Indigenous Fisheries Management

Experiences from the United States, Canada and Alaska

Churchill Report
Rebecca Sheppard
2004
The Winston Churchill Memorial Trust of Australia

Report by Rebecca Sheppard
2003 Churchill Fellow

Comparative investigation of Indigenous Fisheries Management in Canada, United States and Alaska.

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Signed: Rebecca Sheppard

Front cover photos thanks to the Secwepemc Fisheries Commission.
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Health, education, culture, natural resource management, native title and land rights are critical issues for Indigenous people within Australia. These issues have come to the forefront of governance in the last decade, since the Mabo decision in 1992 and subsequent Native Title Act in 1993. Reconciliation issues and the ‘stolen generation’ have also contributed to the prevalence of Aboriginal matters in the media, politics and the broader population.

In comparison Indigenous issues, particularly Indigenous fisheries, have been in the spotlight in the United States and Canada for the last thirty to forty years with the Fish Wars in the 1960s and 1970s, the subsequent Boldt decision in Washington State in 1974 and the Sparrow decision in Canada in 1990.

In the mainland United States (US), Canada and Alaska there are processes for informed consultation and engagement with Indigenous people and these have generated partnerships, leadership and co-management of the fishery. The US, Canadian and Alaskan governments allocate fisheries resources for aboriginal subsistence purposes before allocating resources to the commercial and recreational fishers. This differs markedly from the approach currently applied through state and federal legislation within Australia.

In recent years my work experience has included assessment and declaration of Fish Habitat Areas (FHAs), a form of marine protected area, throughout Queensland. FHAs are declared and managed under the Fisheries Act 1994. A specific Natural Heritage Trust funded project enabled me to continue and extend this process to Cape York Peninsula and work with remote Indigenous communities. The Cape York FHA project highlighted the need for greater consultation and engagement with Indigenous communities regarding not only Fish Habitat Areas, but all fisheries issues. It also allowed me to recognise the critical importance of the fisheries resources to these aboriginal communities, not only as food, but also for their culture, spirituality, health and education.

In 2003 I received a Churchill fellowship to attend and present at the Fourth World Fisheries Congress in Vancouver and visit various communities, agencies and organisations throughout the United States, Canada and Alaska to exchange information regarding Indigenous fisheries management.

This report presents the information I collected and received, proceedings from conferences and workshops, and exchanges with a variety of tribal groups and communities, large tribal fisheries organisations, government and non-government organisations and community members. The report also draws comparisons between Australia and these countries and discusses similarities and differences in relation to Indigenous fisheries management and planning. Finally, the report raises and discusses the applicability of lessons learnt to Queensland and Australia and provides recommendations for governments and Indigenous organisations.
Acknowledgements

I acknowledge the Winston Churchill Memorial Trust of Australia for providing funding this project. The trip was not only an unique opportunity for information exchange, but also provided an avenue for research, dialogue and learning’s, and a wonderful chance for personal and career development. I met some amazing people and visited some beautiful and breathtaking places. These experiences have heightened my knowledge and approach to Indigenous related fisheries issues. These skills have also proven to be critical in my current work environment.

I would like to thank my employer, the Department of Primary Industries and Fisheries, for allowing me to take time off work, in particular my manager, Phil Hales and the Regional Manager Anne Clarke.

I thank Rob Coles for sharing his Churchill fellowship experiences with me and convincing me to forward an application. I would like to acknowledge Rob Coles, John Beumer and Ian Smith for acting as referees and reviewing my application.

I greatly appreciate the time, comments and support from John Beumer and Scott McKinnon in co-authoring a paper and poster for the Fourth World Fisheries Congress and providing feedback on my presentations and handouts. Thanks also to Dave Sully for providing maps for the presentations and paper.

I would also like to acknowledge Kurt Derbyshire for being my mentor for the first six years of employment with DPI Fisheries and a good friend. It was through his teachings, motivation and patience that my work in Cape York Peninsula with Indigenous groups first began.

Acknowledgment also needs to go to those Indigenous agencies, groups and people who provided background on their issues, experiences and fisheries management. In particular Bo Carne (Northern Territory Fisheries) and Ben Fraser (Western Australia Fisheries).

I would like to thank all the people from the United States, Canada, Alaska and Hawaii that helped set up meetings, conferences, presentations, site visits and field trips. In particular special thanks go to Tony Meyer, Charles Hudson, Don Hall, Sally Bibb, Beth Spangler, Dave Moore, Marcel Sherpert, Carol Bernthal, Fred Fortier, Nigel Haggan, Chief Simon Lucas, Diane Newell, Nick Hughes, Mike Smith and Tony Montgomery.

Thanks also have to go to everyone who provided comments on this report, in particular John Beumer, Dermot Smyth, Anne Clarke, Ben Fraser, Geoff Binge, John Kung and Alan Dekker.

I would lastly like to thank my partner, Adam West, for his continuous support.
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Executive Summary

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Project – ‘Comparison of Indigenous Fisheries Management’.

Places and people
Through my Churchill fellowship, I visited the United States, Canada, Alaska and Hawaii. I spent the majority of my time in Washington State, Oregon, British Columbia and Alaska. The following are highlights of the places I visited, main organisations contacted and people who were valuable in organising meetings, discussions and providing information.

- Fourth World Fisheries Congress, Vancouver – Chief Simon Lucas and Nigel Haggan.
- Northwest Indian Fisheries Commission, Washington State – Billy Frank Jr.
- Columbia River Intertribal Fisheries Commission, Portland – Charles Hudson.
- Nuu-chah-nulth Tribal Commission, Vancouver Island – Don Hall.
- Hesquiaht First Nation – Chief Dominic Andrews.
- Chehalis First Nation – Chief Alex Paul and Dave Moore.
- Sewcepmc Fisheries Commission, Kamloops - Fred Fortier.
- Tanana Chiefs Conference, Fairbanks – Mike Smith.

Lessons and conclusions
From my time overseas, conferences, community visits and dialogue with a wide variety of people and organisations, the most significant lessons and conclusions are as follows:

- Aboriginal people and organisations (eg- Native Indians, Native Americans, First Nation groups) are one of the most important stakeholder groups involved in natural resource management issues, particularly fisheries. Their level of funding, resource allocations, management, authority, resources, capacity and the sheer size of tribal fisheries organisations reflect this.
- Treaty based fishing rights set a precedent for current fisheries rights.
- The determination of Aboriginal rights, priorities and allocations through the legal system has been necessary for recognition and change.
- Aboriginal subsistence needs (food, culture, ceremony etc) are well documented and given priority over all other user groups.

On a comparative basis, Australia lags behind the United States, Canada and Alaska, in terms of recognising Indigenous rights to traditional sea country, commercial fishing rights, allocations, priority and the importance of subsistence fishing. Having said this, historical and contemporary Indigenous fisheries management within Queensland and Australia was of real interest to all parties engaged during the course of my Churchill program. Cooperative co-management of fishery resources would appear to be the preferred method through which Indigenous people can be meaningfully engaged and sustainable outcomes for all sectors ensured. Whilst there are challenges ahead, recent approaches within Queensland towards Indigenous fisheries management, would appear to align closely with techniques that have been successfully employed through the United States, Canada and Alaska.

Dissemination and implementation
In terms of disseminating the information collected, I am currently and will continue to present the findings in a seminar series, aimed at governments, fisheries agencies, Indigenous groups and organisations and Traditional Owners. Additionally, I will be conducting radio interviews, media releases, newspaper and magazine articles, developing a 10 page summary and making the report and summary accessible through relevant web sites and libraries.
Chapter 1. Introduction

Churchill Fellowship
The Churchill Trust is an Australian Trust established in 1965, the year in which Sir Winston Churchill died. The principal object of the Trust is to perpetuate and honour the memory of Sir Winston Churchill by the award of Travelling Fellowships known as Churchill Fellowships. A Churchill Fellowship is the award of an opportunity, through provision of financial support, to enable Australian citizens from all walks of life to travel overseas to undertake an analysis, study or investigation of a project or issue that cannot be readily undertaken in Australia.

The aim of the Churchill Trust is to give opportunity, by the provision of financial support, to enable Australians from all walks of life who, having exhausted opportunities within Australia, desire to further their search for excellence overseas. There are no prescribed qualifications, academic or otherwise, for the award of most Churchill Fellowships. Merit is the primary test, whether based on past achievements or demonstrated ability for future achievement in any walk of life (Churchill Trust, 2004).

Work experience
Having worked briefly as an Environmental Officer with Queensland’s Water Infrastructure Development Group, I moved into the fisheries arena, where for the past eight years I have led a variety of projects investigating the declaration of marine protected areas (Fish Habitat Areas) within Queensland. All projects have involved extensive field assessments, mapping and consultation with a range of stakeholders including Indigenous groups, Traditional Owners and other affiliated groups such as Regional Land Councils and Indigenous Reference Bodies.

I am currently the Coordinator of the Cape York Indigenous Fishing Working Group and am involved in the development and management of several fisheries related projects to enhance economic opportunities specific to Cape York Peninsula and the Torres Strait communities.

The Cape York Peninsula, North Queensland, covers an area of approximately 137 200 square kilometres and has a population of about 25 000 people. Indigenous people form over half of the area’s total population residing in approximately ten remote settlements. It is recognised as one of the most diverse and important regions in Australia for marine fauna and flora, plant and animal species and fisheries resources. The region supports an exceptional recreational fishery and a commercial fishing industry worth $AU 30-35 million per year, approximately 15% of the state of Queensland’s production.
I have worked extensively in the Cape York Peninsula region of Queensland over the last six years, consulting & engaging with local Indigenous communities and traditional owners in relation to fish habitat management. In undertaking projects across Cape York Peninsula, I have pioneered the development of community engagement procedures specific to traditional owners and Indigenous peoples, with a view to bringing their aspirations and ideals into the consultation process and management of the local fisheries resources in a meaningful way. Working closely with remote communities, the realities of managing ‘country’ for Traditional Owners in response to environmental, social, economic and financial constraints are progressively being understood. Integration of Indigenous management of fisheries resources with the statutory management approach promoted by government is a key requirement in ensuring sustainability.

**Basis for application**
The basis of the Churchill fellowship application was to compare Australia’s Indigenous fisheries management to that of the United States, Canada and Alaska.

The United States, Canada and Alaska have been actively dealing with and managing Indigenous fisheries issues and resources, and engaging with Indigenous people and traditional owners for more than three decades.

The application included preparing and delivering a paper and poster on 'Northern Australia’s Indigenous Fisheries Management’ at the Fourth World Fisheries Congress in Vancouver and then visiting organisations, government departments, tribal fisheries organisations, communities and Indigenous groups to learn more about their issues, style of management, consultation and community engagement.
Structure of report
I have structured this report as a summary of the major Indigenous fisheries management issues for the three main countries I visited – the United States, Canada and Alaska.

Firstly, the report details the Australian experience and major Indigenous fisheries management issues. This is important as the last part of the report compares the countries visited to Australia and looks at the applicability of various tools, techniques and strategies. Next is an overview of main issues in Northern America (US, Canada and Alaska) – which helps set the scene for the remainder of the report. Following this is a section on the main fishery along the west coasts of Northern America, Canada and Alaska – the Pacific Salmon. The section deals with the salmon’s biology, lifecycle and its importance to Indigenous people and tribes. The following three chapters summarises my meetings, experiences and the main Indigenous fisheries issues in the United States, Canada and Alaska specific to the Salmon fishery, although some aspects have nationwide applicability.

Following this is a comparative analysis between Australia and in particular Queensland, and the three countries visited. In this section of the report, I assess the similarities and differences to Australia and Queensland. The last section of the report outlines the main recommendations from this project. These recommendations are not only for governments and policy makers, but have specific relevance for Indigenous organisations and the development and implementation of Queensland Indigenous Fishing Strategy. Finally, the report outlines methods for the dissemination of the information and future plans.

For completeness, I have also appended the following documents to allow the reader comprehensive access to the learning’s and presentations undertaken during the course of the fellowship.

- List of contacts (Appendix 1);
- List of Indigenous fisheries web sites - information and references on organisations visited, State and Federal Initiatives etc (Appendix 2);
- List of literature available (Appendix 3);
- Presentation slides used for the conferences, talks and information dissemination overseas (Appendix 4); and
- Presentation slides prepared for current and upcoming talks with government organisations (Appendix 5);
- Notes taken from all the conferences, meetings and discussions (Appendix 6);
Chapter 2. Purpose and scope

Objectives of project
The overall objective of the project was an Information exchange regarding Indigenous Fisheries Issues and Management.

The specific objectives were to:
- Attend and present a paper and poster on Northern Australia’s Indigenous Fisheries Management at the Fourth World Fisheries Congress in Vancouver;
- Attend and deliver a presentation on Northern Australia’s Indigenous Fisheries Management issues at the Northwest Indian Fisheries Commission Annual Conference and Meeting;
- Visit and meet with various state and federal fisheries agencies, Indigenous organisations, Tribal Fisheries Councils and organisations and community members concerned with managing fisheries resources in traditional and Indigenous areas;
- Compare Indigenous fisheries management issues and techniques with current approaches employed within Queensland and Australia.

Possible benefits
Indigenous fisheries issues have been a major political, social and natural resource issue throughout the United States, Canada and Alaska for many years. Salmon is the catch that dominates the nets of most fishers in North America and is one of the hardest fisheries to manage. Salmon is not only a staple for Aboriginal people, Indian tribes and subsistence fishers, but also a highly sought after commercial, recreational and sport fishery.

The Pacific salmon species require extensive wild (un-impounded) river systems and relatively pristine habitats. It is also a terminal fishery, which means that all fish die after spawning. For these reasons it has become a major political and economic issue in terms of allocations, sharing between competitive sectors and ongoing management. Because of this, innovative solutions and approaches to management have been progressively developed over the last three decades. Large organisations, governments and tribal fisheries organisations have been established solely to manage the Salmon fishery and allocations between all user groups.

The potential benefit to Australia is to examine these organisations and forms of management in terms of sustainability, resource management, allocations, conflict between user groups, subsistence needs and Indigenous rights. From this we can learn about various strategies and techniques that have worked (and not worked) and the advantages and disadvantages of these in terms of the applicability within an Australian context.

The United States, Canadian and Alaskan governments have also had extensive experience in engaging with Indigenous groups in managing local and regional fisheries resources. Throughout these jurisdictions, Indigenous issues are integral to fisheries research, development and management.
Within Australia, Queensland is at the forefront of taking up resource management issues with Indigenous groups both for habitat and stock resources. Comparing our experiences will allow the Queensland and Australian fisheries managers to deliver enhanced local and regional management based on the successful strategies employed in North America, Canada and Alaska.

Benefits from this project can also be seen from the information exchange and increased dialogue between various countries on a range of issues. Not only will lessons be learnt for Australia, but managers, Indigenous leaders and communities will learn about Australia’s Indigenous fisheries management issues. Although Australia has not progressed as far in terms of Indigenous rights and allocations, we can provide information and lessons regarding Aboriginal land rights, cultures, cooperative management, partnerships and future planning. This international reference network will have ongoing benefits for information exchange, dialogue and discussion.

In summary, there are a number of significant benefits for myself, my employer and the other organisations dealing with Indigenous fisheries matters. These include:

- Two-way information exchange and increased dialogue between Queensland and Australian fisheries managers and Indigenous groups Northern American organisations groups;
- Development of international networks for future information exchange, career development and dialogue;
- Provision of information for fisheries managers, Indigenous leaders and Indigenous groups around the world to learn about the Australian experience;
- Comparison of experiences, stories and successes;
- Comparisons and assessment of advantages and disadvantages of strategies, tools and techniques that have been used - successful or otherwise;
- Provision of information for Indigenous groups and communities on how other Indigenous groups and communities around the world are dealing with similar issues; and
- Applicability of techniques, successes and strategies that have worked overseas to Queenslands and Australia’s Indigenous fisheries management.

Program
The following table shows the schedule and itinerary of my meetings and travels in the United States, Canada and Alaska. It highlights the main organisations visited and the activities undertaken at each location. Most visits included presentations and meetings with key staff members and managers of the organisations, as well as site and field visits to experience on groundwork and local issues.
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<td>Division of Aquatic Resources – Dept of Land &amp; Natural Resources</td>
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Table 1 – Program for Churchill fellowship.
Chapter 3. Current Australian Context

**Indigenous fisheries management in Northern Australia.**
Indigenous people were the first custodians and managers of Australia’s fisheries resources (Coleman *et al*., 2003). While European colonisation of Australia occurred in 1788, it has been only in recent history that Indigenous peoples’ affiliations with the land and sea have been identified and recognised by governments. These affiliations result from Indigenous ownership, occupation, use and management of land and sea country. For Indigenous people, fishing and hunting are not only important for food and nutrition, but also important for ceremonial occasions, exchange, trade and barter (Coleman *et al*., 2003).

Many of the coastal clans of Australia’s Indigenous peoples identify as ‘saltwater people’, and their traditional estates typically extend beyond the coastal zone and into the adjacent seas. The relationships of Indigenous peoples with the land and the sea are underpinned by spiritual and cultural rights and responsibilities.

Commonwealth and State legislation, particularly in relation to marine protected areas and commercial and recreational fishing, have all influenced Indigenous fisheries management in Australia. Collectively the inshore and offshore areas are subject to eight jurisdictions.

In Australia, the native title system provides both benefits and limitations to the appropriate incorporation of Indigenous rights to aquatic resources. Native title may permit recognition of some Indigenous law and custom in the sea, and may provide benefits for Indigenous fisheries interests. However, the High Court has already said that native title in the sea is unlikely to provide any exclusive access. There are significant differences in the rights that might be recognized in different parts of the country, and each claim is effectively dealt with on a case-by-case basis (Moore and Wright, 2004).

**General Information**
Australia is the world’s largest island and has one of the longest coastlines in the world – over 69,600 km, with a wide variety of estuarine and marine ecosystems. Fish habitats of Northern Australia are diverse, extensive and relatively pristine. They include freshwater systems with intense seasonal flooding, extensive intertidal saltcouch, mangrove and seagrass communities, mudflats, sand shoals and the Great Barrier Reef Marine Park.
Common species targeted by Indigenous people in Northern Australia are dugong, turtle, barramundi, mullet, catfish, sea perch/snapper, bream, crayfish, prawns, crabs, mussels and baitfish (Coleman et al., 2003).
History of Indigenous Australia
Occupation from 40,000
Scientific evidence – 80,000-100,000 years
Aboriginal people have occupied the Australian continent for more than 40,000. Torres Strait Islanders have occupied the northern islands and northern part of Australia for at least 1000 years.

One third of Australia’s Indigenous people currently live within 20km of the coastline. Many of these people and communities rely heavily on coastal and marine resources for their livelihood and cultural identity. Indigenous peoples’ marine interests continue to include hunting, gathering, fishing, collecting ceremonial, management, enforcement of customary laws, access, development and maintenance of a rich, spiritual knowledge and culture.

Modern dependence on marine resources is clearly seen on remote, northern Australian coastal communities where traditional activities such as hunting for turtle and dugong continue to be widely practised.

Until the 1990s, Indigenous involvement and participation in management of fisheries resources were extremely limited. The overarching social, cultural, economic and health implications and the significance of fisheries has only recently been recognised by governments.

Photo 2. Aboriginal man spearing a dugong (GBRMPA).
Summary of Australian Indigenous Determinations and Issues.

1967 – Right to vote - Australia
Result of a national referendum and change to the Constitution - full citizenship for Aboriginal people. Changes also enabled Federal Government to pass laws for benefit of Aboriginal people.

1992 – Mabo case - Australia
Mabo overturned the idea that prior to colonisation Australia was inhabited by people with no legal connection to the land that could be recognised by British Law. High Court recognised that at common law, the Meriam People of Mer (Murray) Island always held native title over their traditional lands.

1993 - Native Title Act - Australia
Legal recognition of Aboriginal domain and rights.

1999 - Yanner decision – Queensland
Confirmed that Aboriginal and Islander people may claim a right under native title to hunt living resources according to local customary laws. The outcome was that most agencies and jurisdictions recognise Indigenous rights to obtain and consume traditional foods.

2001 - Croker Island – Northern Territory
The Croker Island decision did not recognise exclusive possess, occupation, use and enjoyment, but it did recognise that these native title rights do exist. However the High Court also stated that these native title rights must “yield” to all other existing rights.

2001 – Torres Strait Islanders - Queensland
A number of Islanders approached licensed commercial fishing vessel and demanded the catch on the basis that it belonged to local Indigenous communities. A charge was laid against the Islanders for taking the fish. The Queensland Court found the Islanders not guilty and said they “had an honest right of claim to the fish”. The result was that an agreement was established between Islanders and fishermen that commercial fishing will not occur within 15 nautical miles of the Murray Islands.

Today - multiple sea right claims are currently in place throughout Australia.

Fisheries Management
Indigenous people have always managed their own traditional lands and sea country. From stories passed through generations and traditional and current management practises, Indigenous people understand fisheries resources, their habitats and coastal processes. They recognise fish spawning times, turtle breeding areas, seasonal variations, fish sizes and populations.

