



The Maritime Fishermen's Union L'Union des Pêcheurs des Maritimes

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Cécile Lavoie
Department of Fisheries and Oceans Canada
Moncton, NB

RE : 2016 Halibut review

Dear Ms. Lavoie,

This correspondence aims to offer our position in regards to the Halibut review that will be held in Montreal on April 22nd, 2016.

Our perception of the history of this file will be greatly reflected in the positions of our Nova Scotia and Prince Edward Island fellow harvesters on many aspects, especially on the agreed fact that the initial Loyola Hearn decision taken in 2007 was based on an incomplete, flawed and very unfortunate analysis of history and of the unfortunate importance of this flawed history on quota determination for all three Maritime Provinces.

To offer a bit of context, in early 2007, M. Loyola Hearn took a decision based almost purely on political conjuncture of the time. This decision calculated fixed gear quota shares based solely on historical landings for the years 1986 to 2004, while our New Brunswick fleets were inactive or unable to compete with other fleets because of moratorium limits to groundfish harvesting (i.e. Miscou box was completely closed for many of those years for cod moratorium) and the only true demonstration of agency and the true competitive fishery for NB harvesters were registered in 2005 and 2006 when our fleets caught, respectively, 23% and 16% of the total allowable catch. In the view of our NB harvesters, the 1986-2004 history period was convenient to justify giving Newfoundland and Quebec fleets the lion's share for political reasons but was a flawed fishery based decision.

Crucial past reports that have discussed groundfish and halibut sharing mechanisms highlighted the fact that many factors should be considered when taking such decision: historical shares, agency of the resource, fairness and equity, sustainability of the resource, historical dependence and First Nations issues. Please refer to the 1996 DFO report at <http://www.dfo-mpo.gc.ca/fm-gp/peches-fisheries/reports-rapports/eap-pce/rep-rap-ah-fa-fra.htm> on your own site for details and also refer to the *Harris* report for a better understanding of the importance of agency as a crucial factor for fishery decisions.

Minister Shea was aware of these facts and also found the 2007 Hearn decision unfair for the Maritime Canadian fleets. She took it upon herself to take more than a flawed history into account in 2011 and again in 2015 when she decided in favour of fairness. In 2011,

she split the quota (over 600mt) given to the fixed gear equally for each of the eight (8) fleets involved. She did the same again in 2015 by splitting quota over 864 mt eight (8) ways between all fixed gear fleets involved. We believe Minister Shea was looking out for the interests of ALL Atlantic Canadian fleets by sharing halibut based on the rules of fairness while given due consideration for other factors such as history, agency, etc.

It is our contention and position that the 2011 Shea decision, when she first chose to correct the wrongs of the past, was the most justified. We believe the 2011 decision to share all halibut quota over 600mt by eight (8) fleets was a compromise decision that considered history, adjacency, fairness and equity and other relevant factors essential to enable a facts and science based decision.

We wish to express in very clear terms that to give support for a past decision (Loyola Hearn in 2007) based solely on flawed history (albeit politics) would be considered a grave injustice not only for our own NB fleets but to us all.

Please note that, while we could not agree on the intricate details (at what level quota should be split eight (8) ways), all NB, NS and PEI fleets have agreed that a halibut sharing mechanism based solely on flawed history is unacceptable. We have also agreed in no uncertain terms that the 2011 and 2015 Shea decisions were considered progress and any future decisions should ultimately not be less beneficial for our fleets for reasons of agency, fairness and equity.

Our sincerest regards,

Christian Brun
Executive Secretary