

**LOCAL GOVERNMENT FISHERIES  
BACKGROUND PAPER**

**LOWER MAINLAND TREATY ADVISORY COMMITTEE  
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## INTRODUCTION

Whether it is the Eastern Canada fishery or the West Coast fishery, concerns regarding the management of this public resource are not unique and certainly represent numerous, complex issues.

Provincial and Federal governments need to closely examine the present management of this resource in order to determine where changes are critical and where improvement opportunities need to be pursued. In addition to the national and regional perspectives, fisheries management policies and associated work must encompass the views and concerns of local communities. Both outside and within the treaty negotiation process, consideration of the local community perspective is essential for fisheries management to be effective.

The purpose of this paper is to provide a brief overview of key local government concerns and issues within the Lower Mainland area regarding fisheries. Local governments have distinct concerns regarding the fishery, and treaty developments on this topic could have major implications for municipalities along the Fraser and the B.C. coast. The focus of this paper is on local government fisheries interests and the possible impact of treaty-negotiated aboriginal fisheries, upon those local community interests. In the context of this paper, the term fisheries includes all matters relating to the fishery resource. The following areas will be briefly covered: (1) *Local Government Act* and Fisheries; (2) First Nations Fisheries Interests; and, (3) Key Issues and Concerns of Local Government Regarding Fisheries.

The key issues and concerns will be addressed through the identification of principles surrounding conservation, socio-economic impacts, coastal and basin-wide management, allocation, and, monitoring and enforcement. It should be noted that this paper is not meant to be all-encompassing or exhaustive. The intention is to outline some of the key local government issues and concerns that need to be considered with the interests of all parties involved in fisheries discussions and negotiations.

## LOCAL GOVERNMENT ACT, FISHERIES AND LOCAL GOVERNMENTS

The *Local Government Act* outlines the purpose of local governments. Section 2(a) states that the

***“Purposes of the local government include fostering the current and future economic, social and environmental well-being of its community.”***

It may be argued that this provision of the *Local Government Act* empowers and compels local governments to utilize their powers to safeguard a broad range of community interests related to the treaty negotiations, including fishing. Local governments have interests in the use of land, in the safety of residents, in maintaining infrastructure such as dykes, in promoting environmental protection, and, in fostering a diverse and sustainable economy. The *Local Government Act* provides local governments with the flexibility to respond to the different needs and changing circumstances of their communities, as the fishery is a significant corporate interest of many local

## **FIRST NATIONS FISHERIES INTERESTS**

Amongst the range of resources, fisheries represents a key area where many First Nations have expressed interests to be addressed by the treaty negotiation process. In addition to harvesting fish for domestic purposes, many First Nations are asking for commercial allocations to salmon species and non-salmon species and aquatic plants. Finalized commercial allocations are being sought. Additionally, First Nations are looking to have a role in fisheries management. First Nations have also asked for a role in enforcement, enhancement, and habitat protection. Substantive discussions on these topics are already taking place at some Treaty Tables. Local government interests should be taken into account before positions are developed, discussed or exchanged at the negotiation tables. For complete information on Aboriginal fisheries interests, the specific treaty proposals of each First Nation should be referred to.

## **KEY ISSUES AND CONCERNS OF LOCAL GOVERNMENT REGARDING FISHERIES**

A treaty which might afford First Nations a special access to B.C.'s fish resources has implications for many local governments. Fishing is an important activity in many coastal and Fraser River communities. Loss of access to the resource by community members, or changes which might result in a further decline in fish stocks will have social and economic impacts which reach beyond the direct participants in the fishing industry. It is essential that local governments identify these potential impacts, and propose alternatives which would mitigate negative effects on the community at large. Although local governments may not have the expertise and resources to address all fisheries-related concerns, local communities can play a role in leading the way to positive changes within the industry. Therefore, the purpose of this section is to discuss local government concerns regarding the fishery.

The key issues and concerns of local governments regarding fisheries include the following:

- 1. Conservation, Preservation, and Environmental Protection**
- 2. Socio-Economic Impacts**
- 3. Coastal and Basin-wide Management**
- 4. Allocation**
- 5. Monitoring and Enforcement**

## **1. Conservation, Preservation, and Environmental Protection**

Both the Federal and Provincial governments have put forth much effort regarding fisheries habitat preservation and conservation. There is a concern these efforts, however, are not enough to sustain the resource now and well into the future. There is also a concern that the present treaty negotiation process will compromise conservation. A list of Federal, Provincial and Local Government management responsibilities is provided in Appendix A.

Current management policies aimed at achieving ecological and economic sustainability within the fishery have yet to yield the desired results. Provincial and Federal governments must take positions of greater clarity when negotiating treaties, specifically regarding allocation. In terms of local government involvement in habitat preservation, local governments are involved with external agencies such as the Fraser River Estuary Management Program, Dyking authorities, Port Authorities, and various community groups (e.g. Streamkeepers). Municipalities work to develop, implement and maintain policies aimed at preservation, protection, restoration and enhancement of the natural environment, its ecosystems and biological diversity. Through Official Community Plans, both environmentally sensitive and wildlife management areas are designated. Municipalities value streams and rivers, and activities aimed at improving and protecting fish bearing streams have long been in operation.

Pursuant to the *Fish Protection Act (FPA)*, local government powers in environmental planning have strengthened. As part of the B.C. Fisheries Strategy, the *Fish Protection Act* and amendments to the *Local Government Act* provide tools to protect streamside areas across the Province. "Streamside Protection Policy Directives" under the *FPA* require local governments to protect streamside areas from the impacts of urban development by ensuring that certain objectives are met. These "Policy Directives" and related protocols provide local governments with a planning approach to streamside protection. Local governments have the flexibility to implement the directives in a manner that takes into account capacity issues, local values, settlement patterns and stream conditions. However, it should be recognized that municipalities have been delegated these directives, requiring substantial investment by each local government. Further, along with other stakeholders, municipalities are involved in the process of designating sensitive streams.

