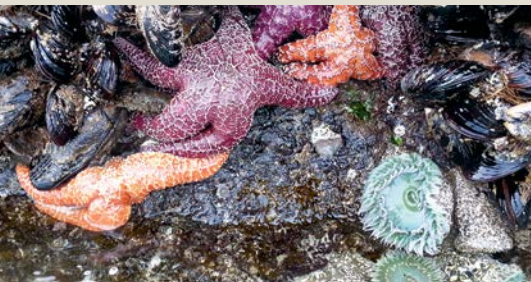




FIRST NATIONS FISHERIES COUNCIL OF
BRITISH COLUMBIA

Charting a Course Forward / FNFC Strategic Plan

2015–2018



Sea Stars in Tofino. By FNFC.



K'omoks oyster aquaculture. By FNFC.



Multi community fishery. By Tina Donald.



Gooseneck barnacles. By FNFC.



Nisga'a fishwheel on the Nass River. By FNFC.



Kokanee dissection, Okanagan Lake. By Ruby Alexis.




Message from the Council

ONE NEEDS ONLY TO LOOK at First Nations' oral history, art, songs and ceremonies to see that fisheries and aquatic resources are integral to the nutritional, social, economic and cultural well-being of our communities. Even the location of our communities across BC shows the inextricable bond between our people and the lakes, rivers, streams and sea – the waters from which we feed our bodies and spirits alike.

As First Nations, we have always honoured, protected and relied upon aquatic resources, and we have managed them according to our traditional laws and governance structures. Fisheries and related activities have been the foundation of our economy—first through trade with other nations and early settlers, and in more recent times, through participation in commercial fisheries and community fishing enterprises. Fishing activities also form the social fabric of our communities. The inter-generational sharing of knowledge about fishing methods, food preparation and preservation, and the dynamic landscape and waterscape of our territories has strengthened family and community relationships for as long as our people have lived on this land.

Today, we are seeing unprecedented pressures on fish stocks and habitats. Competing fisheries interests like the commercial and recreational sectors, as well as cumulative impacts from industrial development and extractive resource activities, have impinged on our inherent right to access and manage our resources. Meanwhile, we've observed significant changes in government approaches to consultation and engagement with First Nations as governments become more and more focused on economic growth at the cost of environmental protection. For these reasons, it is crucial, now more than ever, that BC First Nations work together to protect the lands, waters and resources that we hold dear.



Through the *BC First Nations Fisheries Action Plan*, BC First Nations have directed the First Nations Fisheries Council to support, protect, reconcile and advance our rights related to fisheries and the health and protection of aquatic resources. Our priorities are to develop effective governance mechanisms, form collaborative relationships among First Nations organizations, and work together toward a united voice on fisheries. As we build this new strategic plan to chart a course forward for the next three years, we see the relationships among our communities and the strength of our unity as our most powerful means to assert our rights and to manage and protect our aquatic resources. We look forward to working together in the years ahead.

KEN MALLOWAY

Chair, First Nations Fisheries Council

Our Vision

- > We are responsible, as our ancestors were before us, for protecting our land, waters and resources and passing on our traditional values and practices to future generations.
- > First Nations in BC will work together with respect for each other and the natural world to address issues in the fishery for our common good and for the well-being of our communities.
- > We will strive to maintain, and restore where necessary, healthy aquatic ecosystems and species.
- > We will work as partners and share management responsibility based on our ownership of our territories and our right to manage the fishery.
- > We will work with other governments and third parties to ensure recognition and respect of Aboriginal Title and Rights and Treaty Rights and to ensure conservation and appropriate management of the resource.

