

## SCHEDULE 8-A - YALE FIRST NATION ALLOCATIONS FOR FISH AND AQUATIC PLANTS

### Definitions

1. In this Schedule,

“**Canadian Total Allowable Catch**” means, in respect of a stock or species of Fish, the amount, determined by the Minister, of the stock or species that is available for harvest or is harvested, in Canadian waters in aboriginal, commercial and recreational fisheries.

“**Fraser River Chinook Salmon**” means chinook salmon whose natal waters converge with the Fraser River upstream of the bridge across the Fraser River at Agassiz.

“**Fraser River Chum Salmon**” means chum salmon whose natal waters are in the Fraser River watershed.

“**Fraser River Coho Salmon**” means coho salmon whose natal waters converge with the Fraser River upstream of the bridge across the Fraser River at Agassiz.

“**Fraser River Pink Salmon**” means pink salmon whose natal waters are in the Fraser River watershed.

“**Fraser River Sockeye Salmon**” means sockeye salmon whose natal waters converge with the Fraser River upstream of the bridge across the Fraser River at Agassiz.

“**Pacific Management Area**” means a management area as defined in the *Pacific Fishery Management Area Regulations, 2007*.

“**Terminal Surplus**”, in respect of Fraser River Chum Salmon, means the amount, determined by the Minister, of Fraser River Chum Salmon that is available for harvest or is harvested in Pacific Management Area 29 and within the Fraser River by aboriginal, recreational and commercial fisheries.

### Sockeye Salmon

2. In any year, the Yale First Nation Allocation for sockeye salmon is 0.9097 per cent of the Canadian Total Allowable Catch for Fraser River Sockeye Salmon for the year up to a maximum of 7,278 Fraser River Sockeye Salmon.

### Pink Salmon

3. In any year, the Yale First Nation Allocation for pink salmon is 0.037 per cent of the Canadian Total Allowable Catch for Fraser River Pink Salmon for the year up to a maximum of 3,710 Fraser River Pink Salmon.

**Chum Salmon**

4. In any year, the Yale First Nation Allocation for chum salmon is 0.655 per cent of the Terminal Surplus of Fraser River Chum Salmon for the year up to a maximum of 327 Fraser River Chum Salmon.

**Chinook Salmon and Coho Salmon**

5. In any year, the Yale First Nation Allocation for chinook salmon will be an amount of Fraser River Chinook Salmon determined by an abundance-based formula based on the Canadian Total Allowable Catch for Fraser River Chinook Salmon for the year. The formula will be a formula that:
  - a. provides for a maximum amount that the Yale First Nation Allocation for chinook salmon will not exceed; and
  - b. would have produced an average annual allocation of 1,500 Fraser River Chinook Salmon for the years 1992 to 2003 if it had been used for those years.
6. In any year, the Yale First Nation Allocation for coho salmon will be an amount of Fraser River Coho Salmon determined by an abundance-based formula based on the Canadian Total Allowable Catch for Fraser River Coho Salmon for those years. The formula will be a formula that:
  - a. provides for a maximum amount that the Yale First Nation Allocation for coho salmon will not exceed; and
  - b. would have produced an average annual allocation of 300 Fraser River Coho Salmon for the years 1992 to 2003 if it had been used for those years.
7. The abundance-based formulas referred to in 5 and 6 will be established in accordance with the process described in 10 to 16. Until the formulas are established, Yale First Nation may, as provided in 8.14.3, set out, in a Yale First Nation Fishing Plan for a year, its preferences with respect to what amount of Fraser River Chinook Salmon and Fraser River Coho Salmon would be harvested that year.
8. As provided in 8.11.7, Yale First Nation may submit its own written recommendations to the Minister where all the representatives on the Joint Fisheries Committee do not agree on a Joint Fisheries Committee recommendation with respect to the provisions in Yale harvest documents on chinook salmon or coho salmon harvesting.
9. As provided in 8.15.5, the Minister will provide written reasons to Yale First Nation if a Yale First Nation Harvest Document has significant differences from the provisions recommended by the Yale First Nation in accordance with 8.11.7.

10. Canada or Yale First Nation may propose the establishment of an abundance-based formula for the Yale First Nation Allocation for coho salmon or chinook salmon by providing a copy of the proposal, in writing, to the Parties:
11. Neither Canada nor Yale First Nation will propose a formula or maximum amount until Canada is satisfied that there is sufficient information to establish the abundance-based formula. Canada or Yale First Nation may ask the Joint Fisheries Committee to make recommendations with respect to whether there is sufficient information to establish an abundance-based formula. Where Canada does not follow a recommendation of the Joint Fisheries Committee with respect to whether there is sufficient information to establish an abundance-based formula, Canada will provide written reasons to Yale First Nation.
12. Where Canada or Yale First Nation proposes the establishment of an abundance-based formula, they will negotiate and attempt to reach agreement on the formula.
13. Canada and Yale First Nation may ask the Joint Fisheries Committee to make recommendations with respect to an abundance-based formula.
14. Where the representatives of Canada and Yale First Nation on the Joint Fisheries Committee agree on a Joint Fisheries Committee recommendation for a formula, the Joint Fisheries Committee will notify Canada and Yale of the recommendation.
15. Where Canada and Yale First Nation negotiate and attempt to reach agreement on a formula, Canada and Yale First Nation will provide each other with recommendations and other material that Canada or Yale First Nation considers relevant. Where Canada and Yale First Nation do not agree in writing to a formula for the Yale First Nation Allocation for coho salmon or for chinook salmon, within one year of a proposal, Canada will take into account the recommendations and other material that Canada and Yale First Nation provided each other and will determine the formula. Canada will provide written reasons to Yale First Nation if the formula has significant differences from the recommendations of Yale First Nation.
16. Where Canada and Yale First Nation agree in writing to a formula or a formula is determined under 15, this Schedule is deemed amended to incorporate the formula.