In addition, local governments participate in the following inter-agency programs: The Estuary Management Plan; area designation agreements; habitat coding reviews; red zone designation (protected/habitat sensitive areas); and, coordination of recreational corridors. Local governments are concerned that not enough is being done to address fisheries conservation within the treaty negotiation process, in that special allocations to First Nations may well raise expectations of fish catches which may not be deliverable without compromising conservation. Treaties need to stipulate that conservation closures must be respected by all fishing sectors, including the recreational and aboriginal food fisheries. Additionally, local governments are concerned regarding the possibility of treaties offering First Nations the opportunity to pursue fish farming. To ensure for the protection of all habitat, full environmental impact studies must be undertaken by Federal and Provincial governments before fish farming opportunities are included as part of any treaty settlement.

Should a greater responsibility for habitat management and conservation of the resource be contemplated for First Nations in treaties, First Nations must first develop the capacity and ability to assume that responsibility. Any position that First Nations take must be as restrictive or conservative as that which would be taken by the Department of Fisheries and Oceans Canada (DFO). In any cases of dispute,

Federal and Provincial responsibility should be supreme regarding these issues. Development of this capacity and ability cannot be done in isolation, but must take into account preservation and conservation imperatives for constituents all along the salmon migration route and within the ecosystems of all aquatic resources impacted.

It should be noted that both First Nations and local governments may not have the capacity to undertake work regarding conservation, preservation and environmental protection. In terms of environmental protection, much assistance will be required by governments for planning of and actual restoration of sensitive watersheds, groundwater recharge, and streamside areas. Provincial and federal governments must provide assistance and support to First Nations and local governments in building capacity. With First Nations and local governments working towards common goals, the key will be to build trust and partnerships between First Nations and municipalities. The above local government concerns regarding conservation, preservation and environmental protection represent issues that will require resolution during the treaty negotiation process. The following table highlights key principles for consideration to address these concerns and issues:

**TABLE 1: CONSERVATION, PRESERVATION AND ENVIRONMENTAL PROTECTION**

- 1. Conservation must not be compromised. Negotiators must understand the impact of all Treaty and Treaty Related Measure (TRM) requirements before parties commit to any allocations;**
- 2. Stewardship needs to be enhanced and adopted as a common goal by all fisheries groups;**
- 3. Management policies must give priority to the maintenance of long-term productive capacity of the fisheries resource through: increased monitoring; aboriginal and non-aboriginal partnering initiatives; and, adherence to federal and provincial environmental guidelines and best practices;**
- 4. Provincial and Federal Governments must take positions of greater clarity when negotiating treaties, especially positions regarding fisheries (including all fisheries related matters);**
- 5. No further conservation responsibilities should be imposed upon local governments, under the Fish Protection Act or any other relevant legislation, unless assistance is provided by senior governments;**
- 6. Sufficient financial resources must be available to restore and enhance all habitat, and to assist local governments and First Nations in building capacity;**
- 7. In the event of fisheries conservation closures, all sectors must be involved, including recreational and aboriginal food fisheries;**
- 8. Planning for restoration and protection of sensitive watersheds must be part of a coastal and basin-wide fisheries management plan; and,**

**9. *Groundwater recharge and streamside areas must be properly managed and protected.***

## 2. Socio-Economic Impacts

Although difficult to quantify, decisions made with regard to the fisheries significantly impact local communities. The socio-economic impacts stemming from both the decline of British Columbia's fishery and the re-allocations to First Nations have been felt by all local communities that are involved both directly and indirectly in the fishing industry. This will be aggravated by the potential for further socio-economic impacts arising from the negotiation of fisheries arrangements within treaties, whereby experimental allocations become finalized. The significance of **Lower Mainland Treaty Advisory Committee (LMTAC) First Principles** cannot be over-emphasized, especially the following :

***“Sustainability of local economies is a priority in the post-treaty environment. Lower Mainland area renewable, natural resources, including but not limited to forests, water and fish, must continue to be managed on a sustainable basis in order not to undermine the economic base of Local Governments and their communities.”***

***“Clarity and consistency in regulatory jurisdiction with respect to natural and physical resources are paramount in the post-treaty environment. Developments of resources can have a significant impact on Local Governments.”***

***“The protection of fish stocks is a primary concern, and the rights and responsibilities of all fishers engaged in native, commercial or recreational fishing should be given due consideration.”***

As local governments are dependent upon the fisheries resource to varying degrees, many coastal communities may be greatly impacted by Federal government treaty decisions on fisheries. The key concern for such local governments is the impact on their local economies as a result of diminished access and limited opportunity for access to the fisheries resource and the economic benefits that flow from the fishery resource. Furthermore, many Lower Mainland municipalities are involved either directly or indirectly with the fishing industry, e.g. Delta, Richmond, New Westminster, District of North Vancouver, Maple Ridge, and City of North Vancouver. Appendix B provides specific examples of local community involvement in the fishing industry.

A consultant's study prepared for the City of Richmond, using Provincial data sources, noted that the 1996 export value of all B.C. fisheries was on the order of \$942 million dollars.<sup>1</sup> As of 1998 there were 190 fish processing facilities located throughout the Province, 95 of which were located in the Lower Mainland.

In 1998, the wholesale value of B.C.'s seafood products was worth \$876.6 million, 60% of the wholesale value of these products originated in the 95 plants located within the Lower Mainland. Figures such as these make it relatively easy to appreciate the impact that the fisheries resource has upon the economy, as a whole and on a community level. Many Lower Mainland municipalities, such as Delta and Richmond, have businesses that provide direct and indirect support to the commercial fishing fleet.

