

ANCIENT RIGHTS

THE PROTECTED FISHING AREA OF PETTY HARBOUR-MADDOX COVE

WHEREAS the hand-line fishermen of Petty Harbour, who are all the fishermen in the place, have enjoyed protection from the use of trawls in their area for generations, which protection was confirmed by statute in 1895 and reconfirmed in 1943,

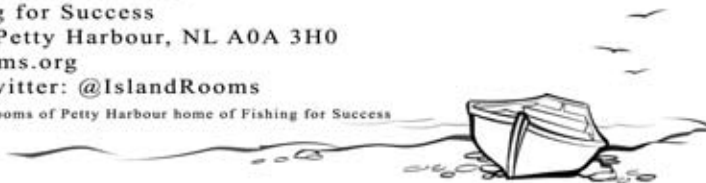
AND WHEREAS by regulations made in May, 1960, this protection was taken from them without prior notice and consultation with them,

AND WHEREAS this will have the effect of ruining the hand-line fishery in the area, on which the prosperity of Petty Harbour has depended for centuries,

IT IS THEREFORE RESOLVED that this meeting of fishermen in Petty Harbour supported by the heads of the Locals of the Newfoundland Federation of Fishermen in Calvert and Renews, DO strongly protest against this action and demand that their ancient rights be restored.

The resolution petitioning the Canadian government to create the Petty Harbour-Maddox Cove Protected Fishing Area, May 1961

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SETTING THE STAGE



Petty Harbour is a secluded community of almost a thousand people located at the head of Motion Bay, a 15 kilometre drive south from St. John's, Newfoundland. Its relatively small harbour is long and narrow; steep hills rise from the shore, giving the area a fjord-like atmosphere and sheltering it from the wilder winds of the Atlantic. The harbour provides good shelter, much improved since 1967 when a breakwater was built after a winter storm destroyed most of the fishing premises. Streets curve and climb around the contours of a bold landscape, and colourful houses are dotted throughout the town, built where they fit in around boulders and small hills. The harbour's edge is lined with wooden wharves, fishing stages and flakes, emblems of the cod fishery's importance to the community's history, culture and economy.

The community of Maddox Cove, one kilometre to the north, is a handful of houses sprinkled around a broad cove of the same name; it grew up when room for building in Petty Harbour became scarce. Today, the two communities make up the official Town of Petty Harbour-Maddox Cove, and the fishers who live there share the facilities and protection of Petty Harbour.

Like many coastal communities in Newfoundland and Labrador, Petty Harbour - Maddox Cove was built from, and has been sustained by, the inshore cod fishery. Adjacent to one of the best fishing grounds in all of Newfoundland, Petty Harbour-Maddox Cove has been a site of fishing activity for nearly 500 years. Historical

records indicate the Basques and Portuguese had seasonal fishing settlements at Petty Harbour in the 1500's — the French also used the harbour; the name, actually, comes from the French *petite* harbour. By the 1600's, English, and later Irish, immigrants had settled the area. All were drawn by the bounty of the sea.

Unlike many other Newfoundland fishing communities, Petty Harbour-Maddox Cove has sought active involvement in fishery-related decisions since at least before the turn of this

century. An organized Fishermen's Committee has been in existence as far back as 1923; it was formed to draw up trap berths and make rules to govern the local trap fishery. Fishers and residents continue this kind of involvement today, creat-


ing for their community a history of, and reputation for, community leadership and decision-making. As well, their efforts to protect their livelihood and community have set significant precedents and standards for managing fish and fish habitat. In light of the devastation of Atlantic cod stocks resulting in the moratorium on Northern Cod in 1992, their actions have been especially significant.

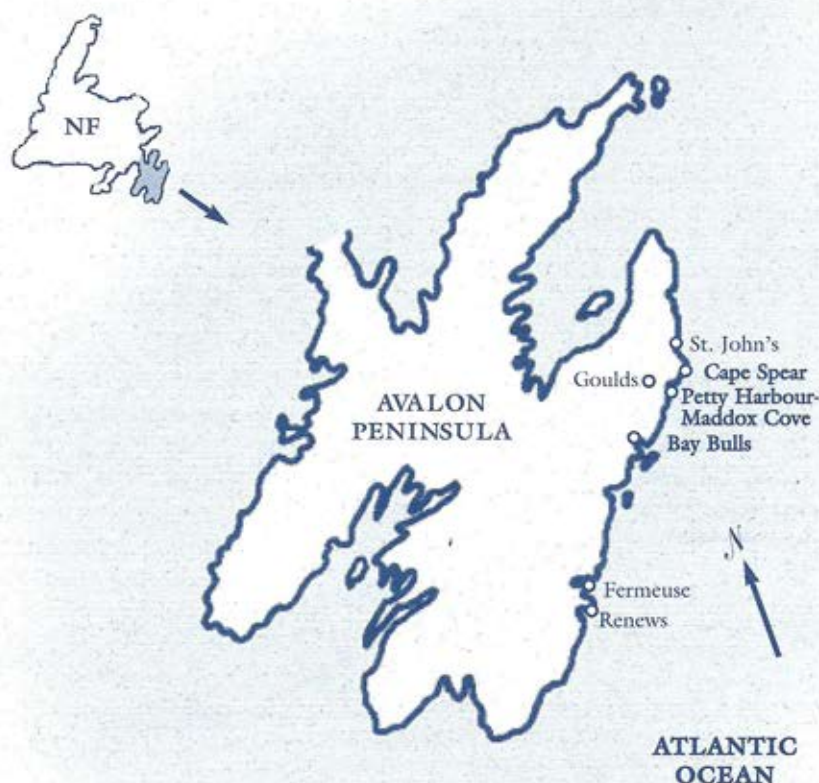
Methods of fishing for cod and other species have changed dramatically in this century. Petty Harbour-Maddox Cove fishers, however, resisted trends to larger boats, more "efficient" technology, and newer gear types. Instead they have maintained traditional methods, and their initiative and determination has paid off. Petty Harbour-Maddox Cove remains one



of the most prosperous fishing communities in all of Newfoundland and Labrador.

