



ABORIGINAL FISHERIES STRATEGY

**ANNUAL REPORT
2001-2002**

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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.

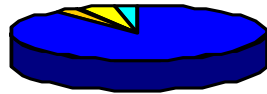
The communal licences are a way of providing the opportunity for Aboriginal communities to fish for food, social and ceremonial purposes consistent with the priority afforded them, while integrating the management of Aboriginal fisheries with all other fisheries.

National Perspective

The Aboriginal Fisheries Strategy was funded at \$35,221,000 in 2001-2002. This included a mandated amount of \$24,175,650 for co-management expenditures and \$11,045,350 for the Allocation Transfer Program (ATP). \$1,045,350 of the ATP funding came from the departmental budget and \$10,000,000 was a result of the Gathering Strength initiative. In 2001-2002, some ATP funds were moved between Co-Management and the Allocation Transfer Program to address pressures in Pacific and Quebec Regions. This resulted in an adjusted budget of \$23,980,470 for Co-Management and \$11,240,530 in ATP

189 AFS Agreements and Amendments were signed with 201 First Nations in British Columbia, Quebec and Atlantic Canada. (Central and Arctic region does not have AFS Agreements but contracts projects with Aboriginal groups). Some of these First Nations are funded under an Agreement with an Umbrella Group such as a Tribal Council, Watershed Authority or Native Council. In Maritimes and Gulf Regions, the 3 Native Councils signed Agreements funded by the AFS program in 2001-2002. Fisheries Agreements # 2 for seven of the Marshall First Nations in Gulf Region were also funded. All other groups in these Regions were funded under the Marshall response Initiative.

Groups with AFS Agreements 2001-2002 by Region



■ Pacific (168)
■ Laurentian (6)
■ Maritimes (1)
■ Gulf (9)
■ New foundland (5)

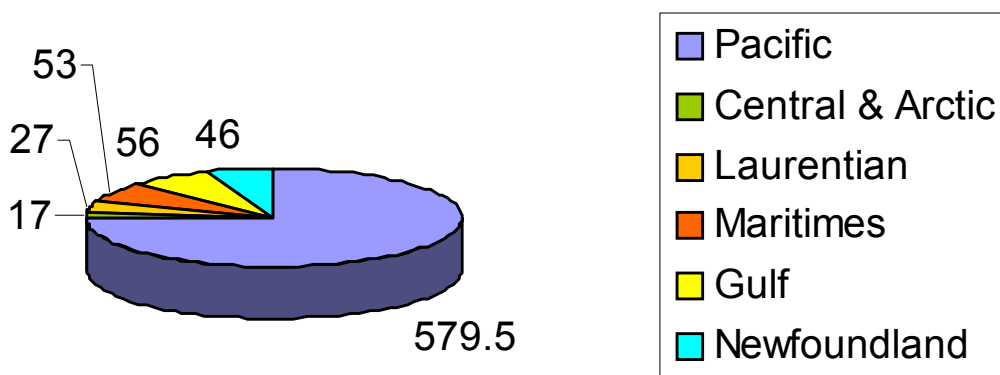
These AFS Agreements have resulted in the creation of 778.5 seasonal jobs in areas such as processing, monitoring and enhancement activities. 99.5 of those employed through the AFS are Aboriginal guardians, trained by DFO and employed by the Aboriginal group. The remaining 679 jobs were created nationally in the fisheries management field (habitat restoration, stock assessment, fisheries enhancement, etc.), and in the areas of consultation and economic development.

EMPLOYMENT UNDER AFS – 2001-2002

REGION	GUARDIANS	OTHERS	TOTAL
PACIFIC	39.5	540	579.5
CENTRAL & ARCTIC	0	17	17
LAURENTIAN	6	21	27
MARITIMES	2	51	53
GULF	22	34	56
NEWFOUNDLAND	30	16	46
TOTAL	99.5	679	778.5

