



# PILOT PROJECT

CODE OF PRACTICE ON INDIVIDUAL LOBSTER  
FISHING WOLASTOQIYIK WAHSIPEKUK  
FIRST NATION **SAISON 2026**  
DRAFT VERSION

April 8, 2024



# TABLE OF CONTENTS

<b>PREAMBLE</b>	<b>2</b>
<b>1. DEFINITIONS</b>	<b>3</b>
<b>2. OBJECTIVES</b>	<b>4</b>
<b>3. VALUES</b>	<b>4</b>
<b>4. AREA OF APPLICATION</b>	<b>4</b>
<b>5. ACCESS TO FISHERIES</b>	<b>5</b>
5.1 FISHERMEN	5
5.2 FISHING CERTIFICATES	5
<b>6. EXERCISING FSC FISHING RIGHTS</b>	<b>6</b>
6.1 ANNUAL PLAN	6
6.2 WATERCRAFTS	6
6.3 MACHINERY	6
6.4 COMPLIANCE WITH APPLICABLE RULES AND SANCTIONS	6
6.5 DECLARING CATCHES	7
<b>7. MONITORING FSC LOBSTER FISHERIES</b>	<b>7</b>
<b>8. GOVERNANCE</b>	<b>8</b>
8.1 GRAND COUNCIL	8
8.2 COMMERCIAL FISHERIES DEPARTMENT	8
8.3 CATOW COMMITTEE	8
<b>9. GENERAL TERMS AND CONDITIONS</b>	<b>9</b>

# PREAMBLE

Over the millennia, the Wolastoqiyik have developed a close and enduring bond with their territory, the Wolastokuk, and the flora and fauna that inhabit it. Wolastoqiyik are traditionally conservation-minded, and have always lived in interdependent relationships with the land and its natural resources. They have a responsibility to care for the land, the waters and all living things on Wolastokuk, and to protect, conserve and respect all creation supported by wikuwossit skitkomiq (Mother Earth) on the territory, so as to promote harmonious relations and sustainable cohabitation on Wolastokuk.

These responsibilities are all the more important in the exercise of traditional activities and aboriginal treaty rights. Indeed, the Wolastoqiyik Wahsipekuk First Nation («WWFN») holds aboriginal treaty rights, including aboriginal title, with respect to its lands, waters, resources and the exercise of its traditional activities, and these rights have never been extinguished or abdicated.

These rights include the right to use natural resources to meet their needs, including the right to fish for lobster for food, social and ceremonial purposes (« FSC lobster fishery »).

In the spirit of self-government and to ensure the food security of Wolastoqiyik people, the WWFN wishes to encourage and support them in the practice of FSC lobster fishing, while ensuring harmonious cohabitation on the Wolastokuk and the conservation of resources for future generations. To this end, the WWFN has adopted this *Wolastoqiyik Wahsipekuk First Nation Individual Lobster Fishing Code of Practice - Season 2023* («Code» or «Code of Practice»), in accordance with Wolastoqey legal orders.

The adoption of this Code of Practice is consistent with Wolastoqey traditions and constitutes an act of self-governance exercised in respect of the inherent, aboriginal and treaty rights of the WWFN and the principles of the *United Nations Declaration on the Rights of Indigenous Peoples*.

Although it is not new for the WWFN to oversee the practice of traditional Wolastoqiyik activities, the adoption of a written Code of Practice on FSC lobster fishing is a first. For this reason, this Code has been adopted conservatively, as a draft. It is intended to evolve in the future, notably to cover other species and other areas of activity. This Code of Practice applies only to individual FSC lobster fishing. The WWFN reserves the right to regulate FSC lobster fishing for community purposes in the future.

# 1. DÉFINITIONS

The following definitions apply to the Code of Practice:

“ <b>Accompanying person</b> ”	As defined in article 5.1.3.
“ <b>Certification</b> ”	Certification of hunting, trapping and fishing for food, social and ritual purposes issued for the application of the present Code in accordance with article 5.2.
“ <b>Watercraft</b> ”	Any means of transport used to navigate on water above the Low Water Line.
“ <b>Supervision</b> ”	A set of policies and regulations adopted by the Grand Council to ensure sound management and governance of the WWFN.
“ <b>Machinery</b> ”	Any instrument or installation used to carry out FSC lobster fishing in accordance with this Code.
“ <b>Immediate Family</b> ”	Includes spouses, children, mother and father, direct siblings, guardians, grandparents and grandchildren.
“ <b>Grand Council</b> ”	Wolastoqiyik Wahsipekuk First Nation Council.
“ <b>Guests</b> ”	As defined in article 5.1.2.
“ <b>Low-water line</b> ”	As defined in the Annual Plan.
“ <b>FSC lobster fishing</b> ”	Lobster fishery for personal consumption for the 2024 season conducted in the Low-Water Line in accordance with this Code and the Annual Plan. The sale of lobster is prohibited under this fishery.
“ <b>Angler</b> ”	As defined in article 5.1.1 of this Code.
“ <b>Annual plan</b> ”	As defined in article 6.1 of this Code.
“ <b>Accessory practice</b> ”	<p>A practice whose activity or material is «reasonably incidental» and «reasonably necessary» under the circumstances for the exercise of the right to FSC lobster fishing.</p> <p>Reasonably incidental is an activity that allows a person to exercise his right in the manner of his ancestors, taking into account acceptable modern methods or unforeseen modifications to the right in question.</p>
“ <b>Land Guardian</b> ”	<p>Nation employee who oversees the territory and ensures compliance with standards, policies and procedures relating to land use and the practice of traditional activities. More specifically, he oversees the ethical stewardship and protection of the territory by coordinating initiatives aimed at fostering the continuity of cultural and traditional practices of the members of the WWFN.</p>
« <b>Wolastokuk</b> » :	Unceded Wolastoqiyik traditional territory.
« <b>Wolastoqiyik</b> » :	Wolastoqiyik of the WWFN, as defined in the current <i>WWFN Citizenship Code</i> .

## 2. OBJECTIVES

- 2.1 The Code of Practice is intended to guide Wolastoqiyik in the practice of the FSC Lobster Fishery and Incidental Practices in accordance with the common principles and values of the WWFN and to promote access while respecting, protecting and continuing Wolastoqiyik traditional practices.
- 2.2 The Code of Practice applies to the FSC lobster fishery as defined herein as well as to Incidental Practices.

## 3. VALUES

- 3.1 The Code of Practice is an update of the standards, practices and rules of conduct of the Wolastoqiyik ancestors, who protected the territory and preserved its resources so that Wolastoqiyik could benefit from them today.
- 3.2 Both the WWFN, in its role as guardian of collective rights, and the Wolastoqiyik, in their practice of FSC lobster fishing and by-catch practices, must act in accordance with the following values:
  - Enhance the re-appropriation and practice of the Wolastoqey (Pomawsuwakon) way of life for food, ritual and social purposes, and adapt it to today's needs and realities;
  - Play an active role in the management of fishery resources, including decisions on species conservation, in order to meet the needs of the present without compromising the ability of future generations to meet their own needs;
  - Encourage the exchange, sharing and transmission of traditional lifestyles and knowledge between Wolastoqiyik of all generations to ensure the sustainability of activities on the territory;
  - Encourage responsible and exemplary behaviour with respect to fish harvesting;
  - Promote harmonious relations and healthy cohabitation on the Wolastokuk with other land users; and
  - Ensure safe practice for all.

## 4. AREA OF APPLICATION

- 4.1 For the purposes of this Code of Practice, the Territory of Application consists of the areas identified in the Annual Plan by the Commercial Fisheries Branch, in accordance with article 6.1.2.
- 4.2 FSC lobster fishing must be carried out within the Territory of Application, between the shoreline and the Low-Water Line.
- 4.3 Within the Territory of Application, FSC lobster fishing and incidental practices are not permitted on private property unless expressly authorized by the landowner.

# 5. ACCESS TO FISHERIES

## 5.1 FISHERMEN

- 5.1.1 Only Wolastoqiyik who are sixteen (16) years of age or older and who hold a Certificate issued pursuant to this Code may engage in FSC lobster fishing and by-catch practices.
- 5.1.2 Fishermen holding a licence issued pursuant to this Code may invite Wolastoqiyik (citizens or statues) to practice FSC lobster fishing and by-catch practices with them («Guests»). Fishermen must be present at all times with their Guests. Actions taken by Guests during FSC fishing, including catches, are considered and counted as if they had been taken by the Angler himself, and in particular do not have the effect of increasing the Angler's allocations.
- 5.1.3 Fishermen may be accompanied by persons who are not Wolastoqiyik or Wolastoqiyik associates during the practice of FSC lobster fishing and by-catch practices («Accompanying Persons»). However, such Accompanying Persons may not in any way engage in FSC Lobster Fishing or By-Practices.

