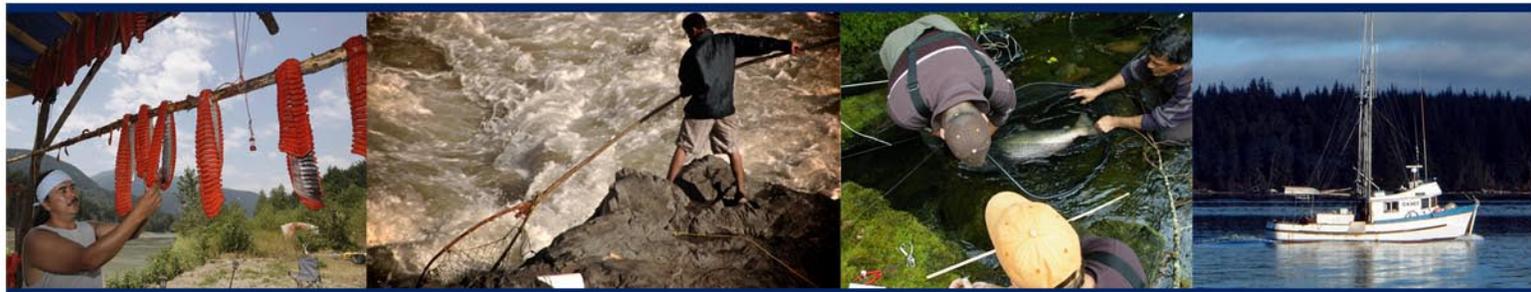


First Nations Fisheries Council COMMUNIQUÉ

AUGUST 2016 ISSUE



FIRST NATIONS FISHERIES COUNCIL MEMBERS:

North Coast: **Arnold Clifton**

Central Coast: **Vacant**

South Vancouver Island: **Dan Claxton**

Lower Mainland: **Vacant**

Upper Fraser: **Thomas Alexis**

Northern Transboundary: **Keith Carlick**

Haida Gwaii: **Vacant**

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**

Contact Us:

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MESSAGE FROM THE FNFC EXECUTIVE DIRECTOR

ʔi ʔə ce:p ʔəw ʔəy ʔaí, Si:yém nə Siyeʔe?

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

The 2016-17 fiscal year has been surprising for all of us, with the unexpected low returns reported by the Pacific Salmon Commission and the Fraser Panel. This year's Fraser sockeye return is the lowest ever on record, surpassing even the 2009 numbers that triggered the Cohen Commission Inquiry into the Decline of Fraser Sockeye. Many impacts have likely contributed to this poor outcome (e.g. climate change, disease and pathogens, fisheries impacts, ocean conditions, freshwater habitat impacts, etc.), and we must push for full implementation of Justice Cohen's recommendations. As First Nations we have always honoured and protected our aquatic resources, and have managed them according to our traditional laws and governance structures. With unprecedented pressures on fish stocks and habitats that fundamentally impinge on our rights to access and manage these resources, it is crucial, now more than ever, that BC First Nations work together to protect the lands, waters and resources on which we rely.

Political Update

Last month, in support of the First Nations Leadership Council, the FNFC met with the Honourable Dominic LeBlanc, the new Minister of Fisheries, Oceans and the Canadian Coastguard. We provided briefings on the federal government's recent announcement regarding the need to act on the Cohen Commission report, and articulated the need for full implementation of the Cohen recommendations. We also advised the Minister of the need to rescind the 'Endpoint' Cabinet directive, the policy from the Harper Government which placed a hard cap allocation ceiling on First Nations' harvests without consultation on communal needs. We also provided information regarding our concerns for case law implementation (e.g. the *Ahousaht* case), and discussed the *Memorandum of Understanding* between the Minister and the First Nations Leadership Council.



Legislative Review

The new Liberal government has committed in its mandate letters to revisit current legislation and the amendments passed by the former Conservative government that are inconsistent with case law, constitutional obligations, and the platform of the new federal government (e.g. Bills C-38, C-45). This Legislative Review is now being initiated by various federal departments, and the FNFC is collaborating with other First Nations organizations to coordinate a coherent approach among First Nations in BC to the changes to environmental legislation that arose from omnibus bills C-38 and C-45. We are supporting the First Nations Energy and Mining Council regarding the *Canadian Environmental Assessment Act (CEAA)* and National Energy Board (NEB) processes, while we (FNFC) are specifically in discussions with DFO and Transport Canada on the legislative amendments to the *Fisheries Act* and the *Navigable Waters Act*. The process being described by government is to provide online feedback, or to submit proposals for funding for broader engagement. The FNFC will be submitting proposals to enable coordinated dialogue sessions, first at an initial introductory information session, and then a series of regional sessions. More information will be shared in the coming weeks via the FNFC Tier 1 email list.

