



Aboriginal Commercial Licence (ACL) Management Policy
Lands and Community
Forestry, Fish and Wildlife

TNP 01/2025

Approved on February 12, 2025.

Effective on February 12, 2025.



Hegus [SIGNATURE]

JOHN HACKETT

Hegus [NAME]

DEPOSITED IN THE TLA'AMIN
REGISTRY

ON 03 / 03 / 2025
(day/month/year)


Signature of Law Clerk

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1.0 Forward

This policy is intended to support increased economic opportunities for ʔaʔamin qayemixʷ (lha-ahmen qayeh-mewh) 'Tla'amin people' by promoting the fair distribution of commercial clam licences throughout the community. Following principles informed by taʔaw (tah-ow) 'teachings' as laid out in the 2023-2028 Comprehensive Nation Plan (CNP):

- (a) ʔaʔxʷin (thath-when) 'Fairness' – "people need to witness how things work;"
- (b) qʷeqʷaystowʔ (qweh-qwhy-stowlh) 'Communication' – "consultation must be meaningful, significant, and inclusive;"
- (c) ʔaʔaʔəm (ah-ahthum) 'Sharing' – "when we share, we are not wasteful;" and
- (d) tiystəm (tee-stum) 'Respect' – "ensure a sustainable future."

2.0 Authority, Purpose, and Scope

Authority

- 2.1 This policy is established pursuant to Section 25 of the *Fish and Wildlife Harvesting Protection Law* (TNL18/2016), which authorizes the Director to provide names of eligible Tla'amin Citizens to DFO and to carry out any authorities or activities relating to the management of ACLs held by Tla'amin Nation.

Purpose

- 2.2 The purpose of this policy is to:

- (a) establish a transparent and consistent decision-making process by which commercial clam licences (ACLs) are distributed throughout the community.

Scope

- 2.3 This policy applies to employees of Tla'amin Nation ("staff") who are responsible for allocating, to community members, the Category Z2ACL ("ACL") licence eligibilities held by Tla'amin Nation. When licences are renewed annually by DFO, the Director will direct staff to follow this policy if there are available licences to allocate.

- (a) For greater clarity, this policy only applies to administration of Aboriginal commercial clam licences (category Z2ACL) and no other category of clam licences.

- 2.4 This policy does not apply to harvesting activities; and does not apply to any individuals engaging in a domestic harvest for Food, Social, and Ceremonial (FSC) purposes.

3.0 Definitions

3.1 In this Policy,

Aboriginal Commercial Licences (ACL): the category Z2ACL licence eligibilities held by Tla'amin Nation, which are identical to the commercial clam (category Z2) licence eligibilities except that the licence eligibility holder (i.e., Tla'amin Nation) will annually designate the Digger to use the licence.

Clams: intertidal bivalves, specifically the following four species:

łołmom (lholh-mom), *Protothaca staminea*, 'native littleneck clam;'

χəʔa (hhuh-ah), *Saxidomus gigantea*, 'butter clam;'

Nuttallia obscurata, 'varnish (savoury) clam;' and

Venerupis philippinarum, 'manila clam.'

DFO: Department of Fisheries and Oceans (Canada).

Digger: any person digging Clams.

Director: means the Director of Lands and Resources.

Licence Agreement: the signed agreement ("Conditions of Intertidal Clam Licence Z2ACL") between a Digger and DFO, renewed annually, which outlines requirements and responsibilities to be enforced by DFO when monitoring harvesting activities.

Lottery: allocation by random selection.

Tla'amin Citizen: as defined, from time to time, in the *Interpretation Law*.

Slips Data: records, collected by DFO, comprising the written tags associated with harvested Clams prepared for sale; and includes the licence number, total weight of the Clams, and harvest location as required in the Licence Agreement signed by each Digger.

3.2 In the event of any inconsistency between a definition set out above and a definition set out in a Tla'amin Law, the definition set out in Tla'amin Law prevails, and must be relied upon.

4.0 Policy Statements

Annual Licence Renewal

Allocation and Forfeiture

4.1 Tla'amin Nation (TN) is allocated 46 of 568 category Z2ACL licence eligibilities through the Integrated Fisheries Management Plan – Intertidal Clams (IFMP 2023-2026, s. 1.4.2).

(a) Licence eligibilities are renewed annually with DFO, at which time TN can designate new Diggers to use an ACL.

4.2 Diggers designated an ACL will continue to hold that licence until they become ineligible. Licences must be picked up by Diggers, annually from the Department of Lands and Resources, within the timelines communicated by TN in advance of renewal.

4.3 The Department of Lands and Resources is responsible for collecting, validating, and evaluating harvest data to determine whether Diggers remain eligible to hold an ACL, confirming eligibility under the criteria listed in s. 4.6.

(a) If a Digger's eligibility under s. 4.6 is changed, the Digger should be advised at least one (1) month prior to the annual renewal of ACL licence eligibilities that:

(1) they will be ineligible to renew the licence; and

(2) their designation to use the ACL will be revoked.

4.4 Available ACLs must be allocated to eligible members through a Lottery (the "ACL Draw"), broadcast live to Tla'amin membership, to be witnessed in-person and remotely. Following the ACL Draw, TN will designate the winners to hold the ACL licence eligibility.

Eligibility and Ineligibility

4.5 Diggers renewing an ACL licence eligibility must be eligible according to the criteria listed under s. 4.6 of this policy.

