



Qalipu First Nation / Mi'kmaq Alsumk Mowimsikik Koqoey Association /
Mi'kmaq Commercial Fisheries

Fishing Designation Policy

Date	Author	Revision #	Notes
April 06, 2015	J. Strickland	1.0	Draft Document
April 14, 2015	J. Strickland	1.1	1 st edition Document
April 17, 2015	J. Strickland	1.2	Section 3.5 edit
April 03, 2017	M. MacDonald	1.3	Section 3.4 edit
April 05, 2017	J. Strickland	1.4	Section #'s, title, brand, ISO update

1.0 Introduction:

Qalipu First Nation (QFN) currently operates 14 inshore fishing enterprises and one large commercial enterprise throughout Western and Central NL. Of these licences, 7 inshore enterprises and 1 large commercial enterprise are administered through Mi'kmaq Commercial Fisheries (MCF), 5 inshore fishing enterprises are administered by MAMKA, and 2 inshore enterprises by QFN. While MCF's large commercial enterprise is operated on a 'share' basis (where MCF gathers a profit proportional to the profit gathered by the vessel itself through catch), all other inshore enterprises are designated to individuals who pay an annual admin fee proportional to the number of licenses included in the enterprise. The following policy governs the designation of fishing licences once they become available to QFN, MCF, or MAMKA. Although this document refers to licenses/enterprises held by QFN, the following policy also applies to all licenses held by MCF and MAMKA, specifically MAMKA-West.

2.0 Advertisement:

Once a fishing license is made available to QFN, the license will be advertised via qalipu.ca as well as any other media outlet deemed appropriate by QFN senior management (newspaper, radio, etc.). Applicants interested in becoming designated for the fishing enterprise advertised are required to complete an application form and submit digitally or in person to any Qalipu office on or before the deadline date posted. Application forms are designed such that an interview is not required to advance to the screening stage as described below.

3.0 Fisherperson Requirements:

Once the competition closes, all applications will be reviewed and screened according to the following requirements for fisherpersons. All candidates that successfully pass the screening process are submitted to Chief and Council for a random draw. The successful applicant will be required to meet with the Manager of Natural Resources following selection to discuss his/her intentions and further ensure the fisherperson will meet all requirements listed below.

3.1 QMFN Membership:

To be successfully designated to fish a license held by QFN, the fisherperson must be a registered member of QFN. Should an individual lose his/her status as a member of QFN, the fishing license will be revoked.

3.2 Fishing Experience:

To be successfully designated to fish a license held by QFN, the applicant must have some fishing experience. Designating experienced individuals to fish QFN's licenses will ensure the enterprise is utilized to its full potential while improving safety in its daily operations.

3.3 Access to Equipment/Capital:

Beginning in the 2014-2015 fishing season, QFN divested all fishing equipment associated with leased enterprises. Ownership and maintenance of fishing gear/equipment is the sole responsibility of the designated fisherperson. To be designated to fish an enterprise owned by QFN, the applicant must either have access to the fishing gear/equipment required to successfully utilize the enterprise or have access to capital to purchase said gear/equipment.

Successful applicants will be required to sign documents stating he/she will acquire all necessary fishing gear/equipment within a time-period deemed appropriate by QFN Management. All certification, training, purchase and maintenance associated with fishing gear/equipment is the responsibility of the designate.

QFN/MAMKA/MCF does not take the responsibility of ensuring the safety of the designate. While designated to fish an enterprise held by QFN, should gear/equipment used be seen as inadequate by QFN, a request will be made to the designate to update said gear/equipment. Should the individual not update the gear/equipment as requested, QFN holds the right to revoke the enterprise from the designate.

3.4 Fishing Violations:

To be successfully designated to fish a license held by QFN, the fisherperson must be free of fishing violations. Applicants previously convicted with a fishing violation will not be designated to fish an enterprise owned by QFN. Applicants convicted with a fishing violation during a QFN designation will have their designation revoked. To maintain a designation to fish an enterprise held by QFN, all regulations of governing agencies of these licenses must be followed.