Because of their practices, experiences, and beliefs, Petty Harbour-Maddox Cove residents have played important roles in local, provincial, national and international fishery-related initiatives. Several of the organizers of the Newfoundland Inshore Fisheries Association (NIFA), for example, were Petty Harbour-Maddox Cove residents. Fishers from the community have travelled widely to share their knowledge of sustainable fishing practices with, for example, people of Nicaragua, Namibia, Sri Lanka, Eritrea, the Philippines and the T'Sou-Ke Nation of British Columbia. And Petty Harbour has hosted numerous workshops on sustainable communities and sustainable fishery practices.

Also significant, residents established the Petty Harbour Fishermen's Producer Co-operative Society in 1984, one of only three fishery co-ops in Newfoundland and Labrador. This fisher-owned processing facility gave them control over the processing and selling of fish for the first time. In 1990, the community successfully fought against amalgamation with the City of St. John's. Despite its close proximity to the city, residents felt the community's culture and economy were different, and that the city would have little sensitivity for community issues. Both of these acts have particularly helped Petty Harbour-Maddox Cove maintain its economic and cultural independence, and reinforced local commitment to community leadership and decision-making. 

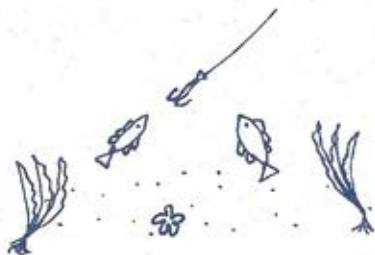


HOW COD ARE CAUGHT

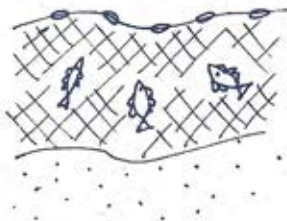
HAND-LINE: Single nylon line to which a lead sinker and baited hook are attached. The line is held, by hand, just above the sea bottom — one person can fish from one to four hand-lines at a time. A traditional gear type historically fished inshore and from dories in the offshore schooner fishery, and considered to be one of the most ecologically sound fishing methods. Now fished almost exclusively inshore.



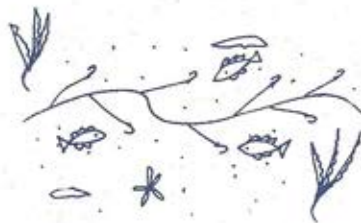
JIGGER: Lead weight moulded to resemble a capelin, usually with two large hooks at one end. Used unbaited by fishers who “jig” it in a continuous up-and-down motion to attract and then hook the fish. Fished inshore in shallow waters.



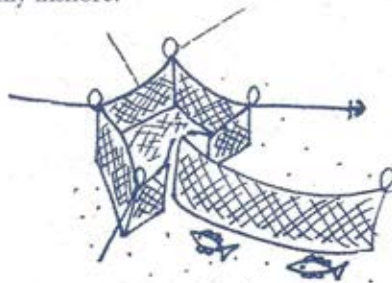
GILL NET: A long straight net made of synthetic, nearly-invisible material (monofilament), set upright on the sea bottom. Fish become entangled in the net, usually by their gills. Often set in a “fleet” of several nets tied end to end. Used both inshore and offshore.



TRAWLS/LOGLINES: Two names used interchangeably in Newfoundland and Labrador to describe a long line to which many baited hooks are attached. Sometimes a trawl has thousands of hooks, and measures a mile or more in length. Lines are set on the bottom and remain for several hours before they are hauled. Used both inshore and offshore.



TRAP: A large box-shaped net with four sides and a bottom. One side has an opening, the “doorway”, with a long, straight net attached (the “leader”) that guides fish through the doorway and into the trap. Traps are set in “berths” in shallow water and held in place by anchors, generally close to a point of land. Used only inshore.



OTTER TRAWL: A large, heavy, funnel-shaped net dragged along the ocean bottom. Commonly used in deep water offshore by large boats called draggers or trawlers.



A TREASURE BENEATH THE WAVES

CREATING THE PETTY HARBOUR-MADDOX COVE
PROTECTED FISHING AREA

While community involvement and determination have characterized the fishers of Petty Harbour-Maddox Cove since the early 1900's, one event in particular set the direction for the community's decision-making on fishery issues. In May, 1961, the fishermen of Petty Harbour-Maddox Cove passed a resolution to protect their traditional hand-line fishing grounds forever.

As communities were settled around the coast of Newfoundland and Labrador, fishers adapted traditional European fishery methods to suit local conditions. Many found that small boats using hand-lines and traps were ideally suited to the inshore fishery, particularly where, as in the case of Petty Harbour, fishing grounds were in shoal (shallow) water and were close enough to the community to be reached in daily trips. Hand-lining was traditionally held in high regard by the fishers of Petty Harbour-Maddox Cove: they reserved some areas exclusively for hand-line use, and further protected hand-liners where traps were used by limiting the length of trap leaders to 60 fathoms, so they would not encroach on hand-lining grounds.

