

Historic and Present Native Participation in Pacific Coast Commercial Fisheries

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Fisheries and Aquatic Sciences**

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**HISTORIC AND PRESENT
NATIVE PARTICIPATION IN
PACIFIC COAST COMMERCIAL FISHERIES**

by
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Abstract

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Fisheries, particularly salmon fisheries, have great historical and cultural significance for native Indians in British Columbia. As commercial fishing developed, Indians were an integral part of that development. From 1960 to 1977 the total number of Indian owned or operated salmon fishing vessels declined from 1,179 to 780. However the number of vessels in the entire salmon fleet declined by a similar amount resulting in Natives owning or operating 15.9% of the fleet in 1960 and owning or operating 15.3% of the fleet in 1977. A number of government initiatives have helped to promote the apparent stability in Native participation as a proportion of the total salmon fleet over the last 20 years. These include IFAP (Indian Fishermen's Assistance Program), special licencing considerations including reduced fees, the Indian Fishermen's Emergency Assistance Program, and, recently, arranging the purchase of the B.C. Packers northern gillnet fleet. There is no denying, however, that as the salmon fleet reduced in size, so did the native fleet.

In 1982, the total native owned and operated salmon fleet reporting landings (status Indians only), consisted of 673 vessels or 14.8% of the total salmon fleet. Gillnets and gillnet/troll combinations predominate in the Native salmon fleet with 76% of the fleet in these categories. As might be expected, some regional differences in fleet composition occur. The highest proportion of trollers occurs in the Nuu-Chah-Nulth, Haida, and Straits Salish groups. Also, a disproportionately large number of seine boats are owned or operated by members of the Kwakiutl District Council and the Kwakiutl Band, two groups in the Johnstone Strait area.

There are also regional differences in proportion of vessels owned versus rented. The total Native owned and operated salmon fleet in 1983 consisted of 664 vessels, of which 396 were privately owned, 209 were fishing under a Northern Native Fishing Corporation entitlement, and 59 were rental vessels. Some groups, such as the Nuu-Chah-Nulth, own all the vessels they operate while the majority of vessels in the Gitksan Wet'suwet'en, Nishga, Tsimshian and Port Simpson areas are rented from the NNFC, B.C. Packers or Cassiar Packing.

In the roe herring fishery, special provisions for Natives in terms of entry and licencing fees have resulted in Indians holding 28% of roe herring licence entitlements. Spawn on kelp licences have also been allocated to Indians on a preferential basis. At present 18 of a total 28 spawn on kelp licences are held by individual Indians or bands. Other fisheries on the coast, such as halibut, groundfish and shellfish, have low levels of Indian participation.

Rights to, and co-management of, fisheries resources are important components of comprehensive claims in British Columbia. In particular, because of their historical involvement in commercial fisheries, the proximity of the resource and their concern for its future, many claimant groups will wish to increase their participation in the commercial harvesting sector. In addition, as plans for fleet reduction are pursued, if these plans include protection of Native licences, the Native proportion of the salmon fleet will increase.

Résumé

Pour les Indiens autochtones de la Colombie-Britannique, les pêches revêtent une grande importance historique et culturelle, tout particulièrement celle du saumon. Les Indiens ont été partie intégrante du développement de la pêche commerciale. De 1960 à 1977, le nombre total de bateaux de pêche du saumon appartenant à des Indiens ou exploités par ceux-ci est passé de 1 179 à 780. Toutefois, le nombre total de bateaux constituant l'ensemble de la flottille de pêche du saumon a connu une baisse similaire et, par conséquent, les autochtones, qui possédaient ou exploitaient 15,9 % de la flottille en 1960 étaient propriétaires ou exploitants de 15,3 % de celle-ci en 1977. Un certain nombre de mesures gouvernementales ont contribué à la stabilité apparente de la participation autochtone aux activités de l'ensemble de la flottille de pêche du saumon, ces 20 dernières années. Parmi ces mesures, mentionnons le PAPI (Programme d'aide aux pêcheurs indiens), des dispositions spéciales concernant les permis, y compris des droits réduits, le Programme d'aide d'urgence des pêcheurs indiens et, tout récemment, l'entente conclue avec la B.C. Packers pour l'achat de sa flottille servant à la pêche aux filets maillants dans le Nord. Il est toutefois indéniable que la flottille autochtone a diminué en nombre, à l'instar de la flottille de pêche du saumon.

En 1982, un total de 673 bateaux de la flottille de pêche du saumon appartenant à des autochtones et exploitée par ceux-ci a déclaré des débarquements (Indiens inscrits seulement), soit 14,8 % de l'ensemble de la flottille de pêche du saumon. La flottille autochtone de pêche du saumon est surtout constituée de bateaux de pêche aux filets maillants et de bateaux combinant la pêche aux filets maillants et la pêche à la traîne, 76 % de la flotte appartenant à ces catégories. Comme on pouvait s'y attendre, il existe certaines différences régionales dans la composition de la flottille. On trouve la plus grande proportion de bateaux de pêche à la traîne dans les groupes Nuu-Chah-Nulth, Haida et Straits Salish. Par ailleurs, les membres du conseil de district Kwakiutl et de la bande Kwakiutl, deux groupes de la région du détroit de Johnstone, possèdent ou exploitent un nombre disproportionné de senneurs.

On constate également des différences régionales dans la proportion de bateaux achetés par rapport à ceux qui sont loués. En 1983, la flottille de pêche du saumon appartenant à des autochtones et exploitée par ceux-ci totalisait 664 bateaux dont 396 appartenaient à des particuliers, 209 pêchaient en vertu d'un privilège de la Société des pêches des autochtones du Nord et 59 étaient loués. Certains groupes comme les Nuu-Chah-Nulth sont propriétaires de tous les bateaux qu'ils exploitent, tandis que la majorité des bateaux des régions de Gitksan Wet'suwet'en, Nishga, Tsimshian et Port Simpson sont loués de la SPAN, de la B.C. Packers ou de la Cassiar Packing.

Les Indiens détiennent par ailleurs 28 % des permis de pêche du hareng plein, en raison de dispositions spéciales pour les autochtones sur le plan de l'accès et des droits de permis. Les permis pour la culture des oeufs sur varech ont également été attribués aux Indiens sur une base préférentielle. Actuellement, sur un total de 28 permis de culture des oeufs sur varech, 18 sont détenus par des Indiens ou des bandes. La participation des Indiens à d'autres pêches pratiquées sur la côte, par exemple celles du flétan, du poisson de fond ou des mollusques et crustacés, est peu élevée.