Example: Case Study – Injinoo Jewfish Project
Injinoo is located in North Eastern Queensland, within Cape York Peninsula. The area is fished by Injinoo people, the Torres Strait Islander community, charter boat operators, non – Indigenous residents and visitors. One of the main target species is the Black Jewfish [Protonibea diacanthus]. After recording continual catches of smaller-sized fish and noting an increase in the
effort targeting Black Jewfish, the Injinoo people became concerned about the long-term sustainability of this species.

Map 3. Injinoo, Cape York Peninsula.

Photo 3. Black Jewfish (*Protonibea diacanthus*).

In 1999, there was a failure of the Black Jewfish aggregation. Studies by researchers (Michael Phelan) and the community, confirmed that the size and age of stock fell from three year old stock in 1999 to two year old stock in 2000 and that sexually mature fish comprised less than 1% of the catch.

Injinoo traditional owners and community council have self imposed a two year ban on the taking of Black Jewfish. The aim of this ban is to allow the local Black Jewfish stocks to reach a mature size so that recruitment to the stocks improves. The Queensland Government has supported this ban through changes to the relevant legislation (Phelan, 2003).

Other fisheries management tools currently being developed by Indigenous People include Dugong and Turtle Management Plans, Sea and Land Country Management Plans and Traditional Use of Marine Resource Agreements (TUMRAs).
Great Barrier Reef Marine Park Authority
The Great Barrier Reef Marine Park Authority (GBRMPA) is a federal organisation that aims to provide for the protection, wise use, understanding and enjoyment of the Great Barrier Reef in perpetuity through the care and development of the Great Barrier Reef Marine Park. The Great Barrier Reef is the largest natural feature on earth stretching more than 2300 kilometres along the northeast coast of Australia. It includes over 2900 coral reefs and 1500 species of fish. It was also protected as a World Heritage Area in 1981. The GBRMPA is the principal adviser to the Commonwealth Government on the care and development of the Great Barrier Reef Marine Park (GBRMPA, 2004).

GBRMPA has an Indigenous Liaison Unit that identifies the interests and needs of Indigenous peoples in relation to Native Title, governance, and the maintenance of the cultural and traditional values associated with the Great Barrier Reef. The Authority “… supports traditional use of the Marine Park and recognizes its important role within Aboriginal and Torres Strait Islander tradition and custom.”

The GBRMPA is in the process of assisting Traditional Owners to develop “Traditional Use of Marine Resources Agreements” (TUMRA). A TUMRA is a voluntary agreement about the use and management of sea country, made between Traditional Owners, which is accredited by the Great Barrier Reef Marine Park Authority. A TUMRA allows Traditional Owners to make agreements about how their sea country is used without entering into the usual permit and native title process. The agreements enable Traditional Owners to make decisions and develop management tools and techniques for their own country, through their own laws; what aboriginal people call “black fella laws”. The native process on the other hand is long, cumbersome and is essentially a “white fella law and process”.

These agreements will among other things, provide for:
- Access to all zones in the Marine Park according to custom or tradition;
- Traditional fishing and collecting ‘as of right’ (without a permit); and,
- Traditional hunting of dugong and turtle ‘as of right’, but managed through a TUMRA (GBRMPA, 2004).

Overview of Australia’s Indigenous Fisheries Management
Although each of the States and Territories have jurisdiction over fisheries issues in State waters, there are a number of federal agencies that also have programs and strategies that deal with fisheries and Indigenous fisheries issues. These include the Australian Fisheries Management Authority, Department of Fisheries and Forestry, Native Title Tribunal, National Oceans Office, Department of Environment and Aboriginal and Torres Strait Islander Commission. As such there are a number of various initiatives, planning and development strategies, management plans, reports etc that all attempt try to deal with Indigenous people and natural resource management issues throughout Australia. There is also a variety of Commonwealth and State legislation and regulations that establish different rules for fisheries. For example in Queensland, these include the Great Barrier Reef Marine Park Act, Fisheries Act, Nature Conservation Act and the Torres Strait Fisheries Act.
Aboriginal Fishing Strategies
The idea for State/Territory based Aboriginal Fishing Strategies (AFS) originated from a recommendation in the 1993 Coastal Zone Inquiry Final Report (Chapter 10, Resource Assessment Commission, Commonwealth of Australia), which was based on an examination of the Canadian Aboriginal Fisheries Strategy undertaken by one of the Coastal Zone Inquiry Commissioners who visited Canada in 1992. The Coastal Zone report noted that the Government of Canada allocated CAD $140 million to the AFS. In response to this recommendation, the Australian Government allocated $300,000 to the development of an Aboriginal and Torres Strait Islander Fisheries Strategies through the allocation of grants to each of the State and Territory fisheries agencies. This relatively small amount of money was used for initial consultation, which eventually resulted in the NSW and WA Aboriginal Fisheries Strategies.

Southern states
Southern states include New South Wales (NSW), Victoria, Tasmania and South Australia. Throughout these States there are no explicit traditional and/or Indigenous fishing rights. However all states, except South Australia, now provide some recognition of Aboriginals rights to fish, including native title rights. South Australia is currently reviewing its legislation in consultation with Aboriginal people. NSW Fisheries developed an Aboriginal Fishing Strategy in 2002.

Northern Territory
In the Northern Territory there is a general exemption to fisheries laws for subsistence fishing. Indigenous people also have limited access to the commercial fishery through holding a licence to fish and sell fish within areas specified, for the benefit of their community. The restrictions are that an Aboriginal coastal licensee cannot hold a commercial fishing licence in conjunction with this licence; they can only use amateur fishing gear and cannot sell certain managed species (ie: barramundi, black jewfish, Spanish mackerel and mud crab). Whereas the purpose of these limitations is to distinguish commercial fishing from activities that could reasonably be embraced within a notion of traditional economic activity, this is a contentious distinction, which is currently under review and continues to be redefined in the courts.

Example: Northern Territory Indigenous Marine ranger program
The Indigenous marine ranger program provides qualifications, training and equipment. The Indigenous marine rangers increase the general public and communities awareness of Indigenous subsistence fishing, fisheries legislation and enforcement issues.

Western Australia
In Western Australia there is a general exemption for Aboriginal people from having to hold/purchase a recreational fishing licence. However, all other recreational fishing rules such as bag limits, size limits and seasonal closures currently apply.
Example: Western Australian Aboriginal fishing strategy
The Western Australian Aboriginal Fishing Strategy is the first of its kind to be developed in Australia and is far more comprehensive and innovative than the NSW Strategy. Recommendations from the strategy include addressing recognition of customary fishing rights, involving Aboriginal people as key stakeholders in the management and protection of fish resources and developing options for Aboriginal people to participate in the commercial fishing sector.

Queensland
In Queensland there is a general exemption to fisheries laws (size and bag limits, closures etc) for subsistence and traditional fishing for both Aboriginal and Torres Strait Islander people. Queensland is also different from other states in that the Torres Straits are managed under separate State and Commonwealth jurisdictions that have different objectives.

Example: Queensland Fisheries, Torres Straits
In the Torres Straits there is specific legislative recognition of the rights and interest of Torres Strait Islanders (TSI) in the management of fisheries and marine environments, through the Torres Strait Treaty signed by the Australia and Papua New Guinea governments. Islanders have an active involvement in fisheries advisory committees and have representation on the decision making body. There are specific rules and regulations, for example commercial trochus and barramundi fisheries are reserved for Torres Strait Islanders only. The seafood consumption by Islanders, in excess of 200 grams per day, is among the highest in the world. Species harvested include dugong, turtle, fish and crayfish. Many Islanders continue their involvement in marine industries in the harvesting of trochus shell, beche-de-mer and crayfish. However, there are no Indigenous owned licenses in the commercial prawn industry, which provides the main economic return in the Torres Straits. This may be due to the high capital costs and technical requirements to individuals to start up in the prawn fishery.

Marine Protected Areas And Indigenous Communities
A marine protected area is an area of sea established by law for the protection and maintenance of biological diversity and of natural and cultural resources. A variety of marine protected areas are established throughout Queensland and Australia: marine parks, Fish Habitat Areas, nature reserves, national park and Fisheries Reserves. Historically these areas have been established with only minimal consultation with Indigenous communities and Traditional Owners.

In Queensland, Fish Habitat Areas (FHAs) are marine protected areas declared over a precisely defined area of key fish habitats for maintaining existing and future fishing and protecting the habitats on which fish and other aquatic fauna depend. FHAs are declared with the specific intent of ensuring the continuation of productive recreational, commercial and traditional fisheries in a region through preventing or limiting coastal development. There are currently 68 FHAs covering 720,000 hectares of fish habitats throughout coastal Queensland (McKinnon et al., 2003).
A project to assess three candidate areas for declaration as “Fish Habitat Areas” in Cape York Peninsula has just been finalised in Northern Queensland. The project involved field work and data collection as well as extensive consultation and negotiation with the Indigenous communities and traditional owners. The project achieved strong community support for the declaration of two important FHAs, expected to be formally considered later this year. Fisheries knowledge was also enhanced and good working relationship and friendship were established with traditional owners throughout Cape York Peninsula (Sheppard and Greene, 2003). This was one of the first marine protected area projects in Northern Australia to involve and work integrally with the local Indigenous communities and establish FHAs with the consent of local Traditional Owners.

**Northern Australia – moving forward**

Within Northern Australia, in particular in Queensland, Indigenous Fisheries management is moving forward. Currently Queensland is working towards cooperative management and partnerships by:

- Encouraging Indigenous involvement and participation in Indigenous fisheries management at all levels;
- Development of an Indigenous Fishing Strategy;
- Recognition and definition of ‘customary’ and traditional fishing;
- Developing land and sea management plans;
- Emphasis to move back to ‘country’ and for Indigenous communities to manage land and sea country themselves;
- Part of governments and commercial organisations ‘core business’;
- Aboriginal and Traditional Owner involvement in regional management and planning forums; and
- Help with access into commercial fishing and aquaculture industry.

**National approach – moving forward**

A national Australian conference last October, *Indigenous Fishing Rights: Moving Forward 2003* proposed a coordinated national approach to Indigenous fisheries. Subsequently, a team of high-level technical experts met and recommended that customary fishing be identified as a separate category and given appropriate definition in law. It was recommended that customary fishing be defined to exclude commercial activities. At the same time, substantial assistance should be provided aimed at helping Indigenous people to make better use of opportunities for economic development and participation in the management of fisheries, within the existing and developing frameworks for integrated management of fisheries. This would include commercial fishing, aquaculture, charter, and other business opportunities (Moore and Wright, 2004).

All Australian State, Territory and Federal governments and jurisdictions are currently in talks with Indigenous representatives about setting a basic framework for the better inclusion of Indigenous fisheries rights and interests (Moore and Wright, 2004).
Chapter 4. North American context

For my Churchill fellowship I focussed on the states and countries of the Northwest coast of the United States of America, Canada and Alaska. I chose these areas specifically because of their native history, Aboriginal rights, common British legal tradition, significant legal decisions and precedents relating to Aboriginal subsistence fishing, existence and influence of large tribal fisheries organisations and Indigenous fisheries management programs and strategies. Although not the only fishery within North America, the Pacific Salmon fishery remains the most important and with the greatest public profile.

Fisheries are of paramount economic, social, spiritual and cultural significance to all Indigenous people throughout the United States, Canada and Alaska. For thousands of years, native Indian people have relied on fisheries resources, particularly the Pacific Salmon (Oncorhynchus sp.), for their economy, family, food and nutrition, heritage, spirituality and way of life.

The future of the Pacific Salmon fishery relies on the annual passage of spawning fish from the ocean hundreds of kilometres upstream into one of the many river systems on the West Coast of North America and Canada. That passage takes a fish past varying political boundaries, past major cities, through farms, Native American reservations and settlements, national parks and wilderness areas. It is a precarious journey that is backed by a plethora of agreements, conditions and fishing regulations. As such, the Salmon fishery remains the centre of most agreements, legal disputes, conflicts, allocations, Indigenous fishery plans and strategies, management arrangements and is also the focus of this report.

To safeguard the mature wild salmon population, maximum take quotas are determined seasonally and there is a strict order of priority. In North America, conservation of the species is the main priority, followed by the needs of Indigenous, subsistence fishers. The balance after the conservation and subsistence allocations is shared between commercial and recreational fishers.

Due to the long history and variety of treaties, reservations, legal precedents and court cases, North America is at the forefront of Indigenous fisheries management. Salmon is not the only fishery in North America, but it remains the one fishery that is the most intrinsically linked to Indian people and tribes, co-management issues, Aboriginal rights and Indigenous resource management issues.
Map 4. North America (GraphicMaps.com).
Chapter 5. Salmon

Salmon is the catch that dominates the nets of most fishers in North America and is one of the most complex fisheries to manage. Salmon are anadromous, which means they spawn in freshwater and migrate to the saltwater to feed and grow (see Figure 1). They undergo several changes in colour and appearance during this lifecycle. Salmon have developed a very complex life cycle and have adapted to varied environments over the past ten million years. The Pacific salmon fishery is a terminal fishery, which means that all spawning fish die at the end of each season. The future of the fishery relies on the annual passage of spawning fish from the ocean hundreds of kilometres upstream into one of the many river systems on the West Coast of North America (Lyman, 2002).

![Photo 4. Salmon spawning in the Fraser River, British Columbia (Secwepemc Fisheries Commission).](image)

![Photo 5. Fisherman, bear and salmon (Mike DeYoung).](image)
Figure 1. Pacific Salmon Lifecycle (Lyman, 2002).
Salmon and Indigenous people
The harvest of salmon is an important part of North America’s history and will continue to play a major role into the future. The wealth of salmon allowed the native Indian tribes and people to flourish and prosper. The salmon run established tribes and connected clans, families and villages together. Village sites were located on or near great salmon producing streams of rivers. Native people developed specialized gear and methods to harvest salmon in the freshwater streams, estuaries and marine waters. These include barriers, spears, hooks, dip nets, hand lines, platforms and weirs (Lyman, 2002).

Photo 6. Traditional Indian Fish Trap (Secwepemc Fisheries Commission).

From time immemorial the salmon has been central to tribal spirituality and cultures. The annual salmon return assures the renewal and continuation of human and all other life and is celebrated by Indigenous peoples. The salmon season also allows the transfer of traditional values and teachings from generation to generation. Today, tribal longhouses, churches and ceremonies retain the significance of the salmon within their culture (NWIFIC, 2003).

Photo 7. Traditional Indian Fish Drying (Secwepemc Fisheries Commission).
Salmon has been and still remains the primary source of food and an essential aspect of Indian tribes health. Salmon, dried and fresh, is at the heart of the native Indian diet. The Indigenous trade economy has always been and is still largely based on salmon and salmon fishing is still the preferred livelihood.


Indigenous peoples management of salmon has been adapted over the years to contend with exploitation of the resource, disease, urban development, habitat destruction and modification. For modern Indian people, the basic principles of management include:

- Adaptive management;
- Consistency with treaties and federal obligations;
- Gravel-to-gravel management;
- Restocking the rivers;
- Protection of habitat;
- Co-management; and
- Holistic decision making (CRITFC, 1999).

**Importance of salmon to watershed health**

The abundance of salmon and their wide-ranging migratory life cycle make this species a vital component in the food web at sea, in coastal area and inland watersheds. Over 130 different plants and animals utilize nutrients from salmon (see Figure 2) (Lyman, 2002).

All Pacific salmon die after spawning. The survival of future generations of salmon and the long-term health of entire watersheds depends upon these carcasses. Salmon carcasses are rich in nutrients important to fish, wildlife and plants. Nearly all creatures, from bears, wolves, eagles and mink to small birds, shrews and insects, spread uneaten pieces of salmon and salmon-rich feces throughout the watershed. This fertilizes the land and provides necessary minerals and organic material to the land and water.
Salmon carcasses provide the single largest annual pulse of nitrogen into the surrounding forest and bears are the major carrier of marine and freshwater resources into the forest. The importance of salmon also goes beyond the watershed, freshwater habitats, forest and wildlife (Lyman, 2002). The significance of salmon in the food web is presented in Figure 2.

Figure 2. The Pacific Salmon Food Web (Lyman, 2002).
Chapter 6. United States

Program
In the United States I met with the Northwest Indian Fisheries Commission (Washington State), the Lummi Tribe (Lummi Reservation, Bellingham, Washington State) and the Columbia River Intertribal Fisheries Commission (Portland, Oregon).

Northwest Indian Fisheries Commission
The Northwest Indian Fisheries Commission (NWIFC) is primarily a support service organization that provides direct services to tribes to assist their natural resource management efforts. I was invited to attend and present at the NWIFC annual conference held at the Suquamish Tribes Casino in Poulsbo, Washington State. This was a great opportunity to not only met and talk with NWIFC staff, but also meet tribal chiefs, tribal members and committee members from the 25 different tribes that make up the Commission. The three day conference focused on an information exchange and sharing between different tribal groups. A series of talks, presentations and seminars by tribal members, tribal biologists, state government staff and NWIFC staff discussed salmon allocations, shellfish management, forest management, traditional ecological knowledge, language and partnerships between NWIFC, state and federal governments. Each tribe had one or more representatives at the conference so this gave me an opportunity to talk to people from all over Washington State involved in Indigenous fisheries management. The conference was also timed to celebrate 30 years since the historic Boldt decision, which reaffirmed Indian tribes treaty rights to hunt and fish. This celebration culminated in a formal dinner, presentations and cultural festivities on the final night.

Photo 10. Dances by Suquamish tribe members.
I was asked to give a presentation on Northern Australia Indigenous Fisheries Issues. This was very well received and I had subsequent discussions with NWIFC staff and tribal members, comparing Aboriginal fisheries and natural resource issues and rights.
I also had the opportunity to meet and speak with the Chairman of the Northwest Indian Fisheries Commission, Billy Frank Jr: a Nisqually Indian, an Indian activist, American icon and statesman. He shared stories and experiences about the 1960s and 1970s, before the Boldt decision, when he was arrested, beaten and punished for fishing for his family. In the years that followed the Boldt decision, Billy Frank Jr became a tribal leader and key negotiator, working to ensure that tribal treaty rights to fish and management of those fish with the state were upheld. We discussed the importance of fish for Indigenous people, intergenerational communication, cultural assertiveness and how Indigenous people need to move forward even in times of adversity.

Photo 13. Rebecca Sheppard with Billy Frank Jr, Chairman of the Northwest Indian Fisheries Commission.

**Lumni Indian Nation**

Through the NWIFC conference I met members of the Lumni tribe who shared their experiences and stories regarding fisheries management. In particular, the establishment of their reservation near Bellingham, Washington State, their seafood processing plant and shellfish harvesting area. From this I was invited to the Lumni reservation to see first hand how the community was established and how these facilities were run. This was a great opportunity to meet with tribal members, employees and observe how natural resource management works on ground. In the Lumni area a seafood processing plant is owned and run by the Lumni tribe. They process fish and seafood products from tribal and non-tribal fishermen. I also visited a shellfish area where tribal members harvested shellfish for subsistence and cultural purposes.
Columbia River Intertribal Fisheries Commission
The Columbia River Intertribal Fisheries Commission (CRITFC) is a fishery management agency created by the four confederated tribes in Oregon. CRITFC is charged with protecting the salmon of the Columbia River Basin and promoting the treaty fishing rights of its member tribes. I met with the Chairman of CRITFC, tribal chiefs, tribal scientists and staff of CRITFC. I gave a presentation at the CRITFC Head Office in Portland and followed this with discussions with staff members regarding fisheries issues, planning and management.

Photo 14. Columbia River Intertribal Fisheries Commission staff (left to right) – Charles Hudson, Mike Matylewich, Commission Chairman Jay Minthorn, Rob Lothrop and Commission Director, Olney Patt Jr.

I also was invited to attend the ‘Wy-Kan-Ush Pum’ gala dinner. This yearly gala was to celebrate the annual return of the salmon to the Columbia River, Native Indian culture and art. An auction of original Indian art was held to raise money for the ‘Spirit of the Salmon’ fund which puts money into restocking the rivers and protecting the watersheds where fish live. As well as being an amazing cultural experience, I also met some well recognized Tribal chiefs, congressmen and politicians.
Photo 15. Spirit of the Salmon dancers.

History – Northwest United States

Indian tribes have always inhabited the watersheds of Washington State and Oregon and their cultures are based on harvesting fish, wildlife and other natural resources. Tribal cultures, spirituality and economies have centered on fishing, hunting and gathering the natural resources of the region (NWIFC, 2003).

In the 1850s, the United Stated government sought to make land available for non-Indian settlers. When the government wanted to make Washington a state, a series of treaties were negotiated with the Indian tribes in the region. Most treaties between tribes and the United States (US) government relate to a cessation of land from the tribe to the US and a reservation by the tribe of certain rights. These included a portion of land for a homeland and hunting, fishing and gathering rights – both on and off reservation. In exchange for vast holdings ceded to it, the US promised to provide certain services in perpetuity. These include health, education, economic assistance, as well as fishing and hunting rights (Furse, 2000).

After 1871 the US ceased to sign treaties with Indian tribes. Instead it entered into agreements that did not need ratification by US Senate. In signing treaties the Tribes preserved many of their aboriginal rights, including land, hunting and fishing rights as well as the right to self-government (Furse, 2000).

During the 1900’s these treaties were broken and the tribes were denied their basic treaty-protected rights, including the right to fish and hunt by the State Governments and fisheries authorities. Struggles to obtain recognition resulted in the “Fish Wars” of the late 1960’s and 1970s when tribal members were arrested and jailed for fishing. The ensuing Boldt decision of 1974 substantially changed Indian rights through an acknowledgment of historical and treaty rights and gave Indian tribes an entitlement within fisheries allocation (NWIFC, 2004).

