



# First Nations Fisheries Council COMMUNIQUÉ

FEBRUARY 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**

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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),*

As we begin to move into the end of the fiscal year, I am sure we are all busy with planning and engaging with the new Liberal Government. There is optimism for a renewed relationship between First Nations and DFO. The early indications are positive regarding our new Aboriginal (Inuk) Minister, Hunter Tootoo. The first announcement of a visit to the west coast led to overwhelming pressure for meetings, and as the Minister's availability is limited, we must ensure that we coordinate our messages to effectively communicate a coherent message about our priorities.

In January and February there have been numerous meetings at various scales among First Nations with the intent to close the gap between federal government legislation and policy, and thus program delivery to First Nations. The FNFC provided updated communique briefings to the First Nations Leadership Council in January, and to the First Nations Summit and the UBCIC in February (will also provide to the BCAFN at their upcoming meeting in March). The Assembly of First Nations will be convening a National Fisheries Committee meeting in Vancouver this week (February 23-25, 2016). Following this the First Nations Fisheries Council will be hosting our Annual General Assembly at the Musqueam First Nation on March 1-3, 2016.

The FNFC continues to focus on a number of important priorities, such as advancing our relationships with BC First Nations, supporting collaboration among the Nations in support of the First Nations Leadership Council's mandates, and working with First Nations fisheries organizations through our Protocols and our Charter processes. One key strategic purpose in building effective Tier 1 process is to more effectively engage with federal government partners.



In March 2015 at a meeting with the Deputy Minister of DFO, the FNFC Executive discussed the need for a dialogue process around Aboriginal Rights at a newly envisioned tripartite table, which will include Indigenous and Northern Affairs Canada (INAC) and Fisheries and Oceans Canada (DFO). The FNFC has heard frustration from BC First Nations that DFO doesn't have the mandate to speak to Aboriginal Rights, yet makes management decisions that impact these rights. We hope to get INAC to our respective management tables so that Aboriginal Rights in the fishery can be properly addressed.

The FNFC Annual Assembly on March 1-3, 2016 will focus on initial dialogue on the need to develop clarity in process and roles of the federal departments in addressing Aboriginal Rights. We have commitment from senior officials from INAC and DFO to be present for this tripartite discussion. This dialogue with DFO and INAC will set the foundation for a broader inter-departmental dialogue process that could expand to other federal departments (e.g. Natural Resources Canada, Environment Canada, Transport Canada, etc.), as these departments are involved with many issues that affect us all collectively.

**Cabinet's 'Endpoint Directive':** The *Coastal Allocation Framework* is a DFO policy framework that was designed to meet a pre-2009 Federal Cabinet directive to reach an endpoint on First Nations fish harvest/acquisition amounts in British Columbia by any means (treaty, AFS, PICFI, ATP, etc.). The *Endpoint Directive* essentially places a limit on First Nations allocations without substantive consultation on any First Nations' food, societal, or ceremonial needs, or justification or accommodation. At the recent AFN Special Chiefs Assembly in December 2015, the FNFC presented a resolution urging the National Chief to meet with the Minister and Cabinet to rescind the *Endpoint Directive*.

Collaboratively, we continue to focus on priority matters such as:

- Stability in funding for program delivery,
- Herring fishery planning,
- Aquaculture dialogue 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, shared program delivery, and most importantly, increasing participation in policy design and advice.

We continue to implement our 3 year Strategic Plan, 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:

- 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 of government in Ottawa;
- Addressing 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.;

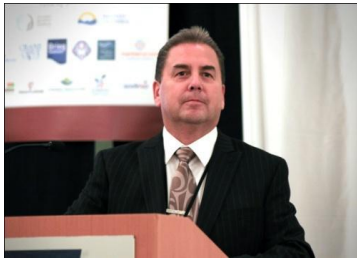


Abalone on the beach in Tanu - Gwaii Haanas  
National Park Reserve  
By Denise Russ



- At the province-wide scale, we will continue to build collaborative processes among First Nations to support engagement with the Province of British Columbia on matters such as steelhead planning, resource extraction, the *Water Sustainability Act*, and other legislative issues.

