



First Nations Fisheries Council COMMUNIQUÉ

FEBRUARY 2017 ISSUE



FIRST NATIONS FISHERIES COUNCIL MEMBERS:

North Coast: **Arnold Clifton**

Central Coast: **In progress**

South Vancouver Island: **Larry George**

Lower Mainland: **In progress**

Upper Fraser: **Thomas Alexis**

Northern Transboundary: **Cheri Frocklage**

Haida Gwaii: **Robert Bennett**

North Vancouver Island: **John Henderson**

West Coast Vancouver Island: **Hugh Braker**

Fraser Valley: **Ken Malloway**

Mid-Fraser 1: **Murray Ross**

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),

A recent key development for the FNFC was the appointment of Council delegates for the new 3 year term that began in January 2017. In the fall of 2016, the FNFC put out a call for Executive Council nominations, as the last Council term concluded in December 2016. Most regions have now gone through their local nomination processes and have submitted their appointments for the new term. A couple of regional appointments are still outstanding (Lower Mainland, Central Coast) and those regions continue to work through their nomination processes.

The 2017-2019 Council delegates are as follows:

- Haida Gwaii: Robert Bennett
- North Coast: Arnold Clifton
- Mid Fraser (1): Murray Ross
- Upper Skeena: Stu Barnes
- Mid Fraser (2): Tracy Wimbush
- Fraser Valley: Ken Malloway
- Upper Fraser: Thomas Alexis
- Transboundary Columbia: Howie Wright
- North Island: John Henderson
- Northern Transboundary: Cheri Frocklage
- South Island: Larry George
- Central Coast: In Progress
- West Coast Island: Hugh Braker
- Lower Mainland: In Progress



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The first Council meeting with the new delegates was held on January 27, 2017. Nominations for Executive Council committees were made at this meeting and are as follows:

Executive Committee: Ken Malloway (President/Chair), Hugh Braker, Thomas Alexis (Alternate: Stu Barnes)

Governance Committee: John Henderson, Hugh Braker, Stu Barnes

Finance Committee: Tracy Wimbush, Stu Barnes, Thomas Alexis

The FNFC would like to sincerely thank our outgoing Council for their hard work on behalf of BC First Nations over the last three years. We would also like to extend a welcome to new and returning Council delegates, who we very much look forward to working with this term!



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

hay čxʷ qə, O' si:yem,

Jordan Point
FNFC Executive Director

SALMON COORDINATING COMMITTEE

The First Nations Salmon Coordinating Committee (SCC) is a province-wide advisory process consisting of approximately 13 delegates from the various FNFC geographic regions. The SCC meets on a Tier 1 and 2 basis to provide strategic advice and recommendations to First Nations and DFO on province-wide Pacific salmon programs, plans, and policies.

The SCC's key priorities for 2016-17 include:

- continued development of a Tier 1 First Nations technical process in the Skeena watershed,
- coordinating the submission of First Nations fishing proposals under an updated Commercial Salmon Allocation Framework (CSAF), and
- Beginning Tier 1 and 2 discussions on an implementation plan for Canada's Wild Salmon Policy.

First Nations Technical Process in the Skeena Watershed:

Coordinated by the FNFC, the Skeena First Nations Technical Committee was established in 2016 to foster greater transparency and improved understanding between First Nations on technical issues related to the management of fish populations originating from the Skeena watershed. Membership of the committee is open to technical delegates from each First Nation that targets fish populations originating from the Skeena Watershed as well as the North Coast Skeena First Nations Stewardship Society (NCSFNSS) and Skeena Fisheries Commission (SFC). The



committee is a multilateral working group – members receive direction from their respective nations and organizations, and make technical recommendations for consideration by appropriate First Nations decision-makers.

In light of expected low returns of Skeena sockeye in 2017, and in the event that the scientific data demonstrates conservation concerns, the committee will make technical recommendations to First Nations leadership, and subsequently to DFO, about how First Nations' Section 35(1) priority access to Skeena salmon fisheries can be met, second to conservation, prior to all other uses of the resource. These recommendations may include determining the number of Chinook, coho, and steelhead that Skeena First Nations will catch (to replace the sockeye that is usually harvested for Section 35(1) purposes), how they may harvest these fish, and the appropriate levels of monitoring. The committee recognizes that while its members will work collaboratively towards a consensus, the final decision on each First Nation's fishing plan rests with the Nation.

