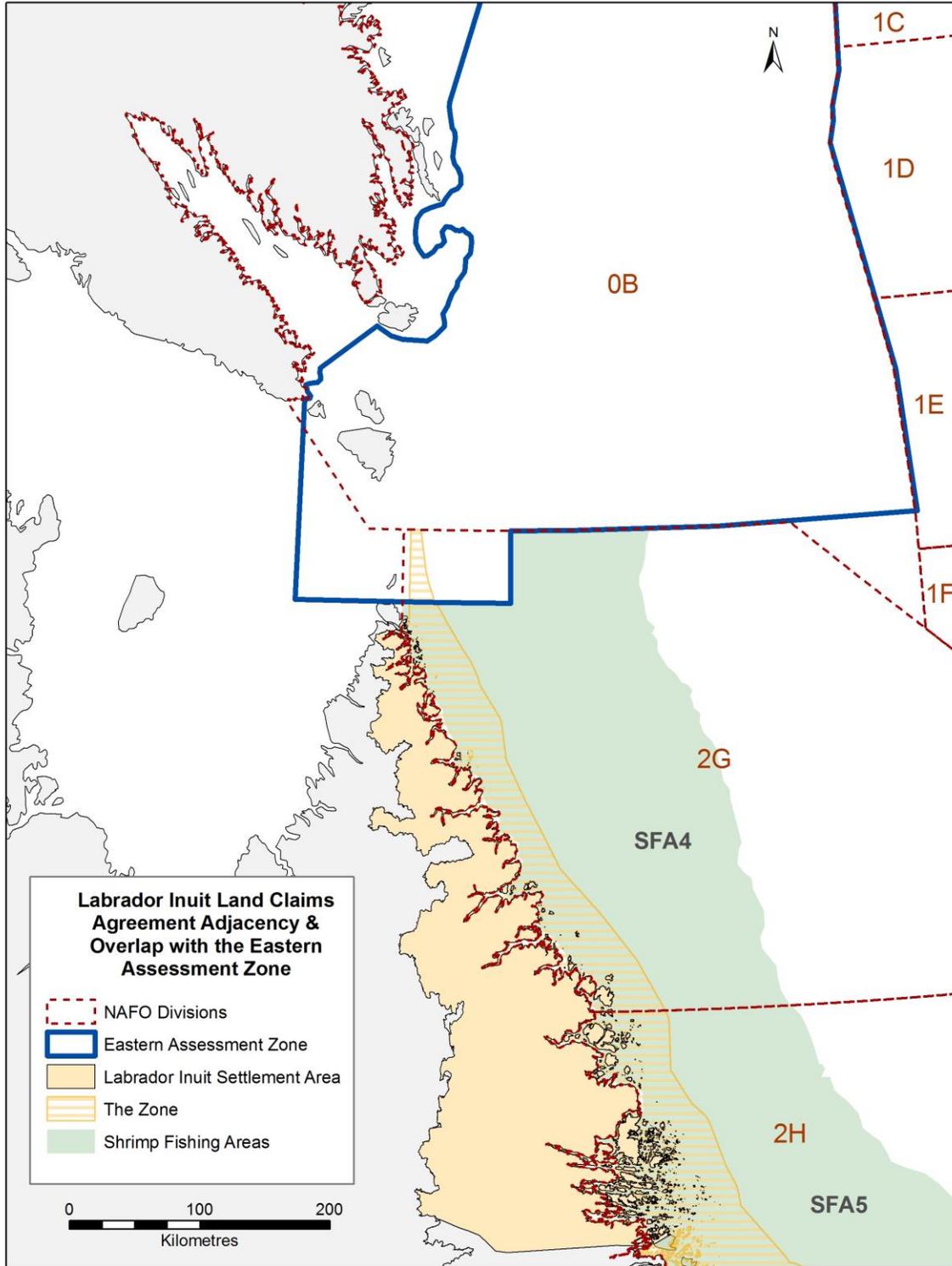
John Mercer
Chair, Torngat Joint Fisheries Board



APPENDIX A

Labrador Inuit Land Claims Agreement: Adjacency and Overlap with the Eastern Assessment Zone







APPENDIX B

Correspondences between the Torngat Joint Fisheries Board and the Minister of Fisheries, Oceans and the Canadian Coast Guard re: the Labrador Inuit Settlement Area and the Eastern Assessment Zone





31 March 2017

Honourable Dominic LeBlanc
Minister of Fisheries and Oceans
200 Kent Street, 8th Floor
Ottawa, ON
K1A 0E6

Re: Shrimp Co-Management in the Eastern Assessment Zone (EAZ)

Dear Minister LeBlanc,

Thank you for response in your letter dated August 8, 2016, regarding the Torngat Joint Fisheries Board's (TJFB) recommendation for the management of the 2016 Northern Shrimp fishery in the Eastern Assessment Zone (EAZ). We are encouraged by the dialogue between your office and our Board, and look forward to continued communication regarding fisheries co-management in Nunatsiavut.