We look forward to our continued work together, and to seeing many of you at our Annual General Assembly in March!



hay čx<sup>w</sup> qə, O' si:yem,

Jordan Point  
FNFC Executive Director

### FIRST NATIONS SALMON COORDINATING COMMITTEE

The First Nations Salmon Coordinating Committee (SCC) is a province-wide advisory process consisting of approximately 13 delegates from First Nations Fisheries Council regions, with the purpose of advancing First Nations priorities and recommendations in salmon management and planning. The Committee was formed in 2011 in response to ongoing frustrations expressed by First Nations with DFO's Pacific Salmon Integrated Fisheries Management Plans and its multi-stakeholder process for developing these plans, the Salmon Integrated Harvest Planning Committee (IHPC). At a workshop in October 2011, First Nations participants and DFO committed to work on a Tier 1 and 2 process for engaging First Nations in the development of salmon IFMPs.

The SCC submitted a response to DFO's 2016/17 IFMP considerations in late January, and provided some additional considerations that are consistent with the committee's three main priorities: advancing FN's concerns about DFO's management of salmon stocks, ensuring BC First Nations' access to food, social, and expanding FN's economic opportunities in fisheries. As in previous years, the SCC will review and submit a consolidated document of First Nations comments to the Southern and Northern IFMPs this year.

The SCC is currently in the process of re-examining its purpose and objectives, and potentially re-aligning its approach to one that is more appropriate to its scale as a province-wide FN's advisory body on salmon management and planning. This approach would mean that the SCC focus on providing strategic advice to BC First Nations and DFO on policies and province-wide initiatives while regional First Nations fisheries organizations continue to deal with more operational and region-specific issues, such as reviewing and providing comments to DFO's IFMPs. Nonetheless, the SCC recognizes that it is not a decision-making body for any First nation or group of First Nations, and that consultation with the SCC would not satisfy the requirement for bilateral consultation between DFO and any First Nation. A joint SCC and DFO sub-committee will be drafting a Tier 2 Terms of Reference that reflects the committee's updated direction.

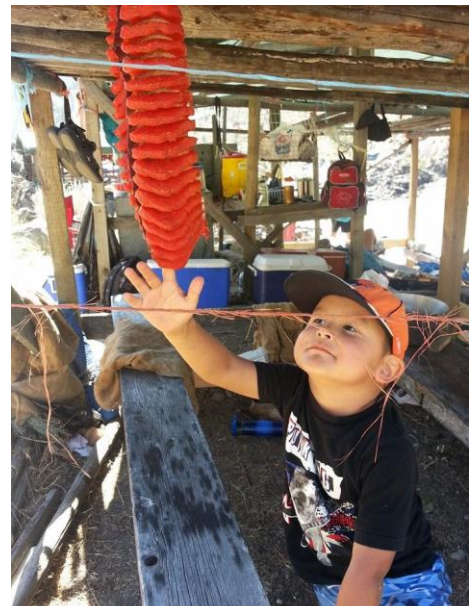


Photo: Baby Jarvis reaching for stwan – by Janice Billy



### DFO COMMERCIAL SALMON ALLOCATION FRAMEWORK (CSAF)

Since October 2013, DFO has engaged with the SCC and the Commercial Salmon Advisory Board (CSAB) to update the Commercial Salmon Allocation Framework. After several months of Tier 1, 2, and 3 discussions, the SCC submitted a proposal for recommended changes to the CSAF that enable greater certainty and access to the commercial salmon fishery for BC First Nations. This proposal received the support of several First Nations and First Nations organizations. DFO announced approved changes to the CSAF on June 30 2015, in line with both the SCC's and CSAB's recommendations:

- 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”

Additionally, DFO made a commitment to consider SCC and CSAB-led proposals for more flexibility to harvest salmon shares as part of a limited implementation of the updated CSAF, with testing to begin in the 2016 fishing season prior to broader implementation in future years. SCC delegates and their technical support staff worked with regional First Nations organizations on a few fishery proposals: Cowichan Chum, Central Coast Chum (McLoughlin Bay and Kitasoo), Skeena Sockeye, and Nass Sockeye. These proposals are all based on harvest shares associated with licences acquired through DFO's Pacific Integrated Commercial Fisheries Initiative (PICFI) and Allocation Transfer Program (ATP). Additionally, as part of updating the CSAF, the SCC and the CSAB are currently working on updating DFO's guidelines for the temporary transfer of commercial salmon shares.

