

YUULU?IL?ATH FIRST NATION GOVERNMENT

Enacted under the Resources Harvesting Act section 9.1

FISHERIES REGULATION

YFNR 5/2011



OFFICIAL CONSOLIDATION – CURRENT TO APRIL 14, 2015

This is a certified true copy of the consolidated Fisheries Regulation YFNR 5/2011, Current to April 14, 2015

Date: May 15, 2015

Signed: 
Law Clerk

**YUULU?IL?ATH? FIRST NATION GOVERNMENT
FISHERIES REGULATION YFNR 5/2011
OFFICIAL CONSOLIDATION – CURRENT TO APRIL 14, 2015**

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**YUULU?IL?ATH? FIRST NATION GOVERNMENT
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PART 1 - INTRODUCTORY PROVISIONS

Short title

1.1 This regulation may be cited as the Fisheries Regulation.

Application

1.2 This regulation governs harvesting in Yuulu?il?ath fisheries.

Definitions

1.3 In this regulation

“Act” means the Resources Harvesting Act;

“application” means the applicable form attached as Schedule 1 to this Regulation;

“enforcement officer” means

(a) a resource management officer, or

(b) a fishery officer as defined in the Fisheries Act (Canada);

“family member” means a spouse, son, daughter, parent, grandparent, grandchild, aunt, uncle, nephew or niece of a Yuulu?il?ath enrollee;

“fisheries manager” means a manager of fisheries appointed under section 5.1 of the Act;

“fishing gear” means any equipment or methods used to catch fish and, for certainty, includes a fishing vessel;

“incidental catch” means any fish unintentionally caught in the fishing gear of a person and that fish is not the primary target for which that person’s fishing gear is set;

“Yuulu?il?ath fishing authorization” means Yuulu?il?ath fishing documentation, Yuulu?il?ath commercial fishing documentation or a Yuulu?il?ath commercial fishing licence, as the context may require;

“Yuulu?il?ath fishing authorization number” means the number designating a valid and current Yuulu?il?ath fishing authorization assigned at the time the Yuulu?il?ath fishing authorization is issued.

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PART 2 - FISHERIES ADMINISTRATION

Manager of Yuulu?il?ath fisheries

- 2.1 (a) The position of fisheries manager of fisheries is established as a position within the Department of Lands and Resources.
- (b) In accordance with section 5.1 of the Act, the director of operations may appoint an individual to hold the office of fisheries manager.
- (c) The fisheries manager reports to the lands manager.

Duties of the manager of fisheries

- 2.2 The fisheries manager must carry out the following duties:
- (a) manage and administer the Yuulu?il?ath fisheries;
- (b) ensure that Yuulu?il?ath government employees within the Department of Lands and Resources carry out the duties assigned to them relating to Yuulu?il?ath fisheries
- (i) under this or any other Yuulu?il?ath enactment,
- (ii) by the fisheries manager, or
- (iii) by the lands manager;
- (c) report, as required by the lands manager, to the Executive on Yuulu?il?ath fisheries activities; and
- (d) any other duties assigned to the fisheries manager
- (i) under this or any other Yuulu?il?ath enactment, or
- (ii) by the lands manager.

Fisheries manager's authority may be delegated

- 2.3 (a) Upon the approval of the lands manager, the fisheries manager may delegate the performance of any of the fisheries manager's duties or the exercise of any of the fisheries manager's powers to
- (i) another manager within the Department of Lands and Resources,
- (ii) a Yuulu?il?ath government employee, or
- (iii) an independent contractor of the Yuulu?il?ath First Nation.

- (b) Despite the delegation of any duties or powers under subsection (a), the fisheries manager remains responsible for ensuring that those duties are carried out properly and those powers are exercised appropriately.
- (c) In the event that a Yuulu?il?ath? fishing authorization is to be revoked for a family member of the fisheries manager, the fisheries manager must, in accordance with the Code of Conduct and Conflict of Interest Act, delegate his or her responsibility respecting the revoking of that Yuulu?il?ath? fishing authorization to an individual identified in subsection (a).

