

August 8, 1980

FISHERIES

Of the various possibilities which exist, there would seem to be one "compromise" position which best reflects what the federal government could "live with" as a settlement of this item at the First Ministers Conference of September 8-12. Given that final position, it is possible to devise a reasonable "interim" position for use at the CCMC meeting of August 26-29. These positions assume adequate progress on other items of interest to the federal government:

(a) Interim Position for use at the CCMC (August 26-29)

- (i) Any change would have to be without prejudice to any rights of the native peoples, and to the power of Parliament to deal with diseases in fish and with environmental problems in interprovincial or international waters;
- (ii) Accept provincial jurisdiction over inland fisheries and specified sedentary species (e.g., oysters) and marine plants;
- (iii) Respecting seacoast and diadromous species (e.g., salmon) propose an administrative arrangement, including a joint body for consultation and policy making, whose existence and basic purpose would be specified in the new Constitution.

(b) Position for Final Settlement at the First Ministers Conference (September 8-12)

Note: While the "Interim Position" above has already largely been placed on the table by federal representatives from the Ministry of Fisheries and Oceans during the July meetings of the CCMC, what follows

below has not been discussed with the Ministry and would be strongly opposed:

- (i) As in (i) of the "Interim Position";
- (ii) As in (ii) of the "Interim Position";
- (iii) Respecting seacoast and diadromous species propose:

1. a joint body for consultation and policy making whose existence and basic purpose would be specified in the new Constitution (as in the Interim Position);
2. while retaining exclusive federal jurisdiction over international arrangements, conservation of the stocks, determination of the allowable catch for each species in each area and the allocation internationally and to each province, accept concurrent jurisdiction with the provinces on all other aspects of these fisheries with full federal paramountcy.

Note: This proposal should only be contemplated if its use could also bring about a settlement on other important items, particularly offshore resources.