The SCC envisions that the implementation of a number of pilot First Nations fisheries that utilize these harvest shares will facilitate broader implementation of this approach and allow First Nations to finally realize the full benefits of programs that were created to support their increased participation in Pacific commercial fisheries. Additionally, these initial First Nations proposals for 2016 promote the increased involvement of First Nations individuals in fisheries management, monitoring, and catch reporting, the flexibility to transfer harvest shares between marine and in-land fisheries, as well as increased coordination and collaboration amongst First Nations on fishing plans.

The SCC, CSAB, and DFO have also discussed a number of CSAB-driven proposals for increased flexibilities, some of which include potential opportunities for First Nations collaboration and benefits. Nevertheless, the SCC and FNFC have also articulated concerns with some of the CSAB proposals and to the CSAB and DFO. All proposals for increased flexibilities have gone through an initial assessment using an evaluation framework that includes a set of guiding principles, objectives, and criteria developed by the SCC, DFO, and CSAB.

These SCC and CSAB-led proposals were included in DFO's package of considerations circulated in February. DFO has indicated that these proposals still need to go through more thorough review and assessment through the jointly developed evaluation framework, and further discussions with DFO area managers as well as engagement and consultation with relevant FNs, prior to inclusion in the draft 2016/17 IFMP for further comments and feedback. The outcomes from approved fisheries will be used to determine the feasibility of continued and/or broader implementation of flexibilities that enable greater economic and employment benefits for First Nations in BC.



### PACIFIC SALMON TREATY RENEWAL AND PSC FIRST NATIONS CAUCUS

The Pacific Salmon Treaty (PST) is a Canadian/US agreement first signed in 1985, which sets out joint principles for conservation and harvest sharing for fisheries covered by the Treaty. The Pacific Salmon Commission (PSC), which was established to implement the PST, is supported by four advisory panels and an assortment of technical committees. Collectively, the panels and technical committees provide recommendations on fisheries covered by the PST to the Commission to help its overall guidance for implementing the Treaty. Canadian membership on the panels comprises multiple interests, including DFO, First Nations, the recreational and commercial harvest sectors, and environmental/community interests.

The First Nations Caucus, supported by the First Nations Fisheries Council, consists of First Nations participants who have been appointed by Canada to participate in the PSC process at the Commissioner, panel, and technical committee levels. The First Nations Caucus works collaboratively to advance the individual and collective interests of First Nations in British Columbia and the southwest Yukon.

Five PSC chapters are set to expire at the end of 2018: Transboundary Rivers, Northern Boundary Sockeye Pink and Chum, Coast-wide Chinook, Southern BC/Washington/Oregon Coho, and Southern BC/Washington Chum. The FN Caucus has strongly urged DFO to engage in broader consultations with BC and Yukon First Nations whose rights may be impacted by the negotiations. DFO sent a letter to the FNFC on January 8 with a preliminary introduction to their proposed consultation approach. DFO hopes to use existing engagement and communication processes to communicate with First Nations about PST re-negotiation. DFO also indicated that First Nations organizations will be receiving letters outlining the PST re-negotiation and renewal process. FNFC and the FN Caucus will be working with DFO to identify opportunities for communication and engagement, and will continue to strongly urge DFO to conduct meaningful consultation with First Nations.

The PSC First Nations Caucus met during the PSC's January and February sessions in Portland and Vancouver respectively to update each other on the work of the Commissioners, Panels and Technical Committees, and discuss joint priorities and concerns regarding the renegotiation of the five PST chapters. During these sessions, the First Nations Caucus also met with DFO's Regional Director General and Special Advisor to the Deputy Minister to discuss many issues related to Pacific Salmon Treaty Renewal, such as Canada's overall strategy and approach to bilateral negotiations and domestic consultations, and specific conservation and management concerns. During the February session in Vancouver, the FNFC coordinated a dinner for PSC's First Nations Caucus members and US Tribes representatives to exchange shared Indigenous perspectives and experiences, and discuss potential opportunities for collaboration.



PSC First Nations Caucus meeting in Vancouver



### AQUACULTURE

The FNFC supports the Aquaculture Coordinating Committee (ACC) as a Tier 1 table to increase First Nations involvement in the regulation, policy, planning and management of aquaculture. The purposes of the ACC are:

- To share information between and amongst First Nations related to aquaculture management;
- To develop strategies for First Nations engagement related to aquaculture; and
- To develop and articulate recommendations that advance First Nations common interests in the management of aquaculture.

