



TSESHAHT FIRST NATION

5091 Tsuma-as Dr. Port Alberni, BC V9Y 8X9
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Tseshaht Gill Net Rules and Designation Authorization

<p>A. Designation</p>	<ol style="list-style-type: none"> 1. Tseshaht registered members are eligible to participate in the fishery and will be required to sign the Declaration and Liability Waiver annually prior to each fishing season. 2. Members under the age of 19 must have their parent or guardian sign the Declaration and Liability Waiver. 3. Any Tseshaht member is eligible to participate as a deckhand. 4. Each Tseshaht fisher is required to have a designation card and must be in possession of that card while fishing. The designation card will have a unique number and a photograph of the bearer (effective September 2022-). 5. Fisher bearing the designation card matching the attached net identification marker must be on board the vessel while net is in use. 6. Fees-A \$50 per fisher/deckhand fee will be charged every season (cash only) 7. Boat Safety Certification required, and decal must be placed on visible area of the boat (prior to the 2025 fishing season)
<p>B. Gear and Location (see map Appendix A)</p>	<ol style="list-style-type: none"> 1. Only one (1) gillnet may be fished by each designated fisher. A maximum of two designated fishers may operate from one boat (maximum 2 nets), providing DOT (Department of Transport) regulations concerning weight capacity and stability are met. Net identification must match designated vessel and designation card born by fisher on vessel. 2. No nets greater than 25 fathoms in the area from Paper Mill Dam downstream to a line from Hoik Island to a Green flashing light at the mouth of the Somass River, then due east to the opposite shore. The exception is that nets up to 50 fathoms may be used for circle setting in this area, one net at a time. 3. No nets greater than 50 fathoms in the area seaward of a line from Hoik Island to a Green flashing light at the mouth of the Somass River, then due east to the opposite shore and inside a line from Polly's Point to a triangular fishing boundary sign on the opposite shore. 4. No nets greater than 100 fathoms in the area seaward of a line from Polly's Point to a triangular fishing boundary sign on the opposite shore



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	<ol style="list-style-type: none"> 5. Net length and locations may be adjusted during the season but must be agreed and reflected in the License in consultation with the Area 23 Roundtable 6. No power-assisted, net retrieval gear may be used in the gillnet fishery. 7. All gillnets must be marked with a high visibility float at each end and with lights at each end during darkness. Nets tied to the shore must be marked on the offshore end. 8. Each gillnet must be identified by a marker issued by Tseshaht Fisheries. This marker will bear the designation number of the fisher. <p>Appendix A- Map of net length requirements Appendix B- Vessel requirements</p>
<p>C. Timing</p>	<ol style="list-style-type: none"> 1. Fishing will start only at the time of the designated opening. Penalties will be applied for early sets in accordance with section D.
<p>D. Infractions, Enforcement and Compliance</p>	<ol style="list-style-type: none"> 1. Abusive behavior and lateral violence towards Tseshaht Enforcement, other fishers, Fisheries staff, and contractors' <u>will not be tolerated</u> and will result in enforcement actions. 2. Fishers that are out of compliance of these rules may be removed from the designation list provided to DFO and may be subject to DFO prosecution. This fisher will also not be able to obtain a landing slip. 3. Nets that are left out past opening times will be confiscated. 4. Nets should be attended regularly, snagged nets to be reported immediately to Tseshaht Fisheries Manager or designate. 5. DFO will be assisting Tseshaht in enforcement 6. Nets with no designation buoy attached, nets set before the opening time and nets left after the opening has closed, will be confiscated. 7. First offenses will result in removal of designation for that opening. Second offenses will result in the fisher being removed from the designation list for the remainder of the season. Third offenses may result in multiple years removal from the designation list. 8. All infractions will be reviewed by the Fish and Wildlife Committee as soon as possible following the infraction and the Committee will recommend next steps to Council, Ha'wiih and