Our Mandate

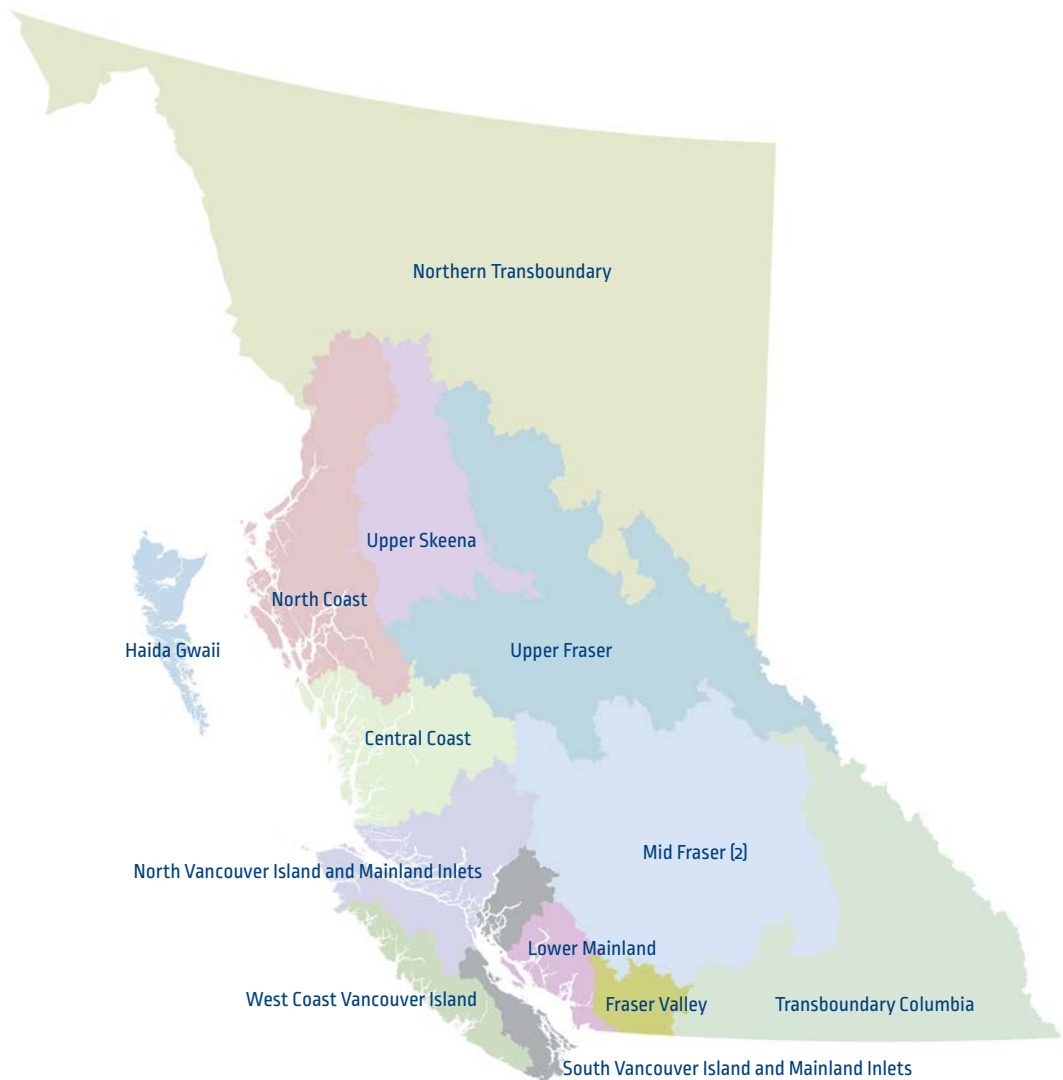
Through the BC Assembly of First Nations (BCAFN), Union of BC Indian Chiefs (UBCIC) and First Nations Summit (FNS), BC First Nation Chiefs endorsed the following mandate for the First Nations Fisheries Council:


The First Nations Fisheries Council (FNFC) works with and on behalf of BC First Nations to protect and reconcile Aboriginal Title and Rights and Treaty Rights as they relate to fisheries and the health and protection of aquatic resources. The FNFC will achieve this mandate by working to:

- > **ADVANCE AND PROTECT** First Nations Title and Rights related to fisheries and aquatic resources, including priority access for food, cultural and economic purposes.
- > **SUPPORT FIRST NATIONS** to build and maintain capacity related to fishing, planning, policy, law, management and decision-making at various scales (local, regional, provincial, national, international).
- > **FACILITATE DISCUSSIONS** related to the development of a British Columbia-wide, First Nations-based collaborative management framework that recognizes and respects First Nations jurisdiction, management authority and responsibilities.