Natural Resource Councils

More broadly, in light of the numerous resource extraction, infrastructure, energy, and transportation projects occurring in BC, an integrated approach is being developed among the First Nations Energy and Mining Council, the First Nations Fisheries Council, the First Nations Health Council, and the First Nations Forestry Council. The objective is to develop a functioning Integrated Natural Resource Secretariat, which will create effective and efficient communication and coordination between and among the councils. The First Nations Leadership Council was briefed in detail about this initiative at their meeting on June 28, 2016. The concept was strongly supported by the First Nations Leadership Council. The provincial First Nations natural resource councils and the First Nations Emergency Services Society have determined a critical need to coordinate their activities.

FNFC Operations – Council Delegate Appointments

This is the third and final year in the current term for the FNFC Executive, and notice will go out in the first week of September for Council delegate appointments for the upcoming 2017-2020 term. In addition to board re-appointments, in terms of organizational stability, the succession plan for the FNFC Executive Director was reviewed by the Executive at the May 17, 2016 meeting, and the board recommended to extend an offer to the Executive Director to consider staying through the next board term – also until 2020.



Photo: Peace River, Fort St. John, by FNFC



FNFC Priorities

The FNFC continues to focus on a number of important priorities, such as advancing our relationships with BC First Nations, supporting collaboration among the communities in support of the First Nations Leadership Council's mandates, and working with First Nations fisheries organizations through our protocols and our Charter process. Collaboratively, we continue to focus on priority matters such as stability in funding for program delivery, aquaculture dialogue and the protection of wild salmon, economic development and the PICFI transition, and dialogue with the federal government on fisheries co-management, shared program delivery, and First Nations engagement on management and policy design and implementation. We continue to implement the FNFC 3 year Strategic Plan (2015-2018), in which we will build on the existing core foundation of the *BC First Nations Fisheries Action Plan* and our objectives from our 2012-15 Strategic Plan. We will also continue to focus on priorities such as fisheries court case implementation, addressing cumulative effects on water and habitat, First Nations engagement in the BC Ministry of Environment's spill response initiative, and building collaborative processes among First Nations to support engagement with federal and provincial governments.



Thank you and we look forward to our continued work together!

hay čx^w qə, O' si:yem,

Jordan Point
FNFC Executive Director

FIRST NATIONS FOOD, SOCIAL AND CEREMONIAL NEEDS NOT MET

The FNFC has heard consistently that many First Nations in BC are not meeting their Food, Social, and Ceremonial (FSC) needs. Current barriers include low fish stocks, insufficient allocations, restrictions on fishing times and locations, and high costs of fishing, among others. As a result, First Nations experience significant impacts to food security, forced shifts in targeted species or fishing location, increased costs associated with travel for access, as well as a loss of culture and knowledge associated with fish and fishing in First Nations communities.

According to the Supreme Court of Canada, First Nations' rights to fish for Food, Social, and Ceremonial (FSC) purposes take precedence, after conservation, over all other uses of the resource. DFO must be able to legally demonstrate that their process of allocating the resource reflects this Aboriginal priority right. However, BC First Nations have expressed concerns about DFO's decision-making process regarding a First Nations allocations and access to FSC fisheries. A common perception is that DFO is not managing the resource to ensure the FSC priority is upheld, and that First Nations overwhelmingly bear the brunt of conservation.

Many First Nations and First Nations fisheries organizations have worked amongst themselves and/or with DFO in an attempt to address ongoing challenges in meeting FSC needs. Although the outcomes of these efforts vary across regions, overall not much progress has been achieved to fully address the widespread FSC access and allocation issues faced by First Nations.

