

Pilot Sales Program



Economic Opportunity Fisheries

Helps First Nations in British Columbia achieve economic self-sufficiency by licensing the sale of Pacific salmon
Distinct programs in three areas: Lower Fraser River, Alberni Inlet–Somass River, Skeena River

Lower Fraser

Alberni Inlet–Somass

Harvest limits based on historic catches and fisheries management considerations, augmented by reallocation of catch capacity (Allocation Transfer Program)

Permitted to fish exclusively for 24 hours for food, social and ceremonial purposes and to sell the catch

Musqueam, Tsleil-Waututh, and Sto:lo

Communal licences issued weekly to communities once annual harvest plan developed

Tseshaht and Hupacasath (Somass First Nations)

1. Aboriginal Fisheries Strategy agreement and corresponding communal licence

Agreements set harvest limits, funding arrangements and fishery guardian duties. Communal licence details authorized fishing area, gear, fishing times, allocation, and catch monitoring requirements.

2. Monitoring program uses mandatory landing sites where fish counted

Monitoring done by Aboriginal fishery guardians in co-operation with Fisheries and Oceans Canada fishery officers. Joint technical committees also monitor in-season catches to ensure conservation and other management consideration.

1999: Pilot sales fisheries given same priority as commercial harvest in Pacific salmon allocation policy

1992-2002: Pilot sales 7% of total Canadian harvest of Fraser River sockeye

2003: Decision in *R v. Kapp* that pilot sales fishery inconsistent with equality provisions of the Charter and pilot sales agreements terminated

2004: BC Supreme Court rules Lower Fraser River pilot sales fishery not inconsistent with equality provisions of the Charter

First Nations given alternative to pilot sales through new economic opportunity fishery

New agreements clearly separate food allocations from commercial portion and operate under same harvest decision guidelines as the commercial fishery

Also tied to availability of regular commercial fisheries on a particular stock

2006: Decision affirmed by BC Court of Appeal

2008: BC Court of Appeal decision affirmed by Supreme Court of Canada

2009: Tsawwassen First Nation Treaty (April 3rd)

Two distinct fisheries:

1. Designated communal fishing days

Harvest occurs through collective effort and distributed among nation members

2. Traditional, artisanal net fishery

Harvest on terminal sockeye returns typically occurs from relatively small vessels using gill nets

Bands may also designate vessels operated by non-members to fish on their behalf

Catch and Effort

Catch estimated by summing landing slip information collected by First Nations monitors stationed at designated landing sites

Effort estimated by summing individual landing events from each harvester as reported through the Fishery Operations System

E-logs maintained by First Nations monitors at designated landing sites

If annual Aboriginal Fisheries Strategy agreements not reached, pilot sales not permitted.

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Skeena

Commercial harvest of “excess” stocks to best use the harvestable portion, while still allowing for optimum returns for spawning and production

When “excess” stocks occur, fish are made available for harvest in priority order:

- 1. Meet outstanding food fish requirements**
- 2. Offer all or part to local First Nations or tribal council**
Harvested fish may be sold with profits supporting agreed-upon fisheries project or locally operated facilities
- 3. Offer to a community group** (if First Nation declines or fails to respond during specified timeframe)
Harvested fish may be sold with profits supporting agreed-upon fisheries project
- 4. Offer for sale by competitive tender** (if First Nation and community group decline)
Considered Crown-owned if returning to government-run enhancement facility

Excess salmon to spawning requirements fisheries do not interfere with priority food fishing right

Reporting Requirements

Outline catch, escapement sampling results and other harvest activities

Subject to independent audit process paid by harvester

Collected and validated by Department’s area staff

Copy of final report sent to Department’s regional salmon officer

Summary spreadsheet sent to Regional Catch Statistics Unit

Accountabilities

Fisheries and Oceans Canada is solely responsible for identifying and allocating excess salmon licences

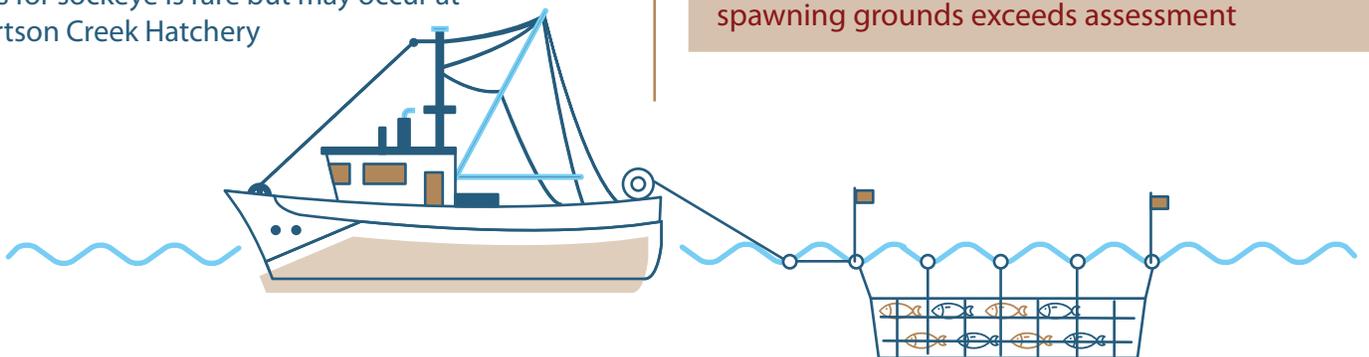
Harvesting done under ministerial authorization or the licence, which is nontransferable and non-leasable

Fisheries and Oceans Canada’s first priority is to provide adequate escapements to perpetuate and rebuild the salmon resource

Excess salmon to spawning requirement fisheries are thus infrequent as ‘excess’ stocks are minimized through harvesting by food, commercial, and recreational fisheries

Alberni Inlet–Somass

Excess for sockeye is rare but may occur at Robertson Creek Hatchery



Excess: Number of salmon returning to spawning grounds exceeds assessment