

First Nations Fisheries Council

August Communiqué



FIRST NATIONS
FISHERIES COUNCIL

MESSAGE FROM THE FNFC EXECUTIVE DIRECTOR

Greetings everyone,

It has been a busy two months since our last bi-monthly update. Here's a snapshot of the current issues we're working on at the First Nations Fisheries Council (FNFC) from the perspective of the Executive Director. We hope that these bi-monthly updates will help to keep BC First Nations informed about the initiatives and activities of our organization.

Strategic Planning:

The FNFC continues to build on the strategic objective and direction of the First Nation Leadership Council's task force recommendations to enter into formal memoranda of understanding or protocols to establish a cohesive voice for First Nations. This has been laid out in our previous communiqués and in tier 1 meetings. The FNFC has been working with a number of you, including participation in numerous Tier 1 and Tier 2 sessions to elicit information and feedback for the purposes of building the 3-year strategic plan for the FNFC, and to develop a broadly supported approach to working effectively together at a Regional/Provincial scale. In mid-June the FNFC made presentations on the activities and direction of the Council and also tabled a resolution of support for wild BC Salmon to be identified as an official BC Symbol. These presentations were made to the First Nation Leadership Council through three forums:

- The UBCIC General Assembly,
- The FN Summit, and
- The AFN Governance Toolkit meeting and assembly.

Institute on Governance:

The FNFC recognizes that First Nations desire a greater role in determining their destiny in terms of fishery focused self-governing mechanisms that are more consistent with case law, such as *Sparrow*, and the Constitution. These aspirations have been articulated in ***Our Place at the Table***, the ***First Nations Fisheries Action Plan***, and many other publications. Having stated these aspirations is only the start however, and there is a need to take stock and do a frank assessment among ourselves, and ask the following;

- Where are we now in terms of collective capacity? And, where do we want to go? *We require a very specific answer here.*
- How would we make difficult management decisions among ourselves if we were in a position of authority?
- Are we structured across the province to effectively engage among 203 First Nations?
- Where is the destination – how far down the joint management road do we wish to go? Science? Compliance? Fishery monitoring? How will it be resourced?

I have had an introductory discussion with Miles Richardson, who is the western contact for the **Institute on Governance**, to help map out this discussion, and a process to begin assembling meetings to have people come together to inform this process, and most importantly how to financially resource the

Institute to participate with the FNFC. This is a governance discussion, and we may reach out to other funders to support this activity.

Declaration and Protocol Update:

The FNFC's priority focus for the first quarter of was to more clearly define the relationship between and among First Nations organizations to ensure a more cohesive, coordinated, and effective voice on policy level matters on behalf of First Nations. We invited the First Nations Leadership Council to our strategic planning session in May, and agreed to formally develop a **Declaration and Protocol of Recognition, Support, Cooperation and Coordination**. This Declaration and Protocol is consistent with the All Chiefs Task Group acceptance of the terms of reference calling for memoranda of understanding or protocols between the partnering organizations and councils in order to build more constructive and effective interactions between the BCAFN, UBCIC, and FN Summit. The FNFC staff and the First Nations Leadership Council's operations staff have completed drafting this Declaration and Protocol template, and we will be looking to conclude this activity as part of a larger process with the First Nation Leadership Council in the next month or so.

As a complementary component to this process, local and watershed level First Nations participants on our bi-weekly update conference calls have also expressed a need to work more cohesively and effectively with one another. The FNFC will be following up on a process for relationship building with these local, regional and watershed level groups.

At our recent FNFC meeting, on July 13th, the Council reviewed and confirmed the direction for building structures and partnerships from the local and community level up to the provincial and national level, this will mostly be facilitated through existing watershed based mechanisms that many of you currently work with. Further to this the Council has identified the need to have some local meetings in the North Island, Central Coast, and North Coast-Skeena, to assist in supporting the FNFC delegate process, we will be contacting local groups to assist in coordinating these meetings in late August and September. For successful First Nations long term process to become more efficient and effective, we need you to engage in the development of these discussions! We are currently negotiating the funding for these sessions with DFO under the Commitment to Action accord.

Saul Milne is also working with the watershed based groups to develop a **Charter** among First Nations that sets out principles to agree upon as common objectives.

Joint Management Process:

The Integrated Fisheries Planning process, which includes the development of IFMPs (Integrated Fisheries Management Plans), occurs through the Integrated Harvest Planning Committees. First Nations have identified a number of concerns with the IHPC and IFMP processes, including First Nations representation at the IHPC, the process of appointing First Nations delegates, and how input and advice from First Nations on the development of IFMPs is considered by DFO. Perhaps the most explicit concern is the development of decision rules that may impact or infringe on Section 35-1 fisheries, as a Tier 3 process is not the appropriate forum for decisions that could affect First Nations rights.