A list of these business services is provided in Appendix C. At this point in time it is not known to what degree these businesses may be impacted through a re-allocation of the fishery resource, as a result of the treaties. The actual impact on local service providers to the commercial fishing industry will, in large measure, depend on the nature of the re-allocation. That is to say, if the geographic harvest area remains the same after re-allocation the impact may not be as severe as it would be if a substantial amount of the Total Allowable Catch was re-allocated to First Nations farther up the Fraser river system or to settlement areas outside of the Fraser River Basin. However, the effects on local businesses will only be mitigated if aboriginal fishermen patronize/utilize the same businesses in the local geographic area. As this is an unknown, however, local governments have an interest in expecting certain principles to be in place that will ensure fair competition. Post-treaty, advantages available on Treaty Settlement Land (TSL), must also be accessible off-TSL.

Many of the fishers working out of each municipality, and the owners of businesses that support the commercial fishing industry, have their homes and families in the respective community. As such, local governments bear a responsibility of representation. The income accruing to lower mainland communities from fishing related businesses has an impact upon the demand for land, housing, schools, and services. Additionally, the work of municipalities in eco-tourism and in activities aimed at preserving spawning/rearing habitats requires consideration. Thus, in combination, all the fishing-related work undertaken by and occurring within municipalities has a great impact upon the economic base of these communities.

Presently, auxiliary businesses have been devastated by the state of decline in B.C.'s commercial fishing sector. From the diminished salmon run in 1996, approximately 2,730 fishing jobs were eliminated. Combined job losses associated with the 1996 commercial and recreational salmon fishery are estimated at 7,800 jobs.<sup>2</sup> In terms of the Greater Vancouver region, approximately 5,439 people were employed in the fishing industry in 1995, of which 3,305 worked in the salmon fishery. The total number of fishing jobs for the province was 20,084 in 1995.<sup>3</sup>

In terms of other impacts, the majority of license holders live in the Lower Mainland, within LMTAC's area of interest. Reductions in licenses and commercial fishing businesses have already resulted in a huge economic loss for the respective municipalities. The commercial fishing industry has historically been a primary provider of employment, and the spin-off effect has been huge to other businesses.

A further important component of the industry, the recreational fishery has long provided a source of employment in communities hardest hit by the decline in the commercial fishing sector. Fisheries and Oceans Canada statistics reveal that in 1997, B.C.'s recreational fishing accounted for \$485 million in revenues, paid \$133 million in wages and created over 7,000 seasonal jobs. These figures are up slightly from 1996, but down significantly from 1995 and previous years. This industry accounts for a great deal of employment, especially in rural communities, and as such plays a significant role in these local economies. Recreational fishers are therefore equally concerned with the present status of fisheries in general and with the impact of treaty negotiations in particular. (Appendix D provides an overview of the history of fisheries from the perspective of the Department of Fisheries and Oceans Canada.)

Clearly, the difficulty in outlining the socio-economic impacts upon local municipalities from the decline of the fisheries industry lies in the actual quantification. Indeed the existing limited and dated quantitative

information poses a difficulty in clearly deducing the socio-economic impacts.

Although at times intangible, the impacts of treaty settlements, especially the fisheries component, will certainly be felt by municipalities. The key in minimizing and preventing any negative spin-offs related to local community fishing activities is to fully take into account, during fisheries negotiations, the impact of this ever-threatened resource sector on local government economies. As stated earlier, reductions in the general participation rate, or a narrowing of the scope of participation, within recreational and commercial fisheries, would lead to negative socio-economic impacts in Lower Mainland communities. As such, there is an increasing need for local representation on behalf of the citizens directly impacted by fisheries policy and the treaty negotiation process.

The above local government concerns regarding socio-economic impacts represent issues that will require resolution during the treaty negotiation process. The following table highlights key principles for consideration to address these concerns and issues:

**TABLE 2: SOCIO-ECONOMIC IMPACTS**

- 1. Treaty negotiators must recognize the direct and indirect involvement of local communities in the fishing industry and work to ensure for fair competition and access for economic opportunities;**
- 2. Treaty negotiators must develop an approach of no net loss to the local government economies where the impact of this ever-threatened resource on local government economies, the impact of diminished access upon local fishers, and the negotiation of experimental allocations upon the overall resource is considered during treaty negotiations;**
- 3. Local representation , on behalf of the citizens directly impacted by fisheries policy and the treaty process, must be recognized by negotiators as a critical voice in fisheries negotiations;**
- 4. There must be no negative impact upon the local government economic base and income accrued from fishing related businesses (i.e. recreational and eco-tourism), in order to maintain the ability of local governments to provide a full range of municipal services;**
- 5. Processing activities on Treaty Settlement Land (TSL) must not have provincial and federal tax advantages that would enable unfair competition off TSL. All processing activities must be subject to the same quality controls, health standards and inspections; and,**
- 6. Retail operations on TSL that service the fishing industry should not have provincial or federal tax advantages that would be unfair to competition off TSL.**

### **3. Coastal and Basin-wide Management**

In terms of management, the provincial and federal governments will need to adopt a new approach/model to fisheries management. Of key importance is the necessity to ensure that the new model incorporates a coastal and basin-wide perspective to fisheries management. Lower Mainland

First Nations represent only a few of the many First Nation's claiming a portion of the Fraser fishery resource. There needs to be an understanding of the cumulative effects of treaty settlements, upon the sustainability and allocation of the fishery resource, prior to any treaty finalization. In addition, social, economic and environmental components need to be considered for proper management of the resource. Fisheries management needs to be based on a single manager approach incorporating a single set of rules and regulations to be followed by all fishers.

