



First Nations Fisheries Council COMMUNIQUÉ

DECEMBER 2014 ISSUE



MESSAGE FROM THE EXECUTIVE DIRECTOR

Greetings to all,

It is December, and we are in a reflective state at the First Nations Fisheries Council, as we are reviewing our Strategic Plan (2012-2015) and setting out the priorities for the next 3 year planning cycle. In looking back, it is really amazing to see the growth that has occurred with the Fisheries Council, and the strength in partnerships with all of the First Nations fisheries organizations in the province. We should all be encouraged by the collective growth we're seeing!

As we move forward with our work in the New Year, we will continue to focus on the following priorities:

- Advancing our relationships with First Nations Leadership Council and First Nations fisheries organizations through our Protocols and Charter processes.
- Supporting the work of various coordinating committees (e.g. salmon, aquaculture) with geographically based delegates/participants to advance First Nations perspectives and objectives.
- Positioning First Nations in a more effective dialogue with the federal government concerning fisheries co-management, shared program delivery, and most importantly, increasing participation in policy design and advice.

Recently, through the Memorandum of Understanding with the Minister of Fisheries and Oceans, the BC First Nations leadership has influenced government to work collaboratively on resolving strategic matters of importance to BC First Nations in the areas of aboriginal court case implementation, aquaculture and wild salmon protection, economic development and enhanced performance of First Nations fisheries, and a provincial response process for resource extraction emergencies.

I was away for about 4 weeks on medical leave, and was extremely proud of the FNFC staff and the Executive for working together in a seamless fashion to carry on with the Fall Assembly, the orientation of incoming staff, and continued day-to-day operations. I would like to give Deana Machin specific acknowledgment for her work in leading operations in my absence. Great job Deana!

Having just concluded our strategic planning session with the Executive on December 8, 2014, we will be sharpening our pencils to draft the next 3 year strategic plan for the FNFC. We will build on the existing core foundation of the First Nations Fisheries Action Plan and our objectives from our 2012 plan, and will also focus on the following newly emerging priorities:

- The implementation of relevant 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 in Ottawa to influence greater effectiveness.

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- To address cumulative effects on water, ecosystems, fish, and habitat through building capacity and structures to engage with provincial and federal governments in light of resource extraction agendas on oil and gas, mining, pipelines, tankers, etc.
- Continue to build collaborative processes among First Nations, to support coherent advice to all relevant partners.

Of course there will be greater detail developed in the coming months as we draft our plans – but this should give you a flavor of the general direction at a glance. We hope to have a draft underway after the New Year.

We wish you all health and happiness during the holiday season!

O'Siem,
Jordan Point, FNFC Executive Director

2014 FNFC ANNUAL ASSEMBLY



This year's FNFC Annual General Assembly was held on October 28-29, 2014 in Lheidli T'enneh Territory (Prince George), at the Coast Inn of the North Hotel. We would like to sincerely thank our hosts, our exceptional presenters, and everyone who helped to make this year's event a success! Presentations from the Assembly have been posted on the FNFC website, and a summary of proceedings will be posted soon. We have also posted photos from the event on the First Nations Fisheries Council Facebook page.

This year we had a Tier 1 Assembly (First Nations only), which participants really enjoyed. The theme was "Shaping the Wave: The Future of First Nations in Fisheries Management". The presentations were focused primarily on First Nations fisheries programs and projects throughout the province that are seeing success in advancing First Nations engagement and leadership in fisheries – groups that are "shaping the wave" of a future in fisheries that is vibrant and sustainable, and meets the nutritional, economic, and cultural needs of BC First Nations.

DFO also hosted an information session on October 30th in conjunction with the Assembly, where they discussed co-management, FSC management, aquaculture, and the Commercial Salmon Allocation Framework. Presentations from the DFO session are also available on the FNFC website.

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AQUACULTURE UPDATE

The FNFC has heard from BC First Nations that the FNFC should focus primarily on fostering effective Tier 1 and Tier 2 aquaculture processes that represent the interests of First Nations province-wide. While the FNFC continues to support First Nations engagement through the Tier 3 Aquaculture Management Advisory Committees (AMACs), our primary focus is Tier 1 work on priority action areas as identified by First Nations.

The Tier 1 process has solidified with the development of the Aquaculture Coordinating Committee (ACC). This committee has seen a high level of participation from regional fisheries organizations and significant technical and leadership engagement. At the most recent ACC meeting on November 18, 2014, four priority areas for Tier 1 focus were identified:

- Development of a First Nations risk-management framework for aquaculture;
- Area-based management;
- First Nations involvement in monitoring and compliance; and
- Economic opportunities, particularly related to shellfish, freshwater, and closed containment aquaculture.