Les droits concernant les ressources halieutiques et la cogestion à ce chapitre sont des éléments importants des revendications globales en Colombie-Britannique. Fait à noter, en raison de leur participation antérieure dans le cadre des pêches commerciales, de la proximité de la ressource et des inquiétudes qu'inspire l'avenir, de nombreux groupes revendicateurs voudront accroître leur participation dans le secteur de la pêche commerciale. En outre, si les plans de réduction de la flottille que l'on poursuit prévoient la protection des permis des autochtones, la proportion de ces derniers augmentera au sein de la flottille de pêche du saumon.

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1. Introduction

The purpose of this paper is to present information on historic and present Native participation in Commercial fisheries on the Pacific coast. Data is presented which illustrates historic trends in Native participation in commercial fisheries. Also, because of the potential importance of Indian land claims for future Native participation in fisheries, information on these claims is presented. All subsequent data on participation in the present Indian fleet is then given by claim group.

2. Historic Native Participation in the Commercial Fishery

2.1 Salmon Fisheries

Salmon has always made an important contribution to the economy and life style of Indians in British Columbia. As early as 1900, it was estimated that the value of salmon taken by Indians for food purposes amounted to more than three million dollars or just about the same as the total value of the commercial catch at the time. As commercial fishing developed, utilization of Indian produced salmon changed with many native Indians either selling their salmon to the canneries or leaving fishing to become directly involved in canning operations. In 1951 it was estimated that 32.7 percent of all fishermen were Indians and, in addition to those engaged in primary industry, there were a large number of wives and families of fishermen who worked in the salmon cannery while the men were fishing.

Up until 1963, Fisheries Officers were required to designate the racial origin of the applicant on each fishing licence and this information was tabulated and published in the Department's annual reports. It should be noted that up to 1966 only operator and gear licences were required and it was common

Much of the historical information presented here is taken from "Licence Limitation in the British Columbia Fishery", an unpublished report by Blake Campbell done in 1974 and Economic Status of Native Indians in British Columbia Fisheries 1964-1973 by M.F. Friedlaender (Technical Report Series PAC/T-75-25).

practice for a fisherman to fish more than one type of gear. The variation in the number of licences issued to Indians from year to year is evident from Table 2.1.

Between 1946 and 1962, the number of gillnet licences issued to Indians decreased by 52 percent from 1,653 to 805. In terms of total gillnet licences Indian participation dropped from 20.5 percent to 14.4 percent. During the same period the number of troll licences issued to Indians rose 11 percent from 628 to 690, and the percentage of total licencees remained relatively constant at around 11 percent. The number of Indian salmon seine captain licences (this licence was required by those fishermen who did not own their own seiners) increased from 119 in 1946 to a high of 164 in 1951, remained relatively constant until 1959 and then dropped sharply to 122 in 1962. In terms of percentage, of the total number of seine captains licenced, the number of Indian salmon seine captains dropped from 41.7 in 1946 to 30.4 in 1962. The number of salmon seine Indian crew members increased from a low of 640 to a high of 997 in 1954 and up until 1962, constituted about one-third of the total crew complement of the entire salmon seine fleet. In 1962 for some unexplained reason the number of Indian crew members on salmon seine vessels dropped to 699 or only 26.9 percent of total fleet.

In addition to the number of licences shown in the table, licences issued to Indians who owned salmon seine vessels totalled 37 in 1946, increased to a

high of 79 in 1955 and then gradually declined to 51 in 1962. In 1982 there were 70 salmon seine vessels owned by Indians and this number may be an underestimate because a number of native private corporation owned vessels are not included in this total.

Unfortunately, after 1962, the information in Table 2.1 is not available. However, Indian participation based on the number of native owned or operated vessels in the salmon fleet has been estimated for selected years from 1960 through 1977. This information is presented in Table 5.2. It shows that from 1964 to 1977, while the native owned or operated fleet declined by an average 3.8% per annum, native participation as a proportion of the total salmon fleet fluctuated but declined less, by an average 0.6% per annum. The largest decline in native participation as a proportion of the fleet was recorded between 1968 and 1969. This decline was primarily due to the sharp decrease in the number of native operated rental boats caused by a combination of the prediction of poor salmon runs in 1969 and closure of the herring reduction fishery in 1968 which in turn caused a series of company closures and mergers. In 1969 it was announced that Nelson Brothers Ltd. had merged with B.C. Packers Ltd. Also the operations of J.H. Todd Co. Ltd. were taken over by its two largest shareholders - Canadian Fishing Co. and B.C. Packers; and Anglo British Columbia Packing Ltd. sold its major assets to the Canada Fishing Company. These industry changes resulted in discontinuing the operations of three large canneries in Northern B.C. and one in Steveston, which would have had a large effect on native participation in the processing sector.

Table 2.1
Number of Fishing Licences Issued to Indians for Selected Years - 1946-1962

Year	Gillnet and Assistant		Troll		Captain Salmon		Assistant Salmon	
	Indian	Percent of Total	Indian	Percent of Total	Indian	Percent of Total	Indian	Percent of Total
1946	1,653	20.5	628	10.9	119	41.7	640	32.4
1951	1,395	19.0	596	11.6	164	42.3	758	31.4
1954	1,429	19.0	446	9.7	159	40.1	997	35.0
1955	1,181	16.8	466	11.8	136	32.6	896	33.0
1956	732	18.5	451	12.6	153	41.9	826	36.8
1958	1,061	18.9	614	11.1	150	34.9	955	33.7
1960	950	19.1	642	10.5	157	38.1	873	33.3
1962	805	14.4	690	11.2	122	30.4	699	26.9

Source: Annual Reports and unpublished licence statistics - Department of Fisheries.