In 1895, an Act was passed specifically to reserve certain areas around the coast of Newfoundland for hand-line fishermen, and this protection was reconfirmed by legislation in 1943. It remained in effect until 1960, when the Canadian government repealed the laws preserving fishermen's hand-line grounds to favour new, more sophisticated and "better" — as they were then thought — longline and groundfish gill net gear.

Historically, the area between Cape Spear and North Head was fished by people from St. John's and from Petty

Harbour-Maddox Cove, and it was a particularly good fishing ground for hand-lining. In the 1950's, however, St. John's fishers began to use longlines — known locally as trawls — in the area, a practice that excluded the Petty Harbour fishers because their hand-lines became tangled in the other gear, and because the longlines dispersed the fish (they extend over a relatively large area, and fish disperse following the baited hooks; hand-line fishing is most successful around shoals where fish are concentrated). Groundfish gill nets were introduced to the area soon after, and fishers set them on the shoals — precisely where hand-lining would occur. It quickly became clear that longlining and gill netting were incompatible with the traditional hand-line fishery on these fishing grounds.

Then, in the early 1960's, fishers from St. John's and other communities began to use longlines and gill nets on grounds south of North Head, grounds felt by those who lived in Petty Harbour-Maddox Cove to be exclusively theirs. Even a few Petty Harbour fishers began to use gill nets, in and around Motion Bay. Around Hanover, one season's use reportedly ruined the hand-lining on the shoal for several years. Many Petty Harbour and Maddox Cove fishers were not impressed by the effects of these new technologies on their grounds, nor by the implications for the future of the local fishery. Their chief reasons were:

- With longlines or groundfish gill nets, one crew of 4 or 5 could take up as much space on the grounds as 30 or more hand-line boats. So although the government of the time encouraged gill net and longline fisheries, praising them

"Petty Harbour has shoal-water fishing grounds. If everyone was going to put gill nets and trawls here you'd be in a tangle. There'd be no room. There'd be too much competition. And they'd tear up the bottom of the grounds."

*Clarence Weir,
fisher — attended
meetings establishing
the Protected
Fishing Area*

"They called a meeting 'cause they thought gill nets would be bad for the area — a dozen boats could control the whole area. The rest of the community would have nothing."

*Ned Hearn, fisher —
attended meetings
establishing the
Protected Fishing
Area*

"Next morning, after the meeting, Jim Hearn came over to me and he said, 'Sonny, you did one of the best things ever done in this harbour. They're [other communities] going to regret the day they ever put gill nets in the water.'"

Cyril Whitten, fisher — key organizer of the Protected Fishing Area

"For me, it didn't really matter. For my father, I think he accepted the fact that the nets were banned. There was no more to it than that.

So he cut them up on the wharf."
Sam Lee, fisher, speaking of his father George Lee

as "more efficient", the Petty Harbour-Maddox Cove fishers realized that the fishery could not sustain all of them if the switch was made to the new gear types.

- Local fishers maintained a long-held view: everyone in the community should have an equal opportunity to participate in the fishery. The introduction of gear types that excluded the majority of fishers from the industry clearly contradicted this belief.

- The Petty Harbour fishery was a successful hand-line fishery; there was no need to introduce other gears.

- "Ghost nets" — gill nets discarded or lost in storms and left on the sea bottom — were already known to be particularly destructive: untended, they continue to "fish", killing large quantities of cod, among other species, and rendering the grounds useless for hand-lines.

- Too many gear types on one fishing ground would lead to mass confusion and unavoidable conflict between fishers using different gear. As it was, some conflict had already begun with "grumbling and growling" on the wharf and at the twine store.


Some of the senior Petty Harbour-Maddox Cove fishermen began to organize the community and call meetings; their efforts culminated on a spring night in 1961 when more than 100 people filled Petty Harbour's Holy Name Hall. This gathering, which dealt

with the use of trawls on the local fishing grounds — and one three years later dealing with gill nets — resulted in legally binding protective action favouring traditional-gear use on the grounds. The 1961 meeting established the Protected Fishing Area and excluded use of trawls within it, by a unanimous vote from the 114 fishermen in attendance. (See "Petty Harbor Fishermen Protest" for a contemporary report.) In 1964, at the second meeting, this protection was extended to exclude gill nets: 96 voted in favour of banning, 6 opposed.

"Lively discussion" occurred at both meetings, and angry words were even exchanged in 1964, but the resolutions and restrictions passed easily and were accepted with relatively little fuss.

Anticipating resistance, organizers came prepared with landing statistics to back up their arguments. Even fish buyers attended. Interestingly, they too were against the use of gill nets; they said their use would decrease the quality and quantity of the fish.

The federal government then took over the formal work of drafting regulations to protect the area. The Protected Fishing Area took relatively little time to establish; in three or four months it was passed as law.

Meanwhile, other communities were following suit. In the spring of 1961, for example, a meeting was held in Renew, a community to the south (or further "up the shore", as it's expressed locally). That meeting resulted in fishing areas near Renew and Fermeuse being closed to gill nets and/or longlines, seasonally. 



PETTY HARBOR FISHERMEN PROTEST

The hand-line fishermen of Petty Harbor have drafted a resolution to be sent to the federal member for St. John's West, Hon. W. J. Browne, and the federal minister of fisheries, Hon. Angus MacLean, in light of a new fishery law which leaves their exclusive fishing grounds no protection from trawl fishermen.

One of the largest meetings of fishermen ever to be held in Petty Harbor took place there when fishermen of Petty Harbor made a protest against the new fishery law which takes away rights possessed for generations.

Under the old law, certain areas were reserved for hand-line fishermen and trawls or bull tows were prohibited in certain areas where hand-line fishermen were operating. The fishermen of Petty Harbor are all hand-liners. Over the years vast quantities of fish have been lifted, which means that trawlers can come in from other areas and ruin the fishing grounds for hand-line fishermen.

