

# Fisheries

The Tsawwassen Final Agreement was negotiated by the Government of Canada, the Government of British Columbia and Tsawwassen First Nation. It is the second Final Agreement reached in the province under the British Columbia treaty process. The Final Agreement provides Tsawwassen First Nation with certain rights and benefits regarding land and resources, and self-government over its lands and resources and its members. It provides certainty with respect to ownership and management of lands and resources and the exercise of federal, provincial and Tsawwassen governmental powers and authorities.

The negotiation of a Final Agreement marks Stage Five of the six-stage British Columbia treaty process, and is the conclusion of substantive treaty negotiations. Once ratified by all parties, the Final Agreement will become a treaty through legislation.

It will be a constitutionally-protected legal agreement that creates mutually binding obligations and commitments.

## TSAWWASSEN FOOD, SOCIAL AND CEREMONIAL FISHERY

Under the treaty, Tsawwassen First Nation will have the right to harvest fish and aquatic plants for food, social and ceremonial purposes, subject to conservation, public health and public safety. This right will be exercised within defined geographic areas known as the Tsawwassen Fishing Area and Tsawwassen Intertidal Bivalve Fishing Area, as described in the Final Agreement. Fishing will be authorized in accordance with a harvest document issued by the Minister of Fisheries and Oceans.

The Final Agreement provides for Tsawwassen First Nation's treaty allocations of salmon

for food, social and ceremonial purposes. Allocations for sockeye, chum and chinook are based on annual abundance and will vary depending on

the size, in any given year, 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 by the Minister of Fisheries and Oceans every year.



## **ALLOCATIONS OF FISH FOR FOOD, SOCIAL AND CEREMONIAL PURPOSES**

### ***Sockeye salmon***

- » When the CTAC for Fraser River sockeye is 500,000 or lower, Tsawwassen First Nation's allocation will be 1.0 per cent of the CTAC for Fraser River sockeye.
- » When the CTAC for Fraser River sockeye is more than 500,000 and less than 3,000,000, the Tsawwassen First Nation allocation will be 5,000 Fraser River sockeye plus 0.40904 per cent of any portion of Fraser River sockeye CTAC that is greater than 500,000 (but still less than 3,000,000).
- » When the CTAC for Fraser River sockeye is 3,000,000 or more, the treaty allocation will not exceed a maximum of 15,226 Fraser River sockeye for the year.

If the allocation were applied to the abundance levels for the years 1992 to 2003, it would have averaged 12,000 Fraser River sockeye per year over those years.

### ***Chinook salmon***

- » The Tsawwassen First Nation allocation for chinook is a formula based on the CTAC. If the formula were applied to the abundance levels for the years 1982 to 2004, the allocation would have averaged 625 Fraser River chinook over those years.

### ***Coho salmon***

- » The Tsawwassen First Nation allocation for Fraser River coho is the amount caught incidentally during fisheries for other species, or using selective harvesting techniques to target specific coho stocks. The annual average harvest is to be 500 Fraser River coho.

### ***Chum salmon***

- » In any year, the Tsawwassen First Nation allocation for chum will be 2.58 per cent of the Terminal Surplus of Fraser River chum, to a maximum of 2,576 pieces.

### ***Pink salmon***

- » The Tsawwassen First Nation allocation for pink salmon is set at the number caught incidentally as part of the sockeye harvest, to a maximum of 2,500 Fraser River pink salmon per year.

## **NON-ALLOCATED SPECIES – FOOD, SOCIAL AND CEREMONIAL PURPOSES**

The Final Agreement leaves some species of fish and aquatic plants non-allocated, such as crab and intertidal bivalves. A process has been set out in the Final Agreement to establish allocations at the request of Tsawwassen First Nation, Canada or British Columbia. 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, during which time Tsawwassen First Nation may harvest crabs using up to 50 traps per vessel. A crab allocation will be established after 12 years, in accordance with the process set out in the Final Agreement.

## **TSAWWASSEN HARVEST AGREEMENT**

A Harvest Agreement, separate from the Final Agreement, provides for commercial fishing licences to be issued to Tsawwassen First Nation. These licences would authorize Tsawwassen First Nation to harvest 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.

The Harvest Agreement also allows for up to five commercial crab licences to be issued to Tsawwassen First Nation.

Federal and provincial laws will continue to apply with respect to the sale of fish caught in a Harvest Agreement fishery. A Harvest Agreement fishery would only take place if the Minister of Fisheries and Oceans authorizes it, and its management would be integrated within the general commercial fishery.

Any additional commercial fishing access provided to Tsawwassen First Nation will be acquired through the voluntary retirement of existing commercial licences. The terms and conditions of commercial licences issued to Tsawwassen First Nation will be comparable to those for licences issued to other commercial harvesters in the same area. Catch monitoring and reporting

requirements will be the same as those in the corresponding commercial fishery.

## **FISHERY MANAGEMENT AND CONSERVATION**

Canada and British Columbia retain authority to manage and conserve fish, aquatic plants and fish habitat, according to their respective jurisdictions. Tsawwassen First Nation will have law-making authority with respect to the internal regulation of its fisheries, including who can participate in the harvest of fish and how the harvest will be distributed among Tsawwassen members.

Canada, British Columbia and Tsawwassen First Nation will establish and be represented on a Joint Fisheries Committee (JFC) to undertake cooperative planning for Tsawwassen First Nation fishing, fisheries management activities, environmental protection activities, and other fisheries-related matters. The committee may make recommendations to the Minister on these matters.

Tsawwassen First Nation will prepare an annual fishing plan for the harvest of fish under the treaty right. The JFC will review the plan, and will forward recommendations to the Minister on provisions to be included in a Tsawwassen harvest document.

The agreement also provides for Tsawwassen First Nation participation in any multi-sectoral fisheries advisory process for the Fraser River watershed, should one be established.

Canada will provide \$1.1 million for the establishment of a Tsawwassen Fisheries Fund. Under the direction of Tsawwassen First Nation, the fund will be used to support ongoing fisheries conservation and management programs and activities.

In addition, Canada will provide \$1.2 million to enable Tsawwassen First Nation to increase its commercial fishing capacity, and \$450,000 to increase the First Nation's commercial crab capacity.

## **TRADE, BARTER AND SALE**

Tsawwassen First Nation has the right to trade and barter fish and aquatic plants harvested under its fishing right, among Tsawwassen members and with other Aboriginal people of Canada. Trade and barter does not include sale.

## TSAWWASSEN FIRST NATION – LAND FACING THE SEA

The Tsawwassen are proud, sea-faring Coast Salish people who have long travelled and fished the waterways of the southern Strait of Georgia and lower Fraser River.

The main Tsawwassen community is located on the waterfront adjacent to Delta. Tsawwassen First Nation lists its membership at 358 people, about half of whom live on reserve.

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