

**NISGA'A LISIMS GOVERNMENT
NISGA'A LISIMS GOVERNMENT EXECUTIVE**

**NISGA'A FISHERIES
REGULATIONS, 2002**

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PART I – INTERPRETATION AND APPLICATION**Authority**

1. These regulations are made under the *Nisga'a* [sic] *Fisheries and Wildlife Act*.

Application

2. Unless specifically provided otherwise, these regulations apply to all harvesting in Nisga'a fisheries.

Definitions

3. (1) In these regulations:

“**Act**” means the *Nisga'a Fisheries and Wildlife Act*;

“**enforcement officer**” means

- (a) a Nisga'a fish and wildlife enforcement officer,
- (b) a Nisga'a fish and wildlife guardian, or
- (c) an enforcement officer designated under the the [sic] *Nisga'a Offence Act* for purposes of enforcement of the *Nisga'a Fisheries and Wildlife Act*;

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

“**fork length**”, in respect of a fish, means the length of the fish measured from the tip of the nose to the fork of the tail;

“**mesh size**” means the total length of the twine measured along two contiguous sides of a single mesh, including the distance across the knot joining those sides but not including any other knot;

“**Nisga'a fishing licence number**” means the number assigned to a Nisga'a fishing licence at the time the licence is issued;

“**Nisga'a landing site**” means any place, premises, vessel or vehicle that is designated by the director under section 38.

- (2) Unless specifically provided otherwise in these regulations, the terms used have the same meanings as in the Act.

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PART II – NISGA'A FISHING LICENCES**Licence for non-Nisga'a**

4. (1) If an agent or contractor of the Nisga'a Nation has or is applying for a Nisga'a fishing licence to harvest in Nisga'a fisheries on behalf of the Nisga'a Nation and the agent or contractor intends to employ a non-Nisga'a citizen to participate in that harvest, that non-Nisga'a citizen may apply for a Nisga'a fishing licence to harvest in Nisga'a fisheries solely for that purpose.
- (2) Despite section 7 of the Act, a Nisga'a fishing licence issued to a non-Nisga'a citizen described in subsection (1) is automatically, and without notice,
 - (a) suspended if the Nisga'a fishing licence held by the agent or contractor described in subsection (1) is suspended, and
 - (b) canceled if the Nisga'a fishing licence held by the agent or contractor described in subsection (1) is canceled, surrendered or otherwise comes to an end.
- (3) If a person's Nisga'a fishing licence is canceled under subsection (2)(b), the person must deliver the licence to the director.

Application for licence

5. (1) The application form approved by the director that is to be completed by an applicant for a Nisga'a fishing licence must contain the following:
 - (a) the full name and mailing address of the applicant;
 - (b) the birth date of the applicant;
 - (c) the phone number of the applicant;
 - (d) whether the applicant is a Nisga'a citizen or an agent or contractor of the Nisga'a Nation or a non-Nisga'a citizen employed by an agent or contractor of the Nisga'a Nation;
 - (e) the type of fishing gear to be used by the applicant;
 - (f) the size of fishing vessel, if any, to be used by the applicant;
 - (g) a place for the signature of the applicant.
- (2) The director may require an applicant for a Nisga'a fishing licence to make a statutory declaration verifying the information given in the application or any supporting documents submitted as required by the director under section 6 of the Act.

- (3) When an application for a Nisga'a fishing licence is received by the director, the following information must be recorded:
- (a) the date the application was received;
 - (b) the date the licence was issued or refused;
 - (c) if a licence was issued,
 - (i) its date of issuance and its date of expiration,
 - (ii) any conditions imposed on the licence, and
 - (iii) the Nisga'a fishing licence number of the licence
 - (d) the fee paid, if any;
 - (e) the name of the authorized Nisga'a official who processed the application.

