



Nuu-chah-nulth Tribal Council

AHOUSAHT
DITIDAHT
ʔIIHATIS / ČIINAXINT
HESQUIAHT
HUPACASATH

HUU-AY-AHT
KA:YU:K'T'H'/CHE:K:TLES7ET'H'
MOWACHAHT/MUCHALAHT
NUCHATLAHT
TLA-O-QUI-AHT

TOQUAHT
TSESHAHT
UCHUCKLESAHT
YUUŁUʔŁŁATH

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The Honourable Gail Shea
Minister of Fisheries and Oceans Canada
13th Floor, Station 13E228
200 Kent Street
Ottawa, ON K1A 0E6
(via email only)

Dear Minister Shea:

Re: Nuuchahnulth Opposition to Hake Reduction Fishery Proposal

It has recently come to our attention that the B.C. Hake industry has asked that you consider providing a Ministerial exemption to the Fisheries Act to allow the commercial hake fishery to fish for a reduction (meal) fishery. The majority of the commercial hake fishery takes place in Nuuchahnulth territories on the west coast of Vancouver Island.

The proposal for a reduction fishery did not come to our attention through any consultation process or communication with DFO staff. There has been no notice or correspondence provided by DFO that this significant issue was even being considered by DFO or you as Minister. The Hake industry did not inform Nuuchahnulth Nations about this request. A concerned member of the DFO Groundfish committee brought this matter to the attention of Nuuchahnulth First Nations.

The Government of Canada has a duty to consult with First Nations when an action may infringe on the aboriginal rights of First Nations. Having not been informed of this proposed action by DFO, Nuuchahnulth Nations have no information on which to base the determination of any possible infringement. The first step must be for DFO to provide sufficient information for Nuuchahnulth Nations on which to evaluate any possible infringement. It is not sufficient for DFO to make this determination unilaterally and without informing Nuuchahnulth First Nations about the proposed fishery.

At face value, the hake industry is proposing to conduct a reduction fishery for hake that is prohibited by the Fisheries Act. Below is Section 31 of the Fisheries Act.

31. (1) No one shall catch, fish for, take, buy, sell, possess or export any fish for the purposes of converting it into fish meal, manure, guano or fertilizer, or for the manufacture or conversion of the fish into oil, fish meal or manure or other fertilizing product, except under authority of the Minister.

Nuu-chah-nulth Nations have witnessed reduction fisheries for herring and dogfish in their territories. Reduction fisheries were outlawed by the Fisheries Act for good reason: to conserve and protect Canadian fisheries for human consumption. Canada enshrined a serious principle when it outlawed reduction fisheries. Canada will allow fisheries for human consumption, but will not allow fisheries to turn fish into meal or oil for other purposes, including for feeding other fish or poultry for eventual human consumption. This principle should not be cast aside for the short-term economic benefit of a few. As the hake industry acknowledges in correspondence to DFO, this short-term fix will not solve the long-term economic problems facing the hake industry.

In addition to directing your staff to inform and consult with Nuu-chah-nulth Nations on this proposed fishery, we also recommend that you deny the request of the hake industry to reopen a reduction fishery in British Columbia that is clearly prohibited by the Fisheries Act. We understand that the Fisheries Act provides you as Minister the authority to grant an exemption, but we are at a loss to understand why you would even consider violating this core principle of the Fisheries Act under these short-term circumstances.

On behalf of Nuu-chah-nulth First Nations,



Debra Foxcroft, OBC
President



Ken Watts
Vice-President

copy: Nuu-chah-nulth Nations
Alberni-Clayoquot Regional District Fisheries Committee
MP John Duncan
MP Finn Donnelly
MP Jean Crowder
Sue Farlinger, DFO
Rebecca Reid, DFO