Our Regions and Structure

Ratified at the 2009 Fisheries Assembly in Nanaimo and by resolution of the FNS, UBCIC and BCAFN, the FNFC structure is based on geographic regions identified by BC First Nations. Through whatever appointment process the First Nations within each region deem appropriate, one Delegate per region is appointed to sit on the Council for a three-year term. These 14 Delegates make up the FNFC's membership, and they choose from among themselves six Directors of the Society, and from the Directors, they select a President, Vice President, and Treasurer.





Our Evolution / Responding to a Call for Action in BC Fisheries

In late 2006, the First Nations Leadership Council (FNLC) — a political accord among the BCAFN, UBCIC and FNS — hosted fisheries dialogues among BC's First Nations.

In May 2007, as a result of the input from participants during these dialogues, the Leadership Council endorsed the *BC First Nations Fisheries Action Plan*. This plan represented the collective vision and priorities of BC First Nations, outlined issues of concern to First Nations, and made recommendations for action, including the need to establish the First Nations Fisheries Council (FNFC) to work with First Nations to implement the *Action Plan*. Key milestones appear on the timeline.

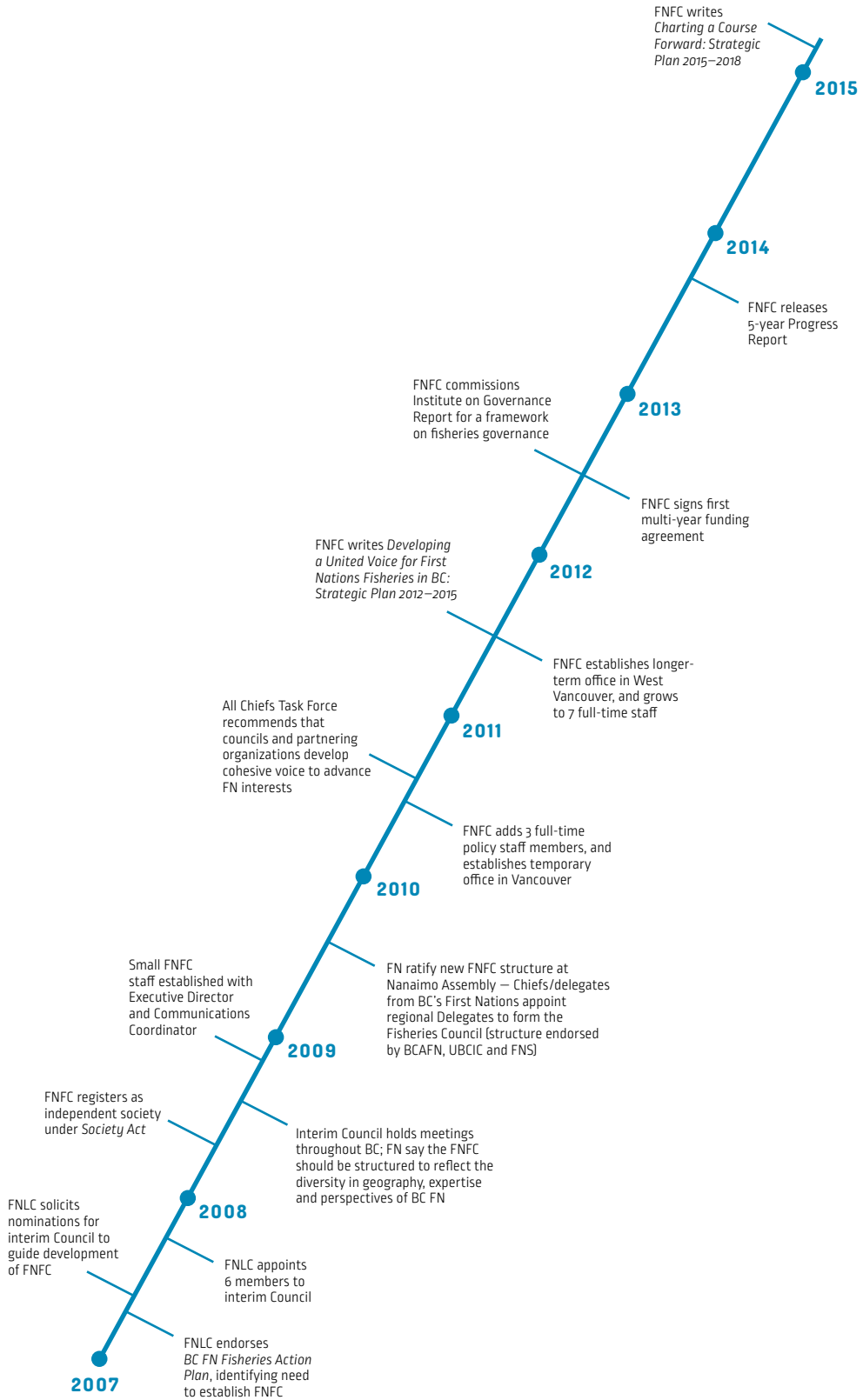
The FNLC appointed a six-member interim Fisheries Council; the interim FNFC heard from First Nation communities that the Fisheries Council should reflect the diversity in geography, expertise and perspectives of BC First Nations. First Nations recognized the need for an organization that would work with them to protect, reconcile and advance Aboriginal Title and Rights and Treaty Rights as they relate to fisheries and the health and protection of aquatic resources province-wide. First Nations wanted fishers across the board to use sustainable methods, and they wanted both resource managers and users to be accountable for their decisions and actions. They emphasized the need for shared responsibility for protecting, conserving and managing aquatic species and habitats.