The meeting was attended by representatives of locals of the Newfoundland Federation of Fishermen from Calvert to Renew's. Cyril Whitten was nominated chairman. He called on the Hon. Myles Murray, there by invitation, to take the

floor....[Mr. Murray] said he felt very strongly that it was wrong for fishermen to have these long-established rights taken away from them, particularly when it had been done without prior notice or consultation with the fishermen concerned. He said that centuries of experience had shown that hand-lining was the best method of fishing in the area which was proved by the huge quantity of fish taken by hand-line fishermen in Petty Harbor each fall — enough by itself to keep the plant at Witless Bay in operation.

Mr. Murray said that he had had previous meetings with fishermen in Renew's and along the shore and felt that for a great number of fishermen this protection of their fishing grounds means the difference between independence and relief. In Petty Harbor in particular, as the law stands, this large and prosperous fishing community will be faced with economic ruin....

A show of hands was called for. The meeting was unanimously in favor of having the area reserved for hand-lines....A resolution protecting the new regulations and demanding restoration of their ancient rights was put to the floor and carried unanimously also.

The Atlantic Fisherman and Shipping Review

July 1961

WHAT DID THE PROTECTED FISHING AREA ACCOMPLISH?

"Everyone could see the damage being done and the potential problems. This place would have died years ago if not for the Protected Fishing Area. The place would have been lined off with nets."

Arnold Chafe, fisher — attended founding meetings of the Protected Fishing Area

— The fishers of Petty Harbour-Maddox Cove had two main goals when they resolved to create a Protected Fishing Area: to clear up gear conflicts between hand-liners and longline or gill-net fishers, and to preserve the historical rights of their community. People cannot remember, now, whether anyone suspected at the time the tremendous conservation benefits their actions would also afford. If some did, their wisdom and foresight were remarkable.

It became clear to most local fishers shortly after protecting the area from groundfish gill nets, however, that they had also protected their fishing grounds from destruction by "ghost nets" — lost gill nets that continue to fish unattended. In neighboring communities where gill netting was not prohibited, ghost nets played ever-increasing havoc with fish habitat.

As well, some Petty Harbour fishers suspected that preserving the local fishing grounds as a hand-line "sanctuary" actually enhanced the area's stock. When a baited hook-and-line fishery is carried out, large quantities of unused bait are regularly distributed over the grounds and serve as a food source for the cod. This, in turn, benefits fishers because the cod tend to stay close to such "baited grounds".

The establishment of the Protected Fishing Area also had significant

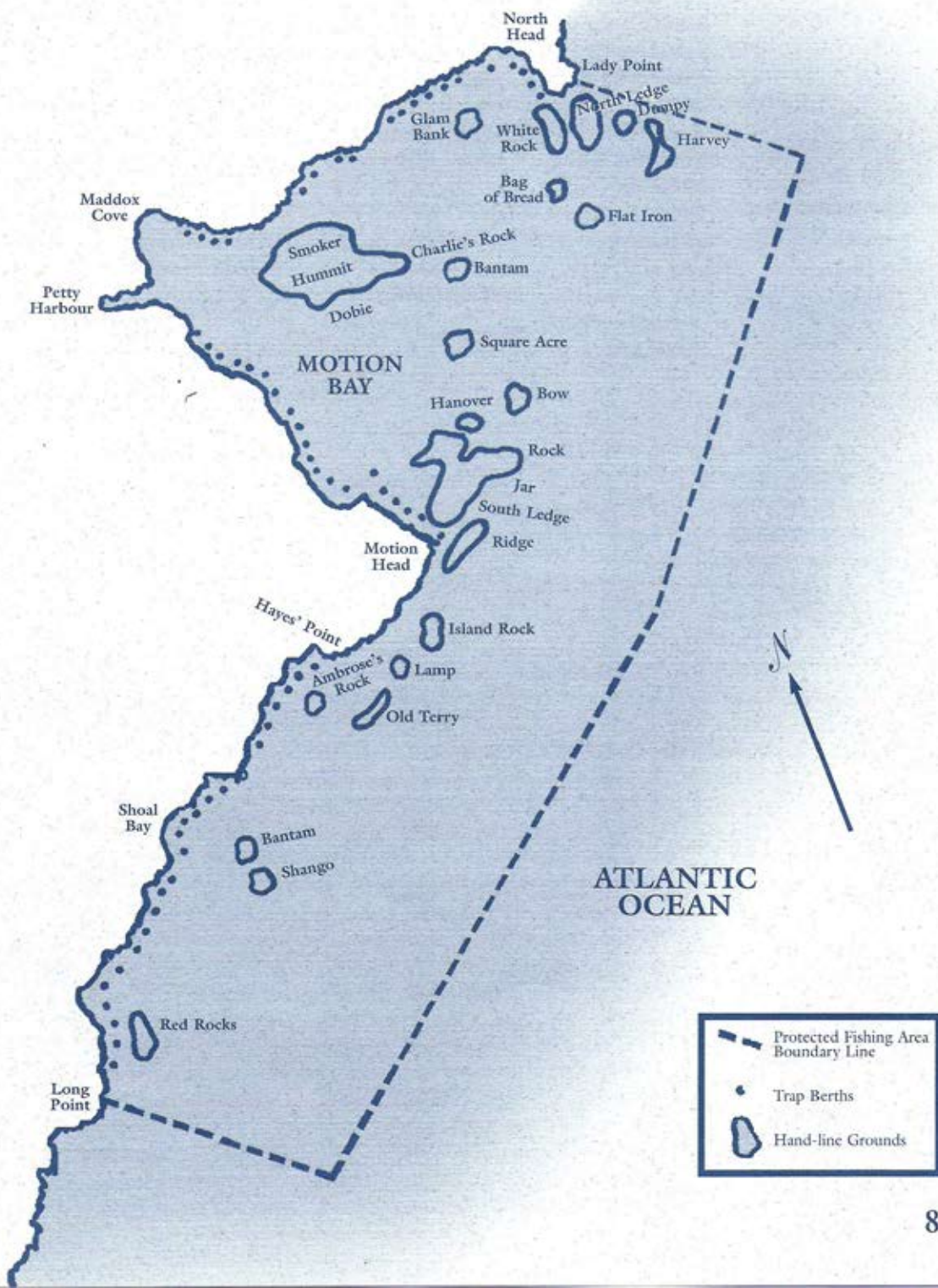
benefits for the community of Petty Harbour-Maddox Cove as a whole, including:

- ensuring a higher level of employment in the fishery, thereby providing income to more people and helping to "spread the wealth".
- enabling young people in the community to enter the fishery if they desired, an option that was more difficult in locations where the number of fishers was limited by the new gear types.
- preserving the traditional culture of the community.

THE PROTECTED FISHING AREA FEDERAL REGULATION

No person shall set a cod trawl or cod net on that section of the coast in the vicinity of Petty Harbour and Maddox Cove, in the district of St. John's South, bounded as follows: Beginning at North Head and running South East a distance of one and one-half miles; thence South West 1/4 West a distance of three miles; thence South West by West 1/2 West a distance of four miles to a point where Long Point bears North West; thence to Long Point.

PETTY HARBOUR-MADDOX COVE PROTECTED FISHING AREA



"Wonderful benefit — the fishing would have been finished here just like it was in so many other places."

*Cyril Whitten,
fisher*


"People were proud of the Area. People knew that the older people had foresight and were wise to put the Protected Fishing Area in place."

*Mike Hearn,
fisher —
his grandfather,
Jim Hearn,
was instrumental
in establishing the
Protected Fishing
Area*

- providing the community with substantial cod landings. Petty Harbour-Maddox Cove always had extremely high landings. After the Protected Fishing Area was established, their landings remained significantly higher than those of many comparable communities on the eastern Avalon Peninsula. As well, their fish was of better quality — hand-line fish are fresher, gill-net fish often die before the net is hauled. Petty Harbour-Maddox Cove had one of the most lucrative fisheries in the province, right up to the time of the moratorium; many fishers felt this was directly related to the Protected Fishing Area, as the fishery in commu-

nities that used groundfish gill nets appeared to be suffering.

- contributing to the residents' sense of community pride because the Protected Fishing Area makes Petty Harbour-Maddox Cove unique.

- giving the community a sense of control over its affairs, and consequently creating a will to continue with progressive decision-making. The establishment of the Petty Harbour Fishermen's Producers Co-operative Society is in keeping with this tradition, and the progressive nature of the community continues today. 



ENFORCEMENT OF THE PROTECTED FISHING AREA

In the years immediately following the establishment of the Protected Fishing Area, a few fishers from nearby communities, and from Petty Harbour itself, illegally set longlines or gill nets.

Within Petty Harbour-Maddox Cove, the Fishermen's Committee monitored fishers' activities and investigated infractions. Generally, when they asked a fisher to remove illegal gear, the request was followed without incident.

On occasion, when illegal gear from another community was set

within the Protected Fishing Area, Petty Harbour fishers would remove it themselves. Most people frowned upon the practice, however. An unwritten community code of ethics said that no one touched another person's gear. Fishers who did so risked retribution and legal consequences. But there was frustration at not being able to take matters into their own hands, because when infractions were reported, The Department of Fisheries and Oceans' response seemed to local people to be too little, or too late.

THE BAY BULLS AMENDMENT

Over time, the regulations governing the restricted area have been adapted, and some of the restrictions are now slightly weakened. One prime reason for this weakening was the "Bay Bulls Amendment" of 1990.

Shoal Bay, a small bay at the southern end of the Protected Fishing Area, was historically fished by a few residents of The Goulds, a nearby inland community. When the last of The Goulds' fishers gave up the fishery during the 1940's, people from both Petty Harbour-Maddox Cove and Bay Bulls began to use the area. Petty Harbour fishers took over the trap berths, those from Bay Bulls set longlines. Members of both communities felt they had a claim to the area.


The boundaries of the Protected Fishing Area formed in 1961 included a portion of these grounds where both communities fished. It received protection because of the nature of the gear used by the Petty Harbour fishers: administration of trap berths traditionally gave a community a stronger claim on fishing grounds.

Some Bay Bulls fishers continued to set longlines in the area after the protected area was established, however.

Not unexpectedly, this created tension and conflict between the two communities. In 1989, when fish were scarce, fishers from Bay Bulls took their claims a step further and actively lobbied the federal government to amend the

Protected Fishing Area regulations to allow longlines from Long Point to Shoal Bay. Fishers from Petty Harbour-Maddox Cove met to discuss this proposal and voted unanimously against it. The federal Department of Fisheries and Oceans

(DFO) set up a commission to examine the issue; Aidan Maloney, former provincial fisheries minister and head of the Canadian Saltfish Corporation, wrote its report.

The Maloney report recommended that Bay Bulls fishers be allowed to continue to longline at Shoal Bay on the basis that they had historical trawl access to the area. DFO accepted the recommendation, issuing special permits to Bay Bulls fishers from 1990 through 1992, when the moratorium on fishing Northern Cod put an end to all commercial cod fishing. Many fishers from Petty Harbour-Maddox Cove believed this ruling significantly diminished the status of their Protected Fishing Area. 



