

DRAFT FOR DISCUSSION

PACIFIC REGION
COMMERCIAL LICENSING POLICY REVIEW
2008

COMMERCIAL LICENSING POLICY
HANDBOOK

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¹ TBA-To be added

Part 3

Chapter 5 – Licence Information

Salmon

Licence Categories

A category A, N or FA licence is required to commercially harvest salmon. Category A licence eligibilities are limited entry and vessel based. Category A licence eligibilities are available at full and reduced fees. Reduced fee licence eligibilities must be held on a vessel that is owned by Aboriginal individuals with status.

Category N and FA are party based and must be designated to a commercially registered vessel that meets established length restrictions.

Category N licence eligibilities are held by the Northern Native Fishing Corporation (NNFC). Category FA are communal commercial licence eligibilities.

Licence History

Prior to introduction of limited entry, the requirements for vessels to participate in the salmon fishery were:

- registration with the DFO as a commercial fishing vessel,
- annual fee of \$10.00
- applications made prior to May 31 of the year for which the licence would be valid.

1889 – Number of licenses on the Fraser was limited to 500. 350 went to processors in proportion to their capacity. Processors could obtain more licenses only by obtaining more capacity.

1891- U.S. fish harvesters set up an interception fishery and the U.S. catch of the Fraser River runs exceeded 60% of the total by 1900.

1892 – Fraser limitation abandoned due to difficulties limiting access to what was considered a “public resource”

1894 - Limitation on the number of licenses held by each enterprise (twenty for processors and one for each bona fide fish harvester). This was abandoned as the number of vessels and processors continued to escalate.

1908- Canadian and U.S. governments negotiated a treaty setting up an International Fisheries Commission to govern Fraser River fishing. U.S. Congress did not approve the treaty.

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Announcement made that no additional canneries should be permitted to be constructed in the North and a limit should be placed on the number of boats that existing canneries should be permitted to operate. Canneries voluntarily set these limits.

1917- Limits were lifted as returning soldiers required jobs.

1927- Processors and fish harvesters asked DFO for a reduction in the number of gillnetters and suggested area licensing. This was not acted upon as they did not represent the views of the entire industry.

A canner (F. Millerd) made use of an obscure clause in the Fisheries Act that permitted processing at sea and established a mobile cannery. When required by DFO to permanently locate the facility, a trial ensued resulting in acquittal and federal authority to regulate cannery licensing was ended. Area licensing ensued.

1937- International Pacific Salmon Fisheries Commission was established assigning Canada and the U.S. each half of the Fraser sockeye and net fishing on the high seas was banned.

1942- Fishing Vessel Assistance program introduced, its objective was "to assist Canadian fishermen in the purchase of fishing vessels.

1947- The Fisheries Prices Support Board was established to assist marketing efforts.

1953- North Pacific Fisheries Convention resulted in reciprocal rights between Canada and the US to fish in each others waters.

The Fishermen's Indemnity later the Insurance Plan was introduced to provide harvesters with affordable insurance.

1955- The Fisheries Improvement Loans Act was instituted to increase credit available to harvesters by guaranteeing loans from lending institutions and the DFO of Trade & Industry contributed to capacity expansion by introducing accelerated capital cost allowances after World War II

1967- *Fisheries Development Act* was passed with the intent of "subsidizing processing companies to build, improve or expand facilities

1968- The fishing industry almost unanimously declared the need for some form of licence limitation. The "Davis Plan" had four phases, the first to cap the numbers in the fleet, the second to reduce the fleet through a vessel buy back, third to improve vessel standards and product quality and last to enhance economic viability for the remaining fleet.

1969 - The introduction of limited entry licences in the salmon fishery marked the beginning of licence limitation in Pacific fisheries in Canada and the first for any major fishery in the world to be addressed as a policy imperative.

Category A vessel-based licence eligibilities were issued to vessels that recorded catch of 10,000 lbs. or more of pink or chum salmon, or equivalent, during 1967 or 1968.

5,870 salmon licence eligibilities were issued.

The qualifying vessels were sub-divided into two categories. Those vessels which landed in excess of 10,000 pounds of pink or chum salmon or an equivalent value of other salmon species were granted a category A licence. Those with lower production records were granted a category B licence. This was intended to differentiate fishermen dependent on salmon harvesting from part-time and recreational fishers who made the majority of their income from other sources.

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The only initial difference between the two categories lay in vessel replacement provisions. While both were entitled to full participation in the fishery, category A vessels could be replaced, but category B vessels could not as these licences were to be phased out after 10 years. These provisions were intended to encourage fishers to voluntarily opt for category B and eventual retirement from the fishery.

1970 – Canada joined 57 other nations in declaring a 12 mile limit. A buy back program was introduced and a 10 year phase out for Category B licenses was announced.

1971 - Salmon licence fees doubled. Fee increases were used to fund a voluntary retirement program where prices were negotiated. Vessels purchased under the program were sold at auction and were precluded from participation in commercial fishing in B.C. Reduced fee licenses could not participate in the buyback program as no contribution was made to the program through reduced fee licence fees.

A policy where vessels who did not report salmon landings for two consecutive years would lose the eligibility were introduced.

Reduced fee elections were introduced with the intent to maintain the participation level of Aboriginal harvesters in the fishery. Aboriginal owners of vessels holding either category A or B licences could elect to pay a reduced fee. Those with Category B licenses who elected a reduced fee were not subject to the 10 year phase out.

1974 - 200 mile economic zone for coastal states introduced along with TACs and the obligation to grant foreign access where sufficient capacity to harvest the TAC did not exist. By now, approximately 361 vessels or 7% of the fleet had been retired. Due to record landings and licence limitation, market values had risen to the point the buyback program virtually ceased.

From 1969 to 1977, salmon licenses allowed for fishing by gillnet, seine, or troll gear.

1977 – DFO announced phase one of the Salmonid Enhancement Program (SEP) with a goal to double salmon and anadromous trout stocks. First MOU between federal and provincial government signed for SEP. - a limit on the number of vessels allowed to fish with seine gear was implemented

1978 – The Minister extended the phase out period for 103 category B licenses by five years.

1982- Vessels with a salmon seine licence eligibility were able to fish for salmon with any gear and vessels without a seine licence eligibility could use either gillnet or troll gear or both until the introduction of the Pacific Salmon Revitalisation Plan in 1996.

1983 - Category N licence eligibilities were introduced with the relinquishment and retirement of a category A eligibility by the Northern Native Fishing Corporation (NNFC). Turning the Tide: A New Policy for Canada's Pacific Fisheries authored by P. Pearse released recommending significant change in all areas of the industry.

1985- Fishermen's Vessel Assistance program terminated. MOU signed between federal and BC governments granting BC autonomy to regulate aquaculture industry.

Pacific Salmon Treaty signed between Canada and the U.S.

1986 - Policies on Recreational Fisheries and the Management of Fish Habitat issued. Provincial moratorium on fish farm construction issued.

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1990 – One category B licence remaining

1991 – Salmon Allocation Plan issued

1996 – The Pacific Salmon Revitalisation Plan brought area, permanent gear selection and licence stacking to the salmon fishery. In addition, vessel owners were able to elect not to fish the 1996 season and an \$80 million federally funded voluntary licence retirement program led to the retirement of 797 commercial salmon licences.

The coast was divided into areas by gear type:

Seine: area A -North and area B-South

Gillnet: area C- North, area D- South, and area E-Fraser River

Troll: area F- North, area G-West Coast Vancouver Island and Queen Charlotte Strait, and area H- Johnstone and Georgia Straits.

Salmon licensed vessel owners made a permanent gear choice and selected one area within a gear type for each licence eligibility. The initial area selection was for four years.

Licence stacking was introduced to decrease the number of vessels actively participating in the fishery while allowing vessel owners to fish in more than one area or with more than one gear type.

1998 – The Minister approved the conversion of the last Category B salmon licence to a reduced fee category A licence eligibility with the proviso that it be converted to a category C eligibility upon the retirement or death of the vessel owner.

Conservation and economic concerns resulted in further restructuring of the fishery.

Included was another voluntary licence retirement program. The 1998 – 2000 salmon licence retirement program resulted in the retirement of 1,404 salmon licence eligibilities. Salmon licence retirements from 1998 – 2000 represented 44.3% of all originally eligible seine licences, 40.0% of gillnet and 46.5% of troll.

Industry voted to continue stacking and by June 1998, the total number of salmon licences stacked had increased to 623.

Selective fishing practices introduced.

Vessel owners had the option to elect not to fish the 1998 season and be reimbursed pre-season costs. Vessel owners had to elect not to fish all licence eligibilities to be eligible for pre-season financial payments. Vessels with stacked licence eligibilities could elect not to fish in one area, waive the fees for that eligibility and fish under a licence eligibility in a different area.

1999 – A fee remission allowed individuals to receive a refund if they had a 2000 category A licence issued and elected not to fish. Participation in this program was contingent on proof that the vessel had not fished for salmon. Due to a poor fishing season, approximately \$1.7 million in licence fees were refunded to 1,644 vessel owners that did not have fishing opportunities available.

2000 - Area selection process

2002 – Licence year changed to April 01 to March 31.

2006 - Area selection process valid for one year.

2007 – Area selection process valid for an indefinite period. Net area selection took place in

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March and April and troll selections in September and October.

Licence Fees

The annual licence fees are based on vessel length, gear and reduced fee elections:

	Vessels under 9.14m	Vessel 9.14m and over	Seine vessels
Reduced fee	\$380	\$650	\$2670
Full fee	\$430	\$710	\$3880

An Aboriginal with status may elect to pay a reduced annual fee for a salmon licence eligibility. Where this election is made, the reduced fee applies in all years thereafter. Only an Aboriginal with status may own the vessel the licence eligibility is attached to.

Salmon licence fees were adjusted in 1970, 1971, 1981, 1987, 1996 and 1998. In 1996 fees were adjusted to reflect more accurately a vessel's fishing capacity by basing fees on overall length, full fee or reduced fee and gear type. In 1998, the Minister of Fisheries and Oceans Canada reduced the fees for salmon licences to make the fees reflective of fishing opportunities.

Licence Application and Issuance

Categories A and N applications must be submitted by March 31 of each year with the required fees. Any authorized representative of the vessel owner may sign a category A application. Category F & N applications must be signed by an authorized signing authority of the licence eligibility holder.

Schedule II Other Species

Licence Categories

A valid category C, CA, FC or FCA or any vessel based licence ; i.e. salmon, geoduck,

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sablefish, halibut, crab, shrimp trawl, groundfish trawl or prawn and shrimp by trap; communal commercial licenses for the same species or category N authorizes the harvest of Schedule II species commercially. Vessels authorized to fish under the authority of any of these licences may fish for the species listed below, transport and be designated to fish under the authority of a category Z licence as outlined in Conditions of Licence.

Category C licence eligibilities are limited entry and vessel based. Category FC eligibilities are party based: an Aboriginal group is the licence eligibility holder and the eligibility must be designated annually to a commercially registered fishing vessel that meets length restrictions.

Prior to the availability of management plans and licence conditions for Halibut, Prawn and Shrimp Trawl, or area I & J Crab, a category CA or FCA licence is available to vessels eligible for those species **and** not eligible for any other vessel based commercial fishing licence to fish for Schedule II Species, transport and be designated with a category Z licence.

Schedule II – Species and Gear:

SPECIES	GEAR
**Spiny dogfish	hook and line
Skate	hook and line
Flounder and sole species	hook and line
**Lingcod (<i>Ophiodon elongatus</i>)	hook and line
Pacific cod (<i>Gadus macrocephalus</i>)	hook and line
*Tuna	hook and line, purse seine or gillnet
Smelt	gillnet or set net

1949- low priced synthetic Vitamin A developed which led to the closure of the dogfish fishery which had been highly valued during WW II for their Vitamin A content.

1955- Fish harvesters received assistance to destroy dogfish that were now in abundance and interfered with the harvest of other species.

* Effective 2003, authorization for fishing tuna species in the waters of the U.S.A. was not included under conditions of licence for Schedule II. Privileges continue to authorize fishing tuna in Canadian waters or the High seas.

** Effective 2006, lingcod and dogfish moved to ITQs based on a formula of catch history from 1996 to 2003. For lingcod, a vessel was required to have landed a minimum of 1000 lbs during these years and for dogfish, a vessel was required to have landed a minimum of 3000 lbs during these years to be eligible.

Based on the criteria approximately 581 vessels qualified for lingcod quota and 525 vessels qualified for dogfish quota.

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Only 15% of dogfish and lingcod quota is held on Schedule II licenses. The rest of the quota is dispersed among 9 other vessel based licenses under schedule II privileges associated with other licence eligibilities. Quota records for lingcod and/or dogfish were attached to the vessel based eligibility the landings were recorded against. Over 30% of the dogfish and lingcod quota is held on salmon licenses and another 40 to 50% are held by halibut licenses.

Subject to annual species caps and sector holding caps, temporary reallocations of lingcod and dogfish ITQ between vessels and between commercial groundfish sectors is permitted.

Section 68 Licences

Unlimited entry licence issued under Section 68 of the Fishery General Regulations. The licence is required by vessels subject to Canadian jurisdiction that will be fishing or transshipping fish in high seas waters other than Canadian fisheries waters.

Another commercial licence eligibility is not required in order to apply for a Section 68 licence.

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Under Schedule II, Part II of the *Pacific Fishery Regulations, 1993*, Canadian registered commercial fishing vessels with vessel based licences; i.e. A, C, G, K, L, R, S, T and W or those that have been designated for a category N or an eligible communal commercial licence, i.e. FA, FC, FCA, FK, FL, FR, FS or FW for the current year are authorized to fish for tuna species in Canadian fisheries waters and on the high seas.

A licence issued pursuant to Section 68 of the *Fishery (General) Regulations* is required by:

- 1) Canadian registered commercial fishing vessels with vessel based licences that wish to fish for albacore tuna in U.S. waters
- 2) Canadian registered commercial fishing vessels that wish to receive fish (tranship) from a U.S. or any foreign fishing vessel in waters other than Canadian fisheries waters
- 3) Vessels not currently registered as a Canadian commercial fishing vessel with Schedule II privileges that wish to fish or tranship on the high seas, i.e. waters of the Pacific Ocean other than Canadian or U.S. fisheries waters.
- 4) To participate in the Seamount fishery.

Licence Application and Issuance

Completed applications for licences issued pursuant to Section 68 along with the required fees. Licence fees are \$500.00. The licence period is from the date of issue to March 31 of the next calendar year.

Prior to licence issue, applicants must:

- Designate a registered commercial fishing vessel, for tuna one that is not eligible for a current year Salmon, Schedule II, Geoduck, Sablefish, Halibut, Crab, Shrimp, Groundfish Trawl or Prawn licence and for sablefish, one that is eligible for a sablefish (category K) licence
- Provide a letter to confirm service provider arrangements have been made.

Vessels not currently identified as a Canadian commercial fishing vessel must submit a completed Application for Commercial Fishing Vessel Registration along with items outlined on the reverse of that application. The registration requirement for a marine survey report does not have to be met for vessels designated solely for a high seas licence.

Applications for species other than tuna are forwarded to the resource manager or species coordinator for review and approval prior to licence issue and may take longer to process.

Applications for a Canadian commercial fishing vessels to receive fish, i.e. tranship, from a U.S. or any foreign fishing vessel in waters subject to the jurisdiction of another state, i.e. not on the high seas require that the vessel master satisfy the DFO of Fisheries and Oceans, that all relevant arrangements have been approved by the state(s) concerned.

Transport

Licence Category

Under Section 24 of the *Pacific Fishery Regulations*, transporting commercial harvested fish harvested is permitted where the vessel is registered and licensed to be used in commercial fishing or a transporting; category D licence has been issued in respect of the vessel. Transporting licences are unlimited entry and vessel based. A licence is not required for the transport of oysters, clams, gooseneck barnacle or aquaculture stock only.

