



Licence Number: XEO 14 2018  
 File Number: 2018 Hupacasath - Chinook  
 Valid From: 28-Aug-2018  
 Expiry Date: 29-Aug-2018

This licence is issued under the authority of SECTION 4 OF THE ABORIGINAL COMMUNAL FISHING LICENCES REGULATIONS.

This licence is not intended to define an Aboriginal right to fish or its scope; however, for the fishing season, it is intended to provide a mechanism, for reasons of proper management and control of the fisheries and conservation and protection of fish, for requiring compliance with the provisions of this licence.

This licence is subject to the *Fisheries Act* and regulations thereunder, and confers the authority to fish under the following conditions: Food, Social, and Ceremonial purposes.

**Licence/Permit Activity Description:**

The Fishery is limited to the harvest of chinook and coho. All efforts and attempts shall be made to return all non-target species to the water alive and unharmed.

Subject to closures and other terms and conditions of this licence, the authority to fish under this licence will expire on August 29, 2018.

**Period of Activity:**

Subject to amendments to the conditions of this licence and subject to close times as may be varied by the Director-General, Pacific Region, DFO in accordance with the Fishery (General) Regulations, the Licence Holder may harvest during the periods further described in the Species, Quantity of Fish, Area(s) and Gear and the Terms and Conditions portions of this licence document. Subject to closures and other terms and conditions of this licence, the authority to fish each species set out on this licence will expire on the date specified or earlier if DFO, after consultation with the First Nation, has determined that the maximum quantity for the species has been reached. This licence is for a maximum quantity for the term of this licence, for management purposes only, and is without prejudice to maximum quantities in future years. Should the First Nation reach their maximum specified quantities and require more, DFO will enter into discussions with the First Nation on the fish species they require.

**Licence Holder:**

FIN: 89481  
 5500 AHAHSWINIS DRIVE  
 PORT ALBERNI BC V9Y 6Z6

HUPACASATH FIRST NATION  
  
 Contact Number: 250-724-4041  
 Fax Number: 250-724-1232

**Allowable Fishing Times:**

Fishing periods defined for a species supersede all periods defined in this section.

**Start:** Tuesday, August 28, 2018 at 20:30                      **End:** Wednesday, August 29, 2018 at 05:00

**Species, Quantity of Fish, Area(s) and Gear:**

**Species:** CHINOOK SALMON (*Oncorhynchus tshawytscha*); COHO SALMON (*Oncorhynchus kisutch*);  
**Life Stage:** Adult or Jack  
**Gear:** Nets, Gillnets and Entangling (Mesh Size Min: 6 Inches)  
**Licence Area:** Portions of PFMA 23-1; Portions of PFMA 23-2



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**Additional Descriptions:** Fishing is authorized in the following area portions of subarea 23-1 and subarea 23-2 from the tidal boundary signs at Paper Mill Dam in the Somass River downstream into the Inlet to a line from Hocking Point due east to the opposite shore

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## Terms and Conditions:

### Definitions

"Angling" means fishing with hook and line with or without a rod. This does not include fishing with a set line.

"Communal seine" means the seine net marked with an unique numerical identification tag issued to the First Nation for the purpose of conducting communal seine fishing in the waters of the Somass River southerly of the tidal water boundary.

"Commercial Fishing Gear" means power-assisted gear commonly used in the commercial fishery including, hydraulic gurdies, powered drums, blocks or live rollers.

"commercial fishing vessel" means a vessel that is registered according to the Pacific Fishery Regulations, 1993 and which is used to fish for a species of fish which is authorized by a commercial fishing licence (including commercial licences under the Aboriginal Communal Fishing Licences Regulations). This does not include non-licenced vessels fishing for food, social or ceremonial purposes.

"DFO" means Fisheries and Oceans Canada (formerly Department of Fisheries and Oceans).

"First Nation" means First Nation noted as a Licence Holder in this Licence

"Fish" means those species of fish listed in Parts I & II of Schedule I of the Pacific Fishery Regulations, 1993, including herring spawn.

"Fishery" means fishing under the authority of this licence.

"Gill net" means a net that is used to catch fish by enmeshing them;

"Licence" means any type, kind or category of licence as defined in the Fishery (General) Regulations.