The ACC met most recently on February 12<sup>th</sup>, 2016 in Vancouver. Key topics addressed at this meeting included:

- Engagement with the provincial government on freshwater aquaculture issues;
- A collective approach to DFO's existing AMAC multi-stakeholder advisory processes;
- Priorities for potential Tier 2 engagement work with DFO this year; and
- Ensuring transparent and consistent communications from the ACC.

The ACC will meet next on March 11, location TBD. For more information about the Aquaculture Coordinating Committee or the FNFC's role as a facilitator and coordinator of this process, please contact Richard Sparrow, FNFC's Natural Resources Project Manager, at [richard@fnfisheriescouncil.ca](mailto:richard@fnfisheriescouncil.ca).

### WATER FOR FISH

#### ***Water Sustainability Act:***

The *Water Sustainability Act* (WSA) received Royal Assent in May 2014 and will come into effect in 2016. The most significant change is groundwater regulation and licensing. There are significant unresolved governance and jurisdiction issues related to the assumed jurisdiction of the Province over resources that are subject to Aboriginal Title and Rights and Treaty Rights. Water is a shared resource and is critical for fish habitat, environmental health, community health and social wellbeing, and potentially for community economic development. In communications to the Province of BC, the FNFC has articulated that the *Water Sustainability Act* should respect and accommodate Aboriginal water dependent rights and that First Nations' participation in developing the legislative and regulatory framework and in the decision-making process around water use and management is required. Through various processes, First Nations have consistently and clearly articulated that they wish to develop respectful government-to-government relationships with the Province of BC that are based on recognition and accommodation of Aboriginal Title and Rights and will work toward reconciliation of Aboriginal and Crown titles and jurisdictions. The FNFC has strongly encouraged the Province to meaningfully engage all First Nations on the implementation of the *Water Sustainability Act* and to provide resources to First Nations to engage in water governance and management processes.

#### ***Water for Fish Updates:***

- The FNFC is tracking information requests from communities for information and guidance on the WSA. Most requests received to date are from communities involved in the treaty process, and the FNFC is planning a



teleconference for treaty groups soon. Any communities interested in receiving information and guidance on the WSA can contact us.

- The FNFC has developed a guidance document on how to prepare for new regulations on groundwater, as well as a template letter to support First Nations correspondence with the provincial government regarding the new regulations. Any First Nations community in BC can request these documents to support their engagement on groundwater.
- Our survey on BC First Nations Water Capacity and Governance is now complete. A report should be ready to share by mid-May, and the project will close by June 2016.
- The FNFC is hosting a water planning workshop on April 26-27, 2016 in Vancouver to help communities identify initial steps to building water plans and increase support for water planning, management and governance. More information will be shared with BC First Nations as we get closer to the date.
- A media backgrounder has been developed for First Nations who may be interested in doing media when the WSA comes into force.

For more information on the Water for Fish file, please contact Water for Fish Intern Genevieve Layton-Cartier at [genevieve@fnfisheriescouncil.ca](mailto:genevieve@fnfisheriescouncil.ca).

### **FNFC ANNUAL GENERAL ASSEMBLY – MARCH 1-3, 2016 at the Musqueam First Nation!**

The Assembly brings together First Nations leaders, community members, and fisheries and natural resources staff from across the province on an annual basis to receive updates on the work of the FNFC and engage in strategic discussions on operational, policy and legislative issues related to fisheries.

Our theme for 2016 will be “Renewing Government-to-Government Relationships in Fisheries”. The discussion will focus on the roles of federal departments in addressing Aboriginal Title and Rights and Treaty Rights in fisheries, and will mark the beginning of a tripartite discussion between BC First Nations, Fisheries and Oceans Canada (DFO), and Indigenous and Northern Affairs Canada (INAC). It is hoped that this initial dialogue will set the foundation for a broader inter-departmental process to address a wide range of issues that affect fish and habitat and impact BC First Nations fishing rights.

**For more information please visit our Assembly page on our website at:**  
<http://www.fnfisheriescouncil.ca/communications/fnfc-annual-fisheries-assembly/>

### **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, March 9, 2016**

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