Any vessel based licence (i.e.) salmon, schedule II species, geoduck, sablefish, halibut, crab, shrimp trawl, groundfish trawl or prawn and shrimp by trap, communal commercial or salmon, category licence allows the transport of roe herring, prawn and shrimp by trap and salmon caught by other vessels according to the conditions of licence.

Red Sea Urchin, Green Sea Urchin, Sea Cucumber and Geoduck must be validated prior to being transported.

Transporting of sablefish, halibut, groundfish trawl, rockfish and schedule II species, eulachon, crab, shrimp trawl and sardine is prohibited, as the licensed fishing vessel must land the harvest. Crab, spiny dogfish and shrimp trawl may be transported after it has been landed by the harvest vessel.

Transporting of Paralytic Shellfish Poisoning (PSP) geoduck sampling product or any product that will not be sold commercially may be done under authority of a licence issued under Section 4 (1) of the *Contaminated Fisheries Regulations*.

Transport licences do not allow freezing of fish. Fish may be frozen on the licensed fishing vessel and transhipped to a vessel for transport.

Licence History

1972 - Transporting licences were introduced as an unlimited entry licence category. Because category D licences are unlimited entry, they are popular with pleasure boaters to be eligible for commercial rates on moorage and fuel, every effort is made to ensure only legitimate commercial vessels are issued licences.

April 1, 2006 - transporting of commercial dogfish by a vessel other than the harvesting vessel (transshipping i.e. third party) was prohibited and new requirements specific to the transporting of live rockfish were put in place.

Licence Application & Issue

The vessel owner or any authorized representative may sign the application form.

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Licence fees are \$30.00

Transporting licences are valid from the date of issue to December 31st annually.

Prior to licence issue the following requirements must be met:

- Details of Commercial Transport Operations for a previous year transporting licence must be provided where applicable. Transporting vessels that are moored at a Small Craft Harbours (SCH) facility must be identified on fish slip records submitted to Fisheries and Oceans Canada, Catch Statistics Unit.
- Details of Expected Commercial Transport Operation report for the year the licence is being applied for must be provided.
- Vessels not previously issued a Commercial Transport licence must meet all Commercial Fishing Vessel Registration requirements outlined in Chapter XX.

Vessels not moored at a SCH facility may be issued a licence where they do not have verifiable landings identified as many vessels are employed as back-up vessels for transporting and may or may not actually have landings to substantiate this. The rationale is that vessels not moored at a SCH facility are not utilising transporting licenses to obtain home port moorage at a reduced rate and there are no conservation concerns associated with a transporting licence.

Abalone

Licence Category

An Abalone, category E licence is required to commercially harvest abalone. Abalone licence eligibilities are limited entry and party-based. The fishery has been closed since December 1990.

Licence History

1956 - Commercial landings of abalone were recorded.

1976 - The number of vessels participating in the abalone fishery almost doubled from 21 in 1975 to 40 in 1976. This was mainly due to Japanese market demand, and the high price (\$1.50/lb at the time) paid to the harvesters. In November, public meetings were held in Prince Rupert and Vancouver to obtain recommendations regarding the fishery. While many individuals opposed any commercial harvest of abalone, commercial fishers supported a limited entry scheme.

September 7, 1977 - Abalone became a limited entry licence. Licence eligibilities were issued to anyone who met both of the following requirements:

- Recorded commercial catch of abalone in any year preceding 1977 with a value greater than \$2,000; and
- Produced documents showing that more than 50% of their income was from the harvest of abalone in any one year preceding 1977.

1979 - Individual quotas were introduced into the abalone fishery with 50% of the Total Allowable Catch (TAC) divided into equal quotas for each licence, and 50% of the remaining TAC available to any or all licences.

1980 - 100% of the TAC was assigned to individual quota management and the TAC was divided equally into 26 individual quotas. Abalone was inspected prior to unloading and licences were validated prior to each trip.

1989 - Stock surveys confirmed levels considered to be inadequate to sustain harvest.

December 1990 - the Minister of Fisheries and Oceans Canada announced the closure of the abalone fishery in order to protect the declining stocks. This closure remains in effect.

Licence Application and Issue

Due to the closure of this fishery, licence eligibility holders do not have to submit an application and fees annually in order to maintain the eligibility.

Communal Commercial

Licence Category

Category F licence eligibilities are party based and limited entry. The Allocation Transfer Program (ATP) retires licence eligibilities from commercial fisheries to be allocated to Aboriginal communities through negotiations under the Aboriginal Fisheries Strategy (AFS). Licence retirement is limited to a total of five percent per fishery over six years.

In addition, communal commercial licence eligibilities have and may be created consistent with principles for Aboriginal participation in new and emerging fisheries (e.g. category FZS, sardine). The licence eligibilities that are not a result of the ATP retirement process are:

Sardine (by seine or gillnet): category FZS

Spawn on kelp: FJ/41, FJ/42, FJ/43, FJ/44, FJ/45, FJ/46, and FJ/47

Where a communal commercial licence eligibility originated from a retired vessel-based licence eligibility, vessels designated to fish under authority of the licence are also permitted to fish for Schedule II species, transport fish and may be designated to fish under the authority of a category Z licence. Communal commercial licences are subject to all the rules and regulations set out in the conditions of licence that regulate all commercial fisheries as well as the conditions set out in sections 4 and 5 of the ACFLR. Communal commercial licence eligibilities that are designated to vessels with other communal commercial or regular commercial vessel-based licences do not become married.

Licence History

The aboriginal right to fish was first recognized in 1877 by a joint Indian reserve Commission and in 1880, aboriginals operated approximately 600 gillnetters.

1888 – The Fisheries Act was amended to specify “Indians shall at all times, have liberty to fish for the purpose of providing food for themselves, but not for sale, barter or traffic, by any means other than drift nets or spearing.”

By 1894, aboriginals required formal permission from DFO to fish.

By 1910, permits outlined permissible gear, areas and times.

1968 – The Indian Fishermen’s Assistance program (IFAP) was announced jointly funded by DFO and DIAND. Its objectives were to reverse the decline in Native participation in fisheries, to improve their earnings and to improve the versatility of the native fleet.

1969 – The government purchased ABC fleet to support the IFAP.

1981 – The Indian Fishermen’s Emergency Assistance program was introduced to assist with debt payments and start up costs for new aboriginal entrants.

1982 – DIAND provides funds to the Northern Native Fishing Corporation (NNFC) for its purchase of BCP’s northern gillnet fleet. This resulted in the creation of 254 category N salmon licence eligibilities that exist today.

1986- The Native Fishing Association Program was established to provide assistance and

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business management training to aboriginal fish harvesters experiencing financial difficulties.

Turning the Tide: A New Policy for Canada's Pacific Fisheries authored by P. Pearse
The *Aboriginal Communal Fishing Licence Regulations (ACFLR)* made under section 43 of the *Fisheries Act* authorize the Minister to issue communal licences to Aboriginal organizations to carry on fishing and related activities. The *ACFLR* apply with respect to a myriad of species in various provinces and territories and in various waters.

The *ACFLR* provide the licensing mechanism both for fishing conducted as part of the AFS and as part of DFO's response to the Marshall decision. This includes:

- access to fisheries for food, social and ceremonial purposes;
- access for the pilot sales fisheries in British Columbia; and
- access to commercial fisheries:
 - through the Allocation Transfer Program (ATP) under the AFS,
 - through the Fisheries Access Program as part of DFO's response to the Marshall decision,
 - by the Heiltsuk First Nation in British Columbia for herring spawn-on-kelp for commercial purposes, and
 - other commercial access.

1992 – Partially in response to the Sparrow decision, and to ensure a stable fishery management process, DFO launched the Aboriginal Fisheries Strategy (AFS). The AFS program is applicable where Fisheries and Oceans Canada manages the fishery and where land claim settlements have not already put a fisheries management regime in place. Under the AFS, Fisheries and Oceans Canada enters into agreements with First Nations to establish a regulatory framework for management of the fishery. These agreements also seek to integrate Aboriginal people into the management of the fishery, to provide economic benefits and to establish and provide allocations of fish. Most AFS agreements are for a period of five years. The body of the agreement acts as a framework for assistance in community development.

1994 – DFO implemented the Allocation Transfer Program (ATP) in keeping with DFO's overall objective of resource conservation, facilitates the voluntary retirement of commercial licences and the re-issuance of the equivalent commercial fishing capacity as communal commercial licences under the AFS. The program does not add to the existing effort on the resource. The initial phase of the program concentrated on licenses in the roe herring, rockfish, sea urchin and sea cucumber fisheries.

1995 - The ATP program was expanded to include other commercial licence eligibilities. Retirement continued to be limited to a total of five percent of licences per fishery over six years. This was to ensure that commercial operators were not affected when fishing opportunities are transferred to Aboriginal communities through negotiations under the Aboriginal Fisheries Strategy. Up until 2008, a contracted independent Program Co-ordinator and Licence Eligibility Retirement Selection Committee (LERSC) composed of Aboriginal individuals and commercial fishing interests reviewed all applications. The

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Committee advised the DFO on which licence eligibilities they deemed a good purchase, keeping in mind the constraints of available funding and the five-percent limit.

The program has had a relatively stable operating mandate of approximately \$6 million annually in Pacific Region.

2007 - the Pacific Integrated Commercial Fisheries Initiative (PICFI) was announced. The \$175 million project, is being implemented over five years and will lead to all commercial fish harvesters fishing under common and transparent rules, and ultimately a system that will see all fishery interests – commercial, First Nation, recreational and environmental – come together at one table with DFO to manage the fishery cooperatively.

PICFI Components are:

- enhanced catch monitoring and reporting
- the beginnings of a system to trace fish from ocean to plate,
- a share-based approach to managing commercial salmon fisheries in the region,
- more collaborative fisheries management and
- greater First Nations participation in commercial fisheries.

Licence Fees

No licence fee is payable with respect to a licence issued under the *ACFLR*.

Access fees are collected through a Contribution Agreement.

Licence Application & Issue

Annual applications are not required to maintain communal commercial licence eligibilities. Applications must be completed and submitted when licence issue is required. The authorized signing authority of the Aboriginal group must sign applications for communal commercial licence issue.

Each communal commercial licence eligibility has a Maximum Vessel Length (MVL). The MVL of the eligibility is either set prior to retirement based on fisheries management policy or it is the length of the vessel the eligibility was retired from.

Category CA Schedule II licences may be applied for in respect of the vessel last designated to fish communal commercial halibut, prawn and shrimp by trap and crab areas I & J licence eligibilities where management plans and licence conditions are not available for licence issue.

Communal Commercial Salmon Licence Stacking

Communal commercial salmon licence eligibilities may be stacked annually with category A, N or other F salmon licence eligibilities.

Salmon licence stacking deadlines have been waived for communal commercial licence eligibilities as Contribution agreements may not be finalized.

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Geoduck and Horse Clam

Licence Category

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A geoduck, category G licence is required to commercially harvest Geoduck and Horse Clams. Geoduck licence eligibilities are limited entry and vessel based.

Licence History

1976 - The commercial geoduck and horse clam dive fishery began in British Columbia

1977 - A review of the newly developed fishery was undertaken and as of July 1, 1977, the harvesting of geoduck for commercial purposes was prohibited except under the terms of a permit issued pursuant to section 6(6) of the *British Columbia Fishery Regulations*.

The number of vessels landing geoduck increased rapidly from 5 in 1976 to 72 in 1979.

1979 - A moratorium on new permits was issued. Permits for 1981 were restricted to those individuals who landed more than 30,000 pounds in 1978, 1979 up to and including March, 1980.

1983 - The geoduck and horse clam limited entry licence eligibility was introduced. Licence eligibilities were issued to vessels that produced documents showing that the owner:

- was authorized in writing by Fisheries and Oceans Canada, to harvest geoduck and horse clams by means of diving from a commercial fishing vessel and
- marketed a minimum of 13,500 kg of both species in any combination during the year 1978 or the period commencing January 1, 1979 and ending March 31, 1980 or
- Marketed a minimum of 13, 500 kg of any combination of both species during the period commencing June 13, 1980 and ending December 31, 1980.

1989 - A pilot project was established using an individual vessel quota (IVQ) system that included a three- year area rotation. The coast was divided into three areas, the North Coast, West Coast Vancouver Island and the Gulf (waters inside Vancouver Island). Since 1989, geoduck licences specify the IVQ and the designated area where harvesting may occur. The pilot program reduced the 1989 quota of 160,000 lbs. to 72,000 lbs. in 1998.

XXXX, stacking was introduced and up to three licences could be placed on a vessel.

2008 stacking increased to five licenses (5) per vessel at any one time. Vessels may have more than one licence for the same area. Supplemental harvest opportunities of approximately 20,000 lb. at experimental geoduck enhancement sites in the Strait of Georgia were available for all category G-licensed vessels. A selection process and harvest schedule was developed in consultation with the UHA. There may also be pre-seed supplemental harvest opportunities, under the DFO Policy for Access to Wild Aquatic Resources, as it applies to Aquaculture (2004). The purpose of the pre-seeding harvest is to "facilitate access to a new lease and reduce conflict in communities when there is significant stock of high value on a lease area, and where a number of commercial fishers may be displaced, as a condition to recommending its approval of a lease site, DFO or the province may require that a specified species be harvested from the lease prior to its occupation". Supplemental harvest opportunities outlined would be provided through amended conditions of licence.

Licence Application & Issue

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Geoduck licence applications must be completed and submitted with the required fees by December 31st annually. Licence fees are \$252 multiplied by the number of tonnes of geoduck authorised to be taken under the licence; minus forty percent (40%) of that product or \$1000. whichever is less.

Any authorized representative may sign the application form.

Prior to annual licence issue vessel owners must:

- Resolve all outstanding vessel quota overages
- Ensure any Ministerial conditions placed on the licence eligibility are met.
- Ensure any conditions of the previous year's licence are met, e.g. completion, submission, and approval of any logbook fish slip or quota overage requirements.

Roe Herring

Licence Categories

A roe herring seine, category HS or FHS or gillnet, category HG or FHG licence is required to harvest roe herring.

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Roe herring licence eligibilities are limited entry, party-based and restricted to either seine or gillnet gear. Harvest areas are selected annually by the licence holder.

Licence History

1972 – The roe herring fishery expanded significantly after stocks had partially collapsed in 1960s and attracted a large number of participants. The Japanese market became accessible to Canadian suppliers.

1974 - Limited entry was introduced. Licence eligibilities were established On receipt of application by individuals who owned substantial or all shares of a gillnet or seine-gear fishing vessel prior to January 15, 1974. The criteria for obtaining a roe herring licence were:

- Participation in the 1972 and 1973 roe herring fisheries. Individuals were eligible to apply for one licence eligibility for each vessel fished during those years; and
- Consideration for issuance of one licence eligibility not based on previous landings, per individual.

Those who qualified were required to be the owner and operator. This was intended to reduce the number of licences issued annually as licence eligibility holders left the fishery and their eligibilities would be retired.

1977 – deadline for Aboriginal owners of roe herring fishing vessels, either gillnet or seine equipped, to apply for a roe herring licence eligibility for that gear.

1979 - The owner operator requirement was dropped due to enforcement difficulties and the expected attrition did not occur and some corporate licence eligibilities holders changed through sale of the company.

1981 – Area licensing introduced; north inside and outside, as survey conducted in 1983 revealed that over 80% of participants supported this approach.

1990 - A nomination process was introduced. To encourage individual participation in the fishery, corporate licence holdings were restricted to levels indicated in a 1988 survey.

