

## **Restoring Haida Commercial Fishing Fleets The Fisheries Resources Reconciliation Agreement**

Fishing has always been the lifeblood of the Haida people. Our fishers were leaders in the early years of mechanized commercial fishing when our docks were bustling, and we truly had fleets of trollers, gillnetters and seiners.

In the past 50 years, we have seen our fleets decimated through depletion of fish and various licensing schemes. The story repeats itself amongst the Nations along the BC coast with the concentration of licenses into corporate and even foreign hands.

The Department of Fisheries and Oceans Canada (DFO) has put a lot of effort chasing after our people for fishing and even food fishing while making room for sports fishing and making fishing licenses a commodity in itself.

Many years of defiance, hardship and court cases have re-established our Rights to fish and even sell fish. When the courts began siding with Indigenous Rights and fishing rights were established, DFO harassed people with obscure laws as 'transporting' product (kaaw). Running out of options, DFO prohibited the licensed fish processors from buying from anyone other than 'licensed' fishermen. This remains the impediment for anyone fishing for any considerable volume of product.

Very few of our people own licenses today, many fish without licenses and others have fished through meagre programs, the latest being "Pacific Integrated Commercial Fisheries Initiative" (PICFI) where the licenses remain property of DFO. This has been far from adequate and has not been enough to even provide opportunity for those of our fishermen who would like to fish commercially, and no security or long term commitments to allow financing. More Haida boats would also mean more food into the villages and a better quality of life for our people.

### **Rights to Fish**

Our people had fought for years to re-establish our rights to fish which is now a well-established fact of law. The Rights include an economic component as well, and also responsibilities to look after fish stocks and habitat, which our people adhere to. The Fisheries Resources Reconciliation Agreement (FRRRA) does not diminish those rights that remain foremost in our priorities as a Nation.

## **An agreement between the Haidas, Coastal First Nations, and Canada (FRRA)**

After these many years, this would provide a considerable increase in economic opportunity for those who choose to take advantage of it.

For our people, this would mean:

- Aboriginal Rights to Fish remain intact
- Fishing for multiple species, regulated by our own people
- Fishing boundaries imposed to favor sportfishing erased
- Capital to re-establish fleets
- Capital for processing Coast wide commercial fishing opportunities

As well this would include

- commitment to Restore Habitat and enhance stocks
- greater involvement in fish management

The agreement also raises our ability to affect management decisions for overall fisheries.

This also includes an opportunity for accessing loans and capital for boats and equipment.

The strategic approach is partially fashioned after a successful effort by the Maori (almost 5 million people) who used a similar approach to regain control of their fisheries. Their situation was much like ours, in that their fisheries had come under the control of big business. With their profits, they incrementally grew to become the major fishing factor in New Zealand over the last 15 years.

### **If we have “Rights” to fish and sell fish, why not fish on Rights?**

People absolutely can and many will continue to fish on their rights, as the Haida Nation has endured hardship in fighting for those rights. This is the way many people make their living now and it will continue to be preferred.

As mentioned, a licensed processing plant is prohibited from buying fish caught by ‘rights’.

For those who would need to finance a boat or equipment through a bank, this arrangement would provide that security for loans. Also, if one hoped to catch and sell large volumes of fish or crabs, the local markets might not pay the price or be readily able to utilize the volumes delivered in a timely manner.

## **Why do it this way?**

Rightly or wrongly, DFO has given out 'privileges' (not rights) in the form of licenses, which now, they could not 'take back' without compensation or political fall-out. It was however the federal government that issued the licenses, and they who must provide remedy. In past, DFO did the wheeling and dealing to acquire licenses, in this instance, it would be our corporation.

For our purposes, in an already over-fished ocean, we wouldn't want to add to an overfishing problem. While blocked from selling to processing plants, it remains very difficult to sell large volumes of crabs or fish locally.

## **Does this give the power to DFO?**

No. While we have fought DFO, and in many instances won on the water or in court, they remained the great menace to the wellbeing of the oceans. DFO has more or less had its way since 1867 and this is the first instance of power sharing. While the fishing industry has had more say than indigenous people, this is our opportunity to uphold responsibilities and regain authority, the first opportunity to start bringing fishing to actual sustainable levels.