To reiterate our original recommendation, the Board believes that the Nunatsiavut Government and the TJFB be included in any decision-making processes relating to the EAZ. The 'Zone' of the Labrador Inuit Settlement Area extends into the EAZ, specifically into the Davis Strait-West Shrimp Fishing Area (SFA), and a significant portion of the EAZ is immediately adjacent to the Zone (see Appendix A); giving the Board advisory powers as per Part 13.11.1 of the Labrador Inuit Lands Claim Agreement (LILCA).

We respectfully disagree with your refutation of our request presented in our last letter. In your response, you state that "...the Zone and Waters Adjacent to the Zone relate to the waters of Northwest Atlantic Fisheries Organization (NAFO) areas 2G, 2H, and 2J." However, as per Appendix A-3, Part 1 of the LILCA which defines boundaries of the Labrador Inuit Settlement Area, the Zone consists of Tidal Waters "...proceeding due east along the parallel of latitude of 61°00'N to the intersection with a line every point of which is at a distance of 12 nautical miles from the nearest point of the baselines..." proceeding in a southerly direction to 57°07'54"N. Therefore, although these latitudes roughly correspond with NAFO area 2G, 2H, and 2J, the Board's responsibilities within the Zone are not related to NAFO areas as you stated in your response letter, but to physical geographic boundaries. Additionally, the LILCA defines Waters Adjacent to the Zone as Canadian fisheries waters within portions of NAFO Divisions 2G, 2H, and 2J "adjoining and lying due eastward of the Zone." The EAZ extends into 2G, and is therefore adjacent to the Zone allowing the Board to advise the Minister on conservation and management of fish in this area as per 13.11.4 of the LILCA.

Furthermore, the Nunatsiavut Government's aboriginal communal licence for Northern Shrimp defines the boundaries in which Nunatsiavut Beneficiaries can harvest in SFA 4. The 2016 license conditions for SFA 4's Fishing Area states that fishing is permitted in the waters for SFA



4 “defined as Canadian Fishing Waters adjacent to the Coast of Labrador that lie north of latitude 57°15’North, south of latitude 61°00’North and east of longitude 67°30’West.” This license is issued by the Department of Fisheries and Oceans, and clearly define the boundaries of SFA 4 extending to 61°00’N.

Finally, it was indicated that “...the majority of the geographic area of the EAZ is not part of the LISA, the Zone or Waters Adjacent to the Zone.” However, it is clear that the EAZ is, in fact, overlapping the Zone. The boundary of the Davis Strait-West SFA overlaps quite clearly with the 61°00’N parallel. Regardless of the portion, the Zone is *within* the EAZ, and therefore, the Board has the power and responsibility to make recommendations on the conservation of fish, fish species, and fish habitat.

The management and conservation of Northern Shrimp in the Zone and in the EAZ present an opportunity for the Minister to uphold the Honour of the Crown, and to transparently apply the spirit of the Labrador Inuit Lands Claim Agreement. Again, the Torngat Joint Fisheries Board writes to seek confirmation from the Minister that the Labrador Inuit Settlement Area is indeed within and adjacent to the EAZ as represented by the Zone. The Board believes that the Nunatsiavut Government and the Torngat Joint Fisheries Board be included in any decision-making processes relating to the EAZ going forward. The Board looks forward to continuing dialogue and to strengthen our relationship with your Department, and we are available, as always, at your convenience

Yours truly,

John Mercer
Chair, Torngat Joint Fisheries Board

cc. Honourable Carolyn Bennett, Minister of Indigenous and Northern Affairs, Government of Canada

MP Yvonne Jones, Parliamentary Secretary to the Minister of Indigenous and Northern Affairs, Government of Canada

Honourable Steve Crocker, Minister of Fisheries and Lands Resources, Government of Newfoundland and Labrador

Honourable Darryl Shiwak, Minister of Lands and Natural Resources. Government of Nunatsiavut

Labrador Inuit Land Claims Implementation Committee, Tripartite



AUG 08 2016

Mr. John Mercer
Chairperson
Torngat Joint Fisheries Board
Torngat Wildlife Plants and Fisheries Secretariat
c/o Jamie Snook
<jamie.snook@torngatsecretariat.ca>

Dear Mr. Mercer:

Thank you for your correspondence of April 5, 2016, addressed to my predecessor, the Honourable Hunter Tootoo, regarding the Torngat Joint Fisheries Board's (TJFB's) recommendations for Fisheries and Oceans Canada's (DFO's) management of the 2016 Northern shrimp fishery in the Eastern Assessment Zone (EAZ). I regret the delay in providing a response to you.