1999- The restriction on corporate licence holdings was waived. To control harvest effort, a pool fishery system was introduced. A minimum eight seine licences or four gillnet licences are required for a pool. Each licence is assigned a quota and shares equally in the pool. Each pool harvests independently until the total quota allocation of the pool is attained. Fish caught in excess of a pool total must be given to other pools in the area that have not achieved their allocation. There is no carry-over of quota from one year to the next.

Licence Fees

Category H roe herring licence fees are available at full and reduced rates. Reduced fee elections are only available to Aboriginal individuals with status.

Full fees are \$200.00 for gillnet and \$3980 for seine gear. Reduced fees are \$100.00 for gillnet and \$1990.00 for seine gear.

Licence Application

As Roe herring licences are all issued prior to the fishery opening, licence applications must

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be completed and submitted with the required fees by an annual application deadline. Separate applications must be submitted for each licence eligibility. Only the licence eligibility holder of record may sign applications.

Prior to annual licence issue, licence eligibility holders must:

- Identify their area choice on applications. The area selected is considered a final choice unless a written request to change areas is received by a specified date. (usually January 15).
- Identify a party authorized to make area changes.
- Submit roe herring gillnet applications in pools of a minimum of four licences and roe herring seine applications in pools of a minimum of eight licence eligibilities. There is no maximum number of licences for either gillnet or seine pools.
- Designate a vessel for roe herring seine licences. A policy introduced in 1998 allows only two licences per vessel.
- Submit a pool designation list for each pool. Designate a co-ordinator and contact for each pool. The person may be the same as the area change designate.

Licence Area Reselection

Area Selection updates are sent to industry through Fishery Notices posted on line and are available by telephone on a regular basis following the application deadline date. Anyone may check area selection totals to decide whether or not to request an area change. If a licence area is oversubscribed, a second selection opportunity may be provided.

Licence Issue

Licence issue commences after the area selection process and when all licences are designated to an appropriate pool. Incomplete applications or pool designation lists may result in delays in licence issue for all members of a pool.

One decal is issued for each roe herring seine licence. The decal must be fastened to the starboard side of the wheelhouse or hull prior to the opening of the fishery.

One punt and one net decal are issued for each roe herring gillnet licence.

Herring seine licences are issued with transporting conditions.

Nominations and Redesignation of Roe herring seine licences are allowed

Spawn-On-Kelp

Licence Categories

A Spawn-on-Kelp, (SOK) category J or communal commercial category FJ licence is required to commercially harvest Spawn-on-Kelp. SOK licence eligibilities are limited entry and party-based. SOK licences are issued for herring pond operations. Each licence has a

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maximum weight of herring spawn on kelp that may be harvested. Up to three harvest vessels are used to impound live herring in an enclosed pond. Other operations use an open-pond principle where fish are left free to enter and exit the pond during spawning.

Licence eligibility holders are required to operate licences. When harvesting under authority of an SOK licence held by an Aboriginal band, a band representative must be present on site.

Licence History

1975 - Commercial production of spawn-on-kelp was initiated although experimental harvests had occurred from 1972. In December of 1975, the DFO invited applications for Herring spawn on kelp permits on a trial basis and received 22 applications.

Selection of permit holders was based on experience in catching, holding, and handling live herring. Special consideration was given to Aboriginal applicants and those living in remote communities. 13 permits were issued for propagation and harvest within impoundments in specific areas where adequate supplies of herring and kelp were available.

Permit holders could not hold be a processing company, a roe herring licence holder or participate in the roe herring fishery as either a vessel master or a crewmember.

1976 - Permits increased to twenty-one

1977 - Permits increased to twenty-four and the quota per licence was increased to ten tonnes.

1978 - Five permits were issued to Aboriginal bands and the quota per licence was dropped to eight tonnes.

1983 - The limited entry permits became category J licence eligibilities with a fee of \$2,000 per licence and a reduced fee of \$10 available for Aboriginals or Aboriginal Bands. Fees were intended to be consistent with those for a roe herring (H) seine licence.

November 1989 - the Minister of Fisheries and Oceans Canada announced the addition of ten licence eligibilities to be issued to Aboriginal bands. Each new licence eligibility holder was required to permanently retire or render inactive either six roe herring gillnet or one roe herring seine licence eligibility by December 31, 1999. This measure was taken to ensure a sustainable level of roe herring harvest and to provide stability in both the spawn-on-kelp and roe herring fishery sectors.

1993 - A 39th licence was issued in 1993 for one year only under an agreement with the Heiltsuk Indian Band.

Due to the cost of acquiring licences to retire permanently, the Minister allowed the Aboriginal groups to designate inactive licence eligibilities annually. The number of roe herring licences designated as inactive plus the number that have been permanently retired determines the size of the spawn-on-kelp quota assigned annually.

1995 - The AFS program offered these licence eligibility holders \$75,000 to assist with retirement and the number to be retired was reduced to five gillnet or one seine through a reduction in the food and bait fishery.

1996 - A change in regulation in 1996 eliminated the reduced fee licence fee for this category. Licence holders were required to pay the licence fee based on the amount of quota

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assigned to their licence in 1996 and 1997. The fee for the years 1996 and 1997 was \$1770.00 per ton of quota. The AFS program permanently reallocated one gillnet licence from the allocation transfer program to each band and reduced the retirement requirement to four gillnet or one seine. The Gladstone decision handed down by the Supreme Court of Canada recognised the right of the Heiltsuk Tribal Council to sell spawn-on-kelp. Since then, the management of the Heiltsuk SOK fishery is negotiated in line with the overall management plan for the fishery.

1998 – Fees are \$12, 850

1999 – Fees reduced to \$11,800

2004 – in response to requests from the Spawn on Kelp Association (SOKOA). The fee per tonne was reduced. The landed value reduction was intended to more accurately represent the actual value of SOK paid to the harvesters by the processors. Also licence fees were no longer calculated based on overages and underages. This resulted in consistent annual fees.

Licence Fees

2008 Licence fees are calculated based on the following formula:

\$1,517.00 multiplied by 7.25 metric tonnes of herring SOK authorized to be taken under the licence, minus \$1,000.00. The new flat fee requested.

$(\$1517.00 * 7.257478 \text{ mt}) - \$1000.00 = \$10009.59$

There is no annual licence fee for communal commercial licences.

Licence Application & Issue

SOK, category J licence applications must be submitted with the required fees by an annual deadline date in order to maintain the licence eligibility, whether fishing will take place or not. Licence eligibility holders must sign applications.

The annual requirement to designate roe herring licences as inactive for communal commercial SOK must be met by a deadline set annually. The deadline is necessary as the number of inactive roe herring licences has an impact on quota allocations for both the roe herring and SOK fisheries.

Prior to licence issue, the licence eligibility holder must ensure that:

- Any Ministerial conditions placed on the licence eligibility are met.
- Any conditions of the previous years licence are met, e.g. completion, submission and approval of the previous years landing and sales reports.
- Proof of participation in a DFO approved SOK monitoring program is provided.
- A registered commercial fishing vessel is designated as the operating vessel. Up to three operating vessels may be identified. If designated vessels are not eligible for a vessel-based licence, i.e. A, C, G, K, L, R, S, T or W or designated with a current category N or eligible category F licence, then the requirements for Vessel Registration and Vessel Identification must be met. The fish hold inspection requirement is waived for registration as a SOK harvest vessel only.

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- Multiple licenses may designate the same operating vessel and/ or vessels however each licence may designate only three operating vessels annually.

Redesignations allowed.

There is no nomination process available for SOK licence eligibilities.



Sablefish (Black Cod)

Licence Categories

A category K or communal commercial category FK licence is required to harvest sablefish. Category K sablefish licence eligibilities are limited entry and vessel based. Category FK eligibilities are party based; an Aboriginal group is the licence eligibility holder and the eligibility must be designated annually to a commercially registered fishing vessel that meets length restrictions.

Licence History

Prior to 1977, Canada had limited domestic and extensive foreign offshore sablefish fisheries.

October 4, 1979 - Announcement of limited entry foreign effort was phased out by 1980 and the fishery became limited entry for the 1981 fishing season.

1981 - Sablefish licence eligibilities were first issued where:

- 1) The vessel owner produced records showing that while fishing by means of longline or trap gear in 1978 or up to October 5, 1979, the vessel made a recorded commercial catch of sablefish in dressed head-off condition, equal to at least:
 - (a) 6800 kg (15,000 lb.) in the case of a vessel 18.28 m (60 ft) or less in overall length, or
 - (b) 22,680 kg (60,000 lb.) in the case of a vessel more than 18.28 m (60 ft) in overall length

OR

- 2) A category C licence was issued in respect of that vessel in 1980 and the owner produced records showing expenditures during the period January 1, 1978 to October 5, 1979, for freezing equipment, and longline or trap gear, intended to be used to fish for sablefish, amounting to at least:
 - (a) \$20,000 in the case of a vessel 18.28 m (60 ft) or less in overall length, or
 - (b) \$100,000 in the case of a vessel greater than 18.28 m (60 ft) in overall length

OR

- 3) Vessels more than 18.28 m (60 ft) in overall length fished in the Alaska halibut fishery in 1978 or 1979 but were excluded by the 1979 halibut agreements and were issued 1980 category A or category L licence tabs.

1990 - A two-year trial period using IVQ management commenced. Each licence eligibility was assigned an IVQ that was a percentage of the TAC. The IVQ was based 30% on the vessel's overall length and 70% on historical performance. The trial IVQ program was extended as it led to an increase in product quality.

1993 - A co-operative management program was established between the Pacific Black Cod Fishermen's Association (PBFA) and DFO and temporary reallocation of quota was introduced. Reallocation was restricted to complete quota shares between sablefish licensed

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vessels. Any sablefish offloaded against a specific quota share rendered that quota share ineligible for reallocation. On December 31 of each year, all quota shares reallocated would automatically revert back to the original vessel.

Quota bare defined as the initial 1993 quota for each licence eligibility determined by the allocation formula (defined in the 1990 management plan) and shown as a percentage of the sablefish TAC for the licensed fleet. Each quota block is broken into quota shares. In 1993, there were 692 quota shares. Of these, 644 shares were equal to 0.15% of the sablefish TAC. The remaining 48 shares were each less than 0.15% of the sablefish TAC and represented the remainder of each licence's quota block.

1999 - A nineteen month licence year was used to transition the sablefish licence year from a calendar year to August 01- July 31 effective in 2000.

2003 -the provision of a service provider letter confirming participation in a system to verify amount of sablefish caught and unloaded by the licensed vessel prior to annual licence issue was introduced.

2006 - A three year pilot plan intended to strengthen conservation through a wide range of measures, including improved by catch monitoring and reducing discards was introduced in the commercial groundfish fisheries. A comprehensive management plan for all groundfish fisheries (i.e. schedule II species, groundfish trawl, rockfish hook and line, halibut, and sablefish) was created to replace individual plans produced in previous years. This new Integrated Fisheries Management Plan (IFMP) for Groundfish was released on April 26.

2007 - It is not mandatory for the vessel owner to pay the association prior to licence issue; the Sablefish Association is responsible for the collection of fees.

Licence Fees

Sablefish licence fees are \$241 multiplied by the number of tonnes of sablefish authorized to be taken under the licence, minus 40% of that product if the product is less than \$2500, or minus \$1000 if the product is \$2500 or more.

Licence Application and Issuance

Category K sablefish applications must be completed and submitted with the required fees by July 31 of each year. Applications must be signed by the vessel owner/licence eligibility holder.

Prior to issuance of a sablefish licence:

- Any Ministerial conditions placed on the licence eligibility must be met
- Vessel owners must provide confirmation that they have entered into an agreement with a DFO approved service provider acknowledging they are participants in a system that is acceptable to the DFO for verifying the poundage of sablefish caught and offloaded.

The sablefish licence must be issued prior to the processing of an amendment request or a request for Reallocation of Sablefish IVQ.

Unlimited temporary reallocation of sablefish IVQ is allowed. The minimum quantity that may be reallocated is one (1) pound, and the maximum quantity that may be reallocated is

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the remaining non-fished quota assigned to that licence.

With licence documents vessel owners receive a request for Sablefish Licence Amendment and a reminder that fishing may not commence until a licence amendment is requested and received from the Groundfish Management Unit.

Halibut

Licence Categories

A halibut, category L or communal commercial category FL Licence is required to commercially harvest halibut. Category L halibut eligibilities are limited entry and vessel based. Category FL eligibilities are party based; an Aboriginal group is the licence eligibility holder and the eligibility must be designated annually to a commercially registered fishing vessel that meets length restrictions.

Licence History

1979 - Limited entry was introduced. To qualify, vessels must have recorded commercial harvest of 1,360 kg (3,000 lb) of halibut (dressed head-off weight) during 1977 or 1978. Ten halibut licences were issued to Aboriginal individuals who depended on halibut for a major portion of their income but utilised leased vessels owned by processing companies. These halibut licences were initially party based eligibilities and were later converted to vessel-based licence eligibilities.

There is an annual TAC set for the fishery by the International Pacific Halibut Commission (IPHC) based on their annual assessment and yield recommendation.

1980 - U.S. announced its intention to phase Canadian halibut fishing out of its waters.

1991 - A two-year trial of IVQ began based on a combination of vessel catch history and vessel length.

1993 - Reallocation and stacking of halibut IVQ was allowed on a trial basis. Each licence eligibility received quota in two equal shares. Each share was expressed as a percentage of the TAC. Shares varied based upon the allocation formula adopted in 1990. The success of the halibut IVQ program has allowed for its continuation.

A maximum vessel length (MVL) was established for each halibut licence eligibility.

1997 - As a result of a decision of the Federal Court Trial Division in late 1996, DFO implemented a new IVQ formula. Changes to the IVQ formula in 1997 resulted in an average benefit of 9,145 pounds for 38 licence holders and a corresponding disadvantage of an average of 880 pounds for the other 395 licence holders.

1998 - In late 1997, the Federal Court of Appeal overturned the 1996 decision and in 1998, the Minister decided to return to the original formula used from 1991 to 1996. The Minister adjusted all IVQ's to compensate those who lost quota in 1997. Adjustments were made in three equal amounts over three years, i.e. 1999, 2000, and 2001.

A maximum of two quota share reallocations between halibut licence eligibilities was permitted, vessels were limited to fishing four shares in a season and it became possible for a licence eligibility to have nil shares attached. All quota share reallocations had to be approved by DFO. Once a share had landings validated against it, the remainder of that quota could not be reallocated.

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1999 - Quota reallocation was negotiated on the basis of poundage. Vessel owners may permanently reallocate all quotas except for .01149% of the TAC or temporarily reallocate as little as 1 lb. of quota. A licence eligibility may not hold more than 1% of the TAC except that vessels that fished more than 1% of the TAC in any year from 1993 to 1998 may hold quota up to their individual maximum?

The MVL was increased to the length of the vessel that held the halibut licence eligibility as at January 01, 1993 plus 25 feet or 7.62 meters.

2000 - Discussions between the hook and line, halibut and trawl sectors were initiated to modify the existing allocation arrangements to individual TAC and non-TAC rockfish species. Consensus was reached between sectors.

2001 - The allocation arrangement was implemented subject to future conservation requirements. DFO allocated 10% of the commercial halibut quota (excluding quota allocated to category FL licences) to the Pacific Halibut Management Association (PHMA). To facilitate this allocation, a 2001 halibut licence with quota was issued to the PHMA. The association in turn made arrangements with vessels within the commercial halibut fleet to harvest the allocation. A new fee structure was introduced that removed the portion of the fee collected to offset monitoring and management costs.

2002 - Halibut vessel replacement rules were changed with the concurrence of the PHMA.

2006 - Halibut licenses were valid from March 05, 2006 to April 01, 2006. Licenses were amended when the 2006/2007 IFMP valid from April 01, 2006 became available. The service provider letter requirement was waived.

