

## FIRST NATIONS NOW GET LESS THAN 6% OF LANDED VALUE OF CATCH

A number of people have misunderstood or conveniently misinterpreted a paper by Michelle James titled "Native Participation in British Columbia Commercial Fisheries – 2003". Some people have claimed the paper shows that Indians now have 40% of commercial fishing licences, or that Indians get 40% of the commercial catch. These claims are often used as an argument for not providing any more fish to First Nations under treaty settlements. These claims and inferences are wrong as the James paper doesn't say that Indians hold 40% of licences or caught 40% of weight or value of catch. However, using the James figures can be misleading because licences held by individual Indian fishermen are combined with those held by First Nations and presented as a single figure.

The fisheries treaty process is to negotiate the settlement for the transfer of ownership of fish resources from First Nations to the government of Canada. It has nothing to do with licences held by individual Indian fishermen. Licences transferred to First Nations are held communally for the community interest, rather than for individual interest.

Licences held by individual Indians or their corporations are no different than those held by any other Canadian citizen, except that some pay a reduced annual licence fee. Both status and non-status Indians hold such commercial licences. These licences are not tied to any First Nation, as the individual licence holder can live anywhere he wants and can sell his licence any time he wants, just like other commercial fishermen. These decisions are to suit his needs or goals and not those of the community he lives in.

The following discussion is to address the misconceptions about current Indian licence holdings reported in the James paper and put the James information into a form compatible with assessing Treaty related holdings.

**Table 2.1 - Salmon Licence Summary**

	Area	Communal F licences	Reduced fee (A) licences	NINFC N licences	Indian or Band full fee	Total Native held licences	Native operated licences	Total licences	% A, F and N licences	% Native held all types	% Native held or operated	% First Nation (F & N)	
Seine	A		5	8	0	18	31	21	109	11.9%	28.4%	47.7%	4.6%
	B		7	10	0	32	49	28	167	10.2%	29.3%	46.1%	4.2%
	ALL		12	18	0	50	80	49	276	10.9%	29.0%	46.7%	4.3%
Gillnet	C		33	105	199	23	360	0	716	47.1%	50.3%	50.3%	32.4%
	D		27	30	44	7	108	0	285	35.4%	37.9%	37.9%	24.9%
	E		16	29	11	12	68	0	405	13.8%	16.8%	16.8%	6.7%
	ALL		76	164	254	42	536	0	1406	35.1%	38.1%	38.1%	23.5%
Troll	F		6	0	0	2	8	0	152	3.9%	5.3%	5.3%	3.9%
	G		10	17	0	4	31	0	234	11.5%	13.2%	13.2%	4.3%
	H		3	7	0	1	11	0	153	6.5%	7.2%	7.2%	2.0%
	ALL		19	24	0	7	50	0	539	8.0%	9.3%	9.3%	3.5%
All Gears	ALL		107	206	254	99	666	49	2221	25.5%	30.0%	32.2%	16.3%

Table 2.1, from James, shows that 46.7% of salmon seine licences are fished by people identified as Indians. However, this includes 49 seine boats fished by Indians, but with licences owned by processing companies, not Indians. The companies that own these boats can sell or reassign them out from under the Indian crews any time, as happened during the Mifflin Plan fleet rationalization. Operating these boats is just a job. Actual Indian salmon seine licence holdings were 29%. James reported total Indian salmon licence holdings of all gear types at 30%. There is an added column “% First Nation (F & N)” which shows that 16.3% of total salmon licences were First Nations communally held licences.

