

What We Heard

“Are guardians just for Aboriginal people? Is this just to prevent our people from being harassed when they are exercising their fishing rights?”

Getting to Know Community Fishery Guardian Programs

“Our guardians monitor what’s in the water to ensure that the Aboriginal Fisheries Strategy agreement we signed is being followed by members.”

- Participants included communities with and without fishery guardian programs. Communities without guardian programs had members trained to be guardians in the early 1990’s. Some also had members take training sessions in more recent years.
 - Those with programs want more working weeks for their guardians, with year-round employment as an end goal. *“If you can’t employ them all year, people won’t stick around.”* At present, no guardians work year-round so they have other employment in the off-season.
 - Those without programs are interested in having fishery guardians for various reasons, such as providing more employment to members and having a local enforcement presence in their territories. *“My Band approached me to steer us in the direction of having a fishery guardian program.”*
- Participants shared historical knowledge about the fishery guardian program in the region from multiple perspectives: the community, fishery guardian, Aboriginal fishery officer, and two former Fisheries and Oceans Canada employees (one a former fishery officer). For example, we learned:
 - The program was initially designed to have three phases, with phase three being the training to receive designation as a fishery officer. This changed in 1997, when the Aboriginal Fisheries Strategy started funding fishery directors (now called natural resource directors) instead of fishery guardians.
 - A few communities had members trained to be fishery guardians between 1991 and 1993, but when they completed training, there were no jobs for guardians in the community. *“We were hoping to get some other funding after guardians were trained – even for seasonal work to start – but that didn’t happen. They couldn’t take any money away from the Aboriginal Fisheries Strategy to pay for them.”*
 - The job placement for one community’s guardians was far away so the program did not last more than a few years. *“It was too much driving time to get back and forth.”* A similar situation was experienced by one guardian who became a fishery officer as his job post was more than an hour and half’s drive each way. *“They seemed to be making it as hard as possible for me to want to stay there.”*
- Participants primarily have designated fishery guardians in their programs: one community has eight designated guardians, while another has five. A third has different

staff in their program: four designated guardians and five 'river monitors' which the community would like to have designated as guardians.

- One community's fishery guardians are also trained by the Canadian Coast Guard to do search and rescue and other auxiliary duties.
- Guardians have uniforms, trucks, and equipment to identify their profession and community. *"We're well-organized."* Designations are renewed every two years and do not require re-training.
- The number of weeks that fishery guardians work varies by community from 14 to 30 weeks. Participants are focused on finding ways to increase the number of working weeks and to build more meaningful employment for their guardians. In some cases, communities use their own revenues to fund activities to keep guardians working longer.

Enforcement Activities

"We want more authority. These guardians take the heat, not the fishery officers."

- Fishery guardian programs in participants' communities are monitoring and enforcing the community's fishery. In one case, fishery guardians are also monitoring commercial fishing activities. Another wants their guardians to be monitoring commercial fishing. *"We don't understand why we can't be used more out there."*
 - Enforcement is largely observe, record, and report. However, in one community, guardians enforce the *Fisheries Act* and will immediately seize equipment and the catch if someone is breaking the rules. *"Offenders here have to talk with guardians to recover gear, etc. after an infraction."* These guardians also enforce community fishing policies. For example, they have a safety policy requiring designated lobster harvesters to be trained to use basic safety equipment and for this equipment to be inspected on the vessels by the captains and guardians before the Band will issue licences and tags – and the harvester may pay their fees. *"In the end, the guardians are there to work with harvesters."*
 - Another community's guardians are actively involved in community education so members understand the *Fisheries Act* and do not break the rules. Some guardians also have a duty to ensure their people are not harassed on the water.
- Participants support increased enforcement authority by fishery guardians even though some note that the government has been skeptical about whether First Nations guardians will enforce the rules of the fishery with their own members. *"The past has shown that we haven't always done it. So we overhauled our program to fix it."* One also said that there is a need for more conservation enforcement in communities. *"Quite a few of our own people aren't doing the right things when it comes to conservation and we should be enforcing the rules with them."*
 - A few participants also want guardians to carry side arms and have the same equipment and training as fishery officers. *"It's a liability for fishery officers if guardians are out on joint patrols without this."*

"We're called 'Baywatchers' because all we do is go around the water in a boat or the community in a truck."

Technical Activities

- Participants explained that data collection, fish enhancement, stock assessments, and salmon and habitat restoration are done by other staff through their Aboriginal Fisheries Strategy agreement. These and other technical activities are not undertaken by fishery guardians or with Aboriginal Fishery Guardian Program funding.
 - Participants have mixed views as to whether fishery guardians should be equally skilled to do both technical and enforcement duties. For example, one preferred separate training so more members would have employment, while another thought having both skill sets would give guardians more career progression opportunities.

Aboriginal Fisheries Strategy Program

- Participants sign their Aboriginal Fishery Strategy agreements to be able to offer jobs in their communities, even though these jobs are all seasonal. *“It’s about signing the agreements to get what we can from the program.”*
 - One community explained that their agreement was about providing former gill-net harvesters with a job in stock assessments (salmon, eel or other fish), stream restoration, or river bank enhancement work. *“It was to subsidize what they lost when they had to give up gill netting.”*

Understanding Relationships

“We have no working relationship whatsoever with Fisheries and Oceans Canada.”