First Nations Proposals to Fish under an Updated Commercial Salmon Allocation Framework:

Starting in 2015, the SCC coordinated proposals for First Nations fisheries to test the use of different gear types, areas, and management approaches meant to improve flexibility in commercial salmon fisheries under an updated Commercial Salmon Allocation Framework (CSAF). These fishery proposals are based on harvest shares associated with licences acquired through DFO's Pacific Integrated Commercial Fisheries Initiative (PICFI) and Allocation Transfer Program (ATP).

A few opportunities for First Nations pilot fisheries based on these available harvest shares occurred in the 2016 season as a result of this work. Over the fall and winter, the SCC participated in multiple Tier 1, 2 and 3 discussions with representatives from DFO and the Commercial Salmon Advisory Board (CSAB) to review the 2016 fisheries and coordinate proposals for potential First Nations fisheries for 2017. These proposals promote the increased involvement of First Nations individuals in fisheries management, monitoring, and catch reporting, allowing First Nations to finally realize the benefits of programs that were created to support their increased participation in Pacific commercial fisheries. In addition to the proposals submitted from the 2016 season, draft First Nations proposals have also been submitted for Goldstream chum, Fraser chum, Bella Coola chum, Haida Gwaii coho, Area 23 chum, coho, and Chinook, Nitinat chum, and Chinook in the Transboundary Columbia and Upper Fraser regions. The CSAB has also submitted some proposals for increased flexibilities, some of which include potential opportunities for First Nations collaboration and benefits.

All proposals will be subject to review using an evaluation framework that includes a set of guiding principles, objectives, and criteria jointly developed by the SCC, DFO, and CSAB. The assessment and finalization of proposals will occur throughout February, with finalized proposals identified within the draft Integrated Fisheries Management Plan in March 2017.

Wild Salmon Policy's Updated Implementation Plan:

Driven by Minister LeBlanc's commitment to act on Cohen recommendations, DFO started to engage First Nations and others on *Wild Salmon Policy* implementation. DFO hosted regional sessions in November and December to consult with First Nations and others on updating and implementing the *Wild Salmon Policy*. Although the SCC has raised concerns to DFO about the lack of additional funding and resources to this implementation phase, the



committee sees benefits in jointly developing a draft implementation plan with DFO. The SCC and DFO recently participated in a collaborative workshop that solicited priorities and key issues in the development of a draft implementation plan – the outcomes of the workshop are still under development.

The SCC maintains 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. The SCC and FNFC will continue to communicate the progress and outcomes of the committee’s activities through existing FNFC communication channels, such as meetings with Charter organizations, monthly calls, communiqués, and e-mails.

For more information on the First Nations Salmon Coordinating Committee and its related activities, please contact Wanli Ou at wanli@fnfisheriescouncil.ca or 778-379-6470 (ext. 29).

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PACIFIC SALMON TREATY RENEWAL 2016-18 AND THE PSC FIRST NATIONS CAUCUS

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 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.

Supported by the FNFC, the Pacific Salmon Commission’s (PSC) First Nations Caucus consists of First Nations participants who have been appointed by Canada to participate in the Pacific Salmon Commission process at the Commissioner, panel, and technical committee levels. 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 Sue Farlinger, alternate Canadian Commissioner. This team will be supported by technical advisors from the Chinook Technical Committee, as well as a Chinook Working Group, consisting of existing Pacific Salmon Commission (PSC) panel members with a strong interest/background in Chinook.

DFO conducted regional consultation sessions (coupled with consultations on the Wild Salmon Policy) about the current status of PST renewal, anticipated issues for Canada, and sought input on First Nations interests into the negotiations of the five Chapters. FNFC prepared briefing materials to support BC First Nations in these discussions. Additionally, FNFC staff and appropriate First Nations Caucus members attended all these sessions to support BC First Nations in their discussions. In early February, FNFC sent a letter to DFO’s Regional Director General providing feedback on the consultation sessions, highlighted some key issues First Nations raised during the sessions, and reminded DFO that follow-up from these sessions will be necessary, including bilateral consultations where requested or required.



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At the February meeting session of the Pacific Salmon Commission, the First Nations Caucus met to strategize on some shared interests and positions in Treaty chapters that are rooted in the following objectives: a) healthy, resilient, and abundant Pacific salmon populations, and b) First Nations priority access to s.35(1) fisheries are met, second only to conservation requirements. FNFC and the PSC First Nations Caucus members will be hosting a Tier 1 teleconference/webinar in March to update BC First Nations on progress of the five Treaty Chapters that are currently being re-negotiated. Call details will be circulated through the FNFC email list serve.

Given the significance of these international negotiations, First Nations are highly encouraged to contact DFO directly to request bilateral meetings on the renewal of the PST as they see fit. For more information on the PSC First Nations Caucus, please contact Wanli Ou at wanli@fnfisheriescouncil.ca or 778-379-6470 (ext. 29).