The Labrador Inuit Land Claims Agreement (LILCA) clearly defines the areas of the Labrador Inuit Settlement Area (LISA), as well as the Zone and Waters Adjacent to the Zone, that are relevant in the powers and responsibilities of the TJFB and to the articles on commercial harvesting in Chapter 13 of the LILCA.

As you are most likely aware, the LISA, the Zone and Waters Adjacent to the Zone relate to the waters of Northwest Atlantic Fisheries Organization (NAFO) areas 2G, 2H and 2J. The waters of 0B and waters that are part of another land claims settlement area are not part of the LILCA, with the exception of the Nunavik/Labrador Overlap area. As noted in previous correspondence, and consistent with the terms of the LILCA, the majority of the geographic area of the EAZ is not part of the LISA, the Zone or Waters Adjacent to the Zone. By extension, the powers and responsibilities of the TJFB fall within the waters of 2G, 2H and 2J.

The powers and functions of the Nunavut Wildlife Management Board and the Nunavik Marine Region Wildlife Board are set out in the Nunavut Land Claims Agreement (NLCA) and the Nunavik Inuit Land Claims Agreement (NILCA), respectively, and include both a decision-making role and an advisory role for defined waters (the waters in Hudson Strait and 0B). DFO fulfills its co-management obligations with these Boards, as set out in the NLCA and NILCA.

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I encourage you to meet with DFO officials to discuss issues of interest to the TJFB as they pertain to the Northern shrimp fishery. For additional information, you may wish to contact Ms. Leigh Edgar, Senior Fisheries and Aquaculture Management Officer, Resource Management, by telephone at 613-990-0657, or by email at < leigh.edgar@dfo-mpo.gc.ca >.

Thank you for writing.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'D. LeBlanc', written in a cursive style.

Dominic LeBlanc, P.C., M.P.

c.c.: The Honourable Dr. Carolyn Bennett, P.C., M.P.
Minister of Indigenous and Northern Affairs
The Honourable Judy Foote, P.C., M.P.
Minister of Public Services and Procurement and
Member of Parliament for Bonavista – Burin – Trinity
The Honourable Dwight Ball, M.H.A.
Premier of Newfoundland and Labrador and
Newfoundland and Labrador Minister of Intergovernmental Affairs
The Honourable Steve Crocker, M.H.A.
Newfoundland and Labrador Minister of Fisheries and Aquaculture

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The Honourable Hunter Tootoo
Fisheries and Oceans Canada
200 Kent Street
Station 15N100
Ottawa, ON K1A 0E6

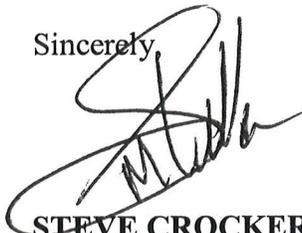
Dear Minister Tootoo:

I am writing regarding the letter you received, which was copied to me, from the Torngat Joint Fisheries Board (TJFB), dated April 5, 2016, concerning the management of shrimp in the Eastern Assessment Zone (EAZ).

Based on the information presented by the TJFB, it would appear that the EAZ is adjacent to the Labrador Inuit Settlement Area. I also note from the correspondence that the Inuit management boards associated with Quebec and Nunavut are part of a co-management approach for this area. Given these circumstances, I support the request from the TJFB to be included in any decision-making process relating to the EAZ going forward.

In keeping with your government's commitment to inclusivity, I look forward to a positive decision to this request.

Sincerely,



STEVE CROCKER, MHA
Carbonear - Trinity - Bay de Verde
Minister

- c. Honourable Dwight Ball, Premier
Minister for Intergovernmental Affairs

Honourable Judy Foote
Minister responsible for Newfoundland and Labrador

Mr. John Mercer, Chairperson ✓
Torngat Joint Fisheries Board

Mr. Jamie Snook, Executive Director
Torngat Wildlife, Plants & Fisheries Secretariat



April 5th, 2016

Honourable Hunter Tootoo
Minister of Fisheries and Oceans
200 Kent Street, 8th Floor
Ottawa, ON, K1A 0E6

Re: Shrimp Co-Management in the Eastern Assessment Zone (EAZ)

Dear Minister Tootoo,

The Torngat Joint Fisheries Board ('the Board') here offers its recommendations for the 2016 Shrimp fishery in the Eastern Assessment Zone (EAZ). In 2015, the Board wrote to the Minister of Fisheries and Oceans recommending the Nunatsiavut Government and the Board be included in any decision-making processes relating to the EAZ. We write this letter to reiterate our support of our original correspondence.