- Participants have varying relationships with the Department, Transport Canada, RCMP and the provincial Department of Natural Resources.
- Participants report a minimal presence of fishery officers in their areas and the need for fishery guardians to ensure an orderly fishery. They also think the Department is offloading conservation and protection duties to guardians in the region, without providing the same equipment, training or employee benefits (e.g., wages, pension, etc.). *“We tell them all the time, ‘you’re getting a deal’ because they’d be spending a half million dollars to bring in three or four fishery officers.”*
- There are mixed views about the benefits of joint patrols. One noted that while they are supposed to do joint patrols, they have done only two in the past four years. Another would prefer fewer joint patrols, but *“Conservation and Protection need our guardians patrolling in the area because they only have three officers.”*
 - Participants say joint authority already exists between First Nations and the Crown, and requires fishery officers to call before they enter a community. *“We are the authority on our reserve and they are guests; they have to ask permission to be here.”* In one community, this authority extends to boarding vessels. *“The officers wouldn’t go on the boats with our guardians now.”* But in another, the community feels that their fish harvesters are being singled out by fishery officers.
 - One noted that fishery officers do not want to work with guardians because of liability issues and what could happen in a serious situation. *“Guardians just can’t*

be pushed to the side, so they should have side arms and full training.” Another said undesignated guardians are not allowed to do joint patrols (or use any departmental equipment) because of liability issues. “You have to be designated to work with fishery officers.”

Reporting Structures

- Participants note that fishery guardians work for the community, not the Department, so they report to the community.
 - One community gained the support of Chief and Council on the concept of policing so their fishery guardian program would have the authority to enforce the rules of the *Fisheries Act* and to take equipment and catch away from members. Another does not have this mandate of Chief and Council, so they call either the RCMP or fishery officers when they see any illegal activity. *“These authorities take it from there.”*

Understanding Training and Future Training Needs

“Our guys have more training than fishery officers.”

- Participants have mixed experiences when it comes to fishery guardian training.
 - One was last offered designation training eight years ago in Sydney. Another was offered it four or five years ago, while for another, it has been 13 or 14 years. One community has been training a number of river monitors from their own revenues so monitors will be ready when the next designation session is offered.
 - One guardian noted that refresher training for designated guardians was offered a month ago to ‘recap’ the training offered years before. Another said the Department is trying to do temporary designations while undesignated guardians wait for the designation training.
 - One questioned the relevance of ‘designations’ if guardians are able to do the job. *“Local people are who you want on the team because they know the area, they know what to protect, and they know where to watch for issues. Why do they need a designation?”*
 - Several communities have not had any guardian training offered by the Department except initial training in 1991 and 1993. Others report that guardian-related training is offered “here and there.”
 - One participant noted that communities can bring in fishery officers to do their training anytime. But another said they have been asking for *Fisheries Act* retraining by the Department and it has not happened.
- Fishery guardians undergo security clearance and criminal record checks prior to designation. One community does annual criminal checks of their guardians. Another said fishery officers get individual security clearance and designations, while fishery guardians must all submit their forms and requests at the same time before it is done. *“I asked the Department why there was this difference and they couldn’t answer.”*

- Participants want to give their guardians (and other Aboriginal Fisheries Strategy employees) more training opportunities, but they lack the funds to do so. The seasonality of the jobs also results in high staff turn-over, which means training (and training funds) are needed every year to train new employees.
 - Some communities use own source revenues to pay for guardian-related training. For example, one has given their guardians security courses. Another has received search and rescue and other auxiliary-related training (at no cost) from the Canadian Coast Guard.
- Some participants see a need for succession planning in their fishery guardian program.
- Training through the Aboriginal Fisheries Strategy has included fishery manager training, as well as fish harvester training in swiftwater and wilderness first aid, level one fishing, and species recognition courses.

Improving the Aboriginal Fishery Guardian Program

“We have the same requirements as the Department, so we should have the same standards.”

- Participants want more funding and support from the Department for enforcement, equipment and training. They also want fishery guardians to be more involved in conservation and protection of the species in their waterways, including salmon, trout, striped bass, and lobster.
- Participants want the program to support year-round fishery guardians with competitive wages and on-going training. They also want the guardians to be trained the same way that fishery officers are trained and given job security. *“Guardians are doing the Department’s job already – and at a fraction of the cost – and they want to be working all year.”*
 - There is particular support for ongoing training in the *Fisheries Act* *“as it changes frequently.”*
- There is also support for guardians to be more involved in the management and enforcement of other resources, such as moose. However, some participants are uncertain as to how this could be achieved through the Aboriginal Fisheries Strategy program because it is focused on fish.
 - One community would also like the fishery guardian program to transition into an auxiliary officer program.

Measuring success

“It’s about having the presence on the water.”

- Participants measure the program’s success by *“seeing their own people out on the water, fully equipped and trained.”* They also measure success by having full-time

guardians with benefits, scaled pay, and opportunities to build increasing capacity and expertise toward future careers.

Ideal fishery guardian team

- Participants have different suggestions about who would be on their ideal fishery guardian team. One linked the guardians to their fisheries coordinator, fleet manager and licensing authority. Another linked fishery guardians with the Chief and Council, Fisheries and Oceans Canada and the Department of Natural Resources, along with conservation societies and the commercial fishing industry. Still another viewed the ideal team as including members who love the rivers and fish, and elders who can teach youth. In addition, one saw the fishery guardian team including a resource use officer, a water quality technician, a fisheries technician, a forestry officer, and an outreach officer.
- There are also different perspectives as to the duties of fishery guardians in the ideal team. For example, one thought guardians should issue licences and train fish harvesters, along with their enforcement and conservation duties. Another thought guardians should serve as a liaison between governments and industry. Still another thought guardians should be more involved in scientific research and technical activities such as fish studies, species at risk and stream assessments, in addition to their monitoring and enforcement duties.
- The ideal skills of the fishery guardian team include leadership, communications skills, ability to speak the community's language, and knowledge about fish stocks, animals and forestry policies. *"They should know the rights and responsibilities concerning resource use."*