**Aboriginal Employment by Region AFS
2001-2002**

Total Employed - 778.5



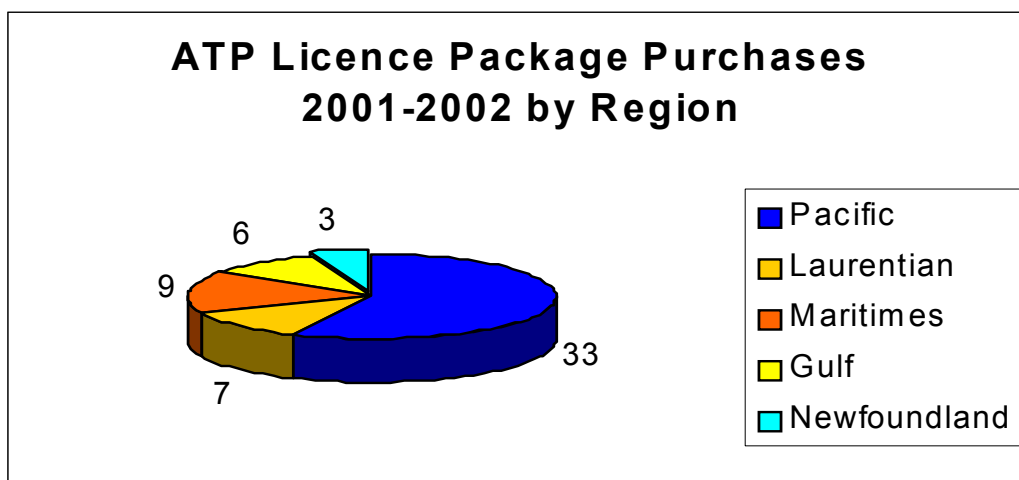
Allocation Transfer Program

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 \$11,240,530 in 2001-2002. 58 commercial licence packages, comprising 82 licences, 13 vessels, various quotas and gear were retired nationally. 80 licences and 12 vessels were issued to Aboriginal groups in 2001-2002 under the ATP. The remaining licenses and vessel will be made available to Aboriginal groups under future AFS agreements.



Pacific Region

The core budget for 2001-2002 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 legal risk management purposes. Early in the year, the Region re-allocated \$500,000 of this \$5M to be used for Co-Management projects. Later in the year, \$312,400 in Co-Management funding was transferred to ATP. During 2001-2002, a total of \$8,476,076 was spent to retire licences under ATP in this Region, \$16,827,724 was spent on Co-Management Agreements, and \$126,200 was not spent by year end and was re-allocated to other Regions by HQ.

Number of Agreements

The following Agreements were negotiated in 2001-2002

- 37 Contribution Agreements
- 19 Amendments to Contribution Agreements
- 6 Fisheries Agreements
- 99 Amendments to Fisheries Agreements
- 1 Commercial Access Agreement
- 3 Amendments to Commercial Access Agreements
- 1 Framework Agreement
- 2 Allocation Agreements

Employment

In 2001-2002 approximately 39.5 Aboriginal Fisheries Guardians were employed for a total of 282.5 months. Another 540 people were employed for a total of 1,693.75 months in other projects funded through the agreements. Please note that this information is based on final reports received for 2001-2002, 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:

25 Commercial licences, various quotas and five vessels were retired in 2001-2002, under the Allocation Transfer Program in Pacific region. 23 licences and four vessels have been allocated to Bands and the remaining licences and vessel will be allocated under future AFS Agreements.

The following licences, quotas and vessels were acquired under the ATP in 2001-2002

Item	Value
vessel	\$11,000.00
vessel	\$450,000.00
vessel	\$128,000.00
vessel	\$134,500.00
vessel	\$60,000.00
salmon licence (6)	\$611,000.00
spawn on kelp	\$1,100,000.00
sablefish licence	\$185,000.00
sablefish quota (3,000 lbs)	\$1,100,000.00
roe herring (9)	\$2,078,000.00
rockfish	\$57,600.00
halibut quota (25,508 lbs)	\$670,860.00
halibut quota (5,000 lbs)	\$127,500.00
halibut lic. and quota (1,208 lbs)	\$71,804.00
halibut lic. and quota (1,208 lbs)	\$74,900.00
halibut lic. and quota (1,208 lbs)	\$73,000.00
halibut lic. and quota (2,626 lbs)	\$707,655.00
halibut lic. And quota (5,368 lbs)	\$177,051.00
halibut lic and quota	\$150,806.00
crab licence	\$345,500.00
Admin costs	\$161,900.00
Total	\$8,476,076.00

Key Projects

Nicvola Watershed Stewardship and Fisheries Authority (NWSFA): enhancing the resource and building expertise

Seven bands, residing primarily in the Nicola Valley, are represented on fisheries issues by the NWSFA. The group receives annual funding from the AFS program in the amount of \$375,000. With the money received through AFS, the NWSFA has worked to develop a high level of fisheries technical capacity, and has developed a fisheries program capable of delivering a range of programs and services, partnering not only with DFO, but with a range of other agencies.

Recognizing the importance of the salmon habitat found in the Nicola River Watershed (an important tributary to the Thompson River), the NWSFA has focused energy into projects to assess salmon stocks in the area, and projects to protect and enhance salmon habitat. In doing this, they have worked closely with DFO staff, and in some cases, are key partners in the delivery of essential stock assessment and habitat programs. For example, the NWSFA work with DFO to assess one of the key indicator stocks under the Pacific Salmon Treaty.

Though direct economic benefits are not available to the NWSFA from fisheries, other economic opportunities have arisen due to the AFS program funding. There are currently a number of qualified fisheries technicians associated with the NWSFA, and many are hired out to work on contract for various private and government agencies. Working on AFS-funded projects has assisted these individuals to acquire marketable technical and some managerial skills. Using AFS funds, a greenhouse facility has been established, and the NWSFA now serves as an important supplier of plants for a variety re-vegetation projects in the area. These plants are used to establish and enhance riparian habitat and are used for erosion control in bank stabilization projects.