Due to the lack of progress on addressing challenges and barriers to FSC access and allocations and the significance of this issue to BC First Nations, the FNFC coordinated with the Fraser River Aboriginal Fisheries Secretariat (FRAFS) to convene a one-day Tier 1 workshop in March 2016 to identify potential strategies that could be used to advance First Nations FSC interests at



different scales (Community/Nation, Regional, Provincial, Federal). Participants also considered factors such as the degree of collaboration, cost and impact, implementation steps, time frame, deliverables, and potential measures of success/failure.

The FNFC will be looking to host a Tier 1 webinar this fall or winter in order to communicate broadly on this work. For more information, please contact Wanli Ou at wanli@fnfisheriescouncil.ca or 778-379-6470 (ext. 29).

PACIFIC SALMON TREATY RENEWAL

The 1985 Pacific Salmon Treaty (PST) commits Canada and the US to work together on the research, conservation, and management of Pacific salmon. Five PST chapters are set to expire at the end of 2018: Transboundary Rivers, Northern BC and Southeastern Alaska, Chinook Salmon, Coho Salmon, and Southern BC/Washington Chum Salmon. Both the US and Canada aim to complete negotiations by December 2017 to allow one year for domestic ratification.

Negotiations and consultations for the Transboundary Rivers, Northern BC/southeastern Alaska, Coho, and southern BC/WA Chum chapters will be led by the Panel chairs, who will work with their respective panel and technical committee members to identify key issues and products needed to support bilateral negotiations (see figure 1 below). First Nations Caucus members are integral to the process, as the Caucus includes the First Nations Commissioners and panel and technical committee members. Canada's chinook negotiating team will be led by the Canadian Commission Co-Chair, Sue Farlinger. This team will be supported by technical advisors from the Chinook Technical Committee, as well as a Chinook Advisory Group (to be created), consisting of existing Pacific Salmon Commission (PSC) panel members with a strong interest/background in Chinook.

DFO indicated that they have been following up with regional First Nations fisheries organizations and some individual First Nations over the past few months about the current status of the PST renewal process, anticipated next steps and issues, as well as potential opportunities for consultation in the fall/winter. DFO has also identified some resources to convene meetings about PST renewal in four regions – Lower Fraser, BC Interior, Vancouver Island, and Prince Rupert. The meeting schedule will be communicated out to First Nations when it has been finalized.

The FNFC and the PSC First Nations Caucus will be working with DFO to identify further opportunities for communication and engagement, and will continue to urge DFO to conduct meaningful consultation with First Nations whose rights may be impacted by these negotiations.



Photo: Lower Fraser Sunset, by Liana Williams



First Nations Fisheries Council Communiqué

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For more information on the PSC First Nations Caucus, please contact Wanli Ou at wanli@fnfisheriescouncil.ca or tel: 778-379-6470 (ext. 29).

Members of the PSC's First Nations Caucus:

PSC Commissioners – Murray Ned, Brian Assu

Southern Panel – Don Hall, Mike Baird, Gord Sterritt (Chair of FN Caucus)

Fraser River Panel – Ken Malloway, Marcel Shepert, Tony Roberts Jr.

Northern Panel – Siegi Kriegl, Stu Barnes, Harry Nyce Sr.

Transboundary River Panel – Linaya Workman, Cheri Frocklage, Keith Carlick

Chinook Technical Committee – Teresa Ryan, Sabrina Crowley, Elinor McGrath

Chum Technical Committee – Kim Charlie

Coho Technical Committee – Pete Nicklin, Roger Dunlop

Transboundary River Technical Committee – Richard Erhardt

Northern Boundary Technical Committee – Allen Gottesfeld, Mark Cleveland (observer), Janvier Doire (observer)

Fraser River Technical Committee – Mike Staley, Kelsey Campbell (observer)