2007 - one hundred percent of the TAC was allocated to the halibut licence eligibilities based on the percentage of the TAC the vessel permanently held as of February 1st, 2007. There was no allocation to the PHMA. Fish harvesters who indicated on their application that they did not intend to harvest halibut; the service provider letter requirement was waived. The licence issued had only Schedule II and transporting conditions attached.

2008 - No allocation to the PHMA. The requirement for a service provider letter was eliminated in 2008 as fish harvesters cannot hail out until they have contacted a service provider.

Licence Application & Issuance

Category L halibut applications must be completed and submitted with required fees by December 31 of each year. Any authorized representative may sign the application form.

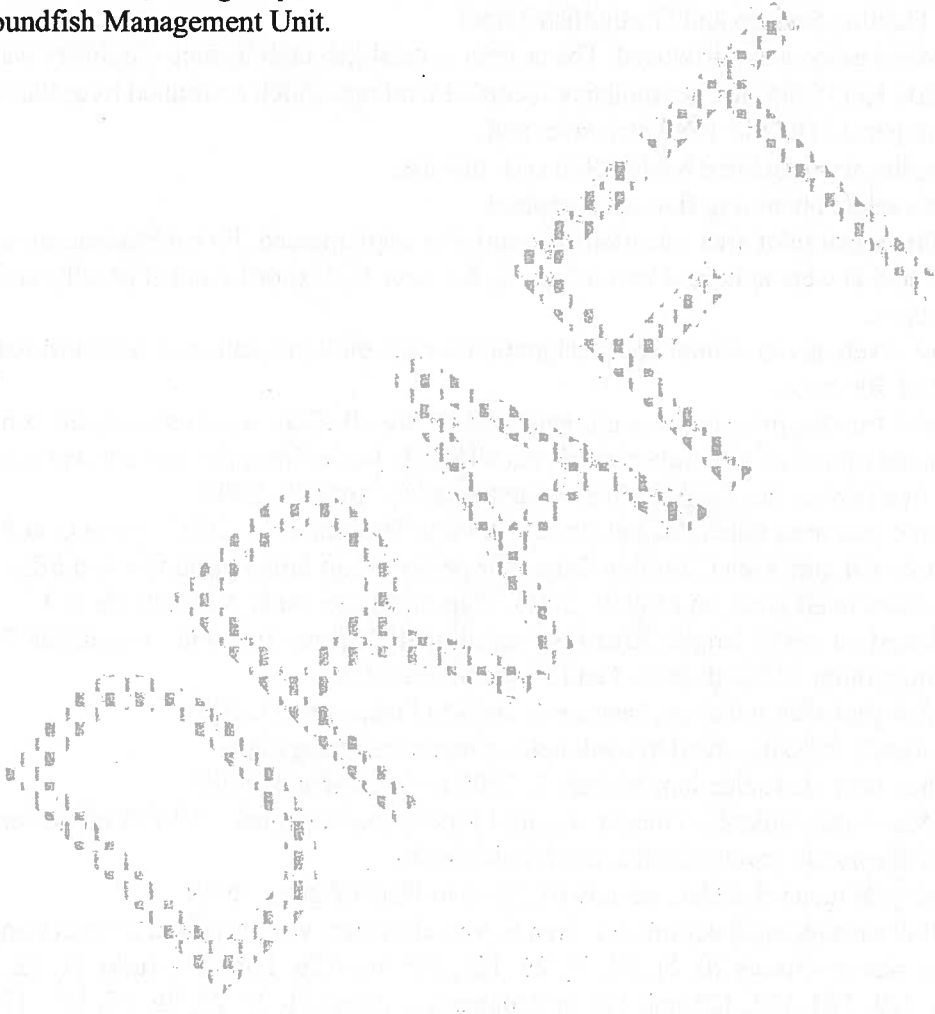
Fees are based on the formula \$310 multiplied by the number of tonnes of halibut allocated, less 40% up to a maximum reduction of \$1000.

Prior to annual licence issue, the vessel owner(s)/licence eligibility holders are required to:

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- Indicate on the application if they do not intend to harvest under the authority of the halibut licence.
- Provide names of all individuals authorized to request licence amendments, licence status reports and/or reallocation history detail reports.
- Meet any Ministerial conditions placed on the licence eligibility, e.g. completion, submission and approval of any logbook, fish slip or quota overage requirements.

Included with licence documents is a Request for Category L /FL Licence Amendment and a reminder that fishing may not commence until a licence amendment is received from the Groundfish Management Unit.



Crab

Licence Categories

A crab, category R or communal commercial category FR licence is required to

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commercially harvest crab. Category R crab licence eligibilities are limited entry and vessel based. Category FR eligibilities are party based; an Aboriginal group is the licence eligibility holder and the eligibility must be designated annually to a commercially registered fishing vessel that meets length restrictions.

Licence History

1990 - A vessel based licence eligibility was established. Prior to 1990, crab was a Schedule II species fished under authority of vessel based licences i.e. Salmon, Schedule II, Geoduck, Sablefish, Halibut, Shrimp and Groundfish Trawl.

1991 - Limited entry was introduced. The criteria to establish crab licence eligibility was:

- 6,804 kg (15,000 lbs.) cumulative recorded landings which continued over the three year period 1987 to 1989 inclusive; and,
- Applicants must have held a 1990 crab licence.

Annual area selection among five areas applied.

1997 - A three-year pilot area selection program was implemented. Five areas became seven as Areas C and D were split into two sub areas, for Area C; G (north) and H (south) and for Area D, I and J.

Areas I and J were given annual area designation for the pilot program and were limited to a maximum of 300 traps.

1999- A pilot trap tag program was implemented in Area B. Trap tags were required on all traps and a maximum of 400 traps/vessel was allowed. To facilitate the move towards trap limitation in all areas, the 1999 licence was extended to April 30, 2000.

2000 - Three year area selection, January 01, 2000 to December 31, 2002. Areas G and H were recombined into Area C for this three-year period. Trap limits became a condition of the crab licence in all areas on May 01, 2000. Trap limits are: Area A - from six to 12 hundred, based on vessel length; Area B - maximum 400; Areas E and G - maximum 500; Area H - maximum 436 and Areas I and J - maximum 300.

2002 - Three year area selection, January 1, 2003 to December 31, 2005.

2004 - 12 vessels were involved in a pilot electronic monitoring pilot.

2005 - Three year area selection, January 1, 2006 to December 31, 2008.

2007 - Licence amendment no longer required for octopus retention. All fish harvesters are required to accurately report octopus catch in logbooks.

2008 - One year area selection, January 01, 2009 to December 31, 2009.

As a result of management actions for Area E, vessel owners were required to select one of three areas: Sooke - Areas 20, 21, 22, 25, 26, 121, 125 and 126, Tofino - Areas 21, 22, 23, 24, 25, 26, 121, 123, 124, 125 and 126 or Quatsino - Areas 21, 22, 25, 26, 27, 121, 125, 126 and 127.

Licence Application & Issuance

Category R crab applications must be completed and submitted with the required fee by December 31 of each year. Licence fees are \$590. Any authorized representative may sign the application form.

Prior to annual licence issue, applicants must:

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- Ensure any Ministerial conditions placed on the licence eligibility are met.
- Ensure any conditions of the previous year's licence are met, e.g. completion, submission, and approval of any logbook fish slip or quota overage requirements.
- Provide proof of participation in a DFO approved trap limit compliance program. This indicates arrangements have been made for a third party to receive hails of fishing activity, issue trap tag replacements, and to provide on-grounds inspection of gear. If proof is not provided and the vessel owner does not intend to harvest crab, the licence is not issued but not released.



Shrimp by Trawl – Category S

Licence Category

A shrimp by trawl, category S or communal commercial category FS licence is required to commercially harvest shrimp by trawl gear. Category S licence eligibilities are limited entry and vessel based. Category FS eligibilities are party based; an Aboriginal group is the licence eligibility holder and the eligibility must be designated annually to a commercially registered fishing vessel that meets length restrictions. No area or quota restrictions apply.

Licence History

1977 - Limited entry was introduced to the shrimp by trawl fishery with 237 licence eligibilities established. Limitation was initiated in response to a rapid expansion of fishing and processing capacity directed at offshore shrimp stocks in 1975 and 1976. Increased effort was not sustained beyond a few years as the stock declined and could not support a large offshore fleet. The reasons for the decline are not known, but did not appear linked to fishing pressure on the stocks. Since that time, the main area of fishing activity has been the Strait of Georgia. Small-scale fishing efforts takes place on the north coast, in Barkley Sound, as well as a few other inlets on the West Coast of Vancouver Island.

1989 to 1994, active vessels in the shrimp fleet remained relatively constant; i.e. 165.

1995 and 1996 -Dramatic increases in landings in were attributed to changes in the groundfish and salmon management strategies, the high price offered for shrimp in those two years, as well as abundant stocks available to the shrimp by trawl fishery.

1996 - 222 vessels with reported landings out of 249 licensed vessels, 232 having more than one vessel based licence eligibility. Vessel owners were able to separate vessel based licence eligibilities under the Voluntary Salmon Licence Retirement program and by 1997, 248 vessels were eligible to fish shrimp by trawl and 67 of these were single licence eligibilities.

1998-2002- fees based on vessel length

2003 - Fee was amended to exclude the collection of incremental management costs.

Licence Application and Issuance

Category S shrimp by trawl applications must be completed and submitted with the required fee by March 31st of each year. The vessel owner/licence eligibility holder or any authorized representative may sign the application form. Licence fees are \$100.00.

Prior to annual licence issue, vessel owners must:

- Ensure any Ministerial conditions placed on the licence eligibility are met.

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- Ensure any conditions of the previous year's licence are met, e.g. completion, submission, and approval of any logbook fish slip or quota overage requirements.
- For Non-Retention of Shrimp option, a service provider letter is not required. For Retention of Shrimp option: service provider letter required indicating that arrangements have been made to meet the notifications, catch verification and catch sampling (at-sea observers).



Groundfish Trawl – Category T

Licence Category

A groundfish trawl, category T is required to commercially harvest groundfish trawl species. Groundfish trawl licence eligibilities are limited entry and vessel based.

Licence History

May 2, 1975 - Announcement of limited entry was made. A number of events preceded limitation, the trawl fleet doubled in capacity between 1972 and 1974 partly as a result of government ship building subsidies. The number of vessels increased from 44 to 66 and 9 of these exceeded 80 feet in length. Groundfish markets collapsed in 1974 which precipitated a series of subsidies, deficiency payments to vessel owners and conditional grants to processors. To ensure that those vessels which were most affected by the market collapse received financial assistance, the federal government announced that deficiency payments would apply only to trawlers which had recorded 1973 or 1974 groundfish landings.

1977 - Limited entry was introduced. 237 licence eligibilities were established. Eligibilities were established where a vessel or the Replacement vessel, had a recorded commercial catch of groundfish by trawl gear in 1973, 1974 or up to April 30, 1975. Eligibilities were also granted in appeal cases where landing criteria were not met but major expenditures directly associated with groundfish trawling had been incurred.

1979 - Quota and management measures to control the harvest of West Coast groundfish stocks were implemented. These included the establishment of TACs, species/area/time closures and vessel trip limits.

1997 - DFO consulted with the Groundfish Trawl Advisory Committee (GTAC) to develop annual Integrated Fishery management plans and plan and implement an IVQ system. The resulting IVQ fishery has quotas that may be fully reallocated set out for 29 different species in 56 different management areas. No area or quota restrictions apply, however trip limits may apply to certain species covered under this licence.

1998 - A maximum vessel length (MVL) was established for individual groundfish trawl licence eligibilities. The MVL was the overall length of the vessel that held the licence eligibility as at December 01, 1998 plus 20%.

2006 - A three year pilot integrated management plan was introduced. The objective of the pilot plan was to improve stock management through by catch monitoring, reduced discarding, and requiring harvesters to be accountable for all catch. This was supported by new monitoring standards (100 per cent at-sea and dockside monitoring), individual vessel quotas (IVQs) in lingcod, dogfish and individual quotas (IQs) in rockfish fisheries in addition to the rest of the groundfish fisheries managed under IVQs, and a temporary quota reallocation process, to address by catch, that is available between the various commercial groundfish sectors.

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2008 – at the request of GTAC, MVL's were amended to the overall length of the vessel that held the licence eligibility as at December 01, 1998 plus 50% and vessel replacement policies were changed to allow the separation of groundfish licence eligibilities from other vessel based eligibilities with provisos for Schedule II.

Licence Fees

Licence fees are based on the combination of a base licence fee of \$500.00 and the IVQ holdings of the licence eligibility on April 01, 2003, measured in pounds as indicated below:

\$500 plus		
All rockfish species	\$15.00 per tonne	\$.0068 per lb.
All sole species	\$16.00 per tonne	\$.0073 per lb.
Lingcod	\$16.00 per tonne	\$.0073 per lb.
Pollock	\$7.50 per tonne	\$.0034 per lb.
Hake	\$4.00 per tonne	\$.0018 per lb.

Licence Application and Issuance

Groundfish by trawl applications must be completed and submitted with the required fee to by March 31st of each year in order to maintain the eligibility whether fishing will take place or not. Only the vessel owner may sign the application form.

Prior to annual licence issue, vessel owners must:

- Ensure any Ministerial conditions placed on the licence eligibility are met.
- Ensure any conditions of the previous year's licence are met, e.g. completion, submission, and approval of any logbook fish slip or quota overage requirements.
- Choose one of two fishing options for the fishing season. Owner(s) choosing option B are permitted to make a change once each year to option A. Owner(s) choosing Option A may not change their selection for the remainder of the fishing year.
- Indicate parties designated to request licence amendments, a crew count and home port information on the application.

With licence issue, a request for a Groundfish Trawl Licence Amendment is provided and a reminder that the amendment must be received from the Groundfish Management Unit (GMU) prior to fishing. All matters related to the management of the groundfish fishery or quota reallocations and caps, are handled by the GMU.

Prawn and Shrimp by Trap Licence – Category W

Licence Category

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A Prawn and shrimp by trap, category W or communal commercial category FW licence is required to commercially harvest prawn and shrimp by trap gear. Category W licence eligibilities are limited entry and vessel based. Category FW eligibilities are party based; an Aboriginal group is the licence eligibility holder and the eligibility must be designated annually to a commercially registered fishing vessel that meets length restrictions.

Licence History

Prior to 1990, fishing was authorized by a party based (category ZH) licence eligibility designated to a vessel annually.

1990 - Licence limitation was introduced into the prawn and shrimp by trap fishery. Licence eligibilities were issued to individuals who landed a minimum of 1000 lbs. of shrimp or prawns by trap in any two of the 1986, 1987, or 1988 fishing seasons. Prior to appeals, 128 applicants were eligible, a total of 276 licence eligibilities were established after appeals were heard. A maximum vessel length (MVL) was established for each licence eligibility based on the surveyed length of the last vessel licensed to fish prawn and shrimp by trap prior to January 01, 1990.

1993 - Licence eligibilities were converted to category W vessel based licence eligibilities. Vessels were required to be within the MVL restriction and had to be eligible for vessel based licence eligibility. Where the vessel held a Schedule II eligibility, that eligibility was relinquished.

1995 and 1996 - Trap limits were adopted as a pilot program with a limit of 300 traps per licence eligibility. Trap limitations were considered as a means of control over the annual increase in gear that rose to more than 80,000 traps in 1994. Vessel owners have an annual option of combining two trap allocations on a single vessel. When combined, traps are limited to 500. To offset associated incremental monitoring and enforcement costs, vessel owners pay management fees. Trap limits were extended indefinitely as a management practice for this fishery. No area or quota restrictions apply.