Fisheries management must take into account the present status of fisheries, the need for increased conservation, and the need for a more disciplined approach to regulated fisheries. In addition to management, local government believes that B.C. must consider and acknowledge the priority status of conservation during treaty negotiations and allocation discussions. In identifying special allocations and exclusionary access to the resource, the Government fails to recognize the fishery as a common property resource to be shared by all Canadians. Negotiating exclusionary access to an already threatened resource may have negative implications for local economies. Fisheries management must ensure that treaty fisheries arrangements are not settled at the expense of conservation and limiting access to this common property resource.

The above local government concerns regarding coastal and basin-wide management represent issues that will require resolution during the treaty negotiation process. The following table highlights key principles for consideration to address these concerns and issues:

**TABLE 3: COASTAL AND BASIN-WIDE MANAGEMENT**

- 1. Federal and Provincial governments must adopt a fisheries management model that is based on a coastal and basin-wide perspective with a single manager, and having one set of rules and regulations, working towards upholding the priority of conservation;***
- 2. A mutually acceptable model/vision, incorporating social, economic and environmental components, for fisheries management needs to be developed. The model should require all participants in the fisheries to practice conservation;***
- 3. Federal and Provincial governments must develop a fisheries policy and planning model that is based on consultation with the public and with the Aboriginal and non-Aboriginal people whose livelihoods and traditions are based on the sustainable use of this public resource;***
- 4. Fisheries policy needs to reflect a coastal and basin-wide perspective and be based on consultation with all fishers (aboriginal and non-aboriginal);***
- 5. Basin-wide impact assessments of the possible ecological/environmental, sociological and economic effects of resource use (e.g. fish farms) and exclusionary allocations should be carried out by senior governments prior to reviewing present uses, new uses, restrictions or expansions;***
- 6. The cumulative effect of treaty settlements must be recognized by the treaty negotiation process and by fisheries management; and,***

**7. Fisheries policy and the treaty negotiation process needs to recognize and adhere to the principle of the fisheries representing a common property resource to be shared equitably by all.**

#### **4. Allocation**

Not only is the Federal government mandated to responsibly manage the public fishery, it also has the responsibility for allocating the fishery resource among the various participants. Allocation represents an issue of concern for local governments because it affects the livelihood of many residents and businesses within Lower Mainland communities. Present allocation policy needs to be revised to incorporate the following components:

- 1. Allocations must be based on the actual annual returning run size;**
- 2. Allocations falling short of predictions cannot be transferred to the next year's allocation;**
- 3. Access for economic opportunities must be distributed equitably;**
- 4. Access for fisheries must only be restricted for purposes of conservation; and,**
- 5. The aboriginal fishery should be incorporated into the overall commercial fishery.**

To ensure that impacts are minimized, a coastal and basin-wide impact assessment study should be carried out by senior governments prior to the settling of all allocation figures, and as part of the treaty process.

The Department of Fisheries and Oceans Canada (DFO) "Allocation Policy for Pacific Salmon" states that "allocation continues to be founded on the principle that Pacific salmon belong to the people of Canada as common property resources and must be sustainably managed by government for the benefit of present and future generations."<sup>74</sup> However, permitting an exclusive commercial fishery to harvest a new or guaranteed allocation from an already totally subscribed allowable catch will either result in further public exclusion or reduced conservation.

The Courts have now stated that common property rights do not affect the priority of access for First Nations for food, social and ceremonial needs, or other aboriginal rights-based fisheries or rights under a treaty. In addition, the Allocation Policy for Pacific Salmon states that it "not constrain the scope of treaty negotiations and... fisheries will be managed in accordance with the provisions of treaty settlements."<sup>75</sup> Changes to the present allocation policy have provided First Nations with "priority access" to the common property resource, while other fisheries interests have had their access to the public resource restricted.

Further, the development of the Aboriginal Fisheries Strategy (AFS) created an exclusive allocation through experimental pilot sales. The AFS is intended to ensure that the aboriginal access to fish is achieved, through the negotiation of mutually acceptable fisheries agreements between DFO and aboriginal groups. The pilot sales under the AFS are viewed by many commercial and recreational fishers as further impacting their lack of access to the resource. It may be argued that the pilot sales under the AFS represent an exclusive commercial fishery, completely separate from the AFS food fishery.

LMTAC feels that if the aboriginal commercial fishery was incorporated into the overall commercial fishery, the practice of allocation, and monitoring and enforcement would apply to all fish caught, and would lead to a more equitable management policy. Local governments have real concerns regarding the present allocation policy, namely the need for upholding the priority of conservation and ensuring that all fisheries groups are provided with comparable access to this common property resource. As a result of the treaty process, local governments have additional concerns regarding the negotiation of fisheries arrangements that will impact non-aboriginal fisheries.

Negotiators need to ensure that coastal and basin-wide impact assessment studies are carried out by senior governments before treaty allocation figures are determined. Local governments cannot be negatively financially impacted by treaties. Treaty allocations not only need to be deliverable, but also these allocations cannot be guaranteed to First Nations at the expense of limiting or eliminating access to fisheries by non-aboriginal groups. Quantification, monitoring and enforcement efforts must apply to all fisheries sectors. As mentioned above, there should be no treaty provisions for exclusionary commercial fish allocations. The aboriginal fishery should be incorporated into an all-citizen commercial fishery.

The above local government concerns regarding allocation represent issues that will require resolution during the treaty negotiation process. Local governments have concern with the present allocation policy.