Based on feedback at the most recent ACC meeting, the FNFC will coordinate Tier 1 workshops on these topics early in 2015 to develop work plans and strategic directions. A Tier 1 working group has been formed already to begin development of the First Nations risk management framework for aquaculture.

SALMON COORDINATING COMMITTEE – COMMERCIAL SALMON ALLOCATION FRAMEWORK REVIEW

In October 2013, Fisheries and Oceans Canada (DFO) engaged the Salmon Coordinating Committee (SCC) in a discussion about updating the Commercial Salmon Allocation Framework (CSAF) in preparation to revise and update that section of the *Allocation Policy for Pacific Salmon* (1999). They are also engaging commercial salmon harvesters through the Commercial Salmon Advisory Board (CSAB).

The updated CSAF is intended to make the allocation of commercial access to salmon more responsive to current situations, challenges, international and First Nations treaties, and constitutional and legal obligations to First Nations. DFO is engaging with First Nations under its “Terms of Reference for Updating the CSAF”¹. The scope of this work, as defined by DFO, is limited to the allocation of *commercial* shares of salmon in BC. It does not address recreational harvest, allocation of fish for financial purposes (the draft “Use of Fish Policy”), nor does it address Aboriginal Rights and/or Title.

The SCC has been working in Tier 1 and Tier 2 meetings since November 2013 to review and analyze data, and is currently updating the SCC’s proposal for changes to the allocation framework in a way that improves consideration for various First Nations’ interests in the commercial salmon fishery. The SCC is not a consultative or decision making body; bilateral consultation between DFO and First Nations is still required on any proposed changes to the CSAF.

The SCC has also met with the CSAB, facilitated by DFO, to discuss points of concern with the current CSAF, as well as commonalities in the SCC and CSAB proposals. The SCC is finalizing a communications package to further engage BC First Nations in discussions about the CSAF process and SCC proposal. This communications information should be available in mid-December. DFO is proposing to implement changes to the CSAF for the 2015 commercial salmon fisheries.

¹ <http://www.pac.dfo-mpo.gc.ca/consultation/smon/saf-crrs/tor-cdr-eng.html>



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If you have any questions about the SCC involvement in the CSAF review process, please do not hesitate to contact Wanli Ou at wanli@fnfisheriescouncil.ca or 778-279-2900 ext. 29.

FNFC WATER FOR FISH UPDATE

First Nations Water Forum: Advancing Watershed Governance & Management in First Nations Communities & Beyond **January 13-14, 2014 in Vancouver**

There are serious implications for Aboriginal peoples as we watch the quality of our waters deteriorate. However, Supreme Court decisions and new legislative tools, such as the *Water Sustainability Act (WSA)*, indicate that we have never been better positioned to assert our water interests and influence how water is cared for in our traditional territories.

Join us on **January 13 and 14, 2015** in Vancouver as we share insights from First Nations who are actively engaged in watershed planning and discuss how we can advance watershed governance and management in our traditional territories. We will also hear a summary of the new *WSA* and opportunities for First Nations to further engage in the implementation phase of the *WSA*.

The forum agenda is being finalized and will be shared via the FNFC Tier 1 email list. Registration and travel subsidies are limited so please register ASAP on the FNFC Website. More information about the vent is also available on our website – find a link to the event page under the **NEWS & EVENTS** tab. **The deadline to register online and apply for a travel subsidy is December 19, 2014.**

Water Wednesdays – Talking about Watersheds

Join us **December 17, 2014** for our first Tier 1 Water for Fish teleconference. Calls will be held on a bi-monthly cycle (every two months) and this one will be a primer to start thinking about the upcoming FNFC Water Forum in January. The dial-in will be distributed via the FNFC Tier 1 email distribution list.

Co-governance of Water and Watersheds with First Nations

In partnership with the POLIS Water Sustainability Project in Victoria, the FNFC's Water Project Manager Nadia Joe delivered a webinar on co-governance of water and watersheds with First Nations. The event reached capacity within the first 5 hours of registration opening, so in case you missed it, the event was recorded and we will send out an email when it becomes available online.

Finally, because of the interest shown in this event, FNFC and POLIS are exploring the potential to do a follow-up event in the New Year. Stay tuned for more details!

