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MEETING NOTES, MINISTER LEBLANC, 11 MAY 2017

Who We Are

The BC Seafood Alliance is an umbrella organization whose 17 members represent about 90% of wild harvested seafood from Canada's West Coast, worth about \$850 million annually. Our members are associations representing all or most of the licence holders in virtually every major wild fishery in BC. That includes salmon and herring, once the backbone of the industry, but now overtaken by the success of prawns, sablefish, halibut, geoduck, and other groundfish and dive fisheries. We are by far the most representative fishing organization on the West Coast—and our ultimate constituents are independent fishermen and businesses up and down the Coast. These are the people who provide food to Canadians and the world—and I'll ask the representatives here to introduce themselves shortly.

Why We are Here

We are here because we are deeply worried about recent decisions and what they mean for our fisheries, the families and businesses that depend on harvesting and processing up and down the coast, and for the resource itself.

Gordon Gislason's *Economic Contribution of BC Seafood and Tidal Recreational Fishing*, updated late in 2015, demonstrates that wild seafood contributes more in sales value, wages and benefits, employment and ultimately GDP than either aquaculture or tidal recreational fishing in BC.

We are at this point, because for the last 25 years DFO has implemented management measures that fundamentally aligned conservation and the marketplace. We've had a relationship with DFO that has generally been collaborative and pragmatic, based on shared stewardship of the fishery resource, with a range of small and medium market driven enterprises guided by market-driven policies that allow us to compete in global seafood markets and provide safe, top quality food from a sustainable, renewable resource.

Conservation has driven our sector for more than two decades, shaping the way it has developed and encouraging a pragmatic approach to stewardship that has had clear market benefits as well. More than half our fisheries by volume are in the Marine Stewardship Council (MSC) program, the gold standard for third-party certification with only about 10% of the world's fisheries able to qualify. We are part of that 10%. Most of our other fisheries are recognized either by the Monterey Bay Aquarium's Seafood Watch or the Vancouver Aquarium's Oceanwise as good choices for consumers.

By volume almost 2/3 of our fisheries are managed under the Canadian Groundfish Integration Program (CGIP). CGIP integrates the management of 66 different species, seven different fishery sectors, and three gear types (hook and line, trap and trawl). Under CGIP a vessel is fully accountable for every single fish it catches, whether retained or released, through a monitoring program that includes 100% at sea observer or electronic monitoring and 100% dockside monitoring. This program is recognized by the MSC as “one of the most rigorous in the world,” by HRH Prince Charles as a world fisheries success story, and by the David Suzuki Foundation as “among the best managed fisheries on the planet.” CGIP creates incentives for long term stewardship of the resource, encouraging fishermen to be highly selective, catching the fish they want and not weak species or those with low abundance as well as pioneering new approaches such as the worlds’ first conservation bycatch quota for corals and sponges.

For many years, fisheries has been one of the largest, perhaps even the largest employer of First Nations in BC, especially in the salmon and herring fisheries. Indigenous participation dropped in the late 1990s and 2000s, as did non-Indigenous participation, following weak stock management of salmon and subsequent licence retirement programs. ATP and PICFI, while not perfect had substantial achievements: 42% of salmon licences (including communal and reduced fee) are now held by First Nations and Status Indians, 37% of gillnet roe herring licences (including communal and reduced fee), 23% of all roe herring seine licences (including communal and reduced fee); 22% of prawn licences and 21% of halibut licences are now communal commercial licences. Overall, 29.8% of all commercial fishing licences (including communal and reduced fee) are now in First Nation hands. And this is an underestimate since it does not include regular commercial licences held by First Nation individuals and bands, or crew that work on vessels not owned by First Nations.

The Central Coast Herring Decision

The Central Coast herring decision, rolling over the supposedly “one-time” decision by your predecessor in 2016 to allot a roe herring TAC of 215 tons despite peer reviewed science showing a considerable increase in the stocks to well above sustainable levels, shook our faith in science based, equitable DFO decision-making.

The historic and scientifically supported 20% harvest rate based on the conservative DFO stock assessment model would have allowed for 5,164 tons; a 10 per cent harvest rate 1,626 tons. A 5,000 ton harvest would have provided an additional \$4-5 million dollars of direct wages to fishermen and shore workers, many of whom are Indigenous, as well as valuable secondary benefits to coastal communities and associated support industries that would have contributed \$8-9 million in exports.

Why It Matters to Other Fisheries?

In our view, this decision tossed aside science and evidence, consultation and collaboration and economic benefits while also ignoring court requirements to include industry in bilateral negotiation with First Nations.

It sets an alarming precedent for other fisheries in BC. Peer-reviewed stock assessment is the foundation of good fisheries management, not least because there is an implicit give and take or cost

and benefit that fishermen accept: when the science says there is a conservation concern you don't fish or you fish less but when stocks increase you harvest the benefit. There is a role for Traditional Ecological Knowledge, both that of First Nations and of fishermen, but it cannot supplant solid, peer reviewed stock assessment.

