

**ABORIGINAL  
FISHERIES STRATEGY  
ANNUAL REPORT  
2000-2001**

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**NOTE:**

***The information contained in this report is believed to be accurate but is not warranted. Any errors or omissions are unintentional.***

## ***General Overview of the Aboriginal Fisheries Strategy***

The Aboriginal Fisheries Strategy (AFS) is a program that provides for the effective management of the Aboriginal fishery in a manner consistent with the Sparrow decision. This landmark Supreme Court of Canada decision found, among other things, that where an Aboriginal group establishes an Aboriginal right to fish for food, social and ceremonial purposes, this right, after conservation, has priority over any other user of the resource.

In accordance with negotiated, time-limited agreements, Aboriginal groups participate in the management of the fisheries and are provided with both allocations of fish and economic development opportunities. The Program applies where DFO manages the fishery, and where land claims settlements are not in place.

## ***AFS Agreements***

AFS Agreements are without prejudice to either party's position on Aboriginal rights. Agreements negotiated under the AFS contain an allocation to be harvested by the Aboriginal group, which is fished under a communal fishing licence. This allocation is determined after consultations with the group regarding their needs for food, social and ceremonial purposes. Agreements detail the conditions to be included in the communal fishing licence, such as quantities, time, gear and data collection. Agreements may also contain other arrangements for the co-management of the Aboriginal fishery by the group and DFO, such as stock assessment, fish enhancement and habitat management projects. Commercial fishing and other economic development opportunities may also be negotiated as part of an AFS Agreement.

## ***Fishing Plans***

Fishing Plans, one component/schedule of an AFS Agreement, detail the numerical harvest levels which have been negotiated and established for fish for food, social and ceremonial purposes.

These plans establish the Fishing Authority and the plan to monitor fisheries harvests by members of the community who have been designated on behalf of the community. The allocation sets the species and the quantities, times and gear to be used.

## ***Communal Licences***

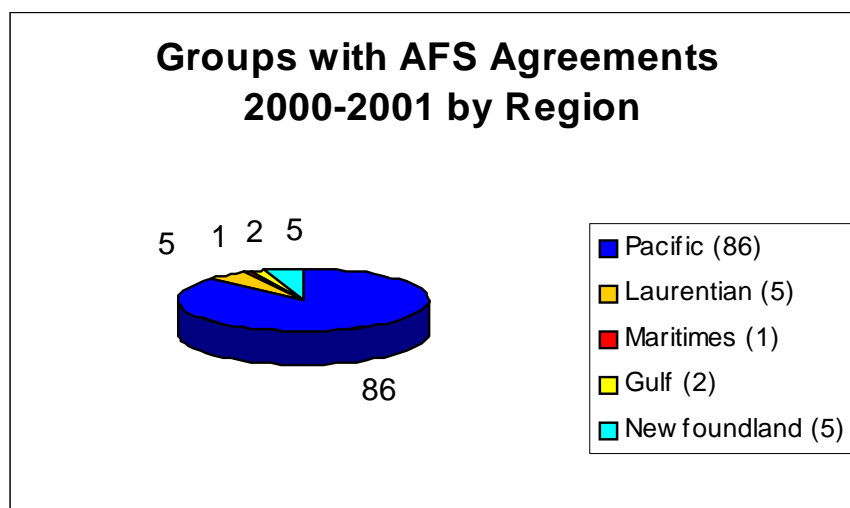
The Aboriginal Communal Fishing Licence Regulations provide for the issuance of communal licences to Aboriginal groups. These licences include conditions for quantity of catch by species, gear time and area of harvest, and disposition of fish. The conditions for designating fishers and the reporting requirements are also set out in the communal licence. Typically, communal licence conditions flow from the fishing plan within the AFS Agreement. However, where DFO cannot reach an agreement with a First Nation, a communal licence is issued. As per s.6(f) of the Policy for the Management of Aboriginal Fishing, the conditions will be minimal and will contain allocations based on the last offer made by DFO before termination of negotiations.

The communal licences are a way of providing the opportunity for Aboriginal communities to fish for food, social and ceremonial purposes consistent with the priority afforded them, while integrating the management of Aboriginal fisheries with all other fisheries.

## ***National Perspective***

The Aboriginal Fisheries Strategy was funded at \$35,221,000 in 2000-2001. This included \$22,621,000 for co-management expenditures and \$12,600,000 for the Allocation Transfer Program (ATP). \$2,600,000 of the ATP funding came from the departmental budget and \$10,000,000 was a result of the Gathering Strength initiative. In 2000-2001, some ATP funds were converted to Co-Management to address funding pressures in Pacific, Laurentian and Newfoundland Regions. This resulted in an adjusted budget of \$24,576,650 for Co-Management and \$10,644,350 in ATP