In addition to technical work carried out by the NWSFA, the NWSFA serves as a source of information for member communities on fisheries issues. In order to build awareness, they have hosted *and* participated in workshops and open houses and publish a regular newsletter. The group serves as a liaison between First Nations and various federal and provincial agencies and NWSFA staff and leadership participate in various fisheries fora, working to address issues that affect fisheries throughout the Fraser Watershed.

Finally, the NWSFA plays a role in capacity development within member communities, taking on students and supporting various job shadowing and mentoring initiatives.

Projects carried out using AFS funding in 2001/02 include:

- catch monitoring for mid-Fraser aboriginal fishery
- catch monitoring for Spence's Bridge sports fishery
- greenhouse operation
- 2 smolt imprinting pond operations (coho and chinook).
- Coho and chinook spawner counts in the Nicola river and numerous tributaries
- Fishwheel operation (Fraser River) for assessment of coho abundance and distribution
- Mark-recapture programs, and operation of fish fences in key systems
- Support for a full-time program manager, a project co-ordinator (half time), an admin assistant, and a *part time* technical advisor / biologist.

Hupacasath First Nation:

Hupacasath First Nation has been striving to improve economic conditions for their members during the past few years. With funds provided from AFS surplus in 2001 and from other sources the Hupacasath First Nation was able to proceed with 3 important fisheries-related entrepreneurial initiatives.

1. Eco-Cultural Canoe Tours on the Somass River in Port Alberni
2. Value-added fish products available for sale to visitors and tourists
3. Gift and Art shop featuring crafts and products from the area

The Hupacasath First Nation provided a project description when applying for surplus AFS funds last year. They envisioned a Canoe Tour which would provide tourists with a glimpse of local First Nations culture while viewing the rich and interesting Somass River and Estuary areas. Tourists could participate in a salmon barbeque or purchase smoked fish during a stop in the canoe tour, in the vicinity of a traditional fish weir. The weir component of the project has not been completed as yet. Plans are proceeding for the construction of a traditional style weir, constructed with sticks and spruce-root ropes to capture and count migrating salmon. Tourists will be able to view the weir and its function and better understand the cultural significance and importance of the different salmon species to coastal Aboriginal people.

The Hupacasath First Nation launched their Eco-Cultural Canoe Tours during a celebration earlier this summer. Praise was given by the local MP, MLA, Mayor and NTC Regional Co-chair for the work conducted by the Hupacasath in bringing these important initiatives into reality. The Mayor of Port Alberni acknowledged the importance of these new businesses to the Alberni Valley. Approximately one million visitors pass through Port Alberni each year en route to the West Coast of Vancouver Island. The Canoe Tour and gift shop will help encourage tourists to stop to enjoy the Port Alberni area.

The Hupacasath First Nation receives funds for fisheries activities through the AFS program under an umbrella arrangement with the NTC. The Hupacasath are pursuing an independent pathway to economic and community betterment, and also have a direct contribution agreement with DFO's AFS program for enumeration of migrating sockeye and chinook salmon. This has been an annual arrangement for several years, and the Hupacasath have trained and employed members through this enumeration program.



Members of Dididaht First Nation free a gray whale entangled in a rope and anchor.



Central and Arctic Region

In 2001-2002 the Central and Arctic Region operated on an annual Aboriginal Fisheries Strategy budget of \$360,000, all in O&M. (Operations and Maintenance)

\$330,000 was spent on Community fisheries projects. The remaining \$30,000 funded the Great Slave Lake Advisory Committee.

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.
- v. conduct traditional ecological knowledge studies to compliment and enhance scientific studies.

The following are specific sub-projects for 2001/02:

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 co-manages the fisheries through recommendations to DFO.

Objectives: To train Aboriginal community field workers to gather information useful in the management of Great Slave Lake fisheries by DFO, Aboriginal partners and the Great Slave Lake Advisory Committee. To monitor the stock status of GSL whitefish stocks and other species by measuring for size and age, CPUE, species composition of the commercial catch.

The Hay River Metis Govt. Council, Hay River will be contracted to hire two field workers to assist with data collection on the GSL and inland fisheries. The study will involve sampling 2000 whitefish at FFMC fish plants, the floy tagging and sampling of 200 inconnu at Buffalo.

The LutselK'e Dene Band, LutselK'e will survey itinerant anglers encountered in the east arm of Great Slave Lake, conduct an Aboriginal food fishery survey and conduct a traditional ecological knowledge survey in the community of LutselK'e.

