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Proposal for Access to the Surf Clam Fishery

On behalf of depleted groundfish species on the Scotian Shelf, namely Atlantic cod (*Gadus morhua* and cusk (*Brosme brosme*), but not excluding Atlantic halibut (*Hippoglossus hippoglossus*) and particularly in the Banquereau Bank Area, we are applying for access to the surf clam fishery. We are dismayed to be unable to also include the Atlantic walrus (*Odobenus rosmarus*) in this application, but it has become clear to us during our long correspondence with the walrus population that it is unlikely they will be returning to Sable Island, ever. While they have had a long time adjacency and predatory relationship with the surf clams, they hereby release any claims to the clams and their associated habitat.

We are using the staff at the Ecology Action Centre as our agents in this application. Their recent paper "Missing the Safety Net" made it very clear that not enough is being done to protect the habitat of depleted species, and as soon as we read the paper, we decided that it was a good idea to start to reverse the trend and take things into our own hands (well, fins, really).

This is the first time that we have undertaken such an initiative, applying for access to a fishery that otherwise, we have had access to for thousands of years. We have clearly been losing the battle, with the populations of two of our applicant populations endangered and threatened. The final applicant, halibut, has been experiencing a resurgence of late, however we see an large amount of overfishing as well as discarding of the "whales" and we are quite concerned that unless halibut are also given access to Banquereau and the molluscs there, they shall be left out of an important new precedent in groundfish conservation and restoration.

We found that much of the information required by the Department of Fisheries and Oceans (<http://www.dfo-mpo.gc.ca/fm-gp/peches-fisheries/ifmp-gmp/guidance-guide/summary-template-modele-resume-eng.htm>) is not applicable to our specific application or situation. We sincerely hope that our application will still be considered and that the Department will understand that as biological populations with historical adjacency to the surf clam, quahog and cockle populations as well as a long time dietary reliance on these invertebrates, that

our proposal will be considered. In addition, other jurisdictions are beginning to consider how the productive capacity of an ecosystem should factor into fisheries management decision-making. It is our sincere hope that the increased allocation of surf clam includes some to be left for the ecosystem. As you know, our invertebrate friends are long lived – up to 92 years – we've heard, and therefore deserve the same treatment you humans would give your seniors – places to grow old in peace, without the incredible disruption of those dredges (we can't in fact believe that anyone approved these for use!) and the noise and clatter of those pesky bottom trawls. We can tell you from experience, that trying to have a night of spawning while those area around is near impossible.

Should you have reason to doubt our claims, we've found an important passage from one of your humans from several decades back, making the case for this area to be preserved for us – namely because this is how it used to be!

"Banquereau may be regarded as one of the most important fishing banks lying between the fortieth and forty eighth parallels of north latitude. ...Cod and Halibut are about the only fish taken in abundance on Banquereau, but hake, haddock and cusk are sometimes found in small numbers. The Rocky Bottom is principally resorted to for cod, by the hand-line dory fishermen during the summer and at times, several hundred dories can be seen there fishing close together. As a rule, cod are most plentiful on the eastern part of the Bank, although good catches are sometimes made toward the west. The best season for them is from May to November, when the schools gather upon the bank to feed on the lance, squid, crustaceans and shellfish, which are then very abundant." - *The Fisheries and Fishing Industries of the United States*
(<http://celebrating200years.noaa.gov/rarebooks/fisheries/welcome.html>)

We are unable to find the most recent Integrated Fisheries Management Plan (IFMP) through a web search – but did unearth the plan available from 1998-2002¹. We sincerely hope that an updated plan will include the **requirement to provide access to the ecosystem and its components**. We would like to request a copy of this plan as soon as it is available. We view this as an important underpinning of the ecosystem approach.

We have noted below, the adherence of our proposal to the principles outlined in the New Access Framework:

Conservation: Our goal, as depleted species of groundfish is conservation of our habitat and food source. As a result of the millennia of use that we have had of the Scotian Shelf and its' ecosystem (this name is in fact new to us), we know that prior to human use we were able to sustain all aspects of the ecosystem. Before destructive methods of fishing, such as the bottom trawl and more recently the hydraulic clam dredge, we were able to survive a considerable amount of human exploitation. We feel that our adjacency and historic

¹ <http://www2.mar.dfo-mpo.gc.ca/fisheries/res/imp/98srfclm.htm>

dependence cannot be surpassed by any human applicant and given that conservation is the first and most important principle, we are confident that you will grant us access on this alone. We did used to have much greater abundance on the near shore, however that has been greatly impacted by human interference. Some of our members have begun to move back inshore and reproduce, mostly in Newfoundland as we find that the bays there have maintained their cool temperature and there is less overall distraction in areas unpopulated by humans.

First Nations and Treaty Rights: Our existence on the Scotian Shelf predates that of all humans, however, for millennia we had excellent sharing relationship with the First Nations. We were able to thrive, in abundance during our time in co-existence.

Equity: We are so very pleased to see the following line *“The fishery is a common, public resource that should be managed in a way that does not create or exacerbate excessive interpersonal or inter-regional disparities,”* as part of the principle of equity. In fact, we are highly supportive of the idea of the fishery as a common and public resource. However, we do feel that as fish, we have not been part of that equation. Here, we are providing the opportunity for true equity to be given to the species and populations that depended on Banquereau bank for our lives –not simply livelihoods. Two of the applicants are very much depleted in this area, having been overfished, reacting to a changing climate and generally from not having a say in our own management. It is in this proposal, that we seek self-determination and eventually we will also seek self-governance, which we hope will lead to self management. We know that this may take some time, and many meetings with the Department, however we have seen human entities be successful in their endeavours to achieve this (although we don't see them managing themselves well at all on the ocean).

We are requesting fully 50% of the area of Banquereau Bank and 50% of the new quota allocation. Our clam friends are also in support, but being invertebrates, they just don't have the spine to come forward and make a request through this process. We look forward to your positive consideration of our application. We can be reached through our agents at the Ecology Action Centre.

Submitted by

Ecology Action Centre staff, on behalf of Atlantic cod, Cusk and Atlantic halibut