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VIA FAX 613-954-1407

Adam Burns
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**PUBLIC REVIEW OF ALLOCATION DECISIONS THAT HAVE TAKEN PLACE SINCE
2007 IN THE GULF ATLANTIC HALIBUT FISHERY**

Dear Mr. Burns:

Thank you for the invitation to take part in the *review of allocation decisions taken since 2007 in the Gulf Atlantic halibut 4RST*. Emmanuel Sandt-Duguay, in his capacity as Commercial Fishery Liaison Coordinator for the Gespe'gewaq Mi'gmaq Resource Council, will attend the meeting in Montreal April 22, 2016 to discuss the views and opinions expressed.

As a preamble to the meeting of April 22, 2016, I would like to remind you the following facts listed in the *Ernst and Young's* report, which was commissioned by the Department of Fisheries and Oceans in 2012:

The *New Access Framework* which was recommended and approved by the Minister of Fisheries and Oceans in November 2002, guides all decisions on new or additional access to Atlantic fisheries. The Framework consists of three principles and three traditional criteria. The three principles, in order of priority, include:

1. Conservation - Sustainable use that safeguards ecological processes and genetic diversity for the present and future generations. If the principle of conservation is compromised, access will not be granted.
2. Recognition of Aboriginal and Treaty rights - Access to the resource will be managed in a manner consistent with the Constitutional protection provided to Aboriginal and treaty rights.

3. Equity – Equity has both a procedural and substantive component:

- o **Procedural Component:** Access criteria must be applied in a fair and consistent manner through a decision-making process that is open, transparent and accountable and that ensures fair treatment for all.
- o **Substantive Component:** The fishery is a common, public resource that should be managed in a way that does not create or exacerbate excessive interpersonal or inter-regional disparities.

Then in 2004, the *Policy Framework for the Management of Fisheries on Canada's Atlantic Coast* offers a new vision of how the Atlantic fisheries can be managed and proposes four objectives and nine principles designed to realize this vision. The Department's vision for Atlantic fisheries is a future where:

The Atlantic fisheries will become a biologically sustainable resource supporting fisheries that:

- Are robust, diverse and self-reliant;
- Effectively involve all interests in appropriate fisheries management processes;
- Are sustainable and economically viable, contributing to the economic base of coastal communities; and
- Provide for the constitutional protection afforded Aboriginal and treaty rights and where Aboriginal and non-Aboriginal resource users work collaboratively.

The *Policy Framework for the Management of Fisheries on Canada's Atlantic Coast* also identifies the following principle: "fisheries management decision-making processes will provide opportunities for increased Aboriginal participation and involvement."

However in 2007, after consultation with provinces and stakeholders, the Minister of Fisheries and Oceans announced that geographical fleet shares would be established for 4RST Atlantic halibut based on historical landings between 1986 and 2004. This resulted in the following sharing arrangements for the fixed gear fleet:

- Newfoundland and Labrador – 32.03%
- Scotia-Fundy – 1.63%
- Quebec North Shore – 8.24%
- Magdalen Islands – 5.44%
- Gaspé – 44.03%
- Eastern New Brunswick – 5.17%

- Prince Edward Island - 1.46%
 - Gulf Nova Scotia - 2.01%

The department used the historical landings from 1986 to 2004 as the sole consideration used in determining sharing arrangements for Atlantic Halibut.

In other fisheries, other criteria were taken into account. The methodology used to establish sharing arrangements varied from fishery to fishery. For example, in 2010, in the Gulf Shrimp Group B fishery, the decision was made to implement permanent sharing at 13.5%. The overall management, which includes the distribution of the amount of these allocations could be different in each region (Gulf and Quebec) based on the rationalization plans from Quebec and New Brunswick mobile groundfish fleets.

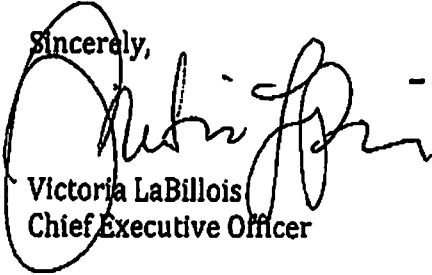
The QC and NB First Nations' allocations are taken off the top of the Group B allocation and as agreed with DFO, they are not affected by the temporary Group B sharing formula.

The decision on the sharing arrangement for Gulf Shrimp Group B shows that a decision was made to implement sharing based on factors other than historical catch. This fishery illustrates an example where other factors other than historical catch were used and this may be used in the consideration of establishing sharing arrangements for other fisheries

Thus, in *Ernst and Young's* report: "As with the establishment of sharing arrangements in groundfish fisheries, historical landings were used as the basis for the sharing arrangement. This view was expressed by a (First Nation) representative at the Moncton consultation who indicated that they "are developing their fisheries [and] ...have acquired some licences and want to be taken into account in this process, although they have no history based on no spring quota." Aboriginal representatives were given the opportunity to present their views on the issue, but given that they did not have a history of fishing 4RST Atlantic halibut at that time, they were not given shares when the establishment of the sharing arrangement was put in place. The use of historical catch as the sole consideration in establishing sharing arrangements appears to conflict with the principle to provide opportunities for increased Aboriginal participation and involvement, particularly in cases where Aboriginal participation has been limited. It is important for DFO to consider how to integrate the principle of increased Aboriginal participation and involvement in fisheries management while balancing a fair approach that considers the viability of individuals who have historical dependence on the resource. It would be beneficial for DFO to articulate to Aboriginal and non-Aboriginal stakeholders how increased Aboriginal participation will be applied to established fisheries when implementing a long-term/permanent sharing arrangement."

I hope that this last recommendation from the *Ernst and Young's* 2012 report will be discussed during the public review and that the department will take this opportunity to redistribute a significant part of allocation to First Nations in the halibut fishery of the Atlantic 4RST.

Sincerely,

A handwritten signature in black ink, appearing to read 'Victoria LaBillois', is written over a circular stamp or seal.

Victoria LaBillois
Chief Executive Officer

CC.

Ron Simonson, Eel River Bar

Chris Metallic, Llistuguj

Terry Richardson, Pabineau