

What We Heard

“What are we? An enforcement officer or a field expert?”

Getting to Know Community Fishery Guardian Programs

- Participants included designated and non-designated fishery guardians, as well as present and former Aboriginal fishery officers. There were also representatives from communities with extensive guardian (or guardian-like) programs, communities with only one guardians, and communities without guardians. *“We had four at the beginning of the season, but we’re down to one.”*
 - Some communities use funding from the Aboriginal Fisheries Strategy to support their fishery guardians, a few use multiple sources of funding, and one uses own source revenues. Two communities are also in the Coastal Guardian Watchmen program.
 - Some fishery guardians are full-time year round employees in their community. Others are full-time, but only during a specific season. Still others are only part-time.
- Some communities focus their fishery guardian programs on technical activities such as data collection, stock assessment, fish enhancement, habitat restoration and species at risk. Others focus their programs on catch and fishery monitoring and enforcement of fishing rules. Still others combine these technical and enforcement activities.
 - One aspires to have a technical program, but their Aboriginal Fisheries Strategy agreement does not have enough funding to support it. *“We have two part-time catch monitors who record data in the summer. It’s a couple of months of work, then it’s over.”* A few in Treaty negotiations are including monitoring and enforcement elements in long-term agreements.
- Several participants are concerned over the amount of work that fishery guardians are expected to do. *“They are very, very busy – our program is stretched thin.”* Others are concerned about the lack of funding to be able to provide adequate work to be able retain workers. *“Building capacity for seasonal means you’re building capacity for someone else.”*
 - Some are focussed on fishery guardian succession planning. One explained how they were mentored by a former guardian and how they, in turn, are passing on knowledge to members of their technical team to help them become guardians in the future. Another was brought back to their community’s guardian program to mentor new staff.

Technical Activities

“There are enforcement components to each of these technical areas.”

- Technical activities undertaken by fishery guardians include data collection, stock assessment, fish enhancement, habitat restoration, and activities related to species at risk and invasive species. In some communities, these activities may be done by technicians as opposed to fishery guardians.
- Other technical activities that may be undertaken by a guardian or technician include:
 - environmental monitoring and/or environmental assessments and referrals
 - monitoring the activities of fish farms
 - sampling shellfish for paralytic shellfish poisoning and red tide
 - harvesting of non-migratory geese
 - annual blue heron nest counts and salt marsh mapping for Parks Canada.

- One community's guardians do a lot of work with the local hatchery because their food, social and ceremonial fish comes from the hatchery. Another wants their hatchery licensed to be part of the Salmon Enhancement Program. Several others are interested in having a hatchery or doing other fish enhancement work.
- Communities may fund technical activities through the Aboriginal Fisheries Strategy or the Aboriginal Fund for Species at Risk, or through partnerships with the Province, such as the Marine Plan Partnership (MaPP), creek rehabilitation with the Ministry of Transportation, and species at risk and stream rehabilitation activities with the Ministry of Forests, Lands, Natural Resource Operations and Rural Development
 - A few also leverage private sector and other sources of funding for activities, such as habitat restoration and species at risk. *"We spend a lot of time finding resources, rather than being in the field."*
 - Several want funding for guardians or other technicians to be more involved in recovery activities to help restore fish that used to feed their community. *"They have not responded to DFO's management or conservation efforts and we are prevented from accessing them and helping to restore them."* Several others want funding to test their beaches and waterways for contamination from log booms, oil spills, industrial activities, and other human uses. *"Many beaches are closed simply due to lack of testing."*
- Some fishery guardians are certified divers – and one community has a very active dive team. Others have technical equipment to do fish counting and other technical assessment, but they do not have enough funding to use it or their funding is tenuous. *"Find continuity for these projects. Our funding is in jeopardy year over year."*

Enforcement Activities

- Common enforcement duties undertaken by fishery guardians include catch and fishery monitoring, such as checking fishing licences, gear and equipment to ensure their Nations' fishing rules and the *Fisheries Act* are being followed. In some communities, monitoring of the food, social and ceremonial catch is done by catch monitors, not guardians.
 - The majority said their monitoring and surveillance activities are only on the food, social and ceremonial fishery. *"That was the intent of the AFS program."* Some also do spot monitoring to prevent illegal fishing of species at risk and a few do habitat and/or wildlife monitoring, including through provincial agreements.
 - Guardians in one community are "heavily involved" in monitoring and enforcement of a commercial fishery because their Nation has a joint management plan with the Department. Several want the authority to be able to monitor the recreational fishery catch and fishing activities. *"They lack any kind of monitoring."* One also wants guidance on how to prevent other First Nations from fishing in their territorial waters.
- Some guardians take away the licence or other designation status given to their fish harvesters if they break any Nation or other fishery rules, while others impose monetary penalties or confiscate gear, including fishing nets. *"Communal is not an individual right. If someone is caught, we pull their designation."*
 - To regain a fishing licence or designation, some programs require the harvester to go through the Nation's judicial system or the court system. Fishery guardians may also issue a Notice of Appearance to require a fish harvester to appear in court. Others may use restorative justice procedures to resolve the issue.
 - Some guardians have appeared in court as a witness in a fishery violation.

