



First Nations Fisheries Council COMMUNIQUÉ

OCTOBER 2015 ISSUE



FIRST NATIONS FISHERIES COUNCIL MEMBERS:

North Coast: **Arnold Clifton**
Central Coast: **Penny White**
South Vancouver Island: **Dan Claxton**
Lower Mainland: **Vacant**
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 ʔaí, Si:yém nə Siyeýe?

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

At the time of writing this communique we have just witnessed a refreshing and hopeful change in government, and have heard a commitment from the incoming Liberal government to review, and where necessary to repeal, legislation that is not consistent with case law and that infringes on Aboriginal Title and Rights and Treaty Rights. With this objective in mind, the First Nations Fisheries Council will be reviewing years of correspondence and advice provided to the Leadership and to DFO concerning the many legislative, regulatory and policy initiatives introduced by the former government that have weakened protection for resources and the environment, and have severely impacted the rights of First Nations. These include but are not limited to:

- The National Aquaculture Strategic Action Plan Initiative – (2010 NASAPI)
- Cohen Inquiry recommendations
- Bills C-38 and C-45
- The Coastal Allocation Framework (Cabinet Directive – “Endpoint”)

We will be developing backgrounders and briefings for the First Nations leadership at the provincial and national scales on these issues.

In light of the potential for a significant shift in policy direction with this recent change of government, the FNFC Annual Fall Assembly has been postponed until March 1-3, 2016 to enable time for the incoming federal government to review transition files, appoint Cabinet Ministers, and prepare to engage with First Nations. We anticipate that the FNFC Spring Assembly will focus on initial dialogue on the need to develop clarity in process and roles of the various federal departments (e.g. Aboriginal and Affairs and Northern Development Canada – AANDC) in addressing Aboriginal Rights. A proposed tripartite discussion with two federal departments (DFO and AANDC) could set the foundation for a broader inter- (cont.)



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, such as energy corridors, tanker safety, and habitat impacts.

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:

- 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.



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. This has led to a conceptual proposal to develop a natural resource secretariat to coordinate priorities and resources among the First Nations natural resource councils (Fisheries, Forestry, and Energy and Mining) regarding energy projects, transportation corridors, infrastructure projects, spill response, and emergency planning.

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.



We look forward to our continued work together!

hay čxʷ qə, O' si:yem,

Jordan Point
FNFC Executive Director

Photo: Halibut Fishing near the mouth of the Skeena, by Trevor Morrison (FNFC photo contest winner)



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. The second in-person meeting is tentatively scheduled for December 7, 2015, and will build off of the previous June meeting to address First Nations participation in aquaculture management in the 2016-15 fiscal year. The draft ACC Terms of Reference have been developed and revisions have been made for review at the next ACC meeting.

Richard Sparrow, Natural Resources Project Manager (richard@fnfisheriescouncil.ca) has accepted the aquaculture file and continues the work to strengthen the aquaculture Tier 1 structure. Richard is eager to hear the perspectives from First Nations regarding aquaculture initiatives provincially and nationally to build a cohesive voice that will address the Tier 2 and 3 structures and DFO management decisions. Please contact Richard Sparrow directly if you have any comments, questions or concerns.

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 open 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 had requested that First Nations provide feedback or comments on aquaculture siting guidelines prior to August 25, 2015. The FNFC provided a response based on Tier 1 discussions through the ACC, and is now waiting for a formal response from DFO. The ACC will review and provide direction once the response is received.

Upcoming DFO Aquaculture Technical Information Session – December 8, 2015 in Nanaimo

Last year DFO provided two technical information sessions on key aquaculture management and science topics. At the sessions, DFO technical staff provide in-depth information on specific topics and took questions and feedback from attendees. Topics at past technical sessions have included wild-farmed interactions and disease monitoring, benthic (seafloor) management, siting guidelines, and monitoring and compliance.

An agenda has not been set yet for the next session on December 8 in Nanaimo. FNFC will distribute the agenda and invitation from DFO as soon as they are available. FNFC will have limited travel funding available to support travel to attend the session.

For more information about the ACC and the FNFC's work on aquaculture, please contact Richard Sparrow at richard@fnfisheriescouncil.ca or Alex Etchell at alex@fnfisheriescouncil.ca.



Photo: Bears fishing, Lake Babine – by Samantha Michell (FNFC photo contest winner)





WATER FOR FISH

Groundwater under the Water Sustainability Act

A legal memo on groundwater produced by the JFK Law Corporation was shared with BC First Nations a couple of weeks ago via the FNFC Tier 1 email list. The memo is not comprehensive, as we have yet to see draft regulations on groundwater or information from the Province on the process and terms and conditions they plan to use for groundwater licensing. The memo stresses the importance of documenting the lack of consultation on groundwater issues, asking for more information from the Province, and applying for groundwater licenses that could affect water availability now and for future needs. It emphasizes that First Nations must choose a course of action, because the Province cannot guarantee groundwater for BC First Nations now or in the future.

