

## **TSAWWASSEN TREATY INFORMATION ITEM – March 5, 2007**

### **INTRODUCTION**

The purpose of this Information Item is to provide the public, and Council, with information on the contents of the recently initialed Tsawwassen Treaty. In the Information Item, at the beginning of each Regular Council Meeting, we will look at the contents in small, comprehensible bites, in a Question and Answer format, so that the public may better understand what the Treaty contains.

The Items will then be posted on the Delta website to make them readily available to the public.

**Today's Information Item addresses the questions of how the Tsawwassen Treaty relates to Fisheries. Fisheries is located in Chapter 9 of the Tsawwassen Final Agreement.**

### **Fish for Food, Social and Ceremonial Purposes**

Under the treaty, Tsawwassen First Nation (TFN) will have the right to harvest Fish and Aquatic plants for food social and ceremonial purposes subject to conservation, public health and public safety. "Fish" is broadly defined as meaning fish, (all species) intertidal bivalves (e.g. clams, mussels, oysters) crustaceans (i.e. crabs, shrimp,) and marine animals (e.g. seals, sea lions) excluding cetaceans (e.g. whales, dolphins). This right will be exercised within defined geographic areas known as the Tsawwassen Fishing area and Tsawwassen Intertidal Bivalve Fishing Area as shown in the following map. This right is defined as the Tsawwassen Fishing Right.

[View MAP](#) – { pdf 1.48MB }

Fishing will be authorized in accordance with a harvest document issued by the Minister of Fisheries and Oceans. The Treaty provides allocations of salmon for food, social and ceremonial purposes. Allocations for sockeye, chum and chinook are based on annual abundance and vary depending on the size of the Canadian Total Allowable Catch (CTAC) for Fraser River sockeye and chinook salmon and the Terminal Surplus for Fraser River chum salmon. The CTAC and Terminal Surplus are determined annually by the Minister of Fisheries and Oceans and are based on the sum of the allowable catch of the aboriginal, commercial and recreational fisheries.

The allocation of the fish are based on formulas specified in the Treaty. Based on applying these formulas to historical levels of fish, the average annual allocation would be 12,000 sockeye, 625 chinook, and 500 coho salmon. There is a maximum set of 15,000 sockeye. Chum salmon allocation will be 2.58 percent of the Terminal Surplus of chum to a maximum of 2,576 fish and pink salmon allocation is set at the number caught incidentally as part of the sockeye harvest to a maximum of 2,500 fish per year. This potentially equals a total of 18,201 salmon per year for food, social and ceremonial purposes.

Species of Fish and Aquatic Plants that do not have specific allocations in the Treaty (Non-Allocated Species) such as crab and intertidal bivalves may be harvested for food, social or ceremonial purposes under the Tsawwassen Fishing Right in accordance with Tsawwassen harvest documents. Tsawwassen harvest documents are licences, permits, documents or amendments thereto, that are issued by the applicable Federal or Provincial Minister under Federal or Provincial Law. The Treaty specifies that crab fisheries for food, social and

ceremonial purposes will be non-allocated for a period of 12 years after the effective date of the treaty and during this time TFN may harvest crabs using up to 50 traps per vessel. A process has been set out in the Final Agreement to establish allocations of any species at the request of TFN, Canada or British Columbia.

TFN has the right to trade and barter Fish and Aquatic Plants harvested under the Tsawwassen Fishing Right among themselves or with other aboriginal people of Canada. Fish and Aquatic plants harvested under the Tsawwassen Fishing Right may not be sold.

The Tsawwassen Fishing Right may be exercised by those individuals who are designated by TFN to harvest Fish and Aquatic Plants. Individuals designated by TFN are not required to have a licence for the harvesting of Fish and Aquatic plants in accordance with the harvest documents, but must carry documentation that they have been designated by TFN.

TFN must develop an Annual Fishing Plan for the harvest of all species under the Tsawwassen Fishing Right. This will be reviewed by a Joint Fisheries Committee (JFC) consisting of a representative of Canada, BC, and TFN. The JFC will review the plan, and will forward recommendations to the Minister on provisions to be included in a Tsawwassen harvest document.

### **Tsawwassen Fisheries Fund**

On the effective date of the treaty, Canada will pay to TFN one million dollars to establish a Tsawwassen Fisheries Fund. This fund may be used for promoting the conservation and protection of Fish and Aquatic Plants in Tsawwassen Territory and promoting and supporting participation by TFN in the stewardship of Fish and Fish habitat in Tsawwassen Territory. The fund can also be used for facilitating the sustainable management of Fish and Fish habitat in Tsawwassen Territory.

### **Commercial Fishing**

A Harvest Agreement with a term of 25 years and separate from the Treaty will provide for commercial fishing licences to be issued to the TFN. These licences will authorize the harvesting of up to 0.78 per cent of the Canadian commercial total allowable catch for Fraser River sockeye, 3.27 per cent of terminal commercial catch of Fraser River chum and 0.78 per cent of the Canadian commercial total allowable catch of Fraser River pink salmon. TFN will be subject to the same rules and openings as other commercial fishermen for their commercial fishery.

The Harvest Agreement will also allow for up to five commercial crab licences to be issued to TFN. These are existing commercial licences that TFN would have to acquire from existing licence holders on a willing buyer, willing seller basis.

Federal and Provincial laws apply with respect to the sale of fish caught in a Harvest Agreement Fishery.

A Commercial Fish fund of \$1,155,000 and a Commercial Crab Fund of \$450,000 will be established on the effective date of the treaty for the purpose of increasing the commercial fishing capacity of TFN.

## **Aquaculture**

TFN may give notice to BC within ten years of the effective date of the treaty that it wishes to negotiate a shellfish aquaculture tenure within Tsawwassen Territory. BC and TFN will then negotiate and attempt to reach agreement on a shellfish aquaculture tenure under Provincial Law, subject to TFN addressing any issues arising from claims of other First Nations specific to the site proposed.

## **Conclusion**

That is an overview of how the Tsawwassen Treaty relates to Fisheries. At the next Regular Meeting of Council, we will look at what the Treaty has to say about Wildlife and Migratory Birds.