

## MAA-NULTH FIRST NATIONS SIDE AGREEMENT SUMMARY

### MAA-NULTH FIRST NATIONS: FISHERIES OPERATIONAL GUIDELINES

#### **Purpose**

The Fisheries Operational Guidelines (“FOG”) sets out the operational principles, procedures, and guidelines regarding the implementation of the provisions of the Fisheries Chapter of the treaty.

FOG describes the Parties’ joint understanding of current fisheries management goals and procedures for fisheries resources that reside in and migrate through the Maa-nulth Domestic Fishing Area. It sets out the responsibilities, activities and functions for the Parties to jointly plan and manage Maa-nulth Fisheries and guide fisheries stewardship and enhancement initiatives.

FOG replaces existing Comprehensive Fisheries Agreements negotiated between Canada and aboriginal groups under Canada’s Aboriginal Fisheries Strategy (AFS) policy.

The parties to FOG are the Maa-nulth First Nations, Canada, as represented by the Department of Fisheries and Oceans (DFO), and British Columbia.

#### **How the Agreement Works**

- FOG begins on the Effective Date. The Parties will update and maintain FOG as required. The Parties agree that fisheries management goals and procedures should evolve over time to ensure they remain consistent with best fisheries management and stock assessment procedures. Any amendment to FOG requires the written consent of all three Parties.
- FOG sets out the functions and activities of the *Joint Fisheries Committee (JFC)*. The JFC will be established immediately after the effective date to implement the joint planning and management of Maa-nulth fisheries. Canada and each Maa-nulth First Nation will appoint one member to the JFC; British Columbia may appoint one member to the JFC. The JFC will seek to operate on a consensus basis.
- The JFC will share the responsibility to jointly plan and manage:
  - Maa-nulth fisheries related to the exercise of each MNA fishing right
  - Stock assessment, enhancement initiatives and stewardship activities and fish habitat
  - Fisheries monitoring and enforcement
  - Environmental protection and ocean management activities

- Sharing of information among the parties, including the collection and exchange of fisheries–related data and of traditional ecological knowledge
- Make recommendations for fisheries for unallocated species
- The *Joint Technical Committee (JTC)* may be established by the JFC to assist in areas requiring scientific and technical expertise.
- Chapter 10 of the Final Agreement provides that each year, the Maa-nulth First Nations will develop a *Maa-nulth Annual Fishing Plan (MAFP)*. FOG describes what the *MAFP* will include such as:
  - Management and harvesting objectives and biological considerations that are general; Maa-nulth specific; and year-specific
  - Stocks and species to be harvested: location, amounts, and timing
  - Method of harvesting: size, type, identification, marking, quantity of gear and manner in which it may be used
  - Enforcement measures
  - Provisions for the Maa-nulth Fish Harvest Document
  - A harvest monitoring program and reporting requirements consistent with DFO regional catch monitoring and stock assessment standards
- The *Maa-nulth Fish Harvest Documents (MFHD)* replaces communal licenses currently issued to aboriginal groups by Canada under the Aboriginal Fisheries Strategy policy. The MFHD sets out how individual members of the Maa-nulth First Nations will access and harvest fish for food, social and ceremonial needs, consistent with their collective Maa-nulth First Nation Fishing Rights provided in the Final Agreement.
- FOG describes when and how an adjustment is made to a Maa-nulth Fish Allocation, including multi-year accounting principles and formulas regarding harvests that exceed or fail to meet the allocations set out in the treaty in any year.
- Each Party is responsible for their own costs in participating in FOG.

### **What Comes Next?**

- All the Parties will amend FOG as necessary. FOG will evolve to ensure it is consistent with best fisheries management and stock assessment procedures.