TRoubLED WATERS

RECENT PRESSURES ON THE PROTECTED FISHING AREA

— The collapse of Northern Cod stocks in Newfoundland waters — caused by over-fishing and, as many people believe, the use of destructive gear — and the resulting moratorium on cod fishing (declared in 1992) devastated the fishing communities in the province. Almost overnight, 30,000 people — fishers and plant workers — lost their livelihoods; communities were turned upside-down, economically and culturally, and their futures cast in doubt.

When resources are tight and people are under pressure, decisions are sometimes made to give immediate relief, and the importance of conservation and long-term resource planning can be forgotten. After the moratorium was declared, in attempts to earn income and be meaningfully employed, the fishers of Petty Harbour-Maddox Cove made decisions not in keeping with their tradition.

During the more than three decades since its establishment, the protected status of the Petty Harbour fishing area has been debated several times. On each occasion, the value of protection was reaffirmed by the community — until May, 1996. At that time, fishers voted to allow lumpfish gill nets into Petty Harbour waters, on a yearly basis until the lifting of the moratorium on Northern Cod (see "Preserving Ancient Rights — Is the Will Still There?"). This marked the first time groundfish gill nets were sanctioned, and it called into question the status of the Protected Fishing Area.

Why did the resolve to keep out groundfish gill nets weaken? In part, because of the many ways the moratori-

um affected people. Fishers reported feeling pressure to maintain their status as fishers — many feared that if they did not fish for something, they might be left out of the fishery in the future. They feared their forced idleness would label them lazy, or "hangashores". (Both these reasons may also explain the endorsement of a capelin fishery despite

fears that catching this species — which cod feed on — threatens the recovery of the cod stocks.) The effect of the moratorium compensation programme has been to divide fishers, some of whom appeared to be advantaged because they received more secure

government income support or were involved in other fisheries, contributing to community discord.

Many people in the community fear that the move to allow lumpfish gill nets, even temporarily, was a step in the wrong direction, and one that sets a precedent for allowing cod, flounder, or other gill nets to be allowed on the fishing grounds. The threats to the future of the Protected Fishing Area loom large: will fishers actually stop using lumpfish gill nets once the cod fishery reopens, as they have promised? When the cod fishery reopens, there is a risk that hand-liners will want to use gill nets during the three- to four-week period when cod are "glutted" on capelin and will not take bait. Now that a precedent has been set, it may be difficult to refuse future demands. And the community will face another big challenge: to preserve and enhance their tradition and management approach, or to finally yield. The future of the Protected Fishing Area and all its benefits hangs in the balance. —



"We have regressed over the past few years since the moratorium.

Cohesion has gone from the community.

We are at a dangerous crossroads right now."

Tom Best, fisher and President of the Petty Harbour Fisherman's Co-op, 1996

“In the spring of 1995,
the issue of setting gill nets
in the protected waters adjacent
to Petty Harbour has once again
raised its ugly head.
There is a new twist to the issue
this time around, however.
Animosities have arisen between
those in favour of fishing the lump-
fish inside the restricted area
and those who are opposed
to the fishery inside the restricted
area. These feelings are putting
a tremendous strain on the
community and its people. In fact,
the community, once united,
is becoming increasingly divided.
Those men and women who have
spent most of their lives united
in a common livelihood, on the
same body of water, are now angry
and seemingly vindictive
to one another.”

*Sam Lee, fisher, in a presentation
to the Parliamentary Commission
on the Fishery, 1995*



These traditional fishing boats, called “whale boats”, were used in Petty Harbour until gasoline engines began to be used in the 1930’s.

PRESERVING ANCIENT RIGHTS IS THE WILL STILL THERE?

Early May, 1961: Protected Fishing Area established. Special meeting of the Fishermen's Committee at Holy Name Hall, Petty Harbour. Unanimous vote by 114 people to ban trawls (longlines) from Petty Harbour waters.

May 28, 1964: Meeting to discuss groundfish gill nets and trawls in Protected Fishing Area. Ninety-six voted against gill nets and trawls in Petty Harbour waters, 6 in favour. Protected Fishing Area strengthened.

April 28, 1987: Meeting about setting of lumpfish gill nets in Petty Harbour waters. Unanimous vote to retain status of protected area — lumpfish gill nets would not be allowed.

September 11, 1989: Several fishers from Bay Bulls lobby to have regulation amended to allow trawls in southern portion of Protected Fishing Area. Petty Harbour-Maddox Cove fishers meet to discuss the request. Over 130 fishers unanimously opposed to amending the regulation. Despite this opposition, DFO issues special permits to a number of Bay Bulls fishers allowing them to use long-line trawls in Protected Fishing Area. Protected status compromised.

February 2 & April 25, 1994: Separate meetings on setting of lumpfish gill nets. At the first: 23 opposed to setting nets, 14 in favour; at the second: 29 opposed, 14 in favour. Protected status retained, but community consensus weakening.

March 25 & June 7, 1995: Anger and animosity in the community about the setting of lumpfish gill nets. Two more votes retain the protected fishing area. March 25: 28 opposed, 25 in favour; June 7: 27 opposed, 24 in favour. A few fishers set lumpfish gill nets, ignoring the community vote. DFO was informed, charges were laid, but later dismissed. The community remains divided.

May 31, 1996: Fisherman's committee asks DFO to organize a mail-in ballot on allowing lumpfish gill nets in Protected Fishing Area: approximately 30 opposed to allowing gill nets, 40 in favour. Protected status significantly threatened.