3.5 Dependency on Commercial Fishery:

To maintain a designation to fish an enterprise held by QFN, the fisherperson must ensure they meet a threshold of dependency on the harvesting sector of the

commercial fishery. To be successfully designated to fish a license held by QFN, the fisherperson must acknowledge this policy requiring 75% of their income will come from the fishery during the fishing season beginning in their first year of designation. The term “fishing season” refers to the period from May 1st until October 1st in each year. An individual employed full-time outside the harvesting sector of the commercial fishery will not be eligible for a fishing designation under this policy.

For the purpose of determining whether a designate meets the required threshold of dependency (75% of income earned during the fishing season, minimum of \$3000), QFN will consider income earned from commercial fishing plus all other employment income and commissions including net income from self-employment. For the purpose of determining whether a designate meets the required threshold of dependency (75% of income earned during the fishing season, minimum of \$3000), QFN will not consider income earned from the following sources: Employment Insurance, Canada Pension Plan Benefits, Old Age Security Benefits, Social Assistance Benefits, public or private pensions, or business or investment income.

QFN holds the right to request Financial information to support a designate meeting the required threshold of dependency, either through a Declaration of Consent Waiver, a Public Accountant's Certificate, or specific tax documents (ie. T1, T4004) to verify the above requirement is met. Personal information will only be used by QFN to determine an individual's compliance to the “Dependency on Commercial Fishery” regulation previously described. Personal information will only be stored by QFN for evidence of compliance/non-compliance to the regulations aforementioned if required and will not be maintained or distributed for any other purpose. Should an individual fail to meet the threshold of dependency, the fishing enterprise will be revoked.

3.6 Payment of Fees:

To maintain a designation to fish an enterprise held by QFN, the fisherperson must ensure he/she pays all administration fees on or before the deadlines provided. Administration fee total and payment deadline information will be communicated to the Fisherperson via Letter of Offer, signed annually. Signed Letter of Offer document is required for successful designation / re-designation to fish a QFN enterprise.

3.7 Annual Utilization:

To maintain a designation for any enterprise held by QFN, enterprises must be utilized annually to their full potential as deemed appropriate by QFN. Should an individual feel they will be unable to utilize a particular license included in their

enterprise long-term, they are encouraged to discuss with QFN Manager of Natural Resources since QFN holds the right to split enterprises and designate to more than one individual.

3.8 Safety:

While QFN is committed to promoting safety in all its operations, QFN does not accept any responsibility for the safety and well-being of its designated fisherpersons and/or crew. QFN urges designated fisherpersons to review all safety regulations for fishing operations and ensure all training and certification is up to date, at the designates expense. Furthermore, QFN urges designates to ensure all fishing activities are carried out safely. Upon signing the Letter of Offer provided by QFN, the designate accepts all responsibility and liability associated with the operation of the associated enterprise.

3.9 Letter of Offer:

To receive/maintain a designation to fish an enterprise held by QFN, the applicant/designate must return a signed copy of the "Fishing Designation – Offer Letter" annually, on or before the deadline date stated in said letter.

4.0 Conclusion:

While QFN wishes to assist its members in becoming employed by the fishery, QFN wishes to operate its fishing enterprises in an accountable, professional and progressive manner. Fishing Designations managed by QNR will be governed by this policy document in cooperation with the Fishing License process below.

QFN/MCF/MAMKA maintains full ownership of all its enterprises/licences and holds the right to revoke an enterprise/licence at any time. QFN/MCF/MAMKA also maintains the right to change its "Fishing Designation Policy" or any other policies at any time. All designations must be renewed annually.

I, _____, acknowledge all information included in this "Fishing Designation Policy" and do hereby confirm that I am in compliance with all requirements stated in the "Fishing Designation Policy".

Fisherpersons Signature

Date