

Glossary of Terms

Category A lobster licence: There are roughly 2,790 Category A lobster licences in the Maritimes—944 in LFA 34 alone—employing approximately 7,500 fishers. Licence holders have access to a specified Lobster Fishing Area (LFA).

Communal commercial licence: As part of the Marshall Response Initiative, the DFO transferred commercial access to Indigenous organizations (Bands) to carry on fishing and related activities, and to “contribute to the pursuit of a moderate livelihood.” These licences are called communal commercial licences. The persons who may fish under the authority of the licence can be designated by the Minister, but if the Minister does not designate the persons, the Indigenous organization may designate those persons. There are approximately 134 communal commercial licences to fish lobster in the Maritime Region.

Food, Social and Ceremonial (FSC) fishery: A Supreme court decision that predated Marshall by about a decade, called the Sparrow Case, recognized that Indigenous people have the right to fish for food, social, and ceremonial (FSC) purposes. The Aboriginal Fisheries Strategy of 1992 provides access and allocation of lobsters to Bands for FSC purposes. FSC-caught fish cannot be sold/ traded.

Owner operator policy/ regulation: Applies to inshore sector and states that licences are issued in the name of an individual fish harvester. Licence holders are required to personally fish the licences issued to them. The owner-operator rule does not apply to communal commercial licences issued under the Aboriginal Communal Fishing Licences Regulations.

Fleet separation policy/ regulation: Inshore licences may not be issued to corporations, including those involved in the processing sector. It also means that quota can't be mixed between fleets. For instance, a dragger that's part of the “mobile-gear” sector could buy out the licence of an inshore fisher in the “fixed-gear” sector, but he would not be allowed to add the quota attached to that licence to his own. He would have to either lease it back to an inshore fisher or fish it himself with a fixed-gear boat. This rule does not apply to communal commercial licences issued under the Aboriginal Communal Fishing Licences Regulations.

Controlling agreement (aka trust agreement): An agreement between a licence holder and a person, corporation, or other entity that permits a person, other than the licence holder, to control or influence the licence holder's decision to submit a request to DFO for issuance of a replacement licence to another fish harvester (commonly referred to as a “licence transfer”). These agreements contravene the spirit of the owner-operator/ fleet separation laws, which exist to protect the independence of the inshore fishery and ensure maximum social and economic benefits remain in the small coastal fishing communities.

Vertical integration: Vertical integration is the process in which several steps in the production and/or distribution of a product or service are controlled by a single company or entity, in order to increase power in the marketplace.