2004 - Amended conditions of licence made available to participate in the Prince Rupert Harbour humpback shrimp fishery anticipated to open September 1 annually. An amendment request is required to participate and this fishery will continue based on continued biological sampling and monitoring. Confirmation of having obtained additional service bureau services for additional observer sampling is also required.

Conditions to participate in the Sooke Harbour coonstripe shrimp fishery are included in the general conditions of licence. The Sooke Harbour coonstripe fishery is slated to open November 1 annually. Amendment requests are not required.

2006- Special Conditions of Licence no longer required for octopus retention. An offshore fishing option introduced, and discontinued in 2007.

Due to vessel stability and ship safety concerns, the maximum allowable wetted trap weight is 7 kg. (15.4 lbs). Fishers who have trap inventory still in use exceeding this limit are required to register the number of "heavy traps" with DFO by contacting the Management Biologist, and are only permitted to use these traps until the 2012 fishing

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season.

2007- Prawn season was 59 days long with an estimated catch in excess of 2,500 tonnes. The length of the season was short in comparison to prior years but landed catch was consistent; e.g. 2,425 in 2006, 2,100 tonnes in 2005, 2,000 tonnes in 2004, 2,400 tonnes in 2003, 1,900 tonnes in 2002. The landed price drop significantly by \$3 to \$5 per kilogram, depending on product grade, and competition from Argentineans and Russians continued to depress the medium grade prices. As a result more medium and tailed prawns were probably sold directly to the public... The past 10 years has seen more than 90% of commercial landings frozen at sea or on shore as 1kg frozen product boxes and exported to the Japanese market.

With reduced prices, uncertainty in the foreign markets and offshore competition, the Prawn Industry conducted a survey on the viability of area licensing, staggered openings, in season closures and other measures in an attempt to extend the fishing season in order to explore the local market for both frozen and fresh product. DFO then conducted an all licence eligibility holder vote. The changes proposed did not receive sufficient support from licence eligibility holders and no changes were adopted.

Offshore fishing option introduced in 2006 discontinued.

Licence Application and Issuance

Category W, prawn and shrimp by trap applications must be completed and submitted with the required fee by December 31st of each year. Only the vessel owner/licence eligibility holder may sign the application form. Licence fees are \$320.00.

Prior to annual licence issue, vessel owners must:

- Provide a letter from an approved service company that indicates arrangements have been made for trap tags; reporting vessel fishing locations (hails) to the DFO; inspection of the vessel during the season and the sampling of spawner index information on the fishing grounds. The letter must indicate whether 300 or 500 traps are being utilised. Zero trap applications do not have to provide a letter.
- Ensure any Ministerial conditions placed on the licence eligibility are met.
- Ensure any conditions of the previous year's licence are met, e.g. completion, submission, and approval of any logbook fish slip or quota overage requirements.

Trap Reallocation

All vessels are allocated 300 traps at the beginning of the season. Temporary trap reallocation is permitted on an annual basis, where both licence eligibilities are eligible for 300 traps at the time of application. Traps may be reallocated to but not from owner/operator restricted licence eligibilities.

Trap reallocation may only occur at initial licence application for both vessels. Trap allocations revert to original licence eligibilities at the end of the season. When traps are reallocated, the receiving vessel may fish maximum 500 traps.

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Export – Category Y

Licence History

An Export, category Y licence is required in order to take unprocessed fish directly from the fishing grounds to the U.S. The export licence is an unlimited entry; vessel based licence issued only to vessels that hold a transporting licence.

The export licence was created in 1990 in response to an agreement between Canada and the United States that provided for the direct export of unprocessed roe herring and salmon. Canada amended its *Pacific Herring Fishery Regulations*, *Pacific Commercial Salmon Fishery Regulations* and *Domestic Landing Regulations* to allow at sea export of these species from Canadian fishing grounds to the United States for processing. This represented an easing of the 1989 landing requirement that all salmon and roe herring caught in Canada must be landed in Canada.

Licence Application and Issuance

Only the vessel owner may sign the application form. There is no fee for an export licence. Prior to annual licence issue, vessel owners must be able to:

- Identify a Canadian owned and registered that has a transporting (category D) licence for the current year; that is capable of providing sampling sites and accommodation to Fisheries and Oceans Canada contractors and/or staff on board the vessel. Samplers/observers must be on board the vessel at all times during loading of product for direct export and that is able to meet inspection requirements.

Harvest vessels are not eligible for a category Y licence and may not export salmon or roe herring directly to the United States.

Vessel Replacement

As this is an unlimited entry licence category, vessel replacements are not applicable.

Chapter 6 – Z Licence Categories

Category Z licences – Limited Entry– Fishing with a Vessel

Green Sea Urchin – Category ZA

Licence Category

A green sea urchin, category ZA or communal commercial category FZA licence is required to commercially harvest green sea urchins by dive. This is a limited entry fishery and both licence categories are party based.

Licence History

1991- Limited entry introduced in the green sea urchin fishery. Licence eligibilities were issued to individuals who met a cumulative landing requirement of 9,072 kg (20,000 lbs.) over the two-year period 1988 and 1989.

1995 - A two-year pilot program to improve management and stock assessment saw: individual quota IQ's as an equal allocation of catch among licence eligibility holders, north and south area licensing and a limit of three licences designated per vessel. MVL restrictions were waived while the IQ pilot was in effect. The IQ continues. A licence nomination process

Licence year changed to June 1st to May 31st.

2003 - Licence year changed to November 1 to October 31.

2007 - At industry request to meet market demands, fishery began September 15.

Biological sampling of 25 urchins from each offload in place.

MVL waived, licences may be designated to a vessel of any length permitted to harvest Schedule II species. DFO reserves the right to reinstate MVL restrictions at the lengths established for each licence eligibility.

2008 - At industry request, licence year changed to September 1 to August 31.

Biological sampling program suspended; to be re-evaluated in consultation with the WCGUA prior to the next IFMP being developed.

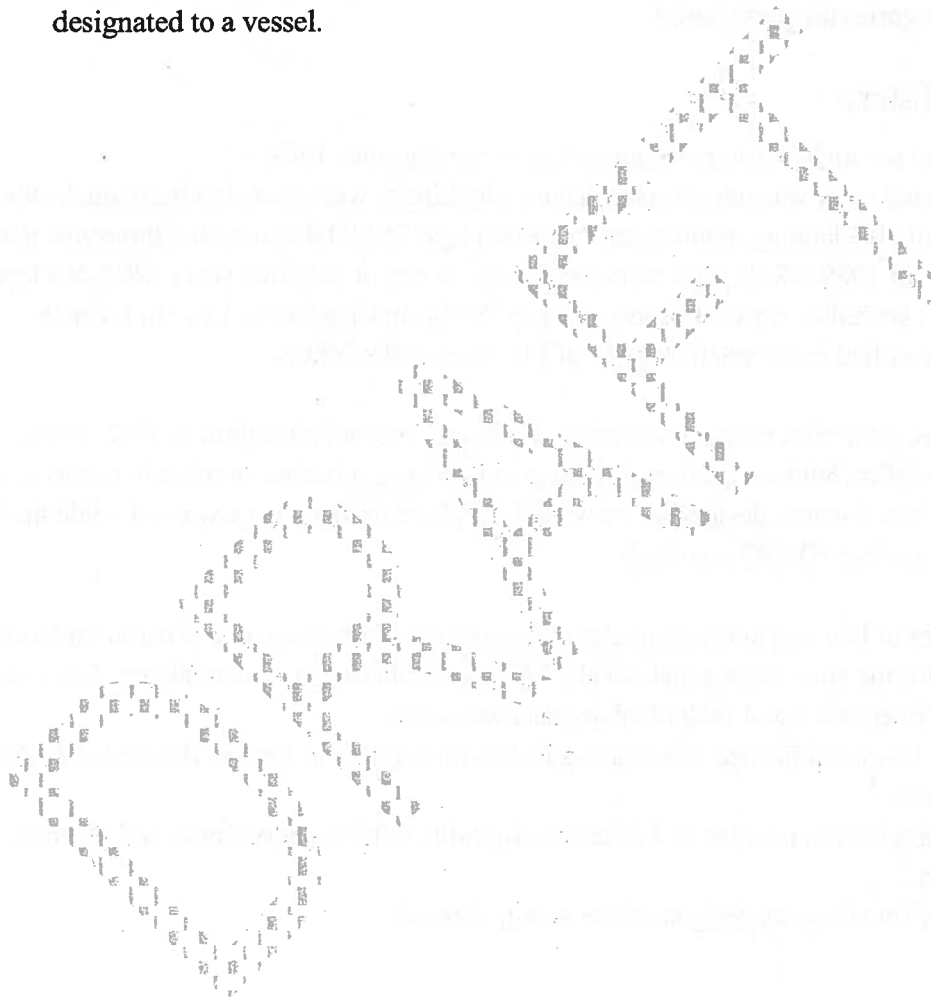
Licence Application and Issuance

Green sea urchin applications must be completed and submitted with the required fee by the end of the licence year in order to maintain the eligibility whether fishing will take place or not. Only the licence eligibility holder may sign the application form. Licence fees are \$430. Prior to annual licence issue, licence eligibility holders must:

- Ensure any Ministerial conditions placed on the licence eligibility are met.

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- Ensure any conditions of the previous year's licence are met, e.g. completion, submission, and approval of any logbook fish slip or quota overage requirements.
- Designate a registered commercial fishing vessel that is eligible for a vessel-based licence (A, C, G, K, L, R, S, T or W) or one that has been designated to fish a category N or eligible communal commercial (FA, FC, FCA, FK, FL, FR, FS or FW) licence for the current year.
- ZA licences may be designated to a vessel of any length permitted to harvest Schedule II species. A maximum of five green sea urchin licences may be designated to a vessel.



Red Sea Urchin – Category ZC

Licence Category

A red sea urchin, category ZC or communal commercial category FZC licence is required to commercially harvest red sea urchins by dive. This is a limited entry fishery and both licence categories are party based.

Licence History

1970's - red sea urchin fishery began and grew rapidly since 1982.

1991- Limited entry was introduced. Licence eligibilities were issued to individuals who met a cumulative landing requirement of 34,020 kgs (75,000 lbs) over the three year period 1987, 1988 or 1989 OR 20 days recorded harvest in any of the three years OR 2,268 kgs. (5,000 lbs.) landed in any of the three years in the North Coast areas 1 to 10. Licence limitation resulted in the establishment of 110 licence eligibilities.

1995 - a two-year pilot program included: IQ's; i.e. an equal allocation of TAC among licence eligibility holders, north and south area licensing, a licence nomination process and a limit of three licences designated per vessel. MVL restrictions were waived while the IQ pilot was in effect. The IQ continues.

The number of licences assigned to either the north or south coast area is based on biomass estimates for the area. Once a coast-wide TAC is established, commercial area TACs are fine-tuned to ensure equal individual quotas coast-wide.

1997- Añ 18-month licence year starting in July and ending in June of the next year was implemented.

2008 -Area selection resulted in 42 licence eligibility holders chose South and 68 chose Area North.

- A limit of five licences designated per vessel allowed.

2008 -

Licence Application and Issuance

Red sea urchin applications must be completed and submitted with the required fee to a PFLU by XXXX each year. The Licence fees are \$530. Only the licence eligibility holder may sign the application form.

Prior to annual licence issue, licence eligibility holders must:

- Ensure any Ministerial conditions placed on the licence eligibility are met.
- Ensure any conditions of the previous year's licence are met, e.g. completion,

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submission, and approval of any logbook fish slip or quota overage requirements.

- Designate a registered commercial fishing vessel that is eligible for one of the following licences: Salmon, schedule II, geoduck, sablefish, halibut, crab, shrimp trawl, groundfish trawl or prawn licence for the current year.
- A maximum of five red sea urchin licences may be designated to a vessel.

Vessel redesignation and nominations allowed



Sea Cucumber – Category ZD

Licence Category

A sea cucumber, category ZD licence is required to commercially harvest sea cucumbers by dive. This is a limited entry and party based licence eligibility.

Licence History

1980 - The sea cucumber fishery began as an experimental fishery.

1985 - The fishery was licensed as category ZD.

1991 - Limited entry was introduced in the sea cucumber fishery. Licence eligibilities were issued to individuals who met a cumulative landing requirement of 22,680kg (50,000 lbs.) over the three year period 1987 to 1989, or; 20 days recorded harvest in any year from 1987, 1988 or 1989. Licence limitation resulted in the establishment of 85 licence eligibilities.

1993 - Quotas were assigned to five geographic areas: West Coast Vancouver Island, East Coast Vancouver Island, Central Coast, Prince Rupert District, and the Queen Charlotte Islands.

1995 - A two-year pilot program included: IQ's; i.e. an equal allocation of catch among licence eligibility holders, a licence nomination process and a limit of three licences designated per vessel. The IQ continues.

1998 - Quotas were assigned to four geographic areas: WCVI, ECVI, Central Coast, and North Coast. Licence holders select one licence area in which to fish annually. The number of licences assigned to each licence area equals the TAC of the licence area divided by the IQ. For over-subscribed areas, a process of voluntary area selection and a lottery draw is used to determine final licence area selection.

2002 - A limit of five licences designated per vessel allowed. MVL restrictions were waived while the IQ pilot was in effect.

2007 - The coast-wide commercial TAC less 2% for planning and Aboriginal Food, Social, Ceremonial purposes, is divided equally among all 85 licence holders. IQ will equal 1/85th of the TAC or 6.6 tonnes (14,615 lb.) split weight for 2007/08.

Licence Application and Issuance

Sea cucumber applications must be completed and submitted with the required fee by September 30 each year. Licence fees are \$100.00. Only the licence eligibility holder may sign the application form.

Prior to annual licence issue, licence eligibility holders must:

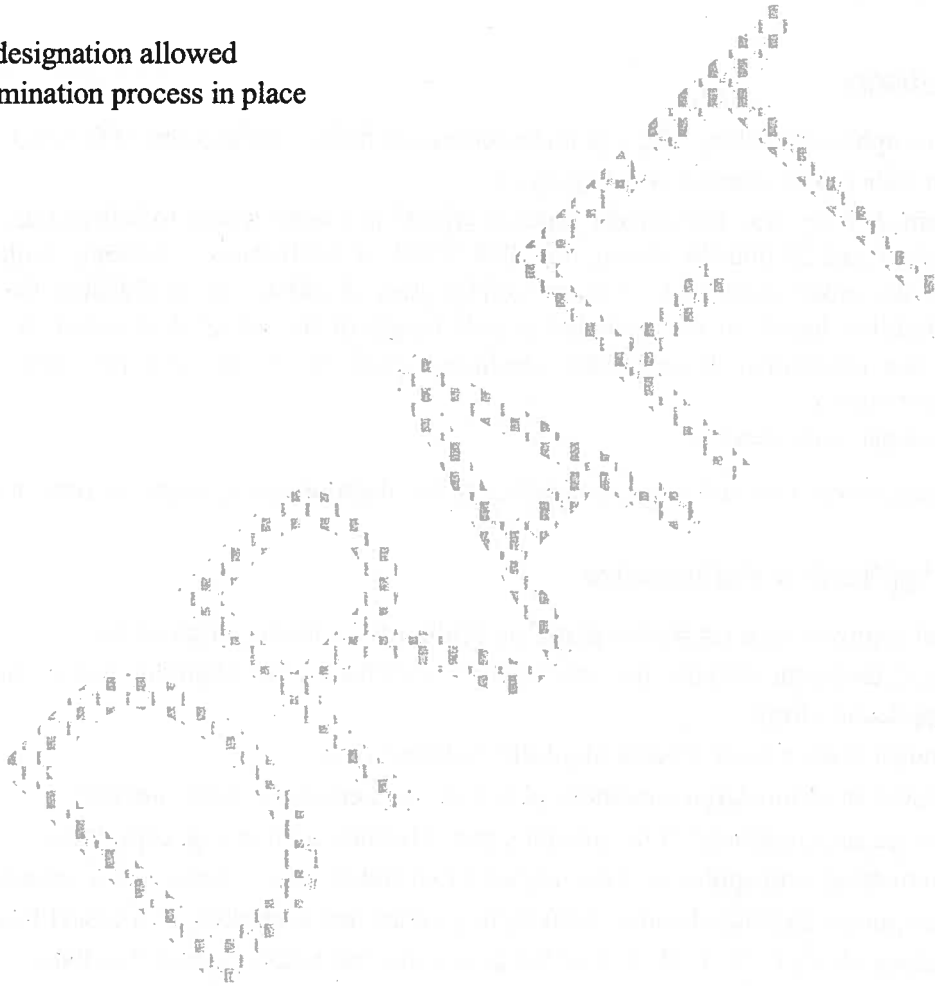
- Ensure any Ministerial conditions placed on the licence eligibility are met.