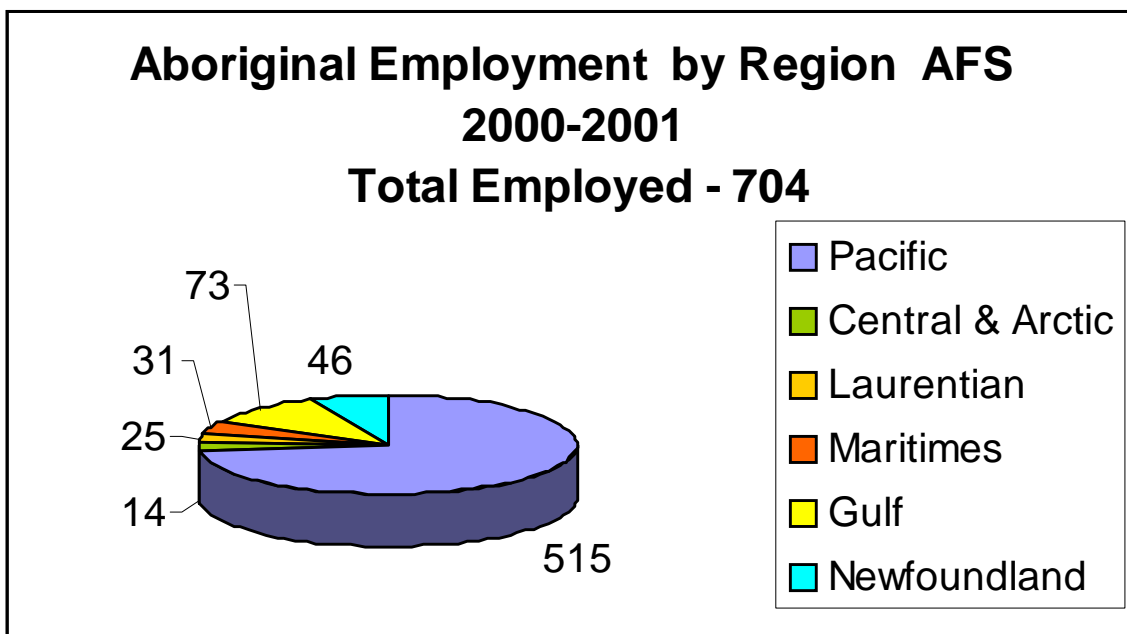
AFS Agreements were signed with 99 groups in British Columbia, Quebec and Atlantic Canada.<sup>1</sup> In Maritimes and Gulf Regions, only Native Councils signed Agreements funded by the AFS program in 2000-2001. All other groups in these Regions were funded under the Department's program in response to the Supreme Court decision in the Marshall case. These AFS Agreements have resulted in the creation of 704 seasonal jobs in areas such as processing, monitoring and enhancement activities. 120 of those employed through the AFS are Aboriginal guardians, trained by DFO and employed by the Aboriginal group. The remaining 584 jobs were created nationally in the fisheries management field (habitat restoration, stock assessment, fisheries enhancement, etc.), and in the areas of consultation and economic development.



### **EMPLOYMENT UNDER AFS – 2000-2001**

<sup>1</sup> Central and Arctic Region does not have AFS Agreements but contracts projects with Aboriginal groups.

REGION	GUARDIANS	OTHERS	TOTAL
PACIFIC	77	438	515
CENTRAL & ARCTIC	0	14	14
LAURENTIAN	6	19	25
MARITIMES	2	29	31
GULF	5	68	73
NEWFOUNDLAND	30	16	46
<b>TOTAL</b>	<b>120</b>	<b>584</b>	<b>704</b>



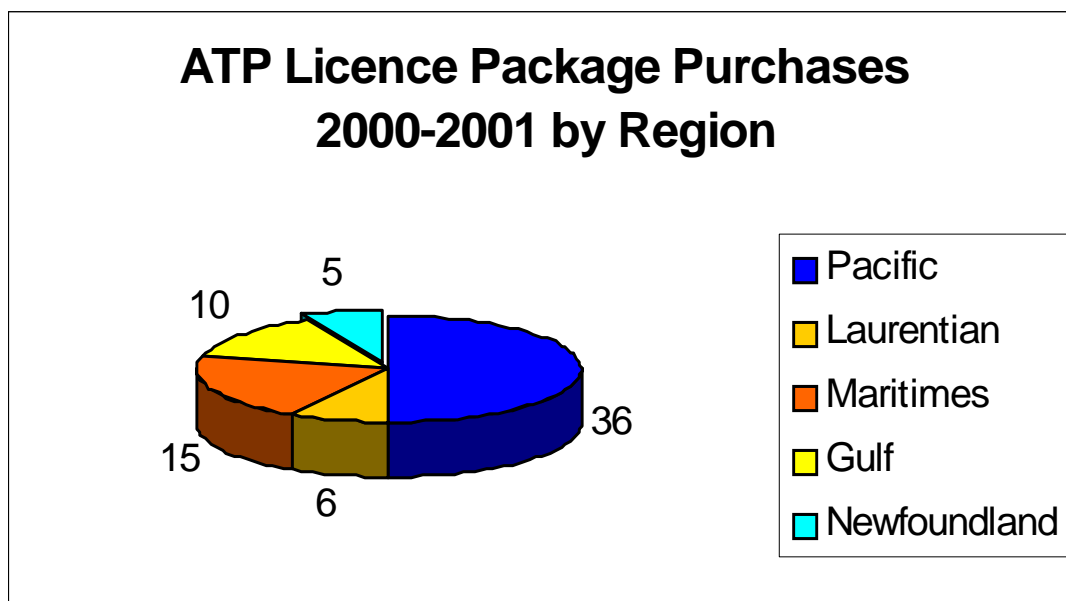


## **BACKGROUND**

In 1994 the AFS was amended to include the Allocation Transfer Program (ATP). The ATP supports Aboriginal groups in achieving self-sufficiency through participation in commercial fisheries. The ATP facilitates the voluntary retirement of commercial licences and the issuance of new licences to eligible Aboriginal organizations in a manner that does not add to the existing effort on the resource. As a result of changes in 1998, funding may also be provided to purchase equipment, such as vessels and/or gear necessary for Aboriginal groups to fish these licences. Eligibility is restricted to Aboriginal organizations that have fisheries agreements with DFO under the AFS. It is a means to stimulate Aboriginal economic development opportunities and develop fisheries expertise in Aboriginal communities.

## **NATIONAL ATP BUDGET**

As mentioned earlier, the ATP was funded at \$10,644,350 in 2000-2001. 72 commercial licence packages were retired nationally, including gear and vessels. 58 licence packages were issued to Aboriginal groups in 2000-2001 under the ATP. The remaining licence packages will be made available to Aboriginal groups under future agreements.



***Pacific Region***

**TOTAL BUDGET**

The core budget for 2000-2001 in Pacific Region was \$25,430,000, which included \$16,430,000 for co-management, and \$9,000,000 for the ATP, \$5,000,000 of the ATP funding was to be spent to retire licences for Douglas Treaty groups. During the year, the Region re-allocated \$500,000 of this \$5M to be used for Co-Management projects for the Douglas Treaty groups. During 2000-2001, a total of \$8,544,915 was spent to retire licences under ATP in this Region. \$16,855,085 was spent on Co-Management. \$30,000 was not spent by year end and was re-allocated to another Region by HQ.