PART 3 - YUULU?IL?ATH FISHING AUTHORIZATION

Application for authorization

- 3.1 (a) The lands manager has the sole authority to authorize the issuance of a Yuulu?il?ath fishing authorization and the designation of fishing vessels by means of approving an application.
- (a.1) The applicable Form in Schedule 1 is prescribed for the purposes of section 2.6 of the Act for making an application for Yuulu?il?ath fishing documentation.
- (b) An application must be completed by an applicant applying for a Yuulu?il?ath fishing authorization and that applicant must include the following information:
- (i) the full name and mailing address of the applicant;
 - (ii) the phone number of the applicant;
 - (iii) Yuulu?il?ath enrollee's enrolment number, if applicable;
 - (iv) the type of fishing gear to be used by the applicant;
 - (v) the particulars as defined in section 4.1 for the fishing vessel, if any, to be used by the applicant;
 - (vi) the signature of the applicant; and
 - (vii) a certification on the application stating the information given in the application or any supporting document submitted as required under section 2.6 of the Act is true.
- (c) When an application for a Yuulu?il?ath fishing authorization is received by the lands manager, the fisheries manager must record the following information:
- (i) the date the application was received;
 - (ii) the date the Yuulu?il?ath fishing authorization was issued or refused;
 - (iii) if a Yuulu?il?ath fishing authorization is issued;
 - (A) its date of issuance and its date of expiration,
 - (B) any conditions imposed on the Yuulu?il?ath fishing authorization, and
 - (C) the Yuulu?il?ath fishing authorization number,
 - (iv) the fee paid, if any; and

- (v) the name of the authorized Yuulu?il?ath government employee who processed the application.

Conditions of authorization

- 3.2 (a) For the proper management and control of Yuulu?il?ath fisheries and the conservation and protection of fish and aquatic plants, the lands manager may attach the conditions the lands manager decides are appropriate to a Yuulu?il?ath fishing authorization that are not inconsistent with the Act, this regulation, any other Yuulu?il?ath enactment, a Maa-nulth harvest document and the annual fishing plan.
- (b) It is a condition of every Yuulu?il?ath fishing authorization issued that the holder of the Yuulu?il?ath fishing authorization comply with the Maa-nulth Treaty, Maa-nulth harvest documents, the Act, this regulation, any directions issued by the fisheries manager or lands manager as permitted under the Act or this regulation and the annual fishing plan.
- (c) Every person carrying out any activity under the authority of a Yuulu?il?ath fishing authorization must comply with every condition of that Yuulu?il?ath fishing authorization.

Form of authorization

- 3.3 (a) A Yuulu?il?ath fishing authorization issued by the lands manager must include the following:
- (i) the Yuulu?il?ath First Nation logo;
 - (ii) the Yuulu?il?ath fishing authorization number;
 - (iii) the photograph of the holder of the Yuulu?il?ath fishing authorization;
 - (iv) the name and address of the holder of the Yuulu?il?ath fishing authorization;
 - (v) the date of issue of the Yuulu?il?ath fishing authorization;
 - (vi) the date of expiration of the Yuulu?il?ath fishing authorization; and
 - (vii) a location for the signature of the holder of the Yuulu?il?ath fishing authorization.
- (b) A Yuulu?il?ath fishing authorization issued by the lands manager to a person that is not a Yuulu?il?ath enrollee must include the following:
- (i) the Yuulu?il?ath First Nation logo;

- (ii) the Yuulu?i?ath fishing authorization number;
 - (iii) the name and address of the holder of the Yuulu?i?ath fishing authorization;
 - (iv) the date of issue of the Yuulu?i?ath fishing authorization;
 - (v) the date of expiration of the Yuulu?i?ath fishing authorization; and
 - (vi) a location for the signature of the holder of the Yuulu?i?ath fishing authorization.
- (c) A Yuulu?i?ath fishing authorization issued by the lands manager is not valid unless it is signed in ink on the place designated on the Yuulu?i?ath fishing authorization;
- (i) by the holder of the Yuulu?i?ath fishing authorization, or
 - (ii) in the case of a corporate holder of the Yuulu?i?ath fishing authorization, by an authorized signatory of the corporate holder.