Table 2.2

Native Participation in the Salmon Fishery Based on the Number of Native Owned or Operated Vessels

Year	Gillnet Vessels	% of Total Gillnet Fleet	Seine Vessels	% of Total Seine Fleet	Troll Vessels	% of Total Troll Fleet	Total Vessels	% of Total Fleet
1960	697	18.1	138	29.8	344	10.9	1,179	15.9
1964	750	20.4	135	31.5	388	13.0	1,273	17.9
1966	692	18.7	108	26.8	271	10.9	1,071	16.3
1968	806	21.1	132	33.2	240	10.1	1,178	17.8
1969	633	18.5	88	23.4	189	8.1	910	14.8
1970	671	19.1	111	26.0	195	8.6	977	15.8
1971	550	17.1	100	24.7	204	9.3	854	14.7
1972	543	17.8	128	32.3	187	8.9	858	15.5
1973	527	16.8	120	24.1	128	6.3	760	14.5
1974	500	16.0	128	24.3	142	9.0	770	14.8
1975	513	17.5	134	27.7	153	9.5	800	15.9
1976	526	18.4	130	24.6	159	9.4	815	16.0
1977	493	17.7	129	26.3	158	8.8	780	15.3

The overall trend towards less rental vessels continued as fishing companies operating in northern British Columbia, where the salmon prospects were also very poor in 1971, decided to curtail the number of gillnet and seine vessels that they usually rented or chartered. A high percentage of these vessels were usually fished by Indians. The decision not to fish these vessels was based on the premise that there was no hope, with the anticipated runs, that the vessel operators could even pay the cost of normal fishing operations. Had the vessels fished, the end result would have been that operators would have owed the company more at the end of the year than at the beginning. Many of the Indians who were not given vessels were unfortunately heavily indebted to the companies from previous years and the companies had no security against this indebtedness. Once the companies withdrew the opportunity for Indians to continue to fish, they in effect also recognized that there was little hope of ever collecting money from this group of fishermen. Many of the gillnet vessels withdrawn in 1971 were not returned to the fishery, a number were sold to "buy-back", others were retired and tonnage applied to newer and larger fishing vessels, but many marginal Indian fishermen were thus forced out of the industry because of these changing conditions.

Despite the above mentioned declines in the rental fleet in 1969 and 1971, overall participation as a proportion of the fleet declined only slightly. This point is also illustrated by Table 2.3 which shows that native owned vessels as a proportion of all privately owned vessels in the salmon fleet remained relatively constant from 1969 to 1979 and in 1983.

Table 2.3

Native Owned Vessels as a Proportion of Total Privately
Owned Vessels in the Salmon Fleet

<u>Year</u>	<u>Native Owned</u>	<u>Total Privately Owned¹</u>	<u>Native Owned as a % of Total Privately Owned</u>
1969	533	6,153	8.7
1970	642	5,953	10.8
1971	599	5,606	10.7
1972	582	5,216	11.2
1973	472	4,796	9.8
1974	474	4,613	10.3
1975	489	4,705	10.4
1976	-	4,626	-
1977	515	4,638	11.1
1978	420	4,512	9.3
1979	428	4,216	10.2
1983	398 (641) ²	3,988 (4,231) ²	10.0 (15.2) ²

¹ for 1969 through 1979 the number of vessels is based on the number of licenced non-company owned vessels reporting landings. The 1983 figure represents entitlements to licences for salmon (A & B) in 1983 (excluding the NNFC, BC Packers, Canfisco, Cassiar and Ocean Fishing fleets)

² including the NNFC

There are a number of government initiatives which have helped to promote this apparent stability in Native participation as a proportion of the total salmon fleet over the last 20 years. A review of these special initiatives follows:

- (1) The Indian Fishermen's Assistance Program (IFAP) was adopted by the Federal Government in 1967. It provided a three point program which included:
 - a) loans and grants to Indian fishermen for vessels or fishing gear;
 - b) the opportunity for Indians to take special practical training courses;
 - c) the building of shore installations on reserves so that the trend towards centralization could be reversed.

The program was not to provide welfare and in the case of new vessels was to apply to "selected individuals who are most capable of increasing their efficiency substantially through the use of new or better vessels." Persons making application for a loan or a grant for a vessel loan or grant had to have a substantial down payment and have had a good fishing record. In addition money was available under the program for purchase of fishing gear and equipment. The initial

program ran for five years and during this period loans and grants provided under the program totalled nearly four million dollars. It was then extended to 1979, by which time \$16.3 million had been expended, about half in grants and half in loans. Assistance was extended to 59 Indians to purchase rental vessels, and 52 operators of rental boats received aid to purchase gear and equipment. Eighty-five grants were made to bring older vessels to the minimum standards required for licencing.

Indians building new vessels under the Indian Fishermen's Assistance Program were initially exempted from retiring a category "A" vessel. This was changed in 1969 when funds were provided by the Department of Indian and Northern Affairs to purchase derelict vessels from the existing fleet in order to create a "tonnage bank", which was administered under IFAP. Indian fishermen wanting to introduce vessels into the salmon fishery were allocated the required tonnage for vessel licences out of this bank.

The Indian Fishermen's Assistance Program was not very successful in encouraging younger Indians to enter the fishery; many were deterred by downpayment requirements and the need for a good fishing record. Also, the attempt to promote construction of shore facilities in Indian communities to increase efficiency of fishing operations met with little success.

The main criticism of the IFA Program was that it benefited primarily those Indians who were already well-established and successful fishermen. As a result, it probably also increased the disparity of earnings across the Indian fleet. Furthermore, by providing financial assistance, it contributed to the problem of overcapitalization and excess capacity in the fleet, especially in the seine sector.

- (2) Indian fishermen applying after the May 31 deadline each year for salmon licences, under direction of Minister, were given special consideration and in most cases a licence was issued;
- (3) In 1969 and 1970, when an Indian requested a "B" rather than an "A" licence, the Department of Indian Affairs was notified. In many cases the Department of Indian Affairs were able to arrange for payment of the "A" category licence fee and the Indian did not lose the privilege that went with an "A" licence;
- (4) In 1971 the regulations were changed to provide a special licence for Indian owned vessels. As a result of this change an Indian who owned a salmon vessel could obtain an annual salmon licence for his vessel for \$10.00 (now \$20). However, he could not participate in the general "buy-back" plan but, as long as the owner renewed his licence each year and fished at least every second year, he could fish salmon with his vessel indefinitely. The vessel could also be retired and a licence would be available for a new vessel.

Vessels with these special Indian licences could be sold to the Department of Indian Affairs and the tonnage used for new vessels built under the Indian Fishermen's Development Program;

If one of these special Indian licenced boats were sold to a non-Indian, the vessel would revert to a "B" category unless the new owner paid all category "A" fees back to the year the vessel took out the Indian licence;

- (5) In order to protect those Indians who had decided in 1969 or 1970 to opt for a "B" licence that had only a ten year life, in 1972 it was agreed by the Minister of Fisheries that all "B" category vessels owned by Indians would be entitled to the Indian "A" category licence. A total of 63 "B" category licences were changed in 1972 to an AI category. Many of these were small vessels and only 52 of this group renewed their salmon licences in 1973.

The number of AI licences in 1973 increased by only ten, despite the fact that the "B" category licences were upgraded as indicated in the previous paragraph. One of the main reasons for this small increase was the fact that 25 Indian vessels whose owners had applied for a licence were unable to pass quality and standard inspections as of August 31, 1973, and consequently could not be licenced.