Conditions of licences

6. (1) For the proper management and control of Nisga'a fisheries and the conservation and protection of fish, aquatic plants and wildlife fish, the director may attach conditions to a Nisga'a fishing licence that are not inconsistent with the Act, these regulations, the Nisga'a annual fishing plan or the Nisga'a annual wildlife management plan.
- (2) It is a condition of every issued Nisga'a fishing licence that the holder of the licence comply with the Nisga'a Treaty, the Harvest Agreement, the Act, these regulations, any directions issued by the director as permitted under the Act, the Nisga'a annual fishing plan and the Nisga'a annual wildlife management plan.
- (3) It is a condition of every Nisga'a fishing licence issued to a non-Nisga'a person under section 4(1) that the holder of that licence may only harvest under the authority of that licence in Nisga'a fisheries on behalf of the Nisga'a Nation and while in the employ of the agent or contractor of the Nisga'a Nation referred to in section 4.
- (4) Every person carrying out any activity under the authority of a Nisga'a fishing licence must comply with every condition of that licence.

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Form of licence

7. (1) A Nisga'a fishing licence issued by the director must include the following:
- (a) the Nisga'a fishing licence number;
 - (b) the photograph of the holder of the licence;
 - (c) the name and address of the holder of the licence;
 - (d) the date of issue of the licence;
 - (e) the date of expiration of the licence; and
 - (f) a location for the signature of the holder of the licence.
- (2) A Nisga'a fishing licence issued by the director is not valid unless it is signed in ink on the place designated on the licence
- (a) by the holder of the licence, or
 - (b) in the case of a corporate holder of the licence, by an authorized signatory of the corporate holder.

Term of licence

8. (1) A Nisga'a fishing licence issued to
- (a) a Nisga'a citizen has a term of five years,
 - (b) an agent or contractor of the Nisga'a Nation has a specified term not to exceed one year, and
 - (c) a non-Nisga'a citizen employed by an agent or contractor of the Nisga'a Nation has a specified term not to exceed the specified term of the Nisga'a fishing licence held by the agent or contractor.
- (2) If the holder of a Nisga'a fishing licence
- (a) ceases to be a Nisga'a citizen,
 - (b) ceases to be an agent or contractor of the Nisga'a Nation as contemplated in section 4(3) of the Act, or
 - (c) is a non-Nisga'a citizen and ceases to be employed by an agent or contractor as contemplated in section 4(3) of the Act,
- the Nisga'a fishing licence issued to that holder is automatically canceled.

- (3) The holder of the canceled licence referred to in subsection (2) must deliver the licence to the director.

Replacement of licence

9. (1) If the holder of a Nisga'a fishing licence
- (a) has a change of name or address,
 - (b) has had their licence lost, stolen or destroyed, or
 - (c) has an illegible licence,
- the holder of the licence must notify the director in writing within 15 days after the occurrence of that event described in this section.
- (2) The director may issue a replacement licence, showing any applicable changes, to the holder of the licence described in subsection (1).
- (3) On receipt of a replacement Nisga'a fishing licence, the holder of the licence must immediately deliver to the director the licence that has been replaced if it is still in the holder's possession.
- (4) If the holder of a replacement Nisga'a fishing licence recovers the licence that was replaced, the holder must immediately deliver it to the director.

Licence issued in error

10. (1) If a Nisga'a fishing licence contains an error or was issued in error, the director may request the holder of the licence to deliver it to the director.
- (2) If a request was made under subsection (1), the holder of the licence must immediately comply with the request.

Ownership of licence

11. A Nisga'a fishing licence is the property of the Nisga'a Nation and is not transferable.

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Surrender of licence on suspension

- 12.** If a Nisga'a fishing licence is suspended under section 7 of the Act, the holder of the licence must immediately
- (a) deliver the licence to the director, and
 - (b) remove from the water all fishing gear operated under the licence.

Requirement to carry and produce licence

- 13.** Every holder of a Nisga'a fishing licence must
- (a) carry the licence at all times while harvesting in Nisga'a fisheries, and
 - (b) produce the licence on the demand of an enforcement officer.

Restrictions on alteration and use of licence

- 14.** (1) A person must not
- (a) alter or deface a Nisga'a fishing licence,
 - (b) use or produce a Nisga'a fishing licence that has been altered or defaced, or
 - (c) use or produce a Nisga'a fishing licence that has been issued to another person under the pretense of being the holder of that licence.
- (2) A holder of a Nisga'a fishing licence must not permit another person to use that licence.