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- Ensure any conditions of the previous year's licence are met, e.g. completion, submission, and approval of any logbook fish slip or quota overage requirements.
- Designate a registered commercial fishing vessel that is eligible for a vessel-based licence (A, C, G, K, L, R, S, T or W) or one that has been designated to fish a category N or eligible category F licence for the current year. The MVL restrictions have been waived while the IQ program is in effect.
- A maximum of five sea cucumber licences may be designated to a vessel.

Redesignation allowed

Nomination process in place



Euphausiid – Category ZF

Licence Category

A euphausiid, category ZF or communal commercial category FZF licence is required to commercially harvest euphausiid (aka krill) by trawl. This is a limited entry and party based licence eligibility.

Licence History

1970 - The euphausiid fishery began as an experimental fishery in the Strait of Georgia

1983 - The fishery was licensed as category ZF.

1993 - Limited entry was introduced. Licence eligibilities were issued to individuals with landings of at least 20,000 lbs. during the 1988, 1989, or 1990 seasons. Licence limitation resulted in the establishment of 19 licence eligibilities. A MVL was established for each licence eligibility based on the surveyed overall length of the vessel designated in 1991. Some licence eligibilities have unique conditions, such as owner, specific vessel, and specific time period.

????No changes since then?

2003 – Requirement for confirmation of participation in a monitoring program instituted.

Licence Application and Issuance

Euphausiid applications must be completed and submitted with the required fee by December 31 each year. Licence fees are \$100.00. Only the licence eligibility holder may sign the application form.

Prior to annual licence issue, licence eligibility holders must:

- Ensure any Ministerial conditions placed on the licence eligibility are met.
- Ensure any conditions of the previous year's licence are met, e.g. completion, submission, and approval of any logbook fish slip or quota overage requirements.
- Designate a registered commercial fishing vessel that is eligible for a vessel-based licence (A, C, G, K, L, R, S, T or W) or one that has been designated to fish a category N or eligible category F licence for the current year. The designated vessel may not exceed the MVL of the licence eligibility. A maximum of one euphausiid licence may be designated to a vessel.
- Provide confirmation that service provider arrangements in place.

Vessel redesignation allowed. Nomination process in place.

Rockfish – Category ZN

Licence Category

A rockfish, category ZN or communal commercial category FZN licence is required to commercially harvest rockfish species by hook and line. They are limited entry and party based licence eligibilities.

Licence History

1992 - Limited entry introduced for the inside areas of the Strait of Georgia

1993 - Limited entry introduced for the remainder of the coast. Licence eligibilities were established for individuals who:

- Met a cumulative coast wide catch requirement of 15,000 lbs. of recorded commercial landings of rockfish verified by sales slips in the years 1987 to 1990 inclusive.
- had a rockfish licence and landings in two of the four years 1987 to 1990
- Specified an area choice; i.e. inside areas of the Strait of Georgia or the remainder of the coast.

Licence limitation resulted in the establishment of 74 inside licence eligibilities and 183 eligibilities for the remainder of the coast.

MVL established for licence eligibilities based on the surveyed OAL of the last vessel fished in 1991- Nomination process introduced.

1999 - Vessels allowed to be designated for both inside and outside rockfish licences with the proviso that they would be issued only one amendment per fishing period. Rockfish protection areas implemented.

2001 - Four annual harvest options introduced for outside rockfish licence eligibility holders only. Option D must designate a halibut licensed vessel & the rockfish quota is reallocated to the halibut licence.

2002 - Licence eligibility holders given the option to elect not to fish, annual licence fees waived.

Stacking of Inside Rockfish licences introduced to increase efficiencies for the fishery within the parameters of the conservation concern for inshore rockfish stocks.

2006 - Since 2006, as part of a three year pilot program, the rockfish fishery has been managed through individual quotas with unlimited annual reallocations between licences. Any vessels participating in this fishery are required to acquire quota to account for all non-directed catch of halibut and dogfish. Subject to species and area closures, vessels will be permitted to retain and land non-directed catch. Refer to both the Groundfish Integrated Fisheries Management Plan and Appendix 1: Hook and Line/Trap Mortality Rates, Size Limits, At-Sea Monitoring, and Dockside Monitoring, in addition to the commercial harvest plan for their fishery.

2007- Vessels may be designated with 5 inside rockfish

2008 -Vessels may be designated with up to 8 inside rockfish licences.

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2009 – Licence year changed to end February 20.

Licensing Application and Issuance

All Category ZN rockfish applications must be completed and submitted with the required fee by March 31 each year. Licence fees are \$100.00. Only the licence eligibility holder may sign the application form

Prior to annual licence issue, licence eligibility holders must:

- Provide confirmation of participation in a dockside monitoring program (DMP).
- Ensure any Ministerial conditions placed on the licence eligibility are met.
- Ensure any conditions of the previous year's licence are met, e.g. completion, submission, and approval of any logbook fish slip or quota coverage requirements.
- Designate a registered commercial fishing vessel that is eligible for a vessel-based licence (A, C, G, K, L, R, S, T or W) or one that has been designated to fish a category N or eligible communal commercial (FA, FC, FCA, FK, FL, FR, FS or FW) licence for the current year. MVLs are waived.
- Indicate the date the monthly fishing period will take effect
- Indicate parties who are authorized to request amendments.

Licence Designation and Redesignation

Vessels may:

- be designated for only one outside rockfish licence in a year
- be designated with an outside and more than one inside eligibility in a year
- be designated with up to 8 inside rockfish licences in a year

Designation arrangements must be completed prior to issuance of a licence amendment.

Redesignation?

- Ensure all requirements for licence application detailed above are met with regard to the replacement vessel.
- Return the current year commercial fishing licence and validation tabs with the redesignation application.

Nomination process in place.

Pacific Sardine - Category ZS

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Licence Category:

A communal commercial Pacific sardine licence, category ZSF, or a commercial Pacific sardine, category ZS licence is required to commercially harvest Pacific sardine. Pacific sardine licences are party based licences. Inquiries for experimental/exploratory licences to explore alternative gear types may be considered by the Pelagics Resource Manager.

Licence History:

1996-2001 – Limited experimental harvest of Pacific sardines by a small number of participants.

2002 – Pacific sardine delisted from Committee on the Status of Endangered Wildlife in Canada as a species of special concern and the Pacific sardine fishery moved from an exploratory/experimental phase to a commercial fishery. With some uncertainty about potential growth opportunities and the best management approach, since then, DFO has continued an incremental approach to development of this fishery and continues to follow the principles of the New and Emerging Fisheries policy.

Since 2003, up to 50 participants have been permitted in the fishery; 25 each commercial and communal commercial.

2003 - Priority was given to vessels that participated in the experimental phases

2004 - Priority was given to applicants that participated in the previous year, showed good stewardship of the resource and demonstrated success in market development.

2007 - Two similar but separate processes for commercial licences and communal commercial licences were used to determine annual access.

Commercial Fishery:

- Eligibility criteria was based primarily on vessel suitability. In 2003, priority was given to vessels that participated in the experimental phases and since then to annual participation. Remaining eligible applicants are placed in a lottery to determine a total of 25 eligible participants. In 2007, priority access was granted to 25 eligible participants based on licence issuance in the 2006 season.
- Eligible applicants were given a two week period to apply for, meet licence application requirements and be issued a licence. If eligible participants did not apply for licences, the opportunity was given to the next eligible participant as determined by the lottery. This ensured that all 25 licenses were issued to applicants committed to participating in the fishery.

Communal Commercial Fishery:

- Applicants are screened against eligibility criteria, and then ranked based on adjacency and existing capacity. In 2007, priority access was granted to 18 communal commercial applicants and a lottery was held to determine a list of eligible applicants for the remaining 7 spots.

2008 - Priority access given to 25 commercial and 21 communal commercial participants on the licence eligibility list established by the DFO subject to appeal. Appeals must be submitted by October 31, 2008. Commercial applicants have until the end of the licence

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year (February 9, 2009) to apply and submit fees for a sardine licence. Communal commercial applicants have until 4pm, July 11, 2008 to apply.

The remaining 4 eligible communal commercial applicants were established by a Lottery draw. A fishery notice was issued after the lottery draw, to identify the order of applicants who may apply for a 2008/2009 communal commercial Pacific sardine licence. Those on the list then had 15 working days to submit an application or the opportunity went to the next eligible applicant on the list.

Licence Application and Issue

Applications for commercial or communal commercial licences for Pacific sardine must be submitted with the required fees by deadlines set annually. Licence fees are \$30. All application forms must be signed by the applicant and vessel owner. Pacific sardine licences are valid from the date of issuance to February 9, 2009.

Prior to licence issue, applicants must:

- Be on the list of eligible applicants established annually.
- Provide a letter confirming that arrangements have been made for participation in the monitoring program for the current year.
- Designate a registered Canadian commercial fishing vessel that is:
 - Currently eligible for a commercial or communal commercial salmon, schedule II species, geoduck, sablefish, halibut, crab, shrimp trawl, groundfish trawl, prawn or shrimp by trap, roe herring seine licence, or a valid category N salmon licence or for communal commercial Pacific sardine applicants only, be designated as a spawn on kelp catcher vessel in 2008.
 - Able to accommodate a certified observer;
 - Geared with a purse seine; and
 - Equipped with at least one of the following freezer systems:
 - Refrigerated sea water system (RSW)
 - Champagne system
 - Super chilling
 - Freezing at sea capability (FAS)
 - Have access to processing for product, with quality control mechanisms in place, and a Pacific sardine market identified.
 - Vessels may be designated with up to five Pacific sardine licences for the 2008/2009 fishery on a pilot basis. Where a vessel has not previously harvested under authority of a Pacific sardine licence, further review may be required.

Vessel re-designation is allowed at any time. No nomination process.

Eulachon – Category ZU

Licence Category

A eulachon, category ZU licence is required to commercially harvest eulachon. Eulachon are limited entry and party based licence eligibilities. Commercial openings were dependent on cumulative catch of 10,000 pieces in a test fishery. The fishery has not opened since 1997 due to conservation concerns.

Licence History

1930's - Eulachon have been commercially harvested on the Fraser River since the 1930s. initially, anyone with a Schedule II – Other Species (category C) or a limited entry vessel-based category licence was eligible to fish eulachon.

1995 - Due to concerns raised by Aboriginal groups and commercial fishers that eulachon stocks were at very low levels, an active management regime and stock assessment program was initiated.

1996 - Eulachon fishing increased due to speculation over licensing changes, diminished opportunities in other fisheries, changes to employment insurance, and an increase in the availability of eulachon.

1997 - Commercial fishery was closed. There has not been a commercial fishery since 1997 due to conservation concerns.

1998 - Limited entry was introduced in the eulachon fishery. Licence eligibilities were issued to individuals who met a cumulative landing requirement of 1000 lbs. or greater in three out of six years from 1990 to 1995 inclusive. Licence limitation resulted in the establishment of 16 licence eligibilities. MVL's were established for each licence eligibility. This restriction was removed in XXXXX.

Licensing Application and Issuance

Eulachon applications must be completed and submitted with the required fee by December 31 each year. Licence fees are \$ 30.00. Only the licence eligibility holder may sign the application form.

Prior to annual licence issue, licence eligibility holders must:

- Ensure any Ministerial conditions placed on the licence eligibility are met.
 - Ensure any conditions of the previous year's licence are met, e.g. completion, submission, and approval of any logbook fish slip or quota overage requirements.
- Designate a registered commercial fishing vessel that is eligible for a vessel-based licence, i.e. A, C, G, K, L, R, S, T or W or one that has been designated to fish a category N or eligible communal commercial, i.e. FA, FC, FCA, FK, FL, FR, FS or FW licence for the current year.

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- The designated vessel may fish only one eulachon licence per year.

Licence Nomination Policy

There is no nomination process available at this time.



Category Z licences – Limited Entry– Fishing without a Vessel

Clam – Category Z2

Licence Category

A clam, category Z2 or communal commercial category Z2ACL licence and a Fishers Registration card (FRC) are required to commercially harvest clam by handpicking or hand digging. Clam are limited entry and party based licence eligibilities. A clam licence is required to harvest clams on oyster tenures.

Licence History

Commercial clam fishing began just before the turn of the century.

1951 - Landings of individual species was recorded. Five species of inter-tidal clams are harvested: manilas, native littleneck, butters, and razor and varnish clams. Up to the middle of the 1970s, butter clams dominated inter-tidal clam landings. Due to a change in market demands for clams, steamer clams (manila and littleneck) have dominated the landings since 1981. There was a rapid escalation of the clam fishery during the 1980s with coast-wide landings of all species reaching a peak of 4,360 tonnes in 1988. Since then, landings have declined due to the removal of accumulated stock on most beaches.

1989 - Area licensing was introduced in the clam fishery in an attempt to control fishing efforts by requiring harvesters to select one of seven licence areas in which to fish annually. Despite this control measure, commercial clam harvesters remained at approximately 1,900 annually. This resulted in some licence areas being open for only one or two days each season and necessitated staggered area openings to avoid harvest gluts and to maintain year round supplies.

1998 - Limited entry was introduced in the clam fishery. Licence eligibilities were established in: areas B, D, E, F, and G for applicants who held a licence in five of six years from 1989 to 1994. The PRLAB heard appeals from harvesters who held a licence in at least three of the six years.

area A for applicants who held a licence in three out of four years, 1990 to 1994.

area C for applicants who held a licence in two of three years, 1991 to 1993.

Licence limitation resulted in the establishment of approximately 1165 licence eligibilities.

A party may hold only one clam licence eligibility. All harvesting of clams is by hand digging in inter-tidal areas during opportunistic tides.

Licence Application and Issuance

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Clam applications must be completed and submitted with the required fee by December 31 each year. Licence fees are \$ 30.00. The FRC fee is \$60.00. The licence eligibility holder must sign the application form. Category Z2ACL licence eligibilities are designated to band members by the licence eligibility holder.

Prior to annual licence issue, licence eligibility holders must:

- Submit a completed application
- Obtain a FRC.

All clam licence are issued by the Nanaimo PFLU.

Depuration Clam Harvest

Depuration is a controlled operation where bivalves from waters classified as moderately contaminated can be cleansed in a strictly controlled environment in a registered depuration plant. Harvesting is supervised by the depuration plant under the authority of a special licence issued by the DFO.

Individual harvesters are designated on each depuration licence and must have a FRC. DFO has developed a policy on access and management of contaminated beaches and is working with the Depurators Association of British Columbia and Aboriginal groups to facilitate a co management approach to this fishery. For further information and depuration licensing, contact Randy Webb at 250-954-2675.

Category Z licences – Unlimited Entry – Fishing with a Vessel

Unlimited entry category Z licences- fishing with a vessel require the designation of a registered commercial fishing vessel that is eligible for a vessel-based licence (A, C, G, K, L, R, S, T or W) or one that has been designated to fish a category N or eligible communal commercial (FA, FC, FCA, FK, FL, FR, FS or FW) licence for the current year.