Members of the PSC First Nations Caucus:

PSC Commissioners – Murray Ned, Brian Assu
Advisor to the First Nations PSC Commissioners – Russ Jones
Southern Panel – Dr. 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 (Richard Erhardt alt.), Kerry Carlick (obs.)

Chinook Technical Committee – Dr. Teresa Ryan, Elinor McGrath, Sabrina Crowley
Chum Technical Committee – Kim Charlie
Coho Technical Committee – Pete Nicklin, Roger Dunlop
Transboundary River Technical Committee – Richard Erhardt
Northern Boundary Technical Committee – Allen Gottesfeld
Fraser River Technical Committee – Mike Staley, Kelsey Campbell

AQUACULTURE

Aquaculture Coordinating Committee (ACC):

First Nations in BC have diverse interests, perspectives and priorities with respect to the management of aquaculture and, as self-determining Nations, share a responsibility to manage resources in a manner that respects the interdependence they have with one another. As such, the First Nations Fisheries Council (FNFC) established the Aquaculture Coordinating Committee (ACC) as a technical table with members from the various FNFC geographic regions. The ACC aims to identify common interests and to increase First Nations involvement in the policy and management of the aquaculture industry.

The ACC has identified meeting objectives throughout the fiscal year with a focus on strategic agendas. The ACC continues to improve on a robust communication strategy between First Nations, and development of strategies for First Nations engagement that will advance common interests in the management of aquaculture. The ACC



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meets next in Vancouver on March 10, 2017, and will meet in Penticton on March 30, 2017 to move forward on discussions with DFO and the Province regarding freshwater aquaculture and enhancement activities.

Working with members of the ACC, the FNFC has also recently completed a publication on First Nations and aquaculture in BC called *Cultivating Change to Preserve Tradition*. A PDF version of the document is available on the FNFC website at the link below. Please review and provide your comments to richard@fnfisheriescouncil.ca.

<http://www.fnfisheriescouncil.ca/wp-content/uploads/2015/09/Cultivating-Change-Brochure.pdf>

Assembly of First Nations (AFN) - National Aquaculture Working Group (NAWG): January 24-25, 2017 in Montreal, QC.

Several members of the ACC attended a recent meeting of the AFN's National Aquaculture Working Group (NAWG). First Nations in attendance voiced their concerns and provided a strong recommendation for involvement in all aspects of aquaculture development, with a focus on policy and legislative amendments. A newly developed phrase from the two day working group session was "Co-Designing", which would capture First Nations aspirations of meaningful involvement at all levels with federal, provincial and municipal governments. NAWG decided that 4 co-chairs would fairly represent the various regions and aquaculture activities (Finfish, Freshwater, Shellfish Aquaculture).

Please contact Richard Sparrow (richard@fnfisheriescouncil.ca) for more information about the work of the Aquaculture Coordinating Committee.

WATER FOR FISH

Environmental Flow Needs Workshop:

Despite snowy weather, more than 30 people from across the province attended the FNFC Environmental Flow Needs Workshop on February 7-8, 2017, in Vancouver (territories of the x̱m̱əθḵʷəy̱əm [Musqueam], Skwxwú7mesh [Squamish] and seḻílwitulh [Tsleil-Waututh] Nations). The workshop was jointly hosted by World Wildlife Fund Canada and FNFC.

The workshop was focused on technical and strategic presentations and discussions regarding environmental flow needs (EFNs) under BC's new *Water Sustainability Act*, and how EFNs can be established independently to inform Indigenous water/watershed plans. Workshop presenters included: Deborah Curran, Environmental Law Centre and Acting Executive Director at the University of Victoria; Wendy Monk, Senior Research Associate with the Canadian Rivers Institute; Robyn Laubman on behalf of the Shuswap Tribal Council; and Joe Enns with the Okanagan Nation Alliance.

Please contact Geneviève at Genevieve@fnfisheriescouncil.ca to receive the post-workshop package, including a new briefing note on EFNs.



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Looking Ahead:

The Water for Fish Team is currently pulling together a resource guide on water planning and governance for First Nations. We're also doing some research on sustainable funding mechanisms for First Nations-led water initiatives in BC. Stay tuned!