Fisheries are a common property resource, not a Crown asset to be given away as political currency. There is a public right to fish which is sometimes at odds with the Crown's constitutional and fiduciary obligations to First Nations but is no less worthy of protection. Consideration of this public perspective is required by the Supreme Court of Canada in both *Gladstone* and *Lax Kw'alaams* and was reiterated last year by the trial judge in *Abousabt et al.* In this case, the judge was clear that the intervenors, representing the public right, must be given a voice, noting that "If reconciliation is one of the ultimate objectives of this process, as *Gladstone* says it is, it is difficult to see how it can be accomplished without some participation by the rest of the fishery."

The Convergence of Protected Areas and Reconciliation

We support your government's targets for protected areas and your goal of Reconciliation—and we think we could be your partners in both. But we are increasingly concerned that you intend to accomplish both on the backs of commercial fishermen not in collaboration with us.

Environment and Climate Change Canada's most recent reporting according to UN and IUCN rules shows that despite comprising less than 8% of Canada's oceans BC accounts for 28% of Canada's marine protected areas. Currently, we protect 3.2% of the BC coastline. New areas identified for protection, such as the Scott Islands National Marine Wildlife Area, will take that to 6.3%. If the proposed offshore area protects 10% of that area, then we will reach 13.2% by 2020. Under these circumstances, we are particularly anxious about the Canada-BC MPA Network Strategy and its potential to take highly productive fishing grounds—as identified in the MaPP plans—for instance and protect them from all fisheries except those by Indigenous people. The trilateral governance for the Network Strategy means that decisions that affect people's livelihoods are being made behind closed doors with little in the way of consultation or collaboration and with one governance partner explicitly using the process to seek more access to the resource.

Once again, on the West Coast, we are not seeing a lot of evidence-based decision making—we are seeing political decision-making. As you know, the exact boundaries of fishing limitations around the Hecate Strait sponge reefs were a consensus recommendation from a multi-stakeholder group that included eNGOs for Canada Gazette 1. Those boundaries were changed in response to automated responses from eNGO websites. We see the same thing with the response to the Canada Gazette 1 on the Scott Islands NMWA—more than 10,000 automated, push button responses from eNGO websites apparently outweigh the considered consensus recommendations from the advisory committee, which again included some of those same eNGOs. This is not how you do evidence-based decision making, and it is not how you do transparency and collaboration.

The Future?

Our fisheries are highly integrated with sophisticated management structures that have developed to reduce bycatch and discards and protect weak or Endangered, Threatened and Protected Species as well as to increase value in the global marketplace. While we use only a small part of BC's coastline, we need flexibility both for conservation and in the face of changing environmental conditions. Most of the science on MPAs has looked at warm zone coral reefs, where fish are tied to place, usually in areas where fisheries management does not work. By contrast, in countries with good management systems such as Canada there is evidence that biodiversity goals are best served by strong fisheries management (particularly enforced harvest control rules). In fact, in these jurisdictions, there is some evidence that MPAs simply displace fishing activity and concentrate it irresponsibly in other locations, reducing not increasing biodiversity, while making ecosystem-based management harder to achieve.

There is no question that reconciling Indigenous rights with the public right is challenging—a common property resource does not lend itself to the kind of resource agreements we have seen in BC in mining, forestry and aquaculture. Organizations like ours cannot trade away the access of individual fishermen.

We fear a series of one-off decisions that will effectively give exclusive rights to First Nations fisheries, something not supported by case law, effectively reducing the public right to unsustainable levels. We fear these decisions will create divisions and imbalance within the fisheries, generating “fisheries within fisheries” and leading to confusion and uncertainty. We fear these decisions will destroy the stability we need to build and maintain businesses large and small and deter the investment we need in new vessels, more environmentally friendly gear, new technology, new products and new markets. Decisions that could destroy the incentive-based management and monitoring systems that ensure a sustainable resource, compromise the trust our customers have in us and in Canadian systems and create conflict on the grounds, between fishermen and between First Nations, between our members and the management agency, conflict that will ultimately spill over into the courts. The overall effect of this piecemeal management strategy will be to reduce the value of this common property resource which belongs to all Canadians. Management decisions regarding the fisheries must be transparent, consistent and balanced in order for the fishery to be sustained over the long term.

So we are here to ask:

- 1) Are we facing new arrangements in fisheries, and if so what share will be ours?
- 2) Are you planning to expropriate our access in some areas?
- 3) What policies will govern all fishery participants, aboriginal, commercial and recreational?
- 4) How will we engage in informing policy decisions at the highest level?

We think you can make progress towards Reconciliation—and we think we can be part of it but you have to engage us. As Madam Justice Humphries said reconciliation requires the participation of the rest of the fishery.