- Guardian patrols are done by boat, on foot and using vehicles, such as trucks. A few work alone to complete their duties. Others expressed concern about the safety of these guardians. *“When I hear that someone goes out on their own, it makes me angry. That’s unsafe.”*
 - Some guardians work closely with fishery officers to do enforcement work. For example, several do joint patrols. Others may write tickets (voluntary penalty) when they are with a fishery officer. *“I learned that in training and it’s served me well.”* One goes out with fishery officers when they do not have the three officers required to patrol. *“First Nations should have the same standard – it should be three.”* Other guardians inspect fishing lodges and onsite processing with fishery officers.
 - In one community, commercial buyers inform the fishery guardian when someone comes to them without a licence and, together, they contact fishery officers to charge the offender.
- Some enforcement programs are more focused on observe, record and report activities. *“We’re not designated and we don’t want to push the envelope.”*
- A number of participants are concerned about the lack of departmental enforcement of poaching; especially, the lack of night patrols. *“We hear the motors at night and we’ve asked DFO to go out and look at the water then.”* One noted the importance of having fishery guardians in communities in the absence of fishery officers. *“[We] rely heavily on DFO to provide enforcement, which isn’t good.”* Others want more enforcement by the department in conservation areas and at aquaculture sites. *“We’re told they have no gas funding, no time, and no staff. I don’t know what they do all year round.”*

Technical and Enforcement Activities

- Participants have different views as to whether the fishery guardian program should combine both technical and enforcement activities. One thinks technical activities help guardians understand the importance of enforcement, while another thinks it raises issues of safety. *“If you’re in waders counting fish and an enforcement issue comes up, safety could be an issue.”* Another thinks it is impossible to focus on too many different components of potential guardian work. *“That’s why we have police officers and teachers.”*
 - When asked to estimate the percentage of technical vs. enforcement work done by guardians, the majority noted higher technical effort. *“Our need for enforcement is minimal because there’s no fish. We need the technical side.”*
 - One pointed out that the Department’s conservation and enforcement staff transitioned from being general technicians to fishery officers. Another said the fishery officer career progression program did not have these technical components.

Other Activities

- Many guardians are involved in education activities. This includes working with local schools to run fish and stream-related activities, as well as community meetings and outreach. One is also involved in educating the forest industry about their impact on salmon. Another uses education, as opposed to enforcement, to teach fish harvesters to follow the rules when fishing and hunting.
- A few guardians are involved in wildlife activities. For example, one guardian manages human/wildlife contact, in partnership with conservation officers. Others are beginning to work with conservation officers in this area and/or are interested in becoming cross-designated to be able to manage and enforce hunting and other wildlife issues. A few noted that guardians have more enforcement authority through wildlife legislation.
- Several communities use fishery guardians as liaisons between departmental fishery officers and community members.

Understanding Relationships

"We can manage our territories, we just need to be trusted and supported, without the bureaucracy."

- Several communities and/or guardians report that they have a good working relationship with fishery officers and other departmental officials, such as resource managers, habitat biologists, and some regional program administrators. Some also noted a positive working relationship with the Canadian Coast Guard, provincial conservation officers, and local (municipal) authorities.
 - A few said better relationships are with on-the-ground staff as opposed to managers and regional staff. *"They don't seem to listen well, like to dictate what will happen, and not talk things out so that we're in a mutual agreement."*
 - One sees the need for more collaboration at the Department at regional and national headquarters because they are always told by on-the-ground staff that *"their hands are tied"* when it comes to the changes they are seeking. *"We need to jointly approach the higher levels to address this constraint together."*
 - Some note a lack of enforcement communication with fishery officers even when they work closely together. A few also said relationships change with employee turnover.
- Several participants emphasized the need for trust between fishery officers and the community. *"It will take another generation – decades – before anyone will trust a C&P officer."* Others want more dialogue between First Nations and the Department. *"There's no customer service. We send them formal letters from our Tribes and they say they have to look at their calendars."*
- A number of communities expressed concern about what happens to the data that they give to the Department. This includes catch data, creel surveys, stock assessments, and results of other technical monitoring. *"We never hear back from them. Is the information good or bad? Is it doing any good for the future of fish?"*
- Participants emphasized the close relationship between guardians and community members and the regard that guardians have in communities. *"They're well-respected. They ease the situation and people feel at ease when they see them."*

Reporting Structures

- Guardians most often report to their managers and/or Chiefs and Councils. Some may also report to, or share information with, the Department in either resource management or conservation and protection. A few support a standardized command and control structure with 'regional applications.'

Understanding Training and Future Training Needs

"I'm thankful that DFO gave me the training to be able to do my job. Mentoring in my community also helped."