Upcoming Water for Fish Events:

WEBINAR: Monthly "Water Wednesday" teleconference and webinar on World Water Day: Wednesday, March 22nd at 10AM PDT: Options for working within and outside BC's new Water Sustainability Act for First Nations. Register here: <https://attendee.gotowebinar.com/register/5600370553377580546>

WEBINAR: *Blue Dialogue Series: Indigenous-led Freshwater Planning and Governance Initiatives in British Columbia* (hosted with the POLIS Water Sustainability Project – www.poliswaterproject.org). Postponed to March (date TBD).

WEBINAR: Monthly "Water Wednesday" teleconference and webinar: Wednesday, April 19th at 10AM PDT: Funding First Nations-led Freshwater Planning and Governance Projects in BC. Register here: <https://attendee.gotowebinar.com/register/1001554318553364226>

Staff Update:

After more than two years, Julia Ko will be leaving the FNFC in February 2017. We wish her well in all her future endeavors!

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BUSINESS DEVELOPMENT TEAM

In 2015, the First Nations Fisheries Council 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. During this past program cycle - 2016/2017 - 25 CFEs successfully applied for funding under the Business Development Source (BDS) for expansion of existing CFE harvest-related activities (equal to \$9.375 million) and 8 CFEs have successfully secured funding for under the Pacific Commercial Fisheries Diversification Initiative (PCFDI) for diversification (equal to \$2.5 million). The BDT continues to work with CFEs on implementation of approved projects and other activities to support CFEs in achieving their business goals.

CFEs are also heavily engaged in capacity-building and training initiatives for community members within their shareholding Nations. Enterprises across the province have utilized program dollars to support community members in reaching their career goals in a variety of fisheries-related opportunities. In this past year alone, training initiatives have included: harvest of a new species, forklift and bobcat training for on-shore operations, customer service and sales for retail operations, business planning and financing options for fishers, invoicing and accounting for management positions and everything in between!

At least two CFEs have utilized existing training dollars to apply for the Canada-BC Jobs Grant to increase funding for community members. Kwakiutl Nation Fisheries was able to leverage \$17,000 to receive an extra \$34,000 to



train three Aquaculture Technicians and one Fishing Master, while Central Coast Commercial Fisheries Association was able to use an investment of \$20,000 to obtain an additional \$40,000. This funding supports 16 members in receiving valuable, customized, in-community training for harvest-related activities and processing of a new species. Another enterprise has already applied for the next round of funding for the current intake February 1st - March 31st and we anticipate more uptake as the year goes on. More information on the Canada-BC Jobs Grant can be found online: <https://www.workbc.ca/Employer-Resources/Canada-BC-Job-Grant.aspx>

CFEs have also been able to effectively utilize funding available through Aboriginal Skills and Employment Training Societies (ASETS) around the province for training and wage subsidies. Training dollars have paid for tuition and materials for post-secondary courses related to harvest and diversification, while wage subsidies have been a great help for CFEs hiring seasonal student employment and transitioning committed employees into management roles. These examples highlight just a few of the ways that CFEs are building capacity within their membership for careers within fisheries, both on the water and in the office.

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LEGISLATIVE REVIEWS – FISHERIES ACT AND NAVIGATION PROTECTION ACT

In 2012 the Conservative Federal Government introduced changes to various pieces of legislation as part of Omnibus Bills C-38 and C-45. Changes to the *Fisheries Act* significantly weakened fisheries habitat protections, attempted to limit the scope of Aboriginal fisheries, and reduced oversight of projects that could negatively impact aquatic resources. Changes to the *Navigation Protection Act* (NPA) drastically reduced the number of waterways protected by the NPA, left 99% of lakes, rivers and oceans in Canada unprotected under this legislation, and exempted several major industrial projects from federal purview. First Nations were not consulted about these changes and strongly opposed them.

In 2016, Prime Minister Trudeau directed the Minister of Fisheries, Oceans and the Canadian Coast Guard to review the 2012/2013 changes to the *Fisheries Act*, restore lost protections, and incorporate modern safeguards. The Standing Committee on Fisheries and Oceans has been tasked with conducting this review. Similarly, the Standing Committee on Transport, Infrastructure and Communities was tasked with conducting a review of changes to the NPA. The FNFC worked with regional First Nations organizations throughout the province and retained legal support (Mandell Pinder for *Fisheries Act* and JFK Law for NPA) to develop comprehensive submissions to these review processes by the November 2016 deadlines. The FNFC also submitted a letter directly to the Minister of Fisheries, Oceans and the Canadian Coast Guard regarding changes to the *Fisheries Act* at the end of January.

The FNFC's submissions reflect the need for the Government of Canada to properly consult with all First Nations Rights holders on matters related to water and fisheries policy, management and legislation, and highlights elements of the legislative changes that drastically reduced protections for water and fisheries in Canada. Implementation of recommendations put forward in the submissions would help restore protections in accordance with the Title and Rights of all BC First Nations.