Term of authorization

- 3.4 (a) A Yuulu?i?ath fishing authorization issued to a Yuulu?i?ath enrollee has a term of five years.
- (b) A Yuulu?i?ath fishing authorization issued to a person that is not a Yuulu?i?ath enrollee, Yuulu?i?ath commercial fishing documentation or a Yuulu?i?ath commercial fishing licence issued to a Yuulu?i?ath enrollee will have a specified term not to exceed one year.
- (c) If the holder of a Yuulu?i?ath fishing authorization ceases to be a Yuulu?i?ath enrollee or otherwise ceases to be an agent or contractor of the Yuulu?i?ath First Nation, the holder must immediately cease fishing and the Yuulu?i?ath fishing authorization issued to that holder is deemed to be cancelled as of the date that holder ceased to be a Yuulu?i?ath enrollee or otherwise ceased to be an agent or contractor of the Yuulu?i?ath First Nation and must be immediately delivered to the fisheries manager and, in any event, no later than five business days from the date the Yuulu?i?ath fishing authorization is deemed cancelled.
- (d) If a person's Yuulu?i?ath fishing authorization is cancelled or suspended, the person must deliver the Yuulu?i?ath fishing authorization to the fisheries manager within five business days of the notice of cancellation or suspension.

Replacement of authorization

- 3.5 (a) If the holder of a Yuulu?i?ath fishing authorization has

- (i) a change of name or address,
- (ii) their Yuulu?il?ath fishing authorization lost, stolen or destroyed, or
- (iii) an illegible Yuulu?il?ath fishing authorization,

the fisheries manager may issue a replacement Yuulu?il?ath fishing authorization showing any applicable changes.

- (b) On receipt of a replacement Yuulu?il?ath fishing authorization, the holder of the Yuulu?il?ath fishing authorization must immediately destroy the Yuulu?il?ath fishing authorization that has been replaced if it is still in the holder's possession.
- (c) If the holder of a replacement Yuulu?il?ath fishing authorization recovers the Yuulu?il?ath fishing authorization that was replaced, the holder must immediately destroy it.

Documentation fees

- 3.6 The fees set out in section 3.6 of the Wildlife and Migratory Birds Regulation are prescribed for the purposes of section 2.6 of the Act as the application fee for Yuulu?il?ath fishing documentation.

Authorization issued in error

- 3.7 If a Yuulu?il?ath fishing authorization was issued in error or contains an error, the fisheries manager may:
- (a) request the holder of the Yuulu?il?ath fishing authorization to deliver it to the fisheries manager so it can be corrected or replaced, and
 - (b) the holder of the Yuulu?il?ath fishing authorization must within five business days comply with the request.

Ownership of authorization

- 3.8 A Yuulu?il?ath fishing authorization is the property of the Yuulu?il?ath First Nation and is not transferable.

Surrender of authorization on suspension

- 3.9 If a Yuulu?il?ath fishing authorization is suspended, the holder of the Yuulu?il?ath fishing authorization must,
- (a) within five business days deliver the Yuulu?il?ath fishing authorization to the fisheries manager, and

- (b) immediately cease fishing under the Yuulu?il?ath fishing authorization.

Requirement to carry and produce authorization

3.10 A holder of a Yuulu?il?ath fishing authorization must

- (a) carry that Yuulu?il?ath fishing authorization at all times while harvesting in Yuulu?il?ath fisheries,
- (b) in the case of a person that is not a Yuulu?il?ath enrollee, carry government issued photo identification, and
- (c) produce that
 - (i) Yuulu?il?ath fishing authorization, and
 - (ii) in the case of a person that is not a Yuulu?il?ath enrollee, that government issued photo identification,on the request of an enforcement officer.

Restrictions on alteration and use of authorization

3.11 (a) A person other than the fisheries manager must not

- (i) alter or deface a Yuulu?il?ath fishing authorization,
 - (ii) use or produce a Yuulu?il?ath fishing authorization that has been altered or defaced,
 - (iii) use or produce a Yuulu?il?ath fishing authorization that has been issued to another person under the pretence of being the holder of that Yuulu?il?ath fishing authorization, or
 - (iv) use or produce a Yuulu?il?ath fishing authorization that has since been replaced under section 3.5.
- (b) A holder of a Yuulu?il?ath fishing authorization must not permit another person to use that Yuulu?il?ath fishing authorization.