Objectives: To provide harvest statistics useful in the management and allocation of fishery resources, especially Lake trout, for area 5 and 6 of the East Arm of Great Slave Lake. **(The complimentary studies to measure the harvest of the lodge fishery and the commercial fishery in order to estimate total harvest for the East Arm are UNFUNDED in 2001/02)** These statistics will be crucial in future allocation of resources once a TAC is determined for the area.

ii. Deninu Kue First Nation, Fort Resolution:

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 Taltson River.

iii. Deh Gah Gotie Dene Band, Fort Providence

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. The Band will also conduct an experimental commercial fishery in the Mackenzie River and Horn River. The objective is to determine whether commercial fishing for jumbo whitefish and other species is biologically sustainable as well as profitable.

iv. Acho Dene Koe First Nation, Fort Liard:

The Band will be contracted to supply 2 persons and a boat to assist with the sampling, tagging of bull trout and the surveying of bull trout habitat in the Liard River drainage. The Bands business arm, Beaver Enterprises will be trained to take over Working Near Water” training of their operators.

v. Samba Ke Dene Band, Trout Lake:

The Band will be contracted to collect harvest data on the local sales fishery as well as the food fishery. They will also be contracted to monitor the walleye sport fishery at the Moose and Island River, including guests of their outfitter business. 400 walleye will be sampled for size and age data for comparison with earlier samples

vi. Ka’a’gee Tu First Nation, Kakisa:

Walleye size and age samples will be collected from the catch of the Kakisa Lake and Tathlina Lake commercial fisheries. The Band will be contracted to collect stock assessment data for the Tathlina Lake commercial walleye fishery. Data collected during 12 years of monitoring will be analysed and interpreted and published in a Technical Report that will include quota recommendations for the commercial fishery.

vii. Jean Marie First Nation, Jean Marie River:

The Band will be contracted to conduct a survey of the fish resources and fish health of the Mackenzie River and tributaries in the vicinity of the community.

viii. 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

PROJECT MANAGER: George Low

SUMMARY OF PROGRESS TOWARDS OBJECTIVES: 2001/02

EXPECTED	ACTUAL
i. Great Slave Lake	
Hay River Metis Govt. Council (40K)	
a. 2 workers recruited - May 2001	Two Metis workers recruited
b. Inconnu sampling completed	Trout Lake sample and tagging
c. GSL fisheries monitored	Great Slave fisheries monitored
d. (20 vessels boarded and observed)	Observation program not completed
e. (Assistant technician/trainer)	Assistant Tech not recruited
LutselK'e First Nation (80 K)	
a. workers recruited - June 2001	2 patrol /surveyors recruited
b. 300 anglers surveyed -partial survey	251 anglers surveyed
c. Traditional Knowledge study completed	56 page report received
d. Aboriginal harvest completed	not completed
e. Study data analysed	data analysed
f. (Lodge angler diary program)	survey completed, data analysed
g. (other harvests monitored)	GSL commercial landings
h. (All itinerant anglers surveyed)	partial only
ii. Fort Resolution (\$30 K)	
a. 2 workers recruited; June 2001	1 worker recruited
b. Harvest study comple	Res Bay harvest study completed
c. Taltson River sampling completed	Little Buffalo R. harvest completed
iii. Fort Smith: (\$ 10 K)	
a. 1 worker recruited - May 2001	Private Aboriginal contractor
b. Harvest study completed	harvest study completed
c. (300 cony tagged)	cony tagging cancelled
iv. Fort Providence: (\$20 K)	
a. 1 worker recruited - May 2001	Harvest monitor hired by F.N.
b. Harvest study completed	Harvest study completed
c.. (Size and age sampling completed)	
v. Fort Liard: Acho Dene Koe First Nation: (20 K)	

	a. 2 workers recruited and trained)	2 workers recruited
	b. Bull trout study completed)	Assisted Masters student
vi.	Trout Lake: Samba Ke Dene Band (20K)	
	a. Workers recruited and trained Two Rivers – sport fishery monitored	Monitors hired by First Nation Moose and Island rivers completed
	b. 300 walleye sampled	125 walleye T-bar tagged
	c. (other harvest monitored)	partial food fishery harvest
	d. (samples aged and analysed)	nil
vii.	Kakisa: (30 K)	
	a. Tathlina Lake walleye stocks assessed	340 walleye sampled
	b. Tathlina Lake sampling completed	Winter 1240 walleye sampled.
	a. (samples aged and analysed)	samples aged and analysed
viii.	Jean Marie River (20 K)	
	a. 2 workers recruited	2 workers hired by F.N.
	b. survey completed	Ekali Lake 326 fish sampled
	c. (data entered, aged and analysed)	Mackenzie River 193 sampled data aged and analysed
ix.	Yellowknife – North Slave Metis Alliance: (0 K) 21 K (from other budgets)	
	a. (Creel census conducted)	Creel survey completed
	b. (sampling program completed)	Winter creel completed
x.	Co-ordinator: (\$60 K)	
	a. Co-ordinator recruited – April 2001	Contract 100 % completed
	b. 5 contracts arranged	
	c. 9 field workers trained	
	d. 7 projects co-ordinated	
	e. Program data analysed	
	f. Local concerns identified	
	g. Liaison between communities, Aboriginal groups and DFO completed	
	e. Harvest data analysed	
	f. (Slave River coney tagging completed.)	
	g. Trout Lake data completed	
	i. 7 study reports completed	