Table 2.2 - Commercial Salmon Catches [Indian salmon landings in weight]											
	Sockeye	% total	Coho	% total	Pink	% total	Chum	% total	Chinook	% total	TOTAL
<b>1999</b>											
A&N licensed	651,823	92.9%	3,871	4.6%	6,064,702	99.9%	946,334	66.3%	103,737	88.3%	7,770,467
Pilot Sales	30,531	4.4%	5				14,822	1.0%	3,694	3.1%	49,052
ESSR	18,937	2.7%	80,204	95.4%	3,948	0.1%	465,427	32.6%	10,077	8.6%	578,593
Nisga'a											
Total	701,291		84,080		6,068,650		1,426,583		117,508		8,398,112
<b>2000</b>											
A&N licensed	3,408,046	79.5%	3,511	4.2%	4,431,943	99.8%	551,717	91.2%	68,367	47.4%	8,463,584
Pilot Sales	23,005	0.5%	6				8,635	1.4%	49		31,695
ESSR	784,404	18.3%	78,574	95.1%	5,914	0.1%	44,151	7.3%	75,846	52.6%	988,889
Nisga'a	70,729	1.7%	552	0.7%	2,606	0.1%	151	0.0%			74,038
Total	4,286,184		82,643		4,440,463		604,654		144,262		9,558,206
<b>2001</b>											
A&N licensed	2,533,873	87.4%	14,008	6.3%	6,125,775	95.9%	1,149,003	74.7%	95,741	71.4%	9,918,400
Pilot Sales	242,989	8.4%	13		112,142	1.8%	2		2,908	2.2%	358,054
ESSR	70,685	2.4%	197,669	88.3%	74,873	1.2%	388,218	25.3%	33,634	25.1%	765,079
Nisga'a	51,427	1.8%	12,068	5.4%	75,820	1.2%			1,901	1.4%	141,216
Total	2,898,974		223,758		6,388,610		1,537,223		134,184		11,182,749
<b>2002</b>											
A&N licensed	3,596,108	92.9%	116,776	51.7%	5,309,787	99.9%	2,463,465	88.4%	234,670	89.0%	11,720,806
Pilot Sales	146,259	3.8%	2,252	1.0%			49,548	1.8%	11,534	4.4%	209,593
ESSR	20,000	0.5%	100,220	44.3%	1,617		272,514	9.8%	17,564	6.7%	411,915
Nisga'a	108,814	2.8%	6,800	3.0%	5,401	0.1%					121,015
Total	3,871,181		226,048		5,316,805		2,785,527		263,768		12,463,329
<b>Average 1999-2002</b>											
A&N licensed	2,547,463	86.7%	34,542	22.4%	5,483,052	98.7%	1,277,630	80.4%	125,629	76.2%	9,468,314
Pilot Sales	110,696	3.8%	569	0.4%	28,036	0.5%	18,252	1.1%	4,546	2.8%	162,099
ESSR	223,507	7.6%	114,167	74.1%	21,588	0.4%	292,578	18.4%	34,280	20.8%	686,119
Nisga'a	57,743	2.0%	4,855	3.1%	20,957	0.4%	38		475	0.3%	84,067
Total	2,939,408		154,132		5,553,632		1,588,497		164,931		10,400,599
<b>Average to First Nations</b>											
A licensed	2,132,226		28,911		4,589,314		1,069,376		105,151		7,924,979
N&F licensed	415,236		5,630		893,737		208,254		20,477		1,543,335
T. First Nation	807,181		125,221		964,318		519,121		59,779		2,475,620

Table 2.2 (pa. 9) combines A & N licensed, pilot sales, ESSR and Nisga'a salmon catch, assuming it is all comparable. However, A licences are held by individual commercial fishermen, but F and N licences, pilot sales, ESSR and the Nisga'a fishery are all held by First Nations. The latter group could be counted against treaty settlements but the A licences couldn't be. F and N licences should be separated from A licences to get a realistic idea of First Nation's current holdings. F licences are owned by DFO and assigned and rented to First Nations as interim treaty benefits. N licences, which are owned by three northern

tribal councils. The bottom sections average the 1999 to 2002 catch and then estimate average First Nation catch for the period. Referring back to Table 2.1, communal F and N licences accounted for an average of 16.3% of Native held licences. Applying that percent to average “A & N licensed” catch in Table 2.2, the 1999 to 2002 average catch to individual Indian fishermen was 7,929,979 and to First Nations was 2,475,620.

The ESSR catch was assumed to be sold at the average landed value of gillnet caught salmon by species. This may be correct for the Skeena sockeye ESSR but not likely in many of the other ESSR fisheries. ESSR catch is of returns to enhanced stocks that have higher rates of production than wild stocks in the same fishing areas. Consequently, all of the enhanced stock TAC can't be harvested without over-harvesting wild stocks. Instead, ESSR catch is taken at or near an enhancement facility, usually after the salmon have started to mature and are lower value than ocean caught fish. Additionally, there are major strings on ESSR catch in that proceeds from ESSR sales are required to be invested in local environmental and enhancement projects. These strings decrease the effective value of the ESSR fish below that of other catch. Similarly, cost recovery licences to pay for hatchery operation, provide revenue but that has limited use. This is not the same as other fishermen's earnings that can be spent however they want.

Table 2.3 estimates Indian catch value based on the catches in Table 2.2 (16.3% First Nations communal). Separating N and F licences from A licences to determine the catch by individual Indian commercial fishermen and by First Nations was done by applying the 16.3% First Nation catch share to “Native Commercial”. Then ESSRs, pilot sales and Nisga'a fishery were added to get a total First Nation share of the salmon landed value of 17.42%.

Table 2.3 - Landed Value of Salmon Catches						
	Native Commercial	ESSR's	Pilot Sales	Nisga'a Fishery	Non- Native	Total
1999	\$8,529,428	\$3,617,485	\$636,119		\$17,172,230	\$29,955,263
2000	\$18,720,984	\$11,254,210	\$409,602	\$710,279	\$35,377,383	\$66,472,458
2001	\$14,669,752	\$4,629,471	\$431,562	\$575,313	\$24,973,370	\$45,279,468
2002	\$16,197,765	\$1,664,846	\$729,989	\$1,054,958	\$40,647,396	\$60,294,953
<b>Total</b>	\$58,117,929	\$21,166,012	\$2,207,272	\$2,340,550	\$118,170,379	\$202,002,142
<b>Average</b>	\$14,529,482	\$5,291,503	\$551,818	\$585,138	\$29,542,595	\$50,500,536
	<b>Percentage value of catch</b>					
	<b>Commercial</b>	<b>First Nation</b>				
	<b>Native A Licences</b>	<b>F &amp; N Licences</b>	<b>ESSR's</b>	<b>Pilot Sales</b>	<b>Nisga'a Fishery</b>	<b>Total First Nations</b>
<b>1999-2002</b>	\$12,161,177	\$2,368,306	\$5,291,503	\$551,818	\$585,138	\$8,796,764.11
<b>% of Total</b>	24.08%	4.69%	10.48%	1.09%	1.16%	17.42%

Treaty fish settlements can include any fish resources, not just salmon.