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PART 4 - HARVESTING REQUIREMENTS

Fishing vessels

4.1 Vessels fishing in Yuulu?il?ath fisheries must:

- (a) be designated by the lands manager;
- (b) be compliant with applicable marine safety enactments; and
- (c) have a Yuulu?il?ath First Nation decal or flag prominently displayed on the vessel.

Identification of fishing gear

- 4.2
- (a) No person may set, operate or leave unattended in the water any fishing gear, other than hand lines, unless the fishing gear is marked in accordance with subsections (c) to (e) with a Yuulu?il?ath fishing authorization number.
 - (b) A Yuulu?il?ath fishing authorization number must be painted on or otherwise securely affixed to an orange tag, float or buoy attached to the fishing gear and be legible and readily visible at all times without the necessity of raising the fishing gear from the water or, if the water is ice covered, without the necessity of removing any snow or ice.
 - (c) The numerals or letters, as the case may be, of a Yuulu?il?ath fishing authorization number marked on fishing gear as referred to in subsection (a) must be in solid block Arabic numerals or block capital letters in Roman characters, as the case may be,
 - (i) without ornamentation,
 - (ii) not less than 75 mm in height, and
 - (iii) in a colour that contrasts with their background.
 - (d) A tag, float or buoy referred to in subsection (b) must have only one Yuulu?il?ath fishing authorization number marked on it.
 - (e) A tag, float or buoy referred to in subsection (b) must
 - (i) if one end of the fishing gear is fastened to the shore, be affixed to the end of the fishing gear farthest from the shore, and
 - (ii) in any other case, be affixed to each end of the fishing gear.

Fishing gear with mesh

- 4.3 A person who is fishing for a species of fish with fishing gear for which an Order of the lands manager requires a minimum mesh size must not use any device by means of which openings are created in any part of the fishing gear that are smaller in size than the mesh size ordered for that species.

Release of incidental catch

- 4.4 (a) Subject to subsection (b), every person who exercises the right to harvest fish and aquatic plants and harvests incidental catch that is alive must immediately return that incidental catch
- (i) to the place from which that incidental catch was taken, and
 - (ii) in a manner that causes that incidental catch the least harm.
- (b) Every person who exercises the right to harvest fish and aquatic plants and harvests incidental catch that subsequently dies or is likely to imminently die must retain that incidental catch and not return that incidental catch to the place from which that incidental catch was taken.

Identification

- 4.5 A person who harvests fish must not, before processing or preserving that fish on shore, have that fish in that person's possession if the fish has been skinned, cut, packed or otherwise dealt with in such a manner that
- (a) the species of the fish cannot be readily identified,
 - (b) the number of fish cannot be readily determined,
 - (c) if weight is used to determine catch limits, the weight of the fish cannot be readily determined, or
 - (d) if size, age, weight, or sex restrictions are applicable, the size, age, weight or sex of the fish cannot be readily determined

except for fish consumed by that person off shore.

Reporting of catch

- 4.6 (a) A holder of a Yuulu?il?ath fishing authorization must report to the fisheries manager the quantity of fish and aquatic plants harvested in Yuulu?il?ath fisheries in accordance with the terms and conditions established by the lands manager, by Order.

- (b) The catch reporting requirements referred to in subsection (a) must be consistent with those described in any Maa-nulth harvest document, the Maa-nulth fisheries operational guidelines and any management plan developed for Yuulu?i?ath fisheries.

Time and location of harvests

- 4.7
- (a) The time and location of harvesting in Yuulu?i?ath fisheries that are permitted or prohibited under this section are subject to an Order of the lands manager under section 5.4 of the Act or under section 5.4 of this regulation.
 - (b) A person must not harvest in Yuulu?i?ath fisheries at a time or in a location other than as permitted in this section.
 - (c) Subject to the Maa-nulth Treaty, the Act and this regulation, every person with valid Yuulu?i?ath fishing documentation is authorized by the Yuulu?i?ath First Nation to exercise the right to harvest fish and aquatic plants under the Maa-nulth Treaty at the times and locations permitted by the lands manager from time to time, by Order.
 - (d) Subject to applicable federal law and provincial law, every person with valid Yuulu?i?ath commercial fishing documentation or a valid Yuulu?i?ath commercial fishing licence at the times and locations permitted by the lands manager from time to time, by Order.