- (6) As of June 1980, the upgrading of Native held A licences paying reduced fees to full A status (thus allowing sale of the licence to non-natives) by the payment of retroactive licence fees was no longer permitted.
- (7) The Indian Fishermen's Emergency Assistance Program was implemented late in 1980 to assist with debt payments, repairs, equipment and start-up costs of Indians threatened with bankruptcy. The program was funded by the Department of Indian and Northern Affairs and administered by two Indian controlled boards. It provided for \$2 million in grants, another \$2 million in loan guarantees and \$200 thousand in direct loans. At the time of the program's termination early in 1982, the \$2 million in grants had been fully expended, as had the \$200 thousand in direct loans; and \$700 thousand in loan guarantees had been extended.
- (8) In 1982 B.C. Packers Ltd. sold 243 vessels and 252 licences (most of its northern gillnet rental fleet) to the Northern Native Fishing Corporation (NNFC). The purchase was arranged through the cooperation of the Departments of Indian and Northern Affairs and Fisheries and Oceans, and involved in a federal grant of \$11.7 million, of which \$3 million was provided for vessel improvements and operating costs, the remainder for payment to B.C. Packers.

The above government initiatives have helped to maintain the native share in the total owned salmon fleet and, through the creation of the NNFC, also provided a native owned and controlled rental fleet (a fleet which was generally rented to natives when owned by B.C. Packers).

In terms of incomes, the average gross earnings of Indian fishermen increased from a low of 61 percent of the average for the salmon fleet as a whole in 1967 to a high of 109 percent in 1973, and averaged 84 percent from 1975 to 1979. The average gross earnings of the vessels that were assisted under IFAP were almost half again as high as the average of all Indian vessels over the program's life.

2.2 The Roe Herring Fishery

The present roe herring fishery was initiated in 1972 with only 158 vessels participating. Because of the lucrative nature of this new fishery, it became apparent that a large influx of new gear would take place in 1974 - an influx that would adversely affect the capacity of the Department to safeguard adequate escapements for spawning. It was therefore clear that some scheme for limitation of gear would be necessary. Personal licences were introduced in 1974. Entry remained unrestricted up until January 15, 1974 for non-Natives and up until the 1977 season for native Indians. In addition, annual licence fees for non-Natives are \$2,000 for seines and \$200 for gillnets while fees for Indians are \$10 per year irrespective of gear. Although landings are not required for licence renewal, the licence holder must pay licence fees annually

to keep his licence in good standing. Licences are not transferable. However they may be leased (the original intent of the licencing scheme was to have the fleet reduced as individuals left the fishery; with leased licences this is not occurring). In 1981, area licencing was introduced and each licence is now valid in one, and only one, of the three specified fishing areas (North Coast, West Coast of Vancouver Island and Strait of Georgia).

Special provisions for Natives in terms of entry and licencing fees have resulted in substantial Native participation in the roe herring fishery. A summary of the number of Native participants in comparison to the total fleet is given in Table 2.5

2.3 Spawn-on-Kelp

Herring spawn-on-kelp is a traditional food for the Indians in the Queen Charlottes, on the west coast of Vancouver Island, and in the Kitkatla area. Up until 1975 it was not harvested commercially. In fact, until 1975, the B.C. Fisheries Regulations prohibited the sale of spawn on kelp, allowing its harvest only for personal food use by native Indians.

Although Japanese market demand created pressure to produce significant volumes of herring spawn on kelp, a number of constraints were imposed on the rapid development of this fishery in B.C. Caution exercised by the Department of Fisheries led initially to only one permit being issued in 1971 for experimental production. The operation took place in Skidegate Inlet, Q.C.I.,

Table 2.5

Participation and Licences in the Roe Herring Fishery from 1972-1983

Year	Native			Total Fleet			Native Fleet as a % of Total Fleet
	Gillnet	Seine	Total	Gillnet	Seine	Total	
1972	NA	NA	NA	54	104	158	-
1973	NA	NA	NA	297	150	447	-
1974	274	28	302	1,579	252	1,831	16.5
1975	254	27	281	1,249	232	1,481	19.0
1976	253	26	279	1,285	214	1,499	18.6
1977	415	60	475	1,329	245	1,574	30.2
1978	393	63	456	1,295	251	1,546	29.5
1979	396	62	458	1,302	249	1,551	29.5
1980	402	62	464	1,317	251	1,568	29.6
1981	401	60	461	1,309	250	1,559	29.6
1982	400	60	460	1,322	250	1,572	29.3
1983	379*	61	440	1,322	249	1,571	28.0

* 1983 was the first year that the number of native roe herring licences was determined by looking at actual applications instead of revenues and the difference of 21 licences is accounted for by non-natives, or perhaps non-status Indians, paying reduced fees.

but, after only limited success, the permit was cancelled. The demand for spawn on kelp permits grew the following year, but none were issued. The Department of Fisheries did not want to encourage the development of this fishery until the various biological ramifications of impoundment and kelp harvesting had been studied, the market investigated, and appropriate regulatory controls had been developed to manage a fishery. The Department subsequently undertook a study of the impoundment technique and a market analysis. These studies indicated that the production of herring spawn on kelp using the impoundment method was both technically feasible and economically viable. Despite the apparent feasibility of the impoundment method, however, no permits were issued in 1973 and only one permit was issued in 1974. This permit was issued to the Skidegate Indian Band and their operation was closely monitored by the Department.

The relative success of the Skidegate Indian Band operation led, in 1975, to the amendment of the B.C. Fishery Regulations and it became possible, under Section 21A, to obtain written permission from the Regional Director, to engage in the commercial production of herring spawn on kelp. At present there are 28 permits outstanding. Thirteen of these are held by native individuals and five by native bands. As a general Department policy, individual Indians and band councils are given priority for new permits in the spawn-on-kelp fishery.

3. Native Claims

3.1 Background

There are two broad categories of Native claims: comprehensive claims and specific claims. The term "comprehensive claims" is used to designate claims which are based on traditional Native use and occupancy of land. Such claims normally involve a group of bands or Native communities within a geographic area and are comprehensive in their scope including, for example, land, hunting, fishing and trapping rights, and other economic and social benefits. The term "specific claims" refers to those claims which relate to the administration of land and other Indian assets and to the fulfillment of treaties.

Since very few treaties were signed in British Columbia, most Native claims in the province will be comprehensive claims and therefore deal extensively with fishing rights and opportunities for economic development related to fishery resources. In addition, although areas of land around Victoria, Nanaimo and Fort Rupert are covered by treaties, these treaties deal primarily with the ceding of land to the Hudson's Bay Company and impose no restrictions on Indian fisheries. In fact, these treaties guaranteed that the Indians "were at liberty to carry on their fisheries with the same freedom as when they were the sole occupants of the country." It would seem then that the existence of these treaties would not preclude the possibility of a claim based on fisheries.

