



First Nations Fisheries Council COMMUNIQUÉ

AUGUST 2015 ISSUE



FIRST NATIONS FISHERIES COUNCIL MEMBERS:

North Coast: **Arnold Clifton**
Central Coast: **Penny White**
South Vancouver Island: **Dan Claxton**
Lower Mainland: **Richard Sparrow**
Upper Fraser: **Thomas Alexis**
Northern Transboundary: **Keith Carlick**
Haida Gwaii: **Robert Davis**
North Vancouver Island: **John Henderson**
West Coast Vancouver Island: **Hugh Braker**
Fraser Valley: **Ken Malloway**
Mid-Fraser 1: **Tina Donald**
Mid-Fraser 2: **Tracy Wimbush**
Upper Skeena: **Stu Barnes**
Transboundary Columbia: **Howie Wright**

New office location and contact info!

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MESSAGE FROM THE FNFC EXECUTIVE DIRECTOR

ʔi ʔə ce:p ʔəw ʔəy ʔal, Si:yém nə Siyeýe?

Are you all well, my esteemed friends (relations),

At the time of writing this communique we have just witnessed the downgrading of sockeye run size estimates that have resulted in closures for most salmon fishing in the South Coast/Lower Fraser systems. Environmental conditions are severe, and migrating salmon will face daunting climate issues related to elevated water temperatures. This will prove to be a difficult year for getting fish to our communities.

In June, leadership reporting to the First Nations Leadership organizations (FN Summit, UBCIC, and BCAFN) saw resolutions passed that brought awareness to evidence arising from the Ahousaht justification trial – direct testimony and Ministerial briefing notes regarding the existence of a Cabinet directive that should be of major concern to BC First Nations. The *Coastal Allocation Framework* is a DFO policy framework that was designed to meet a pre-2009 Federal Cabinet directive for an “endpoint” on First Nations fish harvest/acquisition amounts in BC as accessed by any means, e.g. treaty, AFS, PICFI, ATP, FSC, etc. **The “endpoint directive” essentially places a limit on First Nations allocations without substantive consultation on any First Nation’s Food, Social and Ceremonial (FSC) needs, or justification or accommodation.** This directive is protected information (internal to government), and therefore it is difficult to gather information; however we continue to seek further disclosure. We encourage First Nations to review existing fisheries agreements concerning species and harvest amounts to ensure that the language is not limiting, and to determine language that is agreeable to their Nations.

The FNFC continues to focus on a number of priorities, such as advancing our relationships with BC First Nations, and supporting collaboration through the First Nations Leadership Council’s mandates and First Nations regional organization protocols and Charter processes. Collaboratively we continue to focus on priority matters such as:



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- stability in funding for program delivery,
- herring fishery planning,
- aquaculture and the need to protect wild salmon,
- economic development and the PICFI transition,
- positioning First Nations in a more effective dialogue with the federal government concerning fisheries co-management and shared program delivery, and
- increasing First Nations participation in policy design and advice.

A PICFI refresh approach is underway and the FNFC is overseeing the implementation of a Business Development Team (BDT) to work with BC First Nations. The BDT has been engaging with Nations over the past month, and has met with 24 of 25 Community Fishing Enterprises (CFEs) to assist in developing proposals for continued Enterprise Development funding.

We have concluded development of our new 3 year Strategic Plan for the FNFC, in which we will build on the existing core foundation of the *First Nations Fisheries Action Plan* and our objectives from our 2012-15 Strategic Plan. We will also focus on the following newly emerging priorities:

- implementation of court cases in fisheries policy design and program delivery in FNFC/DFO process,
- raising the profile of the FNFC Executive to engage beyond the regional level and work more directly with the national level of government in Ottawa, and
- addressing cumulative effects on water, ecosystems, fish and habitat through building capacity and structures to engage with provincial and federal governments on resource extraction activities, oil and gas, mining, pipelines, tankers, etc.

At the province-wide scale, we continue to build collaborative processes among First Nations to support engagement with the Province of BC on matters such as steelhead planning, resource extraction, the *Water Sustainability Act*, and other legislative issues. This also supports the work being coordinated with the First Nations Health Council's Social Policy Forum, *Wellness 2025*. A meeting held with the Provincial Deputy Ministers on February 6, 2015 has led to a commitment to begin engaging with the First Nations resource councils on BC resource extraction activities and impacts.

The FNFC has heard frustration from BC First Nations that DFO indicates they don't have the mandate to speak to Aboriginal Rights, yet they make management decisions that impact these rights. At our meeting with the DFO Deputy Minister in March 2015, the FNFC proposed a tripartite table that includes Aboriginal Affairs and Northern Development Canada (AANDC), DFO and FNFC to begin to resolve this disconnect. We anticipate that the FNFC fall assembly will focus on initial dialogue on this issue, and the need to develop clarity in process and roles of the federal departments in addressing Aboriginal Rights. The proposed tripartite discussion with two federal departments could set the foundation for a broader inter-departmental dialogue process that could expand to other departments such as Natural Resources Canada, Environment Canada, Transport Canada, etc. These departments are involved with issues that affect us all collectively, e.g. energy corridors, tanker safety, habitat impacts, etc.