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	<p>staff based on the Tseshaht Gill Net Rules and Designation Authorization.</p> <p>Appendix C- Enforcement details are listed below as agreed to by signed agreement with the Department of Fisheries and Oceans</p>
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Infraction	Penalty (1st Offence)	Penalty (Multiple)
Too Long of Net	<p>Pull the net and shorten it before returning. You must make the net legal for the area or move to an area where the net is an appropriate length.</p>	<p>Miss the remainder of the opening that day, net and fish confiscated.</p> <p>3rd infraction means taken before committee.</p>
No Markers / Buoys	<p>The net will be pulled immediately and will be held by Fisheries.</p> <p>Nets are not returned until a marker/buoy/appropriate identification is provided.</p>	<p>Repeat procedure for second infraction.</p> <p>3rd infraction means taken before committee.</p>
Setting Net Early / Picking Up Net Too Late	<p>Setting a net too early means immediate confiscation of the catch. The catch is to be donated to Elders/Disability.</p> <p>Setting a net late means the catch will be confiscated. If there are extenuating circumstances such as mechanical failure, poor weather, etc. the Guardians are to be contacted.</p>	<p>3rd infraction means taken before committee.</p>



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Infraction	Penalty (1st Offence)	Penalty (Multiple)
<p>Too Many Nets</p>	<p>Net is immediately pulled and not returned until the end of the season.</p> <p>ex. A net seized during Sockeye is not returned until the end of Sockeye.</p>	<p>Further infractions mean taken before committee.</p>
<p>Unattended Boat While Fishing / Set Net</p>	<p>Abandoned boats will be tagged with the date they were seen. Boats owners will be contacted by Fisheries Staff.</p> <p>If the vessel is left unattended for more than a week OR is at risk of becoming submerged (>50% full), the boat will be immediately removed from the water and the owner will be charged for its removal.</p>	<p>3rd infraction means taken before committee.</p>
<p>Unattended Boat After Fishing Season</p>	<p>All commercial vessels, nets, and gear to be removed from the river by November 1st, 2025. Exceptions are made for private party.</p>	<p>3rd infraction means taken before committee.</p>



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Infraction	Penalty (1st Offence)	Penalty (Multiple)
<p>Poaching (hours/days before opening)</p>	<p>30 mins before or after an opening is considered poaching and immediate escalation to a hearing in front of the committee.</p> <p>All other acts of poaching are immediate escalation to a hearing before the committee.</p> <p>Fish and nets will be confiscated, and fisher will be reported to DFO which may result in charges being filed.</p>	<p>All instances of poaching will require a hearing before the committee.</p>
<p>Environmental Damage (oil/garbage/etc.)</p>	<p>To be revisited in the future.</p>	
<p>Inadequate Safety Equipment</p>	<p>Inadequate safety equipment will result in a warning.</p> <p>Safety equipment requirements are covered in boat inspections.</p> <p>Please always make sure that your vessel is appropriately equipped during operation.</p>	<p>Invalidation of your Fisher's agreement until safety standard is met.</p>
<p>Impairment (Drugs/Alcohol)</p>	<p>RCMP will be notified if you are under the influence of drugs and/or alcohol while fishing or during Fish Days.</p>	<p>Zero tolerance.</p>



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Infraction	Penalty (1st Offence)	Penalty (Multiple)
Threatening Others	RCMP will be notified if you are behaving in a way that threatens or intimidates Tseshaht Fisheries staff or other fisherman	Zero tolerance.
Unsafe Operation of Vessel (too fast/too close/etc)	Slow down and be careful. Please respect other fishers and community members while they are on the water.	

Review, Amendment and Approval- These Tseshaht Gill Net Rules and Designation Authorization will be reviewed annually at the end of each fishing season. Amendments will be brought forward by Committee to Council and Ha'wiih for approval.