In addition, local governments and their local communities are apprehensive towards the allocation approach within the treaty negotiation process. The following two tables highlight key principles for consideration to address these concerns and issues:

**TABLE 4: ALLOCATION**

**In general, the following principles should be applied to the present allocation policy:**

- 1. All Allocations must be based on the actual annual returning run size and not solely on a scientific prediction, so that there are no negative impacts on conservation;**
- 2. Any allocations that fall short of predictions cannot be transferred to the next year's allocation and become an ongoing cumulative total;**
- 3. Present allocation must be revised to ensure that access for economic opportunities is distributed equitably amongst all fishers; and,**
- 4. Any aboriginal commercial fishery should be incorporated into the overall commercial fishery to ensure for consistency, fairness, and equity.**

**In terms of treaty allocations, the following principles need to be considered:**

- 1. Before treaty allocations are determined, socio-economic and conservation impact assessment studies, with a coastal and basin-wide focus, should be carried out by senior governments to ensure that allocations committed by a treaty are deliverable and result in no negative impacts;**
- 2. Allocations for food and ceremonial purposes must be quantified, as part of the Aboriginal Fisheries Strategy (AFS), and as part of any future treaty settlements;**
- 3. There should be no treaty provisions for exclusionary commercial fish allocations, as treaty allocations must only be accomplished through the purchase of vessels and licenses for transfer to First Nations for use in an all-**

***citizen commercial fishery; and,***

***4. Impact assessment studies should be carried out to ensure that local governments/communities are not financially impacted by treaties. Should there be any revenue loss or displacement of fishers resulting from treaties, impact studies must establish fair compensation.***

## **5. Monitoring and Enforcement**

The overall absence of monitoring and enforcement is of concern to local governments and to communities where fishing activities have been curtailed due to downsizing and conservation measures. Aboriginal and non-aboriginal fisheries activities such as illegal processing and sales lead not only to conflicts with local, provincial and federal enforcement officers, but also impact local businesses through income loss. In addition, the income from fish that are caught by Aboriginals, whether from pilot sales or illegal sales in the food fishery, is not being taxed, which is seen as being unfair and inequitable. Efforts to curtail illegal activities in all fish sectors must be improved, to ensure that those individuals whose livelihoods are tied to fisheries are minimally impacted. Monitoring and enforcement efforts must become more effective whereby independent officers, who are not tied to any fisheries group, closely oversee all fisheries sectors.

Since the inception of the AFS, aboriginal food fish needs have been quantified on a limited basis by either the Federal government or the First Nations. The concern has been that, thus far, quantification has provided no distinction between commercial and food fish numbers being caught. As a result, almost no effective monitoring and enforcement activity (to prevent food fish from being sold commercially) occurs. Given conservation is the top priority, all fisheries enforcement regimes - including recreational, commercial, and aboriginal - should be consistent with the goal of sustainability of the fish stocks.

The above local government concerns regarding monitoring and enforcement represent issues that will require resolution during the treaty negotiation process. The following table highlights key principles for consideration to address these concerns and issues:

### **TABLE 5: MONITORING AND ENFORCEMENT**

***1. Enforcement and monitoring efforts must be impartial and independent to ensure for basic stock protection;***

***2. Enforcement and monitoring must be applied to all sectors of the fishing industry;***

***3. Work against illegal fishing activities must be improved to minimize income loss by businesses;***

***4. Enforcement and monitoring officers must work towards the goal of sustainability and enhancement of the fish stocks, and strongly encourage compliance by all fisheries sectors; and,***

***5. A process for quantification needs to be established to ensure for consistency***

***and accuracy in capturing/collecting data on all fish caught.***

## CONCLUSION

Clearly, the issue of fisheries is complex. British Columbia's fisheries represents a major negotiating point within the treaty process. Both Canada and B.C. will need to balance the fundamentals of conservation and to ensure that there are no adverse impacts upon either local fishing interests or the fisheries resource as a whole resulting from treaty-negotiated allocations. In the pre and post-treaty environment, there must be assurance that treaty negotiations and eventual settlements do not compromise conservation. Municipalities and Regional Districts have pressing issues and concerns regarding fisheries that require consideration, before and during treaty discussions.

Local governments consider the above conservation, socio-economic, management, allocation, and monitoring and enforcement interests essential to local and regional economic well-being. In essence, the key local government interests and concerns, as expressed in this paper, require consideration, especially the following:

- ***Prioritization of conservation, preservation and environmental protection by fisheries management and the treaty negotiation process;***
- ***Recognition of the role of fisheries in local economies and the need to mitigate socio-economic impacts resulting from the treaty negotiation process;***
- ***Adoption of a coastal and basin-wide management approach to fisheries;***
- ***Assurance for equal access to fisheries, a common property resource, by all citizens; and,***
- ***Commitment by senior governments for detailed quantification, and, improved monitoring and enforcement efforts within all fisheries sectors.***

The intention of this discussion paper has been to capture some of the key interests and concerns held by Local Governments regarding fisheries and the treaty negotiation process. As with most treaty negotiation components, fisheries represents an area defined by multiple interest groups having strong, deep-rooted connections to the resource. The key principles that require consideration, as discussed throughout the paper, have been grouped below for reference into summary tables. As such, the task for both British Columbia and Canada will be to ensure that all fisheries interests, including those of local governments, are both acknowledged and balanced fairly at the Treaty Tables before any further negotiating positions are tabled.