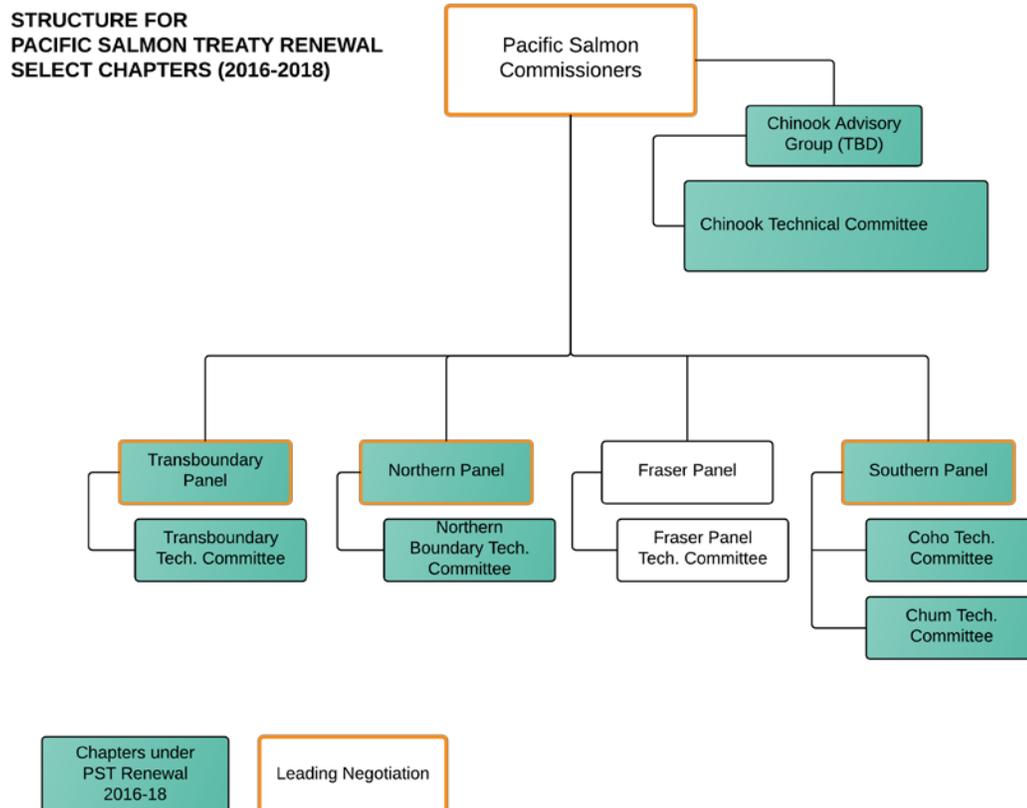


Figure 1: Structure highlighting negotiation leads in the renewal of select chapters in the Pacific Salmon Treaty from 2016 to 2018.



WATER FOR FISH INITIATIVE

FNFC Memo on Fish Protection Population Orders

Last summer’s drought conditions and wildfires negatively impacted instream flows, fish, and aquatic ecosystems. Some First Nations requested Fish Population Protection Orders (FPPOs) to protect their local stocks, but communication with the province was difficult due to a lack of clear process. For the Coldwater River, an FPPO was put in place, but it occurred very late in the season.

The FNFC shared a memo with its First Nations network in mid-July on FPPOs under the *Water Sustainability Act (WSA)* in the context of potential low flows and drought conditions. The memo provides an overview of the process to request an FPPO, and encourages First Nations to collect and compile any available sources of data and do monitoring so they have their own sources of information and can provide a well-documented FPPO case to the province if needed.

BC First Nations may contact genevieve@fnfisheriescouncil.ca to receive a copy of the memo.

Environmental Flow Needs under the *Water Sustainability Act*

The province defines environmental flow needs (EFNs) in relation to a stream as the volume and timing of water flow required for proper functioning of the aquatic ecosystem (water quality not included). It is a management term used to ensure that streams are only allocated for water withdrawals up to the point where enough water remains for fish and proper aquatic ecosystem function.

Under Section 15(1) of the *WSA*, the regional water managers with the BC Ministry of Forests, Lands and Natural Resource Operations (FLNRO) have the discretion to consider EFNs when reviewing water license applications for a stream and aquifers hydraulically connected to that stream beyond reasonable doubt. The Province has not been transparent about their methodology for EFNs or the process that is currently being developed.

Water Wednesdays

The next FNFC Water Wednesday teleconference call on September 21st at 10:00am PDT. This call will focus on further scoping out the concerns and needs of First Nations in relation to EFNs to inform the next *Water for Fish* capacity building initiatives. Water Wednesday calls are held on the third Wednesday of each month at 10:00am.

If you have any questions about the FNFC’s Water for Fish Initiative or to join the email list, please contact Geneviève Layton-Cartier, *Water for Fish* Project Coordinator, at genevieve@fnfisheriescouncil.ca or tel: 778-379-6470.

