

## What We Heard

*“This was a strategy not a program. We’re all program delivery agents now; we’re not co-managers. This is not what the Aboriginal Fisheries Strategy was intended to do.”*

### Getting to Know Communities and their Fisheries

- Participants were from communities in Nova Scotia, New Brunswick and Prince Edward Island, as well as Aboriginal aquatic resource and oceans management groups.
  - Most, but not all, communities in the region have Aboriginal Fisheries Strategy agreements. One has a special agreement with the Department to support their communal harvest plan with a fishery guardian (to gather catch data) and fishery administration support. *“They are operating a community harvest plan under their own terms like a mini-AAROM agreement.”*
- Community members fish lobster, snow crab, raw crabs, salmon, bass, clams, oysters, eel, gaspereau, mackerel, and scallops, but only some of these species may be fished for food, social and ceremonial purposes.
- First Nations in the region manage their communal fishing in different ways. Some distribute a certain amount of fish or shellfish per member, while others issue one or more tags to members who want to fish for themselves. Still others have a sign-up sheet for members to request food fish or they hold ‘community days’ for members to pick up fish. One partners with a neighbouring First Nation’s commercial fishing enterprise to get their food, social and ceremonial fish.
  - Some communities do not limit what members may catch with their tag. However, they do not issue tags unless the previous year’s catch is reported. One also restricts tags to the individual who signs them out to prevent black market sales of food fish.
  - Some develop communal harvest plans to guide their fishery. This plan may be developed with the help of their aquatic resource and oceans management group.

### Co-management

- Communities coordinate and organize their communal fisheries – and they view data collection, catch and fishery monitoring, and enforcing the rules of the fishery as key elements of the co-management objectives of the Aboriginal Fisheries Strategy program.
  - Several are active participants in the Department’s fisheries advisory processes and other fishery-related meetings held around the province and/or region.
  - One region also set up a Mi’kmaq Salmon Advisory Committee which meets four times a year to determine the salmon harvest. Members of the committee include fishery guardians, fisheries management staff, key resource people and fish harvesters. It makes salmon harvest recommendations to the Chiefs, who, in turn, give these recommendations to the Department to endorse.

- Some want less departmental interference in their fisheries. One wants to be able to use their preferred method, time and place. *“If I want to use my tags, I have to submit a harvest plan to the Department, who ends of picking it apart and I don’t get it back on time to fish it.”* Another does not think there should be a licence for food, social and ceremonial fishing. *“We don’t need a licence to fish for these reasons, so it shouldn’t be called a licence.”*

### **Understanding Food, Social and Ceremonial Needs**

*“You’d think 26 years after the start of this program there would be a recognized right by DFO.”*

- Participants find communal fisheries are not meeting the needs of communities and many want more opportunities to be able to feed their members.
  - Two said their communities do not have communal fisheries. For one, this is due to the state of salmon and trout in rivers adjacent to their territory. Another has a fish farm to get food fish to members. Others use their commercial licences to get food fish.
  - A few said communal fisheries take place in waterways not close for the community. *“People have to go a long way to get their fish.”* Some communities that are not adjacent to rivers with salmon stopped signing agreements under the program when they were asked to stop fishing salmon in these waterways.
- Some underscore the importance of communal fishing for cultural and ceremonial purposes. *“Some tags are not used so much for food, but teaching young people how to catch, clean and use the fish.”*

### **Understanding Agreements**

- Participants have different experiences regarding their agreements. One delayed signing an agreement when the program began so they could acquire a commercial fishing licence and, as a result, feel that they did not get sufficient access to fish for food, social and ceremonial purposes. Another gave a presentation at the outset of the program to increase funding through the program based on the community’s needs. *“We took the Department off guard with our request. They said they would get back to us, but our Chief said ‘we’re going to do it.’ Then, [DFO] upped our funds.”* Others said their agreement has not changed since they were first signed.
  - First Nations that do not sign agreements *“refuse to sign because of the limitations placed on them by it. They feel they have more liberties than those who sign.”*
- Some are negotiating with the Department to try to increase harvest allocations. *“Our request has been in there for some time.”* Others want to be able to use program funding to help members get equipped to fish and to offset the costs of storage and/or equipment.
- A few said their community had yet to sign their agreement this year – and several said this happens every year. *“One year, we signed in March and they asked us to back-date our report.”* One does not sign the agreement until the Department addresses issues raised by the Nation. *“We use it as a negotiation tactic to ensure issues get resolved systematically.”*
- Some find reporting has become more complicated since the program began. *“This was supposed to be easy to report on, but the new program template has at least 26 items now.”*
  - One said the Department did not inform them of a policy change which required communities to put in requests for funds through the Aboriginal Fisheries Strategy.