***Number of Agreements***

The following Agreements were negotiated in 2000-2001

- 45 Contribution Agreements
- 29 Amendments to Contribution Agreements
- 2 Fisheries Agreements
- 77 Amendments to Fisheries Agreements
- 1 Commercial Access Agreement
- 2 Amendments to Commercial Access Agreements
- 1 Framework Agreement
- 1 Allocation Agreement

***Employment***

In 2000-2001 approximately 77 Aboriginal Fisheries Guardians were employed for a total of 498 months. Another 438 people were employed for a total of 1,528 months in other projects funded through the agreements. Please note that this information is based on final reports received for 2000-2001, and, where final reports were not yet received, on preliminary projected estimates provided by the group at the beginning of the fiscal year.

***ATP Expenditures:***

31 Commercial licence packages were purchased in 2000-2001, representing 34 licences and 2 vessels. 28 licences have been allocated to Bands and the remaining licences and vessels will be allocated under future AFS Agreements.

**31 commercial licence packages were retired in 2000-2001**

Species	Gear Type	Purchase Price
Crab	Trap	\$249,000.00

Halibut	Hook & Line	\$985,000.00
Halibut	Hook & Line	\$1,582,681.91
Halibut	Hook & Line	\$108,000.00
Halibut	Hook & Line	\$284,000.00
Halibut	Hook & Line	\$287,034.00
Halibut	Hook & Line	\$72,000.00
Roe Herring	GN	\$195,000.00
Roe Herring	GN	\$192,000.00
Roe Herring	GN	\$190,000.00
Roe Herring	GN	\$195,000.00
Roe Herring	GN	\$195,000.00
Roe Herring	GN	\$195,000.00
Roe Herring	GN	\$180,000.00
Roe Herring	GN	\$190,000.00
Roe Herring	GN	\$195,000.00
Roe Herring	GN	\$195,000.00
Roe Herring	GN	\$195,000.00
Roe Herring	GN	\$195,000.00
Roe Herring	GN	\$195,000.00
Roe Herring	GN	\$195,000.00
Roe Herring	GN	\$195,000.00
Roe Herring	GN	\$180,000.00
Roe Herring	GN	\$195,000.00
Roe Herring	GN	\$180,000.00
Salmon	GN	\$150,000.00
Salmon	Seine	\$525,000.00
Salmon	Troll	\$100,000.00
Salmon	GN	\$98,000.00
Salmon	Troll	\$100,000.00
Schedule II	Hook & Line	\$47,200.00
Shrimp	Trawl	\$87,000.00
Shrimp	Trawl	\$61,000.00
Shrimp	Trawl	\$65,000.00
Shrimp	Trawl	\$67,000.00
Vessel	Vessel	\$350,000.00
Vessel	Vessel	\$265,000.00

## **KEY PROJECTS**

### **Oweekeno First Nation: A First Step toward Economic Development**

The Oweekeno Nation is a small band of approximately 220 members, a third of which reside in their traditional village of Rivers Inlet located at the outlet of Owikeno Lake/head of Rivers Inlet (DFO Management Area 9). This group receives funding from the AFS Program in the amount of \$160,000 annually. The Oweekeno Nation is

taking a step forward in economic development by acquiring a seine vessel through the ATP program in conjunction with the formation of the Oweekeno Fisheries Committee.

The “Western Bounty”, an unlicensed 54’ aluminum salmon seine vessel, was purchased in December 2000 through the ATP program to allow the Oweekeno to begin planning their participation in the commercial fishing industry. In order to utilize the vessel effectively – to generate economic returns, and provide employment and other opportunities for the community - the Oweekeno Fisheries Committee developed a work plan. This plan is intended to serve dual purposes:

- 1) within the community – to inform the community of the vessel operating and financial plan developed by its Fisheries Committee, and serve as a “template” guiding use of the vessel; and
- 2) outside the community – to demonstrate the level of professionalism brought by the Oweekeno to the Western Bounty project, and justify funding and fishing licence requests which may be made related to this plan.

This work plan lays the foundation for the successful deployment of the Western Bounty, and generation of meaningful benefits for the community.

The Oweekeno Fisheries Committee is a five-member group appointed by the community-at-large for its commercial fishery experience and expertise. The first priority of the committee is to secure participation in the commercial fishery through acquisition and/or lease of fishing licences. The Committee will provide effective management of the Western Bounty project, including a “hands-on” approach to strategic and budgetary issues, and a “hands-off” approach to the actual fishing operation of the vessel. The Oweekeno Fisheries Committee will also participate in forums (i.e. Coastal Communities Network conference) to share with other the challenges, rewards, successes, and failures associated with the Western Bounty venture.

## **Tahltan/Iskut First Nations Aboriginal Fisheries Agreement**

This multi-year AFS Agreement details fish management and stock assessment programs, enforcement protocols, communal and commercial licenses, selective fishing and Aboriginal fishery and licensing provisions for fisheries lying within the Tahltan Traditional Territory. The Tahltan Fisheries Program (TFP), created under the Tahltan Tribal Council in 1987, receives support of \$250,000 annually under the AFS as well as administrative support from the Tahltan and Iskut First Nations.

The Tahltan Fisheries Program employs two full-time Fishery Co-ordinators working in the communities of Telegraph Creek and Dease Lake, B.C. Bookkeepers are employed

through the AFS to support the Tahltan Fisheries Program. The AFS provides for catch monitoring of the Aboriginal Fishery through the seasonal employment of an aboriginal technical officer, and the employment of an ESSR fishery manager.