Boldt decision

In 1974 the Indian tribes in Washington State won a major victory in the United States vs Washington case, which reaffirmed their treaty preserved fishing rights. The ruling (upheld by the US Supreme Court) established the Indian tribes as the co-managers of the States resources and entitled them to 50% of the harvestable number of salmon returning to Washington State waters (NWIFC, 2004).

The Boldt decision has been used to define Indian hunting and fishing rights across the United States, as well as around the world. It paved the way for cultural revival, economic regeneration and sound ecosystem management. The decision also set co-management in motion where the tribes work on equal footing with the State government as joint managers of the areas natural resources (NWIFC, 2004). Another Court decision in May 1999 upheld the original decision that re-affirmed tribes treaty preserved right to harvest shell fish as well as the right to hunt deer, elk and other wildlife.

As the Boldt decision gave Indian tribes an allocation of the resource, harvest quotas had to be clearly defined. To do this the tribes created the Northwest Indian Fisheries Commission (NWIFC) to assist conducting and maintaining orderly and biologically sound fisheries.
The Commission was also tasked with determining sustainable allocations within the total allowable catch system established through the Department of Fisheries and Oceans.

**Northwest Indian Fisheries Commission**
The NWIFC is a consortium of tribes with 25 eligible members and it represents the tribal voice of Washington State. The NWIFC is governed by member tribes, which appoint commissioners to develop policy to guide the organizations. The commission’s executive director supervises NWIFC staff in the implementation of the policies and natural resource management activities approved by the commissioners. Each tribe has its own fishery management entity and runs its courts and law enforcement. The NWIFC is primarily a support service organization that provides direct services to tribes to assist their natural resource management efforts. The commission also develops and implements annual and longer term fisheries plans and provides databases of harvest statistics critical for fisheries management planning and harvest allocation (NWIFC, 2004).

**Columbia River**
For millennia, the tribes managed the salmon fisheries throughout Oregon, most notably at Celilo Falls on the Columbia River. Even traditional harvests that took between 6 and 11 million fish out of the river each year for ceremonial, subsistence and trading purposes left plenty of salmon to feed the land and replenish future stocks.

The once sustainable relationship between Northwestern Indian people, tribes and salmon has been dramatically altered by commercial ocean harvests, the construction of dams and habitat destruction (Sampson, 2003). Despite treaties that guaranteed salmon to the tribes, by the 1970s the government had effectively abdicated its responsibility to salmon protection in the Columbia River Basin. From 1977-2000 salmon runs had diminished to the point that Indian tribes were not allowed to catch salmon for commercial sale (Sampson, 2003).

![Photo 17. Celilo Falls, ancient Indian fishing grounds on the Columbia River, now covered by the backwaters of The Dalles Dam (Aris M Sherwood).](image-url)
Columbia River Intertribal Fisheries Commission
In 1969 the United States vs Oregon federal court decision reaffirmed treaty-reserved fishing rights and clarified tribal management responsibilities. In 1977 the tribes in the Columbia River basin decided they needed an intergovernmental body to assert their treaty fishing rights. The Columbia River Intertribal Fisheries Commission (CRITFC) formed because of the need to provide management coordination and technical support for tribal participation. Under the Indian Self-Determination Act, the tribes formed CRITFC composed of fish and wildlife committees from each tribe. CRITFC began implementing scientific research and analysis, establishing on reservation fisheries restoration, and conducting fisheries management and enforcement. The commission now participates in every intergovernmental process affecting rivers, articulates the tribal perspective on salmon resources and protects tribal governments and resources (Sampson, 2003).

Fisheries agreements
Adult salmon returning to Northern American streams to spawn, migrate through both US and Canadian waters and are harvested by fishermen from both countries.

A number of agreements relating to the harvest and allocations of salmon in Washington State and Oregon have been established. These include the:
- Federal MOU among relevant fisheries agencies to coordinate salmon recovery in 1996; and

Tribal Fisheries Management
Today, each tribe in Washington State and Oregon maintains an individual fishery management group or agency that manages the tribe’s fisheries resources and allocations. In some cases several tribes join together to form collective fishery management organizations. These fisheries management groups work in the areas of:
- Harvest management;
- Stock enhancement;
- Habitat protection; and
- Enforcement.

Tribal fisheries organizations receive direction from the tribal council and tribal fisheries commission that balances harvest needs with obligations to the resource. One of the main programs that tribal fisheries management organizations are involved in is salmon hatcheries. In 2002 in western Washington, treaty Indian tribes released about 41 million young salmon from tribal hatcheries. The hatchery program is helping to supplement naturally spawning salmon populations and supporting sustainable fisheries (NWIFC, 2004). Other active programs include habitat restoration projects, enforcement of tribal fisheries regulations, data collection and monitoring.
Summary
In summary, my key learnings from the Unites States are:

• Treaties set a precedent for the acknowledgement of Aboriginal fisheries rights, a share of the resource, management of the resource and continuation of traditional values;

• Although subsistence fishing accounts for a only small percentage of the total fish taken, it is highly significant to the Indian culture, spirituality, ceremonies, families and education;

• Ownership and management of the resources (natural and man-made) within an Indian tribes reservation can provide financial support, ongoing employment and facilities within traditional country;

• Over time, capacity building, training and education can provide great opportunities for Indigenous people to become involved in research, administration, management, compliance etc;

• Native people participation at all levels – from the ground to the high level negotiations and discussions – can provide long term and overarching benefits to the community and tribe;

• Tribes want a unified voice and an organization that can articulate this voice to governments and decision makers;

• Politicians, State and Federal Governments and authorities need a unified voice and supporting organization that can provide full representation of the tribes;

• It takes time, patience and consistent pressure to influence decision makers and governments;

• Habitat modification and stream impoundments, such as those for hydropower, have had a major impact on returning Salmon populations; and

• Tribes are actively involved in a full range of resource management issues – from restocking programs to habitat restoration, fish passage and fish sampling and monitoring.
Chapter 7. Canada

Program
In Canada, I attended and presented at the Fourth World Fisheries Congress (Vancouver), visited the Chehalis First Nation (Harrison River), the Nuu-chah-nulth Tribal Council and Hesquiaht First Nation (Vancouver Island), Secwepemc Fisheries Commission (Kamloops) and Okanagan Nation Alliance Community (Westbank) and met with people from the Carrier Sekani Tribal Council, the Thompson Basin Fisheries Council, the British Columbia Aboriginal Fisheries Commission, University of British Columbia and Department of Fisheries and Oceans (Vancouver).

Fourth World Fisheries Congress
The Fourth World Fisheries Congress was held in Vancouver. The theme of the conference was 'Reconciling Fisheries with Conservation: The Challenge of Managing Aquatic Ecosystems'. The Congress aimed to systematically explore the issues that underpin the reconciliation of fisheries with conservation, and secondly to promote scientific advice, cooperation and partnership among the world’s fisheries scientists, managers, the fishing industry and conservation movement in achieving this vital goal. I presented a paper and poster on Northern Australia’s Indigenous Fisheries Management in the Aboriginal Fisheries session. Both the talk and the poster were well received and promoted a lot of discussion. At the Congress I also had the opportunity to meet with Chief Simon Lucas of the Hesquiaht First Nation and a number of other Indigenous representatives from Indian tribes throughout British Columbia.

Photo 18. Rebecca Sheppard speaking at Fourth World Fisheries Congress (Chief Simon Lucas in background).
Chehalis First Nation
As part of the Congress a trip to the Chehalis First Nation was organised. This was attended by Australian aboriginal representatives, including Commissioner Rodney Dillion (ATSIC), and Indigenous representatives from British Columbia. The Chehalis First Nation is located on the Chehalis reservation, Harrison River in British Columbia. The goal of the Chehalis First Nation (Band) is to plan today for the future to promote and implement community development from a community perspective, create the vision and determine ways to measure the success of the initiatives. Chehalis provide health and family services, education, aboriginal rights and title, governance, community economic development, natural resource management, finances and public works. The Band has so far provided new roads, new office facilities, school expansion and gymnasium, Early Education Centre expansion, new houses, new bus and employment in the Weaver Creek Spawning Channel (Chehalis, 2002).

Members of the Chehalis Band welcomed Congress delegates to their land with traditional songs and prayers. Staff from the natural resource department then gave talks relating to fisheries management, habitat restoration projects, restocking, the Chehalis salmon hatchery, Weaver Creek spawning channel and development cooperative arrangements with the Department of Fisheries and Oceans (DFO). They also highlighted a number of needs that we discussed in relation to Australia’s current system of management and moving forward. These included:

- Bilateral negotiations with government for allocations, management and funding;
- Increase fish production and stocks;
- Recognizing cultural and economic benefits;
• Better coordination of fisheries (sustainable opportunities for everyone); and
• Cost and cost recovery for Indian participation.

Photo 20. Rebecca Sheppard with ‘Wika’ - Chief Alex Paul outside the Chehalis Government Centre.

Nuu-chah-nulth Tribal Council
The Nuu-chah-nulth Tribal Council (NTC) represents the chiefs and membership of 14 First Nations on the West Coast of Vancouver Island from Brooks Peninsula north of Kyuquot to Sheringham Point south of Port Renfrew. Consistent with Nuu-chah-nulth knowledge, the ‘Ha’wiih’s Ha-houlthee’ is managed in a sustainable manner and the harvesting of aquatic resources provides for sustenance, ceremonial and societal needs, and helps provide an economic base to a healthy community.

NTC Fisheries is located at the NTC’s office complex in Port Alberni, Vancouver Island, with regional offices in Gold River and Ucluelet. The NTC Fisheries program is funded by the Tribal Council through a contribution agreement with DFO and additional funds from the Nuu-chah-nulth Tribal Council. The Fisheries Program monitors and distributes $1.5 million funding to the 14 First Nations of the Nuu-chah-nulth tribal Council.

The Tribal Council employs 4 biologists, an office manager and 2 contract personnel to assist the First Nations with their responsibility to manage their aquatic resources.
I met with Don Hall, the manager of the NTC Fisheries and Josie Osborne a fisheries biologist for the Central region, Vancouver Island. We discussed the Council's structure, fisheries programs, struggles and successes. The NTC Fisheries manager also invited me to Hot Springs, to participate in a fisheries meeting organised by the Hesquiaht First Nation.

Some of the major issues discussed related to the responsibilities of the NTC Fisheries Program. These issues, also relevant to Australia and in particular to programs that the Queensland Government is investigating and moving towards, included:

- Conservation of fish and habitats;
- Provision of fisheries related technical and policy advice;
- Establishment of a Regional Fisheries Management Board;
- Assistance for First Nations in fisheries related matters;
- Promotion of participation in commercial fisheries;
- Communication with other organizations the objectives and goals of tribal fisheries programs;
- Protection of fishing rights through challenges to government policies and management;
- Extensive liaison with government and other resource management agencies;
- Pursuing additional funding for fisheries programs and projects;
- Collection, maintenance and publication of fisheries data for assessment and management; and
- Development and coordination of training programs.

**Hesquiaht First Nation**

The Hesquiaht First Nation community is located in Hot Springs, a remote village on the West coast of Vancouver Island. The main village of Hot Springs is located 29 nautical miles northeast of Tofino and is accessible only by boat or float plane. The Hesquiaht First Nation has a population of 650 people and has reservation lands of approximately 500 hectares.

The mission of the Hesquiaht First Nation is to build a healthy, prosperous community by providing quality program services that are needed by the Hesquiaht peoples.

The meeting was called by the Hesquiaht chiefs and Fisheries Council to discuss their fisheries and future of fisheries in their traditional area. Members of the NTC, Dept of Fisheries and Oceans and Department of Environment were invited. I was invited to sit in and listen to the discussions. The meeting involved discussions about the tribe’s fisheries resources, current fisheries programs, lack of access into commercial fishery, fisheries economic plan and using fish for food, ceremony and social purposes. Some of the issues raised by the Hesquiaht people were very similar to those pertinent to Aboriginal people in Australia.
Issues raised included:
- Need for better communication within and outside Hesquiaht people;
- Need to respect one another and work together for the future;
- Need to stop blaming each other about the past and get on with it;
- Wish for ongoing research projects and development projects that can create social and economic opportunities; and
- Need to know the science (amount of fish to catch) to ensure future sustainability.

The meeting also incorporated presentation from other members of the community, including a Tribal fisheries technician, social worker, health worker and teacher. We had an amazing lunch of local seafood and traditional foods, including Dungeness crab, King Salmon, Halibut, Salmon chowder and Salmon cakes. After lunch, I was presented with a mask carved by the Hereditary Chief Matlohoa (Chief Dominic Andrews) to thank me for visiting their traditional lands.

The Secwepemc Fisheries Commission (SFC) is a division of the Shuswap National Tribal Council Society and a support service agency available to Secwepemc communities. There are 17 First Nation communities within Secwepemc Traditional Territory distributed along historic salmon fishing grounds on the Fraser, Thompson, Chilcotin, Quesnel and Colombia Rivers. The SFC was formed in 1992 to serve as an advisory body to the Shuswap leadership and as a forum to address mutual fisheries issues. The SFC strives towards the protection, maintenance and sustainable use of the fisheries resources within Secwepemc traditional territory. The SFC provides political and policy support, technical advice and training, communications, administration and planning.

As part of my visit to Kamloops and the SFC, I was invited to stay with Chairman Fred Fortier and his family. This was a great experience to meet and stay with a native Indian family and eat fresh catches of salmon, moose and caribou! While in Kamloops I also visited the Shuswap Nation museum and display of native villages, tools and structures. At the SFCs main office I gave a presentation to SFC and the Secwepemc Natural Resources Society and Education Society.

The SFC are working with DFO on co-management agreements but commented that these were long and cumbersome processes. They also raised the issue that there hadn't been a cultural shift in thinking by government so they continually faced problems relating to recognition, rights and ability to manage the resource. Staff also said it was difficult to maintain their current capacity with a decrease in funding and that it was hard to work with all communities and tribes because of the different levels of capacity, education, staff and skills. During summer, there is also limited opportunity for consultation due to the high level of fishing activity. This tends to put processes, agreements and projects that are currently underway, on hold.
Canada’s fishery
The economic value of the commercial salmon fishery in British Columbia is estimated at $1 billion annually. If the values of the sport fishery and the traditional aboriginal fishery are added to this figure, the economic and social importance of the salmon fishery is considerable. Due to the lifecycle of the salmon, user groups and history it is also a complex fishery to manage.

The management of the west coast salmon fishery is affected both by the cycles of the fishery resource itself, and, particularly, by the claims of the three main parties concerned: commercial fishing groups, sport fishing groups, and aboriginal people.

Sparrow decision
The Sparrow case was the first in which the Supreme Court of Canada dealt with Section 35 of Constitution Act 1982, which recognizes and affirms "the existing aboriginal and treaty rights of the aboriginal peoples of Canada". At issue was an Aboriginal right to fish salmon with a gill net for food, social and ceremonial purposes. The appellant, Mr. Sparrow, was a member of the Musqueam Band and he was charged with exceeding the net length restriction imposed on the Band's Food Fishing Licence pursuant to the British Columbia (General) Fishery Regulations enacted pursuant to the federal Fisheries Act.

In 1990, the Supreme Court of Canada issued a landmark ruling in the Sparrow decision. It found that there was an Aboriginal right to fish for food, social and ceremonial purposes that take priority over all other uses of the fishery except conservation. Therefore priorities were established based on level of importance. These, in order of priority, were:

1. Conservation
2. Aboriginal food, social and ceremonial fishery
3. Commercial and sport fisheries.

It should be noted that, in Sparrow, the Supreme Court refused to consider the existence of an aboriginal right to fish for commercial purposes, an issue which, it stated, had not been debated before the lower courts (Allain and Frechette, 1993).

Aboriginal Fishing Strategy
In response to the Sparrow decision and to provide stable fishery management, DFO launched the Aboriginal Fisheries Strategy (AFS) in 1992. Originally envisaged as a way to fund the programs made necessary by the Sparrow decision, the AFS has become an interim measure, bridging the gap between the current needs of Indigenous Canadians and the eventual treaty outcomes.

The AFS applies where DFO manages the fishery and where land claims settlements (treaties) have not already put a fisheries management framework in place. Under the AFS, DFO enters into agreements with Aboriginal groups on fisheries access and management of the fishery. About two-thirds of these agreements are with communities in DFO's Pacific Region while the balances are in Atlantic Canada and Québec.
The objectives of the AFS are:

- To provide a framework for the management of fishing by Aboriginal groups for food, social and ceremonial purposes;
- To provide Aboriginal groups with an opportunity to participate in the management of fisheries, thereby improving conservation, management and enhancement of the resource;
- To contribute to the economic self-sufficiency of Aboriginal communities;
- To provide a foundation for the development of self-government agreements and treaties; and
- To improve the fisheries management skills and capacity of Aboriginal groups (DFO, 2004).

The AFS has three main components:

1. **Fish allocations**
The provision of fish allocations to ensure that the Aboriginal right to fish is protected. The management and distribution of effort and catch are administered by the Indigenous community through a communal fishing license which is negotiated between DFO and First Nations (DFO, 1995).

2. **Indigenous participation**
The AFS has developed programs, training and funding to encourage long-term Aboriginal participation in resource management and enhancement. This has enabled the developed of co-management strategies and agreements, as well as providing a mechanism for continued consultation and communication for fishery management decisions (DFO, 1995).

3. **Commercial activities**
To help First Nation groups get involved and have a share of the commercial fishery, the AFS introduced pilot sales arrangements (PSA), which enable various Indigenous groups to sell fish subject to agreements specifying allocations and management regimes. This was initiated to test how Indigenous fish sales would work and also because the illegal sale of fish could not be controlled in certain areas (DFO, 1995). In 1992, three agreements were negotiated with First Nations on the lower Fraser River, Somass and Skeena Rivers (Robinson, 1998).

The Canadian Aboriginal Fisheries Strategy (AFS) distributes approximately US$35 (AU$24.5) million annually in two areas: the Allocation Transfer Program and “Co-management” capacity building projects. There are about 140 agreements made annually based on annual fishery allocations under the AFS, which employ about 5,000 people in largely seasonal employment.
Tribal Fisheries Management
Most of the First Nation tribes have a fisheries program with dedicated staff, funding and projects. These programs typically include habitat restoration, revegetation, re-establishment of fishways and fish passage, fish monitoring, data collection and stock enhancement. The programs give the First Nations a chance to be involved in the research and management of the fishery, as well as providing local training and ongoing employment.

Photo 23. First nation member working at the Chehalis Salmon Hatchery.

Treaties
First Nations have been successful in having existing aboriginal and treaty rights recognized in the Constitution of Canada. The Canadian Supreme Court has subsequently provided legal protection for Aboriginal rights, including rights to protect habitat, fisheries needs and to participate in commerce and trade. These successes however have been relatively piecemeal and slow, but some progress has been made in land claims and treaty-based resource co-management in Canada’s North. Treaty-making is a slow process and is not the ideal solution for all Tribes as historic treaty rights are difficult to implement (Moore and Wright, 2004).
Issues affecting First Nation fisheries
Although Canada and in particular British Columbia have been progressive in terms of Aboriginal fishing and subsistence rights, through the recognition of traditional fishing, community engagement and capacity building, there are still a number of issues affecting First Nation fisheries. These include:

- Access to fisheries;
- Move to selective fishing;
- Habitat protection;
- Stream and river modification;
- Salmon farming and disease;
- Complicated arrangements;
- Reflection of Indigenous fisheries rights in policy and legislation;
- Recognition of First Nations as co-managers of the resource;
- Angst between sectors and user groups;
- Representativeness of large tribal organisations; and
- Lack of tangible outcomes.

The British Columbia Aboriginal Fisheries Committee (BCAFC) supports inter-tribal cooperation and inter-government cooperation such as in cooperative management and enforcement protocols that protect public safety and conservation priorities. In the long term however, First Nation groups are looking for full recognition of Aboriginal rights, title to fisheries and recognition of their collective role as the fisheries managers (Moore and Wright, 2004).

Canada’s National Approach
The Assembly of First Nations is leading a national strategy based upon a Canadian First Nations workshop organized in year 2000. “Netukulimk” (A way to make a living) is highlighted as the vision in the Assemblies national work statement. The work plan under development for the next 5 years is aimed at developing better accountability with government partners and their fisheries policies and programs. This is in turn seen as a way to empower political efforts whether they are in Federal statute, treaties, co-management or business arrangements with First Nations (Moore and Wright, 2004).