The FNFC submissions were supported by resolution the Chiefs in Assembly at the First Nations Summit and the Union of BC Indian Chiefs at their meetings in February 2017. They were also shared with BC First Nations via the



FNFC Tier 1 email list. Submissions from all groups are available to view online on the government website (linked below).

Now that the feedback window for these processes is closed, the next steps will be a response from government, legislative proposals, and further consultation on changes. The FNFC will be watching out for developments and will share these with our network as we receive new information.

For more information, visit the government’s review of Environmental and Regulatory Processes website: <https://www.canada.ca/en/services/environment/conservation/assessments/environmental-reviews.html>

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COASTAL BC MARINE SAFETY WORKSHOPS

In partnership with Transport Canada and the Canadian Coast Guard, the FNFC hosted two marine safety workshops in January 2017 in Sidney, BC. Day 1 (Jan 24) was open to South and Central Coast BC First Nations, and focused on building a common understanding among federal departments and agencies, the province, and First Nations about technical aspects of the marine safety system and First Nations areas of interest, as well as to inform future discussions about system improvements and how Indigenous communities may be more involved. (Note: Participation on day 1 was limited to the south and central coast regions because similar workshops were held on the north coast in 2014-15.)

Day 2 (Jan 25) was open to all Coastal BC First Nations, and focused on vessel traffic information and technology to build a common operating picture of marine situational awareness. The goal was to develop a common picture that First Nations communities can use to work more effectively within the marine safety system for search and rescue, environmental response, and emergency planning.

Approximately 70 people registered for the workshop, including 43 participants from approximately 25 different First Nations. Federal and Provincial government agencies or departments represented included Transport Canada, the Canadian Coast Guard, Environment and Climate Change Canada, the Canadian Environmental Assessment Agency, Major Projects Management Office – West, the Pacific Pilotage Authority, the Province of British Columbia, and the Ports of Prince Rupert, Nanaimo and Vancouver.

Transport Canada indicated that there will be more opportunities provided for First Nations to engage on this topic. Input from the sessions will help to inform how the new marine safety initiative will evolve, and will help to build the agenda for the next workshop (planning for March 2017 in Vancouver).

For more information about the workshops and the FNFC’s involvement in marine safety, please contact Richard Sparrow at richard@fnfisheriescouncil.ca.

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PROVINCIAL SPILL RESPONSE REGIME

In June 2015, MOE announced that it intends to create a World Class Spill Response Regime to address a wide range of potential land and marine based spills. MOE is seeking to engage First Nations in the design, planning, development and implementation of this new regime.

In February 2016, MOE announced proposed amendments to the *Environmental Management Act* (EMA), which, if passed, will provide the legal foundation to establish the new spill regime. The proposed regime will aim to ensure that effective preparedness, response, and recovery measures are in place for hazardous substance spills. This is a 3-year process (first announced in 2015) with the expected regulations and legislation to come into effect in 2017.

The FNFC, in partnership with the Ministry of Environment (MOE), facilitated six regional workshops in May 2016 to discuss with First Nations the details of how to develop a world class land and marine spill response regime. At these regional workshops, First Nations were invited to share opinions, experiences and feedback on the new proposed legislation, and to discuss how best to design regulations that meet the needs of all those potentially impacted by a spill, including First Nations, environmental organizations, oil and chemical producers and transporters, government agencies, and others. One of the key recommendations from the regional workshops was to develop a First Nations Spill Management Advisory Group (Interim Technical Group).

An Interim First Nations Spill Management Advisory Group has been established to ensure ongoing First Nations engagement and participation in the Provincial Spills Management Regime. The Interim Technical Group will work to recruit First Nations with emergency management and related technical expertise to provide thorough and meaningful reviews of documents, regulations and policies, and provide recommendations to advance First Nations interests.

The Interim Technical Group met on January 26th, 2017 to review and provide feedback on the following documents:

- Spill contingency plan technical working group report
- Response time technical working group report
- Regulated persons technical working group report
- Policy Update – Environmental Management Act, 2016”

The above documents, along with various other documents and resources from this engagement process, are available on the FNFC website at <http://www.fnfisheriescouncil.ca/initiatives/spill-response-initiative/>. For more information on this initiative please contact Richard Sparrow at richard@fnfisheriescouncil.ca



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 14, 2017

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FOLLOW us on TWITTER at www.twitter.com/fnfish



Off Portland Point, West Coast Vancouver Island - reeling in a fish for first time. By Freda Thomas.