Photo: Nechako River in June 2015, by FNFC



We have also recently submitted a response to the Special Advisor to AANDC regarding the AANDC initiative of updating the *Federal Consultation Guidelines for Public Officials*. The response was shared with BC First Nations via the FNFC Tier 1 email list. In addition, we are also coordinating a collective First Nations response to the *Fisheries Act* Section 10 amendment regarding the use of fish for financing test fisheries.



Of course there will be greater detail developed in the coming months as, but this should give you an idea about our current direction. We look forward to our continued work together!

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Jordan Point
FNFC Executive Director

COMMERCIAL SALMON ALLOCATION FRAMEWORK

DFO has engaged with the First Nations Salmon Coordinating Committee (SCC), a committee whose purpose is to advance First Nations priorities and recommendations in salmon management and planning, over the last couple of years to make changes to the CSAF. After several months of Tier 1, 2 and 3 meetings, the SCC submitted a proposal for recommended changes to the CSAF. Coinciding with the release of the Pacific Salmon Integrated Fisheries Management Plans (IFMPs) on June 30, 2015, the DFO Regional Director General sent a letter to the SCC and the Commercial Salmon Advisory Board (CSAB) to announce approved changes to the CSAF, which include:

- Moving from annual to longer-term (5 years) allocation arrangements,
- Changing the coast-wide approach to an area-based management approach based on species, fleet, and fishery production area levels
- Discontinuing annual adjustment of harvest shares using “sockeye equivalents”

One of DFO’s requirements for implementation of a new CSAF is the development of a Tier 3 commercial salmon process, a “new and improved” Commercial Salmon Advisory Board that includes First Nations, to deal with commercial salmon management and planning.

The SCC has responded to the RDG’s letter to express support for the approved changes and the development of a new Tier 3 commercial salmon management and planning process. The SCC also expressed continued interest in developing flexible options for harvesting commercial shares, and continuing discussions on additional core elements of the SCC’s proposal, such as establishing First Nations’ commercial harvest shares based on relinquished commercial salmon licences from DFO’s licence inventory. Developing flexible fishing options will be key to enabling greater economic and employment benefits amongst First Nations, and the ability to access the licences acquired by DFO through the Pacific Integrated Commercial Fishing Initiative (PICFI) and Allocation Transfer Program (ATP) will provide First Nations the opportunity to finally realize the full benefits of programs that were created to support First Nations’ increased participation in Pacific commercial fisheries.

The SCC has proposed to participate in these discussions on the implementation of changes to the CSAF starting this fall, and aim to have pilot First Nations’ fisheries implemented under this new framework by the start of the 2016 salmon season.



DRAFT NATIONAL POLICY FOR ALLOCATING FISH FOR FINANCING PURPOSES (SECTION 10)

In February 2014, THE FNFC and other First Nations organizations responded to DFO's request for comments on its Draft National Policy for Allocating Fish for Financing Purposes (herein referred to as the Draft Policy). The response relayed a number of concerns heard from BC First Nations about the Draft Policy and its potential implications. These key concerns included inadequate consultation and lack of collaboration with First Nations in the development of the Draft Policy, and its lack of respect and recognition of First Nations Section 35(1) Rights to fisheries and rights to manage fisheries.

It remains unclear whether the concerns raised by the FNFC and BC First Nations have been addressed prior to the submission of the Draft Policy to the Minister's office for her approval. As such, the FNFC and other First Nations organizations have recently sent a letter to the Minister requesting that the Draft Policy not be approved. There is general support among BC First Nations for the principle of using fish to fund conservation and fisheries management projects, and First Nations are well-placed to take a lead role in these projects and to develop new opportunities. However, as it stands, the FNFC has heard from BC First Nations that they do not see their rights and interests respected or protected in the Draft Policy. The FNFC also recently circulated a letter template to support BC First Nations in developing their own responses to the Minister's potential approval of the Draft Policy due to First Nations' outstanding concerns that remain unaddressed.

AQUACULTURE

Aquaculture Coordinating Committee

The FNFC continues to support the Aquaculture Coordinating Committee (ACC) as a Tier 1 foundation for collaborative First Nations engagement on aquaculture issues. The ACC's work at the Tier 1 level is guided by the 2013 Declaration on First Nations Aquaculture Governance, which establishes a structure for collaboration and sets out key areas of common interest as identified through five years of Tier 1 process. The ACC met most recently on June 1 and 2 in Vancouver for the first Tier 1 meeting of the 2015-16 fiscal year. The emphasis of this meeting was to solidify the ACC's structure and to identify priority areas for 2015-16. Terms of Reference for the ACC was developed and will be revisited annually.

