

### SPECIAL LICENCES

ALTHOUGH THERE HAS BEEN MUCH CONTRIVERSY ON THIS SUBJECT AND A VARIETY OF LICENCES ISSUED IN THE PAST, EACH SYSTEM WILL BE COVERED.

#### 1) BAND LICENCE - 1978

BAND LICENCES WERE ISSUED TO SEVEN BANDS IN THE HAZELTON AREA. MORICETOWN, KITWANAKA, HAZELTON, HAGWILGET AND KISPINOX SIGNED THE LICENCES WHILE KITSEGUKLA AND GLEN VOWELL REFUSED TO SIGN SO THE LICENCES WERE SENT TO THESE BANDS BY REGISTERED LETTER.

PROBLEMS AROSE WITH THIS SYSTEM DURING THE COURSE OF THE YEAR BOTH IN AND OUT OF COURT SUCH AS:

- a) THE BAND LICENCE WAS NOT A LEGAL LICENCE AS SET OUT IN SEC. 29 OF THE B.C.F.R. THIS MAKING IT DIFFICULT IF NOT IMPOSSIBLE TO CONVICT OFFENDERS IN COURT. NUMEROUS SECTIONS HAD TO BE USED TO COVER ALL THE LOOPHOLES LEFT OPEN BY THE BAND LICENCE. THIS DID NOT PUT THE DEPARTMENT IN A FAVOURABLE POSITION WITH THE COURTS AND AS ONE JUDGE MENTIONED WITH CONCERN AND BEWILDERMENT AS TO WHY WE WENT TO SUCH GREAT LENGTHS TO MAKE THINGS DIFFICULT FOR EVERYONE WHEN SECTION 29 WAS SO SIMPLE AND STRAIGHT FORWARD THAT ANYONE COULD UNDERSTAND IT. THIS LICENCE SYSTEM MADE SECTION 29 VIRTUALLY NULL AND VOID AS TO MARKING OF NETS, FISH AND THE CARRYING OF THE LICENCE BY ~~INDIVIDUAL~~ <sup>INDIVIDUAL</sup> FISHERMEN. ALTHOUGH THE MAJORITY OF FOOD FISHERMEN DID NOT ABUSE THIS SYSTEM IT LEFT THE DOORS OPEN FOR ~~INDIVIDUALS~~ INDIVIDUALS WHO ARE SO INCLINED REGARDLESS OF ANY SYSTEM THAT IS IMPLEMENTED.

DISTRICT SUPERVISOR  
 FILE NO. ....  
 DATE JUN 17 1980  
 LETTER NO. ....  
 PRINCE RUPERT, B.C.

INDIAN FOOD FISHERY

- b) DURING THE PERIODS OF CLOSURE FOR CONSERVATION OF PINK SALMON, CHINOOKS, ETC. PUBLIC NOTICES HAD TO BE POSTED DUE TO THE FACT THAT ALTHOUGH THESE CLOSURES AND OPENINGS WERE LISTED ON THE LICENCE THE LEGAL STATUS OF THE BAND LICENCE WAS SUCH THAT NOTICES HAD TO BE POSTED TO COVER OUR ASS

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SO TO SPEAK. THIS LED TO FURTHER CONFUSION TO BOTH THE FISHERMEN AND THE COURTS AND TO OURSELVES

c) ONE HIGHLIGHT WAS THE FISHERY AT MORICETOWN WHEN GAFFING WAS HALTED DURING THE PINK MIGRATION AND DIPNETTING WAS IMPLEMENTED. THIS MOVE, WHICH WAS NEGOTIATED WITH THE BAND COUNCIL, COUPLED WITH A ~~GUARDIAN~~ STATIONED AT MORICETOWN, MADE THE FISHERY RUN VERY SMOOTHLY