PART III – HARVESTING REQUIREMENTS**Identification of fishing gear**

15. (1) This section does not apply to a fishing vessel.
- (2) No person may set, operate or leave unattended in the water any fishing gear, other than handlines, unless the gear is marked as required in subsections (3) to (6) with a Nisga'a fishing licence number of a valid and current Nisga'a fishing licence.
- (3) A Nisga'a fishing licence number must
- (a) be painted on or otherwise securely affixed to a tag, float or buoy attached to the fishing gear, and
 - (b) be legible and readily visible at all times without the necessity of raising the gear from the water or, if the water is ice covered, without the necessity of removing any snow or ice.
- (4) The numerals or letters, as the case may be, in a Nisga'a fishing licence must be in solid block Arabic numerals or block capital letters in Roman characters, as the case may be,
- (a) without ornamentation,
 - (b) not less than 75 mm in height, and
 - (c) in a colour that contrasts with their background.
- (5) Only one Nisga'a fishing licence number may be displayed on a tag, float or buoy referred to in subsection (3).
- (6) A tag, float or buoy referred to in subsection (3) must
- (a) if one end of the fishing gear is fastened to the shore, be affixed to the end of the gear farthest from the shore, and
 - (b) in any other case, be affixed to each end of the gear.

Gear with mesh

16. (1) A person must not use gill nets with a mesh size less than 10 cm.
- (2) A person who is fishing for a species of fishing using fishing gear that is required to have a minimum mesh size must not use any device which creates an opening in any part of the gear that is smaller than the mesh size required for that species.

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- (3) A person must not
 - (a) set their nets closer to one another than one net length or thirty fathoms, whichever length is the lesser, and
 - (b) set a net closer to another fisher's nets than one net length or thirty fathoms, whichever is the lesser.

Crab traps

- 17. (1) A person who is harvesting crab must use a crab trap which is
 - (a) fitted with an escape hole that is not less than 110 mm in diameter and not more than 100 mm below the top frame of the trap, and
 - (b) equipped with a biodegradable escape mechanism in the form of either a rot cord or rot panel.
- (2) A person who is harvesting crab with multiple crab traps must not use a line between the traps unless the line is of a non-floating material.

Release of incidental catch

- 18. (1) This section applies if a person catches fish or wildlife fish
 - (a) at a time when or place at which the person is prohibited from fishing for that fish or wildlife fish,
 - (b) by a method or with fishing gear that the person is prohibited from using to fish for that fish or wildlife fish, or
 - (c) the possession or retention of which is prohibited.
- (2) Except where the retention of catch described in subsection (1) is expressly authorized by these regulations, every person who incidentally catches such fish must, if the fish is alive, immediately release the fish
 - (a) in the place from which it was taken, and
 - (b) in a manner that causes it the least harm.

Dumping and wasting of fish

19. (1) A person who is fishing for the purpose of sale under the authority of a Nisga'a fishing licence must not dump from a fishing vessel any fish or wildlife fish that has been caught in accordance with the Act and these regulations.
- (2) A person who is fishing for domestic purposes must not waste any fish that is suitable for human consumption.
- (3) If a fish referred to in section 18(2) is not alive when it is taken or dies before it can be released as required in that subsection, the person who has harvested that fish may use that fish for domestic purposes.

Offloading requirements

20. If a person is harvesting salmon for domestic purposes in Nisga'a fisheries using a fishing vessel that is licensed under the Pacific Fishery Regulations, 1993 to participate in a commercial salmon fishery, the person must off-load the vessel before it may be used in the next opening of a commercial salmon fishery.