Through the AFS Agreement, the Tahltan Fisheries Program Co-ordinators provide administrative, logistical, and technical support to a number of Stikine River DFO and Alaska Dept. of Fish and Game (ADF & G) projects. These include chinook and coho mark/recapture studies, radio-telemetry studies, test fisheries and commercial sampling, adult and juvenile enumeration programs. Key index areas of salmon escapement are surveyed with AFS contributions. Labour services contracts generated by the TFP were valued at over \$165,000 in 2000 – 2001. Partnerships developed by the Tahltan Fisheries Co-ordinators with public sector consulting groups continue to contribute to the development of Tahltan expertise and provide employment in areas such as fish husbandry, juvenile sampling, and water sampling techniques. At the height of the operational season, as many as 22 technicians are employed through the Tahltan Fisheries Program. This program also provides for industry standard certification programs in First Aid, boat safety, bear safety and firearms training for TFP personnel.

By providing travel and administrative support, the AFS Agreement ensures Tahltan contribution to the Pacific Salmon Treaty's Transboundary Panel and the Transboundary Technical Committee. They are also represented on the Stikine Management Committee.

## ***Central and Arctic Region***

### ***TOTAL BUDGET***

In 2000-2001 the Central and Arctic Region operated on an annual Aboriginal Fisheries Strategy budget of \$360,000, all in O&M. (Operations and Maintenance)

### ***Summary of Projects***

**PROJECT TITLE:** Community fishery workers (\$ 300 K)  
Consultation (Great Slave L. Advisory) (\$50 K)

### **ABORIGINAL GROUPS INVOLVED IN PROJECT:**

Salt River First Nation, Deninu Kue First Nation, Hay River Metis Govt. Council, Deh Gah Gotie Dene Band, Liidli Koe Dene Band, Jean Marie First Nation, Wrigley Pehdzeh Ki, Fort Liard Acho Dene, Lutsel K'e Dene Band, Samba Ke Dene Band,

**LOCATION:** Fort Smith, Fort Resolution, Hay River, Fort Providence, Fort Simpson, Jean Marie, Wrigley, Fort Liard, Lutsel K'e, Trout Lake.

**DATE:** 1 April, 2000 to 31 March, 2001

**PROJECT DESCRIPTION:**

DFO has staff located in only two of 15 non-claim settled Aboriginal communities. This has resulted in decreased efficiency in fisheries management, especially in gathering basic harvest information, and in limiting opportunities for increasing co-management and co-operative fishery management projects.

The community field workers, contracted by 11 Aboriginal organisations in 10 communities, will foster co-management at the community level, allow interaction with Bands, management boards and Hunters and Trappers Associations, establish co-operative projects, gather harvest information, help improve fish handling and processing practises, conduct conservation education and conduct co-operative fishery management projects.

The co-operative fishery management projects involve;

- i. Stock assessment through tag/recapture studies, weir counts, sampling for age and growth data and measuring CPUE.
- ii. Delineating stocks through stock identification programs.
- iii. Conducting community surveys to gather harvest information and traditional knowledge of stocks and fishing patterns and involve the community in solutions to fishery management problems.
- iv. Conducting Habitat workshops to teach Development Corporations and Aboriginal contractors approved practises when working around water.

The following are specific sub-projects for 2000/01:

**i. Great Slave Lake Fisheries:**

The fish resources of Great Slave Lake (GSL) are shared by Aboriginal, Commercial and Recreational fisheries. Six communities utilise GSL fish stocks for subsistence and over 80% of the participants in the GSL commercial fishery are of Aboriginal origin. All users of the resource are represented on the Great Slave Lake Advisory Committee (GSLAC) which manages the fisheries through recommendations to DFO.

**The Hay River Metis Govt. Council,** will be contracted to hire three field workers to assist with data collection on the GSL fisheries. The study will involve sampling 2000

whitefish at FFMC fish plants and the floy tagging and sampling of 200 inconnu at Buffalo River and assisting with the East Arm Itinerant angler survey.

**The Lutsel K'e Dene Band** will survey itinerant anglers encountered in the east arm of Great Slave Lake.

**ii. Fort Resolution: Deninu Kue First Nation**

The Deninu Kue First Nation will be contracted to hire a harvest surveyor who will collect harvest statistics for the Fort Resolution Aboriginal food fishery, which occurs on Resolution Bay, the Slave River delta and the Little Buffalo River. This person will also collect fish tag returns from the Little Buffalo River whitefish assessment study conducted under this program in 1993 and 1994. The Deninu Kue First Nation will be contracted to conduct a monitoring study on the Slave River and Slave River delta.

**iii. Fort Smith: Salt Plain First Nation**

The Salt Plain First Nation will be contracted to hire a harvest surveyor/ field worker who will collect harvest statistics for the Fort Smith Aboriginal food fishery, which occurs on the Slave River. This person will also collect fish tags from the 1995 to 1999 tagging programs and assist with the floy tagging of up to 300 inconnu on the Slave River.

**iv. Fort Providence: Deh Gah Gotie Dene Band**

Digaa Enterprises Ltd. will be contracted to hire a harvest surveyor who will collect harvest statistics for the Fort Providence Aboriginal food fishery which occurs on the Mackenzie River and Horn River. This person will also sample 100 fish of each of the major species for size and age, as well as collecting and shipping fish health samples to the DFO fish health lab at the Freshwater Institute (FWI) for analysis. There have been concerns about warm water related fish disease problems on the Mackenzie River.

**v. Fort Simpson: Liidli Koe First Nation**

The Liidli Koe First Nation will be contracted to hire two field workers who will survey two lakes in the Fort Simpson area. Data will be collected by gillnetting on CPUE, species composition, size and age and flesh samples will be collected for heavy metal analysis.

**vi. Fort Liard: Acho Dene Koe First Nation**

The Band will host a Working Near Water workshop in the fall of 2000 just prior to the winter work season. There has been a major natural gas find in the area which has greatly increased off road work involving Aboriginal contractors.

**vii. Wrigley: Pehdzeh Ki First Nation**

The Band will be contracted to hire two field workers who will survey two lakes in the Wrigley area. Data will be collected by gillnet on size and age, CPUE, species composition and flesh samples will be collected for heavy metal analysis.

**viii. Trout Lake: Samba Ke Dene Band**

Same as vii.