3.2 Definition of Claim Groups

For the purpose of looking at existing and potential Native claims with a commercial fishery component, all B.C. bands which had traditional marine fisheries and would therefore have potential claims on the present saltwater fishery, have been divided into claim groups. These claim areas either correspond to submitted claims or to ethnic categories and were defined by the Office of Native Claims. Each claim group has been given a number simply for ease of data collection and computations.

Table 3.1 lists all the claim groups and the name and band number of each band in each claim group. In addition the traditional territories of each ethnic group are indicated on the map in Figure 3.1

3.3 Status of Claims

The only claim currently under negotiation is the Nishga claim. However, the following claims have been accepted: Gitksan Wet'suwet'en, Haisla Nation, Association of United Tahltans, Nuuchah-Nulth Tribal Council, Council of the Haida Nation, Heiltsuk Nation, Nuxalk Nation (Bella Coola), Nazko-Kluskus Bands, Kaska Dena Council, Carrier-Selcani Tribal Council and the Alkali Lake Band. In the case of the Gitksan Wet'suwet'en two claims have been accepted, one for the Kitwancool band and the other for the remaining bands. For the purpose of analysis, these two claims are treated as one unit.

Table 3.1
Definition of Claim Groups

<u>Claim Groups</u>	<u>Band Name</u>	<u>Band No.</u>
01 Gitksan Wet'suwet'en	Gitanmax	971531
	Gitwangak	971536
	Glen Vowell	971533
	Hagwilget	971534
	Kispiox	971532
	Kitsegukla	971535
	Moricetown	971530
	Kitwancool	971537
02 Halkomelem	Nanoose	974649
	Lyakson	974646
	Penelekut	974650
	Halalt	974645
	Chemainus	974641
	Cowichan	974642
	Cowichan Lake	974643
03 Nuu-Chah-Nulth	Ahousaht	974659
	Clayoquot	974660
	Hesquiat	974661
	Kyuquot	978638
	Nitinaht	974662
	Nuchatlaht	974639
	Opetchesaht	974664
	Ohiat	974663
	Sheshaht	974665
	Mowachaht	
	Toquaht	974666
	Uchucklesaht	974667
	Ucluelet	974668
	Pacheenaht	974658
	Ehattesaht	978634
04 Straits Salish	Tsartlip	974653
	Tsawcut	974654
	Pauquachin	974652
	Malahat	974647
	Songhees	974656
	Esquimalt	974644
	Sooke	974657
	Beecher Bay	974640
	Tseycum	974655

Table 3.1 cont'd.

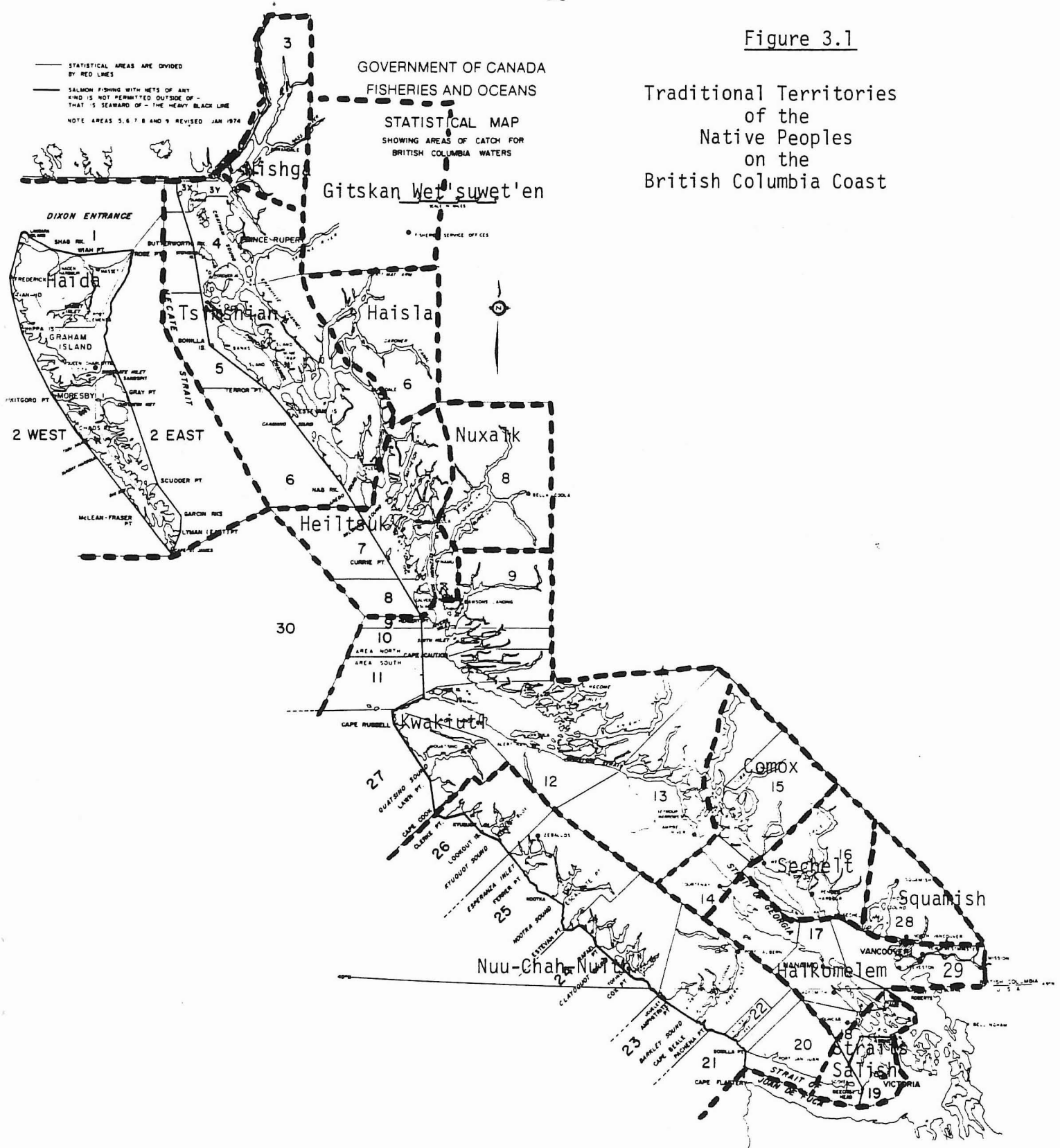
<u>Claim Groups</u>	<u>Band Name</u>	<u>Band No.</u>
04 Straits Salish (cont'd)	Semiahmoo Nanaimo	974648
05 Kwakiutl District Council	Campbell River Cape Mudge Mamalillikulla Tsulquate Kwiakah Nuwitti Quatsino Turnour Island Tanakteuk Tlowitsis-Mumtagila Kwawaaineuk Kwiksutaineuk Tsawataineuk Nimkish Comox	978622 978623 978629 978724 978628 978632 978633 978637 978635 978627 978625 978636 978631 978624
06 Kwakiutl Band		978626
07 Alliance Tribal Council	Homalco Klahoose Slammon Sechelt Squamish Burrard	987552 987553 987554 987551
08 Haida	Skidegate Masset	986670 986669
09 Nishga	Gitlakdamks Canyon City Lakalzap Kincolith	986677 986679 986678 986671
10 Council of Tsimshian Nations	Metlakatla Hartley Bay Kitasoo (Kl'emtu)	986673 986675 987540