## 5.2 FISHING CERTIFICATES

- 5.2.1 Any Wolastoqiyik wishing to participate in the FSC lobster fishery must complete a Certification Request Form and submit it to the Commercial Fisheries Branch in accordance with the rules prescribed by the Branch.
- 5.2.2 In accordance with the Annual Plan and this Code, the Commercial Fisheries Branch establishes and disseminates the applicable rules governing forms, registration procedures, the issuance of certificates and the conditions under which they may be exercised.
- 5.2.3 The Commercial Fisheries Branch grants FSC fishing rights to lobsters in accordance with the rules established under the preceding paragraph.
- 5.2.4 For each application granted by the Commercial Fisheries Branch, the Branch provides the Fisher with a certificate free of charge.
- 5.2.5 Certificates are valid only for the area and duration indicated thereon.
- 5.2.6 Only one Certificate may be issued per year for all Wolastoqiyik members of the same immediate Family residing at the same address.
- 5.2.7 The Commercial Fisheries Branch provides each Angler with an Angler's Booklet, which includes an information package on the conditions for exercising the FSC lobster fishing right.
- 5.2.8 FSC lobster fishing attestations may not be assigned, loaned or delegated to a third party or to another Wolastoqiyik.
- 5.2.9 The Angler must keep in his possession at all times, in paper or electronic format, the Certificate and a valid document attesting to his identity and Wolastoqey citizenship while engaging in FSC lobster fishing or any incidental practice.
- 5.2.10 The Angler must be able to produce his Attestation and his Wolastoqey identity and citizenship documents at any time upon request by a WWFN Guardian or any other government fisheries officer.

# 6. EXERCISING FSC FISHING RIGHTS

## 6.1 ANNUAL PLAN

- 6.1.1 Before the start of the fishing season, the Commercial Fisheries Branch prepares and adopts an Annual Plan, which sets out the terms and conditions of the FSC lobster fishery.
- 6.1.2 The Annual Plan includes, in particular:
- A map and description of the areas where FSC lobster fishing is to be carried out;
  - Fishing periods;
  - Allowable allocation per Certificate;
  - The number of Certificates issued per area, per period;
  - Minimum and maximum allowable catch sizes; and
  - Authorized gender of catch.
- 6.1.3 Notwithstanding the Annual Plan, the Commercial Fisheries Branch may, at any time and with immediate effect, close, reduce or modify access to fishing areas, Certificates issued and allocations granted where there are safety or conservation concerns.
- 6.1.4 The Annual Plan is available online on the WWFN website.

## 6.2 WATERCRAFTS

- 6.2.1 No watercraft may be used for FSC lobster fishing as provided for in this Code.

## 6.3 MACHINERY

- 6.3.1 The only permitted device is a snare.
- 6.3.2 Any device likely to harm the animal's well-being, its reproduction, or its habitat, or to cause cruelty, is prohibited. Thus, any device that poses a risk to the species or to the conservation of flora and fauna, such as explosives or poison, is prohibited.

## 6.4 COMPLIANCE WITH APPLICABLE RULES AND SANCTIONS

- 6.4.1 All Fishers must comply with the Code of Practice, the Annual Plan and the conditions of exercise set out in their Certificate.
- 6.4.2 The Angler must ensure that the premises are returned to their original state after exercising the right to FSC lobster fishing. In particular, he must remove any litter, gear, equipment or other items used during FSC lobster fishing and incidental practice.
- 6.4.3 The Angler must carry out FSC lobster fishing and by-catch practices in a safe manner that respects the conservation of the resource. Practices that may jeopardize the health, safety or integrity of the Angler, third parties or the environment are prohibited.

- 6.4.4 Any practice contrary to the rules established by the WWFN may lead to the withdrawal of the Angler's Certificate for the current year and subsequent years, in accordance with article 8.2.4.
- 6.4.5 Any violation of this Code will be presumed not to constitute a practice in conformity with the rules of the WWFN. Consequently, if charges or statements of offence are issued by government authorities in connection with such practices, **the WWFN will assume no protection and will not take up the offender's cause.**

## 6.5 DECLARING CATCHES

- 6.5.1 The Commercial Fisheries Branch collects statistics on FSC lobster fishing and by-catch practices for conservation purposes and ensures sound management of the activity. Fishermen must cooperate in this collection by declaring their catches.
- 6.5.2 Forty-eight hours following the end of an FSC lobster fishery, the Fisher must declare to the Commercial Fisheries Branch the number and size of lobsters harvested.
- 6.5.3 The declaration must be complete and made according to the WWFN template provided in the Fisherman's Logbook. It must be forwarded to the Commercial Fisheries Branch using the method indicated in the Guide.
- 6.5.4 Failure to complete the declaration without valid reason may result in the withdrawal of the Angler's Certificate in question by the Commercial Fisheries Branch for the current and subsequent years, in accordance with article 8.2.4.