**ix. Kakisa:**

Walleye size and age samples will be collected from the catch of the Kakisa Lake and Tathlina Lake commercial fisheries. Data collected during 12 years of monitoring will be analysed and interpreted and published in a Technical Report which will include quota recommendations for the commercial fishery.

**x. Aboriginal technician/trainer**

The Aboriginal technician/trainer will work with the 10 Aboriginal organizations which have community fishery worker contracts in the various communities. The tech. will be responsible for field training new workers to ensure data is collected in a scientific manner. The tech will organize and computer enter data resulting from the various studies. This person will be directly involved in supervision and field work during 5 of these projects. The others the person will work and train the crews for the first week or two.

**xi. AFS Co-ordinator/technician:**

The overall co-ordination of the program will be facilitated by an Aboriginal graduate of a Renewable Resources Technology Program. This person will explain the program to the various Aboriginal groups, arrange contracts with the various organisations and monitor progress on contracted services. The Co-ordinator will ensure that data is being collected according to current fisheries management protocol and is recorded in a clear and concise manner by the workers in the various communities. The Co-ordinator will supervise the organisation and computer analysis of data collected during the various community studies and assist with the preparation of reports. This person will be responsible for the aging of scale samples collected during AFS programs. She will also be responsible for organizing a habitat related workshop in one Dene community and developing material for a web page accessible to Aboriginal groups.

**PROJECT TITLE:** Community Fishery Workers

**SUMMARY OF PROGRESS TOWARDS OBJECTIVES: 2000/01**

**EXPECTED**

**ACTUAL**

**i. Great Slave Lake**



**Hay River Metis Govt. Council \$40K  
Contract & O&M: \$ 63 K**

- |                                  |  |
|----------------------------------|--|
| a. Workers recruited - May 2000  | 1 workers recruited<br>+ 1 student(no cost to AFS) |
| b. Inconnu sampling completed    | 100 sampled/100 tagged; catch effort               |
| c. GSL fisheries monitored       | 960 whitefish sampled                              |
| d. East Arm monitoring completed | did not participate in study                       |
| e. Assistant technician          | seasonal technician contracted                     |

**Lutsel K'e First Nation (\$50 K)  
Contracts & O&M: \$49 K**

**By Contribution Agreement**

- a. workers recruited - June 2000
- b. 300 anglers surveyed
- c. data analysed
- c. species at risk
- d. Traditional knowledge study

**by contract**

- 2 workers recruited
- 280 surveyed complete
- 200 cisco collected
- East Arm Lake trout

**ii. Fort Resolution (\$35 K)  
Contracts &O&M: \$ 57 K**

- |                                   |  |
|-----------------------------------|--|
| a. Workers recruited; June 2000   | 2 workers recruited                              |
| b. Harvest study completed        | harvest stats. for Res Bay & LBR                 |
| c. Slave River sampling completed | 300 fish sampled<br>Fish ecology study completed |

**iii. Fort Smith: (\$ 6 K)  
Contracts &O&M: \$ 42 K**

- |                                |   |
|--------------------------------|---|
| a. Worker recruited - May 2000 | 2 workers recruited   |
| b. Harvest study completed     | not accomplished  |
| c. 300 cony tagged             | not done this year.<br>800 fish sampled<br>Fish ecology study completed |

**iv. Fort Providence: (\$13 K)  
Contract: \$ 13 K**

- |                                |  |
|--------------------------------|--|
| a. Worker recruited - May 2000 | 1 worker recruited                     |
| b. Harvest study completed     | Mack. R. & Horn River<br>harvest stats |
| c. Fish health samples shipped | no occurances                          |

d. Size and age sampling completed	not accomplished
<b>v. Fort Simpson: (\$12 K)</b>	<b>0</b>
a. Workers recruited - Nov 2000	not accomplished
b. Two lakes assessed	
<b>iv. Fort Liard: Acho Dene Koe First Nation: (\$35K) Contract &amp;O&amp;M: \$ 7 K (co-funded – see below)</b>	
a. Habitat workshop planned	2 Working Near Water workshops
b. 30 contractors participated	<b>(co-funded \$35K)</b>
c. Bull trout habitat study	2 rivers surveyed
<b>vii. Wrigley: Pehdzeh Ki First Nation (12K)</b>	<b>0</b>
a. Workers recruited	not accomplished
b. Two lakes assessed	
<b>viii. Trout Lake: Sambaa Ke Dene Band (12K)</b>	<b>0</b>
a. Workers recruited	not accomplished
b. Two lakes assessed.	
<b>ix. Kakisa: ( 15 K) Contract &amp;O&amp;M: \$ 20 K</b>	
a. Kakisa sampling completed	536 walleye and 1249 other species
b. Tathlina Lake sampling complete	210 walleye sampled
c. samples aged and analysed	aging and analysis completed
<b>x. Aboriginal Technician: (40K) Contract (see Hay R. Metis)</b>	
a. Recruit aboriginal tech. -May 2000	hired thru Metis Council
b. 20 fishery workers trained	12 trained
c. 10 aboriginal field programs supervised	4 studies supervised
d. Computer data entered - 10 field programs various data	Entry
<b>xi. Co-ordinator: (\$60 K) Contract &amp;O&amp;M: \$ 78 K</b>	

- |  |                                  |
|--|----------------------------------|
| a. Co-ordinator recruited - June 2000                        | Recruited May                    |
| b. 5 contracts arranged                                      | 7 contracts arranged             |
| c. 9 field workers trained                                   | 6 trained                        |
| d. 7 projects co-ordinated                                   | 7 projects co-ordinated          |
| e. Program data analysed                                     | completed                        |
| f. Local concerns identified                                 | completed                        |
| g. Liaison between communities,<br>Aboriginal groups and DFO | completed for two<br>communities |
| e. Harvest data analysed                                     | Slave River completed            |
| f. GSL Gillnet Study completed.                              | No study                         |
| g. Fort Simpson lake assessments                             | completed                        |
| h. 7 study reports completed                                 | 5 completed                      |