Fishing near Nisga'a facilities

21. (1) Unless authorized under the Act or these regulations, a person must not fish in or remove fish or wildlife fish from a fish hatchery, fish rearing establishment, fish holding facility, fish wheel or fish collection facility operated by or on behalf of Nisga'a Nation.
- (2) Subject to subsection (3), a person must not fish within a 100 m radius of any facility operated by or on behalf of the Nisga'a Nation for the purpose of the counting, passage or rearing of fish or wildlife fish.
- (3) After taking into account the configuration of the waters, the amount of water flow and any other relevant circumstances, the director may
- (a) determine that the distance set out in subsection (2) is longer than required to protect fish or wildlife fish, and
 - (b) shorten the distance by placing a sign or signs, as may be appropriate, to delimit the shorter distance.
- (4) If a sign has been placed under subsection (3), a person must not fish closer to the facility than the location of the sign.
- (5) A person must not move a sign placed by the director under subsection (3).

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Authority to clean nets

22. (1) An enforcement officer may, in writing, authorize a person to place a net in waters closed to fishing with that net for the sole purposes of cleaning that net.
- (2) An authorization under subsection (1) must specify the location at which the net may be placed, the manner in which the net may be placed and the period of time for which the authorization is valid.
- (3) If a person is authorized to clean their nets under this section, that person must comply with any authorization requirements referred to in subsection (2).

Transportation certificate required

23. (1) A person must not transport outside Nisga'a Lands any fish or aquatic plants that have been harvested in Nisga'a fisheries without that person having in their possession a transportation certificate that specifies
- (a) the quantity of each species of fish or aquatic plant being transported,
 - (b) the purpose of the transportation,
 - (c) the final destination of the fish or aquatic plants,
 - (d) the method of transportation, and
 - (e) the identification of the vehicle of transportation.
- (2) A person may apply for a transportation certificate in a form approved by the director.
- (3) A transportation certificate referred to in subsection (1) must be in a form approved by the director and signed by the director or a person authorized by the director.
- (4) A person must not alter or deface a transportation certificate issued under this section.
- (5) On demand of an enforcement officer, a person who is transporting or is intending or preparing to transport outside Nisga'a Lands any fish or aquatic plants that have been harvested in Nisga'a fisheries must produce the transportation certificate referred to in subsection (1).
- (6) A person who is transporting outside Nisga'a Lands any fish or aquatic plants that have been harvested in Nisga'a fisheries must transport those fish or aquatic plants to the final destination and using the vehicle identified in the transportation certificate referred to in subsection (1).
- (7) No person may transport more than 50 fish under a single transportation certificate issued under this section unless the director has signed the certificate.

- (8) In this section, “fish” means fresh or frozen fish that are wholly intact.

Time and location of harvests

24. (1) The times and locations of harvests in Nisga'a fisheries that are permitted or prohibited under this section are subject to an order of the director under section 13(4) of the Act or under section 41 of this regulation.
- (2) A person must not harvest in Nisga'a fisheries at a time or in a location other than as permitted in this section.
- (3) Every Nisga'a citizen may harvest for domestic purposes fish and aquatic plants in the Nass Area.
- (4) From February 15 to April 30 of each year, every Nisga'a citizen may harvest oolichan in the Nass Area.
- (5) From October 1 of each year to March 31 of the following year, every Nisga'a citizen may harvest intertidal bivalves within these portions of the Nass Area set out in Appendix I of the Nisga'a Treaty.

Size limits

25. (1) A person must not harvest for purposes of sale any Nass salmon that is less than 30 cm in nose-fork length.
- (2) A person must not harvest a crab that measures less than the following for each species, as measured in a straight line through the greatest breadth of the crab shell:
- (a) Dungeness crab – 165 mm.;
 - (b) Red Rock crab – 115 mm.; and
 - (c) King crab – 178 mm.
- (3) A person who captures a crab that is less than the measurement required in subsection (2) must immediately release the crab in the water in the vicinity in which it was captured.
- (4) No person may harvest and retain or possess any female crab unless the crab is infected by the parasite *Briarosaccus collosus* [sic] and is being brought ashore to avoid any further spread of that parasite.
- (5) If a person harvests a female crab, the person must immediately return it to the water at the location where it was harvested unless the crab is infected by the parasite *Briarosaccus collosus* [sic].