The FNFC took on these aspirations and committed to being an organization with respect for the rights and cultural diversity among BC First Nations and a vision to support First Nations traditional practices and their role in fisheries and aquatic resource management.

In 2011, the FNFC wrote *Developing a United Voice for First Nations Fisheries in BC* as a three-year strategic plan (2012–2015) to articulate an organizational approach that would advance the *Action Plan*. The strategy enabled the FNFC to maintain our reputation as a well-informed, respected organization that effectively advances the fishery and aquatic resource interests of all BC First Nations.

CHARTING A COURSE FORWARD builds on the first strategic plan and articulates the FNFC's intended direction for the next three years, 2015–2018.





Building on Our Strengths / Strategic Directions 2015–2018

The FNFC's 2012–2015 strategic plan advanced the *BC First Nations Fisheries Action Plan* by focusing on building relationships and developing effective processes. Over the next three years, from 2015–2018, the FNFC will continue to address the action items in the *Action Plan* by leveraging the relationships and using the processes to organize for change that positively influences policy and management.

The FNFC's strategic directions for 2015–2018 will focus in four priority areas:

1

PROTECTION OF RIGHTS AND SUSTAINABLE FISHERIES

Ensure the vitality and longevity of all fisheries in British Columbia and the communities and people that rely on these resources. First Nations Section 35(1) priority access is entrenched in case law, and is a foundation to ensure the sustainability of natural resources and the indigenous communities that rely on them for future generations.

- > Ensure that First Nations rights to fish and to protect and manage fisheries in their traditional territories are maintained by integrating First Nations priorities, roles and authority into all levels of decision-making.
- > Build knowledge and understanding of water management to increase First Nations capacity to engage in water governance and management processes that can benefit salmon, freshwater fish and aquatic resources.
- > Place increased attention on the broad range of aquatic species that First Nations rely on for sustenance, economic, societal and cultural purposes.
- > Work to understand, identify and address cumulative environmental effects of industrial developments on aquatic resources.

2

GOVERNANCE AND MANAGEMENT

Build and foster increased First Nation technical, policy and science process capacity to meaningfully participate in joint management.

- > Convene and facilitate meetings, workshops, and other forums to engage First Nations in meaningful Tier 1 and Tier 2 dialogue and decision-making related to fisheries and aquatic resources. (*See page 9 for definitions of Tiers*)
- > Develop a collaborative Tier 1 process to address shared First Nations priorities related to the management and regulation of aquaculture as a federally managed fishery, including protection of wild salmon, science and assessment, regulatory development, and monitoring.