The national strategic objectives outlined in the draft strategy include:

- Recognize, protect and advance fishing rights;
- Engage First Nations fishing rights - from consultation to management and policy making;
- Facilitate principled bilateral relationships, regional coordination and national collaboration;
- Coordinate, communicate and educate;
- Review fisheries and monitor legislation, policies and programs (Moore and Wright, 2004).
Summary
In summary, my learnings from Canada are:

- Recognition of Aboriginal fishing rights and the importance of subsistence fishing to native Indian people for food, nutrition, culture, spirituality and education;

- The advantages for Indigenous people in establishing priorities for fisheries – in particular providing for Aboriginal subsistence needs as a priority before the commercial, recreational and sport fishing sectors;

- The Federal Government plays a major role in determining the resources and policies in relation to Indigenous fisheries issues;

- The Aboriginal Fishing Strategy has contributed towards the creation and implementation of co-management agreements in regard to fish allocation and invested heavily in community capacity building, education and training;

- Many First Nation groups have mixed feelings in regard to the Aboriginal Fishing Strategy, what it has achieved and the money spent;

- Wild Salmon stocks have been depleted significantly over the years due to habitat and stream modification, barriers (dams and weirs) and overfishing;

- Salmon taken for subsistence purposes is now significantly less than traditional, historic catches due to a decline in the fish stocks and fishing restrictions.

- High level of distrust and anxiety with the bureaucracy of government and fisheries organisations from Indigenous people and Tribes; and

- First Nation tribes are willing to work together, work with government organisations and fisheries managers to improve their quality of living, society and economic development. This is seen as the way forward for the management of fisheries for everyone.
Chapter 8. Alaska

Program
In Alaska, I met with representatives of the Tanana Chiefs Conference and the University of Alaska (Fairbanks), US Fish and Wildlife Service (Anchorage), National Marine Fisheries Service (Juneau) and visited an Inuit (Eskimo) village (Barrow).

Tanana Chiefs Conference
The Tanana Chiefs Conference is the traditional tribal consortium of the 42 villages of Interior Alaska and is based on a belief in tribal self-determination and the need for regional Native unity. The Conference provides health services, education, tribal development and natural resource management. The TCC is a central organization, based in Fairbanks, that represents the ‘tribal’ voice of the region. The TCC Wildlife and Park program monitors international, statewide, regional and local activities concerning subsistence use of fish and game resources in the TCC region. Staff members provide information and technical assistance to rural residents, fish and game advisory committees, and government agencies to ensure habitat protection. It is also an advocate for fishing and hunting rights. The fisheries program aims at building the educational capacity and expertise in fisheries throughout the Tanana Chiefs Conference Region.

In Fairbanks I met the natural resource management staff that are primarily involved in fisheries monitoring, allocation and distribution of fish (particularly salmon), negotiations with National Marine Fisheries Service and US Fish and Wildlife Service and the collection and recording of traditional ecological knowledge. We specifically discussed some of their ongoing programs including the collection of traditional ecological knowledge and subsistence data monitoring. Both these programs involve training local Indian people to complete the work required. The traditional ecological knowledge programs aims at documenting traditional knowledge from elders and teaching young children about traditional activities.

The program, methods, application and outcomes are tremendous and could be modified and used with Aboriginal communities in Australia. Similar to Alaska, in Australia we are finding that the elders who can speak language and have traditional knowledge about resources and areas are not recording this information or passing it onto future generations.

University of Alaska
At the University of Alaska I met with academics staff and students that I had previously met at the World Fisheries Congress. These colleagues were primarily conducting research into salmon (biology, health, disease, movement etc) and were also doing research activities within tribal communities. We discussed the applicability of research to subsistence fishing and also training and getting native people involved at the ground level. I also visited the National Alaska Museum, which was located at the University. This also provided a great amount of information in relation to native peoples history in Alaska, the salmon fishery, the broader biophysical aspects of the State.
**US Fish and Wildlife Service**
The US Fish and Wildlife Service is a federal department based in Anchorage. Within this government department I delivered a presentation and met with staff members and local native representatives. I spent most of my time with staff from the Office of Subsistence Management. This group is involved with a relatively new program focused on fisheries resource management in subsistence communities. Discussions centered around capacity building, training, education and cultural differences. As they are entering into capacity building and partnerships, I discussed my experiences in Cape York Peninsula, which were very relevant. We drew comparisons between the non-Indigenous and Indigenous approaches and discussed techniques that could be considered in Australia’s Aboriginal communities.

**NOAA, National Marine Fisheries Service**
The National Marine Fisheries Service, Juneau is a federal organization that now manages federal lands and waters in Alaska. In 1999 after a court ruling, the management of subsistence fishing and hunting on federal lands and waters was removed from the state government and passed to the federal government. In Juneau I gave a presentation and had discussions with staff members involved with subsistence fishing, allocations, management and the Community Development Quota (CDQ) program. This CDQ program, as discussed later, is a way of helping largely native communities get back into the commercial fishing industry. It gives them a share of the quota and provides avenues for employment, training, management and funding. I believe a similar structure could be used in Australia.

**Eskimo village, Barrow**
Alaska has a large number of remote villages with largely native populations; however only a small number of these are Eskimo (Yupik/ Iñupiat/Inuit) villages. One of these is in Barrow, located 330 miles above the Arctic Circle at the most northern point in Alaska. During the winter, Barrow has 24-hour darkness. Fortunately, the summer months have 24-hours of daylight. Barrow is the largest city on the North Slope with a population of 4,541 people, the majority of which are Iñupiat Eskimos.
Photo 24. Barrow, Top of the World, with frozen Artic Ocean in background.

I visited this community to gather an appreciation of the difference to other native villages, learn about the Iñupiat heritage and culture and gather information on subsistence fishing and hunting. Subsistence fishing and hunting are a way of life in Barrow and provides most of the communities’ food. Around 60 to 70 percent of the northern Eskimo diet consists of whale meat.

Traditional marine mammal hunting and other subsistence practices remain an important aspect of local culture. Bowhead, gray, killer, and beluga whales migrate near Barrow in the spring and fall. The most important subsistence activity is the pursuit of bowhead whales. Barrow whalers pursue the bowhead during the spring and fall migrations. During the spring, the passing whales are hunted at sea ice openings called leads. During the fall, whaling is a shore-based activity. Generally, the spring whaling season produces the majority of the whales landed in Barrow each year. While the actual hunting of bowheads occurs for brief periods during the spring and fall, whaling involves preparations that take place throughout the entire year. Few other subsistence activities exist in any of the traditional whaling villages with roots so deeply embedded in preparation for or in celebration of a successful hunt (NPS, 2004).

The importance of the bowhead whale to the Iñupiat culture cannot be understated. There are many rituals associated with the hunt itself and three celebrations each year designed to show respect for the souls of the animals, to bring luck to the hunt, and to give thanks to the spirits of the animals that have been killed for food.

Whaling traditions include kinship-based crews, use of whale skin boats (only in Barrow for their spring whaling season), shoreline preparation for distribution of the meat, and total community participation and sharing. In spite of the rising cash income, these traditions remain as central values and activities for all Iñupiat people. Bowhead whaling strengthens family and community ties and the sense of a common Iñupiat heritage, culture, and way of life.
In this way, whaling activities provide strength, purpose, and unity in the face of rapid change.

The village, run by a local Tribal council with elected members, receives a quota on the number of whales they can hunt each year. The quota is currently regulated by the Alaska Eskimo Whaling Commission (AEWC), which annually decides how many bowheads each whaling community may take. In 2004 they were given a quota of 22 whales.

Photo 25. Whaling boat, Barrow displaying family specific flag symbolizing a successful whale hunt.

Photo 26. Whale jaws, bones and skin boat frames, Barrow.
In Barrow I also had a local tour guide who showed me around the village, including his families home, the areas research facilities, whaling boats and the Iñupiat cultural center. At the cultural center I was treated to traditional dances and games by the local Iñupiat people.

Photo 27. Iñupiat dancers, Barrow.

Photo 28. The blanket toss (marks end of successful and safe whale season).
Alaska’s history
Alaska is known as the salmon capital of the world. Alaska’s abundant runs of wild Pacific salmon have sustained Native Alaskan families and cultures for millennia, and today support many Alaskan families whose livelihoods are tied to salmon fisheries. Alaska’s habitats include small springs, freshwater streams, estuarine systems, glaciers and saltwater bays. Alaska has 44,000 miles of coastline, 365,000 miles of rivers and streams, and more than a million lakes. Streams, rivers and lakes serve as salmon migration corridors and their underlying gravel provides spawning and rearing habitats (Lyman, 2002).

From the 1930s to 1970s, federal and state fisheries regulations diminished the rural, and largely native, participation in the fishing industry. Fishing grounds were closed to seine netters in particular areas – which were important areas for native Indian fishermen. Closing the areas was the beginning of the end of the commercial fishing as the mainstay economy for native villages and families.

In 1970s a limited entry permit system was introduced. The permit system required fishermen to acquire a number of points through fishing activities to get commercial licenses. Native fishermen operated the salmon canneries and this prevented them from getting enough points to enter into the permit system. In the 1990s, Individual Fisheries Quotas (IFQ) were implemented and this further impacted on villages, native fishermen and native Indian families. IFQs were saleable, so many indebted tribal fishermen ended up having to sell their IFQs to provide for their family.

Current management
Today, state regulations and laws define four categories of users who may harvest salmon in Alaska, be it for commercial, subsistence, sport or personal use. To participate in subsistence and personal use fisheries you must be an Alaskan resident. While there is a priority for subsistence users, commercial fishing accounts for the vast majority of salmon harvested.

Establishing Community Development Quotas (CDQ) for fisheries is a management tool that is bringing back commercial fishing opportunities to rural communities and Native villages. The CDQ program has proven to be effective to counter the ill effects of the IFQ program. CDQs are allocated to the largely native communities, which sublet them to commercial vessels usually under requirements that local crews be hired and that processing occurs in the community.

Subsistence fishing
In Alaska, both state and federal laws provide a priority for subsistence fishing for rural Alaskans. Rural Alaskans includes not only aboriginal people (native Indian people and tribes) but also non-native people who live in rural communities. Nearly half of all subsistence fishing in Alaska is done by non-Native Alaskans living in rural communities.

Subsistence harvest of salmon account for less than 3% of annual Salmon harvest, but the catch remains very important to the families, communities and culture that depend on subsistence. Native people have no exclusive fishing rights.
Subsistence harvests in Alaska is made up of approximately 44 million pounds (20 million kg) of food per year and 375 pounds (170 kg) per person per year. 60% of this harvest is made up of fish, with 20% accounting for land mammals and 14% marine mammals (FWS, 2004).

The right to conduct subsistence fishing is a major unresolved issue facing Alaskans and native people of Alaska. Currently only 2% of Alaska’s fishery is used for subsistence, yet most Alaskan people and groups are jealous of this right. The legislature in Alaska has failed to approve a widely supported constitutional amendment that would make state management of subsistence activities possible. This has resulted in the federal takeover of fish and game management on Alaska federal lands and waters. Co-management between the tribes of Alaska and the federal government is now a principal goal.

**Community Development Quota Program**
The Community Development Quota (CDQ) Program, implemented in 1992, brought a profound change to western Alaska. In contrast to the traditional subsistence and small boat commercial fisheries, western Alaskan residents now have opportunities to work on fishing vessels, in processing plants and in related seafood operations. With CDQs, Bering Sea coastal communities set up partnerships with established corporations in industrial scale seafood production.

The program was established to help rural Alaskan communities address chronic unemployment and social problems and have a share in a multimillion dollar fishery (NOAA, 2000). Benefits include direct revenue from ‘Pollock’ fisheries (up to US$20 or AU $14 million annually), employment and increased opportunities for fisheries development in rural communities.

The CDQ program is community based and is set up through 13 regional corporations that are non-profit and focused on fisheries and quotas. It benefits the residents (native and non-native) of 65 communities throughout western Alaska, although these communities are largely made up of native people and families. The commercial fishing industry is one of the main employers in Alaska, so is important for all communities. The program essentially gives rural Alaskan communities a share in the commercial fishery. CDQ is on top of and separate to normal subsistence fisheries.

The CDQ program works through giving the communities a specific quota – currently 10% of total allowable catch (TAC) of every species commercially harvested. CDQ groups are mini-governments and organizations that are set up specifically to manage quotas given through the CDQ program. These corporations are required to develop economic development plans and account to the government for the money received. The CDQ allocations for quotas are established every three years and divided between the 13 CDQ groups.
CDQ program benefits

- Uses already developed commercial fisheries;
- Community based fishing – can catch and sell commercially on a small scale within communities;
- CDQ groups and community decides who gets to fish and any restrictions;
- Money can be used for scholarships and training for children from the villages;
- Groups can lease quotas back to commercial fisherman to make additional money;
- Fishing companies want part of CDQ quotas so groups develop business plans and contracts with them. This includes conditions like hiring local native people, providing training, providing support for community projects etc;
- CDQ program has helped local communities develop as local businesses; and
- Local fishers benefit through jobs, money, administration and employment. This has flow on effects for community and local businesses and families.
Royalties from CDQ program quotas are about US$46 ($AU 32) million per year (Western Alaska CDQ) (NOAA, 2004). This money has to be spent on fisheries related developments for the communities (ie: boats, training, buying into fishing companies etc). People in the community also receive an income from the catch, employment on vessels and in processing plants, infrastructure developments, scholarships and training.

Cooperative management and partnership programs
The state government in Alaska is working with Native organizations and Tribal governments to build the capacity and expertise of Alaska native and rural organizations to participate in subsistence management and research. The government has developed a Subsistence Fisheries Resource Monitoring Program and this directly supports and funds fisheries biologists and social scientists to develop valuable and scientifically sound resource mentoring programs.

The program aims to specifically target capacity building in the communities by increasing the ability of Tribes, rural organizations and non-profit organizations to participate meaningfully in federal subsistence fisheries management and research and also to increase the ability of research to work outside their disciplines.

The role of the program is to:
- Promote cooperative partnerships among Alaska Native and rural organizations and State and Federal agencies, academia, and others;
- Assist with project development, operations, technical support, and coordination of project activities;
- Support community outreach, education and intern training and mentoring; and
- Focus efforts on key issues facing subsistence users by helping identify information needs (FWS, 2004).

Some examples of current projects include:
- stock assessment through use of weirs and sonar counters;
- harvest assessment, including post season and in season, and village and household surveys; and
- traditional ecological knowledge (collection, documentation, analysis).
Summary
In summary, my key learnings from Alaska are:

- Even though Alaska is a State of the United States of America, it has a very different history and management regime. In particular, treaties were not established for native Indian people and tribes and up until very recently, fisheries resources (including subsistence fishing) were managed by the Alaskan State government.

- Subsistence fishing priorities and allocations apply to all Alaskans, not only native Indian people;

- Subsistence fishing allocations do not take into account culture, ceremonial and spiritual needs for native Indian people;

- Government intervention, regulations and legislation over the last 80 years has resulted in native Indian people having little or no say in fisheries resource management;

- Current traditional and subsistence fishing for native communities and families is increasing due to the change in legislation, management and allocations;

- Remote communities such as Barrow still retain most of their fishing and hunting rights and still use tribal law, native languages and customs;

- The CDQ program aims to provide rural and largely native communities with the means for starting or supporting commercial fisheries business activities that will result in an ongoing, regionally based, fisheries-related economy in Western Alaska; and

- The government has recognised that capacity building, partnerships programs and cooperative arrangements have benefits for all parties involved.
Chapter 9. Comparative Assessment

Throughout the report I have outlined my key findings and learnings from each country. In this section I will outline and discuss the principal similarities and differences with Australia and in particular Queensland.

**Similarities**

Although the type of fisheries, history of Aboriginal issues and rights, environment, climate and political context are extremely different to Australia, there are a number of similarities. These include:

1. **Aboriginal connection to land and sea**
   All Aboriginal people in the areas studied have very strong and spiritual connections to their traditional land and sea country. Fisheries in particular is a key component of Aboriginal peoples culture, food, spirituality and education.

2. **Interrelated natural resource management issues.**
   Australia has taken a ‘catchment’ approach to management. This acknowledges that fisheries resources, habitats, resources and environments are affected by everything that happens in the catchment, natural and artificial. In the United States and Canada, a similar ‘watershed’ approach is taken.

3. **Co-management and partnership approach**
   Throughout the United States, Alaska and within Canada’s Aboriginal Fishing Strategy, co-management arrangements and partnerships are key programs. Currently within Australia and in particular in Queensland, the government has taken a ‘partnership’ approach and developed strategies such as the 10 year Cape York Partnership Program and inter-departmental groups to develop similar arrangements with Aboriginal communities. Historical and contemporary Indigenous fisheries management within Queensland and Australia was of real interest to all parties engaged during the course of my Churchill program. Cooperative co-management of fishery resources would appear to be the preferred method through which Indigenous people can be meaningfully engaged and sustainable outcomes for all sectors ensured. Whilst there are challenges ahead, recent approaches within Queensland towards Indigenous fisheries management appear to align closely with techniques that have been successfully employed through the United States, Canada and Alaska.

4. **Focus on economic development**
   Within the United States, Canada and Alaska social and economic development for native Indian tribes and communities is of paramount significance. This has come about not only through allocations and management of fisheries resources, but also through development on reservations. Queensland has taken a similar approach to build and promote socio-economic development within Aboriginal communities, in particular on Cape York Peninsula and is funding projects with a similar focus.
5. Many competing user / stakeholder groups
As discussed, the salmon fishery in North America is highly competitive and there is conflict between all user groups in terms of allocations, catch effort and restrictions. This is also the case for other natural resources, including forestry, which is of major economic importance to Canada. In Australia there are also many user groups competing for the same resource. In terms of fisheries resources this includes Aboriginal and Islander people, commercial fisheries, recreational fisheries and tourist operators.

6. Indigenous Populations
The percentage of Aboriginal people in each country is relatively similar. In Australia, Canada and Alaska, Aboriginal people make up about 2 to 3% of the total population. Canada has the highest percentage of Aboriginal people (approximately 3% of total population), Australia has approximately 2.7% Aboriginal people and the United States has approximately 1% of the population that are Aboriginal. Although the United States is lower, it was acknowledged in the census information that this percentage is higher in Northwest United States and Alaska.

Overall, there are a number of similarities between Australia and North America and Canada. Although not immediately apparent, these are intrinsic in the nature and history of Aboriginal people and their culture. To address fisheries issues, both countries are now focussed on co-management and partnerships arrangements with a view to achieving amicable and sustainable outcomes for all stakeholder groups and for the fishery resource.

Differences
There are many distinctions when comparing Northern Australia with the United States and Canada. At first glance, the environment, river systems, climate and flora and fauna are just some of the major differences. In relation to Indigenous fisheries management, a number of other differences are apparent.

1. Pacific Salmon fishery
As discussed in this report, one of the most important fisheries in North America is the Pacific Salmon. This species is vastly different from any species we have and manage in Australia. Differences include biology, lifecycle, fish movement and connection to other flora and fauna. The most apparent difference is that all mature spawning fish die after spawning and this spawning event takes place at the most upper reaches of a river system or stream. The journey of the mature fish back to their original spawning grounds also takes it past a large number of different tribal groups, government and political boundaries, agreements, countries and states. Allocations and management arrangements have to take this into consideration, as well an ensuring that enough mature fish reach the spawning grounds to conserve and sustain the species.
2. Treaties
Historically, within the United States and parts of Canada, Indian tribes negotiated treaty rights with the government. Although not initially recognised, these rights (which typically include fishing rights) have now been recognised through the court and legal system. These rulings have set precedents for allocations, management powers and rights. The Torres Strait is the only part of Australia in which Indigenous fishing and other rights are protected by a treaty – and this treaty is between Australia and another Papua New Guinea. It has only been recent history that Aboriginal people were legally recognised as living in Australia prior to European arrival.

3. Priority of fisheries
In the United States, Canada and Alaska there is a recognized priority order for fisheries. Moving from conservation, Aboriginal subsistence, commercial and recreational fisheries to sport fisheries. Therefore, after an allocation for conservation has been established, Aboriginal subsistence needs are met. It is only after this that total allowable catches (TAC) and bag limits for commercial and recreational fisherman are set respectively. In Australia this is certainly not the case. In Queensland, for example, sustainable catch numbers and restrictions are generally established for commercial and/or recreational fishers first. Aboriginal subsistence needs are not given any priority nor are they formally acknowledged.

4. Allocations
In the United States, the courts and governments have established allocations for some fisheries and natural resources for Indigenous people. In Washington State and Oregon, native treaty tribes own and are allocated 50% of the salmon resource. This gives them direct control of the resource and also provides financial assistance. In Australia there are no specific allocations of fish or natural resources for Indigenous people and groups.

5. Tribal fisheries organisations
Due to the allocation and priority given, Indian tribes have needed management bodies to help allocate and manage their fisheries resource. As such large tribal fisheries organisations have been established, for example, the Northwest Indian Fisheries Commission and Columbia River Intertribal Fisheries Commission. These organisations have fisheries biologists, administrators, negotiators and managers. They also provide a unified and strong voice for Indian people within the United States. Although Australia has a number of small Aboriginal organisations, none of these are focussed on fisheries. Aboriginal Land Corporations were created in response to the Native Title Act to primarily deal with native title issues.
6. Recognition of Aboriginal rights
Throughout the United States and Canada in particular there appeared to be a widespread consensus and acknowledgment within the non-native population of Aboriginal rights. This is not the same as in Alaska where Native Indian people have limited rights and various groups seem to be jealous of their subsistence fishing rights. Throughout Australia there is growing acknowledgment and concern of Aboriginal rights and reconciliation.

7. Community development
Native Indian reservations are established and run as mini bureaucracies, societies and economies. As such the Indian tribes have developed businesses such as casinos, salmon processing plants, food stores etc to provide employment and financial benefits for the community. These reservations and businesses on a reservation are tax-exempt, including the casinos. The factors have all contributed to community development. Through the Native Title Act, Traditional Owners within Australia are beginning to get back some of their traditional lands. Business and economic development may proceed within these areas in the future.

