



## INFORMATION ABOUT THE COMMERCIAL FISHING LICENCE ELIGIBILITY AND QUOTA RELINQUISHMENT PROCESS

### January 2011

#### OVERVIEW

Fisheries and Oceans Canada (DFO) is working to increase First Nations participation in integrated commercial fisheries. This will be accomplished by the relinquishment of commercial licence eligibilities and/or quota and the subsequent issuance of communal commercial licence eligibilities and quota to eligible First Nations. The process does not increase the existing effort on the resource.

The Allocation Transfer Program (ATP) has operated since 1994 to relinquish quota and licence eligibilities. From 2008 to 2012 additional funds will be available through the Pacific Integrated Commercial Fisheries Initiative (PICFI), an initiative aimed at achieving environmentally sustainable and economically viable commercial fisheries.

In addition to supplying licence eligibilities and quota to the ATP and PICFI programs, the same administrative application process may be used to acquire commercial licence eligibilities and/or quota needed to offset other departmental priorities such as treaty negotiations or other initiatives using separate budgets, specific to those initiatives.

The process begins when a commercial vessel owner or licence eligibility holder completes an application offering licence eligibilities and/or quota and indicates the voluntary payment requested for each relinquishment. Although DFO will consider licence eligibilities and/or quota for most fisheries, the decision to recommend acceptance of an application will be strongly influenced by identified or anticipated First Nations' needs and by the amount of the voluntary payment requested.

Upon DFO's approval of an application, an agreement to relinquish the licence eligibilities and/or quota will be prepared by DFO and forwarded to the applicant for signature. The relinquishment agreement (the "agreement") identifies the licence eligibilities and/or quota in the application that the Minister of Fisheries and Oceans ("the Minister") will consider for relinquishment.

#### ELIGIBILITY

Eligible applicants include:

- Owners of vessels with one or more limited entry full fee and/or reduced fee vessel-based licence eligibility.
- Holders of record for limited entry full fee and/or reduced fee party-based licence eligibilities.

At this time, DFO is not considering recommending for acceptance spawn on kelp, eulachon and intertidal clam licence eligibilities.

#### APPLICATION PROCESS

The process starts with the applicant completing and submitting the *Application for Relinquishment of Commercial Fishing Licence Eligibilities or Quota*.

The companion document *How to Complete an Application for Relinquishment* provides information to help you complete the application.

Please note that applications to relinquish vessel based eligibilities will include any Schedule II privileges, if applicable, in respect of the eligibility e.g. dogfish and/or lingcod quota.

It is the responsibility of the applicant to seek independent advice regarding payment requested, income tax, financial, legal and other implications of relinquishing licence eligibilities and/or quota.

DFO will provide written acknowledgement of each application received and contact the applicant if further information is required.

The applicant may amend the application at any time up to January 28, 2011. Requests must be in writing.

**PLEASE NOTE:** To be considered during the next relinquishment opportunity, completed applications must be received by the Vancouver Pacific Fishery Licence Unit **no later than January 28, 2011**.

## REVIEW AND SELECTION PROCESS

An independent access relinquishment team will advise DFO regarding values of licence eligibilities and/or quota. DFO will consider advice received and select licence eligibilities and/or quota based on factors which may change over time, including anticipated First Nations' requirements, departmental priorities, current available program budget and the payment requested. No price negotiation will occur. All relinquishments will be in accordance with DFO licensing policy and rules.

Letters will be sent by DFO to the applicants or appointed representatives to indicate DFO's recommended approval or non approval of applications. It is anticipated that letters of approval will be mailed by late February, 2011. Letters of non-approval will be mailed upon completion of the relinquishment process.

## RELINQUISHMENT AND PAYMENT PROCESS

Upon DFO recommending approval of an application for the Minister's consideration, the agreement will be sent to the applicant for signature. The agreement will specify the licence eligibility and/or quota relinquishment details, including payment. It will also specify other requirements that must be completed by the applicant prior to DFO making a payment, for example:

- (a) Ensuring all licence conditions have been met and returning all fishing licence documents to DFO; and
- (b) Advising DFO of any amounts owing by the applicant to the federal government.

It is the responsibility of the applicant to dispose of an unlicensed vessel to ensure there is no harm to the environment, public safety or other hazard.

If the vessel owner(s) or licence eligibility holder is a company, the agreement must be signed by the authorized signatories of the company. The persons signing the agreement should reflect the signing authorities of the company on record with DFO in compliance with the *Fisheries (General) Regulations*.

The applicant must return the agreement to DFO for review, signature and processing of payment. When all requirements under the agreement have been completed by the applicant, DFO will sign the agreement and provide a copy to the applicant. DFO will also process payment in accordance with the agreement and DFO's licensing policy and rules.

## FOR MORE INFORMATION

1. Review the *Application for Relinquishment of Commercial Fishing Licence Eligibilities or Quota* and the companion document *How to Complete an Application for Relinquishment*
2. If, after reading the above material you need additional information, phone the **Vancouver Pacific Fishery Licence Unit at (604) 666-0566**. For assistance with quota, phone the **Groundfish Management Unit at (604) 666-5865**.