PROJECT TITLE: Community
Fishery Workers

PROJECT MANAGER: George Low

BENEFITS DELIVERED:

COSTS:

	1992/95	1995/96	1996/97	1997/98	1998/99	1999/00	2000/01
2001/02							
O&M 330K CAPITAL G&C	75 K	110 K	155 K	150 K	140K	290K	300K
TOTAL 330K	75 K	110 K	155 K	150 K	140K	290K	300K

Quebec Region

Quebec Region had a total AFS budget in 2001-2002 of \$2,540,000. \$1,065,270 was spent on Co-Management Agreements and contracts and \$1,564,730, including a top-up of \$90,000 from HQ reserve, and \$24,730 transferred from Co-Management funds was spent to retire licences under the Allocation Transfer Program.

NORTHERN QUÉBEC

Kativik Regional Government Agreement

This agreement allows for the conservation, protection and management of fisheries resources in the marine waters surrounding Northern Quebec. The agreement covers all of Nunavik. Fourteen communities are parties to the agreement, and 22 seasonal jobs (one coordinator, one administrative assistant, six fishery guardians and fourteen community agents) were created. A report was submitted to DFO proposing that wildlife management in Nunavik be taken over by the Inuit.

Total cost: \$550,000.

Makivik

In conjunction with Makivik's Nunavik Research Centre (NRC), this contract allows DFO to establish a collection of beluga samples from the Nunavik harvest. 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: \$14,027

Beluga Management Plan

Makivik Corporation was contracted to organize negotiation sessions in Kuujjuaq concerning the implementation of the 2001-2003 Beluga Management Plan. Representatives of associations involved in beluga management as well as members of all Nunavik communities took part in these meetings.

Total project costs: \$135,973.

SOUTHERN QUÉBEC

Subsistence agreements

Four agreements were signed with the Montagnais communities in 2001-2002. Money was allocated mainly for the hiring of a fisheries coordinator and for theoretical and practical training. The Mingan community also received funding to conduct a study of the softshell clam biomass in the Mingan River estuary. DFO also contributed \$30,000 to the Mamit Innuat Tribal Council to conduct a study of the history of food fishery practices in its member communities, namely Mingan, La Romaine and St-Augustin. The Community of Betsiamites had an agreement in place for the 2000-2002 period. In 2001-2002 they received \$18,840.

Montagnais Essipit	\$ 21,527
Sept-Iles (Uashat)	\$29,500
Betsiamites	\$ 18,840
Natashquan	\$ 35,000
Mamit Unnuat (Mingan)	\$118,390

Training Project

At least 30 Innu received over 510 hours of training in 2001-2002. They were offered four basic courses along with 2 seven-week programs, one on general deck work and the other on mechanics. Also, two members of the Uashat community (Sept-Iles) received master's certificates level IV.

Total training project cost: \$142,000

AGREEMENT	NUMBER EMPLOYED	TYPE OF EMPLOYMENT	COMMENTS
Kativik	22	<ul style="list-style-type: none"> • 1 co-ordinator • 1 admin. assistant • 6 fishery guardians • 14 community agents 	Seasonal
Makivik (beluga)	0		
Grand ERE (survey)	0		
Essipit	1	• 1 fisheries co-ordinator	Seasonal
Uashat	1	• 1 fisheries co-ordinator	Seasonal
Betsiamites	1	• 1 fisheries co-ordinator	Seasonal
Natashquan	1	• 1 fisheries co-ordinator	Seasonal
Mamit Innuat	1	• 1 fisheries co-ordinator	Seasonal
Total	27		

Commercial licences

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

Scallop licence	\$425,000
Snow Crab licence	\$850,000
Licence Pkg (herring periwinkle)	\$16,000
Licence Pkg. (scallop, herring, mackerel periwinkle)	\$54,080 (Actual value of licence was \$80K. Additional funding was received from another Departmental source)
Licence Pkg. (herring, periwinkle, whelk)	\$5,000
Licence Pkg. (periwinkle, clams)	\$ 8,000
Licence Pkg. (lobster)	\$26,000
Vessel repairs	\$135,800
Vessel storage expenses	\$44,850
Total	\$1,564,730

The snow crab licence was issued to Essipit. The remaining licences have been banked and will be issued to Bands under future AFS Agreements. In addition the following licences and vessels that were purchased in previous years were issued to First Nations in 2001-2002.

Uashat:

Groundfish licence (turbot IQ)	\$140,000
Groundfish licence (turbot IQ)	\$150,000
Fibreglass boat (39'10")	\$156,200

Mingan:

Lobster licence – Area 17B	\$400,000
Lobster boat (21')	\$100,000

Natashquan:

Crab vessel (64'11")	\$666,000
Snow crab licence – Zone 16	Created so no \$\$ involved

Key Projects

With respect to the seven Montagnais communities that signed an AFS agreement with DFO, we have noted a marked increase in their involvement in the fisheries.