The category Z licence applicant does not need to own the designated vessel.

Opal Squid – Category ZE

Licence History

An opal squid, category ZE licence is required to commercially harvest opal squid by seine nets, ring nets, and hook and line. Opal squid are unlimited entry and party based licenses. This fishery is closed by regulation January 1 to December 31 and areas open by variation order upon request. If fishing is to take place outside of Canadian waters, a Section 68 licence is also required. Opal squid landed in British Columbia are mainly used as bait in the crab, sablefish and halibut fisheries

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1993 – 1995- approximately 81 licences issued.

1996 - 107 licences were issued.

Licence Application and Issuance

Completed applications should be submitted with the required fee of \$30.00. The applicant must sign the application form. Prior to annual licence issue, applicants must:

- Ensure any conditions of the previous year's licence are met, e.g. completion, submission, and approval of any logbook fish slip or quota overage requirements.
- Designate a registered commercial fishing vessel that is eligible for a vessel-based licence (A, C, G, K, L, R, S, T or W) or one that has been designated to fish a category N or eligible communal commercial (FA, FC, FCA, FK, FL, FR, FS or FW) licence for the current year.
- The designated vessel may be used to fish only one opal squid licence per year. Vessel redesignation is not permitted.

Neon Flying Squid – Experimental Licence

Licence History

1996 - An experimental fishery for neon flying squid was inaugurated under a federal provincial agreement designed to explore fisheries and seafood diversification an exploratory Automatic Jig fishery commenced.

There is an approved list of five eligible participants identified through a process undertaken by DFO and MAFF.

Octopus – Experimental Licence

An experimental licence is required to harvest octopus by dive. Licences to harvest octopus by trap are no longer being issued

Licence History

Pre 1992 - The octopus fishery was licensed under category ZJ.

1992- separate licences were issued for octopus by dive; i.e. category ZG and by trap, category ZP. Both licence categories required that a registered commercial fishing vessel be designated that held a vessel-based licence eligibility. There was limited by-catch of octopus permitted in some trawl fisheries.

2000- Octopus by trap became a by-catch fishery and the issuance of octopus by dive licences was discontinued due to concerns that the fishery was data limited with few management controls. This gave the flexibility to address conservation concerns by adopting a collaborative approach with harvesters to collect detailed biological data.

Scientific licence eligibility criteria were established; (landings of 10,000 lbs. from January 01, 1993 to October 14, 1997.) Following the phased approach as described by Perry *et al.*, which outlines a framework for providing scientific advice in the development of new or data limited fisheries, information that will lead to a biologically based management plan is collected through an experimental approach to the fishery. Only after a biologically based management plan is developed will a fully licensed directed commercial fishery be initiated.

2007- Retention of octopus by trap, caught incidentally in the crab fishery is permitted with the proviso that harvesters record accurately their catch in logbooks. /prawn and shrimp by trap fisheries is permitted. Check retention in W fishery

Licence Application and Issuance

Eligible applicants for an octopus by dive experimental licence should contact the appropriate Management Biologist at 250-756-7158 for information.

Pink and Spiny Scallop – Experimental Licence

Licence History

An experimental licence is required to harvest scallops by dive or trawl.

1982 - The scallop fishery began under a commercial category ZI unlimited entry party based licence that allowed for harvesting of pink and spiny scallops by dive and trawl.

1993 - The dive and trawl fisheries were split, the dive fishery continued as category ZI and the trawl as category ZR licence.

January 01, 2000, the pink and spiny scallop by dive fishery was closed due to concerns that the fishery was data limited with few management controls. This gave the flexibility to address conservation concerns by adopting a collaborative approach with harvesters to collect more detailed biological data.

Scientific licence eligibility criteria was established are landings of at least 10,000 lbs. between 1995 and 1999, or 6000 lbs. in any one of those years.

Following the phased approach as described by Perry et al., which outlines a framework for providing scientific advice in the development of new or data limited fisheries, information that will lead to a biologically based management plan is collected through an experimental approach to the fishery. Only after a biologically based management plan is developed will a fully licensed directed commercial fishery be initiated.

Licence Application and Issuance

Eligible applicants for a scallop experimental licence should contact the Management Biologist at 250-756-7158 for information.

Surfperch – Category ZL

Licence History

A surfperch, category ZL licence is required to commercially harvest surfperch species. Surfperch are unlimited entry, party based licenses.

1983 -Surfperch became a licensed fishery and targets three species: pile perch, shiner perch, and surfperch by drag seine or hook and line. Generally landings are small and intermittent.

All areas are closed by regulation from January 01 to December 31 unless varied by order. The master of the licensed vessel must contact the local fisheries management co-ordinator listed in the Integrated Fishery Management plan to request an opening. Fishing for surfperch is not opened May 01 to August 30.

Licence Application and Issuance

Applications are available and must be completed and submitted with fees of \$30. The licence period is from January 01 to December 31 annually. The applicant must sign the application form.

Prior to licence issue, applicants must:

- Ensure any conditions of the previous year's licence are met, e.g. completion, submission, and approval of any logbook fish slip or quota overage requirements. For further information contact phone 604-666-5855.
- Designate a registered commercial fishing vessel that is eligible for a vessel-based licence (A, C, G, K, L, R, S, T or W) or one that has been designated to fish a category N or eligible communal commercial (FA, FC, FCA, FK, FL, FR, FS or FW) licence for the current year.
- The designated vessel may fish only one surfperch licence per year.

Vessel redesignation is not permitted. There is no nomination process in place as this is an unlimited entry licence.

Anchovy – Category ZK

Licence History

An anchovy, category ZK licence is required to commercially harvest anchovy. Anchovy are unlimited entry, party based licenses.

2002 -There has been no anchovy fishery since.

Anchovy were fished for bait primarily on the West Coast of Vancouver Island and infrequently in the Strait of Georgia. Harvesting was conducted by seine net. The fishery is minor in B.C and landings and total values small.

All areas are closed by regulation from January 01 to December 31, unless varied by order.

The master of the licensed vessel would contact the local fisheries management co-ordinator listed in the IFMP to request an area be opened.

Licences allowed for a maximum catch of 10 metric tonnes (10,000kg or 22,000 lbs.)

Licence Application and Issuance

The licence period was January 01 to December 31 annually.

Prior to licence issue, applicants must:

- Submit a completed application and fees of \$30 to a PFLU. The applicant must sign the application form.
- The designated vessel was allowed to fish only one anchovy licence per year.

Vessel redesignation not permitted. No nomination process as this is an unlimited entry licence.

Food and Bait Herring – Category ZM

Licence History

A Food and Bait herring, category ZM licence is required to participate in this fishery which occurs in the late fall. Participants are chosen by way of an annual lottery draw. The licence is party based.

Herring stocks have fluctuated dramatically over the years. In the 1930s catches dropped to 30,000 tons of which a major portion went into reduction products.

1968 - 1971 this fishery was curtailed due to stock concerns

1977 - Fishery was revived in response to a collapse of European stocks. As these stocks rebounded, the demand here declined and the largest market was to supply bait for the Alaska king crab fishery.

1982 - Industry was concerned about the large quantities being exported in this fishery affecting the high value roe herring fishery.

1988 - A 50 ton individual quota system was implemented with a total coast wide quota of 1500 tons. Since that time catches have varied from 6-1200 tons annually.

Lottery Application

Completed applications for the herring food and bait fishery lottery must be submitted by an annual deadline. Lottery applicants must sign the application and must be the owner of a vessel and designate a vessel that was designated with a herring seine, category HS or as a harvest vessel for a spawn on kelp, category J licence within the past five years.

Successful applicants are required to produce documentation showing that the designated vessel has a valid herring stability certificate for catching or packing herring as required under the Canada Shipping Act before a licence will be issued.

Only one lottery entry may be submitted per eligible vessel. The annual lottery draw is open to industry. Fisheries Notices are issued to announce the deadline for applications for the annual draw and to identify eligible applicants.

Licence Application and Issuance

Eligible applicants selected in the lottery draw, must submit a completed Food and Bait Herring application along with the required fees of \$30.00.

Prior to licence issue eligible applicants must:

- Designate a vessel that has been designated for a herring seine category HS or as a harvest vessel for a spawn on kelp, category J licence within the past five years
- Produce documentation showing that the designated vessel has a valid herring

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stability certificate for harvesting or packing herring as required under the Canada *Shipping Act*.

Up to four food and bait herring, category ZM licences may be designated to one vessel.

Redesignation is only considered where a vessel is out of service due to an accident or unforeseen damage

Herring Special Use – Category ZX and ZY

Licence History

In addition to licences issued for the roe herring; spawn on kelp and fall food and bait fisheries, there are special use herring, category ZX or ZY licences to harvest herring for a variety of uses. The licences are unlimited entry and party based.

A personal use one ton category ZX licence is available upon request to any person who owns or operates a commercially licensed fishing vessel. Herring caught under authority of this licence category may not be sold.

A three ton sale category ZY licence is available upon request to anyone wishing to harvest herring for the following commercial uses:

- 1) To be sold as live or frozen recreational bait.
- 2) To be sold as live or frozen commercial bait.
- 3) Fresh local sales.

In addition category ZY licences are available to:

- 4) Feed animals in zoos or aquariums*.
- 5) For research
- 6) For fresh local sales to benefit eligible charitable organizations.

*Area Resource Management Co-ordinators determine tonnage amounts for these licenses.

Licence Fees

Application

Licence Application and Issuance

Applications may be completed and submitted along with the required fees of \$30.00 per licence with the exception of those issued for charity purposes which are free of charge.

A separate application must be completed for each type of licence. The applicant must sign the application form.

The applicant is not required to be the owner of the designated vessel although if the herring is to be impounded, then the applicant must be the impoundment operator.

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Prior to licence issue, applicants must:

- Ensure any conditions of the previous year's licence are met, e.g. completion, submission, and approval of any logbook, fish slip requirements.
- Designate a registered commercial fishing vessel that is eligible for a vessel-based licence (A, C, G, K, L, R, S, T or W) or one that has been designated to fish a category N or eligible communal commercial (FA, FC, FCA, FK, FL, FR, FS or FW) licence for the current year.
- A maximum of one category ZX and five category ZY licences may be designated to one vessel.
- Ensure the application names the vessel master
- Allow five days for issuance of all category ZY licences as licence conditions are supplied by the Area Manager.

Licence holders in either special use category may apply for another licence in the same year provided they demonstrate the previous licence allocation has been harvested. A licence holder may hold only one special use bait herring licence at a time.

Vessel redesignation is not permitted. There is no nomination process in place as this is an unlimited entry licence.

Atlantic Salmon Recapture – Category ZZA

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A category ZZA or an experimental licence is required in order to recapture Atlantic salmon. Category ZZA licenses are party based and unlimited entry although they may only be issued to holders of a BC Aquaculture licence. Experimental licenses may be considered where the recapture plans do not include Atlantic salmon or the use of seine gear. In these instances, contact Andrew Thomson at (604) 666-3152.

Atlantic Salmon Recapture licenses were first issued in 2001. The licence regulates the recapturing of Atlantic salmon escaped from fish farms. All BC Atlantic Salmon Aquaculture Farms are licensed by the province through The Ministry of Agriculture, Food and Fisheries (MAFF) and Land and Water British Columbia Inc (LWBC). They are given an Aquaculture licence number and a Land File Number.

LICENCE APPLICATION AND ISSUANCE

Category ZZA applications are pre-printed and mailed to holders of BC Aquaculture licences. Applicants are asked to complete or correct Section 1 "Applicant" where necessary. Licence fees are \$30.00. Applications must be signed by the authorised signing authority of the company that is the holder of the BC Aquaculture licence

Prior to annual licence issuance, applicants must:

- Indicate, in Section 2, on the application, the Land file number(s) where recapture is to take place. If there are more than three sites, additional land file numbers should be attached on a separate piece of paper.
- Designate up to three recapture vessels equipped with seine gear. Designated vessels which are not currently registered as a Commercial Fishing or Transporting Vessel must meet those requirements. submit the following:

The commercial registration requirements for approved Fish hold inspections and Marine survey reports are waived for the purpose of registration for an Atlantic salmon recapture vessel. Should a commercial fishing licence be placed on the vessel in the future, an approved Fish hold inspection certificate and Marine survey would be required at that time.

A Fisher's Registration Card is required by anyone 16 years or older who is engaged in the recapture of Atlantic salmon and must be produced on demand.

Category Z licences – Unlimited Entry – Fishing without A Vessel

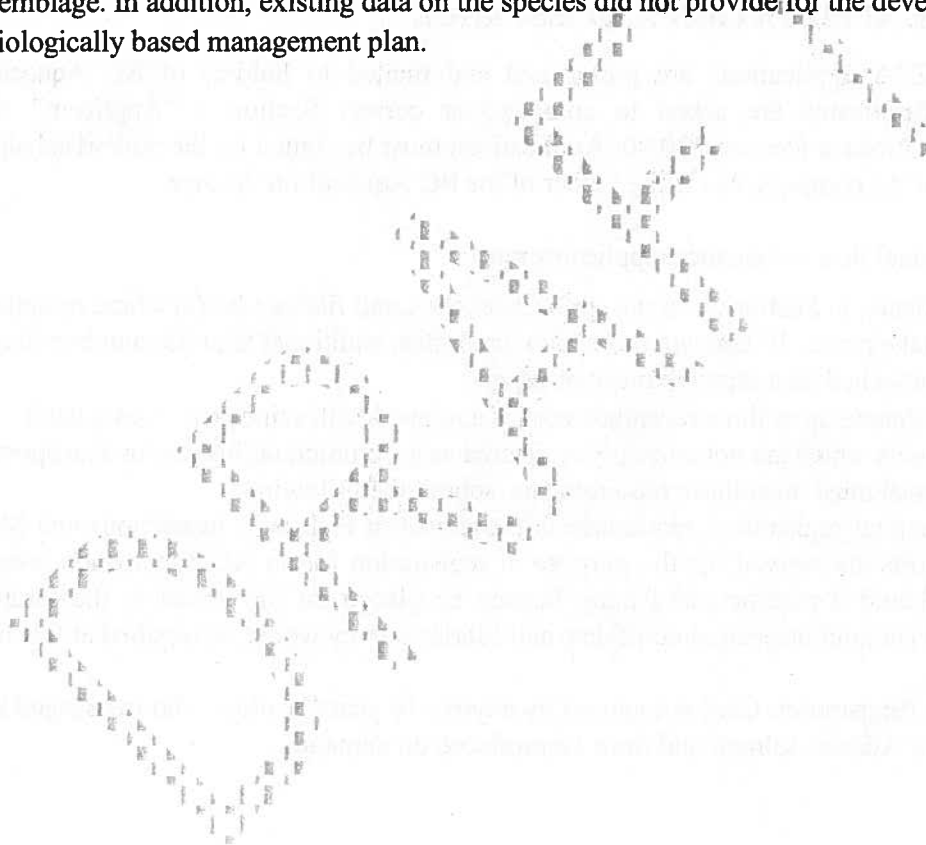
Goose Barnacles – Category Z6

Licence History

1985 - The goose barnacle fishery began, peaked in 1988 and then began a progressive decline.

Goose barnacles had a relatively high value to harvesters through a small niche market, which demanded live high quality product. Goose barnacles were only harvested with hand tools. Mechanical devices and collection by dive were prohibited.

May 30, 1999 - The Goose Barnacle fishery was closed indefinitely due to conservation concerns and ecological impacts of goose barnacle harvesting in the sea mussel community assemblage. In addition, existing data on the species did not provide for the development of a biologically based management plan.