Water Sustainability Act: Regulation As-It-Happens

Regulations for the new *Water Sustainability Act (WSA)* will be rolling out this year and next. As they happen, we will be writing updates on how First Nations are being engaged and what this could mean to protect fish and healthy aquatic ecosystems. We expect regulations to be coming out in two tiers. The first tier is on water fees and rentals, dam safety, and groundwater licensing. The second tier will look at water allocation, planning and government, and oversight.

Several organizations have done excellent analyses of the *WSA* indicating that it has great potential to protect water in BC. In her analysis, Deborah Curran, Hakai Professor in Environmental Law and Sustainability at the University of Victoria, states "I will be so bold as to say that, on its face, Bill 18-2014 [the *Water Sustainability Act*] is the best piece of environmental legislation introduced in BC in

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more than a decade”.² According West Coast Environmental Law, good things in the WSA include better groundwater protection, protection of water for fish, water sustainability boards, and beneficial use as flexible and efficient. Meanwhile, there are items not to like about the Act, like keeping the First in Time, First in Right (FITFIR) system, more water for short-term fracking, reduced public process, and environmental offsets.³

The province’s ability to implement the new legislation has also raised concerns, as the BC Government continues to avoid meaningful government-to-government consultation on Aboriginal Title and Rights with First Nations. Furthermore, the WSA relies upon existing administration without resources or watershed governance specific structures (i.e. without funding or a separate department/agency that is responsible for water).⁴

FNFC SCIENCE SERIES

In recognition of the role of science in guiding management decision-making, the FNFC is coordinating a series of science workshops this year to address some big picture topics and issues of relevance to First Nation priorities in fisheries management. The workshops will bring together an integrated Science Panel of experts, scientists, academic institutions, and NGOs to explore the state of the science, and focus on 1) communicating the application of science for salmon fisheries management, and 2) providing practical information, analysis and advice to First Nations that can support informed planning and decision making.

SAVE THE DATES for the next workshops in the series:

Addressing the 'Big Picture' in Salmon Fisheries Management – February 17-18, 2015

Topics: *Traditional Ecological Knowledge and Management Planning (Day 1); Understanding Cumulative Effects (Day 2)*

Salmon management occurs on many levels from local to global. While salmon management is primarily science-based, there is strong interest in ensuring that Traditional Ecological Knowledge (TEK) plays a central role in guiding decision-making. Integration of science and TEK is widely recognized as a desirable approach; however, implementation is challenging. Day 1 of this second science workshop will address TEK: What is it? How is it measured? How can it be applied?

Day 2 of the workshop will focus on cumulative effects based on recognition that aquatic environments are complex and not all issues can be addressed utilizing reductionist scientific approaches. Cumulative effects assessment (CEA) and ecosystem analysis are relevant approaches to address the interactions between multiple stressors. Day 2 will address: What is CEA? How is it quantified? How can CEA and ecosystem approaches be applied in research and management?

Environmental Impact Assessment and Management of Extractive Resource Activities – April 28-29, 2015

BC extractive resource activities include mining, forestry, oil and gas, water, and other sectors with the potential to impact First Nations fisheries. Permitting, regulating, monitoring, other relevant environmental management procedures including fisheries restoration and enhancement will be addressed over 2 days. The workshop will consider the following questions on Day 1: Are existing environmental management procedures effective and how can they be improved? How can we conduct environmental assessments so that they meet

² <http://poliswaterproject.org/sites/default/files/Bill%2018%202014%20Summary%20May%2013%202014.pdf>

³ <http://wcel.org/resources/environmental-law-alert/strengths-and-weaknesses-new-water-sustainability-act>

⁴ See <http://poliswaterproject.org/sites/default/files/Bill%2018%202014%20Summary%20May%2013%202014.pdf> (Deborah Curran) and <http://fnbc.info/blogs/admindeb/proposed-bc-water-sustainability-act-wsa-impacts-first-nations> (Judith Sayers) for more information.

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the needs of First Nations? Is environmental impact assessment and management an effective tool for protecting First Nations fisheries? Day 2 considerations will include: Does environmental mitigation and restoration work? How can environmental mitigation and restoration be applied to maintain fisheries productivity? What are the advantages and disadvantages of ecosystem approaches?

Workshop agenda and registration information for the February workshop, *Addressing the 'Big Picture' in Salmon Fisheries Management*, will be distributed in mid-January.

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 will 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 call will be held on Wednesday, January 14, 2015.

For more info about the First Nations Fisheries Council of British Columbia, please contact us!
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