## 2) INDIVIDUAL SPECIAL LICENCE - TO JULY 1, 1979

PRIOR TO JULY 1, 1979 INDIVIDUAL LICENCES WERE ISSUED TO THE FISHERMEN ON A 2 DAY/WEEK BASIS FOR CONSERVATION OF CHINOOK SALMON. THIS LICENCING SYSTEM WAS MET WITH VERY LITTLE OR NO RESISTANCE FROM THE FISHERMEN AND THE CONTENTS OF SECTION 29 WAS EXPLAINED THOROUGHLY TO EACH PERSON. BY JULY ALMOST ONE HALF OF THE FOODFISHERMEN IN THE HAZELTON SUB-DISTRICT WERE LEGALLY LICENCED. ONE INTERESTING OBSERVATION WAS THAT THE INDIVIDUALS TAKEN THROUGH THE COURT SYSTEM IN 1978 WERE THE FIRST TO OBTAIN AN INDIVIDUAL LICENCE IN 1979.

WHAT THE DEPARTMENT LEARNED FROM THE EXPERIENCE OF 1978 WAS COMPLETELY IGNORED IN JULY, 1979 WHEN A TRIBAL COUNCIL BLANKET LICENCE WAS ISSUED FOR THE REMAINDER OF THE YEAR AT 7 DAYS/WEEK. THIS SO-CALLED LICENCE ~~COULD~~ PERMITTED FOODFISHERMEN TO FISH IN THE WATERS OF THE SKEENA AND BULKLEY RIVERS AND THEIR TRIBUTARIES BETWEEN PACIFIC ON THE SKEENA AND MORICETOWN CANYON ON THE BULKLEY. THIS INCLUDED SUCH TRIBUTARIES AS THE KITWANGA AND KISPIUX RIVERS WITH ALMOST TOTALLY DEPLETED STOCKS OF CHINOOKS.

AGAIN A DISASTER FROM THE ENFORCEMENT AND CONSERVATION ASPECT.

a) ENFORCEMENT WAS PARALYZED BY THE FACT THAT THROUGH AGREEMENT ANYONE CAUGHT IN VIOLATION OF THE FISHERIES ACT AND REGULATIONS WOULD BE REFERRED TO THE TRIBAL COUNCIL AND WOULD BE DEALT WITH BY THE COUNCIL AND NO CHARGES COULD BE LAID WITHOUT MUTUAL CONSENT BETWEEN THE DEPARTMENT AND THE TRIBAL COUNCIL. ALTHOUGH SOME VIOLATORS WERE

REFERRED TO THE COUNCIL AS OFTEN AS SEVEN  
FOR SEPARATE VIOLATIONS  
TIMES, CONSENT COULD NEVER BE OBTAINED TO  
PROSECUTE NOR WAS THERE ANY EVIDENCE THAT  
THE COUNCIL DEALT WITH THESE PEOPLE EITHER.  
INFRACTIONS VARIED FROM UNMARRIED NETS AND FISH  
TO SELLING OF FISH. MANY VIOLATIONS WERE  
OBSERVED BUT NO CHARGES WERE LAID IN 1979.

b) CONSERVATION CONCERNS DURING THE  
PINK SALMON MIGRATION ALSO MET THE SAME  
FATE. AGREEMENT COULD NOT BE REACHED  
THAT THERE WAS A REAL CONCERN TO CONSERVE  
PINK SALMON EVEN THOUGH FIGURES SHOWED  
THAT THE SKEENA AND BULKLEY PINKS WERE  
IN TROUBLE. THE MOST SICKENING PART OF THE  
PINK MIGRATION WAS NOTED AT MORICETOWN  
CANYON WERE THE PINK WASTEAGE BY THE GIFF  
FISHERY WAS ABSOLUTELY CRIMINAL. EVEN THE  
PUBLIC WAS HORRIFIED.