8. Capacity building
In the United States and Canada, Aboriginal rights, priorities and allocations have been fundamental issues and management concerns for the last thirty to forty years. Capacity building, training and education have been programs that have been developed and implemented over this time. As such, native Indian people and First Nation tribes are now employed in and run their own Fisheries Committees, manage the Tribal Fisheries organisations, are government employees and are active members of government advisory committees. In Australia this level of capacity building has only just begun.

9. Power of Indigenous population
Recognition, power, education, equitable relationships, knowledge and capacity building have all contributed to an empowered and authoritative Aboriginal population in the United States and Canada. Native Indian people hold positions of authority not only in fisheries organisations, but throughout government, the legal system, politics and education. In Australia there are a small number of individual Aboriginal leaders and activists who are influential in government and politics. There are a number of agencies and organisations such as the Department of Aboriginal and Torres Strait Islander Policy, Indigenous Coordinating Council, Land Councils and Native Title bodies that represent aboriginal and islander people. Through time and appropriate partnerships this influence and recognition will grow.

10. Major stakeholder group
Aboriginal people and organisations (Native Indians, Native Americans, First Nation groups etc) in North America and Canada are one of the most important stakeholder groups involved in natural resource management issues, particularly fisheries. Their level of funding, resource allocation, management, authority, resources, capacity and sheer size of tribal fisheries organisations reflect this. Alaska is not at the same level.
In Australia, Aboriginal and Indigenous groups are not as organised and integrated, nor are they recognised as a major stakeholder group in fisheries management. The exception is in the Torres Straits where Islanders participate and influence decisions related to fisheries and natural resource management.

11. Federal Government versus State Government
In Canada, the Federal Government plays a major role in determining resources and policies in relation to Indigenous Fisheries Issues. The Aboriginal Fisheries Strategy is managed by the Federal fisheries department (DFO) and not on a state or province level. In Alaska, the Federal government also plays a key role and controls all subsistence fishing and hunting over Federal lands and waters, which account for over 60% of the state. In Australia, the Federal government has tended to leave Indigenous fisheries management and the majority of general fisheries management to the States. This has lead to great differences, recognition and approaches across the various states in Australia. Torres Strait is the only exception, where the Commonwealth and State governments share management responsibilities.

On a comparative basis, Australia lags behind the United States, Canada and Alaska, in terms of recognising Indigenous rights to traditional sea country, commercial fishing rights, allocations, priority and the importance of subsistence fishing. Recent changes in legal and political thinking in Canada and Alaska have resulted in various marine co-management agreements being negotiated. Such processes and agreements have enabled Aboriginal groups to incorporate their various cultural, political and economic aspirations into management plans and policy, as well as providing insightful approaches in conserving such resources (Robinson, 1998).
Chapter 10. Recommendations

This section of the report details the key recommendations for government, policy makers, Indigenous agencies and organisations in Queensland and Australia.

1. Everything is connected
Aboriginal people perceive all natural resource issues, for example fish, marine mammals, vegetation, water, flora and fauna etc holistically for their traditional country. In addition, other issues such as health, education, culture and economics are not isolated. Government policy must change to span value systems to incorporate a wide variety of issues.

**Recommendation** – develop policies and management tools that address all issues and operate on an ecosystem and cultural level.

**Recommendation** – people work across agencies and organisations to provide a high level of knowledge, commitment and integration.

2. Traditional Ecological Knowledge
The role of Aboriginal Traditional Ecological Knowledge must be reinforced within government, science and management. It is incumbent on Indigenous people to maintain this knowledge and on governments to foster the conditions where this knowledge can be retained and passed onto future generations. Understanding traditional ecological knowledge that includes aquatic ecosystems, conservation, management and sustainability can help us manage and allocate resources fairly in the future.

**Recommendation** - develop and implement programs that facilitate the understanding, development, recognition and collection of traditional knowledge, now and into the future, for integration into fisheries management.

3. Culture
Most people recognise that Aboriginal cultures and beliefs are different from the non-Indigenous and western beliefs and value systems. Western societies tend to be overarching, structured and inflexible. Aboriginal societies are generally holistic, flexible and function at a grass roots level. Awareness of cultural differences needs to be taken into account when planning meetings, discussions, drafting strategies and plans etc.

**Recommendation** – all major cultural groups attend a course/s or workshop, which explains different cultures, value systems, beliefs, working arrangements etc.

4. Customary fishing
Customary and traditional fishing are fundamental to Aboriginal and Islander culture and way of life. It is important to acknowledge and define the role of customary fishing and role of traditional knowledge in sustainable fisheries management. It is also essential to define ‘subsistence’ fishing rights as well as barter and trade to help reallocate fisheries resources. Through recognition, understanding and definition of customary fishing, Indigenous peoples and
cultural practices which are important to the sustainability of aquatic ecosystems and the local fishing economies they support can be maintained. **Recommendation** – acknowledge and define customary fishing in Fisheries legislation, policies and strategies in collaboration with Indigenous people. **Recommendation** – acknowledge and define subsistence fishing rights, including barter and trade.

5. Dialogue
Communication and discussion are fundamental to building cooperative arrangements and partnerships. Most Aboriginal people and groups want to work with governments and fisheries management organizations. They want to be included in discussions, management arrangements and partnerships. **Recommendation** - facilitate information exchange and dialogue about Indigenous Fishing Rights. Partnerships and cooperative management arrangements can help this.

6. Community based approach
Although there are overarching similarities in relation to Indigenous fisheries issues worldwide, Aboriginal communities generally operate at a tribe, village, clan group or community level. Australian Aboriginal people are the same, in that, they know about and are comfortable speaking for and representing their traditional country. As such, a localized community based approach to fisheries management is often necessary. A complicating factor is that various tribes and communities are often at different stages in terms of their resource development, capacity, management plans, structure etc. **Recommendation** – fisheries and natural resource management plans are developed at the community, clan group and Traditional Owner level, tailored to ‘land and sea country’.

7. Capacity building
In North America natural resource management programs have focussed on capacity building. The governments have recognised that Aboriginal people need to have the skills, knowledge and capacity to manage their own country, societies and resources. Although initially it requires a large commitment, resource and time component, the long-term benefits are far reaching. Capacity building can provide employment, motivation, skills and confidence, which have flow on socio-economic effects. Indigenous communities want employment and opportunities for their children and future generations. **Recommendation** – develop holistic natural resource management programs that focus on capacity building. These should be developed at the community level based on community needs and wants. **Recommendation** – establishment of Indigenous fisheries scholarships for exchanges/study tour with Indigenous fisheries organizations in the United States and/or Canada.
8. Empowerment
Aboriginal people in America and Canada have been and are empowered to participate in natural resource management issues. This has happened through co-management arrangements, information exchange, management power and responsibility, recognition of treaties and treaty rights and interim treaty arrangements. Native Indian tribes are now assuming responsibility for the management of resources on their traditional land and sea country. However, in Australia governments wait for the Native Title Tribunal to make decisions relating to future resource management and allocation (Robinson, 1998).

**Recommendation** – encourage and empower Indigenous people to participate in decision making and resource management. This can be achieved through acknowledging and respecting their ownership and rights to natural resources including fisheries. It can also be facilitated through giving Traditional Owners the responsibility and resources for managing natural resources on their country.

**Recommendation** - analyze, use and modify techniques used overseas, such as Interim management arrangements, information exchange and co-management arrangements for the benefit of Indigenous fisheries management here in Australia.

9. Major stakeholder group
Even though a minority group, native Indian people in North America, Canada and Alaska are a major stakeholder group in natural resource management issues, particularly fisheries issues. As one of the principal stakeholder groups they attract resources, funding, integration, control and authority. The current status of Aboriginal groups has not been achieved quickly and has come about through many years of struggle, campaigning, legal battles, knowledge, information transfer and coordinated effort. Although Indigenous groups in Australia should also be a key stakeholder group, they are not.

**Recommendation** – Australia's Indigenous people, groups and organisations are acknowledged as one of the major stakeholder groups in fisheries management and are given access to the resources needed to allow meaningful participation.

10. Resource management and allocation
Throughout North America, Aboriginal people are responsible for the management, harvest, and allocation of resources on their land and/or reservation. Through the Native Title Act and other legislation that gives Aboriginal people tenure over their traditional country, Aboriginal people are becoming legally recognised landowners. Through this recognition and entitlement, ownership of resources within that country may also be entertained. This should also be extended to resource ownership over traditional sea country, although this is not ‘legally’ recognised in Australia at this point in time.

**Recommendation** – strategies, fisheries management and natural resource management plans must examine the management of natural resources and resource allocations within traditional land, traditional sea country and Indigenous communities.
11. Fisheries management
Throughout the world, Aboriginal people are recognised as having historic and intrinsic links to the sea and its resources. Fisheries resources are a critical part of most Aboriginal communities, for food, nutrition, culture, ceremonies and education. Their connection to the sea and its resources, traditional knowledge, as well as the use of the resources makes Aboriginal people an owner and stakeholder of the fisheries resource. As such they should be involved and have an active participation in the management of the resource. In Queensland there is very little active Indigenous representation on fisheries management advisory committees and fisheries management organisations.

**Recommendation** - develop strong, flexible and durable fisheries management arrangements that include defined Indigenous sectors as an integral component.

**Recommendation** – encourage appropriate Indigenous representation on all fisheries management advisory committees. These management advisory committees also need to be aware of cultural differences and change their processes, structures and techniques accordingly.

12. Specialist staff
Throughout the United States and Canada, fisheries agencies and organisations employ specialist staff to address Indigenous fisheries issues at all levels. A lot of these staff are Indigenous people. Staff working at all levels (from head office down) enable and promote proper engagement and policy development.

**Recommendation** – State Government fisheries agencies and other fisheries organisations employ specialist staff at all levels to deal with Indigenous fisheries issues.

13. Data collection and monitoring
Collection of accurate and rigorous catch data for fisheries is essential for good management, resource allocation, protection and catch restrictions. For example, the commercial fishing industry is managed through the data collected in commercial log books and through scientific monitoring. For Indigenous people to be recognized as a stakeholder in fisheries management and to have a say in the management of the resource, data is needed on the Indigenous take and catch. Data collection and monitoring are also linked with capacity building and training, which if provided can have flow on employment benefits.

**Recommendation** – long term fisheries data collection and monitoring systems established in all Indigenous communities.
14. Commercial fisheries
It has been documented in Australian Aboriginal history that Aboriginal people have always participated in commercial fisheries. Although traditionally this was not for money per se valuable goods and services were exchanged. Commercial fisheries organizations need to acknowledge Aboriginal and Islander sea country and the resources within these areas. Commercial fishermen also need to be aware of the culture and spiritual significance of sacred areas and sites. Furthermore, government and fisheries managers need to recognize that the historic limited entry (permit systems) available to Aboriginal and Islander people was inappropriate and an inequitable approach. The CDQ program in Alaska recognizes traditional sea country and its resources and gives the native communities a share or quota of each fishery.

Recommendation – further investigation of Alaska’s CDQ program for modification and potential application in Queensland and Australia.

Recommendation – governments, commercial organizations and Indigenous groups involve and facilitate Indigenous people and communities to participate in commercial fisheries management (ie: co-management committees, setting limits, closures, restrictions or sites of cultural significance).
Chapter 11. Dissemination of Information

Dissemination of information is a major component of any Churchill project. In my application I aimed to not only get the project learnings, information and recommendations to my employer and other government organisations working on Indigenous fisheries issues, but also back to the communities and Indigenous people. Through the following methods, the support of the Churchill Trust will be acknowledged and highlighted.

I have developed a number of methods to do this. These include:

- Media releases (state, local and project based);
- Radio interviews (state, local, regional, Cape York and Torres Strait Islands);
- Seminar series (government, Indigenous groups, Indigenous communities);
- Seminar to the Western Australian and Northern Territory fisheries departments;
- Churchill report and 10 page summary report;
- Articles for use in community newsletters, local and regional newspapers, Northern Australian Indigenous Fishing Groups website;
- Provision of literature (reports, books, leaflets, proceedings etc); and
- Facilitate continued dialogue and communication between Australian Indigenous groups and United States and Canadian Indigenous groups.

Details

1. Media release
A media release has been prepared which gives an overview of my Churchill project, major learnings and experiences. This media release has been sent out to various fisheries organisations, government organisations, newspapers etc. It will be modified and distributed to Cape York communities, Torres Strait Islander news and interstate government and Indigenous organisations.

2. Radio interviews
A copy of the media release and 10 page summary document will be sent to state, local and regional radio stations. I will aim to conduct interviews not only at these levels, but particularly on the Aboriginal Radio network and Torres Strait radio.
3. Seminar series - Queensland
I have developed a presentation for government organisations and Indigenous groups and organisations. A copy of this is in Appendix 5. A schedule for the seminar series around Queensland has been developed and a number of presentations have already been delivered. To date I have received positive feedback from these and been able to feed into a number recent policy developments. These include GBRMPAs TUMRA process, the Western Australian Indigenous Fishing Strategy and Queensland’s General Fisheries Permits for Indigenous communities. Additionally, through the media releases and radio interviews I also expect to modify this schedule to include other interested groups and people.

**Proposed schedule**

**Government organisations**

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<td>Dept of Primary Industries and Fisheries</td>
<td>Townsville</td>
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<td>26 Aug 2004</td>
<td>Great Barrier Reef Marine Park Authority</td>
<td>Townsville</td>
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<td>Environmental Protection Agency</td>
<td>Townsville</td>
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<tr>
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<td>Department of Aboriginal and Torres Strait Islander Policy</td>
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<td>October 2004</td>
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**Indigenous organisations and affiliated bodies**

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<tr>
<td>20 Aug 2004</td>
<td>North Queensland Indigenous Fishing Working Group</td>
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<td>Cape York Land Council</td>
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<td>Balkanu Development Corporation</td>
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<td>Oct 2004</td>
<td>Northern Australia Indigenous Fishing Group</td>
<td>Darwin</td>
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<td>Oct 2004</td>
<td>Aboriginal Land and Sea Section of the Burdekin Dry Tropics Regional NRM Body</td>
<td>Townsville</td>
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<tr>
<td>9 November 2004</td>
<td>Cape York Indigenous Fisheries Forum</td>
<td>Weipa</td>
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<td>August 2004 and July 2005</td>
<td>James Cook University – Aboriginal Studies</td>
<td>Townsville</td>
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<tr>
<td>March 2004</td>
<td>Torres Strait Regional Authority (TSRA)</td>
<td>Thursday Island</td>
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<tr>
<td>Oct 2004</td>
<td>Cape York Aboriginal Fisheries Corporation</td>
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Indigenous groups and communities

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<td>Ngulun Land Trust</td>
<td>Hopevale</td>
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<td>Hopevale Aboriginal Council</td>
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<td>Wuthathi Traditional Owners</td>
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<td>Oct 2004</td>
<td>Lockhart River Council</td>
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4. **Seminar series – Interstate**
A similar presentation will also be prepared and given to Interstate government organisations, fisheries groups and organisations and Indigenous groups. I am currently in talks with the Western Australia Department of Fisheries, Western Australia Recreational Fishing Group, the Northern Territory Department of Business, Industry and Resource Development and the Northern Territory Land Council. These will proceed based on pending funding.

5. **Churchill Report and 10 page summary**
This Churchill report will be made available via CD and/or hard copy. Hard copies will be distributed to Cape York Aboriginal Councils, Indigenous groups and organisations, government departments and interested people. Copies will also be sent to United States, Canadian and Alaskan Indigenous groups and contacts. The report will be also be available via the Churchill Trust website, linked to the DPI&F website, DPI&F libraries, University libraries and the Northern Australian Indigenous Fishing Groups website. A ten page handout (summary) on the key information, learnings and recommendations will also be developed and made available at all seminars, on websites etc.

7. **Articles**
I will be writing a number of articles and papers based on my experiences from this project. These will be submitted for publication in journals, newspapers, magazines, conferences and forums.

8. **Literature**
Whilst overseas and visiting numerous organisations, communities, groups and people I collected a variety of literature. This includes reports, books, CDs, videos, magazines, leaflets etc. A list of the literature is in Appendix 3. These will be made available to the interested people and organisations on a loan system from the DPIF Library.

9. **Continued dialogue**
I have developed an international communication network with the people I met and had dealings with overseas. To continue the dialogue, information exchange and discussion I have established a mailing list. This medium forms a basis for asking questions, gathering information, sharing new information and experiences. I have also been a contact point for various colleagues that have visited Australia during conferences and meetings.
10. Contact
Due to the networks and contacts established overseas and within Australia, I am now a point of contact within Queensland and Australia for Indigenous Fisheries issues. Through this I can continue to disseminate the information learnt and experiences from Canada, Alaska and the Unites States. As discussed previously I have already been a contact point for colleagues and friends of colleagues that I engaged with overseas when visiting Australia.
Chapter 12. References


D.F.O. 1995. AFS Deskbook. Canadian Department of Fisheries and Oceans, Pacific Region.


Chapter 13. Appendices
## Appendix 1. Contacts

<table>
<thead>
<tr>
<th>Name &amp; position</th>
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<tr>
<td><strong>Canada</strong></td>
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<tr>
<td>James SA Leon</td>
<td>Chehalis Indian Band</td>
<td>Agassiz British Columbia</td>
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<tr>
<td>Technical</td>
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<tr>
<td>Terry Felix</td>
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<td>Agassiz British Columbia</td>
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<tr>
<td>Fish Coordinator</td>
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<td>Nigel Haggan</td>
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<td>Professor</td>
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<tr>
<td>Chairman</td>
<td>Commission</td>
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<tr>
<td>Fred Fortier</td>
<td>Env Aboriginal Guardianship</td>
<td>Surrey BC</td>
<td><a href="mailto:eagle@eaglelaw.org">eagle@eaglelaw.org</a></td>
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<tr>
<td>Treasurer</td>
<td>Law &amp; Education</td>
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<td>Josie Osborne</td>
<td>Nuu-chah-nulth Tribal Council</td>
<td>Tofino Vancouver Island</td>
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<tr>
<td>Fisheries Biologist</td>
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<td>Don Hall</td>
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<td>Manager Fisheries</td>
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<td>Howie Wright</td>
<td>Okanagan Nation Fisheries Commission</td>
<td>Westbank BC</td>
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<td>Fisheries Biologist</td>
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<td>Dave Moore</td>
<td>Fisheries Development Services</td>
<td>Kamloops BC</td>
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<td>Consultant</td>
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<td>Manager Fisheries</td>
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<td>David Fuller</td>
<td>Port Gamble S’Kallam Tribe</td>
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<td>Water Resources Manager</td>
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<td>John Hollowed</td>
<td>Northwest Indian Fisheries Commission</td>
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Appendix 2. Indigenous Fisheries web sites

United States organisations

Northwest Indian Fisheries Commission - http://www.nwifc.wa.gov/
Columbia River Intertribal Fisheries Commission - http://www.critfc.org/
Skagit System Cooperative – http://www.skagitcoop.org

Canada organisations

Nuu-chah-nulth - http://www.nuuchahnulth.org
Secwepemc Fisheries Commission - http://www.snfc.ca
Secwepemc Aboriginal Organisation - http://www.secwepemc.org/
BC Aboriginal Fisheries Commission - http://www.bcafc.org/
Okanagan Nation Alliance – http://www.syilx.org
University of British Columbia, Fisheries Centre – http://www.fisheries.ubc.ca

Alaskan organisations

Tanana Cheifs Conference - http://www.tananachiefs.org
Alaska Department of Fish & Game – http://www.adfg.state.ak.us/
Alaska Department of Fish & Game Subsistence section - http://www.subsistence.adfg.state.ak.us

Other international organisations

Environmental Aboriginal Guardianship through Law & Education (Eagle) – http://www.eaglelaw.org

Australian web sites

Western Australia Department of Fisheries - http://www.fish.wa.gov.au/
Queensland Department of Primary Industries & Fisheries – http://www.dpi.qld.gov.au
Appendix 3. Literature details

(please note that all literature listed may be borrowed by request from R.Sheppard, Townsville, phone – 47222656, email – Rebecca.Sheppard@dpi.qld.gov.au).

Alaska Department of Fish and Game - ‘Alaska’s Wild Salmon’ 2002
‘The wild Pacific salmon is vital to Alaska’s ecosystems, economy, and way of life. The Alaska Department of Fish and Game is responsible for research and management of Alaska’s salmon. Learning about salmon is an important step towards protecting them now and into the future. The DF&G produced this book about Alaska’s efforts to sustain out wild Pacific salmon.

Columbia River Inter-Tribal Fish Commission – ‘Wana Chinook Tymoo’
Putting fish back in the rivers and restoring the watersheds where fish live. Winter 2003. Silver Anniversary Issue – Magazine
Articles include – Halting Salmon Decline, A Natural Hatchery and Salmon Tunnels


What kind of fishing boat is that? What kind of fish does it catch and how does the gear work? What does a halibut look like alive in its habitat? What’s a crab pot? How dangerous is commercial fishing? What’s the difference between a trawler and a troller? Are rockfish good to eat? Are fish disappearing in the North Pacific? How is the price determined for salmon in a supermarket? There is no limit to the questions that can be asked about Alaska’s commercial fishing industry, this book provides the answers.