- > Review of emerging federal and provincial legislation, regulations, and policies as they relate to fisheries or aquatic resources and collaborate with BC First Nations on developing unified responses and shared approaches.
- > Work to have an integrated policy dialogue with federal and provincial Crown agencies whose organizations have responsibilities for addressing Aboriginal Title and Rights and Treaty Rights, fisheries management, environmental management, etc.
- > Develop partnerships and diversify funding sources to implement operational and strategic priorities.

3

ENHANCED FIRST NATION ECONOMIC PERFORMANCE

Support First Nations to have enhanced economic development opportunities related to the sustainable use of fisheries and aquatic resources.

- > Launch an FNFC Business Development Team to provide business expertise and advice to First Nations Community Fishing Enterprises.
- > Continue to facilitate dialogue among First Nations relating to First Nations shares in Pacific commercial fisheries.
- > Explore opportunities for First Nations in sustainable aquaculture ventures, including freshwater aquaculture, closed containment finfish aquaculture, and shellfish aquaculture.

4

STRATEGIC OUTREACH THROUGH EFFECTIVE COMMUNICATIONS

Effectively communicate with all First Nations through clear mechanisms that support the genuine engagement of all communities in British Columbia.

- > Implement communications tactics for information flow in both directions – from the FNFC to First Nations and from First Nations to the FNFC – in order to both disseminate and solicit information.
- > Regularly share information with First Nations at all geographies (community, nation, region, watershed, province-wide) and all levels (leadership, technical, operational), while promoting collaboration to improve information sharing.
- > Provide clear, up-to-date information and analysis to First Nations to support them in developing of their own positions and decisions on fisheries matters and to keep them apprised of opportunities for engagement in meetings, consultation processes, legislative changes, etc.
- > Work with First Nations to develop a united voice for clearly articulating shared positions and to identify and advance shared objectives and priorities in both federal processes and general messaging.

Jurisdiction and Authority

By virtue of extensive connections with fisheries that long preceded non-aboriginal settlement in North America, First Nations in Canada have a different legal relationship to fisheries than non-aboriginal Canadians. Aboriginal rights are entrenched in Canadian law in Section 35(1) of the *Constitution Act*, which states "The existing Aboriginal and Treaty Rights of the aboriginal peoples of Canada are hereby recognized and affirmed." This constitutional status is meant to ensure protection of Aboriginal and Treaty Rights and eliminate the potential for their unjustified infringement.

Aboriginal rights are those not extinguished by Treaty, negotiated agreement, or some other Crown action demonstrating clear and plain intent prior to 1982. Aboriginal rights are not frozen in time; the modern expression of a right must be part of its logical and natural evolution. An aboriginal right cannot be quantitatively or qualitatively different from the pre-contact practice, custom or tradition. The Crown has a legal obligation to consult and accommodate First Nations in relation to any action or decision that has the potential to infringe upon constitutionally protected Aboriginal Rights and Treaty Rights.

In 1990, the Supreme Court of Canada issued a landmark ruling in the Sparrow decision, stating that First Nations have an aboriginal right to fish for food, social and ceremonial (FSC) purposes, and that this right takes priority, after conservation, over all other uses of the resource. The Sparrow decision also stated the importance of consulting with First Nations when their rights may be affected.

Along with Aboriginal rights comes the responsibility to protect, conserve and sustain resources for this and future generations and, therefore, to exercise and maintain proper relations to the resources and associated ecosystems. In the case of fisheries and aquatic resources, First Nations maintain the rights to harvest and to exercise and maintain cultural practices associated with the resources and ecosystems.