Restrictions

- 4.8
- A person who catches and retains fish under a Yuulu?i?ath fishing authorization must comply with any applicable size, age, weight and sex restrictions contained in an Order made by the lands manager under section 5.4 of the Act or under section 5.4 of this regulation.

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PART 5 - GENERAL

Trade and Barter of fish or aquatic plants

- 5.1 (a) A person who harvests fish or aquatic plants in Yuulu?il?ath fisheries may trade and barter those fish or aquatic plants with other aboriginal people if
- (i) the harvester is a Yuulu?il?ath enrollee,
 - (ii) the species of fish or aquatic plants is approved for trade and barter by the lands manager, and
 - (iii) the harvester is in possession of a transportation certificate referred to in section 5.2(a) if the trade and barter will occur outside the Maa-nulth domestic fishing area.
- (b) All species of fish and aquatic plants harvested in accordance with the Act and this regulation are approved for trade and barter unless otherwise prohibited by the lands manager, by Order.

Transportation of fish and aquatic plants

- 5.2 (a) A person that transports outside the Maa-nulth domestic fishing area, for their own personal use or for trade and barter, fish or aquatic plants harvested in Yuulu?il?ath fisheries is required to have in their possession a transportation certificate issued by the fisheries manager that specifies
- (i) the quantity of each species of fish or aquatic plant being transported, and
 - (ii) the destination of the transported fish or aquatic plants.
- (b) A transportation certificate referred to in subsection (a) must be
- (i) in a form approved by the lands manager, and
 - (ii) signed by the fisheries manager.
- (c) A person must not alter or deface a transportation certificate issued under this section.
- (d) If a transportation certificate is issued under subsection (a), a person who is transporting fish or aquatic plants for trade and barter must produce that transportation certificate on demand of an enforcement officer.

Fish harvesting rights outside Yuulu?il?ath territory

- 5.3** (a) A Yuulu?il?ath enrollee must not exercise his or her right to harvest fish and aquatic plants outside of the Yuulu?il?ath territory except in compliance with this section.
- (b) If a Yuulu?il?ath enrollee wishes to exercise his or her right to harvest fish and aquatic plants outside of the Yuulu?il?ath territory, that Yuulu?il?ath enrollee must request of the fisheries manager, in the manner required by the director, permission for the Yuulu?il?ath enrollee to exercise his or her right to harvest fish and aquatic plants outside of the Yuulu?il?ath territory.
- (c) A request made under subsection (b) must be in writing and include
- (i) the particular Maa-nulth First Nation area in which that Yuulu?il?ath enrollee wishes to exercise his or her right to harvest fish and aquatic plants,
 - (ii) the times during which that Yuulu?il?ath enrollee wishes to exercise his or her right to harvest fish and aquatic plants,
 - (iii) the species of fish or aquatic plants that Yuulu?il?ath enrollee wishes to harvest, and
 - (iv) the fishing gear and methods of harvest that Yuulu?il?ath enrollee intends to utilize in exercising his or her right to harvest fish and aquatic plants.
- (d) If the fisheries manager receives a request under subsection (b), the fisheries manager must, before issuing authorization under subsection (e), contact the appropriate representative of the applicable Maa-nulth First Nation whose Maa-nulth First Nation area the Yuulu?il?ath enrollee who made the request under subsection (b) wishes to exercise his or her right to harvest fish and aquatic plants in and seek permission on behalf of that Maa-nulth First Nation in accordance with Nuu-chah-nulth traditional practices and protocols or any written protocols or agreements between the Maa-nulth First Nations for the exercise of that right to harvest fish and aquatic plants by that Yuulu?il?ath enrollee in that Maa-nulth First Nation area.
- (e) If permission is given as contemplated in subsection (d), the fisheries manager may issue written authorization to the Yuulu?il?ath enrollee who made the request under subsection (b) to exercise his or her right to harvest fish and aquatic plants in the Maa-nulth First Nation area of the Maa-nulth First Nation on whose behalf permission was given under subsection (d) and the fisheries manager may place the reasonable conditions the fisheries manager decides are necessary or advisable in the circumstances on that harvesting.