**Community Fishery worker (4F420)  
Consultation (4F421)**

**\$329 K  
\$21 K**

**TOTAL**

**\$350 K**

**Milestones:**

Deh Cho Report on 13 lakes in process of publication  
 Kakisa Lake assessment results to community – May 2001  
 Slave River, Fish ecology study data to Ross Tallman for Northern River Basin Study  
 update.  
 Hatchery Manuel draft completed  
 Great Slave Lake and tributary fishing plans drafted  
 East Arm survey data summarized; will be entered on GIS  
 Traditional knowledge study on East Arm Lake trout will be drafted  
 Mosquito Creek report to PRC

**PROJECT TITLE:** Community Fishery Workers  
**PROJECT MANAGER:** George Low  
**BENEFITS DELIVERED:**

**COSTS:**

	<b>1992 to 95</b>	<b>1995/96</b>	<b>1996/97</b>	<b>1997/98</b>	<b>1998/99</b>	<b>1999/00</b>	<b>2000/01</b>
O&M	75 K	110 K	155 K	150	140K	290K	329K
CAPITAL							
G&C							
<b>TOTAL</b>	<b>75 K</b>	<b>110 K</b>	<b>155 K</b>	<b>150 K</b>	<b>140K</b>	<b>290K</b>	<b>329K</b>

Consultation (GSLAC) 21 K

Note: 29 K of unused Great Slave Lake Advisory Committee allocation was transferred to community fishery workers budget.

## Great Slave Lake Advisory Board

This Co-management Board is an advisory board on the Commercial, Aboriginal and Recreational Fisheries in Great Slave Lake. Most of the commercial fishers are aboriginal.

Costs for 2000/2001 were \$21K

## ***Laurentian Region***

Laurentian Region had a total AFS budget in 2000-2001 of \$2,490,100. \$839,576 was spent on Co-Management Agreements and contracts and \$1,640,700, including a top-up of \$750,100 from HQ reserve, was spent to retire licences under the Allocation Transfer Program. \$9,824 was unspent at the end of the year.

## ***NORTHERN QUÉBEC***

### **Kativik Regional Government Agreement**

This agreement allowed for the conservation, protection and management of fisheries resources in the marine waters surrounding Northern Québec. The agreement covers the whole territory of Nunavik. Fourteen communities take part and 21 seasonal jobs (one coordinator, six fishery guardians and fourteen community agents) are created. Total costs for this agreement were \$413,700

### **Makivik**

In conjunction with Makivik's Nunavik Research Centre (NRC), this agreement allows DFO to have a coordinated collection of beluga samples from the harvest within Nunavik. Members of the local Hunting, Fishing and Trapping Associations (HFTA) gather samples from beluga and related information and send them to the NRC for analysis. Total project costs were \$15,140

### **Traditional Ecological Knowledge of beluga in Nunavik**

A survey was carried out last year among the population of Inuit hunters of Nunavik in order to gather their opinions on the use and conservation of the Northern Quebec belugas. The next phase was to compile this « traditional ecological knowledge of Nunavik Inuit, which is an important criterion for developing sound research and management decisions for the beluga in Nunavik. The present database was compiled 15 to 20 years ago so it was important to update it to indicate the changes that may have occurred in distribution, abundance and habitat. Total costs for this project were \$49,096.

## **Beluga Management Plan**

A consultation meeting for the three year beluga management plan was held in Kujjuaq in the spring. The cost for this project was \$82,800.

### **Workshop for the Montagnais Bands**

A workshop at « Institut Maurice Lamontagne » was organised in order to inform all Montagnais bands on DFO's mandate and all that concerns aboriginal fisheries and AFS. Total project costs were \$30,265.

## ***SOUTHERN QUÉBEC***

### **Subsistence agreements**

In total four agreements were signed with various band councils. The amount of money put forward was for their needs in training and coordination.

Innu Nation :	Essipit :	\$ 17,992
	Sept-Iles	\$143,200
	Betsiamites :	\$ 14,080
	Natashquan :	\$ 42,900

One contract was signed to finalize the establishment of the traditional and contemporary use of the marine fishery resource for food, social and ceremonial purposes.

Native Alliance of Quebec	\$30,400
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<b>AGREEMENT</b>	<b>NUMBER EMPLOYED</b>	<b>TYPE OF EMPLOYMENT</b>	<b>COMMENTS</b>
Kativik	21	<ul style="list-style-type: none"> <li>• 1 co-ordinator</li> <li>• 6 fishery guardians</li> <li>• 14 community agents</li> </ul>	Seasonal
Makivik (beluga)	0		
Grand ERE (survey)	0		

Essipit	1	• 1 fisheries co-ordinator	Seasonal
Sept-Iles	1	• 1 fisheries co-ordinator	Seasonal
Betsiamites	1	• 1 fisheries co-ordinator	
Natashquan	1	• 1 fisheries co-ordinator	Seasonal
Native Alliance of Quebec	0		

### **Commercial licences**

Under the Allocation Transfer Program, DFO Laurentian retired commercial licences and vessels as follows:

Lobster licence – Anticosti	\$500,000
Groundfish licence (turbot IQ) - Gaspé	\$260,500
Groundfish licence (turbot IQ) - Gaspé	\$140,000
Groundfish licence (turbot IQ) - Gaspé	\$190,200
A crab vessel – Ile-de-la-Madeleine	\$550,000
<b>Total</b>	<b>\$1,640,700</b>

These licences have been banked and will be issued to Bands under future AFS Agreements.

The following licences were bought in 1999 but issued to bands under 2000-2001 AFS Agreements.

Groundfish licence (Turbot IQ)	Essipit
Groundfish licence (Turbot IQ)	Betsiamites
Lobster licence – 18D	Uashat
Snowcrab licence – 16	Uashat
Groundfish licence (Turbot IQ)	Uashat
Lobster licence – 18H	Natashquan
Snowcrab licence – 16	Natashquan

### **KEY PROJECTS**

For Northern Québec, the key project was Kativik Regional Agreement which provides employment in the North and assure the implementation of the beluga management plan.

