

Yale First Nation Agreement-in-Principle

Fisheries

Protecting B.C.'s Fishery

British Columbia's fishery is a rich natural resource and the Province is committed to ensuring it is managed for the benefit of all British Columbians. Fisheries and fisheries habitat are renewable resources requiring careful management to protect diversity, abundance and health, and to ensure harmony among environmental, social and economic interests. The provincial government supports treaty arrangements that reflect the following objectives:

- conservation and sustainability of the fishery;
- economic viability of the industry;
- equitable fishing arrangements for all participants;
- an overall vision of the fishery that informs management decisions as well as specific treaty negotiations; and
- an integrated and effective management regime across all sectors.

Clarifying Aboriginal Rights through Treaties

The Agreement-in-Principle sets out that the Final Agreement will modify undefined Aboriginal rights into specific rights defined in the treaty. The treaty will also identify the scope and limitations of these rights.

Fish Management

The Yale First Nation AIP provides for access to domestic and commercial salmon fisheries. Yale First Nation will have a domestic allocation for Sockeye of close to 1% of the Fraser River Canadian total allowable catch, to a maximum of 7,278 Fraser River Sockeye, as well as close to .04% of the Fraser River Canadian total allowable catch for Pink.. The domestic allocation for Chum, Coho and Chinook will be determined by a practical delivery model.

The Yale First Nation will participate in the commercial fishery under the same policies, rules and regulations as other fishers. Any acquisition of licences from the existing all citizen commercial fishery will be on a voluntary basis.

Prior to Final Agreement, the negotiators will develop Fisheries Operational Guidelines to complement the provisions in the treaty. These guidelines will provide greater detail on the operational procedures for harvest of First Nation fish allocations and will be able to evolve with changes in the management of the fisheries. The guidelines will be a key document in ensuring effective implementation of important elements of the fisheries

chapter and will clarify the First Nation's role in relation to federal fishery management procedures.

Frequently Asked Questions

Question: What access will the Yale First Nation have to fish?

Answer: The number of fish caught by the Yale First Nation will vary annually, based on stock abundance, conservation concerns and so on.

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Question: Will the Yale First Nation have a commercial fishery?

Answer: The AIP sets out provisions for the Yale First Nation and the federal government to negotiate commercial fish arrangements outside the treaty, on the same basis as other commercial fishers.

Question: Does this offer represent an increase in the First Nation's current annual catch?

Answer: The fish offer set out in the AIP comprises a domestic allocation, which will be included in the treaty, and an allocation for an economic fishery, which will be negotiated outside the treaty. Both of these allocations combined will represent approximately a 10% increase over the average current documented harvest level.

Question: How will a fisheries agreement affect non-Aboriginal commercial fishing operations?

Answer: The First Nation's existing, undefined fishing rights will be modified into clearly defined treaty rights and responsibilities. A treaty with the First Nation will help bring clarity to all commercial fishing operations and support the provincial interest in an economically viable fishing industry that creates employment.

Yale First Nation will participate in the commercial fishery under the same policies, rules and regulations as other fishers. Any transfer of licences will be on a voluntary basis from the existing all citizen commercial fishery.

Question: Will Yale First Nation fishers need licences?

Answer: Yes. Individual Yale First Nation fishers will be required to carry documents issued by their government. Anyone fishing or harvesting aquatic plants will be required to produce documents when an authorized person requests them.

Question: Who will be responsible for managing the domestic fishery for the Yale First Nation?

Answer: Before the Final Agreement is finalized, cooperative management and planning functions will be negotiated. The First Nation will develop annual fishing plans which will detail fish species and amounts allowed to be harvested. The federal Minister of Fisheries and Oceans will retain authority for managing and conserving fish.

Question: If there are conservation concerns for a certain species, how will this be addressed in the treaty?

Answer: The federal Minister of Fisheries and Oceans will retain authority for fisheries management under the treaty and may designate a species if there is a conservation concern. The Yale First Nation's allocations are based on a share of the Fraser River Canadian total allowable catch.

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