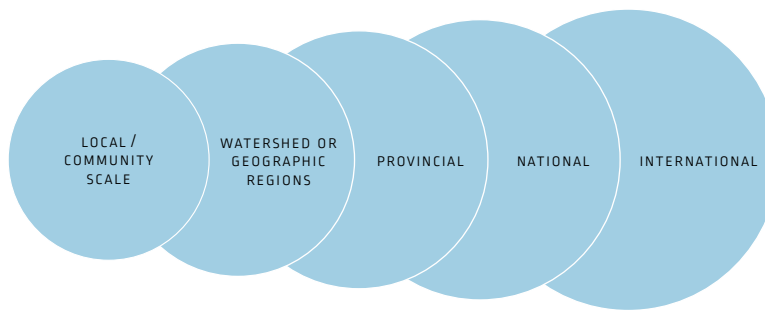
ABORIGINAL RIGHT: A practice, custom or tradition integral to the distinctive Aboriginal group in question. Aboriginal rights are protected under S.35 of the *Constitution Act, 1982*

ABORIGINAL TITLE: A right to use the land and right to choose how the land will be used.

TREATY RIGHT: Rights held by an Aboriginal group that have been affirmed or granted through a treaty-making process with the Crown. Treaty rights are protected under S.35 of the *Constitution Act, 1982*.

Engaging with First Nations

Addressing fisheries and aquatic resource issues is a complex task that involves political, technical and economic factors, as well as multiple parties (First Nations, government, industry, non-governmental organizations, etc.) and geographic scales (community, regional, provincial, national, international). Given these factors, the FNFC must communicate effectively with BC First Nations through clear mechanisms that support the engagement of all communities on matters related to the protection, conservation and management of fisheries and aquatic resources and the protection of First Nations fishing rights.



Scale of Engagement

The FNFC has worked to develop two-way communication mechanisms between our organization and First Nations in BC to ensure that our work a) reflects the fisheries aspirations and priorities of First Nations, and b) supports the work of First Nations on fisheries matters. Clear and effective communication enhances the FNFC's ability to understand the interests and concerns of First Nation communities and to develop and express positions with wide First Nations support. As per the 2010 All Chiefs' Task Force recommendations for BC First Nations to develop coherent and cohesive positions, the FNFC strives to develop a strong, united voice on fisheries that supports Aboriginal Title and Rights and Treaty Rights and the diverse values and interests of First Nations across the province.

Tiers of Communication

TIER 1 / Communications or management processes open to First Nations only. Because of the geographic range and migratory nature of many marine species, fisheries management processes often involve multiple First Nations and may occur at various scales.

TIER 2 / Engagement processes between federal or provincial governments and one or more First Nations to engage in information sharing or consultation on a wide range of fisheries management issues.

TIER 3 / Communication or engagement processes that involve DFO, First Nations, and stakeholders (e.g. fishers, industry, NGOs, etc.).

Our Working Environment

During the past several decades, the management of Canada's Pacific fisheries has become progressively more challenging. The complex operational environment involves court decisions, varying ocean productivity, conservation concerns, habitat loss, environmental degradation, varying and cumulative impacts from land-based industrial development and extractive resource activities, international agreements, legislation governing species at risk, shifts in global markets, and demand for fishing opportunities from multiple sectors.

This operational environment intersects with the basic premise of First Nations rights to manage fisheries and aquatic resources, which are based on prior occupation, practices, customs and traditions, as well as the promises of the Crown to First Nations. Therefore, to ensure that First Nations assert and practice their rights and responsibilities for the governance of Pacific fisheries, the FNFC champions the concept of fisheries co-management.

Co-management is a mechanism through which First Nations Title and Rights can be reconciled with current federal governance structures, processes and decisions. It allows for shared authority and responsibility by First Nations and the Crown in managing fisheries and aquatic and ocean resources. Although various government policies and programs use the concept of co-management to describe involvement by First Nations in decision-making, BC First Nations are not satisfied that the Crown adequately recognizes or accommodates their rights.

The timeline, starting on page 8, itemizes the significant decisions, legislation and initiatives that, since 1993, have ostensibly contributed to fisheries co-management in British Columbia and to the political environment in which the FNFC will be implementing its 2015–2018 strategic plan.

