

**Haida Fisheries Committee
Response to Feb. 28, 2005 Presentation
on Pacific Fisheries Renewal**

This is our response to questions posed in the presentation on Pacific Fisheries Renewal to Council of the Haida Nation representatives in Massett on February 28, 2005 by Mr. Ron Kadowaki of the Department of Fisheries and Oceans. He asked for our views on recommendations from both the First Nation Panel on Fisheries and the Joint Task Group. These are preliminary responses and it will be important to have further discussions and to engage in meaningful consultation about any proposals that affect fisheries in Haida Gwaii waters.

First Nation Panel on Fisheries Recommendations

First Nations must have adequate access to fish for food, social and ceremonial purposes:

We agree that more attention must be paid to First Nation access to fish for food, social and ceremonial purposes. Fisheries management decisions have affected Haida access to a variety of fish or seafood products, including rockfish, abalone and herring spawn-on-kelp. Limited entry licencing schemes, including individual quotas, have led to declines in Haida participation in fisheries and have made it more difficult to access food fish. For example, the closure of commercial herring spawn-on-kelp fisheries in Area 2 East in 2005 is having significant impacts on Haida access to herring spawn-on-kelp.

Immediate 50% allocation of all fisheries to First Nations as a minimum:

We agree that a major allocation of commercial fisheries to First Nations is needed to address First Nations' economic access to fish if we hope to avoid prolonged uncertainty in the B.C. fishery. We believe it is important to address all fisheries, not just those in trouble, such as salmon. We view this step as an interim measure in the fishery that would make progress towards reconciling Haida and Crown title.

First Nations to address inter-tribal allocations:

We support taking an inter-tribal approach for the allocation and management of shared or migratory stocks. However, we believe that there is little need to involve other First Nations in the allocation of many fish species in Haida traditional territory. For instance, in our case it should not be necessary to involve other First Nations in allocations of halibut, herring, rockfish, blackcod or, in some cases, terminal salmon runs where there is minimal interception outside Haida territory.

Need for increase in treaty funds to enable buy-back of licences to allow for re-allocation:

Our view is that transfers of fisheries allocations are a federal government responsibility. As well, we consider that high entry prices in fisheries and low First Nation participation in commercial fishery to be relics of the Canadian government's past fisheries licensing policies. We foresee that fisheries will be an important component of a future sustainable Haida economy and transfers to the Haida (and other First Nations) are likely to affect the commercial and recreational industries' shares in the fishery. It is Canada's responsibility to determine whether or not it should provide some level of compensation to third parties for the transfer of their current shares in the fishery to First Nations. There are other options for managing the transformation of the fishery. For instance, there may be opportunities to create community quotas or shares in some fisheries as a policy initiative that may not require compensation.

Canada immediately recognize the aboriginal right to manage fisheries:

Canada's recognition of the Aboriginal right to manage fisheries would be an important political step that would demonstrate leadership and vision. The Haida's right to manage fisheries is related our stewardship of Haida Gwaii lands and waters that goes back many generations. At present, through the Haida Fisheries Program, we contribute to management and assessment of many important fish stocks in Haida Gwaii including salmon, shellfish and herring. However current Canadian policies, such as the Aboriginal Fisheries Strategy, provide only limited opportunities for involvement in management. We strongly support an expansion of our role in the management of fisheries in Haida Gwaii.

Canada immediately articulate how it will provide commercial fisheries benefits to First Nations:

This recommendation was related to uncertainty around the appeal of the *Kapp* decision. This has now been clarified and it has been confirmed that Canada can support aboriginal-only fisheries. It is important that Canada remain flexible as to how access to fish for economic purposes is made available to First Nations. Management tools and fishing methods, such as treaty allocations or harvest agreements, do not need to be uniform or unduly restrictive on how First Nations exercise their economic rights in the fishery.

A moratorium be placed on individual property rights regimes like Individual Fishing Quotas unless First Nations interests are addressed:

We support a moratorium on individual quotas in fisheries. We have concerns that individual quotas will have negative impacts on Haida participation in fisheries. Impacts can be significant and will increase the cost of transfers as well as diminish eventual Haida shares in the fishery.