## **SUMMARY: KEY PRINCIPLES FOR CONSIDERATION**

### **1. CONSERVATION, PRESERVATION AND ENVIRONMENTAL PROTECTION**

1. Conservation must not be compromised. Negotiators must understand the impact of all Treaty and Treaty Related Measure (TRM) requirements before parties commit to any allocations;
2. Stewardship needs to be enhanced and adopted as a common goal by all fisheries groups;
3. Management policies must give priority to the maintenance of long-term productive capacity of the fisheries resource through: increased monitoring; aboriginal and non-aboriginal partnering initiatives; and, adherence to federal and provincial environmental guidelines and best practices;
4. Provincial and Federal Governments must take positions of greater clarity when negotiating treaties, especially positions regarding fisheries (including all fisheries related matters);
5. No further conservation responsibilities should be imposed upon local governments, under the *Fish Protection Act* or any other relevant legislation, unless assistance is provided by senior governments;
6. Sufficient financial resources must be available to restore and enhance all habitat, and to assist local governments and First Nations in building capacity;
7. In the event of fisheries conservation closures, all sectors must be involved, including recreational and aboriginal food fisheries;
8. Planning for restoration and protection of sensitive watersheds must be part of a coastal and basin-wide fisheries management plan; and,
9. Groundwater recharge and streamside areas must be properly managed and protected.

### **2. SOCIO-ECONOMIC IMPACTS**

1. Treaty negotiators must recognize the direct and indirect involvement of local communities in the fishing industry and work to ensure for fair competition and access for economic opportunities;
2. Treaty negotiators must develop an approach of no net loss to the local government economies where the impact of this ever-threatened resource on local government economies, the impact of diminished access upon local fishers, and the negotiation of experimental allocations upon the overall resource is considered during treaty negotiations;
3. Local representation, on behalf of the citizens directly impacted by fisheries policy and the treaty process, must be recognized by negotiators as a critical voice in fisheries negotiations;
4. There must be no negative impact upon the local government economic base and income accrued from fishing related businesses (i.e. recreational and eco-tourism), in order to maintain the ability of local governments to provide a full range of municipal services;

5. Processing activities on Treaty Settlement Land (TSL) must not have provincial and federal tax advantages that would enable unfair competition off TSL. All processing activities must be subject to the same quality controls, health standards and inspections; and,
6. Retail operations on TSL that service the fishing industry should not have provincial or federal tax advantages that would be unfair to competition off TSL.

### **3. COASTAL AND BASIN-WIDE MANAGEMENT**

1. Federal and Provincial governments must adopt a fisheries management model that is based on a coastal and basin-wide perspective with a single manager, having one set of rules and regulations, and working towards upholding the priority of conservation;
2. A mutually acceptable model/vision, incorporating social, economic and environmental components, for fisheries management needs to be developed. The model should require all participants in the fisheries to practice conservation;
3. Federal and Provincial governments must develop a fisheries policy and planning model that is based on consultation with the public and with the Aboriginal and non-Aboriginal people whose livelihoods and traditions are based on the sustainable use of this public resource;
4. Fisheries policy needs to reflect a coastal and basin-wide perspective and be based on consultation with all fishers (aboriginal and non-aboriginal);
5. Basin-wide impact assessments of the possible ecological/environmental, sociological and economic effects of resource use (e.g. fish farms) and exclusionary allocations should be carried out by senior governments prior to reviewing present uses, new uses, restrictions or expansions;
6. The cumulative effect of treaty settlements must be recognized by the treaty negotiation process and by fisheries management; and,
7. Fisheries policy and the treaty negotiation process needs to recognize and adhere to the principle of the fisheries representing a common property resource to be shared equitably by all.

#### **4. ALLOCATION**

##### **In general, the following principles should be applied to the present allocation policy:**

1. All Allocations must be based on the actual annual returning run size and not solely on a scientific prediction, so that there are no negative impacts on conservation;
2. Any allocations that fall short of predictions cannot be transferred to the next year's allocation and become an ongoing cumulative total;
3. Present allocation must be revised to ensure that access for economic opportunities is distributed equitably amongst all fishers; and,
4. The aboriginal fishery should be incorporated into the overall commercial fishery to ensure for consistency, fairness, and equity.

#### **4. ALLOCATION...**

##### **In terms of treaty allocations, the following principles need to be considered:**

1. Before treaty allocations are determined, socio-economic and conservation impact assessment studies, with a coastal and basin-wide focus, should be carried out by senior governments to ensure that allocations committed by a treaty are deliverable and impose no negative impacts;
2. Allocations for food and ceremonial purposes must be quantified, as part of the Aboriginal Fisheries Strategy (AFS), and as part of any future treaty settlements;
3. There should be no treaty provisions for exclusionary commercial fish allocations, as treaty allocations must only be accomplished through the purchase of vessels and licenses for transfer to First Nations for use in an all-citizen commercial fishery; and,
4. Impact assessment studies should be carried out to ensure that local governments and communities are not financially impacted by treaties. Should there be any revenue loss or displacement of fishers resulting from treaties, impact studies must establish fair compensation.

#### **5. MONITORING AND ENFORCEMENT**

1. Enforcement and monitoring efforts must be impartial and independent to ensure for basic stock protection;
2. Enforcement and monitoring must be applied to all sectors of the fishing industry;
3. Work against illegal fishing activities must be improved to minimize any income loss by local businesses;
4. Enforcement and monitoring officers must work towards the goal of sustainability and enhancement of the fish stocks, and strongly encourage compliance by all fisheries sectors; and,
5. A process for quantification needs to be established to ensure for consistency and accuracy in capturing/collecting data on all fish caught.

## APPENDIX A

### FEDERAL, PROVINCIAL AND LOCAL GOVERNMENT RESPONSIBILITIES

#### 1. Federal Responsibilities:

- Saltwater fish and mammals
- Salmon (in salt and fresh waters)
- Saltwater commercial and sport fisheries
- Fish habitat - salt and fresh water (Federal Fisheries Act)
- Regulation of aboriginal, commercial and recreational fishing

#### 2. Provincial Responsibilities:

- Freshwater (non-tidal) fish (including sea run trout)
- Freshwater (non-tidal) sport fishery
- Oysters
- Saltwater Plants
- Saltwater and freshwater aquaculture

#### Federal and Provincial Agreements:

The federal and provincial legislation governing fish is extensive. In addition, there are a number of federal-provincial agreements related to fisheries management and administration.