## **Haida involvement in management (governance)**

There has been a lot of trouble over the years and bad feelings towards DFO, and rightfully so. We know the sorry history of the depletion of one species after another. DFO had taken charge of fishery management as determining volumes and locations of fisheries with the different fishing sector advisory boards having the most to say about it. Many of us will remember the near extermination of abalone through commercial fishing and the conflict to prevent even more fishing of depleted herring stocks.

Perhaps the most important aspect of this agreement, is the Haida involvement in fish management including stock assessment, monitoring and enforcement of all fisheries including sports fishing.

## **Why the change?**

The DFO has been a stick in the mud for many years, providing nothing even where court cases had required them to do so. Nobody on the coast has gotten anywhere with DFO for decades.

The difference now is the Liberals had run on a platform of 'reconciliation' which has yet to be fulfilled.

As with any gain, opportunities present themselves, then inevitably go away. This is the first significant fisheries opportunity to unfold in fisheries through any government to date.

### **What is different between FRRR access PICFI Licenses?**

- Under PICFI the 'licenses' are controlled by and remain the property of DFO
- Through the FRRR the 'access' is owned by the Nation
- There has never been enough PICFI to satisfy the demand
- Existing PICFI 'licenses' could be rolled into the FRRR 'access'.
- A DFO license is generally for one species while the 'access' provides commercial opportunity for multiple species making investment in boat more feasible
- This is 500% or 5 times more access and far more suitable to making a living

### **The FRRR Community Fishery**

This would be "access" which could be regulated at the Nation or village level through permits rather than DFO licenses, and for multiple species providing a longer fishing season and potential for more revenues.

### **FRRR Corporate Fishery**

The Haida Nation would own 1/3 of the coast wide corporation. The Corp. would coordinate the acquisition of access in a way that doesn't drive the prices up. Any profits generated would be used to acquire more access coast wide as well as the community level.

This has a 20-year sunset clause, after which we determine our own way forward. There remains provision to opt out at any time.

### **Could we go back and renegotiate an even better deal**

The short answer, no.

Other groups on Vancouver Island have since asked for the same deal and have been told that there will be no similar arrangements for some time to come.

Individually each Nation, including the Haida Nation, would realize only half of that negotiated as a collective.

This does not limit us altogether, there are other aspects of reconciliation and profit making that could provide discretionary means that can be used for more access if the Haida people deem that to be the priority.

In other words, we are not limited to that provided through this agreement. Priorities are quickly changing whereby it isn't possible to guess the fallout of this pandemic. Canada has never been in so much debt, priorities will change while global economies could come crashing down.

### **Legal Considerations**

- This is not a "Treaty" or a final agreement
- We can opt out at any time.
- This does not compromise our Rights or Title or the Title Case

### **FRRA In Dollars and Cents**

Current Haida PICFI holdings are valued at approx. \$20 million though technically DFO still owns licenses

FRRA Coast wide total	approx. \$300 million (actual 275,000,000 +)
Haida portion	approx. \$100 million (actual 96,100,000)

Acquiring Haida access	\$83 million
Vessels and gear	\$12.4 million

Processing (additional)	\$2,850,000
Management (additional)	\$750,000 (annually)

PICFI licenses could also be rolled in as part of access

### **What's Next?**

All of the other Coastal Nations have now signed off and agreed to the schedules to be attached to the agreement. The Hereditary Chiefs Council recommends the CHN sign

off the schedules and all appendixes as an incremental step in negotiations with Canada. The Skidegate Band Council is in support of moving forward with the agreement and managing the community based fishery while the Old Massett Village Council continues to explore taking on the community based fishery. By the end of August, the CHN will be moving forward with a vote to accept the final schedules and appendices to become full signatories to the agreement.

The full agreement can be found online at [www.haidanation.ca](http://www.haidanation.ca) under the Documents and Agreements tab.

<http://www.haidanation.ca/wp-content/uploads/2020/08/FRRRA-Packaged-Documents.pdf>

For any questions or comments please contact [info@haidanation.com](mailto:info@haidanation.com)

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