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- (6) A person must not harvest littleneck clams, butter clams or cockles less than the following sizes specified for each species, as measured in a straight line through the greatest breadth of the shell:
- (a) Littleneck clams – 38 mm;
 - (b) Butter clams – 63 mm;
 - (c) Cockles – 38 mm.

PART IV – NISGA'A HARVESTING FOR PURPOSES OF SALE**Definitions**

26. In this Part:

“**communal sale fishery**” means a Nisga'a fishery for harvesting for the purposes of sale that is conducted by or on behalf of the Nisga'a Nation;

“**domestic fishery**” means a Nisga'a fishery for harvesting for domestic purposes;

“**individual sale fishery**” means a Nisga'a fishery for harvesting for the purposes of sale excluding a communal sale fishery;

“**in river fishery**” means an individual sale fishery conducted in fresh water;

“**marine fishery**” means an individual sale fishery conducted in salt water;

“**permit**” means an individual sale permit issued under this Part;

“**permit decal**” means a decal issued by the director as evidence of a permit.

Requirements for harvesting for purposes of sale

27. (1) A person may harvest in an individual sale fishery only if they have, in their possession, their valid and current permit and their valid and current Nisga'a fishing licence with a valid and current permit decal affixed to it.
- (2) A person may harvest in a communal sale fishery only if they have, their possession [sic],
- (a) a valid and current Nisga'a fishing licence issued to that person, and
 - (b) written authority to do so as an agent or contractor of the Nisga'a Nation.

Application for permit

28. (1) A person may apply for a permit if the person
- (a) is a Nisga'a citizen who is at least 16 years of age, and
 - (b) has a valid and current Nisga'a fishing licence.
- (2) An application under subsection (1) must be in a form approved by the director and must contain the following information:
- (a) the full name, mailing address and telephone number of the applicant;

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- (b) the birth date of the applicant;
 - (c) the applicant's Nisga'a fishing licence number;
 - (d) the applicant's social insurance number;
 - (e) a place for the signature of the applicant.
- (3) The director may require applicants for permits to make a statutory declaration verifying the information given in the application.
- (4) An application for a permit must be accompanied by a fee of \$25.00.
- (5) An applicant who is sixty years or older is not required to pay the fee under subsection (4).
- (6) When an application for a permit is received, the following information must be recorded:
- (a) the date of the application;
 - (b) the date the permit was issued or refused;
 - (c) if a permit was issued,
 - (i) its date of issuance and its date of expiration, and
 - (ii) the number of the permit;
 - (d) the fee paid;
 - (e) the name of the authorized Nisga'a official who processed the application.
- (7) A permit issued under this section does not take effect and is not valid until the day after the date of the application for the permit.
- (8) If an application for a permit is refused, the director must advise the applicant that the application has been refused and that the permit is not valid.
- (9) On receiving notice under subsection (8), the applicant must immediately deliver the permit and permit decal to the director.

Form of permit

- 29.** (1) A permit issued by the director must include the following:
- (a) the Nisga'a fishing licence number;
 - (b) the permit number;
 - (c) the name and address of the permit holder;
 - (d) the date of application for the permit; and
 - (e) a location for the signature of the permit holder.
- (2) A permit holder will be provided a permit decal by the director which must be affixed to the permit holder's Nisga'a fishing licence.
- (3) A permit is not valid until the permit holder has affixed the permit decal as required under subsection (2).

Term of permit

- 30.** (1) A permit is valid only for the calendar year in which it was issued.
- (2) If a permit holder ceases to be a Nisga'a citizen or ceases to be the holder of a valid and current Nisga'a fishing licence, the permit issued to that holder is automatically canceled.
- (3) The holder of a permit canceled under subsection (2) must deliver the permit and the permit decal to the director.

