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Herring and Heiltsuk - Patrick Brown

'If you don't have authority ... we do,' that's what Heiltsuk First Nation Chief Marilyn Slett told Fisheries & Oceans Canada. The Heiltsuk, based at Denny Island in the heart of the Great Bear Rainforest, have won a battle with Fisheries & Oceans to prevent commercial roe fishing of specific herring runs on the Central Coast. An agreement was reached on April 1 with Regional Director General Pacific Region Sue Farlinger following the Heiltsuk 3-day occupation of Fisheries & Oceans office near Bella Bella, many hours of negotiations, and Farlinger's discussions with Gail Shea, Minister of Fisheries & Oceans.

Herring: Conservation Versus Harvesting

There are two major differences between the First Nations fishery and the Fisheries & Oceans concept of a commercial fishery. The first is fundamental: in their traditional roe-on-kelp fishery, First Nations harvest herring roe eggs once they have been deposited by the female herring on seaweed (or cedar branches) in the water, leaving some eggs to hatch into young herring, and the female herring to spawn again next year (or possibly to be eaten by salmon, sea lions, wolves, or other creatures further up the food chain). On the other hand, the commercial herring roe fishery nets both male and female herring, extracts the herring roe from the females, and then sells the remainder of the dead females, and the dead males, to a processor for reduction to herring meal, which is a valued protein source for aquaculture or animal feed. This, of course, leaves nothing for salmon and wild animals to eat.

The second major difference relates to local knowledge of the quantity of spawning herring. First Nations estimate the quantity of eggs available through observation of the spawning herring, run-by-run, channel-by-channel. Year-by-year variations affect the amount of roe available for harvesting from sea-plants and cedar branches placed in the water. Fisheries & Oceans, on the other hand, locates spawning runs by observation from the air, then samples the runs through 'dive surveys'. The quotas that commercial fishers may net from each run are then calculated on the assumption that a similar percentage of each run may be harvested. Statistically, this can lead to erroneous results, particularly for smaller, local runs.

Fisheries & Oceans is also expected to ensure that the commercial roe fishery is 'sustainable' *from the point of view of*

the industry, so the quotas set represent a balancing act between the herring found to be available, and the quantity required by the industry.

In summary, First Nations herring roe fishery on the BC coast focuses on conservation, and the determination of a sustainable egg harvest for each inlet, each channel. The commercial herring roe fishery focuses on market-driven rough estimates of overall fish stocks, and the sustainability of the fishing industry itself, to determine how many herring may be taken. Since Fisheries & Oceans has been 'managing' the herring fishery, there have been numerous areas where herring stocks have been completely destroyed.

Heiltsuk Direct Action

This year, Fisheries & Oceans authorized a commercial seine net fishery on the Central Coast, following several years of fishery closure. The fishery, which was opened at short notice, was guarded by RCMP launches, and was over very quickly. A gillnet opening was expected to follow quickly, but the Heiltsuk then occupied the Fisheries & Oceans office.

After a couple of days, Farlinger arrived. According to reports, following negotiations with the Heiltsuk, Farlinger admitted that she did not have the authority to close the commercial herring fishery. As quoted in online news source *The Tyee*, Chief Marilyn Slett told her, 'You don't have the authority to close Area 7, we do.'

Farlinger consulted Ottawa; as a result, the commercial herring roe fishery on the Central Coast was closed for the season. The commercial boats left, escorted by the Heiltsuk, on the afternoon of Wednesday, April 1. ☞

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