Smelt – Category Z8

Licence History

A smelt, category Z8, or a vessel based (A, C, G, K, L, R, S, T or W) licence authorizes the commercial harvest of smelt. Category Z8 smelt are unlimited entry and party based licences

Commercial fishing for smelt is permitted only from Monday to Thursday each week. The fishery is closed between June 15 and August 15 to protect and conserve during the peak spawning period. Smelts may be harvested with a gill net or a seine net although in areas 28 and 29 only gill nets are allowed.

Licence Application and Issuance

The licence period is from January 01 to December 31 annually. The licence fee is \$30. The fee for an FRC is \$60.00. Only the applicant may sign the application form.

Prior to annual licence issue, applicants must:

- Ensure any conditions of the previous year's licence are met, e.g. completion, submission, and approval of any harvest logbook or fish slip. A log must have been submitted even for nil catch.
- Apply for and receive a valid FRC.

There is no nomination process in place as this is an unlimited entry fishery.

Chapter 7 – Other Licence Categories

Processing

Processing licences have not been issued since 1998.

When issued, processing at sea was limited to under utilised species or where there would be excessive quality loss if the fish were shipped to a shore based processing plant. The only species that qualified for processing licences were geoduck, sea cucumbers, skate, dogfish, and salmon roe. A vessel was permitted to process only its own catch.

A processing licence was subject to all applicable terms and conditions of the federal and provincial fish inspection statutes and accompanying regulations. Species and area restrictions were extensive, and all applications subject to approval by the Fish Inspection Branch, Management Biology Unit.

Licence Fees

\$30.00 per species.

Exclusive Economic Zone Entry and Port Access for Foreign Vessels (EEZ)

Licence Category

A Category EEZ (Exclusive Economic Zone Entry and Port Access) licence is required when foreign vessels wish to enter Canadian waters for any of the following purposes:

- 1) Port Access for:
 - Shore Leave - obtaining provisions (including bait), and/or repairs
 - Crew exchange
 - Landing/Reloading/Trans-shipping any equipment other than fishing gear of the vessel
 - Loading/Offloading any fishing equipment and/or fishing gear
- 2) Import i.e. Offloading fish will only be authorised where existing regulations are in place that allow the import of a requested species from the flag state.
- 3) Trans-shipping fish at sea or port
- 4) Fishing in Canadian EEZ
- 5) Processing at sea.

Pursuant to the *Coastal Fisheries Protection Act*, foreign fishing vessels can only enter Canadian waters where a licence is issued under the *Coastal Fisheries Protection Regulations* or such activities are authorised by a treaty. The *Coastal Fisheries Protection Regulations* may be found at the following website: <http://laws.justice.gc.ca/en/C-33/C.R.C.-c.413/index.html>.

Only vessels from flag states listed in section 5(1)(a) of the *Coastal Fisheries Protection Regulations* are eligible to be issued licences for authorized port activity and exclusive economic zone entry by a foreign vessel to enter Canadian waters. A list of flag states may be found at <http://laws.justice.gc.ca/en/C-33/C.R.C.-c.413/74068.html#rid-74103>.

In the case of U.S. vessels, there is a treaty in place only for Albacore tuna, roe herring, salmon and Pacific halibut (which includes sablefish). Pacific hake may also be landed however there is no agreement in place at this time. As the U.S. is not on this list found in section 5(1)(a), U.S. vessels are not eligible to receive licences to land any other species in Canadian ports.

Section 5(1.5) was amended to allow the landing of Pacific Hake. The amendment can be seen at http://canadagazette.gc.ca/partI/tempAscii/g1-13514_e.txt the location of the *Canada Gazette*.

Licence History

To 2005- an import, category I licence was required for foreign vessels wishing to enter Canadian waters and offload fish or when a Canadian fishing vessel received fish from a U.S. (or any foreign) fishing vessel in waters other than Canadian fisheries waters. (Ref: Section 68, *Fishery (General) Regulations*). covered by a treaty. Pacific hake may also be landed and section 5(1.5) was amended to

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allow this. Licences were only be issued if existing regulations or policies are in place to allow for the importation of that species from those flag states. Where regulations or policies are not clearly in place, the application will be referred to the Fisheries and Oceans Canada co-ordinator responsible for that species. Where trans-shipping was to take place in waters that are subject to the jurisdiction of another state, i.e. not on the high seas, the vessel master had to satisfy DFO that all relevant arrangements have been approved by the state(s) concerned. As the U.S. is not on the list, U.S. vessels may land only Albacore tuna, roe herring, salmon and Pacific halibut, including sablefish.

2005 - Vessels importing Spawn on Kelp now required to have a EEZ licence.

Licence Application and Issuance

Licences will only be issued if existing regulations or policies are in place to allow for foreign vessel port activity and exclusive economic zone entry from the flag states.

- Applications must be completed and signed by a Canadian Representative acting on behalf of the foreign vessel owner(s) for the purpose of providing a liaison with the appropriate officials of the government of Canada or a Canadian Citizen or Canadian Corporation that has chartered the designated vessel.
- The designated vessel must be registered in one of the flag states listed in the table or specifically set out in section 5 of the Coastal Fisheries Protection Regulations (C.F.P.R. c-413).
- Current Regulations Section 6(2) of the Coastal Fishery Protection Regulations requires applications be submitted 30 days prior to the first day on which the licence is required except the Minister may, in order to prevent hardship, accept an application at any time.
- Where regulations or policies are not clearly in place the application will be referred to the DFO co-ordinator responsible for that species.
- Fees vary with the identified purpose and are outlined in Schedule 1 of the *Coastal Fisheries Protection Regulations*.
- An EEZ licence is valid from the date of issue to December 31 annually provided that there is no change to the flag ship registry or to the ownership of the vessel and all licence conditions have been met.

APPLICATION REVIEW CRITERIA:

- The Government of Canada has favorable fisheries relations with the government of the vessels' flag state to engage in fisheries activities based on information supplied to the **Chief of Enforcement Operations (CEO)** by National Headquarters.
- There are reasonable grounds to believe that the vessel is licensed or otherwise authorized by its flag state to engage in fisheries activities; the vessel and the proposed activity is in compliance with relevant conservation and management measures and/or is supplying a foreign vessel that is in compliance with relevant

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conservation and management measures and the proposed activity is consistent with the sustainable use of fisheries resources or will not contribute to excess harvesting or processing capacity.

- Where regulations or policies are not clearly in place or applications involve fishing activities for species harvested domestically in Canadian Fisheries waters, the application will be referred to the resource co-ordinator responsible for the identified species. This will ensure the activity is compatible with or will not undermine relevant conservation and management measures; is consistent with the sustainable use of fisheries resources or will not contribute to excess harvesting or processing capacity.

In situations where the application does not involve fishing activities for species harvested domestically in Canadian Fisheries waters or the CEO is unable to check with the flag state the declaration in Annex A will be accepted.

Once the application review process is completed a determination is made as to the application category and the following actions will follow:

Category One: Routine requests for access, there is no concern with the above identified criteria and a licence will be issued in the region.

Category Two: Non-Routine -less sensitive cases – some concern, i.e. the flag state has favorable fisheries relations with Canada but the vessel or activity does not meet the criteria identified. These applications will be reviewed by the ADM Fisheries Management.

Category Three: Non-routine -highly sensitive cases – some concern, i.e. the flag state has favorable fisheries relations with Canada and the vessel or activity meet the criteria identified, however for some reason it is recommended that the licence not be issued. These applications will be reviewed by the Minister for consideration.

All 2008 EEZ Licences are issued with the following conditions:

- The designated vessel must comply with Schedule III of the Fish Inspection Regulations.
- DFO must be advised of the estimated time of arrival of the vessel at a Canadian port at least 24 hours in advance of their arrival.
- Written records must be maintained of all fish onboard the vessel during times of transportation in Canadian Waters, and must be produced to DFO on demand (i.e. species, quantity, area of harvest, logbooks, etc.)
- All landings are subject to 100% dockside monitoring

Experimental, Scientific, Educational or Public Display

A licence is required to authorize the harvest of any species for experimental, scientific;

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educational or public display purposes (ESEP) and may be issued by a biologist or fishery manager if they determine that there is a need for such a licence.

Licence History

2004 - A review of ESEP licenses issued revealed that approximately 600 - 1200 Scientific licences were issued per year in the Pacific Region. Many of them were issued manually and in some cases, tracked using Excel spreadsheets or an Access database. The accuracy and completeness of the tracking was inconsistent making any form of consolidated reporting challenging. The decision was made to develop a system that would generate these licences and store the information in the existing licence database of the Pacific Licensing System.

2005- An on-line system to issue and track Scientific Licences was put into place. A standard licence format is used for all types of Scientific Licences. The Scientific Licences System (SLIC):

- Enables entry of a scientific license application by DFO staff
- Tracks the status of the application
- Enables printing of a licence and letter once approvals have been obtained
- Allows entry of comments against an applicant or licence
- Provides various reports and queries on scientific licences issued.

Licence Fees

There is a \$100.00 fee for the issuance of a licence for public display purposes. Licences issued for other purposes are free.

Licence Application and Issuance

Applicants are required to complete and submit an application to the fishery manager responsible for the species to be harvested.

The Fishery Manager will ensure that:

- Appropriate considerations are given to approval of the application.
- Any conditions of previously issued licences have been met.
- Licence conditions are developed and attached to the licence at the time of issue.
- The licence is on board the vessel prior to start of any harvesting.
- A copy of all ESEP licences not issued through SLIC should be sent to the Pacific Fishery Licence unit in Vancouver for historical purposes.

Excess Salmon Spawning Requirements (ESSR)

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Excess salmon spawning requirements (ESSR) is a licence issued when a surplus of a particular salmon species has been identified.

The first priority is to meet any Aboriginal group requirements that cannot be met through other approved fisheries for food, ceremonial, and social purposes. The second priority is to provide local Aboriginal group/s the opportunity to harvest all or part of the surplus. If these groups decline, an ESSR licence may be offered by competitive tender for crown-owned fish (e.g. at a federal hatchery) or by licence for naturally spawning stocks.

Those interested in ESSR opportunities should contact XXXXXXXXXX. The Pacific Fishery Licence unit does not issue these licences although the unit maintains an annual list of licences issued.

Licence to fish for Shellfish in a Contaminated Area

Licences to fish for shellfish in contaminated areas are issued under authority of the *Management of Contaminated Fisheries Regulations* for both vacant crown foreshore and aquaculture tenure sites. Shellfish fisheries in contaminated areas have been licensed by Fisheries and Oceans Canada since the 1990's, in accordance with policies set out in the Canadian Shellfish Sanitation Program (CSSP). Seed transfers from prohibited areas are permitted under the CSSP and are requested by shellfish aquaculturists.

Shellfish Seed Relay from a closed/prohibited area

A licence application may be made by an individual or company to harvest and transfer shellfish seed from a closed/prohibited zone on a shellfish aquaculture tenure to an approved site for grow out to marketable size. A harvest supervisor shall be named in the licence and all harvest seed movements shall be undertaken or supervised directly by the harvest supervisor. A Fishers Registration Card is not required to harvest on Tenure. BC Ministry of Fisheries reviews and approved all applications involving aquaculture tenures. A decontamination plan is required by the Canadian Fish Inspection Agency describing the size of seed to be transferred, from the flops device, the destination tenure and the length of time anticipated before marketing the product.

Licence Application and Issuance

Applications are available at DFO licence units in Vancouver, and Nanaimo as well as the Parksville Area Office. Licence fees are: \$100.00 plus \$20.00 for each Harvest Supervisor named on the licence.

All applications to fish for shellfish including the seed transfer from contaminated prohibited areas must include:

- Submission of a decontamination plan to be approved by the Canadian Food

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Inspection Agency (CFIA).

- Submission of the full legal names and dates of birth of all Harvester Supervisors involved in the activities
- Clear detailed maps /charts showing sites of harvest of seed and the destination sites for seed transfers.

Agencies that must review application submissions and approve licence issue are:

- Environment Canada for water quality status in the harvest area
- BC Ministry of Agriculture and Lands
- Canadian Food Inspection Agency for the decontamination plan.
- Fisheries and Oceans Canada, Fishery Managers.

Yukon Transboundary

The Yukon/Transboundary (YKTB) area is one of six areas that make up the Pacific Region. The YKTB area encompasses the entire Yukon Territory as well as the Taku, Stikine and Alsek River drainages of northern British Columbia. It covers forty percent of the geographic landmass that comprises the Region.

There are eighteen First Nations included in the YKTB, some of which have signed final land claim agreements. In situations where land claims agreements have not been finalised, the AFS has been implemented to manage the fishery resource. The AFS program attempts to manage the Aboriginal fishery in a manner that improves conservation, enhances the resource and contributes to the economic self-sufficiency of Aboriginal communities.

Communal licences are issued to various Aboriginal organizations to carry on fishing and other related activities. In recent years, specific versions of communal licences have been crafted to fit particular circumstances. Listed below are the different versions of licences, which have been issued within the AFS program.

The Yukon Salmon Committee (YSC) is a public advisory body set up under the Umbrella Final Agreement. The Committee makes recommendations to the Minister of Fisheries and Oceans on to Yukon First Nations on all matters related to Yukon salmon. Salmon fishing in the Yukon is governed by international treaties and a few interconnecting institutions that work together to preserve and enhance the territory's salmon stocks. The Pacific Salmon Treaty (1985) and the Yukon River Annex to the treaty provide the framework for program management, stock conservation and harvest allocation for the Yukon River.

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Salmon Committee members also serve on the Yukon River Panel, which represents the Yukon in ongoing Pacific Salmon Treaty negotiations between Canada and the US.

In April 2001 representatives of the United States and Canada successfully ended sixteen years of negotiations on Yukon River salmon. The Yukon River Salmon Agreement addressed all fishing conservation and management issues, including harvest shares. This agreement contained the first catch limits on interception of Canadian-origin Yukon River salmon. The Agreement still requires approval by the U.S. and Canadian Governments however the delegations agreed to abide by the draft agreement for the 2001 season.

Yukon Salmon Committee members form the majority of the Canadian portion of the Yukon River Panel, which is re-established under the new agreement. The Panel makes recommendations to the Government of Canada and respective agencies in the U.S. on conservation and management of the salmon originating in the Canadian portion of the Yukon River.

Within the Yukon, the YSC is mandated by the Umbrella Final Agreement (UFA), an agreement between Yukon First Nations, and the federal and territorial governments. Members of the YSC come from all parts of the Yukon and represent both First Nation and non-First Nation populations. The composition of the ten-member Committee is laid out in the UFA and is carefully structured to ensure diversity and balance. The Yukon Salmon Committee is a forum for public involvement in all aspects of the management of salmon stocks and fisheries.

Fisheries and Oceans Canada is the federal government agency responsible for salmon management. They provide technical and administrative support to the Yukon Salmon Committee and administer the federal Fisheries Act, Regulations and Policies.

Chapter 8 – The Appeal Process

History

Terms of Reference

DRAFT FOR DISCUSSION

Mandate

Scope

Responsibilities of the Board

Under section 7 of the *Fisheries Act*, the Minister of Fisheries and Oceans Canada has absolute discretion in the issuance of licences. The decision of the Minister is final.

The Board's recommendation on the appeal is available upon request for this information under the *Privacy Act*. SHOULD THERE BE A SECTION DEVOTED TO THE *PRIVACY ACT* AND *ACCESS TO INFORMATION ACT* EXPLAINING THE TYPES OF INFORMATION WE HANDLE WHICH ARE PROTECTED? To receive a copy of the Board's recommendation, a written request must be submitted. The request should be addressed to the PRLAB Secretariat as listed below. It can take up to thirty working days for the document to be released.

The appellant may also apply to the PRLAB for a re-appeal hearing if the appellant has new information not previously considered in his appeal. This person must make a written request including the new information the person wishes to have considered. The decision to grant a second hearing rests entirely with the Board.