



## FIRST NATIONS FISHERIES COUNCIL

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**FOR IMMEDIATE RELEASE – May 29, 2012**

### **First Nations Coalition requests Cohen Commission response to Bill C-38**

The First Nations Coalition (FNC) filed a written submission on Monday, May 14 requesting that Commissioner Cohen immediately respond to the Harper Government's Bill C-38. The controversial bill includes proposed amendments to Canada's *Fisheries Act*, the *Canadian Environmental Assessment Act*, the *Species at Risk Act (SARA)*, and the *Canadian Environmental Protection Act (CEPA)*. The FNC is requesting that Commissioner Cohen recommend that Bill C-38 be kept inoperative until a) the completion of the required consultation with First Nations, and b) the release and consideration of the Cohen Commission report and recommendations in September 2012.

The Cohen Commission was established by the Harper Government to conduct an inquiry into the decline of Fraser River sockeye salmon, and to develop recommendations for improving the future sustainability of this valuable resource. With the introduction of Bill C-38 and its substantive changes to fisheries and environmental protection laws, Harper's Government proposes to change, without consultation, the statutory foundation on which the protection of aquatic and marine resources in BC, including Fraser River sockeye and its habitat, is based.

\$28 million has been spent on the inquiry, and 125 days of hearings have been held, during which the Commission heard from over 175 witnesses on over 25 topics ranging from habitat management to cumulative impacts. With only a few months remaining before the release of the Commissioner's report and recommendations, the First Nations Fisheries Council and the FNC feel that both the timing and content of the proposed amendments contained in Bill C-38 are an affront and a threat to the work of the Commission. The bill is even more disturbing in light of DFO's Deputy Minister Claire Dansereau's September 2011 testimony, in which she stated that DFO consults with First Nations on all matters, and that modernizing the *Fisheries Act* or making any changes in Ministerial discretion would require significant consultation.

The Government of Canada, DFO in particular, have deferred a number of issues pending the results of the Cohen Commission report, including treaty negotiations. No mention of the proposed amendments to the *Fisheries Act* or environmental legislation, or the potential for such amendments, was made during the inquiry. The First Nations Fisheries Council and the FNC strongly believe that such dramatic changes to fisheries legislation in Canada should not in any way take place prior to the release and review of Commissioner Cohen's report and recommendations and meaningful consultation.

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In order for Canada to meet its constitutional obligations and promote reconciliation, Canada must engage all First Nations involved in Pacific fisheries in full-scale consultation about the proposed amendments in Bill C-38 and any proposed regulations before they are finalized and put into effect. The FNC has asked the Commissioner to recommend that Canada commit to engaging First Nations in a meaningful consultation process prior to enacting these proposed amendments, and any subsequent regulations that have the potential to affect Fraser River sockeye salmon along their migratory route.

The FNC says that the proposed amendments in Bill C-38 fundamentally change the environmental protection of fish and fish habitat. Protective measures cannot be limited to permanent alterations of fish habitat or that which causes death to fish presently being harvested if Canada is going to take seriously their obligations to First Nations and their rights to Pacific fisheries. There is overwhelming evidence that ecosystem health is essential to Fraser River sockeye and other aquatic resources, and that cumulative impacts of multiple stressors are on the rise. Similarly, the increased involvement and discretion of Cabinet in determining what projects or activities will be reviewed and determining whether impacts are justified flies in the face of international experience and scientific advice.

Lowering the bar for habitat protection and increasing Cabinet discretion and involvement is not an option if Canada wants to ensure the long-term sustainability of wild salmon populations or numerous aquatic and marine resources existing in British Columbia.

#### **Background:**

The Cohen Commission was established on November 5, 2009 with the appointment of the Honourable Bruce Cohen as Commissioner. Under its Terms of Reference, the commission held hearings to investigate and report on the decline of sockeye salmon in the Fraser River. Based on his findings, the Commissioner will make recommendations for improving the future sustainability of the sockeye salmon fishery in the Fraser River, including, as required, any changes to the policies, practices and procedures of Fisheries and Oceans Canada (DFO) in relation to the management of the Fraser River sockeye salmon fishery.

The First Nations Fisheries Council of British Columbia, along with a number of First Nations, through their communities, tribal councils and regional organizations, formed the First Nations Coalition (FNC), and were granted standing before the Commission.

**For more information please contact the First Nations Fisheries Council Communications Coordinator:**

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