THE BRIGHT SPOT IN THE FOODFISHERY AS OF  
JULY 1<sup>ST</sup> WAS ~~ON~~ ON OCTOBER 31<sup>ST</sup> WHEN THE  
BLANKET LICENCE EXPIRED. FEEDBACK FROM  
THE FISHERMEN AND THE GENERAL PUBLIC IS  
THAT IN THE FUTURE THE DEPARTMENT SHOULD  
HAVE NO DIFFICULTY IN ESTABLISHING CREDIBILITY  
IN THE AREA BECAUSE WE HAVE NO WHERE TO  
GO BUT U.P. IT IS MY PERSONAL FEELING THAT  
THE ONLY INDIVIDUAL PUNISHED BY THE BLANKET  
LICENCE WAS THE HIGHEST FOODFISHERMAN AND NOT  
THE POACHER FISHING UNDER THE GUISE OF THE  
FOODFISHERY AND YET MADE AN UNTOUCHABLE BY  
THE ILLEGAL BLANKET LICENCE.

3) FOOD FISHERY NEGOTIATIONS - 1980

NEGOTIATIONS FOR THE 1980 FISHERY STARTED IN JANUARY WITH RON MCKEOD, GUS JALTEMA, TOM POTTER, TERRY TURNBULL AND MYSELF ATTENDING. ALTHOUGH IT WAS POINTED OUT TO MR. MCKEOD OF THE PIT FALLS OF THE BLANKET LICENCE ISSUED IN 1979 HE FELT THE LICENCE SHOULD BE GIVEN ANOTHER CHANCE IN 1980. WHEN HE WAS TOLD THAT IF THE FISHERIES ACT AND REGULATIONS WERE TO BE DEVIATED FROM AGAIN THEN INSTRUCTIONS ON HOW THE FISHERY WAS TO BE HANDLED SHOULD BE WRITTEN AND SIGNED BY EITHER HIMSELF OR MR. JALTEMA TO AVOID CONFUSION FOR MANAGEMENT PURPOSES. MR. MCKEOD INDICATED THAT WOULD NOT BE POSSIBLE AND IF THINGS BLEW UP IN THIS AREA IN 1980 THEN IT WOULD BE THE FAULT OF THE LOCAL FISHERY OFFICER. ALTHOUGH IT WAS POINTED OUT THAT IT WAS POINTED OUT IT WAS FOR THAT SPECIFIC REASON SOMETHING IN WRITING WOULD BE APPRECIATED, IT WAS TO NO AVAIL. MEETING WAS THEN HELD WITH THE TRIBAL COUNCIL BUT NOTHING RESOLVED.

THE NEXT MEETING WAS HELD ON APRIL 29, 1980 AND STILL NOTHING RESOLVED BUT THE 1979 BLANKET LICENCE WAS EXTENDED TO JUNE 1980 BY A LETTER FROM MR. JALTEMA. ALTHOUGH THERE IS CONCERN ABOUT DECLINING CHINOOK STOCKS THE TRIBAL COUNCIL COULD NOT BE CONVINCED TO PARTICIPATE IN CONSERVATION MEASURES AND SEVEN DAY / WEEK FISHERY WAS GIVEN.

ON JUNE 6, 1980 ANOTHER MEETING WAS HELD AND AGAIN A SEVEN DAY / WEEK LICENCE WAS EXTENDED TO JUNE 28. AND AGAIN THE TRIBAL COUNCIL COULD SEE NO REASON FOR CONSERVATION MEASURES.

ALL THESE PROBLEMS STEM FROM THE BLANKET LICENCE WHICH IS WORDED IN SUCH A MANNER AS TO LEAVE THE DEPARTMENT POWERLESS FOR CONSERVATION AND ENFORCEMENT MEASURES AND IS UNACCEPTABLE IF WE ARE TO HAVE CONTROL OF THE MANAGEMENT OF THE RESOURCE FOR THE BENEFIT OF ALL THE PEOPLE OF CANADA.

I BELIEVE THAT THE TRIBAL COUNCIL HAS MORE THAN ADEQUATELY DEMONSTRATED TO WHAT EXTENT THEY ARE WILLING TO CO-OPERATE IN MANAGEMENT AND ENFORCEMENT PROBLEMS IN THE AREA AND IT WILL BE UP TO THE DEPARTMENT TO PUT THINGS BACK INTO PERSPECTIVE ACCORDING TO THE ACT AND REGULATIONS.