One success story involves the *Regroupement Mamit Innuat*, a tribal council grouping the Mingan, La Romaine, and St-Augustin communities with a total population of 1,650 Innu. With three fishing vessels and several boats, fishing operations have created 20 jobs for Aboriginal members. Mamit Innuat was also involved in the implementation of several research and development projects, such as experimental softshell crab harvesting using semi-mechanized fishing gear, and a trap fishery for shrimp. The projects created 10 additional jobs in member communities. This year, Mamit Innuat generated \$1.5M in revenue, had a net profit of \$300,000, paid salaries of more than \$310,000 to Aboriginals and trained over 12 fishers and fisher helpers. *Regroupement Mamit Innuat* is proactive and is conducting research to market new species.



Maritimes Region-

The total operating budget under the AFS for Maritimes Region for 2001-2002 was \$1,739,000. All of this was provided to fund the Native Council of Nova Scotia. This included \$245,000 for co-management and \$1,492,600 for the ATP. \$1,400 was unspent at year-end and was transferred by HQ to another Region.

Employment

In 2001-2002 two Aboriginal Fishery Guardians, one Fisheries Director/Guardian, one Commercial Fisheries Fleet Manager, one Commercial Fisheries Contract Administrator and one Office Administrator were employed for 12 months each. Approximately 47 Aboriginal workers were employed for a total of 121 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 2001-2002 was \$1,494,000. \$1,400 was unspent at year-end and was transferred by HQ to another Region. The following licences were retired and provided to the NCNS:

LFA 34 lobster licence	\$470,000
Vessel	\$230,000
Gulf NS Gaspereau Trap Net Licence	\$15,000
LFA 25 lobster package & Gear	\$160,315
Vessel	\$268,350
Vessel	\$250,000
3 Mackerel Trap Net Licences & Gear	\$30,000
Gulf NS Oyster Rake Licence	\$6,000
Related expenses	\$62,935
Total	\$1,492,600

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.

There was also computer training given to 2 Commission employees for the operation of their new computerized Vessel Monitoring System installed on the majority of their fishing vessels. This allows the Commission to monitor the fishing operations of their vessels for various species.

Gulf Region

Gulf Region AFS had a total operating budget for 2001-2002 of \$2,580,700. \$814,360 was provided in Co-Management funding for the Native Council of PEI(\$359,200) and the New Brunswick Aboriginal Peoples Council (\$455,160) and \$1,146,640 was for Commercial Access for the two Councils. This also included a top-up of \$617,900 that was provided out of the HQ Reserve to fund Fisheries Agreements # 2 for seven of the Marshall beneficiaries in Gulf Region. \$1,800 in Commercial Access funding was unspent at year-end.

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 ... Aboriginal people. ... of those employed were Aboriginal Guardians, non-Aboriginal harvesters were also employed as a result of this Agreement. The Agreement with NCPEI resulted in the employment of .. Aboriginal Guardians and individuals in the fishery program.

Fisheries Agreements # 2 were signed with seven First Nations. These Agreements resulted in employment for Aboriginal people.of those employed were Aboriginal guardians and the remaining Were employed in fisheries-related fields.

Commercial Licences

\$630,143 was spent to retire licences and vessels for the New Brunswick Aboriginal Peoples Council as follows:

vessel	\$118,000
vessel	\$28,125
Licence Pkg (lobster, herring, mackerel, smelt)	\$201,300
Lobster licence	\$130,000
Herring licence	\$5,000
Mackerel licence	\$5,000
Gear Pkg.	\$42,180
Gear Pkg.	\$48,925
Vessel repairs	\$51,613
Total	\$630,143

\$516,500, was spent to retire licences and vessels for the Native Council of PEI As follows:

vessel	\$95,000
Licence Pkg. (lobster, eel, smelts, herring mackerel bait, gaspereau bait)	\$277,500
Licence Pkg. (5 clams, 10 oyster)	\$125,000
Gear Pkg.	\$17,500
Gear Pkg.	\$1,500
Total	\$516,500

Key Projects

NBAPC

The New Brunswick Aboriginal Peoples Council (NBAPC) have gone to a number of Watershed Committee Meetings as well as advisory meetings on different species within the Maritimes. Within this time frame, the majority of the fishing vessels were not operating but getting ready for the upcoming season. Consultation meetings took place throughout the province with the constituents to get feedback to see where the AFS Arrangement can better accommodate everyone.