## Understanding the Economic Components of Agreements

- Some participants use their commercial licences to provide food fish to their members, but one thinks this is too costly because it is not permitted to fish for both commercial and communal purposes during the same trip. A portion of commercial fishing profits may also be used to cover the costs of salaries and/or technical activities undertaken through the Aboriginal Fisheries Strategy program.
- Several want 'moderate livelihood' to be defined and/or to be permitted to sell fish caught for food, social and ceremonial purposes. *"Change the rules around FSC so we can sell a percentage of the catch to offset expenses."* One thinks there should be a 'moderate livelihood' policy. Another views the 'moderate livelihood' fishery as a third fishery.
  - A few expressed concern about the negotiations taking place in the region related to communal fishing rights and 'moderate livelihood.' *"He wants to buy our rights to not fish for food, social and ceremonial purposes for 10 years."*

## Understanding the Technical Components of Agreements

*"Capacity development and habitat restoration are the most important components of our program."*

- Participants want data collection, stock assessments, habitat restoration, and fish enhancement to be funded through their Aboriginal Fisheries Strategy agreements.
  - Several communities are doing these activities in partnership with their aquatic resource and oceans management group or by partnering with provincial utility companies. One has a separate contract with the Department's Science sector.
  - Some want to build their own capacity to undertake stock assessments in order to improve their understanding of fish in waterways, to properly manage these resources, and to strengthen requests for more quota. *"There's not a lot of science on [one side] of Nova Scotia and communities feel the Department is using faulty science for resource management plans."* Others prefer that this activity continue to be undertaken through their aquatic resource and oceans management group.
- Many agreements are focussed on catch monitoring and catch data collection, but these activities may be funded through the Atlantic Integrated Commercial Fisheries Initiative rather than the Aboriginal Fisheries Strategy program. One said monitoring and data collection is only done for lobster and salmon fisheries, even though other species are targeted. *"We'd like data collection for American eel and striped bass, too."*
  - Some fill out catch monitoring report cards given to them by their aquatic resource and oceans management group.
- Many communities prioritize habitat restoration and fish enhancement activities. One started a non-profit conservation society using funding from the Aboriginal Fisheries Strategy program and the Atlantic Integrated Commercial Fisheries Initiative, as well as private sector donations, to run a hatchery for salmon and trout. They want the society to be better supported through the Aboriginal Fisheries Strategy program.
  - A few use other sources of funding and/or own source revenues to rebuild and enhance the streams, rivers and lakes in their territory. Some employ specific science and/or restoration personnel for these activities. Others view these activities as watershed priorities for their aquatic resource and oceans management group.

- The technicians and fishery guardians of member communities in one aquatic resource and oceans management group have been trained to do wetland surveys on Barachois ponds in Cape Breton. *“The presence of absence of fish is linked to the Aboriginal Fisheries Strategy as these areas could be good habitat to rear food.”*
- Many are concerned about the state of fish stocks in their waterways; particularly, salmon, trout and American eel in rivers and streams. They are also concerned about the lack of fish stock recovery activities undertaken by the Department. *“Monitoring and support of traditionally important species is needed: mostly, of depleted ones.”*
  - Some think the Department does not prioritize the health of fish stocks that are not important for commercial and/or angling fisheries. *“If it’s not of monetary value for them, no funding or attention is put into their recovery.”*
- A few said their agreements are more focussed on educational, rather than technical activities, such as after-school day camps, regular newsletters, fish luncheon information sessions to plan communal fishing, and a “Fish Friends” program so kids can watch salmon grow in an aquarium and can be involved in its release in the river.
  - One uses these activities to help people understand the importance of not fishing in rivers that are closed to fishing. *“Education is tough when it comes to nonharvestable rivers. It’s a challenge to get this across to people.”* Others use educational activities to keep community members informed about fish stock and habitat concerns and activities planned to protect and restore fish and habitat.
- Some said funding through their Aboriginal Fisheries Strategy agreement is used to employ community members; although, a portion of the salary may come from other funding sources. One has more than 30 employees working up to 16 weeks every year.
  - There is a lot of support to to increase employment in communities to be able to do technical work as current staff capacity is limited. *“These people wear many hats and you can only pull them in so many directions.”*