- Co-ordination of Fish Habitat Management Issues
- Canada-BC Agreement on the Management of Pacific Salmon Fishery Issues
- Canada-BC Fisheries Memorandum of Understanding Agreement on Aquaculture Development
- Agreement in Seafood Development and Diversification
- Agreement on Fish Transplant Committee
- Agreement on Management of Pacific Salmon Fishery Issues
- Agreement on Control Commercial Harvest of Wild Clams and Oyster Leases
- Co-ordination of Fishery Resource Management Activities
- Agreement on Clam Culture

#### 3. Local Government Responsibilities:

Pursuant to the *Fish Protection Act (FPA)*, local government powers in environmental planning have strengthened. As part of the B.C. Fisheries Strategy, the *Fish Protection Act* and amendments to the *Local Government Act* provide tools to protect streamside areas across the Province. "Streamside Protection Policy Directives" under the *FPA* require local governments to protect streamside areas from the impacts of urban development by ensuring that certain objectives are met. These "Policy Directives" and related protocols provide local governments with a planning approach to streamside protection. Local governments have the flexibility to implement the directives in a manner that takes into account capacity issues, local values, settlement patterns and stream conditions. However, it should be recognized that the municipal undertaking of these directives requires substantial investment by local governments. With the *FPA*, local governments have been mandated the responsibility from the Province to protect streamside areas. Further, along with other stakeholders, municipalities are involved in the process of designating sensitive streams.

## APPENDIX B

### Municipal Examples of Fisheries-Related Activity

**Note:** LMTAC acknowledges that each annual run exhibits differences and as such affects the data. With limited statistics of consecutive years, data that was available has been utilized.

#### A. Richmond Example:

Steveston Harbour in Richmond operates as one of two major home ports for the fishing fleet on B.C.'s west coast. Accommodating some 900-1500 vessels at the Paramount and Gulf of Georgia sites, most of which are commercial fishing vessels, Steveston Harbour is reportedly the largest commercial harbour fishing in Canada.<sup>6</sup> Steveston's fishing fleet directly supports at least 3000 workers.<sup>7</sup> Many commercial and industrial businesses within Steveston, and Richmond as a whole, are dependent upon, or support the fishing industry.

#### B. Delta Example:

Agriculture and fisheries were important early industries in Delta. The abundant salmon runs on the Fraser River led to the early development of salmon salteries and canneries (i.e. Ladner Harbour). In 1870 the first commercial cannery on the B.C. coast was established at Annville. In a relatively short time many other canneries were built and by 1890 one-third of B.C.'s canning production came from Delta. The industry was largely responsible for Delta's ethnic diversity, and while the canneries were providing a source of employment for mainly Chinese and Native workers, they also drew Japanese, Norwegians, Greeks, Croatians and other settlers.

Presently, business activity related to fisheries in Delta continues to exist. In addition to commercial fishing, fish processing, packing plants and purchasing capacity businesses continue to operate. In terms of local retail, historic family operations related to hardware, marine and water lots exist to this day. For example, from the 10 existing fish processing businesses in Delta, approximately \$156,049 in real property taxes was paid to Delta for year 2000. With the number of indirect businesses supporting the fishing industry, the potential impact upon Delta's tax base is great if treaties lead to a reduction in this local economic activity.

#### C. Sunshine Coast Example:

From the 1993 Sunshine Coast Commercial Fishing Survey, the commercial fishing industry on the Sunshine Coast was examined. Sunshine Coast has a long tradition in commercial fishing, because of its proximity to the major salmon fishing grounds. From Canada employment statistics for the 1993 year, 63 firms were involved in fishing and marine services, with a total of 29 fishing industry employers.<sup>8</sup> At the time of the study, all vessel owners and operators and at least 93% of all crew members were residents on the Sunshine Coast. The total value of fishing assets owned by vessel owners on the Sunshine Coast was estimated at \$48,800,000 for the year 1993. Additionally, at least 112 vessel owners and close to 70% of all crewmen depended heavily on a healthy stable commercial fishery for their income in 1993.<sup>9</sup>

#### D. Comox Valley Example:

From the 1994 survey of the Comox Valley commercial fishing industry, the economic impact of commercial fishing in the Comox Valley was examined. Based on 297 vessels, the survey found the total gross revenue for the entire Comox Valley commercial fleet to be \$23,760,000; only 13% of vessels earned revenue from sources other than fishing in 1994.<sup>10</sup>

In terms of local businesses, the average annual value of goods and services purchased or contracted from businesses in the Comox Valley was \$10,397. On the basis of this figure, the study estimated that local businesses received \$2,632,848 in business from the Comox Valley commercial fleet in 1994.

## **APPENDIX C**

### **Businesses Providing Direct Support to Commercial Fishing Fleet:**

- *Moorage and fuel;*
- *Gear storage, cold storage, net storage and repair;*
- *Boat repair, boat manufacturing, upland boat storage;*
- *Marine hardware, net supplies;*
- *Engine sales, repair and service;*
- *Marine electronics, marine hydraulics;*
- *Steel fabricating and welding;*
- *Warehousing and mini-storage;*
- *Marine towing; and*
- *Fish retail, processing plants and canneries.*

### **Businesses Providing Indirect Support to Commercial Fishing Fleet:**

- *Banks, credit unions;*
- *Accommodation;*
- *Insurance;*
- *Food suppliers; and*
- *Restaurants.*

## **APPENDIX D**

## **History of the Fishery**

### **Prepared by Fisheries and Oceans Canada**

Commercial fishing for salmon began shortly after the arrival of Europeans on the West Coast. The Hudson's Bay Company shipped salted salmon from Fort Langley to the Hawaiian Islands starting in 1835, and the first salmon cannery opened in 1876. By the turn of the century, 70 canneries were in operation.