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DECLARATION AND LIABILITY WAIVER

I _____ (INSERT NAME) hereby agree to follow the **Tseshaht Gill Net Rules and Designation Authorization** (the “Rules”)

adopted by the Tseshaht Ha’wiih and Elected Chief and Council as presented above. I have read the Rules and I understand that compliance with the Rules is a requirement of my participation in Tseshaht’s designated fishery and that any failure to abide by the Rules may result in consequences and enforcement actions including, but not limited to, my removal from the fisher designation list. As a fisher I understand the appropriate boat safety standards, regulations, equipment, and relevant legal requirements. I also understand and acknowledge that I am fully aware of and assume all the risks and responsibilities of my participation, including any designate on my vessel, in fishing activities (including but not limited to the risk of serious bodily injury, property loss or damage) and I hold harmless and agree to indemnify Tseshaht First Nation, its councillors, employees and agents, from and against any present or future claim related to my participation in fishing activities.

Name:
Signature:
Date:
Fisher Designation Number:
Tseshaht Fisher Boat Length:
Received and witnessed by (Tseshaht designated staff member name and signature):
Parent or Guardian (name and signature) for any fisher under the age of 19:

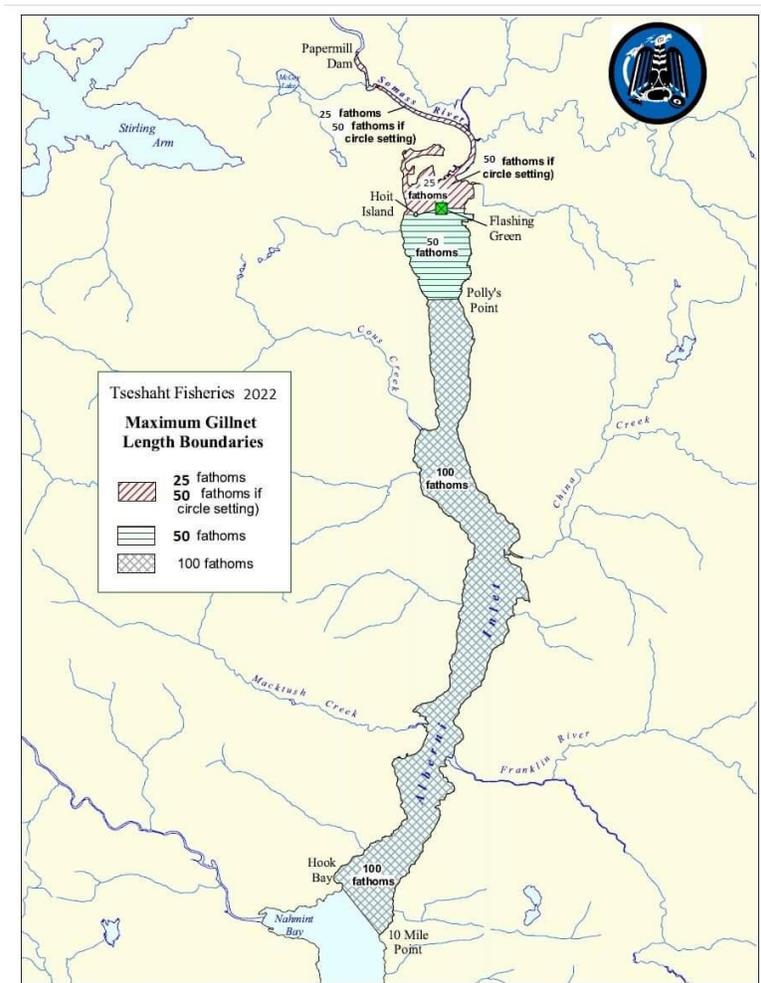
<u>OFFICE USE ONLY</u>
<u>COPY PROVIDED TO REGISTERED FISHER</u>
Councillor Approved (name and signature):
Date:



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Appendix A- Map of fishing area and net length





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Appendix B- what is required in your boat

To be inserted at a later date for your information.