Table 3.1 cont'd.

<u>Claim Groups</u>	<u>Band Name</u>	<u>Band No.</u>
10 Council of Tsimshian Nations (cont'd)	Kitselas Kitkatla Kitsumkalum	986680 986672 986681
11 Tsimshian	Port Simpson	986674
12 Haisla	Kitamaat	986676
13 Heiltsuk	Heiltsuk	987538
14 Nuxalk	Bella Coola	987539
15 Oweekeno	Oweekeno	987541
16 Musqueam	Musqueam	987550
18 Qualicum	Qualicum	
20 Katzie Band		987563
21 Langley Band		987564
22 Skwan Band		987573
23 Kitwancool		971537

Figure 3.1

Traditional Territories
of the
Native Peoples
on the
British Columbia Coast



A further five claims have been received and are under review. The Musqueam claim to lands has been rejected but they may yet have a legitimate claim to fishery rights. The remaining claim areas defined here have not yet submitted claims. As a result some of the groupings of bands used here are conjecture.

Because of the importance of the implications of land claims to Native participation in the commercial fishery, the following information on the present fleets is presented by claim group.

4. Structure of the Native Owned and Operated Salmon Fleet

4.1 The Native Owned Fleet

4.1.1 Identification of the Native Owned Salmon Fleet

The Native owned fleet was identified by a manual search of all 1983 licence applications for those either paying reduced fees or identifying themselves as status Indians in reply to the question on the application form asking for this information. In addition, the person doing this manual search has done it before and some additional names were looked up in the band lists on the basis of the tie up location or last name. The list may in fact include a few individuals of Native origin who identify themselves as status Indians on the application but are not on any band list. In addition, some natives have formed private corporations for the usual tax and limited liability advantages. Vessels owned by these corporations are basically Indian owned and operated vessels. However, these will not be included as part of the native fleet. It is estimated that in 1978, 16 vessels fell into this category.

4.1.2 Joint Ownerships

There are three types of joint ownership of native owned vessels.

First, native vessels may be jointly owned with non-natives. In most cases the other owners are fishing companies or non-status family members. These vessels are all considered native owned for the purposes of this report.

Second, native vessels may be jointly owned by other natives in the same claim group. In these cases the vessel is only listed once for the claim group.

Third, native vessels may be jointly owned in two different claim groups. There are four such vessels. These are identified by asterisks on each of the fleet summary tables. Column totals reflect the fact that only one vessel exists for every two asterisks.

4.1.3 Structure of the Native Owned Salmon Fleet by Licence Type

Table 4.1 details the number of A, AI (A licences paying reduced fees) and B licences on native owned vessels by claim group. In total there were 47 A licences, 331 AI licences, and 18 category B licences on native owned vessels in 1983. The 18 category B licence entitlements expired at the end of 1983.

Table 4.2 shows Native owned entitlements to salmon licences as a proportion of the total fleet in 1983.

4.2 Northern Native Fishing Corporation

In 1982 the Northern Native Fishing Corporation (NNFC) purchased the B.C. Packers northern gillnet/troll fleet. Assets purchased included 252 licences and 243 vessels. The idea of the corporation is to allow for this fleet to be exclusively owned and operated by native Indians. The NNFC is jointly owned by the Nishga Tribal Council, the North Coast Tribal Council and the

Table 4.1
Native Owned Salmon Fleet
by Licence Type

<u>Claim Group</u>	<u>A</u>	<u>AI</u>	<u>B</u>
01 Gitksan Wet'suwet'en	2	5	0
02 Halkomelem	0	10*	2
03 Nuu-Chah-Nulth	2	78*	3
04 Straits Salish	0	4	4
05 Kwakiutl District Council	6	36	1
06 Kwakiutl Band	0	7**	0
07 Alliance Tribal Council	1	6	1
08 Haida	4	20*	1
09 Nishga	5	13	0
10 Tsimshian Nations	4*	34*	1
11 Port Simpson	6*	28	0
12 Haisla	1	12	0
13 Heiltsuk	9	28	0
14 Nuxalk	5	23	0
15 Oweekeno	0	1	0
16 Musqueam	0	6	2
18 Qualicum	1	2	0
20 Katzie	2	14	2
21 Langley	0	4	1
22 Skwan	0	3	0
Total	47	331	18

each * indicates a vessel jointly owned in a different claim group.

Table 4.2

Native Owned Vessels Entitled to Salmon Licences as
a Proportion of the Total Fleet in 1983

<u>Category</u>	<u>Total Entitlements</u>	Native Owned <u>Entitlements</u>	Native Entitlements <u>as a % of Total</u>
"A"	3,686	308	8.4%
"A-seine"	550	70	12.7%
"A" and "A-seine"	4,236	378	8.9%
"N"	252	252	100.0%
"B"	160	18	11.3%
Total Salmon	4,647	648	13.9%

Gitsan Wet'suwet'en Tribal Council.

The fleet was operated as a rental fleet in 1982. However vessels were sold to Natives from the three councils starting in 1983. The NNFC determines who qualifies as an Indian. The conditional privilege to use a licence is given to individuals purchasing a vessel but ownership of the licence is vested with the corporation. A new licence type, an N licence, has been set up for this purpose. It is a personal licence, as opposed to a vessel licence, held by the corporation. Vessel owners or operators pay the NNFC a fee for the use of a licence each year (\$500 in 1982). In addition, operators pay N licence fees to the Department (\$20). In 1982 there were 33 NNFC vessels operated by non-Natives or non-status Indians. For the purposes of this report, all NNFC vessels are included as part of the Native fleet regardless of who operates them.