In Southern Quebec it is impossible to single out one key project, as all are very important at this stage. It is encouraging that there is much new interest among Montagnais Bands with regard to participation in the Aboriginal Fisheries Strategy.

## ***Maritimes Region-***

### ***TOTAL BUDGET***

The total operating budget under the AFS for Maritimes Region for 2000-2001 was \$1,739,000. All of this was provided to fund the Native Council of Nove Scotia. This included \$245,000 for co-management and \$1,494,000 for the ATP.

### **Employment**



In 2000-2001 two Aboriginal Fishery Guardians were employed for 12 months each. Approximately 29 Aboriginal workers were employed for a total of 76 months in other projects funded through this AFS Agreement. 49 Non-Aboriginal people worked under contract fishing for a percentage of the catch for a total of 49 months.

### **Commercial Licences**

The ATP mandate for Maritimes Region for 2000-2001 was \$1,494,000 The following licences were retired and provided to the NCNS:

Swordfish/shark gear	\$53,600
Vessel	\$231,200
Bluefin tuna licence	\$50,000
LFA 26A lobster package	\$310,000
LFA 32 lobster package	\$23,000
LFA 34 lobster package	\$500,000
8 clam licences	\$19,500
vessel	\$200,000
upgrades to existing vessels and gear	\$106,700
<b>Total</b>	<b>\$1,494,000</b>

Their Aboriginal Communal Commercial fisheries are now located throughout the Province.

### **KEY PROJECTS**

NCNS continues to work to identify the fishery related needs and concerns of the off-reserve Mi'kmaq/Aboriginal harvesters of Nova Scotia by working to enhance the roles of their six regional advisory councils. They maintain contact with ATRA (Aboriginal and Treaty Right Access) harvesters province wide, facilitating public information workshops for interested Aboriginal and non-Aboriginal groups, government agencies and the general public about the work and responsibilities of the NCNS Netukulimkewe'l Commission for the off-reserve Mi'kmaq/Aboriginal peoples of Nova Scotia.

The NCNS implements, administers and monitors the off-reserve Mi'kmaq/Aboriginal peoples Fisheries Harvest Plan as contained in the Agreement with DFO. They also manage the Prefects (Fishery Guardians) under the Fisheries Activities Patrol Arrangement contained in the Agreement.

Through Mime'j Seafoods Limited, the NCNS manages the Aboriginal Communal Commercial Fisheries Access initiatives under the Allocation Transfer Program to create economic opportunities for the large community of off-reserve Mi'kmaq/Aboriginal peoples in Nova Scotia through the commercial fishery.

## ***Gulf Region***

### ***TOTAL BUDGET***

Gulf Region AFS had a total operating budget for 2000-2001 of \$1,969,800. \$494,197 was provided in Co-Management funding for the Native Council of PEI( \$150,000) and the New Brunswick Aboriginal Peoples Council (\$344,197) and the remaining \$1,475,603 was for ATP purchases. This included a top-up from HQ of \$7,000.

### ***Number of Agreements and Employment***

Agreements were signed with the Native Council of Prince Edward Island (NCPEI) and the New Brunswick Aboriginal Peoples Council (NBAPC). The Agreement with NBAPC resulted in employment for 11 Aboriginal people. 3 of those employed were Aboriginal Guardians, and the others were in the fields of Science, Habitat, and Administrative Support. 4 non-Aboriginal harvesters were also employed as a result of this Agreement.

The Agreement with NCPEI resulted in the employment of 2 Aboriginal Guardians and 60 individuals in the fishery program.

### **Commercial Licences**

The ATP mandate for Gulf Region in 2000-2001 was \$1,475,603.

\$741,103 was spent to retire licences and vessels for the New Brunswick Aboriginal Peoples Council as follows:

LFA (Lobster Fishing Area) 23 package (herring, mackerel, oysters, herring bait, bluefin tuna)	\$30,000
vessel and gear	\$60,000
LFA 23 package (herring, mackerel, oyster)	\$10,000
gear	\$18,378
LFA 38 lobster package	\$160,000
Scallop licence	\$15,000
Vessel	\$196,598
Lobster package	\$251,127
<b>Total</b>	<b>\$741,103</b>

\$734,500, including a top-up of \$7,000 from HQ, was spent to retire licences and vessels for the Native Council of PEI As follows:

vessel	\$121,400
gear	\$72,550
trailer	\$3,766
lobster licence package	\$536,784
<b>Total</b>	<b>\$734,500</b>

### **KEY PROJECTS**

#### **Native Council of Prince Edward Island (NCPEI):**

The NCPEI undertook a number of projects for 2000-2001. They developed a document, which outlined their proposed AFS budget and projects for the year. These included funding for the Midgell River Project, a Watershed Improvement program, Employment Development Agencies, Jobs for Youth Programs and a Wildlife Conservation Fund. They also developed policies and procedures for acquiring licences and economic development funding through the NCPEI, and established a MI'KMAQ

Fisheries Account to hold monies generated from the Commercial designation fees and the fishing fleet out of Alberton. In addition, they carried out a survey on Technology and Environmental issues to help assess the requirements of the Aboriginal peoples of PEI and better serve them.

### **New Brunswick Aboriginal Peoples Commission (NBAPC):**

The New Brunswick Aboriginal Peoples Council (NBAPC) has participated in several advisory meetings relating to the fishery. Staff was able to attend a Cross - Cultural Workshop sponsored by DFO which was held in Moncton during late March. They have also participated in many local meetings held across New Brunswick to advise members concerning fisheries issues.

One positive item that resulted from the negotiations this year was the additional dollars for the Allocation Transfer Program. The NBAPC are now able to look at acquisition of a boat and licences (lobster and scallop) for the Bay of Fundy. They are also planning to make strategic acquisitions this year that will enable them to fish the licences that they have not fished to date, such as mackerel, herring, gaspereau, smelt, and oysters. The commitment from DFO that all commercial licences will be issued in time for the opening of the various fishing seasons in April 2001 is very important to the NBAPC's business plan.