Moncrieff, C.F and Klein, J. ‘Traditional Ecological Knowledge of Salmon Along the Yukon River’. 2003 Yukon River Drainage Fisheries Commission. Study to collect and utilise traditional ecological knowledge gelled by people living in villages along the Yukon River as an attempt to better understand changing salmon runs.


North West Indian Fisheries Commission. ‘Comprehensive Tribal Natural Resource Management’. 2004 Reports from the Treaty Indian Tribes in Western Washington


Fish Alaska. May 2004 ‘The Magazine of Fishing the Greatland’. Articles include – Fishing for Royalty, Everything you need to Know to catch Alaska King Salmon, Salmon Jigging Alaskan Style and Unalakleet.


Andersen, D.B., Brown, C.L., Walker, R.J and Elkin, K. ‘Traditional Ecological Knowledge and Contemporary Subsistence Harvest of Non-Salmon Fish in the Koyukuk River Drainage, Alaska’. 2004. Alaska Department of Fish and Game. Traditional Ecological Knowledge pertaining to habitats, seasonal movement and availability of resident fish species. Purpose of project was to begin the process of collecting and documenting this traditional knowledge through interviews with local experts. Door to door harvest survey also conducted to provide estimates of the contemporary annual harvest of non-salmon fish in Koyukuk River communities. Data shows that fish continue to be harvested and used in significant quantities by a high percentage of area households.


Simeone, W.E and Kari, J. ‘Traditional Knowledge and Fishing Practises of the Ahtna of the Copper River, Alaska’. 2002. For over 1,000 years the Ahtna Athabascan people have fished for salmon in the Copper River and its tributaries. During that time they have gained a considerable knowledge of salmon. This report provides an overview of that knowledge, including information on the Ahtna taxonomy of salmon and other fish, salmon life history, the traditional management system and legends and stories about salmon.

NOAA. ‘The Community Development Quota Program – building the Future of Western Alaska’. Overview of CDQ program and reports from CDQ groups.

Ommer, R. ‘Just fish – Ethics and Canadian Marine Fisheries’. Summarises work from projects by humanists, natural scientist and social scientists who came together to examine the question of justice in the Canadian fisheries and to seek an ethical foundations upon which to base guidelines for fisheries policies and decision making in the future.

Wickham, E. ‘Dead Fish and Fat Cats.’ A no-nonsense journey through our dysfunctional Fishing Industry. In this humorous, forthright and intelligent book, successful BC Coast fish boat captain Eric Wickham goes looking for answers – and comes up with them. The book is part detective story, part poignant memoir, explores how an industry that had flourished for decades and was supposedly being well-managed by the department of Fisheries and Ocean, could suddenly flounder. Wickham’s expose includes reminiscence from the 1950s in the tiny coastal fishing village of Bamfield. The book is at once a tour through the world of fishing, a moving personal odyssey, a lament for lost intelligence, and a guide to the future of the fishing industry.

Alaska Department of Fish and Game. ‘Koyukuk River Traditional Knowledge on Non-Salmon Fish’. 2004.
CD-Rom database

Powerpoint presentations – CD.
Appendix 4. Conference Presentation

Slides given at World Fisheries Congress, NWIFC Conference and various organisations.

Indigenous Fisheries Management in Northern Australia

Barramundi

Barramundi likes turbulent water, where it feeds on smaller fish and shrimps. It is a favourite food of Aborigines in Northern Australia.

The Story - Barramundi - from the Wikaljuri Tribe

Australia

84
Australia is the world's largest island, and has 12,000 smaller islands within its territories. Australia has one of the longest coastlines in the world. Over 69,600 km (43,200 miles) with a wide variety of estuarine and marine ecosystems.

Fish habitats of Northern Australia are diverse, extensive and relatively pristine.
They include seagrass and mangrove communities, freshwater systems with intense seasonal flooding, estuarine systems and the Great Barrier Reef.

Common species targeted by Indigenous people in Northern Australia
- Barramundi
- Dugong
- Turtle
- Mullet
- Catfish
- Bream
- Shark
- Reef fish
- Mud crabs
- Oyster, prawns, oysters, mussels

**Indigenous history**
- Aboriginal people have occupied the Australian continent for 40,000 – 60,000 years.
- Torres Strait Islanders have occupied the northern islands and northern part of Australia for at least 3000 years.
- Indigenous people make up approx. 2.5% of the total Australian population (450,000 people).
- One third of Australia's Indigenous people currently live within 20km (12 miles) of the coast.

Indigenous peoples' marine interests continue to include hunting, gathering, fishing, collecting, ceremonial, management, enforcement of customary laws, access, development and maintenance of a rich, spiritual knowledge and culture.
Modern dependence on marine resources is clearly seen on remote, northern Australian coastal communities where traditional activities such as hunting for turtle and dugong are widely practised.

Until the 1990s, Indigenous involvement and participation in management of fisheries resources were extremely limited.

Whilst governments are now entering a partnership approach regarding Indigenous fisheries management, there has also been a recognition that all social, health, economic, environmental and cultural issues are interrelated and that future planning and management mechanisms must recognise this.

Overview – fishing and native title

- 1967 – Indigenous people given right to vote
- 1992 – Mabo case overturned the idea that Australia was uninhabited (terra nullius) prior to 1788
- 1993 – Native Title Act
  - Native title may exist over Australian marine waters, rivers, lakes and intertidal zones
  - Native title rights over marine waters related to fishing are not exclusive
  - The right to commercially fish, recreational fishing and public access through waters is not affected by native title
  - Current valid fishing licenses and permits remain unchanged

Overview Of Australia’s Fisheries Management

Southern states – NSW, VIC, TAS, SA
no traditional fishing rights
Indigenous people have to abide by fisheries regulations (treated same as recreational fishers)

Northern states – QLD, NT and WA

Indigenous Fisheries Management

Indigenous people have always managed their own traditional lands and sea country. Through stories passed through generations and traditional and current management practices, Indigenous people understand fisheries resources and coastal processes. They recognise fish spawning times, turtle breeding areas, seasonal variations, fish sizes and populations.

 Queensland and Northern Territory – general exemption to fisheries laws for subsistence fishing for Indigenous people.
 Western Australia – Aboriginal people do not need a fishing license, but have to abide by recreational rules (size and bag limits).
**Case Study – Injimoo Jewfish Project**

- Injimoo is located in North Eastern Queensland.
- The area is fished by Injimoo people, Torres Strait Islanders, charter boat operators and visitors.
- One of the main target species is the Black Jewfish (*Peniophorus diacanthus*).

- A community research project was developed and studies showed that the predominant size and age represented in catches during the aggregation period fell from three year old stock in 1999 to two year old stock in 2000.

- Typically larger fish were caught (<1000mm) in 1980s and 1990s compared to smaller fish (500-900mm) in late 1990s and 2000.

- Injimoo traditional owners imposed a two year ban on the taking of Black Jewfish to allow the local stock to reach a mature size so that recruitment of the stock improves. Ban supported in legislation by the Queensland Fisheries Service.

- Injimoo Black Jewfish project – good example of Indigenous people, fisheries agencies, government and communities working together for a sustainable outcome.

- Other fisheries management tools currently used by Indigenous people include Dugong and Turtle Management Plans, Sea and Land County Management Plans and Traditional Use of Marine Resource Agreements (TURRAs).

**Northern Australia – moving forward**

- Involvement and participation in Indigenous fisheries management at all levels
- Recognition and definition of ‘customary’ or traditional fishing
- Land and sea management plans
- Emphasis to move back to country and for Indigenous communities to manage land and sea themselves
- Part of governments and commercial organisations ‘core business’
- Help with access into commercial fishing industry
Appendix 5. Churchill Presentation

Slides prepared for Churchill project seminar series.

Objectives

- Gather information on Indigenous fishing issues, rights, allocations and management
- Assess advantages, disadvantages, similarities, differences and applicability to Queensland and Australia
- Information exchange – two way

Itinerary

- 4th World Fisheries Congress – Vancouver
- Carter Salish Tribal Council
- Washington State Dept of Fish and Wildlife
- Nuu-chah-nulth Tribal Council
- Herquille First Nation
- North West Indian Fisheries Commission
- Columbia River Inter-Tribal Fisheries Commission
- Skeena-Homathko Fisheries Commission
- B.C. Aboriginal Fisheries Commission
- Lummi First Nation
- University of British Columbia
- Alaska Fish and Wildlife Service
- Tanana Chiefs Conference
- NOAA, National Marine Service, Alaska
**Salmon facts**

- Salmon are anadromous, which means they spawn in the freshwater and migrate to the saltwater to feed and grow. They undergo several changes in colour and appearance during this lifecycle.
- Five Pacific salmon species - Chinook, Coho, Sockeye, Chum, and Pink Salmon.
- All Salmon die after spawning. The survival of future generations of salmon & long term health of entire watersheds depends upon these carcasses.
- The larger the salmon, the larger the gravel and the higher the velocity of water in which it spawns.

**Salmon and Native people**

- Native people all over Alaska, Canada and North West US relied and still rely on salmon for food.
- Salmon are a part of Indigenous peoples spiritual and cultural identity.
- Village and tribal sites were located on or near great salmon producing streams of rivers.
- The annual salmon return and its celebration by Indigenous peoples assure the renewal and continuation of human and all other life.
- Salmon, dried and fresh was and still is at the heart of the native Indian diet.
United States

- Native Americans
- Treaties – 1800’s in exchange for land
- Reservations
- 1900s - Rights in treaties (including fishing and hunting rights) not recognised and tribes denied basic treaty rights
- Fish Wars – 1960s and early 1970s

- Boldt decision (1974) – upheld treaty rights
- Established tribes as co-managers of natural resources (including fish)
- Established priority for fisheries
  - Conservation
  - Aboriginal subsistence
  - Commercial
  - Sport and recreational
- Tribal fisheries and natural resource management organisations formed
Canada

- First Nations
- Treaty and non-treaty tribes (no reservations)
- *Sparrow* decision (1990) – established aboriginal right to fish and priority
  1. Conservation
  2. Aboriginal food, social and ceremonial fishery
  3. Commercial and sport fisheries
- The ruling had a substantial influence on marine resource management explicitly stating that governments may only regulate existing Aboriginal rights for a substantial objective such as the conservation and management of resources.
- The Aboriginal Fishing Strategy (AFS) was established in 1993 in response to the Sparrow court ruling
- distributes about $3.5 million per year into the development of related fisheries projects
  - provision of fish allocations
  - encourage long-term Aboriginal participation in resource management and enhancement
  - pilot sales arrangements
- **Tribal organisations, tribal fisheries organisations and tribal hatcheries**

Alaska

- Native people or Alaskan natives
- No treaties or reservations
- 1930s - 1970s federal and state fisheries regulations diminished rural, and largely native, participation in the industry.
- Now the native fishery is mostly a subsistence fishery - managed by federal govt. in federal waters and lands (60% of state)
- In Alaska, both state and federal laws provide a priority for subsistence fishing and hunting over other users – for *rural Alaskans*.
- *Rural Alaskans* – include indigenous/native people and non-native Alaskans living in a rural community
- Priority established (conservation, subsistence, commercial, recreational)
- Subsistence – 2% of harvest and nearly half of all subsistence fishing is done by non-Native Alaskans living in rural communities.
• Cooperative management and partnerships
• Capacity building in communities
• **Community Development Programs (CDQ)** – community based
  ▶ Involvement and share of commercial fishery
  ▶ Supporting development of commercial fishery
  ▶ Royalties for fishing in traditional waters
  ▶ Community given a quota – 10% of TAC of each species
• CDQ is on top of and separate to normal subsistence fisheries
• CDQ groups are non-governmental organizations - manage quotas given through program
• Royalties from quotas are about $48 million per year (Western Alaska CDQ)
• Money spent on fisheries-related developments for communities (boats, buying into fishing companies etc)

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**Barrow**

• Eskimo (Inuit village)
• Edge of Artic Ocean
• 24 hr sunlight in summer
• Village and people rely on subsistence fishing and hunting
• Whaling, sealing, fishing, hunting
• Quotas of whale, seals, caribou and bears
• Subsistence and trade – commercial sale within village

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**Similarities**

• Aboriginal connection to land and sea
• Interrelated issues, management and natural resource management issues
• Fisheries main part of culture, food, spirituality etc
• Alaska - co-management and partnership approach rather than treaties and pure litigation approach
• Looking into the future – Canada and the US where we are moving for tribals management and recognition of rights
• Many user groups competing for same resource
• Limited indigenous commercial fishing operations
**Differences**

- Different and more complicated fishery (salmon)
- Treaties and reservations
- Priority of fisheries established
- US and Canada: allocations, rights and priorities established by court decisions
- Large organisations that manage tribal fisheries
- US ~20 years ahead in terms of recognition of rights, capacity building, economies, projects, community development
- Integrated management for all natural resource issues

**Some recommendations so far...**

- Capacity building
- Traditional ecological knowledge
- Everything is connected (gut policy)
- Defining subsistence fishing rights (including commercial subsistence fishing rights)
- Defining barter and trade
- Protecting fishing rights and cultural practices
- Integrating Indigenous harvesting, catch monitoring, and management with regional, state, federal and inter-sectoral allocations
- Developing strong, flexible and durable management arrangements that include separately defined Indigenous sectors as integral components

**What now???

- Churchill report – comparison, applicability to Old recommendations
- 10 page summary document
- Indigenous Fishing Strategy
- Seminar series – governments, industry etc
- Modified seminars for Indigenous groups and Indigenous communities
Appendix 6. Churchill Trip Notes

Fourth World Fisheries Congress, Vancouver

Daniel Pauly – Fisheries and Conservation
- Overfishing – abundance decreasing, mortality increasing
- Fishing access agreements – global
- In the year 2000, 10 times less fish than a decade ago.
- 3000m depth – currently low fishing but will increase. We are covering more of the sea with fishing.
- Gradual growth – expansion of fisheries. Area where maximum catch.
- The future trend is fishing down the marine food web
- Fish tending to catch more of (deeper) are the fish people don’t really want (ie: jellyfish)
- Aquaculture – using food (existing fish) to feed other fish → shifting pressure.

Kevin Cochrane
- Common cares and differences with all fishers.
- What should we care about?
  - Ethics and justice
  - Human dimension
  - Ecological
  - Economics and trade
  - Maintaining biodiversity
  - Jurisdictional equity
  - Sport fisheries
- Lessons from history
- International instruments
  - 47% of fisheries is fully exploited, 18% overexploited and 10% depleted.
  - 38 million people employed in fisheries
  - 23 million fishers and works earning less than us $/day but it still grows.
- Underlying problems
  - Uncertainty of biological and ecological processes
  - Conflict between short term economic and social objectives and long term objective of sustainability
  - Institutional weaknesses
- Political will – major problem, but this is linked to society will
- Conservation of resource and ecosystems is a necessity not a luxury
- Need to look at Maslows hierarchy of needs – start with physiological (lower level) – once these are met, move to next level
- When comes to basic need (food to survive) the environment and sustainability are not as important
  - Approx. 50% of the world’s population is completely or heavily preoccupied with short-term needs. Therefore fisheries have less value and are exploited.
  - Pressure to overexploit for people who need food to survive.
  - Poverty and sustainability are hard to reconcile.
- Conclusions
  - Reconciling fisheries and conservation at the global level will only be achieved with the elimination of poverty.
  - Global reconciliation will need to provide alternatives for excluded workers, incentives (economic)
- Reconciliation
  - Eliminate poverty and equitable distribution of access, responsibility and benefits, Incentives for sustainable use, Compensate those negatively effected, Education and awareness, Policy, Monitoring and control.
- Incentives for sustainability in the long term
  - Eco-labeling, Tax reductions, Long term rights.
Steve Dunn – Ownership
- Big issues only get the attention and political will
- Need to empower political leaders to make change
- Balancing act
- Lots of small decisions that help

4 case studies
1. Solitary Islands marine park
2. Kingfish traps
3. Recreational fishing license
4. Grey Nurse Sharks

Allocation and fisheries
- Divide to allocate and unite to conserve
- Ownership for stewardship
- Rights for responsibilities
- Human well-being for environmental well-being
- Allocation for conservation.

Paul McLeod, WA
- Allocation framework in WA – all users considered on like basis
- Allocation needs to be integral in management
- Recreational and commercial fisheries --> treated 2 fisheries equally
- Use model to derive values

Peter Rodgers, WA
- Allocation between sectors – commercial, recreational and indigenous
- Stocks are fully exploited
- Allocation and rights based system --> future requirements
- Fish stocks are a common resource but managed by government
- Sustainable level set
- Future management
- Ministerial advisory committee
- TOR Allocation of harvest between sectors, Allocation within sectors, Strategies to overcome competition between groups at the local level
- Process
- Baseline data
- Fish sustainability reports
- Submissions
- Allocation issues
- Draft report
- Ministerial determination
- Relocation mechanisms
- Conclusions
  - ESD --> management framework
  - Determination of harvest levels and allocations
  - Knowledge
  - Management framework

Alaska fisheries – sable fish / black cod
- Long line, deep water, high altitude, summer fisheries
- High demand, high rewards
- Dedicated access privileges --> no “race for the fish”
- Long term values ($)  
  1995 – IFQ program (allocation system) - takes away race for the fish, by catch decreased, spawning increased
- IFQ – dedicated access privileges
- Experiment with different techniques
- Scientific surveys
- Performance standards
- No loss of income
• Regulations
• Risk of failure increased --> race for the fish
• If worked, increased rewards and increased value of IFQ.
• Allocation
  o Gave value to sablefish
  o Tools to manage (IFQ)
  o Dedicated access (fisherman friendly)
• IFQ – don’t over fish --> never reached TAC
• Conclusion – dedicated access works and puts value of species, puts high value on ecosystem.

Can we get more fish?
• Low costs – use fisheries resources --> therefore fish resources are being over exploited and being wasted
• Thinking is that fisheries resources are unlimited
• Targeting one species --> destroying once species and then another
• Technology and tools give feeling that fish are still abundant
• Fishing efforts turn to younger and smaller fish
• Smaller species and shrimp are increasing in catch
• Can we get more fish?
• Renewable resources
• Sufficient recruitment --> sustainable utilization
• Scientific preservation and managed exploitation
• Reconcile with conservation
• Reduce one-third fish capacity
• Cut down subsidy
• Prioritize change
• Single species management doesn’t take into account environment, climate change and effect on ecosystems
• Delays in monitoring
• Environmentally friendly technical equipment
• No damage on catch and release fish
• Construct or recover fish habitats
• No increase in fish yields
• Keep sufficient recruitment into fish population while fishing
• Special attention to pelagic species whose stocks fluctuate greatly (abundance) --> effects food web and ecosystem
• Need to process better – use every part of the fish --> no waste
• Get more fish from aquaculture

Keith Sainsbury
• Population, fishing, coastal development, aquaculture, oil and gas, size and number of ships all increasing
• Need precautionary principle and use past
• We still don’t fully understand what lies beneath the oceans
• Too many over fished stocks – 25% of world stocks are over fished
• Global; catches stable or declining – even though we are fishing more effectively (technology etc)
• Many threatened and extinct marine icon species
• Coastal and seabed habitat modification – we are replacing wetland systems with urban systems
• Nutrient and contaminate pollution from the land
• Introduced marine pests
• Climate change
• Present - Population increasing, Change in marine ecosystems, Current pattern marine and coastal development in not sustainable
• Future - What we do next 20 years will impact next 100 years, Manageable impacts, marine extinctions, recovery depleted species, habitat
• Need to create social awareness, improve management system (structure, transparency, sustainable standards) and science
• We need to use lower exploitation rates that deliberately do not attempt to catch maximum stocks --> setting limits below maximum.
• Controls – input and output controls, avoid race to fish, marine protected areas and market recognition and reward.
• Engage communities – EDS
• Long term focus
• Use science and management strategies – adaptive
• Society informed and committed to sustainability
• Regulators use appropriate management tools and long-term benefit.

Aboriginal Fisheries Session, WFC

Russ Jones – Salmon conservation practices on First nations on the Pacific NW coast (rjones@island.net)

• Abundance of salmon – stable of indigenous peoples diet
• Salmon fishing technology – weirs, fish traps, reef nets, trolling, seining, dip nets, harpoons and gaffs
• Traditional management
  ▪ Families/clans – owned fishing sites and grounds
  ▪ Traditional knowledge
  ▪ Belief system eg: respect, sharing , not wasteful
  ▪ Resource dependence
  ▪ System hat allows spawning passage
  ▪ Salmon processing methods
  ▪ Methods – drying and smoking
  ▪ Limitations – labor, weather, shelter, storage life
• Trade of fish
  ▪ Responsive to supply and demand
  ▪ Scare items most in demand
  ▪ Coastal and interior trade routes
  ▪ Fur trade opened up new markets
• Natural limits of catches – fish availability
• Modern fishery
  ▪ Effective catching technology
  ▪ Efficient processing technology
  ▪ Fast transportation systems
  ▪ Serving world markets
• Conclusions
  ▪ Traditional indigenous systems pose little threat to salmon
  ▪ Modern systems that catch al the fish all the time threaten salmon
  ▪ Modern human threats from dam, urbanization, agriculture and logging

Simon Lucas – All is one, everything is connected ‘Kla-Kisht-Ke-Is”

• Explorers – what were they looking for when they came? Did they not see intelligence?
• No dialogue – did not talk to Indigenous people
• 1st nations – lots of knowledge. Management system is thousands of years old
• 1st nations manage things for the 7th generation
• deep integral belief systems
• Aquatic Management Board
  ▪ Community, DFO, researches all working together so all of the communities in the territory get benefit
• 1st nation groups are no long out of the plan. They have to be in the plan and can’t be isolated.
• 1st nation communities are contributing to reconciliation
• white people didn’t see 1st nation intelligence and overexploited the oceans.
• 1st nations- spiritual value connected to land, oceans, mountains universe
• First reconciliation that needs to happen is between ourselves (1st nations communities).
• We can all make a contribution to management
• Need to recognize indigenous people intelligence
• 1st nation have always been a society with governance, management and a society.
Marshall case
1993 – Marshall charged with illegal fishing (eels)
1999 – Court affirms right to fish commercially (traditional)
   • interconnection of every animate life form and inanimate object
   • cultural responsibility to engage in and with the world in a respectful, caring way
   • projects – looking at gathering indigenous ecological knowledge
   • example – Eel --> used for food, giveaway, sale and ceremony. The eel meal was one
     of the last meals eaten by elders before they die.
   • Entitlement – changes, limitations on access, forced resettlement.
   • Entitlement – embedded in long, traditional uses of resources.

Doug Harris, Aboriginal Fisheries in Canadian Courts
1982 – Section 35 Aboriginal and Treaty rights guaranteed (constructional protection)
1990 – Sparrow decision
   • Sparrow charged with Fisheries Act offense
   • Aboriginal right to fish
Fishing priorities after Sparrow
   1. Conservation
   2. Aboriginal food, social and ceremonial fishery
   3. Commercial and sport fisheries
   • Court didn’t answer question of aboriginal commercial fishery.

1996 – 3 cases
Gladstone (Heiltsuk 1st nation) – harvesting spawn on kelp and selling commercially
Fishing priorities after Sparrow and Gladstone
   1. Conservation
   2. Aboriginal food, ceremony, social
   3. Aboriginal commercial fishery (property but not exclusivity)
   4. Commercial and sport fishery.
   • Aboriginal commercial – could be limited based on regional economic fairness
   • Also there was historic participation by non-indigenous groups
   ** balance constitution protection aboriginal rights with social policy objectives and non-
     traditional participants
   • Heiltsuk right – without internal limitation but traditional owners do have limitations
     (geographically bounded and local laws)
   • Territory – not recognized in court
   • Court recognizes DFO management areas. TO boundaries have no meaning.

Haines (2003)
   • 2 fishers – fishing out of Prince Rupert. Had commercial Halibut license plus aboriginal
     license (subsistence)
   • Offence – to use “dual” licenses (can’t do both at same time)
   • Court ruled – aboriginal right for dual fishing
   • Need permission from local TOS to fish in their recognized Indigenous territory (their
     country).

Cameron Jensen (Alaska)
   • Community development groups (CDG)
   • Communities have joint welfare boars and management
   • CDQ groups learn from the experienced fisheries & over time buy into system
   • Provides training, employment, boats, buildings etc.

Shawn – 1st Nation Assemblies
   • Major issues – data sharing and trust, local knowledge and trusting all ways.
   • Need to empower people and communities

1st World Indigenous Fisheries Forum (UBC)
   • Responsibility to care for land and people
   • Care and respect one another
   • Everything is once
• Indigenous people have to opportunity to have a say
• Facilitate information exchange and dialogue about Indigenous Fishing Rights

Objective – Facilitate information exchange and dialogue amongst Indigenous people related to state of Indigenous fisheries

Background
- emphasis on importance and recognition of indigenous title and tights (treaty and inherent rights)
- constitutes the foundation upon which local and customary fisheries and related ecosystem knowledge must be presented.
- practical ways to use traditional knowledge

Summary
- acknowledge importance and role of customary fishing and role of traditional knowledge in sustainable fisheries management
- involve indigenous fisheries practitioners, scientists and traditional knowledge holders in future conferences.

Key matters
- protect resource access rights
- traditional knowledge
- involve indigenous people
- develop Indigenous capacity
- best practice
- listen to one another for understanding
- indigenous people must have a say and must be involved.

Rodney Dillon, Australia
- aboriginal people held back in participating in commercial fishing industry
- government held quotas and have control
- aboriginal people are the enemy
- need to share the fish
- aboriginal people blame everyone for the lack of fish
- want fish stocks for the future
- need to accept Indigenous knowledge
- Need indigenous involvement and participation at all levels.

Arnie – BCAFC
- Need more people who speak the truth
- Only one group of people have a right to fish – aboriginal people
- Everyone else have a “privilege” bought through licenses.
- Modern technology – technological advances apply to everyone. If ok for white fellas it is ok for aboriginals
- Culture evolves and changes continually.

A Draft Framework for Sharing of Best Practices Associated with Indigenous Peoples and Sustainable Fisheries
Several important themes were raised by the participants to the forum, and are useful to guide sharing of best practices associated with governments and Indigenous Peoples and the management of sustainable fisheries. These are captured in the following summary:

1. Protecting fishing rights, Indigenous peoples and cultural practices which are important to the sustainability of aquatic ecosystems and the local fishing economies they support;
2. Reconciling Indigenous fishing rights with national legislation and international law;
3. Integrating Indigenous harvesting, catch monitoring, and management with local and inter-sectoral allocations;
4. Developing marine protected areas in cooperation with Indigenous fishing rights;
5. Facilitating aquaculture development with Indigenous communities;
6. Understanding aquatic ecosystems, traditional ecological knowledge, conservation and management strategies that support sustainable fisheries;
7. **Developing** strong, flexible and durable management arrangements that include separately defined Indigenous sectors as integral components.

**Summary – WFC**

**Carl Walters UBC**
- Not that much ‘new’
- Trust us we’re highly trained professionals
- Except maybe communication problems, trust us, given right incentives they might need us, public don’t care, not enough funding
- Scientists need to state that our professional knowledge is incomplete – don’t know everything
- Can’t conserve and preserve at the same time
- Can reduce wasteful consumption but can’t avoid tradeoff between production and diversity.
- Economic power in hand of preservationists. We have been slow to admit that these visions may be deeply incompatible and compromising sacrifices both of these values (so in reality nobody get much of anything).
- Despite all the rhetoric, relatively few fisheries have collapsed and some of these are recovering
- At our peril, scientists have been keeping it a deep dark secret that we do not understand what actually caused most of the collapses that have occurred.
- We must start blowing some whistles
- Commissioners and councilors who serve only the narrowest of interests
- Self serving scientists who promise far more than they deliver
- Incompetent fisheries managers who understand neither science nor stakeholders
- Quick fixers who promise technological solution to production and protection problems
- Quota system is a poor compromise
- Quick fixers such as habitat and stock enhancement are not the answer
- Needs to make better use of fisheries management resources (manpower and $)
  - Technology for monitoring and enhancement is out of date
  - More is being spent on fisheries then they are worth
  - Allocation are unrelated to scientific evidence
  - Scientific evidence is a shambles
  - Building partnerships to solve the wrong problems.
- Problems – over exploitation, social and economic
- Solution in reduced effort
- Difference – poverty. Not the cause of over fishing but is the major obstacle.

**Steve Dunn**
- Challenges
  1. fisheries management consensus statement
  2. get your legal and political frameworks right
  3. take bite size chunks
  4. 100’s of small actions, make a difference.
- Politics are not the problem, they are the solution. Need to give politicians the information and science to back up the decisions.

**Summary – Have we made progress?**
1. Fisheries and conservation- what should we care about?
   - Hungry people heavily discount the future
   - Poverty
   - More risk probe
   - Need to remove poverty
   - Incentives for sustainable use
   - Needs to empower women and bring about a lower rate of population growth
   - Greater links between fisheries and conservation
   - Fish and wildlife not just a commodity
   - Sport fishery often greater value than commercial fishery.

*Answer – human welfare supported sustainably.*
2. Who owns the fish?
   - Aboriginal people have rights but others have privileges
   - Need to relate management to fish and community
   - Peoples view of the resource depends on the spatial scale that they operate
   - Taking advantage of political opportunities
   - Lots of small decisions
   - Regional management authorities often don’t have sufficient enforcement capacity.

   Answer – the public.

3. What are fish/benefits?
   - Ecological services not paid for by users
   - Reduce effort and catch
   - Make better use of fish we have
   - Standardize species of fish we consume
   - Avoid fishing down the food web and farming up the food web
   - Increase aquaculture of herbivorous species
   - Aquatic habitats have been simplified so they become more valuable

   Answer – not from capture fisheries except by value added.

4. Manage
   - Current use of ocean not sustainable
   - Need to develop systems that work
   - Be aware of groups – ingle minded
   - MPAs are a last resort
   - Provide simple indicators and rules for management measures
   - In freshwater, water shortage is going to compete with fisheries interests
   - Technology and information provides -> conservation needs

   Answer – developing and applying ecosystem rules to apply to everyday problems.

   - biologist assess biologist resources and fishers – but who assesses social science?
   - not enough interaction between biologists and social scientists
   - needs to remodel way we work so fishers and institutions works with work biological and social scientists.

   ** widespread consensus from WFS that fisheries and conservation have to be reconciled.
Chehalis First Nation, Chehalis, British Columbia

- elect chiefs and members
- non treaty Indian band
- income from roads, forestry and fisheries --> on their lands.
- Indian tribes make up 5% of population in Canada – however make up 40% of people in prisons.
- Chehalis managing correctional facility and associated programs.
- long cultural history and associations with Fraser River and Harrison River
- cooperative management arrangements with Chehalis tribe and DFO
- currently involved in salmon assessment, enhancement and ESSR commercial fishing
- employs 35 full time people
- can make $1 million
- over half the chum of salmon production of Fraser River (1-2 million stock/year) --> single largest single chum population on Pacific Coast
- no allocation for indigenous people (wild stock)
- salmon not harvested by Chehalis or other indigenous people due to politics
- Indian Fisheries treats fish – whatever is left over deals with commercial industry. Chehalis need to demonstrate ‘Sparrow’ rights and priority rights with science.
- DFO respect Chehalis – always phone chief first before they come into community and usually turn blind eye to fishing activities
  This however results in shadow culture and erodes culture.
- Collective knowledge of Chehalis is that fish stocks are poor – need ‘science’ for DFOP.
- DFO give research contracts to own people and never give info back to Chehalis
- Indigenous people harvest about 100,000 fish out of Weaver Ck
- Salmon deteriorate in freshwater – fish in that area are quite poor
- License to harvest fish at hatchery
- Hatchery - $30,000/year – eggs for hatchery
- Salmon and sturgeon – traditional eaten fish and important for cultural purposes.
- Pacific Salmon fishery – too many boats chasing too few fish --> not sustainable.
- Generally someone and some user groups miss out – usually the Indian people
- DFO comes to Chehalis band at the end of developing plan. By law they must consult – but there is limited capacity for Indians to be part of consultation
- DFO and government want to take out gravel in rivers to reduce flooding. These gravel beds are the spawning grounds for salmon.
- Salmon are a terminal fishery – Chehalis not harvesters, they are managers of resource but benefit the least.
- Other first nations are benefiting from their (Chehalis) management
- Streams need assessment and restoration – tribe is reluctant to spent money to benefit all others.
- Chehalis territory includes Harrison and Chehalis watershed and Harrison Bay
- Chehalis 1st nation – have elected band councilors and cooperative programs
- Programs with DFO – increasing role in env monitoring and development in the territory
- Current negotiations – separate Chehalis and DFO agreement, joint and technical committees, increase stock management and capacity, increasing role in management and increased economic benefits

Harrison cK salmon enhancement
- Weaver cK spawning channel – sockeye, chum and pink salmon
- Chehalis River hatchery – chum, Chinook and coho salmon, steelhead and cutthroat trout
- Chehalis hatchery operates in partnership with Chilliwack, Abbotsford and Capilano hatchery to enhance lower mainland fisheries.
Salmon fisheries
- 1.2 – 2 million chum fish
- 50% of chum in Fraser River come through Chehalis territory
- Chehalis currently do:
  - Stream enumeration and monitoring during spawning
  - Chinook brood stock collection and spawning
  - Weaver ck spawning channel
  - Chehalis hatchery
  - Harrison River habitat restoration program
  - Smokehouse hatchery
- ESSR fisheries – excess salmon (in hatchery) --> goes firstly to aboriginal food requirements and then for commercial sale
- All of profit go into Indian fisheries activities

Future
- Traditional use studies
  - Traditional fishing areas
  - Monitor cultural sites and natural resources in territory
  - Studying general extraction
- Research work
- Arctic Charity project
- Environmental policies
- Cooperative management planning – negotiating new AFS agreement and joint pgm
- Communication with other 1st nations – development of Fraser First Nations Fisheries Forum

Needs
- Bilateral negotiations with DFO for allocations, management and funding
- Increase fish production and stocks
- Cultural and economic benefits
- Better coordination of fisheries (sustainable opportunities for everyone)
- Cost for Indian participation

Nuu-chah-nulth Tribal Commission, Vancouver Island
- west coast Vancouver Island
- allocation --> food for family, ceremonial, other family members who live outside 1st nation community
- no commercial allocation – have to buy into existing license system
- treaties may have economic component.
- 14 first nations and about 8000 people make up the Nuu-chah-nulth organization.
- Fisheries program – 3 biologists and program manager
- 25 years in operation
- Economic Development Commission – represents 1st nations
- 1st nations also received government subsidies to operate
- Each 1st nation group has a committee. Traditional rights are retains (head chief) however elections are held for committee members
- Enforcement – 1st nation people have limited powers but can enforce aboriginal fishing for 1st nations
Hesquiaht First Nation, Hot Springs, Vancouver Island

Chief Joe Tam, Chief Simon Lucas and Chief Dominic Andrews – Hereditary Chief (Matlahoa)

- Meeting is about opening dialogue with governments
- Working towards retaining self sufficiency and self sufficient life systems
- Open door approach – looking for answers
- Major part of Hesquiat nation is the ocean
- Main source of food is fish
- People need to self sufficient – tired of finger pointing and accusing once another
- Need to have something to offer children and future generations
- Hesquiat people recognize they have there own barriers and look beyond this to improve economics and future for people.
- Hesq people want to be in control of fisheries and be economically viable
- 700 Hesq people living in community
- want share $$ of money made from commercial fisheries – fishing within their territory.
- Want to move away from government dependency and handouts
- Want control over commercially fisheries for provide licenses, boats and workers and economy for Hesq nation.
- Increased restrictions on how money should be spent – money used for Hesq people and eventually through economy, area will get money back.
- $80 million needed as an investment in Hesq nation over next 10 years
- money and investment related back to social, health, education implications
- when the people have something to do (a job) it improves the health and well being of the community.
- Hesq want to take responsibility and resources back and look after them. From this you will have healthy Hesq people – less suicide, alcohol.
- When you have a job – ability to heal and heal themselves
- Fisheries is a small part of it – holistic approach need to work together.
- Greed has caused fisheries to decrease
- 1st nation believe that you only take what you need in order to survive and live.
- Want an economic package for Hesq not a treaty.

Dominic

- People want to talk to anyone/government who is willing to listen
- Respect for one another and respect for visitors
- Hard to respect pole with what has gone on for hundreds of years
- Sea if the garden – need to look after it and provides for the people
- In the past everyone was a fisherman, now – no fisherman (after regulations)
- 1st nation – always wanted to share with everyone. Don’t want everything just want to be part of it (a share)
- also need small reserves to house people

Carla

- Indian Act created dependency.
- Need to do things that demonstrate independency
- 1st nations – everyone is one, all things are connected
- In government/western society – everything is compartmentalized and divided. This has impact on Hesq people --> not only fisheries, but everything.
- Hesq people believe fisheries are the answer to economic problems and providing work for children and families.
- Fisheries industry must be sustainable in the long term
- Difficult for Hesq people to contribute to decision making
- Want to be part of whole picture not downstream end of it.
- Want to get involved in test fishery --> people have capacity and skills and need to pass these down to generations.
- Hesq people – life of respects with the land and sea
Don Hall
- Need to figure out a way to live off resources
- Invitation to start dialogue
- Need to start somewhere
- Government make commitment to help aboriginal people
- Money flows through the tribal council
- Lots of resources in area and lots of $ gets taken out – but people who own territory don’t get any of it.
- Share is not fair and distribution of benefits not fair
- Need an economic package that looks at everything.

Fisheries technicians
- Since 1992 – stream surveys, riparian ID, monitoring, mountain slopes, tree species, salmon sp, changes in streams, impacts to env, ID stream names in territory
- Development of skills – ongoing with works
- Increased economic opportunities
- Historic laws of the land
- Harvest resources of the sea
- Barter with other 1st nations
- Get what we need for Hesq territory
- Respect for land and ocean and what it produces
- Respect for ourselves
- Protocols with others (sharing)
- Maintained community survival through sea
- Interrelations with other tribes – high communication

Now
- Need better communication within and outside Hesq people
- Need to work together for future
- Need respect within and outside
- Need to stop blaming other and get on with it.
- Want ongoing research project that can create economic opportunities
- Need to know science for future sustainability – amount of fish to catch
- Other impacts – garbage disposal on shoreline, clam growing areas, sea otters, harvesting roe, kelp beds, forestry, ecosystem approach.
- Bartering – one of Hesq laws
- About 1200 crab licenses/crab traps in Hesq territory – how can Hesq be sustainable if commercial fishery isn’t sustainable?
- Lack of respect from everyone in Hesq territory
- Goal – protected rights and sustainability of hesq nations.
- Need to be equal and share ecosystem with all users
- Want to work in partnership with government and be involved in management.
- Family history – fishing, trawling and hunting and seal hunting
- Fisheries to blame for closures + policies that push effort elsewhere.
- Old days – all open and fisheries stayed in own territories
- Every family had a boat and a fisherman that provide food
- Buy back scheme – devastated 1st nations.
- Fishing should be natural and not taught
- Keep hearing speeches and promises from government – but deliver nothing.
- Chiefs – wan to get people out working
- Need governments to listen.

Chris – human resources and skills
- Employment programs
- Needs for departments to work together – can bring back message to other departments
- Look for other way to help
Ron – DFO
- Hesq people connected to sea
- Willingness to share
- Health of resources is important
- Loss of connection – fishing
- DFO – behind in understanding of fisheries – holistic approach
- Action is starting for a better understanding
- Over last 5 years – change in management
- Can start to do small things.

Conclusions
Integrate programs – all aspects --> health, aquaculture, fishing, and education.

Makah tribe, Washington State

Aboriginal Whaling
- Western North peninsula
- Aboriginal people allowed to hunt and take whales for ceremonial and subsistence purposes
- Washington state – 20 gray whales over 5 years (quota)
- 1999 – first whale hunted again.
- Mostly traditional gera used – canoes
- Once animal is harvested – all traditional methods.
- Whale used for different ceremonies
- Currently no hunting due to a court injunction.

* Commercial fishing quota – 50 % allocated to tribes in that area

Washington State issues
- Treaties – federal government treaties paved the way for settlement
- Reserved inherent rights to traditional env rights
- Reserved interest in land seeded
- Always had the right
- Treaty fisheries – live up to court case of 1974

Carol Bertherner, NOAA, Port Angeles

Marine protected areas.
- Olympic Peninsula MPA – 3300 square miles
- Established in 1994
- Traditional rights allowed in areas of the sanctuary
- Tribes have ‘custom area’ over the sea which they can exercise customary rights.
- Looking at further zoning within sanctuary – particularly with Indian tribes

Washington State
- 29 tribes, 6-8 treaties
- Makah – whaling in treaty
- Tribes have had to fight to maintain treaty rights
- 1974 – Bolt agreement – Treaties of Trial
- Articulated aspects of treaties. Tribes share 50/50 of resources
- Money from federal government to tribes for responsibilities to co-management ie: fisheries management.
- Law enforcement – tribal enforcement (from own people)
- Agreement with state and federal agency
- Tribes set own seasons
- Fisheries management councils – set quotas, yields, seasons, conservation, over fishing. Tribes have one position on this council.
- Tribal allocation – between tribes. Have to fish within traditional use areas – within specific grounds.
• National Marine Sanctuary Act – marine protected areas
• Looks at threats to sanctuary and set regulations, ie: oil drilling, cultural artifacts, water discharge, sea floor disturbance etc.
• Main issues in sanctuary – sea floor disturbance by bottom trawling.
• Research and education – values of sanctuary
• Integrate all these co-operative programs with tribes.
• Tribes in US set up like agencies and organizations- need agreement with tribes.
• Intertidal areas – zoning. Need to ID objectives – sustainability and fish habitat.
• Zoning plans – limit harvest (but not for tribes).
• Difficulties for govt agencies for co-management – tribes believe that because they have been in an area for 1000’s of years they don’t need a MPA.

Northwest Indian Fisheries Commission, Olympia

Chairman – Billy Frank Jr.
• 30 years since Bolt decision in Washington State
• worldwide implications for indigenous rights and fisheries
• Bolt decision gave native Indians back the fish to manage
• Since Bolt decision – Indian tribes have infrastructure and resources to manage the land and sea. This in turn provided health, education and homes.
• Indian tribes now partners with all govt departments and organizations.

Salmon marketing
• Opportunities for tribal salon marketing → obtaining certification, upgrade handling etc
• Cooperatives for tribes → websites, tribal certification and symbol, programs, access to infrastructures, education etc.
• Bring tribes and fisherman together → survey fisherman directly, use tribal newsletters, websites, consult with elders.
• Opportunities for cooperatives approaches – certification for quality, infrastructure, international website for fisherman.

Canning salmon – Hoopa Valley
• Remote location, low sustainability
• Canned product – same quality
• Crate corporation and jobs
• Created mechanism to empower individuals.
• Go through whole process – catching fish, transport, processing, canning, marketing, overseas distribution.
• Hoopa Valley – developed tribal business codes and standards.
• Indian tribes on reservation can create and run businesses and can regulate themselves
• Empowers tribes and people to start on business.
• Designing operations and businesses from ground up → tailor to common people and cost effectiveness.
• Recommendations:
  ▪ NWIFC not best organization to implement marketing program but still has a role in data collection and coordination
  ▪ Separate organization is needed
  ▪ Need additional data
  ▪ Continue education process
  ▪ Cooperative?
Gathering Rights – David (Nisqually tribe)
• 1999 – gathering agreement in National park. Access for all tribal members and gathering for cultural purposes.
• Treaty of medicine creek – 1854
• Issues - Desire to improve access, renew traditional gathering rights, need for privacy for traditional activities in the park, improve relationships with national parks.
• MOU between National Parks and tribe
  ▪ Govt to govt relationships
  ▪ Access
  ▪ Gathering – harvest limits and enforcement
• Future – challenges from environmental community, develop strategy to sustain agreements in future.
  ▪ Agreements and authority
  ▪ Scientific support for harvest limits and techniques for sustainability
• Gathering, hunting and fishing – inherent rights but have to go to court to reaffirm it (treaty rights).
• Tribes have to justify why and how they do things.

Quileute gathering regulations – US Forest Service
Katie Krueger
• Treaty of Olympia / Quilete
• Tribal houses surrounded by forests of Olympic national park.
• 4 forest managers (state, federal, private and tribal).
• Relationships with government is personality driven.
• Goal of MOU with NP and Forest Service
  ▪ Issues
  ▪ ID differences
  ▪ Improve relations
  ▪ ID contacts
  ▪ Cooperative opportunities
• Treaty rights – free access for non-commercial but permit fee if commercial (even traditional commercial use).
• 15,000 years – Olympic NP has been the home for Quileute people.
• Treaty rights – states can’t generically override it.

Lumni nation - Lumni Schelangen Dept.
Tom Edwards
• Title 40 Lumni code of law – cultural preservation.
• Developed management system in 2001
• Schelangen – way of life
• Policies and procedures – repatriation of ancestral human remains
• Cooperative management – Lumni and DNR

John Hollowed
• Federal govt recognize tribes almost as another govt level – self governing for tribal areas
• The organizations managing tribal lands and resources are given money and resources to do it.
• Given $ to each tribes to self govern their own area.
• 25 tribes in Washington state

Shellfish
• 1854 and 1855 treaties signed
• 1994 tribes allowed 50% of shellfish (excludes ‘staked’ or ‘cultivated’ areas)
• natural beds – tribes allowed 50% of sustainable yield but no extra and non that are by cultivation (farms)
• Tribes tried to reach acceptable settlement
• Objective – stop tribes having to access private tidal lands to get shellfish.
• Proposed settlement
  ▪ Tribes forgo court confirmed right to harvest. About #2 million/year from commercial grower farms
  ▪ Growers will provide $500 000 over 10 years for use of public tidal lands.
  ▪ Tribes – trust fund to enhance shellfish resources on certain tidal lands which they will have exclusive access.

• Benefits
  ▪ Enhance tribal and public tidal lands
  ▪ Financial resources to purchase leased areas
  ▪ Increased cooperation → other catchment issues.

• Benefits to growers
  ▪ Unfettered use of their lands
  ▪ Tribes not harvest $2 million/year
  ▪ No administration, no ongoing litigation, dispute resolution, courts etc.

Columbia River Intertribal Fisheries Commission, Portland

• Right to hunt and fish – based on Treaties
• Treaties – area identified for each tribes homeland
• Retained right to hunt and fishing along with usual and custom areas
• Treaty negotiation – federal government and tribes
• Co-management
• Seeded lands/territory – larger. Reservations with it
• Title recognized as holding title – seeded area
• Tribes are making decisions on natural resource management issues on their lands.
• Bolt decision – 50% of resources. US vs Oregon.
• 2 parts – conservation and allocation.
• Conservation – fish for future, spawning stocks. Escapement and fish lifecycle
• Allocation – lifecycle approach, habitat, all activities and issues
• Case laws – state now only regulate tribal fisheries for conservation purposes. Previously managed allocations and all other issues.
• Allocation rules – court. Tribes – 50% of harvestable fish. Can sell commercially or use for subsistence.
• CRITFC decides allocation and how that is to be used.
• Take care of ceremonial and subsistence part first.
• CRITFC represent 4 main tribes.
• Indian self-determination Act – CRITFC take over self-determination from tribes.
• CRITFC federal funding to manage resources. Branch of ‘tribal’ government – seen as common lace
• Intertribal science and coordination center.
• Each tribe has a fisheries program – CRITFC coordinates and provides overview
• CRITFC depend on technical fisheries staff and biologists to work out allocations.
• Listen and use local knowledge
• CRITFC deal with state agencies → using tribe’s knowledge and information.

General CRITFC
• CRITFC made up of 4 tribes – tribal committees meet monthly
• Work on a consensus basis
• Enforcement of tribal fisheries – tribal court. Each tribe has a tribal council.
• Challenge is speaking in a unified voice but still representing each tribe
• Educating tribal members to become fisheries biologists and managers.
• Tribes have infrastructure to employ own people
• High capacity building
• Negotiating skills (treaties) laid groundwork for capacity building
• Funding for tribes available for participation (in meetings etc)
Hyrdo power issues

- Hydro power industry – main opposition
- Dams have a huge impact on the Columbia River
- Owned by federal and state
- Need to minimize fluctuations
- Tribes want to get environmental flows
- Current battle with agencies re: hydro
- Needs simmer spill to get fish down.

Secwepemc Fisheries Commission, Kamloops

- No treaties in BC – govt ran out of money
- Treaty – 8 communities
- Vancouver Island – Douglas treaties
- BC – culturally diverse
- 40 tribal nations in Canada, 28 tribal groups in BC, 15 languages
- BC treaty maker process --> tri-party agreement. Arrives from govt comprehensive claims process.
- Tribes want to deal directly with federal government not province or state. Moving out of treaty process (7 step process)
- Problems with treaties – community level not national level, therefore lots of small groups.
- Secwepemc nation – lots of legal court cases. Calder case – recognition that extinguish didn’t occur on land --> still have rights
- Indian rights – in constitution
- Still fighting for hunting and fishing rights
- Sparrow case
  - DFO restricted net size
  - Sparrow challenged
  - Decision – justification clause
  - Sets out what rules to go through and compensation
  - Developed property to fishery --> aboriginal people 1st access.

- Case opened up other case
- Currently 4000 fishing cases on Fraser River
- Right to fishery means right to protect habitat
- East coast – treaty tribes
- Marshall decision – right to catch and sell eels, right to sell eels and other resources based on treaties
- Marshall and AFS – agreements with tribal nations into fisheries management
- DFO through AFS provide tribal fisheries commissions and tribal councils money to manage and monitor fisheries resources.

Secwepemc Natural Resources Society

- Nrm issues- primarily focused on forestry
- Work with fisheries on riparian vegetation issues
- Increased opportunities in forests and protection of env.
- Outcome – increased economic development whilst protecting the env
- Society – provides communication and networking for tribes
- Function on community forums and elder forums
- Companies consult with tribes, develop plans with tribes and set up agreements for employment, resources etc.
- Govt decision (Heida decision) that companies have to formally consult with tribes
- Before the Heida decision, the state made 1st nations prove tradition & aboriginal rights.
- As per Heida decision, BC has developed a consultation strategy. Ie: Forest agreements offer tenure resources in exchange for consultation.
- Forestry provides money and employment, training, capacity building etc.
George – Cultural Education Society
- Mandate – preserve language, history and culture
- Signed by all 17 Secwp chiefs
- 13 of 17 communities – active with society
- 15-40 employees depend on activities
- Programs
  - post secondary (uni) courses
  - adult ed pgm
  - schooling, education and preservation of language
  - trades program
  - workshops
  - communication departments

Fisheries co-management case study
- Goal – expanding 1st nation involvement in fisheries management
- 10-12 years capacity building after $$ came in from federal govt
- using 1st nation science, philosophy, management vs western science
- typically- management as top down approach from DFO
- need to be working across and with govt – not top down.
- Working through stages towards co-management
- 1st nations have increased capacity, programs and decision-making ability. Govts now ask and take advice from 1st nations.
- Final stage approach – true co-management where 1st nations have capacity, decision making, making joint decisions
- 9 out of 17 tribes work with SFC
- other tribes have capacity to work by themselves

Success of SFC
- increased capacity of tribes and project implementation
- increased policy and priority setting
- increased consultation with government

Challenges
- difficult to maintain capacity with decrease in $$ and funding
- communities and tribes all at different levels
- during summer, limited consultation (high action – fishing)

Fishing
- in past government controlled fish numbers (ie: each family allowed to take 40 fish) – 1st nations put off by this control
- recently 1st nations got back into fishing
- use of weirs and fish fences for harvesting
- dip net fishing
- SFC – set numbers for take/harvest look at broodstock and harvest, set numbers through fishing strategy. Conservation orientated.
- Gaffing and spearing (menip) salmon using rafts
- Drying racks along rivers – fish camps
- Spear and fishing from banks
- Conservation first – then aboriginal fishing. By fish are intercepted 1st (commercial) – 80% so how is it determined?
- Salmon – terminal fisheries (anadromous fish)
- Commercial fishing needs to be done in terminal area – so happens after conservation and aboriginal take not before
- Commercial salmon fishery – has been reduced over last 10 years but still taking 50% of harvest of TAC
- DFO still allowing 65% of TAC – salmon for commercial catch. SFC want 50%
- DFO lets commercial and recreational fishery happen 1st (ocean based fishery) then sets conservation limits and then numbers for aboriginal fishery
- DFO looks at what they think is coming back + escapements --> then start carving up amount of fish
• Aboriginal fisheries still use traditional fishing and gathering methods
• Trade between tribal groups and territories based on different resources
• Education to future generation, ie: preparing salmon for drying and smoking
• SFC – numbers of fish caught over last 3 years increasing.
• Need to let 1st nations know that it is ok to fish again. Slow acceptance to get back to fishing like they used to.
• 50% commercial industry owned by 1st nations individuals

Habitat Issues
• main issues – cattle and grazing impacts
• causes erosion, increased sediments and nutrients in waterways
• mother nature – impacts

Dianne Newell, UBC
* Tangled Webs of History – book (Dianne Newell)
  • West coast Canada – salmon canneries – 1870 with 1st nation crews
  • Processing of salmon – culture, ceremony, technology (wires, traps, nets)
  • High processing and specialization
  • Heslik people – Herring roe on kelp beds. Historical participation in commercial fishery and right to fish
  • Fishing linked to forestry, ie: cedar canoes (hold 100 people)
  • Whaling, sealing and halibut (high variety)
  • Aquaculture – Atlantic salmon and shellfish
  • Aquanet – Canadian govt. Networking center of excellence, building partnerships (like our CRCs). Focused so far on science and industry.
  • 1st nation projects – aquaculture
  • 3 cases – emerging aquaculture, current, increasing but lots of resistance.

Nigel Haggan, UBC
• involved in ecosystem modeling – past, present and future
• native knowledge
• Haeida (Russ Jones) → cooperative management and agreements.
• BC Aboriginal fishing strategy didn’t represent aboriginal rights and allocations
• DFO manage fishery including Aboriginal fishery – salmon.
• In past DFO have not involved aboriginal people or tribes – mostly commercial fishery
• Now involve aboriginal fishery, sport fishery etc
• Aboriginal people have conceptual values and knowledge
• Knowledge framework – ecosystem management and involves all stakeholders
• Intellectual knowledge from all stakeholders
• Nigel – “back to the future” project – knowledge from everyone and all stakeholders
• Indigenous people want to get back to historical fishery amounts
• Common element between all user groups – how can we make it better?
• To make it better need to know what happened in the past
• Info – Indigenous knowledge, archeological, ice cores etc --> using past info to set some benchmarks
• Hard for governments to appreciate – long term benefit
• Haeida model – co-management plan from all levels of government and industry
• Haeida fisheries program (Russ Jones – rjones@island.net)
• Aim is to get community members to work in science community
• Graduate students to do work in Indigenous communities
• Haedia nation – not in Treaty process
• Need to use Indigenous knowledge and connectivity and bring science into this way of thinking
BC Aboriginal Fisheries Commission
- Involved and main task – development of treaties
- Treaties – good or bad??
- Two headed monster
- Treaty claims cover 150% of BC (over claimed)
- Settlement (Yukon) – get 8.6% of land, resources and self governance
- Govt gives money to manage
- Rebuild resources in traditional territories and this benefits everyone around them
- Rights for aboriginal people benefits everyone
- Need to define $$ for reinvestment in natural capital.
- Need to work from bottom up

US Fish and Wildlife Service, Anchorage

Polly Wheeler, Anchorage
- High subsistence harvests
- Subsistence accounts for 2% of stock
- 97% commercial and 1% sport/recreational
- statewide – salmon catch – 60% (salmon), white fish also increasing
- ANCSA extinguished aboriginal rights
- 1989 lawsuit – can’t manage on rural vs urban
- 1995 – federal govt – control over subsistence in federal waters + federal lands (60% of state)
- subsistence fishing established through Act
- FRMP is unique in Alaska – needs to provide info to support federal subsistence management
- Increase capacity building in communities
- Co-management – aim in Alaska fisheries
- Range of different co-management projects at different levels
- Alaskan Intertribal Council (AITC) – grass roots tribal organization - represent all tribal groups
- Cusckakum River – biggest river in Alaska for subsistence fishing.
- 231 tribes in Alaska – half members of AITC
- AFN – Alaska Federation of natives
- Co management program --> Focus on “Rural Alaskans” – includes all native rural Alaskans as well an indigenous people.
- Rural priority
- State – subsistence priority for all Alaskans
- Board of fisheries – Alaskan tribes (natives) not recognized as much as in US (lower 48)
- Federal – subsistence trade and barter unlimited, cash sales limited by caps (ie: $500/yr in cash sales pp)
- Substantial involvement of Indigenous tribes in commercial industry – different levels of involvement for different fisheries.

Beth Spangler
- Rural Tribal positions – funded by Partners program
- Team includes fisheries biologists and anthropologists who work and live in native communities or rural organizations.
- 3 positions in Yukon River, 2 in Kusakim River and 2 in Bristol Bay region
- looks after subsistence fisheries on federal lands
- 78 partnership organizations that they work with
- run sciene camps and high school programs
- mentoring student interns from rural communities (from different tribes)
Karl

- Alaskan natives recognize values of scientific research and western management
- Still a major struggle
- USA similar to Australia
- Still native indigenous people that don’t participate in management.
- Western laws – control what they can catch
- Enforcement – 80% of villages are not enforced and no regulations
- Big game hunting (moose, bear, caribou) – have to get a license
- Values – different values in different villages
- Economy in Indigenous villages is subsistence
- Alaska native people – subsistence includes marine mammals
- Alaska Land Claim Settlement Act – getting away from reservations, no Indian country, no treaties.
- Priority (restrictions)
- Subsistence fishery is the last restricted, the first is the commercial fishery
- Example – govt counts numbers of salmon returning + escapement. Depending on numbers – shut down particular fishery. However usually by time fish get to spawning grounds they are not commercially fished --> so mostly affects subsistence and sports fishery
- Allocations – based on estimates
- Govt “forecast” number of salmon numbers. Have a ‘window’ system – tribes can only fish on certain days and times
- Lower parts of the river has more restrictions.

Tanana Chiefs Conference, Fairbanks

Mike Smith

- Indigenous people – respects and ownership in resource management
- Decline in fisheries resources (ie: in Yukon River decline by 50% in salmon)
- Participation in meaningful way
- Fish camps in villages – used to happen with extended families and involved cultural and spiritual ceremonies --> doesn’t happen anymore as there are not enough fish.
- The ability for indigenous people to fish has also decreased based on fishing restrictions and fishing schedules
- Native Americans are the true conversationalists
- Fishing restrictions and permits
- data debates with scientists
- State Constitution 1959 – resources used for all Alaskans. Managed for maximum benefits for Alaskans under sustained yield principle
- Resources – set sustained yield amount. Priority order --> allocations of amounts to sustain population (conservation), subsistence, commercial and then everything else.
- Sustained yield amounts and levels – based on escapements for migratory fish (salmon)
- First work out how much needed to sustained and conserve salmon population, then allocation number for subsistence fisheries and then to commercial and sport fisheries.
- Work on MSY – maximum sustained yield
- However govt work with poor and inadequate data
- Lots of env factors also effect salmon numbers that aren’t factored in.
- Also don’t account for any changes in climate or environment – no fudge factor and no room for error
- Subsistence allocation and ‘windows’ for fishing – doesn’t appreciate cultural aspects of community needs vs the individual.
- Lots of commercial fishing pressure --> open fishery

Tanana Cheifs TCC

- 42 tribes and villages
- membership --> tribal chiefs (elected chiefs)
- executive board
- deal with policy, direction, health, education and natural resource management
• need an organization to have a voice for aboriginal people
• Equal representation from all tribes
• 200 tribes in Alaska
• Govt can’t deal with so many tribes – TCC make it easier for govt to deal with Indian groups
• TCC represent Athabascan Indians, Yupiks and Nupia Indians.
• Barter and trade – customary
• Commercial fishery allowed with restrictions.
• Tribal system of governance in tribes and villages
• Tribal court and govt – in each community. Recognized by govt.
• 42 tribes – 32 recognized tribes (courts, jurisdictions, financial aid, authority)

National Marine Fisheries Service (NOAA), Juneau

Sally Bibb
• native people account for a high number of people in communities in Alaska --> therefore have high political power
• oil companies have even more political power
• CDQ – Community Development Quota Program
• CDQ – Western Alaska Berring Sea Coast
• Run by federal govt
• 0-3 miles – state fisheries managed by state.
• Large fisheries in federal waters
• State govt used to manage subsistence fisheries – now federally managed
• Management of fisheries pushed Alaska to get statehood (instead of being managed from Washington/Seattle)
• Federal govt owns a lot of Alaska – forests, land national parks, oil
• Alaskan natives go to federal govt for recognition of rights
• No treaties or reservations
• Federal govt recognizes Alaskan natives rather than the state which recognizes Alaskan residents and native Alaskans (indigenous people) the same
• Federal govt taken over management of federal lands for subsistence fishing and hunting.
• NOAA – Ocean and Atmosphere --> National Marine Fisheries Service
• CDQ program – non profit
• 13 regional corporations (Alaska land Settlement Act)
• didn’t want to tangle with regional corporations so wanted to create non profit organization focuses on fisheries and quotas
• CDQ – community based
  ▪ Share of commercial fishery
  ▪ Supporting development of commercial fishery
  ▪ Royalties for fishing in traditional waters.
• Community given a quota – 10% of TAC of very species.
• Multi species quota fishery
• CDQ is on top of and separate to normal subsistence fisheries
• 1992 – CDQ started
• make allocations to offshore and onshore – need % fro Alaskans
• Deal made – 7.5% for CDQ program (share of commercial fisheries)
• CDQ
  ▪ Residents of 65 communities
  ▪ Recognized native villages
  ▪ Program benefits anyone who lives in community
  ▪ Community mostly made up on natives
• Have already developed local halibut fishery – can catch and sell commercially on a small scale within communities
• The group and community decides who gets to fish and any restrictions
• CDQ also funds scholarship for kids from villages
• CDQ groups also lease quotas to commercial fisherman (make $$)
• Fishing companies want part of CDQ quotas so they hire locals, provide community funding and work with native people
• CDQ has helped local communities develop as a business. Local fisheries also benefit through jobs, money, administration, employment etc
• CDQ groups are mini-governments/organizations. Corporations exists to manage quotas given through program
• Royalties from quotas are about $46 million per year (Western Alaska CDQ)
• Money spent on fisheries related developments for communities (boats, buying into fishing companies etc)
• Community people get income from catch, employment on vessels and in processing, infrastructure developments, scholarships and training
• Corporation has 1 representative from each community
• Economic Development Plans needed
• Allocations for quotas set every 3 years and divided between CDQ groups
• Communities have to show what they are doing with money
• Villages have low and small economy – CDQ groups struggle with how to spend money --> so far limited success
• Groups have to learn how to operate in western cultures
• Alaska – high native population and interaction with native and western people is more mainstream
• Native Alaskans – politicians at every level
• Alaskans commercial fisheries includes non-natives and natives
• CDQ program not taking away from Alaskan – taking away from non-Alaskan fishing companies
• Commercial industry – high employment in Alaska. Important in communities.

Department of Natural Resources, Hawaii

• No specific subsistence fishery
• Small Indigenous population and scattered throughout islands
• Lots of invasive species.