The Torngat Joint Fisheries Board is established in Chapter 13 of 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 known as the 'Zone'. Chapter 1 of the LILCA defines waters adjacent to the Zone as "those Canadian fisheries waters within the portions of Northwest Atlantic Fisheries Organization Divisions 2G, 2H and 2J adjoining and lying due eastward of the Zone." The Zone itself extends into the EAZ, specifically the Davis Strait-West Management Unit, and a significant portion of the EAZ is immediately adjacent to the Zone (see Appendix A).

Consultation and allocation processes for the Eastern and Western Assessment Zones included rights-holders in Nunavik (the Nunavik Marine Region Wildlife Board) and Nunavut (the Nunavut Wildlife Management Board), however the Nunatsiavut Government and the Torngat Joint Fisheries Board have been completely excluded from participating in the decision-making processes and in the fishery itself. Departmental principles of adjacency in other areas does not supersede the LILCA's definition of adjacency, and therefore the Nunatsiavut Government and the Torngat Joint Fisheries Board have a constitutional right to be included in such consultations.

Additionally, the Board is empowered by Part 13.11 to make recommendations directly to the Minister, and believes that the Northern Shrimp Advisory Committee (NSAC) meeting is not the forum for such recommendations regarding the EAZ to be presented. The Board recently presented at an Indigenous Land Claims Workshop during the NSAC meeting on March 6th, 2016, and expressed the constitutional authority and importance of the LILCA to Northern Shrimp fishery resource in Nunatsiavut.



The Torngat Joint Fisheries Board writes to seek confirmation from the Minister that the Labrador Inuit Settlement Area is indeed within and adjacent to the EAZ. The Board also asks why co-management boards in Nunavik and Nunavut are active participants in decision-making processes and the fishery itself, while the Nunatsiavut Government and the Board are not. We recommend that the Nunatsiavut Government and the Torngat Joint Fisheries Board be included in any decision-making processes relating to the EAZ going forward.

Yours truly,

John Mercer
Chair
Torngat Joint Fisheries Board

cc. Government of Canada
Honourable Carolyn Bennett, Minister of Indigenous and Northern Affairs

Government of Newfoundland and Labrador
Honourable Steve Crocker, Minister of Fisheries and Aquaculture

Government of Nunatsiavut
Honourable Darryl Shiwak, Minister of Lands and Natural Resources



March 23rd, 2015

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

Re: Shrimp Co-Management in the Eastern Assessment Zone (EAZ)

Dear Minister Shea,

The Torngat Joint Fisheries Board ('the Board') here offers its recommendations for the 2015 Shrimp fishery in the EAZ.

The Labrador Inuit Land Claims Agreement, ratified in 2005, establishes the Labrador Inuit Settlement Area, which includes a marine component ('the zone'), and defines waters adjacent to the Zone as "those Canadian fisheries waters within the portions of Northwest Atlantic Fisheries Organization Divisions 2G, 2H and 2J adjoining and lying due eastward of the Zone".

The Zone itself extends into the EAZ, and a significant portion of the EAZ is immediately adjacent (see Appendix A). We note also that although the Labrador Inuit Land Claims Agreement provides absolute certainty that the Settlement Area is both within and adjacent to the EAZ, and specifically the Davis Strait-West Management Unit, these rights are not exhaustive. The Agreement does not extinguish any appeal to departmental principles of adjacency in other areas.

A case in point to illustrate the importance of this discussion topic is the Department's 2014 decision to allocate 1700MT of Northern Shrimp to the Northern Shrimp Research Foundation to finance surveys in the EAZ.

Despite recent boundary revisions, and allocation processes that included rights-holders in Nunavik and Nunavut, the Nunatsiavut Government has been completely excluded from the Shrimp fishery in the Eastern and Western Assessment Zones. We were surprised at the Northern Shrimp Advisory Committee meeting by references to boards in Nunavik and Nunavut, but again no reference to or acknowledgement of the Labrador Inuit Land Claims Agreement, the Nunatsiavut Government, or the Torngat Joint Fisheries Board.

We write to seek confirmation that the Labrador Inuit Settlement Area is indeed within and adjacent to the EAZ, and to ask why boards in Nunavik and Nunavut are active participants, in decision-making processes and the fishery itself, while the Torngat Joint Fisheries Board and the Nunatsiavut Government are not.



We recommend that the Nunatsiavut Government and the Torngat Joint Fisheries Board be included in any decision-making processes relating to the EAZ going forward.

Yours truly,

John Mercer
Chairperson
Torngat Joint Fisheries Board