Joint Task Group Recommendations

Consistent rules of fishing and standards for catch reporting:

We do not believe that the rules of fishing need to be the same for everyone. For instance, we support flexible approaches for First Nations fisheries because of the different character of and needs in those fisheries. We also do not see a need for the terms, conditions and provisions of commercial licences and First Nation harvest agreements to be equivalent. In addition, accurate catch reporting is essential but different methods may be appropriate in different circumstances.

DFO should be able to specify the number of vessels in a fishery:

We agree that, in some circumstances, it may be appropriate to limit commercial fishing effort, such as the number of vessels in a particular fishery. For instance fisheries with too many participants (commercial or recreational) can put small salmon stocks at risk or make small fisheries uneconomic for fishers.

IHPC, CSAB and AHC's should be used to coordinate and plan salmon fisheries:

New salmon advisory processes were recently established based on DFO licence areas. We are concerned that these processes are not inclusive or representative of Haida and other First Nations' interests in salmon. These new structures could have a role in coordinating and planning fisheries. However these must not take the place of First Nation processes on local and regional scales and must mesh with the three tiered process proposed by First Nations.

DFO should formally support co-management and the mandatory participation of all harvesters in fisheries associations that can enter into co-management agreements:

First Nations' role in fisheries management, flowing from their Aboriginal rights and title, should be more extensive than the proposed co-management role for industry groups. We can see the value of industry agreements to fund activities such as fishery monitoring. However, industry has an economic self-interest and should not be responsible for setting conservation targets or setting priorities for monitoring and research. We have concerns that mandatory membership in fisheries associations will place First Nations (or communities for that matter) in a position where "democratic" decisions made by the majority will be used to undermine our constitutionally-protected rights or the interests of local communities.

Create long-term, transferable quota licences to be issued to persons, companies or associations, not vessels:

Individual quotas may be a useful management tool in some situations, however, they can also create serious problems. These include: the process of determining initial allocations (which is likely to exclude First Nations once again); absentee ownership;

consolidation of quotas; cost increases for new fishery entrants; escalating fishery management costs; and less employment in the fishery. The gifting of quota in initial allocations may also result in windfall profits to licence holders. Transferability is a major issue that needs to be considered in terms of social impacts on First Nations and their communities.

Reaffirm coast-wide salmon allocation policy but review recreational priority for chinook and coho in 5 years:

Haida representatives have objections to the original coast-wide salmon allocation policy. The current policy results in continuing transfers of allocation of chinook and coho from the commercial to the recreational sector due to the policy priority favouring the recreational sector. First Nations' economic interests in the fishery are not being addressed at the same time that these transfers are occurring. These transfers are likely to increase the costs of treaty settlements and make transfers to First Nations more difficult in the future. Instead, we support fixed recreational allocations based on historic commercial and recreational harvest shares.

Surplus spawners not covered under First Nations Harvest Agreements should be considered as part of the commercial catch:

We do not believe that surplus spawners should be part of the commercial catch. First Nations are currently offered the first opportunity to harvest surplus spawners. This change would cause First Nations to lose access to surplus fish and result in the transfer of those fish to the commercial fishery. This doesn't make sense as the same fish may then have to be "bought back" from the commercial sector to be transferred back to First Nations.

Equivalent commercial quotas and licences should be purchased to offset new First Nations commercial allocations or significant increases in food, social and ceremonial harvest. There should be an expanded effort to do this immediately

We would welcome an expanded effort to transfer fish allocations to First Nations. We also understand that current government policy is to do this through buy-backs of commercial licences. As stated earlier, this is a government policy decision. However, we do not agree with compensating industry for future increases in food, social and ceremonial harvests, since these have a legal priority over commercial and recreational fisheries. If compensation is to be offered to the commercial sector, then it should be offered first to First Nations who lost access to fish for economic purposes due to federal government licencing policies.

Interim economic fishing arrangements should be developed to facilitate an orderly transition both to treaties and to an integrated commercial fishery

We assume that this recommendation relates to First Nation economic fisheries. However, we see that major changes are needed upfront such as an immediate

commitment to the 50% target as put forward by the First Nation Panel. We understand that this may need to be phased in over several years in a similar manner to how it was done under the Marshall Response Initiative on the east coast which involved government investments of more than \$300 million.