Finally, Michelle Tung has stepped away from her role as project lead for the aquaculture file at the FNFC and is returning to work full-time with the Upper Fraser Fisheries Conservation Alliance. A new project lead for aquaculture is anticipated to be in place by October 2015. In the meantime, Alex Etchell (alex@fnfisheriescouncil.ca) is the FNFC contact person for the aquaculture file.

Marine Finfish Aquaculture Siting Guidelines

DFO continues to move forward with changes to its siting guidelines for marine finfish aquaculture facilities. This was a high-priority topic at the ACC this year as many individuals and groups at the Tier 1 level expressed concern about risks to wild fish populations from net-pen aquaculture facilities. Tier 1 feedback also consistently emphasized the need for DFO to fully implement the recommendations of the Cohen Commission regarding appropriate siting of aquaculture facilities.

DFO distributed a draft set of revised siting guidelines in April 2015 and the FNFC provided a response to that draft based on feedback from the Tier 1 ACC. DFO has now communicated the draft guidelines directly to all First Nations in BC and has requested feedback or comments by August 25, 2015. The FNFC has circulated briefing notes, as well as a template version of the FNFC's letter regarding the draft guidelines to support First Nations who wish to engage directly with DFO on this topic as well.



Freshwater/Land-based Aquaculture Management and Advisory Processes

Over the past several years, DFO has developed Integrated Management of Aquaculture Plans (IMAPs) for marine finfish and shellfish aquaculture. DFO is now beginning to develop a management plan for freshwater and land-based aquaculture facilities (hatcheries, lake-based aquaculture, etc.). To support this new management plan, DFO is looking to develop an advisory process to receive input from First Nations and stakeholders. DFO has indicated that it expects to have a draft management plan for freshwater aquaculture ready for consultation and feedback by August 2015.

The department hosted an initial information teleconference for First Nations on June 23, 2015 where DFO staff leads provided an overview of the department's approach and requested feedback regarding appropriate advisory processes for freshwater/land-based aquaculture involving First Nations. The FNFC produced a detailed summary of the information shared and questions raised on that call. Please contact Alex Etchell (alex@fnfisheriescouncil.ca) if you'd like to receive a copy. The FNFC will continue to monitor DFO's progress and will distribute information as it becomes available. The DFO contact for freshwater aquaculture management is Brenda McCorquodale (Brenda.McCorquodale@dfo-mpo.gc.ca).

WATER FOR FISH INITIATIVE

The Province held a number of First Nations *Water Sustainability Act* Workshops throughout BC in July. First Nations who participated communicated to the Province that these workshops were inadequate for consultation on the *Act* or its regulations. The Province committed to following up with participants to provide summaries and the presentations from the workshops. A specific timeline for providing the information was not identified, but the FNFC will share it with our Tier 1 email list once it is received from the Province.

Upcoming FNFC Water for Fish Events

FNFC Water Wednesday: September 16, 2015, 10:30am-11:30am

FNFC Groundwater Webinar (Tentative): September 18, 2015, 9:30am-11:00am

In Person Groundwater Workshop (Tentative): October 1, 2015

THE POTENTIAL LISTING OF EULACHON UNDER THE SPECIES AT RISK ACT (SARA)

Since 2011, the FNFC has worked closely with First Nations in BC to facilitate information sharing and to support the capacity of BC First Nations to effectively participate in the SARA process associated with the potential listing of three designatable units (DUs) of eulachon: Fraser, Central Coast and Nass/Skeena DUs. Throughout this time period and as information became available, the FNFC facilitated numerous Tier 1 and 2 meetings, workshops and teleconferences to identify issues of common concern and to work with First Nations to chart a path forward through the SARA process.

A recent outcome from this engagement was limited resources for the FNFC, the Central Coast Indigenous Resource Alliance (CCIRA) and the Lower Fraser Fisheries Alliance (LFFA) to each prepare a technical review of DFO's draft report entitled "A Socio-Economic Analysis of the Potential Impacts of Adding Two Endangered Eulachon (*Thaleichthys pacificus*) Designatable Units to Schedule 1 of the Species at Risk Act." The FNFC's technical review focuses on evaluating the Treasury Board of Canada Secretariat's *Cost-Benefit Analysis Guide: Regulatory Proposals* methodology that DFO used to assess the socio-economic impacts of adding endangered eulachon populations in two DUs to the federal *Species At Risk Act* (SARA) Schedule 1.