Cancellation of permit

- 30.1.** (1) If, while fishing in an individual sale fishery, a permit holder contravenes any provision of the Nisga'a Treaty, the Act, these regulations, the Nisga'a annual fishing plan, the conditions on the permit holder's Nisga'a fishing licence, or an order or direction of the director, the director may, by written notice to the permit holder, cancel the permit effective on the date specified in the notice.
- (2) If a permit holder contravenes section 23(1)(c) of the Act, the director may, by written notice to the permit holder, cancel the permit effective on the date specified in the notice.
- (3) A notice under subsection (1) or (2) must be
- (a) personally delivered to the permit holder, or
 - (b) sent by registered mail to the address of the permit holder as recorded on the permit.

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- (4) A notice under subsection (1) or (2) must set out
- (a) the reasons for the cancellation, and
 - (b) that the permit holder may make representations why the permit should not have been canceled, by giving the director a written response within 5 days from the earlier of
 - (i) the date the permit holder was personally served with the notice, and
 - (ii) the date the notice was sent by registered mail.
- (5) Within 48 hours after receiving any representations made by the permit holder as permitted under subsection (4), the director must make an order
- (a) confirming the cancellation of the permit, or
 - (b) reinstating the permit, subject to any conditions on the permit that the director considers necessary and advisable.
- (6) As soon as practicable after making an order under subsection (5), the director must give the permit holder written notice of that order in the manner specified in subsection (3).
- (7) If the director confirms the cancellation of a permit under subsection (5)(a), the person whose permit has been canceled may request a review of that decision under the *Nisga'a Administrative Decisions Review Act*.
- (8) The holder of a permit canceled under this section must deliver the permit and the permit decal to the director as soon as practicable after the later of
- (a) the holder's receipt of the notice of cancellation given under subsection (1) or (2), and
 - (b) the date of cancellation specified in the notice of cancellation.

Sale of harvested fish

- 31.** (1) A person may only sell fish harvested under a permit to the Nisga'a Nation or to a Nisga'a Corporation designated under Nisga'a law.
- (2) Permit holders harvesting in an in river fishery must present their fish for sale at a designated Nisga'a landing site before the closing time of the fishery.
- (3) The Nisga'a Nation or a Nisga'a Corporation designated under Nisga'a law is not required to purchase any fish harvested under a permit unless

- (a) the fish have been caught according to the harvesting standards specified by the Nisga'a Nation in this regulation or by the director, and
 - (b) the fish presented for sale meet any quality standards specified by the Nisga'a Nation in this regulation, by the director or otherwise.
- (4) If any fish harvested under a permit and presented for sale do not meet the requirements referred to in subsection (3), the permit holder may use those fish for domestic purposes.
- (5) No fish may be purchased from a person unless that person has in their possession a valid and current permit decal affixed to a valid and current Nisga'a fishing licence issued to that person.

Application of other provisions

32. Sections 9 to 11, 13 and 14 apply to a permit.

Harvesting requirements

33. (1) This section applies to an individual sale fishery.
- (2) No person harvesting in a fishery may leave their nets unattended.
- (3) No person harvesting in a fishery may set more than one net from each fishing vessel.
- (4) No person harvesting
- (a) in an in river or in a marine fishery may have their fishing gear in the water during the 24-hour period before the opening of the fishery or during the 12-hour period after the closing of the fishery, or
 - (b) for domestic purposes may have their fishing gear in the water during the 24-hour period before the opening of a fishery or during the 12-hour period after the closing of a fishery.
- (5) A person harvesting in a fishery must have their fishing gear out of the water before the end of the closing of the fishery.
- (6) An enforcement officer may remove and confiscate any fishing gear that are in use in contravention of subsection (2) to (5).
- (7) Before a person commences a harvest in an individual sale fishery using a fishing vessel
- (a) that is licensed under the Pacific Fishery Regulations, 1993, to participate in a commercial salmon fishery, that person must off-load the vessel of any fish harvested in a commercial fishery, or

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- (b) that contains fish harvested for domestic purposes, that person must off-load the vessel of those fish.
- (8) Before a person commences a harvest in a commercial salmon fishery using a fishing vessel that is licensed under the Pacific Fishery Regulations, 1993, to participate in a commercial salmon fishery, that person must off-load the vessel of any fish harvested in an individual sale fishery.

