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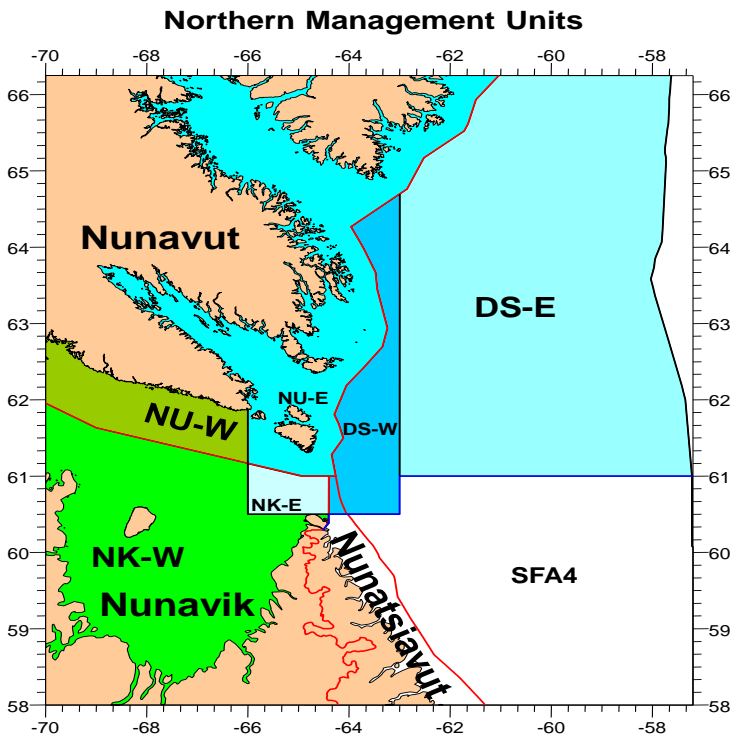
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December 3, 2020

To: Derek Mahoney, Chair - Northern Precautionary Approach Working Group (NPAWG)
From: Alastair O'Rielly, Northern Coalition
Brian Burke, Nunavut Fisheries Association
RE: Northern Precautionary Approach Working Group (NPAWG)

Good day Derek,

The Northern Coalition (NC) and Nunavut Fisheries Association (NFA) are writing this letter in response to the November 30th meeting of the Northern Precautionary Approach Working Group (NPAWG) and specifically the CSAS document and advice discussed at this meeting. Combined the NC and NFA represent all commercial fishing interests in Canada's Eastern Arctic, a group of Indigenous-owned companies that hold seven of the 17 offshore shrimp licenses, 100% of the shrimp allocations in the Western Assessment Zone (WAZ) and 65.9% of the shrimp allocations in the Eastern Assessment Zone (EAZ). From an economic perspective, these EAZ and WAZ allocations are extremely important to the viability of our members, especially given the recent reductions in allocations in Shrimp Fishing Areas (SFAs) 4 and 5.

From our joint perspective, any discussion and recommendations of the NPAWG must be cognisant of the respective Land Claims Agreements and the critical role of the Wildlife Management Boards.

The CSAS advice seeks to move the Limit Reference Points (LRP) for all shrimp stocks in the Eastern and Western Assessment Zones from 30% of the mean spawning stock biomass (SSB) to 40% of the SSB, a 1/3 increase in the LRP, predicated on inadequate science information and a presumption that this increase could provide for earlier and more effective response measures to reductions in the SSB.

The correspondence to you from Mr. Bruce Chapman of the Canadian Association of Prawn Producers (CAPP) provides a thoughtful and well articulated critique of the proposed shift in the LRP for stocks in the EAZ and WAZ shrimp areas. We generally concur with the perspective contained in this letter and look forward to receiving further information from the Department on use of 40% LRPs in other relevant shrimp stocks throughout the North Atlantic. From our perspective, the most relevant stocks would be those in the SFA 1 to 7 complex, all of which we understand utilize LRPs set at 30% of the SSB.

The assertion that the risks of stock decline in the North are greater than in southern stocks is implausible. SFA 4, 5 and 6 have all experienced precipitous declines in biomass in recent years. SFA 5 has seen a 43.6% decline over the past two years. We do not understand that there is evidence to suggest that a 40% LRP for these stocks would have produced a more expeditious management response that could have arrested these reductions. It is

generally recognized that neither the unprecedented growth in shrimp biomass levels during the 1990s, nor the dramatic declines of recent years are correlated with fishery removal levels.