Over the last two months, several events on groundwater have been offered that included information from the provincial government on upcoming regulation and licensing under the *Water Sustainability Act*. On September 18, the FNFC held a webinar to discuss groundwater in BC, which was followed by a groundwater workshop in Kamloops on October 1. On October 21, we held a Water Wednesday call to further discuss groundwater. Another call will be held on **November 10**, and this will be **the last opportunity** for communities to learn about groundwater in BC, upcoming regulation and licensing of groundwater, and options for First Nations on this important issue. Dial-in information will be shared through the Tier 1 email list, along with a Dropbox link where materials on groundwater will be available to BC First Nations.

Please note: The *Water Sustainability Act* primarily deals with water quantity or allocation. It does not cover cumulative effects management or managing water and land holistically for water quality and the health of terrestrial and aquatic ecosystems.

Environmental Flows

The Environmental Law Center has accepted the FNFC's request to examine how environmental flows under the *Water Sustainability Act* could infringe on First Nations' right to fish in the absence of strong regulation. Work from the Center should be completed by late November, and we expect to host a webinar on the legal memo in January 2016.

Meanwhile, there are discussions happening among environmental groups on environmental flows, as the provincial government seems hesitant about setting specific regulations. Environmental groups argue that regulation is critical for environmental flow needs because regulations are enforceable, subject to more public scrutiny, and effective in making clear standards and rules for licensing. POLIS also held a webinar on environmental flows, which is available to view online (contact Julia for to get the link).

For more information on the Water for Fish Initiative, contact Julia Ko at julia@fnfisheriescouncil.ca.

Photos from left: Lower Thompson River beach seine FSC sockeye fishery, by Michelle Walsh; Oolichans, Katzie First Nation, by Jay Bailey; Wei Wai Kum Elder Ethel Cliffe cleans a sockeye by the river, by Kelsey Campbell (FNFC photo contest winners)





PACIFIC SALMON COMMISSION

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 Pacific Salmon Treaty, is supported by four advisory panels and various technical committees. Collectively, the panels and technical committees provide recommendations on fisheries covered by the PST to the Commission to provide guidance for implementing the Treaty. Canadian membership on the panels is comprised of multiple interests, including DFO, First Nations, the recreational and commercial harvest sectors, and environmental/community interests.

The First Nations Caucus, supported in part by the FNFC, 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 BC and the southwest Yukon through advancing the following principles:

- Conservation and respect for the resource to ensure its continuation in perpetuity
- Sharing of information to strengthen the collective position
- Mutual support and trust
- Recognition of the collective rights of every First Nation
- Open, honest, and inclusive process

Negotiation of Five Pacific Salmon Treaty Chapters

Five chapters of the PST are set to expire at the end of 2018, and are being renegotiated with the US:

1. Transboundary Rivers (all-species except chinook),
2. Northern Boundary (Southeast Alaska/Northern BC sockeye, pink, and chum),
3. Chinook (coastwide),
4. Coho (southern BC, Washington, and Oregon), and
5. Chum (southern BC and Washington).

The negotiation of the five PST chapters will take place within the PSC structure through the US and Canada's Commissioners and panel members. Canada's goal is to have agreement on new chapter language by fall 2017, and to consult on negotiated draft chapters. The FNFC and the PSC's First Nations Caucus have reminded DFO of the Crown's duty to consult with First Nations on issues that may result in potential infringement on Aboriginal and Treaty Rights, and requested that the department provide a consultation plan to ensure that BC First Nations are adequately consulted. DFO has indicated that a consultation approach and strategy will be shared in the near future, although no specific dates have been provided.

Photo: Pink salmon, Lower Fraser, by Katie Beach (FNFC photo contest winner)



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First Nations Caucus Request for Applications to the Chinook Technical Committee of the PSC

The Executive Committee of the PSC First Nations Caucus has identified an opening on the PSC **Chinook Technical Committee (CTC)** and is seeking qualified applicants to fill this vacancy. The FNFC will conduct a nomination process, and the PSC First Nations Caucus Executive Committee will select the most qualified person to fill this role. Upon selection of the successful candidate, the FNFC will submit the Executive Committee's recommendation to DFO for formal appointment to the CTC. The FNFC has circulated a letter and related attachments to BC First Nations via the Tier 1 email list that provides information on the PSC, the nomination process, and required technical qualifications.

The deadline for submitting nominations is Friday, November 13, 2015. Please note that no late or incomplete applications will be considered.

If you are interested in receiving a PSC Chinook Technical Committee member application and/or have any related questions, please contact FNFC Program Operations Manager Wanli Ou at wanli@fnfisheriescouncil.ca or 778-379-6470 (ext. 29).

FNFC PHOTO CONTEST WINNERS

The FNFC held a photo contest during the summer and fall to collect fisheries photos from throughout the province to be included in a 2016 fisheries calendar. The response to the contest was excellent and we received many entries showcasing the beautiful diversity in species, fishing methods and landscapes in British Columbia! It was a tough job for the judges, but the results are in, and the winners are:

**Linda Haig-Brown (grand prize winner) • Michelle Walsh • Dave Levy • Frankie Victor • Dawn Machin
Jay Bailey • Mark Lewis • Billie Johnson • Samantha Michell • Trevor Morrison • Kelsey Campbell • Katie Beach**

Thank you to all who submitted photos! We hope to make this an annual event, so keep an eye out for the contest announcement next year.

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 Thursday, November 12, 2015

(delayed by one day due to Remembrance Day on November 11)

The FNFC has a new office location and new contact info!

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