# 7. MONITORING FSC LOBSTER FISHERIES

- 7.1 For the application of this Code, the Grand Council or the Commercial Fisheries Branch may appoint one or more Territory Guardians responsible for the supervision of the FSC lobster fishery and by-catch practices. The Grand Council or the Commercial Fisheries Branch may also adopt rules concerning the training, powers and responsibilities of Territory Guardians.
- 7.2 The Territory Guardians will ensure the supervision of FSC lobster fisheries and incidental practices in accordance with this Code of Practice, the Annual Plan and the conditions of practice set out in the Certificates.

# 8. GOVERNANCE

## 8.1 GRAND COUNCIL

- 8.1.1 In order to promote the implementation of this Code, the Grand Council may enter into agreements relating to the exercise of the FSC lobster fishery and by-catch practices with a government or partner in accordance with the objectives of this Code of Practice.
- 8.1.2 The Grand Council delegates the management and application of this Code to the Commercial Fisheries Branch.
- 8.1.3 The Grand Council, with the assistance of the Commercial Fisheries Branch, shall inform the Wolastoqiyik of the WWFN of their rights and responsibilities, ensure their protection and respect, and make all users of Wolastokuk aware of their rights and responsibilities.

## 8.2 COMMERCIAL FISHERIES DEPARTMENT

- 8.2.1 The Commercial Fisheries Branch consists of the persons appointed as such by the Grand Council.
- 8.2.2 The mission of the Commercial Fisheries Branch is to ensure the responsible management of marine resources and the Wolastoqiyik FSC lobster fishery. To this end, it may in particular:
- Implement and modify the Annual Plan as required;
  - Establish rules for the application of this Code, in particular for the application of article 5.2.
  - Establish appropriate sanctions for non-compliance with the Code and its rules, with conditions set out in the Certificates or with the Annual Plan;
  - Collect data on FSC lobster fishing and by-catch practices;
  - Monitor FSC lobster fishing and by-catch practices;
  - Act as liaison between FSC lobster fisheries and commercial fisheries;
  - Conduct Wolastoqiyik awareness and training activities on FSC lobster fisheries and by-catch practices;
  - Oversee public communications.
- 8.2.3 The Commercial Fisheries Branch monitors and sanctions the FSC lobster fishery on the recommendation of the CATOW Committee.
- 8.2.4 In the event of a breach of this Code, the Commercial Fisheries Branch may sanction the offender by withdrawing his Certificate for the current year and/or subsequent years, for a maximum period of two (2) years. Such a decision must be taken after the offender has been given the opportunity to present his or her position and defense, and after recommendation by the CATOW Committee.

## 8.3 CATOW COMMITTEE

- 8.3.1 The CATOW Committee acts as an advisory committee and makes recommendations to Grand Council and the Commercial Fisheries Branch regarding the practice and monitoring of the FSC lobster fishery and by-catch practices.
- 8.3.2 The CATOW Committee may be convened by Grand Council at any time.

**GENERAL TERMS AND CONDITIONS**

- 9.1 This Code of Practice and any other Framework that may derive from it take precedence over any other regulation or government measure that has the effect of unjustifiably infringing on the rights provided for herein.
- 9.2 The FSC lobster fishing rights and incidental practices are limited by measures necessary for the conservation, health and safety of the public.
- 9.3 Nothing in this Code shall be construed as limiting or waiving any aboriginal or treaty rights of the WWFN.
- 9.4 This Code of Practice may be amended from time to time to reflect the evolving rights and needs of WWFN and Wolastoqiyik. Any amendment or repeal of this Code must be adopted by the Grand Council.
- 9.5 This Code shall come into force on the day of its adoption by the Grand Council or on any other date decided by the Grand Council.
- 9.6 The present Code does not have the effect of prohibiting other unregulated fisheries.