#### Aboriginal Fishery Guardian Program

*“Monitoring, conservation and enforcement is an employment generator for communities.”*

- Several communities have extensive fishery guardian programs and a number of guardians (or persons with this designation) participated in the workshop. There was also one Aboriginal Fishery Officer.
  - Fishery guardians are responsible for the technical activities in agreements. This includes monitoring fishing and doing fish counts, as well as educational activities.
- Participants want fishery guardians in their communities – and many support funding the guardians through a stand-alone program because there is insufficient funding in their Aboriginal Fisheries Strategy agreements to employ guardians with a proper wage.
- There is also strong support for fishery guardians to have more authority to enforce the rules of fishery because observe, record and report is insufficient to meet the needs and expectations of community members. This is underscored by Nations that have not signed Aboriginal Fisheries Strategy agreements. *“They refuse to have their communal fishery be regulated by DFO – they feel they can do resource management better.”*

- Some use alternative dispute resolution to address any breaches of their communal laws. Others would like to use restorative justice. *“Hopefully, that would include a talking or healing circle.”*
- One thinks a Chief and Council should not be able to change rules based on their decisions. Another thinks Conservation and Protection needs to start trusting Indigenous fishery guardians before the program will improve.

## Understanding Relationships

*“Right now, AAROMs are being targeted by DFO as a work-around to get to communities.”*

- The majority of participants say they have a relatively good relationship with program administration staff. *“Whenever you need them, they’re there – except when you’re looking for funding.”* A few say their relationship with the Department has improved in recent years, but they caution that staff changes can sometimes break the trust created.
  - Several interact and share data with resource management and/or science staff but they would like to know how the data is used by the Department. *“A shared database would be ideal.”* Some want to be meaningfully reflected in Integrated Fisheries Management Plans. *“We’re just an anecdote in the IFMP ‘met with First Nations and a little paragraph in it.’* Others want data requests to be applied fairly across all fisheries, including recreational. *“We’re reporting macro for FSC but recreational users don’t even need a licence and there’s no reporting.”*
  - Some interact with fishery officers and are kept informed about any enforcement-related incidents involving their members. Others say fishery guardians are helping the Department enforce the fishery rules. *“DFO is very happy we’re out there because C&P has no means to enforce FSC fisheries because it’s their rights.”*
    - One said the Department hired an outside facilitator to create a regional fisheries group with Indigenous and non-Indigenous members. The group meets every month to deal with conflicts and issues around the fishery in the region. Another said conservation and protection round tables started a few years ago, but *“seemed to drop off.”*
    - One said their guardians do joint patrols with provincial conservation officers, but not fishery officers because *“they say there are legal and insurance issues.”*
- Participants closely collaborate with their aquatic resource and oceans management group. Some also have relationships with other departments, agencies and non-governmental organizations related to technical activities. This includes: Parks Canada, Environment and Climate Change Canada (for species at risk activities), Atlantic Salmon Federation, Atlantic Coastal Action Programs (for various habitat protection and restoration activities), universities and regional environmental associations.