Under the AFS Agreement, 3 Aboriginal Fishery Monitors were hired as well as 1 secretary – bookkeeper, 1 commissioner, 6 harvesters (aboriginal), and 4 harvesters (non-aboriginal).

## ***Newfoundland Region***

### ***TOTAL BUDGET***

Newfoundland Region had a total AFS budget for 2000-2001 of \$2,580,710. The co-management budget was \$1,082,500. This included a top-up from HQ reserve of \$247,500. The ATP budget for this region was \$1,498,210, which included a top-up of \$748,210 from HQ reserve.

### ***Number of Agreements and Employment***

Agreements were signed with five Aboriginal groups in this region in 2000-2001. The Agreements with Conne River and the Labrador Inuit Association, included communal licences for their food, social and ceremonial needs.

These agreements resulted in the seasonal employment of 46 Aboriginal people. 30 were employed as fishery guardians and 16 in other areas of fisheries management.

### ***COMMERCIAL LICENCES***

Newfoundland Region was able to actively participate in the Allocation Transfer Program again this year. Five fishing enterprise with a combined total of 5 groundfish, 3 lobster, 2 scallop, 3 lumpfish, 2 herring, 4 snow crab, 1 mackerel and 2 bait licences were

retired along with 5 vessels. All of these licences and vessels have been issued to First Nations under AFS Agreements.

## **KEY PROJECTS**

### ***Counting Fence – English River (LIA)***

For the past three years the LIA have operated a Counting fence on the English River system in Northern Labrador. This initiative is funded in part by contributions from the AFS Program. It is the only counting fence currently operating in all of Labrador and it is a joint initiative of the LIA and Science Branch of DFO. Very little information is known about wild resources in Labrador and it is therefore imperative that information be gathered to ensure that whatever resource is there is protected for future generations.

The program on the English River is located in a isolated area and employs 5 to 6 Aboriginal people for up to 6 months every year. This program provides a valuable link to Aboriginal people and their resource that in the words of one of the workers "is almost impossible to put into words in regard to its value and importance".

The Counting fence is controlled consistently during all of the salmon, trout and char runs, and all fish passing through the fence are counted. This provides very important statistical data on fish stocks in the area. Fish passing through the fence are counted annually and compared to previous years, (for example the numbers tripled for 2000 over the previous year).

The LIA concludes the English River Project by saying "**Our number one concern is for more scientific research in Northern Labrador for all wild resources**". "**We realize this cannot be decided on overnight but we desperately need more scientific research on our fish stocks including salmon, char crab and cod.**"

The LIA is very appreciative that DFO has continued to fund this very valuable project. This is the only Science related project in all of Northern Labrador with the exception of some work that began on Char in the Nain Area last season, again with the assistance of AFS funding through the Region.

## ***Significant Issues for the 2000-2001 Season***

### ***The Supreme Court of Canada Decision on Marshall – Continuing Impact***

#### **Marshall Phase I**

The *Marshall* decision was a significant step towards increased Aboriginal involvement in the commercial fisheries. As with the *Sparrow* decision before it, the Marshall decision has required a re-examination of existing policies and management regimes as discussions with Aboriginal groups and the commercial industry proceed.

In December 1999, DFO received Cabinet approval of the approach for *Marshall* Phase I. There was a budget of \$160million. \$135 million was earmarked for Fisheries Access and \$20 million was to be used for Capacity building/co-management/economic development. There was flexibility to move between the two components.

In 2000-01, Chief Federal Negotiator Jim MacKwenzie successfully negotiated Interim Fisheries Agreements with 30 out of the 34 affected First Nation Communities. The increased fishery access provided through those agreements has the potential to generate landed value of more than \$20 million per year. That translates into potential earnings of almost \$14 million per year.

The agreements also brought about a 174 per cent increase in the number of commercial lobster enterprises fished by Aboriginal communities in Eastern Canada. They have resulted in tangible change for the better for First Nations in the Maritimes and Gaspé.

The equivalent of over 220 inshore fishing enterprises and over 120 vessels were transferred to First Nations communities. This is estimated to represent 520 seasonal jobs in Aboriginal communities.

In cases where communities did not reach agreements before the opening of the fishery, DFO issued licenses and tags to ensure they had the opportunity to participate in the commercial fishery with the appropriate authorization.

## **Marshall Phase II**

In early February 2001, DFO and DIAND received Cabinet approval for a joint longer-term process on Marshall.

DIAND is responsible for long-term agreements on issues of Aboriginal and treaty rights.

## ***Chippewas of Nawash Court Case***

In the recent *Chippewas of Nawash* litigation, the Nawash argued that the application of the Aboriginal Fisheries Strategy (AFS) to only areas where DFO manages the fishery contravenes the equality provisions of the *Charter of Rights and Freedoms* on the basis of geography.

The Court looked at the modern-day situation with regards to divisions of powers and delegation of management responsibilities, and at the underlying purpose of the AFS. The federal government was successful in arguing that the AFS was designed primarily to provide for proper management of Aboriginal fisheries, not for economic development or administrative capacity building in Aboriginal communities. The Court also accepted that the federal government, not having any on-the-ground responsibilities for fisheries management in freshwater (either because the province has jurisdiction, in the case of allocation, or because the responsibilities have been delegated through long-standing delegation arrangements) would not have any reason for applying the AFS in inland fisheries.

The Court also accepted that the Ontario government, being the de facto managers of the resource, could enter into a similar type arrangement with the Nawash as DFO does with coastal Aboriginal groups.

An appeal of this decision is being pursued by the Nawash.



This was an important decision for DFO as a departure from the arguments in *Nawash* runs the risk that the department could be pressured by provinces and Aboriginal groups into developing an AFS-like program for inland Aboriginal groups.

A number of other Ontario First Nations have commenced litigation against the federal government to establish a fiduciary obligation in the federal government to provide for aboriginal and treaty rights to fish, as part of its jurisdiction over “Indians and Lands Reserved for Indians”. However, those court cases have not proceeded.