- Participants report differing training experiences. A few went through the initial three-phased program offered in the early 1990's, while others have only completed one of those phases or been trained through other programs, such as the tribal policing program.
 - One guardian said they have not been offered training since 1996, while another said their last training was in 1998. Some have taken refresher courses, but it was noted that refreshers and other training have only been offered sporadically by the Department. *"The three-week courses offered now seem crazy compared to the initial training timeframe."* Two said they were recently contacted by the Department because refresher courses will

be offered early in 2019. *“Refreshers are either too basic for those with the initial training or insufficient for those without the initial training.”*

- One community said while an estimate 20 community members took the initial three-phased program, *“not one of them works as a guardian today.”*
- Some guardians are trained by hired biologists, not the Department. *“They taught our crew how to do stock assessments and data collection.”* Other training or courses that guardians have taken include: RHOT training, environmental response training, and courses toward a Stewardship Technician Certificate.
 - One asked if the Indigenous Guardian Pilot Program funding could be used for training.
- Participants support standardized training for guardians, with mentoring, including field training and the full enforcement training offered to fishery officers. There is some consensus that initial training should offer options so guardians can choose a technical or enforcement career path.
 - One suggested that a pool of fishery guardians and officers be developed. *“It takes a special kind of person to be a guardian.”* Another wants accreditation courses and cross-training included in the training program.
 - When shown an infographic with optional career path options for fishery guardians, one participant asked if the pathways were being created for the individual or the program itself.
- There is support for fishery guardians to be trained alongside fishery officers. *“Camaraderie is built this way. You’re speaking the same language even though you’re different – and it helps with liaison and co-management.”* A few also noted the benefits of joint training for fishery officers to understand the value of Indigenous traditional knowledge and practices – and the needs of Indigenous communities during their training.

Designation

- Several fishery guardian participants have been designated by the Department – one before they received full training. A few noted difficulties getting redesignated. *“I came back in September and asked for a designation card, because without it, we lack legitimacy. But they will not authorize this again.”*

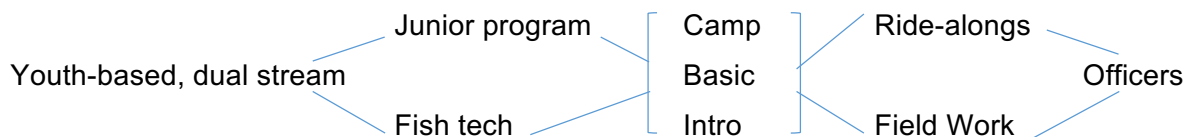
Improving the Aboriginal Fishery Guardian Program

“We’re all different people and Nations so the program must be adaptable to meet our needs and everyone else’s needs.”

- Participants think the best way to improve the Aboriginal Fishery Guardian Program is by increasing funding, training and the tools to do the job so communities can build their fishery guardian capacity. Other suggestions included:
 - ensuring the program is available to all First Nations
 - incorporating a recruitment component
 - bringing back the training program with updated courses and ensuring standards
 - offering joint training with departmental officials
 - more promotion of the program by the Department and Nations
- Participants emphasize the importance of protecting fish and habitat, as well as the waters that support fish and other aquatic resources, for future generations. *“All species are important food sources and they are important culturally and socially to our Nations.”* They want the Department to sufficiently fund this program so fishery guardians are able to monitor the health of key species and ecosystems in their territories. They also want more attention

and resources to be spent on recovering declining fish stocks and restoring habitats that have been damaged by forestry, hydro and other industries.

- Some participants recommend more collaboration across government departments and levels of government to help Nations address cumulative impacts and to better manage the different human uses in areas. *“Some of these agencies are very lackadaisical about the long-term impacts of industry and we need real consequences.”*
- While some participants may prefer that fishery guardians focus on technical activities and others enforcement activities (and still others, both), there was consensus that the program should be flexible to meet the preferences of each Nation. One recommends that the duties be grouped in a way to maximize the effectiveness of each component rather than grouping them to all be done by one person.
 - There is also support for career pathways to be offered within the training. *“I think the interest is there, but people need to see a future in this work.”* One drew the following diagram as a suggested path:



- There is some support for fishery guardians to have more authority to enforce the rules of the fishery. *“We need the authority that we have always had recognized. Give us the tools to keep doing what we were meant to do.”*

Measuring success

“First Nation communities are unique – our story is our own. We have deep knowledge of our territories which is underutilized and undervalued by DFO.”

- Participants measure the success of the fishery guardian program in different ways, such as:
 - having our own people trained and paid to do meaningful work
 - using traditional systems of governance and incorporating traditional knowledge
 - respect by the Department for hereditary and traditional protocols in decision-making
 - non-disruptive fisheries
 - sustained fish and habitat (resource) protection
 - ability to carry out and complete the yearly workplan set by the Nation
 - full-time staff and appropriate coverage of territories
 - defined roles, designations and training for guardians
 - program recognized by Nation members as a career path
 - full co-operation of fishery officers
 - increased frequency of meeting and collaboration with departmental officials
 - easier ways to access program funding
 - all Nations have their own guardians to protect their waters

Ideal fishery guardian team

- Participant see a range of community members being part of their ideal fishery guardian team, such as youth interns or juniors in training, a manager, technicians and guardians, biologist, and ecologists. Some of the key skills suggested for fishery guardians included resource management, people skills, stock assessment (all technical duties), monitoring, data reporting, and communications. Building relationships with community members and protecting fish and fish habitat were the top two fishery guardian duties highlighted.