



PACIFIC PRAWN FISHERMEN'S ASSOCIATION

PRESS RELEASE

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Decision of the Supreme Court of BC in the Ahousaht fishery case.

The claim to 50% of the commercial prawn fishery on the West Coast of Vancouver Island was rejected by the Court. The Court also rejected the claim to an exclusive prawn fishery separated into a block of time in which only the plaintiffs can fish.

The Court said that this fishery is independently recognized as a well-managed sustainable fishery and that the plaintiffs' proposal would involve a significant extension of the prawn fishing season with unspecified effort and unpredictable consequences to the resource.

The Court also accepted accept DFO concerns as valid: that, given the nature of this fishery, the use of commercial prawn fishing gear in the food, social and ceremonial ("FSC") fishery would give rise to problems of control. The claim to dual fishing, *i.e.* fishing for FSC and commercial fishing at the same time was held not to be part of the plaintiffs' aboriginal right and that, even if it were, its prohibition in the prawn fishery would be justified, given conservation and sustainability concerns.

The Court said there was no ancestral practice, or indeed any description of a modern commercial prawn fishery conducted by the plaintiffs, and that, therefore, their priority for this fishery is low. "Canada's regime for prawn is not unreasonable; it does not impose undue hardships. It ensures conservation and sustainability of the fishery".

The Court held that the plaintiffs have been provided an additional 4.3 communal commercial licences at no cost, through the federal PICFI program. They now have over five licences at their disposal. The licences have a market value of over \$3.5 million. This is an ability to harvest between 21% and 113% of the commercial catch in the claim area.

The Pacific Prawn Fishermen's Association intervened in the case. They are very pleased with the result. Long-time Director and witness in the trial, Bob Alford said:

"This is a very good decision that will ensure the sustainability of the commercial prawn fishery for the benefit of future generations of fishermen, both aboriginal and non-aboriginal. We are a little disappointed that the Court was not free to say that there was no aboriginal right to trade prawns, but the Court indicated that it would have done so based on the evidence if it had been an appellate court."

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