Survey variability for *Pandalus borealis* and *montagui* in the EAZ and WAZ areas are extreme and may not necessarily reflect interannual biomass variability. Application of a 40% LRP for these stocks, particularly given extreme shifts in biomass indices, holds the potential risk of inducing a series of dramatic oscillations in management responses which are unlikely to mitigate stock declines, would prove very disruptive to fishing operations and potentially undermine the credibility of Canada's resource management regime. Based on the information and materials provided thus far, we see no benefits to an arbitrary shift in the LRP for these stocks.

This approach by the Arctic region to implement restrictions on fishing activity which are inconsistent with DFO's decisions in other regions is reflective of recent decisions and recommendations made on several other issues, most recently the Arctic region's opposition to a 5% increase in the OA/OB turbot quotas and revisions to the turbot conversion factor to be consistent with changes in the south. Both NC and NFA strongly oppose this inequity in approach for different regions, particularly when dealing with the same stock complexes, which is also contrary to DFO's stated goal of regional consistency.

The CSAS document also recommends a very significant increase in the LRP and USR for the EAZ based on additional years of data. For both the EAZ and WAZ we have some concerns regarding the potential setting of LRPs and USRs at periods of high stock levels, which may not be sustainable in the long-term, thus impacting negatively on future allocation levels, as witnessed in SFA 6.

We also note concern with the composition of the meeting attendees at the May 12-13, 2020 meeting on Science Advice on Limit Reference Points for Northern Shrimp and Striped Shrimp in the Western and Eastern Assessment Zones. Other than the respective Nunavut and Nunavik Management Board representatives, the meeting was dominated by representation from the Arctic region and the only non-DFO attendee was a recent DFO Science employee. Having other academic and industry science and technical participation would be appropriate.

Moving the LRP to 40% was presented as a 'fait accompli' further to the outcome of the May 2020 Canadian Science Advisory Secretariat meeting. We note that the Research Document 2020/072 dated November 2020 states on page iv that "The intent of this document is to serve as a source of supporting information to provide advice to DFO Resource Management, consistent with the Department's PA Framework in support of the sustainable management of these fisheries." Your presentation at the Working Group meeting indicated that the CSAS process is not an advisory function with respect to the setting of Limit Reference Points but has de facto decision-making authority within DFO's PA Framework.

Finally, we are very appreciative of the work of DFO Science and the challenges in monitoring and analyzing an extremely dynamic marine environment with a dearth of critical biological and environmental data. However, the recommended move to increase the LRP for EAZ and WAZ Shrimp does not appear to be based "on biological criteria", nor can it be demonstrably linked to "stock status below which serious harm is likely occurring to the stock."

As discussed, we request that the next meeting of the NPAWG include the full group and a fulsome discussion on these issues.

Sincerely,



Alastair O'Rielly
Executive Director, Northern Coalition



Brian Burke
Executive Director, Nunavut Fisheries Association

cc: Arran McPherson – Assistant Deputy Minister, Ecosystems and Oceans Science
Sylvie Lapointe – Assistant Deputy Minister, Fisheries and Harbour Management
David Whorley – Chair, Northern Shrimp Advisory Committee (NSAC)
Adam Burns – Director General, Fisheries Management
Courtney D'Aoust – Fisheries and Aquaculture Management Officer, DFO
Daniel Shewchuk, Chair – Nunavut Wildlife Management Board (NWMB)
Robert Moshenko, A/Chair - Nunavik Marine Region Wildlife Board (NMRWB)
Jason Akearok, Executive Director, NWMB
Janelle Kennedy, Executive Director, NMRWB
Bruce Chapman – Canadian Association of Prawn Producers (CAPP)

Good afternoon:

Before our NPAWG session tomorrow, I thought that it would be useful to recap our discussions and to provide an assessment of where we are in our work with respect to key elements in development of a Precautionary Approach (PA) Framework. In addition, I can report on discussions I have had internally with my DFO colleagues and management. My hope is that this update will help to focus our discussions tomorrow and give indication of what we might be able to accomplish in our remaining time before reporting to NSAC, and providing information to the Nunavut Wildlife Management Board and the Nunavik Marine Region Wildlife Board (the Boards).

As chair of this working group, I would first thank each of you for your participation in the group and for your flexibility in making yourself available, particularly as times have shifted for a number of our meetings. I have tried to guide discussions in a way that promoted open dialogue, with my ultimate goal being a consensus recommendation to NSAC. I believe that would be the best outcome for all involved. However, while consensus is a worthwhile goal, working groups like NPAWG are not a decision-making bodies. At the conclusion of our work, the Minister, in keeping with co-management processes with the Boards, will take decisions on the PA Framework for shrimp fisheries in the Eastern Assessment Zone (EAZ) and the Western Assessment Zone (WAZ). These decisions will, therefore, be informed by either consensus recommendations or the various views of our group.