CHARTING A NEW COURSE

1996 is a turning point for Petty Harbour-Maddox Cove. Though it is not yet lost, the status of the Protected Fishing Area is now compromised, and the community faces serious questions about what the Protected Fishing Area accomplished, and what type of fishery they want for their future.

To answer these questions, conflict within the community must be resolved. But without attention and assistance, such as bringing in conflict-resolution measures, it is unlikely that the issues will be resolved. It is far more likely that they will worsen.

As the 20th century draws to a close, our marine resources are strained and our knowledge of the ocean is still insufficient. As a society, we must be even more cautious and conservative in our decisions. Now, more than ever, we should be doing more, not less, to protect the marine environment — strengthening, not weakening, the Petty Harbour-Maddox Cove Protected Fishing Area, for example. We should also be considering establishing more marine protected areas (MPAs).

Marine protected areas, like the one that Petty Harbour created to protect its fishery — and others not specifically formed for fishery goals — provide important buffers to human activity that disturbs the ocean. They are like insurance policies that help maintain healthy marine environments. They will help protect the ocean, and us, from our mistakes. Unless we protect our marine resources, and continue — or begin — to stand firmly in favour of sustainable fishing practices across this province, the collapse of the Northern Cod is likely to be repeated with every other species fished commercially.

The future of Newfoundland and

Labrador's coastal communities can be made more secure by following sustainable fishing practices. If this is to occur, substantial attention must be paid to these fishery management issues:

- Communities must be involved in fisheries management decisions. This means the Department of Fisheries and Oceans (DFO) must work more closely with fishers and communities. Their current Sentinel Survey — an experimental fishery that has fishers collecting information on the health of cod stocks for DFO — is a step in the right direction.

- Communities must address conflicts between their citizens and with neighbouring communities, particularly conflicts about gear use and allocation. Petty Harbour-Maddox Cove has been a model for community-based fishery management; if they resolve their current problems, they will be in an even better position to advise other communities on fisheries management.

- Government policies that undermine community involvement in, or ownership of, fisheries must be identified and tested for conservation and "public ownership". Proposals such as Individual Transferable Quotas (ITQs), for example, should be seriously questioned: will they, in effect, privatize fishery resources? will they let individuals or corporations amass large quantities of quota? will they push out small, independent fishers?

- Which individual gear types are appropriate or acceptable in a sustainable fishery? In examining this, it is important to separate the gear issue

"The Petty Harbour approach, to my mind, had a lot going for it. I thought they were light-years ahead. They knew their grounds, and they knew their fishery and what gear technology was best....

They were thinking ahead, into the future."

*Aidan Maloney,
former provincial
Minister of Fisheries,
and mediator in
the 1990 Bay Bulls
dispute*

"The community should be responsible for their local grounds because they know more than anyone else about it."

*Cyril Whitten,
fisher*

On roe fisheries:

"If we done away with all the women, there'd be no children, would there?"

*Francis Chafe
quoting his
grandfather,
Frank Bidgood,
both fishers*

"Dragging on the spawning grounds should never be allowed — fish be kind of stunned, like trout or any other fish, when they're spawning."

*Clarence Weir,
fisher*


from the allocation issue; the question of "who gets what?" must be kept entirely separate from "how should we catch it?", or the exercise will fail.

- The effects and sustainability of roe fisheries must be assessed. Roe fisheries (lumpfish, capelin) take female fish before they can contribute to the population, and in some cases (lumpfish), the females are killed and discarded without utilizing anything but the roe; in others (capelin), the males are simply discarded.

- The capelin fishery in general must be re-assessed in the light of sustainability. Capelin are at the heart of the North Atlantic marine ecosystem; cod, seabirds and whales depend on them for food.

Any capelin fishery — and particularly one that discards so much of the catch — must be rethought.

- Marine protected areas' role in achieving and maintaining sustainable fisheries must be recognized. Specific areas set aside for fish to spawn and live in, undisturbed, are extremely important in ensuring the overall health of the marine ecosystem and, ultimately, commercial fisheries.

These are difficult issues, but the survival of Newfoundland and Labrador's coastal communities depends on their citizens taking informed, bold action now, and standing by their decisions for sustainable fisheries as the next century unfolds. 



The view from the hill behind the community of Petty Harbour in the early 1900's. In the background is Motion Bay, part of the Protected Fishing Area.

CREATING NEW PROTECTED FISHING AREAS IN THE 1990's

SOME FIRST STEPS


We will have to face many challenges in the struggle to create sustainable fisheries in this province. One of the most fundamental is creating more marine protected areas or protected fishing areas to safeguard the health of the ocean and its species. But although the issues are complex and the road to a healthier fishery seems long, a great depth of experience exists in Newfoundland and Labrador — and in other parts of Canada — that can be drawn on in the search for solutions.

If you are interested in investigating or establishing a protected fishing area — or other type of marine protected area — for your community, consider taking some, or all, of these actions:


- 1) Create a vision of what you want to accomplish: include your ideas, goals and objectives. Identify why a protected area might be needed in your area.
- 2) Establish a local committee, or work with an existing one — the local fisherman's committee or municipal council, for example — whatever group makes the most sense for your community and could best achieve your goals. Administrative support is important: you will need resources to organize meetings, to distribute committee minutes, and more. This support may be available through local churches, municipal councils, or Zonal Boards.
Consider, as well, making or finding ways to allow community members to decide issues together, including using formal conflict-resolution tools. It is also important to be sure that everyone is able to have their concerns heard; using democratic decision-making processes will help with this. Plans and initiatives that do not actively involve an entire community rarely work.
- 3) Talk to people who have related experience and/or knowledge. If you live in this province, consider drawing on the experience gained in Petty Harbour-Maddox Cove, for example, through the Petty Harbour Fisherman's Producer Co-operative Society (709/368-1739).

