



Licence Number: XFSC 378 2018
File Number: 2018 Hupacasath CL -Chinook
Valid From: 09-Sep-2018
Expiry Date: 09-Sep-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, coho and chum. 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 September 9, 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

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

Species: CHINOOK SALMON (*Oncorhynchus tshawytscha*); COHO SALMON (*Oncorhynchus kisutch*);
Life Stage: Adult or Jack
Allowable Fishing Times: Start: Sunday, September 9, 2018 at 19:00
End: Sunday, September 9, 2018 at 23:00
Gear: Nets, Gillnets and Entangling (Mesh Size Min: 6 Inches)
Licence Area: Portions of PFMA 23-1; Portions of PFMA 23-2
Additional Descriptions: Gillnets may be used in portions of Subarea 23-1 and 23-2 from Paper Mill Dam Pool in the the Somass River then downstream into Alberni Inlet to a line drawn from Hocking Point due east to the opposite shore.



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.

"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.

Use of Fish

Fish caught under this licence are for food, social and ceremonial purposes. Without prejudice to future agreements or regulations, sale of fish caught under this licence is not permitted. This does not preclude the traditional exchange or distribution of fish or fish products within and between Aboriginal people and Aboriginal communities.

Designation of Individuals

Unless otherwise specified in this licence, all members of the First Nation are hereby designated to fish under the



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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/Field Supervisor with a 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

Gillnet Gear restrictions:

The following gear is permitted to be used:

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



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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.

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 By: RYAN O'CONNELL, Fisheries and Oceans Canada