- (f) A Yuulu?i?ath enrollee issued written authorization under subsection (e) must only exercise his or her right to harvest fish and aquatic plants outside of the Yuulu?i?ath territory in accordance with the laws of the applicable Maa-nulth First Nation and any conditions of the fisheries manager under subsection (e).

Variation of regulations

- 5.4 (a) If a time or location for harvesting fish or aquatic plants, a fishing quota or a restriction on the size, age, weight or sex of fish is permitted or prohibited under these regulations, the lands manager may, by Order, vary that time, location, fishing quota or limitation and make different orders for different classes of holders of a Yuulu?i?ath fishing authorization, or for different species of fish or aquatic plants.
- (b) The lands manager may not make an Order under subsection (a) that is inconsistent with a Maa-nulth harvest document.
- (c) If the lands manager makes a variation Order under this section, notice of the variation must be given by the fisheries manager by posting the notice in accordance with Yuulu?i?ath law and one or more of the following methods:
- (i) posting the notice in the area or in the vicinity of the area affected by the variation;
 - (ii) transmitting the notice by electronic means to those persons affected by the Order; and
 - (iii) providing verbal notice to those affected by the Order.

Offences

- 5.5 (a) Every person who contravenes these regulations commits an offence punishable under the Act.
- (b) Subject to the Act and any other applicable Yuulu?i?ath enactment, the lands manager may determine the fine associated for each offence punishable under the Act.

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SCHEDULE 1 – APPLICATION FORMS

- RH-2 - Yuulu?il?ath Fishing Documentation Application**
- RH-2A - Yuulu?il?ath Fishing Authorization and Vessel Designation Documentation Application**

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<p>YUULU?IL?ATH? FIRST NATION</p> <p>Resources Harvesting Act Form RH-2</p> <p>FISHING DOCUMENTATION APPLICATION</p>		<p>Date received:</p> <p><i>(for Department of Lands and Resources use only)</i></p>
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Commercial Fishing Licence Number (if applicable):	
Yuulu?il?ath? Fishing Documentation Number (if any):	
Vessel Name:	
Transport Canada Registration Number:	
Length and Make:	
Construction:	
Gear:	
Registered Owner:	
Address:	
I certify that the information provided by me in this application is true.	
Signature:	
Date:	
OFFICE USE ONLY	
Approved by:	
Signature:	
Date Issued:	
Date Expires:	
Conditions (if any):	
Fee Paid (if any):	
Yuulu?il?ath? Fishing Documentation Number:	

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<p>YUULU?IL?ATH FIRST NATION</p> <p>Resources Harvesting Act Form RH-2A</p> <p>FISHING AUTHORIZATION AND VESSEL DESIGNATION APPLICATION</p>		<p>Date received:</p> <p><i>(for Department of Lands and Resources use only)</i></p>
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<p><i>Fish harvested under this Authorization are for Domestic Purposes (as defined in the Maa-Nulth Harvest Document) only and are not to be sold</i></p>			
<p>Commercial Fishing Licence Number (if applicable):</p>			
<p>Yuulu?il?ath Fishing Authorization Number (if any):</p>			
<p>Vessel Name:</p>			
<p>Transport Canada Registration Number or DFO VRN/CFV Number:</p>			
<p>Vessel Master and DOB:</p>			
<p>Crew Names:</p>			
<p>Address of Vessel Master:</p>			
<p>Telephone Number:</p>			
<p>Fishing Gear</p>			
<p>Gear Type:</p>		<p>Maximum Mesh Size:</p>	
<p>Gear Amount:</p>		<p>Maximum Net Length:</p>	
<p>Signature:</p>			
<p>Date:</p>			
<p>This Authorization and Designation is NOT valid unless accompanied by a copy of the Yuulu?il?ath Catch Book</p>			

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I certify that the information provided by me in this application is true.