Appendix C- Enforcement details are listed below as agreed to by signed agreement with the Department of Fisheries and Oceans:

Circumstance	Procedure
(1) Fishing where no Communal License has been issued	Nets and caught Fish may be seized and Appearance Notices issued.
(2) Fishing without a valid designation document	<p>Attempts should be made to determine whether a designation document has been issued by the First Nation to the individual. Depending on circumstances, the individual may be warned and advised to obtain and carry a designation document or to carry the designation document if previously issued and valid. Nets may be removed from the water. Where circumstances require it, nets and caught Fish may be seized. An Appearance Notice may be issued.</p> <p>On the first instance where an individual who is not designated is Fishing with a spouse (including a common-law spouse) who is designated, the non-designated individual may be warned and advised to obtain a designation document.</p> <p>No action will be taken against an individual who does not have a designation document and is not Fishing but is in the company of a designated individual who is Fishing.</p> <p>If nets are being set less than one-half hour before an opening, warnings may be given in the first instance.</p>
(3) Fishing during closed times or in a closed area	Nets and caught Fish may be seized. An Appearance Notice may be issued. If nets are still set immediately after closing time, either a warning or an Appearance Notice may be issued.
(4) Use of gear not authorized by a Communal License	<p>If the unauthorized net is unmarked or unidentifiable, the net and caught Fish may be seized. An Appearance Notice may be issued.</p> <p>If the unauthorized gear is marked or the designated individual otherwise identifiable, nets and caught Fish may be seized. An Appearance Notice may be issued.</p>



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Circumstance	Procedure
(5) Improper or inadequately marked gear	Nets may be seized. Live Fish will be released. Dead Fish may be seized. A warning or an Appearance Notice may be issued.
(6) Failure to comply with a condition of a designation document or a Communal License	Designated individuals may be warned on the first instance. Nets and caught Fish may be seized. An Appearance Notice may be issued.
(7) Unauthorized sale of Fish	Equipment and caught Fish may be seized. An Appearance Notice may be issued.
(8) Misreporting or failure to report catch	Caught Fish may be seized. An Appearance Notice may be issued.
(9) Failure to off-load Aboriginal catch prior to commercial Fishing	Caught Fish may be seized. An Appearance Notice may be issued.
(10) Failure to comply with mandatory landing site requirements	Caught Fish may be seized. An Appearance Notice may be issued.
(11) Fishing with more than one net	Nets and caught Fish may be seized. An Appearance Notice may be issued.
(12) During authorized sales – failure to produce Landing Slips in accompaniment of Fish	Attempts should be made to determine whether a Landing Slip had been issued. If not, Equipment and caught Fish may be seized.



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Appendix D: Tseshaht Strategic Plan Vision, Mission, Values and Principles

Tseshaht Vision

Tseshaht First Nation is a unified, self-determining Nation, rooted in our teachings and ways of being, taking a proactive role to improve the health & well-being of our members and those yet unborn; strengthening our language & culture; and stewarding our ɥaɥuufi. Living our culture.

Tseshaht Mission Statement

Together we are empowering our people, fostering a stable, safe, and supportive community by building a strong economy and creating opportunities for the growth, health, wellness of our people, and ɥaɥuufi as a unified, self-determining Nation.

Tseshaht Principles

ʔiisaak – Respect for everyone and everything
ɥaɥatakin ɥ awaak – Everything is connected
ɥaɥatakirmaʔaɥ mamumsʔ ak – Everyone had a job
mamuukst aɥin - We are working together
hupiist aɥ mamamuuk – Helping each other work
Tseshaht Values
muɥmumcukqin – Our roots
yaqʷiimitminɥ - Ancestors
huɥtakšiiɥʔap - Teachings
ʔuuʔaaʔuk – Taking care of

Tseshaht Values

UNITY, we understand that our greatest strength lies in working together and supporting one another

TRUST, we work with integrity and are committed to doing our work to the highest ethical standards

BALANCE, we strive for excellence and also take time for fun and celebration

TRANSPARENCY We lead with openness and accountability to uphold the integrity of our Nation

DEDICATION We deliver the very best in all that we do, committed to one another and those we serve

RESPECT We honor relationships and commit to treating one another with dignity and generosity