Other possible sources of information include:

- Extension Community Development Co-operative Society: 709/579-8950
 - Terra Nova National Park: 709/533-2801. Park staff have been working with nearby communities to set up a National Marine Conservation Area
 - Fish Harvester Resource Centres (FFAW), which may be able to give information and/or help inform others of your actions
- 4) Research what you want to accomplish, and gather the background material you need. The better prepared you are, the greater your likelihood of success.



"Capelin used to come in early in the season. The fish were following, playing up, the birds and whales following like the rapids in a river."
Arnold Chafe, fisher



Information about marine protected areas may be available through:

- Protected Areas Association of Newfoundland and Labrador: 709/726-2603
- World Wildlife Fund Canada: 1-800-267-2632
- Department of Fisheries and Oceans, Marine Environment and Habitat Management Division: 709/772-2443
- Terra Nova National Park: 709/533-2801

5) Organize a meeting or workshop in your community to discuss fisheries issues, and to identify a path for establishing a protected fishing area or marine protected area. Questions to discuss at the workshop could include:

- What could or should be protected near your community? (A capelin beach, fishing ground or local cod stock, for example.)
- Is the community threatened by new fishing technology?
- Are people being left out unfairly by new fisheries policies?
- Are there fisheries issues that need to be resolved in your community? Are these issues causing conflict?
- Are there any changes in the marine environment, or in any fish species, that government should do something about?
- What kind of fishery does the community want to have in the future? Are you concerned about how many people from your community will be involved in the future fishery?
- Are you concerned about trends in fisheries management and/or government policies?
- Are you worried about effects of “development” on the marine environment: sewage, pollution, oil drilling, hydro development, ghost nets, draggers?

6) Once your community has determined what problems or concerns it wants to address and what it wants to achieve, start enlisting the help of your government representatives: your Member of the House of Assembly (MHA) and Member of Parliament (MP). They can help with formalizing regulations for a new Protected Fishing Area.

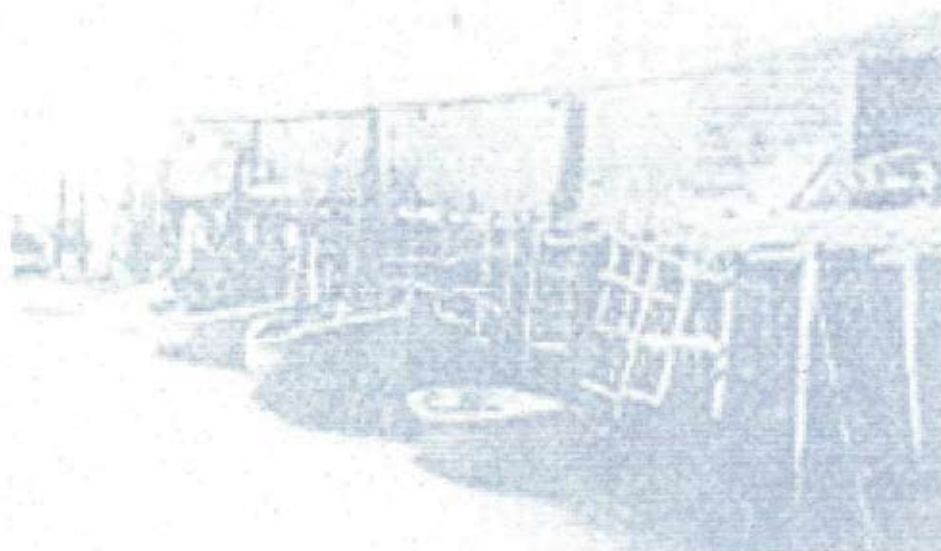
7) Update and expand your research and keep good records. For example, you might want to keep abreast of: the changing biological details of your area, the types of fisheries happening nearby (gear used, numbers of fishers, people with local fisheries knowledge, etc.), how community-based fisheries management works.

8) Use local media to share your knowledge and inform people who may not be aware of your actions or the reasons behind them.

9) Be prepared for obstacles — even resistance — but don’t give up. The process of establishing a Protected Fishing Area may take some time, but keep your vision strong and be persistent.

ADDITIONAL RESOURCES:

- Sociology Department, Memorial University of Newfoundland (MUN). Some faculty members have researched and recorded fishers' Traditional Ecological Knowledge (TEK) of marine conservation. Contact:
Larry Feltham: 709/737-7587
Barb Neis: 709/737-4592
Peter Sinclair: 709/737-4020
- Folklore Department, MUN. Some faculty members have extensively researched the history of fishing practices in Newfoundland and Labrador: 709/737-8403
- The Society of United Fishermen, which has been involved in fisheries issues since 1873. Members may provide assistance or advice. Chapters exist throughout the province.
- The Department of Development and Rural Renewal: 709/729-4729
- The Department of Fisheries and Aquaculture, Government of Newfoundland and Labrador, Director of Resource Analysis: 709/729-3735
- Fishermen's Producers Co-operative Societies: Fogo, Torngat (Labrador), and Petty Harbour.



*This book
is dedicated
to the people of
Petty Harbour-Maddox Cove,
who had the wisdom
and foresight
to establish the
Protected Fishing Area.*

Petty Harbour in the 1960's. The large light-coloured building in the background (at left) is Holy Name Hall, no longer standing, which was the location of the 1961 meeting that led to the establishment of the Protected Fishing Area.

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