



ATLANTIC POLICY CONGRESS OF FIRST NATIONS CHIEFS SECRETARIAT

April 18, 2016

Adam Burns
Integrated Resource Management
Department of Fisheries and Oceans
200 Kent St.
Ottawa, ON, K1A 0E6

Re: Review of Allocation Decisions that have taken place since 2007 in the Gulf Atlantic Halibut Fishery

Dear Mr. Burns:

I am writing to you to express our concerns regarding the process of determining allocations of halibut in 4RST in the Gulf Atlantic Halibut Fishery. Many of the member First Nation communities for the Atlantic Policy Congress will be affected by the decisions coming from the Department of Fisheries and Oceans.

We are all aware that the DFO *New Access Framework* (2002) outlines the principle that access to resources (i.e. fisheries) will be managed in manner consistent with the Constitutional protection provided Aboriginal and treaty rights. This principle is reaffirmed in the DFO *Policy Framework for the Management of Fisheries* (2004) which specifically references constitutional protection for Aboriginal and treaty rights "where Aboriginal and non-Aboriginal resource users work collaboratively." These policy frameworks should come into effect for the upcoming access for Atlantic halibut.

The Minister of DFO announced geographical fleet shares for 4RST Atlantic halibut in 2007 based only on historical landings between 1986 and 2004. On behalf of our First Nation communities, we have identified a number of problems with this approach, which stands to keep Atlantic First Nations from participating in the halibut fishery.

Atlantic First Nations had not been fully active in the Atlantic commercial fishery until access was recognized following the 1999 SCC Marshall Decision. In the early 2000s, when access to various commercial fisheries was being negotiated with DFO under the interim commercial-communal agreements, Atlantic halibut was not included in any of the agreements. Therefore, this historical approach essentially prevents First Nation

access to halibut quota. We believe that this is in conflict with the two aforementioned DFO Policy Frameworks.

We are also aware that in other Atlantic fisheries, such as Gulf Shrimp, where the historical approach was used, the Department set aside a proportion of the overall allocation specifically for First Nations before allotting the remainder to the traditional fleet. This is viewed as a better approach as it provides opportunities for First Nation to access fish quota where no historical landings had existed.

We would like to see consistency within DFO on matters such as new quota allocations in all fisheries. Our First Nation communities are heavily invested in the success and long-term viability of the Atlantic fishery. We also want to be afforded new commercial opportunities in existing fisheries where historically First Nations were not permitted access. We feel that this consideration is in line with the approach our leadership has taken to ensure access and economic opportunities while respecting our Treaty Right to commercially fish our resources. As rights-holders, we believe the Department must accommodate these needs in the communities.

We invite further dialogue with the Department on this issue of First Nation allocation of Atlantic halibut. We are hopeful that the proposed method of allocation as it pertains to First Nations is an oversight on behalf of the Department and would gladly work to facilitate discussions with our affected communities and tribal organizations.

If you have any comments or feedback in regard to our concerns, please feel free to contact me at ken.paul@apcfnc.ca or by phone at our Cole Harbour office.

Respectfully,



Kenneth Paul
APC Director of Fisheries

Cc: John Paul, Executive Director, APC
Catherine Lambert Koizumi, Executive Director, AGHAMM
Don MacKenzie, Executive Director, MCPEI
Gorazd Ruseski, DFO Senior Director, Aboriginal Programs
Fédéric Butruille, DFO Senior Advisor, Gulf Region
David Coffin, DFO Senior Advisor, Newfoundland and Labrador Region
Ginette Levesque, DFO Senior Advisor, Quebec Region
Jennifer Ford, DFO Senior Advisor, Maritime Region