"Management Area" means a management area as defined in the Pacific Fishery Management Area Regulations.

"Subarea" means a Subarea as defined in the Pacific Fishery Management Area Regulations.

"Vessel Master" means the Captain or Skipper, or any person having charge of the Vessel.

"Vessel" means a vessel larger than 30 feet or a vessel equipped with commercial fishing gear.

"Wild coho" means those coho with an adipose fin.

### **DFO Key Contacts for this Licence**

Contact Information for Fisheries and Oceans Canada (DFO) staffed positions identified within this licence are provided below:

"DFO Resource Manager" Mike Spence, 4706 Tebo Avenue, Port Alberni, V9Y 8B1, Phone: 250-720-4448, Fax: 250-724-5555, and Email: [Michael.Spence@dfo-mpo.gc.ca](mailto:Michael.Spence@dfo-mpo.gc.ca).

"DFO Conservation and Protection Detachment Supervisor Jim Robson, West Coast Vancouver Island Detachment, 4706 Tebo Avenue, Port Alberni, B.C., V9Y 8B1, Phone: 250-720-4450, Fax: 250-724-5555, and Email: [Jim.Robson@dfo-mpo-gc.ca](mailto:Jim.Robson@dfo-mpo-gc.ca).

### Use of Fish

Sale of chinook and coho salmon caught under the authority of this licence is permitted.

### **Gillnet Gear restrictions:**



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The following gear is permitted to be used:

Each Participant may fish using one (1) gill net.

No person shall fish pursuant to this Licence except:

(a) In the following waters of Alberni Inlet or Somass River, with the following fishing gear set in the manner specified:

(i) Northerly of a line from Hoik Island to a flashing green light at the mouth of the Somass River and then due East to the shore, and southerly of the tidal water boundary at Paper Mill Dam on the Somass River, with a set gill net having a maximum length of twenty (20) fathoms, or, when circle setting, with a gill net having a maximum length of forty (40) fathoms,

(ii) Southerly of a line from Hoik Island to a flashing green light at the mouth of the Somass River and then due East to the shore, with a set gill net having a maximum length of forty (40) fathoms,

(iii) Northerly of a line from Polly Point westerly to Stamp Point on the opposite shoreline, with a gill net having a maximum length of forty (40) fathoms used for circle-setting, and

(iv) Southerly of a line from Polly Point westerly to Stamp Point on the opposite shoreline, with a gill net having a maximum length of one hundred (100) fathoms

(b) With the following markings on each net:

(i) Every net located below the Clutesi Haven Marina Boat Ramp must be marked with the First Nation's name and Participants name in four inch (4") numerals, and must meet all legal requirements for nets set in navigable waters, and

(ii) Every net located above the Clutesi Haven Marina Boat Ramp must be marked with the First Nations name and Participants name in four-inch (4) numerals;

(c) For the species of fish and in the amounts set out in the Licence;

(d) using the following anchoring and lighting for each net:

(e) with nets set from shore to an anchor or anchored at each end, and

(ii) in the case of set gill nets used during the night southerly of a line from Hoik Island to a flashing green light at the mouth of the Somass River and thence due East to the shore, with lights on each end.

In no case shall a person fish pursuant to this Licence using power assisted gear commonly used in the commercial fishery including powered drums, blocks or live rollers.

### **Designation of Individuals**

Unless otherwise specified in a schedule in this licence, only members of the First Nation designated as Participants are hereby designated to fish under the authority of this licence.

The First Nation's Fisheries Manager will provide DFO with a list of the names of all designated members (the "Participants") before fishing commences. The First Nation may designate any additional individuals who may fish under the authority of this licence and will issue designation certificates to such individuals

Designations are personal and non-transferable. Individuals (the "Participants") who fish under this licence shall carry documentation to establish their identification and membership in the First Nation while participating in the Fishery and while transporting fish harvested in the Fishery and will present such documentation on request by any fishery officer or fishery guardian.

Prior to the Fishery, the First Nation will provide the DFO Conservation and Protection Detachment Supervisor with a



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list of the additional individuals designated.