4.6 The Department of Lands and Resources will announce the ACL Draw to community members, who may enter the draw in-person at the Governance House or by e-mail to the Director. To be eligible for entry into the ACL Draw, applicants must:

(a) be a Tla'amin Citizen;

(b) be in good standing with Tla'amin Nation [see *In Good Standing Policy*];

(c) possess unexpired government-issued photo identification which can be used to verify ownership of the ACL;

- (d) possess or be able to procure all equipment required to utilize the licence, including a digital GCKey to access Government of Canada services online; and
- (e) not have active penalties under Section 4.9.

Licence Holder Responsibilities and Penalties

- 4.7 Diggers will be ineligible to renew their ACL, and must forfeit their licence to TN, if they do not maintain compliance with recordkeeping and other requirements listed in their Licence Agreement.
- 4.8 Prior to the annual renewal of ACL licence eligibilities, the Department of Lands and Resources will request Slips Data from DFO and compile any violations observed during the year for review. The Director may direct staff to follow up with individual Diggers.
 - (a) The Director may recommend an individual become ineligible to hold an ACL and designate another Digger under “Allocation and Forfeiture,” above.
- 4.9 A Digger who has had their ACL revoked under s. 4.7 or 4.8 is ineligible for two (2) years following their licence forfeiture.

5.0 Supporting Statements

Compliance

- 5.1 Any employee actions that do not comply with this policy may result in corrective actions or other consequences in accordance with the Nation's human resource policies.

Exceptions

- 5.2 Exceptions to this policy require approval by the Chief Administrative Officer (CAO) or a delegate approved by the CAO. The CAO will report approved exceptions to the Executive Council.

6.0 Related Documents

Compliance Documents

Fisheries Act (Canada)
Aboriginal Communal Fishery Regulations (Canada)
Fish and Wildlife Harvesting Protection Law (Tla’amin Nation)
In Good Standing Policy (Tla’amin Nation)
Integrated Fisheries Management Plan – Intertidal Clams (DFO)

Supporting Documents

- Conditions of Intertidal Clam Licence Z2ACL (DFO)
- Live Draw Procedures (Tla’amin Nation)

7.0 Appendices

- A. Tla’amin Nation ACL Draw Form
- B. Tla’amin Nation ACL Digger Acknowledgement

8.0 Summary of Changes

Replaces	Dated	Key Changes
NEW	February 12, 2025	

Appendix A: Tla'amin Nation ACL Draw Form

SCHEDULED DATE FOR LIVE DRAW:	PREPARED BY:
DRAW ENTRY OPENS:	DRAW ENTRY CLOSES:

STAFF: Please initial next to each checkbox as each of the eligibility criteria are confirmed. Photo Identification and GCKey criteria are to be confirmed at the time of entry; other requirements as listed under s. 4.6 may be confirmed later but should be confirmed as soon as possible.

#	Date + Time	Name of Digger	Phone Number	Signature	Photo ID	GCKey	Confirm Citizenship	In Good Standing	No Active Penalties
					☐	☐	☐	☐	☐
					☐	☐	☐	☐	☐
					☐	☐	☐	☐	☐
					☐	☐	☐	☐	☐
					☐	☐	☐	☐	☐
					☐	☐	☐	☐	☐
					☐	☐	☐	☐	☐
					☐	☐	☐	☐	☐
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					☐	☐	☐	☐	☐
					☐	☐	☐	☐	☐
					☐	☐	☐	☐	☐
					☐	☐	☐	☐	☐
					☐	☐	☐	☐	☐

NOTE: If necessary, print a new blank form and continue numbering from where the previous sheet left off.

Appendix B: Tla'amin Nation ACL Digger Acknowledgement

- Licences are non-transferable between individuals.
- Diggers must follow the Terms and Conditions for Licences listed below.

Introduction

Tla'amin Nation owns commercial ACLs ("licences") and allows Diggers to use them on an annual basis for commercial clam harvesting. These licences differ from individual commercial clam licences, which are owned by individuals. The *ACL Management Policy* applies to Tla'amin Nation staff who are responsible for managing the use of ACLs, under the supervision of the Director whose authority is set out in the *Fish and Wildlife Harvesting Protection Law*. Tla'amin Nation is responsible for ensuring compliance with rules and regulations around commercial clam harvesting, including:

1. Each licence must be actively used and, when used, it must be used by the designated individual; and,
2. A designated individual using such a licence may only harvest in the area designated by the licence (e.g. Area C or Area D, but not both).

Tla'amin Nation is responsible for allocating ACLs and will allocate licences to new Diggers in accordance with the *ACL Management Policy*.

Terms and Conditions for Licences

The rules, regulations, and laws for commercial clam harvesting are established by federal Canadian agencies and are outlined in the Licence Agreement with DFO. Designated users of an ACL must follow all requirements as set out in that agreement while harvesting clams commercially.

As a Digger designated to use an ACL owned by Tla'amin Nation, you agree to:

- a) follow all requirements as set out in your Licence Agreement;
- b) be the sole and exclusive user of the licence;
- c) harvest only in the area specified in the licence; and
- d) actively use the licence throughout the commercial season.

Acknowledgement

All Diggers must read and agree to follow the guidelines set out above and in their Licence Agreement. A signature of acknowledgement is required to use an ACL.

Printed Name: _____

Signature: _____

Date: _____