As with A licences, N licences are restricted as to length and tonnage. However, associated vessels can decrease in either or both and then switch up again to the original restricted levels. In addition the NNFC may retain N licences even if they are not used for two years or more.

4.3 Other Native Operated Salmon Vessels

Both B.C. Packers and Cassiar Packing have sizeable rental fleets and many of these vessels are rented to status Indians. Of the B.C. Packers rental seine boats, 21 are verifiably operated by status Indians, the majority of whom belong to the bands in the Kwakiutl District Council.

In 1983, of the Cassiar Packing Company gillnet rental fleet of 103 vessels, 38 were verifiably operated by status Indians.

4.4 Total Native Owned and Operated Salmon Fleet

The total Native owned and operated salmon fleet active in 1983 consisted of 664 vessels of which 396 were privately owned, 209 were fishing under an NNFC entitlement, and 59 were rental vessels. The distribution of vessels into each of these categories for each claim group is shown in Table 4.3. This table illustrates that some claim groups are far more dependent on rental vessels for their participation than others. In particular, the Gitksan Wet'suwet'en and Council of Tsimshian Nations groups have a strong interest in the fortunes of Cassiar Packing as status band members rent 33 of Cassiar's vessels. Other claim groups, such as the Nuu-Chah-Nulth, own all the vessels they operate.

The total Native owned and operated salmon fleet reporting landings in 1982 is listed by claim group and gear type in Table 4.4. Gear types were determined on the basis of gear type reported on the sales slips. A vessel with any seine landings is called a seine and vessels with both gillnet and troll landings are defined as gillnet/troll combinations.

Gillnets and gillnet/troll combinations predominate in the Native salmon fleet with 76% of the fleet in these categories. As might be expected, some regional differences in fleet composition occur. The highest proportion of trollers occurs in the Nuu-Chah-Nulth, Haida, and Straits Salish groups. Also,

Table 4.3
Native Owned and Operated Salmon Fleet Reporting Landings in 1983

<u>Claim Group</u>	<u>Native Owned</u>	<u>NNFC</u>	<u>Cassiar and BCP</u>	<u>Total</u>
01 Gitksan Wet'suwet'en	7	36	23	66
02 Halkomelem	12*	0	1	13
03 Nuw-Chah-Nulth	83*	0	0	83
04 Straits Salish	8	1	0	9
05 Kwakiutl District Council	43	0	14	57
06 Kwakiutl Band	7**	1	0	8
07 Alliance Tribal Council	8	0	0	8
08 Haida	25*	0	0	25
09 Nishga	18	43	4	65
10 Tsimshian Nations	39**	37	13	89
11 Port Simpson	34*	47	0	81
12 Haisla	13	1	0	14
13 Heiltsuk	37	2	4	43
14 Nuxalk	28	7	0	35
15 Oweekeno	1	0	0	1
16 Musqueam	8	0	0	8
18 Qualicum	3	0	0	3
20 Katzie	18	1	0	19
21 Langley	5	0	0	5
22 Skwan	3	0	0	3
Other NNFC	-	33	-	33
Total	396	209	59	664

* indicates a vessel jointly owned in a different claim group.

Table 4.4
Native Owned and Operated Salmon Fleet Reporting Landings in 1982 by Gear Type

	<u>Gillnet</u>	<u>Troll</u>	<u>Gillnet/ Troll</u>	<u>Seine</u>
01 Gitksan Wet'suwet'en	74	1	4	0
02 Halkomelem	2	3	5*	0
03 Nuu-Chah-Nulth	2	36	35*	6
04 Straits Salish	0	7	3	0
05 Kwakiutl District Council	7	3	5	44**
06 Kwakiutl Band	2	0	0	6
07 Alliance Tribal Council	4	0	3	1
08 Haida	4	8	6	5*
09 Nishga	51	0	10	3
10 Council of Tsimshian Nations	44	1	36*	9*
11 Port Simpson	13	1	62*	1
12 Haisla	7	0	4	2
13 Heiltsuk	6	3	21	15
14 Nuxalk	27	0	8	0
15 Oweekeno	2	0	0	0
16 Musqueam	7	0	0	1
18 Qualicum	0	0	0	3
20 Katzie	17	0	1	0
21 Langley	5	0	0	0
22 Şkwan	1	0	1	0
Other NNFC	30	0	9	0
Total	<u>305</u>	<u>63</u>	<u>211</u>	<u>94</u>

each * indicates a jointly owned vessel with owners in two claim areas.

a disproportionately large number of seine boats are owned or operated by members of the Kwakiutl District Council and the Kwakiutl Band, two groups in the Johnstone Strait area.

In comparison to the total coastwide salmon fleet, again gillnets predominate. As shown in Table 4.5, the Native salmon fleet is 76% gillnets and gillnet/troll combinations while the total coastwide salmon fleet is 52% gillnets and gillnet/troll combinations. Natives own or operate a slightly larger proportion of seine boats than average and a significantly smaller proportion of the troll fleet.

Table 4.5
Comparison of Native Salmon Fleet
by Gear Type with the Total Fleet

	Native Salmon Fleet		Total Salmon Fleet	
	reporting salmon landings		reporting salmon landings	
	<u>1982</u> <u>Fleet</u>	<u>Proportion</u> <u>of Fleet %</u>	<u>1982</u> <u>Fleet</u>	<u>Proportion</u> <u>of Fleet %</u>
Gillnet	305	45%	1363	30%
Seine	94	14%	541	12%
Troll	63	10%	1638	36%
Gillnet/Troll	211	31%	1020	22%
Total	675	100%	4562	100%

5. Native Held Personal Licences

5.1 Roe Herring Licences

Table 5.1 shows the number of Native held personal roe herring licences in 1983 by gear type and claim group. Unlike vessel licences, which are permanently assigned to a vessel until transferred by the vessel owner, personal licences are permanently assigned to an individual. They are not transferable, can be assigned to any one vessel each year (and re-assigned to another even in season) and, because they are non-transferable, personal licences are often leased. According to the terms of the licence, a native held personal licence (ie. paying reduced fees, and only one roe herring Native licensee pays full fees) must be operated by a native. It is difficult to estimate compliance with this condition of the licence because it is very difficult to enforce and because one native crew member can constitute a native operator. In any case, however, the native owner derives income from the licence even if not actively involved in the fishery. It has been estimated that 22% of native roe-herring licences are leased out to non-Natives.

In addition to the licences listed in Table 5.1 there were 17 company held roe herring licences paying reduced fees and therefore native owned in 1981. Two of these licences were for gillnets and the remaining 16 were for seines.