In “Table 3.1 Native Licence Holdings in Commercial Herring Fisheries”, 28 of 1508 commercial roe herring licences were communally held. First Nations

held 11 of 46 herring spawn-on-kelp licences. This means that First Nations held 1.9% of roe herring licences and 23.9% of spawn-on-kelp licences

“Table 4.1 Native Participation in Groundfish & other Finfish Commercial Fisheries” shows that First Nations’ licence holdings were:

	Total Licences	T. Native Held Licences	% Total Native Held	First Nation	% First Nations
Halibut	435	53	12.2%	26	6.0%
Sablefish	48	2	4.2%	1	2.1%
Groundfish Trawl	142	5	3.5%		
Rockfish H & L	262	19	7.3%	14	5.3%
Sardine Seine	50	29	58.0%	25	50.0%
Eulachon	16	2	12.5%		
C Licence	541	20	3.7%	8	1.5%

It is important to note that in quota fisheries such as for halibut or sablefish, the quota held, not just the number of licences, determines the amount of catch. The number of licences could be misleading.

“Table 5.1 Native Participation in Commercial Shellfish Fisheries – 2003” shows that First Nations’ licence holdings were:

	Total Licences	T. Native Held Licences	% Total Native Held	First Nation	% First Nations
Crab	222	11	5.0%	9	4.1%
Prawn	252	9	3.6%	5	2.0%
Geoduck, Horse Clam	55	1	1.8%		0.0%
Red Urchin	110	14	12.7%	6	5.5%
Green Urchin	49		0.0%		0.0%
Sea Cucumber	85	10	11.8%		0.0%
Shrimp Trawl	246	15	6.1%	11	4.5%
Krill Trawl	19	2	10.5%	1	5.3%
Clam by Hand	1146	648	56.5%	564	49.2%
Heiltsuk Clam*	50	50	100%	50	100%
Haida Razor Clam*	94-269	94-269	100%	94-269	100%

\*\* These are local to the First Nations only fisheries.

First Nations licence holdings in groundfish and shellfish are generally significant lower than for salmon and herring spawn-on-kelp. The sardine and clam-by-hand fisheries have high First Nations involvement but relative low value of catch.

“Table 6.1 Estimated Native Proportion of the Total Value of Commercial Fisheries in BC” shows landed value by fishery and estimates Native share. The added columns estimate First Nations catch value and % of value.

<b>Table 6.1 - Estimated Native Proportion of the Total Value of Commercial Fisheries in BC</b>				
<b>Fishery</b>	<b>Landed Value (\$ millions) Avg. 1999-2002</b>	<b>Estimated Tot. Native Value (\$M)</b>	<b>Estimated First Nations Value (\$M)</b>	<b>% First Nations</b>
Salmon	\$49.9	\$20.5	\$8.8	17.6%
Roe Herring	\$37.6	\$10.2	\$0.7	1.9%
Spawn-on-kelp	\$9.5	\$7.7	\$2.3	23.9%
Halibut	\$41.6	\$3.9	\$2.5	6.0%
Sablefish	\$27.9	\$1.2	\$0.6	2.1%
Groundfish Trawl	\$60.1			
Groundfish H&L	\$5.0	\$0.4	\$0.3	5.3%
Crab	\$26.7	\$1.3	\$1.1	4.0%
Prawn	\$25.9	\$0.9	\$0.5	2.0%
Geoduck etc	\$39.4	\$0.7		
Red Urchin	\$8.3	\$1.1	\$1.0	11.8%
Green Urchin	\$0.8			
Sea Cucumber	\$1.7	\$0.2	\$0.1	5.9%
Shrimp Trawl	\$4.4	\$0.3	\$0.2	4.5%
Intertidal Clam	\$5.6	\$3.4	\$2.8	49.2%
Other Shellfish	\$0.5			
Other food & bait	\$1.3			
Tuna	\$17.5			
<b>Total wild fish Ave.Land.Value</b>	<b>\$363.7</b>	<b>\$51.8</b>	<b>\$20.9</b>	<b>5.7%</b>
<b>% Native</b>		<b>14.2%</b>	<b>5.7%</b>	

**The bottom line is that James’ analysis shows that:**

- **Indian commercial fishermen and First Nations likely took about 14.2% of the value of commercial catch.**
- **First Nations communally held commercial licences and fisheries only took about 5.7% of the total landed value.**