### **Designation of Vessels**

If a person designated to fish intends to use a vessel equipped with Commercial Fishing Gear to participate in the Fishery for salmon, a designated representative of the First Nation must:

(a) designate the vessel in writing and notify the DFO Conservation and Protection Detachment Supervisor at least 24 hours prior to using the vessel in the Fishery. The vessel designation certificate must set out the vessel name, VRN or DOT number, fishing times, areas, and gear authorized by this licence: and

(b) telephone or email the DFO Resource Manager before leaving a port to commence salmon fishing and provide the following information:

- (i) vessel master's name
- (ii) VRN or DOT number
- (iii) intended fishing start date; and
- (iv) Management Area and Subarea to be fished.

The vessel designation certificate and this licence or a copy of this licence must be carried on the vessel at all times while the vessel is being used in the Fishery or while transporting fish harvested in the Fishery. Proof of vessel designation must be presented to any Fishery Officer or Fishery Guardian by the operator of the vessel on request.

Commercial Fishing Vessels participating in the Fishery must be available for inspection prior to engaging in a commercial fishery.

Where a commercial fishing vessel is used to harvest Fish under the authority of this licence, Fish must be landed prior to the commercial fishing vessel participating in a commercial fishery opening for the same species.

A commercial fishing vessel shall not be used to fish under authority of this license for a species of fish:

- a) six (6) hours prior to that vessel being used to fish for the same species under the authority of a commercial licence;
- b) while that vessel is being used to fish for the same species under the authority of a commercial licence; or
- c) twelve (12) hours after that vessel has been used to fish for the same species under the authority of a commercial licence

### **Designation of Landing Sites:**

The landing sites for all fish caught under the authority of this licence will be the Port Fish Dock, Paper Mill Dam, and Clutesi Marina. The commercial vessel Pacific Reefer with an authorized monitor on board is also a designated landing site. Other sites may be agreed upon by the First Nations and DFO and must be set out in an amended licence. The First Nations will ensure that all Participants are aware of the location of the designated landing sites.

Landing Slips:

All salmon caught by a Participant under authority of this licence must be inspected by an Observer, fishery officer, fishery guardian or Aboriginal Fisheries Officer at a Landing site and such person shall issue the Participant a landing slip ("Landing Slip") which will specify:

- (a) the landing site;
- (b) the date and time of landing;
- (c) the Participant's name and designation number;
- (d) the number of salmon landed for each species of salmon; and
- (e) the Observer's, fishery officer's, fishery guardian's or Aboriginal Fisheries Officer's name.

All salmon caught by a Participant under authority of this licence must be transported directly to the landing site by water.



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**Proof of Landing:**

Where a Participant has possession of fish caught under authority of this licence, the Participant must carry a Landing Slip for the fish. This condition does not apply while the Participant is fishing or transporting fish directly to a Landing site by water. The Participant shall show Landing Slips to any Observer, Fishery Officer, Fishery Guardian or Aboriginal Fishery Officer upon request.

The First Nation will maintain in a form acceptable to DFO a record setting out the following information with respect to fish caught under the authority of this licence:

- (a) tag recoveries and related information; and
- (b) Such other information as required by DFO.

This information will be collected by the First Nation and provided on a weekly basis to the DFO Resource Manager in Port Alberni (phone: 250-720-4440 and Fax 250-724-2555).

**Catch Monitoring and Harvest Reporting**

Catch monitoring will be conducted by the First Nation. Where, during a calendar month, fishing is carried out under this licence, the First Nation will provide the DFO Resource Manager listed in the Key Contacts with harvest information including:

**Salmon:** number harvested by species, **weekly**, by 4:00 pm. Wednesday

If a commercial vessel is used for fishing under this licence, the First Nation will provide information respecting the species and quantity of fish harvested by the vessel to the DFO resource Manager within 24 hours or on the landing of fish harvested under this licence from that vessel.

**Other Provisions:**

Pursuant to subsection 22(6) of the Fishery (General) Regulations, compliance with the Fisheries Act and the regulations made under the Act is a condition of this licence.

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Licence Issued: 23 August 2018

Licence Printed: 23 August 2018

Licence Issued By: RYAN O'CONNELL, Fisheries and Oceans Canada