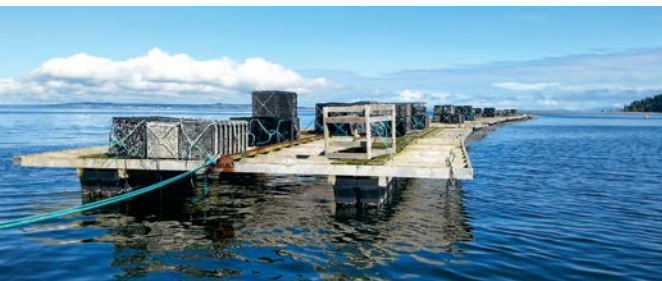


Photo: K'omoks shellfish aquaculture operation. By FNFC.



Photo: Six-mile creek kikanee tour, Okanagan Indian Band. By Ruby Alexis.

Principles of Fisheries Co-Management

The FNFC works to promote shared responsibility and enduring partnerships that recognize and respect First Nations jurisdiction, management authority and responsibilities. In 2010 and 2011, the FNFC worked with First Nations to identify principles that guide our work to develop and support co-management arrangements that advance relationships between First Nations and the Crown. The 10 principles are:

1. **ABORIGINAL TITLE AND RIGHTS AND TREATY RIGHTS** must be recognized and respected as a fundamental principle in all aspects of governance and management processes.
2. **FIRST NATIONS JURISDICTION AND AUTHORITY** arise from prior use and occupation of the land and marine spaces and include rights to use and manage fisheries and aquatic resources.
3. **MEANINGFUL ENGAGEMENT, CONSULTATION, AND ACCOMMODATION** of First Nations and their rights is a constitutional obligation of the Crown and must be embedded in the mechanisms that shape the management of fisheries and aquatic resources.
4. **SHARED RESPONSIBILITY** must be held by First Nations and Federal and Provincial governments for the management of fisheries and aquatic resources.
5. **COOPERATION, COLLABORATION AND CAPACITY DEVELOPMENT** must underlie all interactions, including decision-making, engagement, advocacy, technical understandings.
6. **ABORIGINAL TRADITIONAL KNOWLEDGE** (ATK) must be respected and incorporated in governance and management processes.
7. **CONSERVATION AND SUSTAINABILITY** of fisheries and aquatic resources, their habitats, and ecosystems must be a resource management priority.
8. **TRUST AND RELATIONSHIP BUILDING** must be the basis for creating strong and enduring relationships.
9. **TRANSPARENCY AND ACCOUNTABILITY** must be used in decision-making processes.
10. **COMMUNICATION** must be accessible, relevant and timely.



Charting a Course Forward

First Nations in BC have exercised continuous practices, customs and laws associated with the fisheries resources in their territories. In addition, consistent with their inherent Aboriginal rights, First Nations have always been actively involved in fisheries management. However, over the last century, First Nations have experienced marginalization in fisheries, felt the impacts of stock decline, and borne the brunt of conservation efforts. Throughout this time, First Nations have had to navigate an increasingly complex federal legislative, policy and regulatory environment in their efforts to have their fisheries rights recognized and accommodated.

Through various federal programs first initiated in 1992 with the Aboriginal Fisheries Strategy, First Nations in BC have been building their capacity to engage with the Crown on a wide range of fisheries governance and management issues. First Nations have repeatedly expressed their intention to pursue more equitable governance arrangements with the Crown for shared authority and collaborative management of fisheries and aquatic resources in British Columbia.

Despite these efforts, much work remains to reconcile Aboriginal Title and Rights with the Crown. Developing collaborative processes for First Nations fisheries governance is critically important today. First Nations cannot afford to react to federal plans and programs but need instead to continue charting a course toward exercising First Nations rights.

To contribute to achieving this goal, the FNFC has focused its efforts to date on building relationships and developing effective processes. Over the next three years, the FNFC will continue this work with the goal of supporting First Nations in BC in developing integrated, comprehensive governance arrangements that recognize and accommodate First Nations Title and Rights and make possible their successful pursuit of jurisdiction and authority over fisheries and aquatic resources.

Contact Us / Get Involved

For more information, visit the First Nations Fisheries Council of BC website at www.fnfisheriescouncil.ca



FIRST NATIONS FISHERIES COUNCIL OF BRITISH COLUMBIA

info@fnfisheriescouncil.ca

778-379-6470