Protection of fish quality

- 34.** Fish harvested in an individual sale fishery and presented for sale to the Nisga'a Nation or a Nisga'a Corporation designated under Nisga'a law must be harvested and preserved in the following manner:
- (a) immediately on removal from a net, fish must first be gilled and bled and then covered with ice or ice slush in a clean tote secured with a lid;
 - (b) fish must be kept covered with ice or ice slush during the fishery and until presentation for sale at a Nisga'a landing site;
 - (c) commencing in the 2003 fishing season, the tote referred to in paragraph (b) must be insulated.

PART V – SAFETY REQUIREMENTS**Flotation devices**

- 35.** Every person
- (a) on board a fishing vessel that is participating in a harvest in Nisga'a fisheries, or
 - (b) standing on shore tending a set net while participating in a harvest of Nisga'a fisheries,
- must wear a personal flotation device.

Fishing vessels

- 36.**
- (1) No person may use a fishing vessel that is less than 16 feet in length to participate in a harvest of Nisga'a fisheries except for the purpose of recovering the harvested fish from still set nets tied to shore.
 - (2) No person may use a fishing vessel in a harvest of Nisga'a fisheries unless the person has on board the vessel a marine VHF radio.
 - (3) No person may use a fishing vessel in a harvest of Nisga'a fisheries unless there are at least two persons on board the vessel each of whom has in their possession a valid and current Nisga'a fishing licence issued to each of them.
 - (4) No person under the age of 16 may be on board a fishing vessel which is participating in an independent sale fishery as defined in section 26.
 - (5) In a marine individual sale fishery as defined in section 26, no person may use a fishing vessel that is less than 24 feet in length unless the vessel is or was licensed under the Pacific Fishery Regulations, 1993 to participate in a commercial fishery.
 - (6) On request of an enforcement officer, a person must permit the officer to inspect a fishing vessel or fishing gear for compliance with these regulations and must not obstruct the officer in such inspection.

NISGA'A FISHERIES REGULATIONS, 2002

PART VI – GENERAL**Distribution of harvesting opportunities**

37. For purposes of section 15 of the Act,
- (a) every Nisga'a citizen has the opportunity to harvest for domestic purposes in every Nisga'a fishery,
 - (b) every Nisga'a citizen has the opportunity to harvest for the purpose of sale in all cases where harvesting for the purpose of sale is permitted in a Nisga'a fishery, and
 - (c) the Nisga'a Nation and a Nisga'a Corporation, on behalf of the Nisga'a Nation, has the opportunity to harvest for the purpose of sale in all cases where harvesting for the purpose of sale is permitted in a Nisga'a fishery.

Designated Nisga'a landing sites

38. The director may designate as a Nisga'a landing site any place, premises, fishing vessel or vehicle used to receive landed fish, whether directly or indirectly, from a fishing vessel.

Required reporting forms

39. (1) Each sale of Nass salmon transacted at a Nisga'a landing site must be recorded by a Nisga'a official authorized by the director on a form approved by the director that contains the following information:
- (a) the name and signature of the person who harvested the salmon;
 - (b) the Nisga'a fishing licence number of the person who harvested the salmon;
 - (c) the date and time when the salmon were delivered to the Nisga'a landing site;
 - (d) the location of the Nisga'a landing site;
 - (e) the total number of each species of salmon sold;
 - (f) the total weight of each species of salmon sold;
 - (g) [sic] the name and signature of the authorized Nisga'a official who received the salmon at the Nisga'a landing site; and
 - (h) the landing slip number.

- (2) Each harvest of a species, other than a species of Nass salmon, must be recorded by a Nisga'a official authorized by the director on a form approved by the director that contains the following information:
- (a) the name of the person who harvested the species;
 - (b) the Nisga'a fishing licence number of the person who harvested the species;
 - (c) the date when each species were harvested;
 - (d) the location where each species were harvested;
 - (e) the date when the harvest of each species was reported;
 - (f) the location where the harvest of each species was reported;
 - (g) the total number of each species harvested; and
 - (h) the name of the authorized Nisga'a official who received the report of the harvest of each species.
- (3) A person who has
- (a) sold Nass salmon as contemplated in subsection (1), or
 - (b) harvested species, other than Nass salmon, as contemplated in subsection (2),
- must provide the information described in the relevant subsection to a Nisga'a official authorized by the director at the time of sale or within seven days after the date of harvest, as the case may be.

