

FSC Priority Launch Crew –

Follow up –

Some statements regarding priority for FSC fishing from DFO's policies:

Paragraph 1.c) of DFO's *Policy for the Management of Aboriginal Fishing* (1993) states:

“Aboriginal fishing for food, social and ceremonial purposes will have first priority, after conservation, over other user groups. Aboriginal fishing for such purposes will only be restricted to achieve a valid conservation objective, to provide for sufficient food fish for other Aboriginal people, to achieve a valid health and safety objective, or to achieve other substantial and compelling objectives.”

DFO's *Allocation Policy for Pacific Salmon* (1999) states:

“Allocation Principle 2 – First Nations:

After conservation needs are met, First Nations' food, social and ceremonial requirements and treaty obligations to First Nations have first priority in salmon allocation.”

Canada's *Policy for Conservation of Wild Pacific Salmon* (2005) states:

“As described in more detail in Appendix 1, DFO seeks to manage fisheries in a manner consistent with the decision of the Supreme Court of Canada in *R. v. Sparrow* and subsequent court decisions such as the decision of the BC Court of Appeal in *R. v. Jack, John and John*. Specifically, DFO is committed to managing fisheries such that Aboriginal fishing for food, social and ceremonial purposes has priority over other fisheries.”

Some examples of the application of priority for FSC fishing by DFO:

DFO has a broad range of "tools" with which to implement priority for FSC fishing (e.g. regulating fishing times, fishing areas, permitted gear, etc.). Just as fisheries vary widely, the ways in which DFO gives effect to FSC priority vary widely depending on the fishery and the circumstances - some examples include:

- Closing or restricting certain areas to commercial, and occasionally recreational harvesting, while such areas remain open for FSC harvesting, occurs almost all invertebrate fisheries;
- FSC allocation comes off of the TAC before allocations are given to other sectors (e.g. Halibut, herring and Somass Sockeye)
- Under the individual quota programs in red sea urchin, green sea urchin, and sea cucumber fisheries, two percent of the coast-wide TAC

is reserved, for planning purposes, for FSC harvesting. Additional allocations can be provided to First Nations to meet FSC requirements;

- FSC fishing is permitted in Rockfish Conservation Areas;
- "Dual fishing" is permitted in several fisheries (such as groundfish) to provide greater opportunities for First Nations to fish for FSC purposes;
- Trimmings from commercial spawn on kelp operations are permitted to be retained for FSC purposes;
- Pursuant to DFO's ESSR policy, the use of ESSR fish for FSC purposes has priority over other uses for such fish;
- Gear is permitted to be used in FSC fisheries for some species that is not permitted in to be used by commercial or recreational fishers;
- FSC fishing is often permitted at times when commercial or recreational fishing is not permitted;
- The retention of bycatch is often permitted in FSC fisheries when it is not permitted to be retained in other fisheries; etc.