Limit Reference Points (LRP)

As discussed in detail in our early sessions, the LRP for shrimp stocks in the EAZ and WAZ are established by DFO Science through peer-review, in accordance with DFO's PA policy. While our work as NPAWG is limited to non-LRP elements of the PA, I took from our discussions and from written submissions from working groups members that there are general concerns related to the uncertainties associated with EAZ and WAZ shrimp stocks. These concerns were partly reflected in members' calls for a review, in the near term, of these LRPs. I will address the idea of such a review later in this note.

Upper Stock Reference (USR)

The bulk of our discussions to this point have centered around USRs and the variability of stock status for shrimp in these areas. The data points that collectively produce this variability represent our best available science and, therefore, our clearest expression of stock status. However, given influences beyond fishing mortality and the lack of trends that can be derived from relatively limited time series, some NPAWG members felt that measures should be taken to mitigate the effects of this variability. These measures included the suggestion of a USR established at 70% of the geometric mean of SSB, where averaging of multiple (2 or 3 year) stock status data points would be used to determine stock status relative to established

reference points. DFO Science has been clear that stock status needs to be represented as a single data point rather than an average. In reaction to this position, some working group members then proposed that a USR not be developed and instead the NPAWG focus on a target reference point (TRP) to satisfy Marine Stewardship Council (MSC) certification conditions. These measures would effectively reduce, or eliminate, the potential for stocks to enter a defined cautious zone, which industry members have stated is significantly harmful to product marketability.

From DFO's perspective, stock status is exclusively within our Science sector's area of responsibility and a single-year value is the clearest expression of that status for a given point in time. Additionally, USRs are an integral part of DFO's PA policy, primarily serving as a point sufficiently above the LRP "to provide an opportunity for the management system to recognize a declining stock status and sufficient time for management actions to have effect". In keeping with DFO's PA policy, the USR is critical in defining the boundary between the Healthy and Cautious zones and DFO continues to report in this context through the annual [Sustainability Survey for Fisheries](#).

It is true that DFO does manage some fisheries for which USRs are not in place, including in the WAZ. However, it is a policy priority for the Department to establish complete PA Frameworks for Canada's fisheries that include a USR. The establishment of a TRP without an accompanying (or dual purpose) USR would represent a departure from this priority. This would be particularly pertinent in the EAZ where a USR has been in place for a number of years.

For these reasons, I believe a recommendation from NPAWG to move forward without USRs is unlikely to be accepted by the Minister. The development, however, of a distinct TRP in addition to a USR could be a productive effort for this group in my view.

Harvest Control Rules (HCRs)

Secondary to reference points has been NPAWG's consideration of HCRs for shrimp fisheries in the EAZ and WAZ. I note that HCRs are not an outstanding MSC condition for these fisheries. In my experience, the development of HCRs is best to follow the establishment of reference points, so that the potential impacts of their application can be assessed relative to defined biomass values. It is my feeling that we are unlikely to revisit the HCRs for EAZ and/or contemplate the development of HCRs for the WAZ in our time remaining before the March 9, 2021, meeting of NSAC.

Review Provision

Given the limited time series and uncertainty surrounding the stocks in the EAZ and WAZ, many group members stated a strong preference for the PA to be reviewed in the near-term (i.e., 2-5 years). Members suggested the benefit of doing so with the aid of additional survey and, preferably, incremental science work that could provide some information related to environmental and ecological influences on these stocks.

From discussions I have had and from my own perspective, an expiry date on a PA Framework is unlikely to be supported by DFO decision-makers. Further, there could be implications for MSC certification in the event a PA Framework (including reference points) is not in place. A review after a certain time period may be a better way to proceed rather than a predefined expiry. In the very short-term, I do not believe the knowledge of these stocks is likely to sufficiently increase to the extent that we could expect any difference in the outcome of a similar process to what we are now undertaking. For this reason, I would suggest that NPAWG recommend a review of reference points (and any additional components of a PA Framework) in 4 or 5 years (i.e., in 2025 or 2026).

NPAWG may wish to consider the usefulness of establishing a committee to undertake this review and ultimately consider the merit of modifying the PA framework. Such a group would likely best be composed of DFO and non-DFO members. Associated with the notion of available data, NPAWG may also wish to emphasize the need for additional science to improve environmental knowledge as part of its report to NSAC and the Boards.