The Commercial Fisheries in Grand Manan was the only fishery operating during the past winter months for the Council. For the months of November and December and halfway through the month of January they were able to fish lobster in LFA 38. The scallop season started right after the lobster season. What the Council propose is to move the commercial fisheries access away from Grand Manan. There is also a need for a fishing vessel to operate commercially for lobster and rock crab. The crews have tried to equip this vessel for other fisheries such as herring and mackerel. One of the main problems associated with the commercial fishery is that the New Brunswick Aboriginal Peoples Council does have commercial fishing licences and that they do indeed fish the same way the non-aboriginal do; both in season and quotas.

Concerning Food, Social, and Ceremonial fishery, the public consultation meetings were held around the province. The purpose of the consultation meetings was how to better the Food, Social, and Ceremonial and Commercial conditions within the Aboriginal Fisheries Strategy Arrangement.

The NBAPC examined various aspects of the fisheries program along with capacity building.

Under the AFS Agreement, 1 commissioner was hired as well as 3 Fishery Monitors, 1 administrative assistant, and 1 secretary.

NCPEI

Overall all NCPEI members did very well in the commercial clam, oyster, and eel fishery during the 2001 fishing season. They also employed 38 members in the eel and shellfish fishery. In January 2002, they purchased six additional clam and oyster

designations. These designations were given out and to date the Native Council has 51 members taking part in that fishery.

The Native Council has two lobster licences being fished out of Northport, Alberton, PEI. They employed six individuals on these vessels. Five of the six are members of NCPEI and all have gone through the proper safety courses and have earned their proper certificates to be on these fishing vessels. They plan to fish rock crab after the lobster season is over and later on in the fall they will be fishing mackerel and tuna out of North Lake, PEI.

The Native Council ran the Midgell River Project again this 2002 season. They hope to employ three members this year and have requested funding through the Employment Development Agency and the Watershed Improvement Program to facilitate this project. Also early in April 2002 the Cardigan Hatchery released 5000 Brook Trout into the Midgell River System.

Food, Social, and Ceremonial fishery had 60 members participate in the trout food fishery, one member participated in the salmon food fishery, and 12 members sent in their harvesting report cards for the lobster food fishery.

Buctouche

Buctouche had 1 Aboriginal Fishery Officer, 1 Aboriginal Harvester, and 2 non-Aboriginal Harvesters. The band also allocated funds to the Eco-tourism project "A Micmac Experience", to further historical marine studies and aboriginal fishing traditions.

The band carried out a feasibility study on shellfish, and has also done extensive review with elders in relation to monitoring and habitat restoration.

Abegweit

The project summary for Abegweit First Nation consists of Med. A1, Med. A2 training, master class IV, lobster trap building, scuba training, and management training.

Community meetings were held concerning the proposed complex. The aquaculture feasibility study took place as well. The meetings for the long term plan and strategy project started last September going through till December 2001. Meetings were held in January to inform members of the results of the planning project. There were also initial meetings with the Department of Fisheries and Oceans, other relevant government departments, and other non-government interests with regard to implementation of the plan.

Lennox Island

Under the AFS a Fisheries Director was employed along with 1 clerk/assistant, 2 Guardians, 2 Monitors, and 1 fisheries truck and 1 fisheries boat were maintained.

All food fishing activities were monitored and community food fishing rules were enforced. The allocation of all communal commercial access was available through the AFS, which was coordinated and monitored by the AFS program.

Pabineau

Pabineau had a Salmon Enhancement Project. The project is a barrier fence that spans the river to make it possible to collect data on salmon, air temperature, water temperature, and water levels.

Their objectives were to construct and maintain the fence at one hundred percent operational capability, to collect all of the Brood Stock successfully, and to have no mortalities. They also planned to have the operation continue for the entire time span projected for the fence operation, and to promote the Pabineau Salmon Enhancement Project.

Pictou Landing

Under this AFS Agreement 2 Guardians were hired to monitor fishing activities within the community and surrounding rivers. Security officers were hired as well. There were 12 individuals who participated in the master class IV captain's course, and 1 Fishery Manager and 1 Assistant Fisheries Manager were hired. 12 individuals were trained in Med. and First Aid. There was also a Net Mending/Trap building course that was offered and a fish and salmon trap project.

Madawaska Maliseet

The project description for Madawaska Maliseet First Nation involves negotiations of Fisheries Management, management of the Aboriginal Fishery, Habitat Restoration, Stakeholder Consultation, and Training.

Because of the physical location of Madawaska, there has been little commercial access. This is why there were projects inland, which were every bit as important as traditional fisheries.

Marshall 1 has offered an inland hatchery/tourism project to be built. Six students were trained in aquaculture activities at NBCC St. Andrews.

Indian Island

The project description for Indian Island First Nation involves negotiation of Fisheries Management, Management of the Aboriginal Fishery, and Habitat Restoration which included conducting brook enhancement/habitat improvement projects and carrying out river bank clean ups.

The band selected 3 individuals from the First Nation as suitable Aboriginal Fishery Officers. DFO and Indian Island provided academic, technical, and safety training for these individuals.