Table 5.1

Native Held Personal Roe Herring Licences
by Claim Group

	<u>Gillnet</u>	<u>Seine</u>	<u>Total</u>
01 Gitksan-Carrier	21	0	21
02 Halkomelem	6	0	6
03 Nuw-Chah-Nulth	69	2	71
04 Straits Salish	4	0	4
05 Kwakiutl District Council	47	19	66
06 Kwakiutl Band	4	1	5
07 Alliance Tribal Council	1	0	1
08 Haida	10	6	16
09 Nishga	32	4	36
10 Tsimshian Nations	47	4	51
11 Port Simpson	36	2	38
12 Haisla	6	2	8
13 Heiltsuk	50	3	53
14 Nuxalk	36		36
15 Oweekeno	1		1
16 Musqueam	4	1	5
18 Qualicum	0	2	2
20 Katzle	0	0	0
21 Langley	0	0	0
22 Skwan	<u>0</u>	<u>0</u>	<u>0</u>
Total	374	46	420
	===	==	===

5.2 Spawn on Kelp

The other type of native held personal licence presently recorded as such is for herring spawn on kelp. Out of a total of 28 permits, 18 are held by natives. Five of the 18 native held permits are held by native bands with one band member designated as responsible for the licence.

Table 5.2 shows native personal licence entitlements for selected licences as a proportion of the total fleet.

Table 5.2

Native Owned Entitlements to Personal Licences as
a Proportion of the Total Fleet in 1983

<u>Category</u>	<u>Entitlements</u>	Native Owned <u>Entitlements*</u>	Native Entitlements <u>as a % of Total</u>
Roe Herring Gillnet	1,322	376	28.4%
Roe Herring Seine	249	61	24.5%
Total Roe Herring	1,571	439	27.9%
Spawn on Kelp	28	18	64.3%

* Includes native company-owned roe herring licences.

6. Native Participation in Other Commercial Fisheries

6.1 Halibut

Despite the importance of halibut as a subsistence fishery, B.C. Indians have never had a substantial level of participation in the commercial halibut fishery. Their participation was generally restricted to a small proportion of the "mosquito" fleet of one- and two-man boats that fished halibut chiefly in the spring. Some of the larger native owned salmon seiners would also outfit for halibut prior to the salmon season (Bell, 1981).

In 1979, restrictive licencing was introduced in the halibut fishery. "L" licences were issued to vessels that had reported halibut landings of at least 3000 pounds in either of the preceeding two years. Shortly after these new restrictions were introduced they were relaxed and generous grounds for appeal were provided. While it is not known exactly how many native fishermen were forced out of halibut fishing because of these new restrictions on licences, native licence appeals may give an indication of this displacement. Of a total 435 halibut licence appeals in the first half of 1979, only 30 were brought forward by native Indians and of these 30, 10 had no halibut landings in either 1977 or 1978. In 1979, 12 special personal halibut licences were issued to Natives who rented vessels and met all landings requirements. In 1983, there were still nine of these licences being issued. These special licences are individually held and non-transferable and are currently applied to one owned and eight rental boats.

Besides the nine special halibut licences, in 1983 there were 18 "L" licences applied to Indian owned vessels and a further 8 "L" licences owned by the Northern Native Fishing Corporation. Thus in total there were 35 Native held halibut licences in 1983 out of a total halibut fleet of 429 vessels.

6.2 Other Species

Native participation in fisheries for other species such as groundfish and shellfish is relatively minor. The following table indicating licence entitlements in 1983 illustrates this point:

<u>Licence Category</u>	<u>Fishery</u>	<u>Native Held Licences</u>	<u>Total Licences</u>
"C"	Schedule v species	24	1,010
"T"	Groundfish trawl	3	139
"S"	Shrimp trawl	1	243
"D"	Pocking	4	227

6. SUMMARY

Fisheries, particularly salmon fisheries, have great historical and cultural significance for native Indians in British Columbia. As commercial fishing developed, Indians were an integral part of that development. From 1960 to 1977 the total number of Indian owned or operated salmon fishing vessels declined from 1,179 to 780. However the number of vessels in the entire salmon fleet declined by a similar amount resulting in Natives owning or operating 15.9% of the fleet in 1960 and owning or operating 15.3% of the fleet in 1977. A number of government initiatives have helped to promote the apparent stability in Native participation as a proportion of the total salmon fleet over the last 20 years. These include IFAP (Indian Fishermen's Assistance Program), special licencing considerations including reduced fees, the Indian Fishermen's Emergency Assistance Program, and, recently, arranging the purchase of the B.C. Packers northern gillnet fleet. There is no denying, however, that as the salmon fleet reduced in size, so did the native fleet.

In 1982, the total native owned and operated salmon fleet reporting landings (status Indians only), consisted of 673 vessels or 14.8% of the total salmon fleet. Gillnets and gillnet/troll combinations predominate in the Native salmon fleet with 76% of the fleet in these categories. As might be expected, some regional differences in fleet composition occur. The highest proportion of trollers occurs in the Nuu-Chah-Nulth, Haida, and Straits Salish groups. Also, a disproportionately large number of seine boats are owned or operated by members of the Kwakiutl District Council and the Kwakiutl Band, two groups in the Johnstone Strait area.

There are also regional differences in proportion of vessels owned versus rented. The total Native owned and operated salmon fleet in 1983 consisted of 664 vessels, of which 396 were privately owned, 209 were fishing under a Northern Native Fishing Corporation entitlement, and 59 were rental vessels. Some groups, such as the Nuu-Chah-Nulth, own all the vessels they operate while the majority of vessels in the Gitksan Wet'suwet'en, Nishga, Tsimshian and Port Simpson areas are rented from the NNFC, B.C. Packers or Cassiar Packing.

In the roe herring fishery, special provisions for Natives in terms of entry and licencing fees have resulted in Indians holding 28% of roe herring licence entitlements. While regulations state that these licences must be operated by an Indian, it has been estimated that 22 percent of the Native herring licences are leased out to non-Natives.

Spawn on kelp licences have also been allocated to Indians on a preferential basis. At present 18 of a total 28 spawn on kelp licences are held by individual Indians or bands.

Rights to, and co-management of, fisheries resources are important components of comprehensive claims in British Columbia. In particular, because of their historical involvement in commercial fisheries, the proximity of the resource and their concern for its future, many claimant groups will wish to increase their participation in the commercial harvesting sector. In addition, as plans for fleet reduction are pursued, if these plans include protection of Native licences, the Native proportion of the salmon fleet will increase.

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