Certificates of designation

40. A document approved by the director to be used to certify a designation under section 14 of the Act must contain the following:
- (a) the name of the designated Nisga'a fish and wildlife enforcement officer or Nisga'a fish and wildlife guardian and the designation given;
 - (b) the photograph of the designated officer or guardian;
 - (c) any limitation on the authority of the designated officer or guardian;
 - (d) the date the document was issued and the date of its expiration; and
 - (e) the signature of the director.

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Variation of regulations

41. (1) If a time or location for harvesting, a fishing quota or a limit on the size or weight of fish or wildlife fish is permitted or prohibited under these regulations, the director may, by order, vary that time, location, fishing quota or limitation and make different orders for different classes of holders of Nisga'a fishing licences, different species of fish, wildlife fish or aquatic plants.
- (2) The director may not make an order under subsection(1) that is inconsistent with the Nisga'a annual fishing plan.
- (3) If the director makes a variation order under this section, notice of the variation must be given by the director by one or more of the following methods:
- (a) posting the notice in the area or in the vicinity of the area affected by the variation;
 - (b) transmitting the notice by electronic means to those persons affected by the order;
 - (c) publishing in accordance with Nisga'a law; and
 - (d) having an enforcement officer give oral notice to those affected by the order.

Offences

42. Every person who contravenes section 6(4), 8(3), 9(1), (3) or (4), 10(2), 12, 13, 14, 15(2), 16(1), (2) or (3), 17(1) or (2), 18(2), 19(1) or (2), 20, 21(1), (2), (4) or (5), 22(3), 23(1), (4) to (6), 24(2), 25(1) to (6), 27(1) or (2), 30(3), 30.1(8), 31(1), 33(2) to (5) or (7), 35, 36(1) to (6) or 39(3) commits an offence punishable under the *Nisga'a Offence Act*.

Repeal

43. The Nisga'a Fisheries Regulation, 2000 enacted May 11, 2000, is repealed.

LEGISLATIVE HISTORY

Nisga'a Fisheries Regulations, 2002, NLGSR 2002/11, in force May 22, 2002

Amendments

Section	Amendment	In Force
23	subsections (7) and (8) added [NLGSR 2003/03, s. 1]	February 26, 2003
28	subsection (5) amended [NLGSR 2003/03, s. 2(a)] subsections (6), (7) and (8) renumbered [NLGSR 2003/03, s. 2(b), (c) and (d)] subsection (7) amended [NLGSR 2005/11, s. 1 and NLGSR 2006/03, s. 1] subsection (9) amended [NLGSR 2003/03, s. 2(e)]	February 26, 2003 July 6, 2005 February 26, 2003
30.1	subsections (1) and (3) to (8) added [NLGSR 2003/03, s. 3] subsection (2) added [NLGSR 2003/03, s. 3]	February 26, 2003 March 31, 2003
33	subsection (4) amended [NLGSR 2012/03, s. 1] subsection (4) amended [NLGSR 2013/03, s. 1]	June 27, 2012 June 26, 2013
39	subsection (1)(d) amended [NLGSR 2003/03, s. 4]	February 26, 2003
42	amended [NLGSR 2003/03, s. 5]	February 26, 2003

Amending Acts:

NLGSR 2003/03

Nisga'a Fisheries Amendment Regulation, 2003

NLGSR 2005/11

Nisga'a Fisheries Regulations, 2002 Amendment Regulation, 2005

NLGSR 2006/03

Nisga'a Fisheries Regulations, 2002 Amendment Regulation, 2006

NLGSR 2012/03

Nisga'a Fisheries Regulations, 2002 Amendment Regulation, 2012

NLGSR 2013/03

Nisga'a Fisheries Regulations, 2002 Amendment Regulation, 2013