Newfoundland Region

Newfoundland Region had a total AFS budget for 2001-2002 of \$1,942,000. The co-management budget was \$934,000. This included a top-up from HQ reserve of \$39,000. The ATP budget for this region was \$1,008,000, which included a top-up of \$58,000 from HQ reserve.

Number of Agreements and Employment

Agreements were signed with five Aboriginal groups in this region in 2001-2002. The Agreements with Conne River and the Labrador Inuit Association, included communal licences for their food, social and ceremonial needs, while the Agreements with the Innu Nation, Labrador Métis Nation and Federation of Newfoundland Indians were limited to funding for Fisheries Guardians.

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

Commercial Licences

Newfoundland Region was able to actively participate in the Allocation Transfer Program again in 2001-2002.

\$1,008,000 was used to retire licences, gear and vessels as follows:

Licence Pkg. (groundfish, snow crab, scallop Whelk and vessel)	\$608,062
Swordfish licence and gear	\$120,000
Portion of licence Pkg. (crab, groundfish, Shrimp, vessel)	\$252,338
Administration costs	\$27,600
Total	\$1,008,000

Key Projects

Innu Training Program

In the fall of 2001, AFS funding along with funding from DFO Science, HRDC, Parks Canada, Environment Canada, the Government of Newfoundland & Labrador and the Innu Nation was used to develop specialized curriculum for the delivery of a training program for the Innu Fishery Guardians. In essence, the training focused on relationship and capacity building in areas of environmental management. The training focused on fostering cooperation and mutual respect between the Innu Nation, government agencies, academic institutions and industry, while at the same time contributing to the capacity building process to allow the Innu Nation to fulfil its future co-management responsibilities following the conclusion of a comprehensive land claim.

For the Innu Nation the training also represented opportunity for expanding their environmental capacity, positioning themselves to respond effectively to the challenges of self-government, realizing new opportunities for the development of collaborative projects and maximizing the potential for technology transfer and environmental training. The Innu also saw the training as a tool to begin a process to develop creative approaches for the management of the land and resources in a manner that integrates Innu knowledge and other perspective into scientific practice in Labrador.

Significant Issues for the 2001-2002 Season

Amendments to the Aboriginal Communal Fishing Licence Regulations (ACFLR)

In June 1993, the Aboriginal Communal Fishing Licence Regulations (ACFLR) were enacted to authorize the Minister to issue a communal licence to an Aboriginal organization to carry on fishing and related activities. The ACFLR apply with respect to a myriad of species in various provinces and territories and in various waters. No licence fee is payable with respect to a licence issued under the ACFLR.

The ACFLR provide the licensing mechanism both for fishing conducted as part of the Aboriginal Fisheries Strategy and as part of DFO's response to the Marshall decision. This includes:

- access to fisheries for food, social and ceremonial purposes;
- access for the pilot sales fishery in British Columbia; and
- access to commercial fisheries

The ACFLR provide the authority for conditions that may be included in a communal licence such as purposes of harvest, designation of fishers, gear to be used, etc. Under the ACFLR, conditions that are inconsistent with requirements under other regulations made under the *Fisheries Act* can be included in a communal licence.

Following its November 6, 1997 meeting, the Standing Joint Committee for the Scrutiny of Regulations (SJC) wrote to DFO outlining its concerns with the ACFLR. It was their view that parts of the regulations are outside the regulation-making authority of the *Fisheries Act*. In particular, the SCJ questioned the provisions regarding designation of fishers and communal licence conditions prevailing over inconsistent regulations under the *Fisheries Act*.

Over the next four years several letters were exchanged between SJC and DFO.

On April 11, 2002, the Minister appeared before the Committee asserting the validity of and the requirement for the ACFLR and explaining the negative repercussions that would result from disallowance.

On May 30, 2002 and June 3, 2002, the SJC tabled a Report to Parliament in the Senate and House respectively, expressing its concerns with the ACFLR and asking for a comprehensive government response

In response to this Report, in June 2002, technical amendments were made to the ACFLR to respond to two matters raised by the SJC. The regulations now expressly provide that, in certain instances, an aboriginal group may designate those persons who can fish under the licence. The provision that makes licence conditions prevail over

provisions of regulations where there is an inconsistency has been repealed. Changes have been made to regulations of general application to identify provisions that would not apply where licences are issued under the ACFLR. In announcing these technical changes, the Minister stressed the fact that the ACFLR “remain valid and in force.” Letters were also sent out to all affected Aboriginal groups to reassure them that their fishing activity would not be affected by these changes.

In October, 2002, the Government of Canada tabled its response to the SJC’s Report on the ACFLR. The response emphasizes the importance of the ACFLR for the conservation of the resource and the orderly management of the Aboriginal fishery. It also reaffirms that the *Fisheries Act* provides sufficient authority to implement the policy of the Government.

Further information and documentation on this issue can be found on the DFO web site under Reports and Publications at http://www.dfo-po.gc.ca/communic/reports/acflr-rppca/acflr-rppca_e.htm.