After conducting the technical review of the analysis, the FNFC has serious concerns with how DFO evaluates First Nations' socio-economic considerations in relation to SARA. The FNFC submits that DFO's application of the Treasury Board of Canada Secretariat's *Cost-Benefit Analysis Guide: Regulatory Proposals* to the proposed listing of the Fraser and Central Coast Eulachon DUs provides a distorted view of the socio-economic impacts, costs and benefits. Furthermore, the FNFC asserts that the methods used by DFO for estimating potential socio-economic impacts experienced by affected First Nations communities are incomplete, out-of-date, methodologically incorrect, or simply don't make sense. Further analysis is contained in the FNFC's technical review memo, including how the analysis could be improved to better reflect the socio-economic impacts of a potential SARA endangered species listing. Please contact the FNFC if you would like to request a copy of the technical review.

DFO's completion of the socio-economic analysis is the last step in its assessment of whether or not to recommend that eulachon populations in the Fraser and Central Coast be listed and be granted protection under SARA. We expect that DFO may hold off until after the upcoming federal election to submit its listing recommendation to the Minister of Environment Canada. Given this timeframe, it will likely not be until early to mid 2016 that we will become aware of whether DFO will recommend to list eulachon populations in the Fraser and Central Coast DUs. Once the Minister of DFO provides her recommendation to Environment Canada, the Minister of Environment will then submit the listing recommendation to the Governor-in-Council (GIC), and then the GIC has a 9-month timeframe to decide, based on the information provided, whether or not to list the two eulachon DFOs on SARA Schedule 1 for legislated protection under SARA.



Photo: Sputc (eulachon) welcome pole, Nuxalk First Nation, by FNFC

FNFC PHOTO CONTEST – GRAND PRIZE: APPLE iPad MINI 2!

The FNFC is seeking First Nations fisheries-related photos to appear in our **2016 calendar!** Twelve winning photos will be chosen, including one GRAND PRIZE winner. The grand prize photo will be featured on the calendar's cover, and the photographer will receive our grand prize – an Apple iPad Mini 2 (32GB, Wi-Fi). Photographers who submitted the other 11 winning photos will each receive a \$25 gift card to Tim Hortons or iTunes (winner's choice).

Please note that this photo contest will also serve as a way for the FNFC to build up our library of photos for use in other FNFC communications, reports, publications, on our website, etc. By submitting photos to the contest, whether or not they are selected to be featured in the calendar, you grant permission to the FNFC to use your photo – but we will always print the photo credit to recognize the photographer.



Depending on the geographic range represented in the photo entries, we will aim to select photos from as many different regions across the province as possible. We also hope to feature as many different species, aquatic resources, fishing methods and activities as possible, so you may get points for originality!

Some suggestions for photos: traditional First Nations fishing/harvesting practices, significant fishing or habitat areas, fish, aquatic resources, First Nations sustainable aquaculture activities, First Nations economic fisheries, youth engagement in fishing activities or learning about fisheries, fisheries activities that are specific to your region, technical surveys, assessments or scientific research activities, traditional food preparation and preservation methods using fish or aquatic resources, or any other fisheries-related scenes you can think of!

With each submission, please include the following information:

- Location where the photo was taken
- Very brief description of what's happening in the photo (species featured, events featured, people featured, etc.)
- Name, community or organization, phone number, and email address of photographer
- Names of any people whose faces are clearly visible in the photo
- Photo credit as you would like it to appear in the calendar and/or in any FNFC communications/publications

Contest Guidelines:

- Each person may submit up to 5 photo entries for consideration, but only one photo per photographer will appear in the calendar.
- By entering a photo, you give the FNFC permission to use it in future publications, communications, etc.
- You must own the rights to all photos submitted to the contest.
- Photos must have high enough resolution for sharp, high quality printing in sizes up to 8" x10".
- Please include name, community or organization, phone number, and email address with your submission.
- Please submit photos by email to info@fnfisheriescouncil.ca.
- **The deadline for submissions is Friday, October 2, 2015.**

FNFC UPDATE CONFERENCE CALLS (TIER 1)

The First Nations Fisheries Council hosts First Nations fisheries teleconferences on the second Wednesday morning of every month from 10:30am to 12:00pm. We also hold topic-specific calls from time to time as needed. The purpose of these calls is for First Nations to raise issues or concerns for discussion, and for the FNFC to provide updates and seek feedback on our priorities and activities. These calls are Tier 1, and are open to all First Nations and First Nations fisheries program staff. Dial-in information and agendas are distributed prior to each conference call via our email list.

The next monthly FNFC update conference call will be held on Wednesday, September 9, 2015

FNFC has a new office location and new contact info!

We now have a new office location in south Vancouver, and new phone and fax numbers:

320-1200 West 73rd Ave. • Vancouver, BC • V6P 6G5 • Tel: 778-379-6470 • Fax: 778-379-6469

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