The introduction of entry controls in the salmon fishery in 1969 marked the beginning of licence limitation in Pacific salmon fisheries in Canada. Salmon (A) licences were issued for fishing vessels that had a recorded catch of 10,000 lbs. or more of pink or chum salmon, or equivalent, during 1967 or 1968. A total of 5870 Salmon (A) licences were issued in 1969.

Between 1969 and 1977 there was no restriction on the type of gear (gill net, seine or troll) that could be used on a salmon licenced vessel. In 1977, a moratorium on the number of vessels allowed to fish with seine gear was implemented. In 1982, salmon vessels with a seine licence privilege were issued distinct salmon validation tabs. These vessels were entitled to fish for salmon with any gear until 1996. Vessels without a seine licence privilege were permitted to use either gill net or troll gear or both until 1996.

The once \$400 million a year industry has declined in recent years as world salmon prices fell and critical stocks of B.C. salmon continued to decline. Two consecutive poor salmon seasons in 1995 and 1996, during which incomes and profits fell to record lows and ongoing concerns for conservation of salmon led the federal government to introduce its Pacific Salmon Revitalization Strategy in 1996.

In 1996, an \$80 million federal government funded voluntary licence retirement program led to the retirement of 798 commercial salmon licences. Permanent single gear licensing was implemented in 1996 whereby a single licence holder could fish with only one gear type (gill net, troll or seine). For 1996 only, the north coast licence holders were permitted to fish both gill net and troll. In 1996 area licensing was implemented. This designated the coastal fishing waters into two areas for seine boats, three for gill netters and three for trollers. Area licensing required a licence holder to choose a single area in which to fish for a period of four years. In 1996 licence holders who had chosen one area were allowed to permanently "stack" additional licences from other single licenced vessels onto their vessel in order to fish in other areas or with other gear types. A total of 396 licences were stacked to the end of 1996. In early 1998 industry voted to continue stacking and by June 1998 the total number of salmon licences stacked had increased to 623.

Ninety-ninety eight was marked by important changes in salmon management in the Pacific region. Conclusive scientific evidence was showing that wild coho stocks were declining and some were at extreme risk. Furthermore, these conservation concerns for coho were not a short-term problem. A May 1998 report by the Pacific Stock Assessment Review Committee noted that Upper Skeena and Thompson River coho stock aggregates were extremely depressed and that some individual spawning populations are at high risk of biological extinction. In response, the Minister of Fisheries and Oceans announced a federal fund of \$400 million in June 1998 for a comprehensive coho recovery plan as well as a plan to rebuild the salmon resource, restructure the fishery and to help people and communities adjust to the changing fishery.

The 1998 salmon management plan introduced major changes in the management of the Pacific salmon fishery. Severe restrictions on fishing activity were applied in many areas, and selective, conservation-based fishing techniques introduced to conserve coho and other stocks at risk.

A \$100 million program was implemented to protect and rebuild habitat. Measures tied to this program include i) a permanent fund to provide funding for habitat initiatives, ii) support for community-based stewardship programs aimed at protecting habitat from further damage, iii) extension of community restoration and enhancement partnership programs and iv) an increase in public awareness of factors affecting salmon stocks.

Fisheries restructuring initiatives, funded at \$ 200 million, included a licence retirement program and incentives for new, selective harvesting techniques and for exploring options for diversifying fishing income and opportunities.

An additional \$100 million was made available for early retirement, adjustment programs for displaced fishery workers, and community economic development, including support for marketing efforts for conservation-based recreational fishing in British Columbia.

The first round of voluntary commercial salmon licence retirement was conducted during the fall of 1998 and resulted in the voluntary retirement of 99 licences. The second round concluded in February, 1999 and resulted in the voluntary retirement of 645 licences. The third and final round concluded in January 2000 bringing the total to 1,409 licences retired from the Pacific commercial salmon fleet.

In 2000, voluntary area selection occurred as planned prior to the 2000 salmon fishery. This area selection will cover a six-year period (through the 2005 fishing season) In late 1998, Fisheries and Oceans released the paper "A New Direction for Canada's Pacific Salmon Fisheries". The paper is part of a process that will clarify the policy direction for Pacific salmon, establish clear principles, and articulate operational policies. In addition to the paper, the following documents have also been released; "A Policy for Selective Fishing in Canada's" Pacific fisheries in January 2001 and "An Allocation Policy for Pacific Salmon" in October 1999.

To view these and other policy communications refer to the Fisheries and Oceans Canada web-site at:

*<http://www-comm.pac.dfo-mpo.gc.ca/english/newdirections/default.htm>*

## **ENDNOTES**

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1. Rollo & Associates "Steveston Businesses Servicing the Fishing Industry," April 1998.
  2. BC Job Protection Commission, "Fishing for Answers: Coastal Communities and the BC Salmon Fishery," September 30, 1996.
  3. BC Job Protection Commission, "Fishing for Answers: Coastal Communities and the BC Salmon Fishery," September 30, 1996.
  4. Department of Fisheries and Oceans Canada "An Allocation Policy for Pacific Salmon," October 1999.
  5. Department of Fisheries and Oceans Canada "An Allocation Policy for Pacific Salmon," October 1999.
  6. Steveston Harbour Authority 1999
  7. Coriolis Consulting Corp. Report 1996.
  8. Sunshine Coast Economic Development Commission "1993 Sunshine Coast Commercial Fishing Survey," 1993.
  9. Sunshine Coast Economic Development Commission "1993 Sunshine Coast Commercial Fishing Survey," 1993.
  10. Comox Valley Economic Development Society "Comox Valley Commercial Fishing Industry Survey Results," 1994.