I declare I will:

- (a) comply with this Authorization and Designation and any conditions and harvest details of the director as written below, the Maa-nulth Treaty, the Maa-nulth Harvest Document, the Yuulu?il?ath Resources Harvesting Act and its Fisheries Regulation, the Maa-nulth Fisheries Operational Guidelines and all orders and directives given by the director in exercising this Authorization and Designation; and**
- (b) prepare deliver by paper, email, or telephone a weekly catch report form (for the period Sunday to Saturday) to the director before 16:00 hours the following Monday of each week during the term of this Authorization and Designation.**

OFFICE USE ONLY	
Fishing area:	
Salmon species and quantity: (pieces)	
Other species and quantity: (pounds)	
Conditions: (if any)	
Date Issued:	
Date Expires:	
Fee Paid (if any)	
Yuulu?il?ath Fishing Authorization Number:	
Yuulu?il?ath Catch Book Number:	
Signature of Director:	

Registered Vessels:

No registered vessel will be used to harvest fish under authority of this Authorization and Designation for a species of fish:

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

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Gill nets will be marked as follows:

- (a) a buoy floating on the surface of the water shall be attached to each end of every gill net that is not attached to a vessel;
- (b) the buoys referred to in subparagraph (a) shall be orange and at least 125 cm in circumference and;
- (c) the end of the gill net that is not attached to a vessel shall be marked with a lantern that gives a steady white light during the period beginning one hour after sunset and ending one hour before sunrise.

The buoys referred to above will be identified with the name of the Authorization and Designation holder and Yuulu?il?ath in characters not less than 75 mm in height.

Catch Reporting:

The Authorization and Designation holder will receive a Yuulu?il?ath Catch Book as an attachment to this Authorization and Designation.

The Authorization and Designation holder will maintain catch records of all harvest operations in the Yuulu?il?ath Catch Book.

The Authorization and Designation holder will include the following information in the Yuulu?il?ath Catch Book in order to prepare a weekly catch report to be delivered to the director:

<u>Fields Names</u>	<u>Examples</u>
• Date fished	Aug 25, 2012
• Sub-area(s) fished	23-4 & 23-7
• Number of hours fished	4 hrs
• Number of sets	3 sets
• Number of fish caught and retained by species	3,000 sockeye, 28 pinks
• Number of fish caught and released by species	5 chinook

Vessel Identification Flag:

A vessel designated to harvest fish under this Authorization and Designation must be identified by the Identification Number specified by the Authorization and Designation and by affixing a Vessel Identification Flag. The Vessel Identification Flag shall be mounted as high as practicable and be clearly visible, legible, and unobstructed from view.

To receive payment the Authorization and Designation holder shall return the Vessel Identification Flag to the director upon expiry of this Authorization and Designation.

This Authorization and Designation will be carried on the designated vessel at all times while the vessel is used for fishing and transporting fish under this Authorization and Designation and will be presented on request of an enforcement officer.

**YUULU7IL2ATH FIRST NATION GOVERNMENT
FISHERIES REGULATION YFNR 5/2011
OFFICIAL CONSOLIDATION – CURRENT TO APRIL 14, 2015**

LEGISLATIVE HISTORY

Fisheries Regulation YFNR 5/2011 enacted April 1, 2011

Amendments

Section	Amendment	In Force
1.3	YFNR 17/2013, s.2.1	March 19, 2013
3.1	YFNR 17/2013, s.2.1	March 19, 2013
Schedule 1	YFNR 17/2013, s.2.1	March 19, 2013
4.3	YNFS 44/2015, s.4.12(a)	April 14, 2015
4.6(a), 4.7, 4.8 and 5.4	YNFS 44/2015, s.4.12(b)	April 14, 2015
5.1(b)	YNFS 44/2015, s.4.12(c)	April 14, 2015

Amending Acts:

YNFS 44/2015 Enforcement Framework Amendment Act No. 2 enacted April 14, 2015

Amending Regulations:

YFNR 17/2013 High Capacity Fisher Forms Amending Regulation enacted March 19, 2013

Orders:

