



Tsawwassen 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 in order 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 Final Agreement will be a full and final settlement of Tsawwassen's Aboriginal rights relating to lands and resources. This will be accomplished by modifying undefined Aboriginal rights into specific rights defined in the treaty. The treaty will also identify the scope and limitations of these rights.

Frequently Asked Questions

1) Will a treaty allow the Tsawwassen First Nation unlimited access to fish?

No. The AIP sets out that Tsawwassen fishers will have the right to harvest fish for food, social and ceremonial purposes subject to measures necessary for conservation, public health and public safety. These fish may not be sold. Domestic fish allocations will be based on formulas that will vary annually based on the abundance of species.



2) Will the Tsawwassen First Nation need licences to fish?

Yes. Tsawwassen fishers will be required to carry documentation issued by their government. All persons or vessels that fish or harvest aquatic plants will be required to produce this documentation on request by an authorized person.

3) What are the components of the Tsawwassen First Nation's domestic food fishery?

The AIP identifies the Tsawwassen First Nation's share of sockeye, chum and pink salmon. The Final Agreement will set out domestic allocations for chinook and coho salmon, crab and eulachon, as well as a process for determining allocations of other non-salmon species. Tsawwassen First Nation members will have the right to trade and barter their domestic catch among themselves or with other Aboriginal people of Canada living in British Columbia.

4) Who will be responsible for managing the Tsawwassen's domestic fishery?

The Tsawwassen First Nation will develop an annual fish plan for review by a joint fisheries committee. The plan will detail species and amounts to be harvested. The federal Minister of Fisheries and Oceans will authorize the Tsawwassen domestic fishery based on recommendations from the joint fisheries committee and the annual fishing plan.

5) If there is a conservation concern for a certain species, how will this be addressed in the treaty?

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. A Tsawwassen allocation would be negotiated based on a share of the total allowable catch. Factors that will be considered include the status of the species and harvesting levels by other fishers.

6) Will the Tsawwassen First Nation have a commercial fishery?

On agreement of the parties before Final Agreement, the federal Department of Fisheries and Oceans will issue commercial fishing licences to the Tsawwassen First Nation outside the treaty for Fraser River sockeye, pink and chum salmon. The licences for Fraser River sockeye will be based on an allocation formula designed to provide an annual average harvest of 29,250 sockeye, or less than one per cent of the Canadian commercial total catch.

7) Will the court ruling on the Aboriginal Fishing Strategy affect provisions in this AIP?

No. The Aboriginal Fishing Strategy was a federal pilot sales program. The provincial court ruling is about the extent to which this federal program, which is distinct from fisheries negotiations at treaty tables, did or did not comply with section 15 of the Charter of Rights and Freedoms.

The Tsawwassen AIP sets out provisions for commercial licences to be negotiated through the Department of Fisheries and Oceans on the same priority as other commercial fisheries. In other words, Tsawwassen fishers will not be entitled to a separate commercial fishery that excludes other fishers.

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