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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 14, 2016



ECONOMIC FISHERIES – BUSINESS DEVELOPMENT TEAM

In 2015, the FNFC retained the services of the Business Development Team (BDT) to provide confidential support to First Nations Commercial Fishing Enterprises (CFEs), as part of DFO's PICFI Enterprise Development Refresh program. In March 2016, the program was renewed for another year, and the BDT worked with all 25 CFEs to prepare and submit funding applications to DFO under two funding sources:

- \$9.375 million under the Business Development Source (BDS) for expansion of existing CFE harvest related activities; and,
- \$2.5 million under the Pacific Commercial Fisheries Diversification Initiative (PCFDI) for CFE diversification opportunities, funded through the Strategic Partnerships Initiative (SPI).

The deadline for submitting applications was July 31, 2016, which was a challenge, given the late notice of PICFI's renewal for another year. As of July 31, 2016, all 25 CFEs submitted BDS applications for access acquisition (licenses and quota), vessel and gear purchases/upgrades, expansion of market access opportunities (for the inland CFEs), and harvest related logistics/distribution. This year is the second year that CFEs are acquiring access directly from sellers (through BDS), instead of through relinquishment from DFO. This approach is consistent with the intention of CFEs to identify and acquire licenses and quota that complements their existing access portfolios.

As of July 31, 2016, 14 CFEs submitted PCFDI/SPI applications for 10 diversification projects, including: aquaculture, value added processing, retail and market access, and market related logistics and distribution projects. Three PCFDI/SPI applications were submitted last fiscal year, and the growth in submissions this year is indicative of the CFEs business expansion and diversification plans.

The BDS and PCFDI/SPI applications are currently under review by the independent third party evaluator (ITPE). The BDT continues to work with CFEs on any updates/clarifications requested by the ITPE, and on implementation of approved projects.

In addition to working directly with CFEs, the BDT continues to work on initiatives for CFEs to expand their businesses operations and capacity, including:

- procurement, employment, and information sharing for CFE-CFE business transactions;
- market and branding development;
- exploration of aquaculture opportunities;
- processing, value-added and market access opportunities;
- improvements to license/quota usage and management;
- training and career development; and,
- access to additional resources and support from the Province and Canada.

Keep up with the FNFC on Social Media!

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LIKE us on FACEBOOK at www.facebook.com/fnfcbc
FOLLOW us on TWITTER at www.twitter.com/fnfish



FNFC PHOTO CONTEST FOR OUR 2017 CALENDAR!

Grand Prize: \$250 Visa Gift Card – Deadline September 23, 2016

The FNFC photo contest is back and we're seeking beautiful First Nations fisheries-related photos to appear in our **2017 calendar**! Twelve winning photos will be chosen, and one GRAND PRIZE winner will be selected from among the 12 photos. The grand prize photo will be featured on the calendar's cover, and the photographer will receive a \$250 Visa gift card! Photographers who submit the other 11 winning photos will each receive a \$25 Visa gift card. All winning photographers will also receive a copy of the calendar.

Please note: Whether or not your photo is selected for the calendar, by submitting photos to the contest, you grant permission to the FNFC to use your photo for publications, newsletters, communications, etc. FNFC always prints a 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 fisheries engagement and learning, fisheries activities that are specific to your region, technical surveys/assessment/monitoring or scientific research activities, traditional food preparation and preservation methods using fish or aquatic resources, community feasts, cultural activities, or any other fisheries related scenes you can think of!

With each submission, please include the following information:

- Location where the photo was taken
- Brief description of what's happening in the photo (species featured, events featured, people featured, etc.)
- Name of photographer, community or organization, phone number, and email address
- 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.
- By entering a photo, you give the First Nations Fisheries Council permission to use it in future publications, communications, etc.
- You must own the rights to all photos submitted to the contest.
- Photos must be submitted electronically via email or Dropbox link, or delivered to our office on a USB drive, and must have high enough resolution for sharp, high quality printing in sizes up to 8.5" x 11".
- **Please include name, community or organization, phone number, and email address with your submission.**
- Please send emailed submissions to info@fnfisheriescouncil.ca or deliver to Suite 320 – 1200 West 73rd Ave, Vancouver BC.

The deadline for submissions is Friday, September 23, 2016.

**For questions/comments or to submit photos, please contact us at
Tel: 778-379-6470 | Email: info@fnfisheriescouncil.ca**