## Improving the Aboriginal Fisheries Strategy Program

*“Our rights are sacred – they’re not a policy or a program – and we’re going to continue going out there to fish.”*

- Participants are unanimous that more funding and training is needed to improve the program and to help communities undertake more technical activities. Specifically, they want more funding to be able to:

- rebuild depleted stocks and do more habitat restoration work
- do more joint projects and joint field work with departmental staff
- hire more staff and acquire equipment and supplies to do technical work
- provide longer periods of employment
- offer employees higher pay; especially, technicians and guardians *“We have a high turn-over and once they’re trained, they get another job.”*
- Participants also suggested other ways to improve the program, such as providing consistent funding across Nations and consistent reporting requirements.
- Participants have different opinions when it comes to the role of the Aboriginal Fisheries Strategy program in the suite of departmental Indigenous programs, however, as some want to see the structure of this program aligned to benefit the other programs, while others want to see all programs rolled into the Aboriginal Fisheries Strategy. For example:
  - Participants from aquatic resource and oceans management groups want the program structure to be more aligned to support the Aboriginal Aquatic Resource and Oceans Management program (and vice versa). *“Could all of this be done better because, right now, neither program is designed to work with the other?”*
- One wants more community control over aspects of the Aboriginal Fisheries Strategy, including policy, funding, planning, and training. Another wants the word ‘program’ to be removed from the Aboriginal Fisheries Strategy.

### Measuring Success

*“First Nations people were here thousands of years before the settlers arrived and functioned very well with respect to conservation and harvest management. During the time First Nations were prevented from accessing their rightful fishery, overfishing and stock declines occurred.”*

- A number of participants think the program’s success should be measured by the positive feedback of the community, Elders and the public. Other measurements of success include:
  - interest of youth in the fishery
  - increased funding and more employment
  - ability to provide more food fish (and more variety of food fish) to members (without having to purchase it)
  - intergenerational transfer of knowledge and skills
  - meeting social and ceremonial needs
  - true co-management in the fishery
  - increased health benefits to members
  - protecting fish for future generations
  - when Indigenous fisheries are part of genuine self-government
- One wants the capacity in communities to be tracked to ensure the program’s progress is better managed. *“There have been no metrics on capacity for the past 25 years.”*

### Skills and Training Needs

*“Any training DFO needs, we need.”*

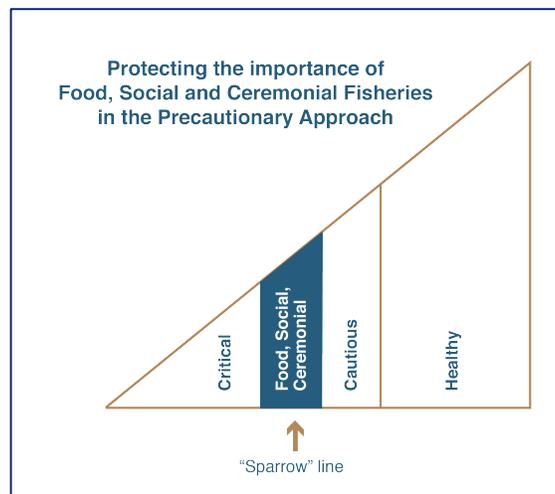
- Participants want training to build the technical capacity of personnel to do stock assessments and other scientific activities – and to address their retention and succession needs. They also listed a number of specific training needs, such as (but not limited to):

conflict resolution, restorative justice, business education, reports and proposal writing, data entry and data analysis, understanding departmental procedures, and computer skills.

- Participants especially support more training to be offered to fishery guardians: to the same standards as fishery officers and with career paths. They also want more designations, environmental monitoring, side-arm training, and safety training for guardians.
- One community has been training members to both fish and monitor fish – and to do search and rescue through Canadian Coast Guard auxiliary training. *“We have about 12 youth interested. We’ve generated enough interest in the fishery.”*

### Other Input

- While outside the scope of this Review, some participants think it is difficult to properly review and improve the Aboriginal Fisheries Strategy program without addressing the policy that drives it. *“We see quite a few shortfalls with the Department on the policies that impact our agreement.”*
- One suggested that food, social and ceremonial needs be incorporated into the precautionary approach of fisheries management before maximum sustainable yield is reached to reflect the priority rights of Indigenous people to fish for these purposes. This suggestion was drawn as follows:



- Another recommended that the Department stop trying to assimilate communal fishing into the fisheries of privileged users.