Path Forward

As I see it, tomorrow's (February 5) meeting will be important in determining if there is basis to continue the NPAWG process of developing elements of a PA framework for these stocks. If that proves the case, I believe we could plan 1-2 additional sessions before turning our focus to the development of a report.

Once again, thanks for your participation in NPAWG sessions. I look forward to our coming discussions.

Regards,

Derek Mahoney

From: [Brian Burke](#)
To: [Jason Akearok](#)
Cc: [Amber Giles](#); [Denis Ndeloh](#)
Subject: FW: NPAWG update Feb 4 / GTAPN mise a jour 4 fév
Date: Friday, February 5, 2021 10:43:31 AM
Attachments: [DMahoney Letter to NPAWG Feb 4 2021 English.DOCX](#)

Good morning,

Due to the late sending of this note and its content, which dismisses any suggestions made by stakeholders in favour of a dictated DFO approach to PA in the WAZ and EAZ, NFA has boycotted today's NPAWG meeting.

It is my understanding that DFO intends to make a submission on the NPAWG to the NWMB for its March meeting. From a NFA perspective, this late date does not provide adequate time for us to prepare and submit a detailed paper on our views regarding the PA approach in the WAZ and EAZ. However, if DFO does make a submission for decision at the upcoming meeting which is based on the approach outlined in this note from the NPAWG Chair, this is an approach which does not have the support of NFA or any other industry participants in the WAZ and EAZ shrimp fisheries. As such, we would ask for the opportunity to provide input at the March meeting and request a call for written submissions take place for the following meeting.

As per our prior NFA and industry correspondence on this critical issue, we entered into the "working group" process in good faith with the belief that, as a working group, reasonable approaches that do not impact on the stock status but do take into account the potential socio-economic impacts on industry would be fully considered, leading to a negotiated consensus agreement on the way forward. Unfortunately, this does not appear to be the case and rather than being coopted by our participation in the "working group" being seen as acceptance, we have taken the decision to, for the present time at least, remove ourselves from this flawed process.

As with other issues impacting the Nunavut fishery, it is our view that the NWMB has a very strong decision and recommendation making role and mandate, and we look forward to the NWMB exercising this authority for the benefit of Nunavut and Nunavummiut.

Regards,

Brian Burke
Executive Director
Nunavut Fisheries Association (NFA)
Tel: (709) 351-7263

From: D'Aoust, Courtney <Courtney.D'aoust@dfo-mpo.gc.ca>
Sent: February 4, 2021 5:17 PM
To: D'Aoust, Courtney <Courtney.D'aoust@dfo-mpo.gc.ca>

Subject: NPAWG update Feb 4 / GTAPN mise a jour 4 fév

Sent on behalf of Derek Mahoney, Chair, Northern Precautionary Approach Working Group (NPAWG)

Good afternoon, please find attached a **note from the Chair** in regards to tomorrow's discussion. A copy is also available in the [NPAWG Dropbox](#).

Session Title	Objectives	Sub-group(s) to attend	Date & Time
USR 3: EAZ & WAZ stocks	Discuss reference points (Borealis + Montagui)	WAZ & EAZ	Friday February 5 9 AM – 11 AM EST (2 hours) Join Zoom Meeting https://zoom.us/j/93998895525?pwd=clpnYWVVRQkZkUzdVYTVrTFFMTDcvZz09 Meeting ID: 939 9889 5525 Passcode: 761300 1-855-703-8985 Canada Toll-free <i>*interpretation not available</i>

Thank you.

Envoyé de la part de Derek Mahoney, Président, Groupe de travail sur l'approche de précaution du Nord (GTAPN)

Bonjour, veuillez trouver ci-joint une **note du président** concernant la discussion de demain. Une copie est également disponible au [Dropbox GTAPN](#).

Titre de la session	Objectifs	Sous-groupe(s) à assister	Date et heure
PRS 3: stocks ZEE & ZEO	Discuter les points de références (Borealis + Montagui)	ZEO & ZEE	Vendredi le 5 février 09h00 – 11h00 heure de l'est (2 heures) Rejoindre la réunion Zoom https://zoom.us/j/93998895525?pwd=clpnYWVVRQkZkUzdVYTVrTFFMTDcvZz09 ID de la réunion: 939 9889 5525 Passcode: 761300 1-855-703-8985 Canada gratuit <i>*interprétation non disponible</i>

Merci.

Courtney D'Aoust

Fisheries and Aquaculture Management Officer |
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