The FNFC recently met with members of the DFO Regional Salmon team to articulate these concerns, and has been advised that DFO is interested in supporting a process that reflects the needs of First Nations aspirations and is open to adjusting the IHPC delegate process and perhaps a restructuring of the engagement format. Further to this discussion the FNFC has been negotiating the **Commitment to Action** working groups' activities, and included in this portfolio will be the need to identify efficiencies in more effectively harmonizing activities of the four working groups under the FNFC/DFO **Commitment to Action** agreement.

- This may involve a restructuring of the working group activities and expanding to some dialogue forums to elicit broader perspectives on FSC & Co-Management topics such as IHPC/ IFMP, Southern Chinook Management Framework, and other related topics.

- The federal aquaculture program implementation and NASAPI.
- The Renewal or potential sunset of the PICFI program have emerged as priorities that must be considered and resourced as business lines that have to be rationalized with other emerging priorities.

Case law Implementation / Media Responses:

First Nations have expressed extreme dissatisfaction with the poorly considered interpretation of Supreme Court of Canada decisions, and the lack of implementation or consideration to DFO program envelopes; this will be a focus of work planning moving forward.

At the strategic planning session with the First Nations Leadership Council, it was stated that developing a process for timely, effective and well-articulated media responses is a specific priority from the political level. The FNFC will be developing a process to accommodate this objective through the retention of a media coordinator for a short contract on a pilot process in the business planning.

Overview of Recent Meetings:

June 22-23: AFN Special Chiefs Assembly (panel presentation to the Chiefs on behalf of FNFC)

June 27-29: Cohen Inquiry (evidentiary hearings on aboriginal fishing)

July 7: Joint meeting of the FNFC, FNLC and Minister Keith Ashfield (DFO)

July 13: FNFC bi-weekly call

July 13: FNFC Board meeting at UBCIC

July 19: FRAFS Executive Committee meeting

July 20: FNFC/DFO joint coordinating committee regarding FNFC-DFO Commitment to Action

July 21: Southern Chinook Management Framework meeting

July 25-29: Staff leadership training (Hollyhock)

August 2: Eulachon Conference Call (COSEWIC and RPA)

August 3: Economic Access Working Group Conference Call (PICFI Update)

August 8: FNFC/DFO joint executive steering committee

August 9: FNFC/DFO RD FAM R. Reid (Strategic Funding for FNFC-DFO Commitment to Action)

August 9: DFO P Ryall/J Grout (IHPC and Southern Chinook)



Thanks,

Jordan Point

ECONOMIC ACCESS WORKING GROUP UPDATE

The work of the Economic Access Working Group has continued since its last meeting on June 7 and 8, 2011. On July 13, 2011 the First Nations Fisheries Council Board Delegates passed a motion to support ***Fishing for a Better Future: A First Nations Business Case for a Second Phase of PICFI.***

The FNFC will convene another teleconference to discuss ***Fishing for a Better Future: A First Nations Business Case for a Second Phase of PICFI*** with First Nations that were unable to attend our Economic Access Working Group Community Session (June 7 and 8 2011). We are currently setting up a time over

the next weeks and will provide further information as soon as possible. Next steps for the PICFI Business case include having the First Nations Fisheries Council staff bring the document before the BCAFN, UBCIC, and FN Summit for support by resolution.

EULACHON UPDATE

The FNFC hosted a teleconference on August 2, 2011 for First Nations interested in the COSEWIC Assessment of Eulachon populations to get an update on the process and schedule for a potential Species at Risk Act (SARA) listing and for First Nations to discuss how they might be involved in the technical processes.

In response to the COSEWIC Assessment, Fisheries and Oceans Canada is currently in the process of drafting a Recovery Potential Assessment (RPA) for the three Designatable Units (DUs) of eulachon populations recommended by COSEWIC: 1) Fraser River, 2) Central Coast and 3) Nass River and Skeena River.

The proposed DU structure ignores critical TEK and scientific knowledge that would support and sustain informed management decisions that protect First Nations food security and our rich cultural and social practices and traditions. Many BC First Nations are concerned with the overall status of eulachon populations and are generally supportive of recovery actions that will help to preserve and rebuild the endangered runs. One of the major issues associated with the COSEWIC assessment is that by having identified only three designatable units over such a large area, COSEWIC has lumped together some strong runs with weaker ones. So while eulachon may be declining overall, a few rivers (e.g. Klinaklini, Kingcome, and Nass and others) are still seeing relatively strong returns. Many First Nations are alarmed that the proposed DU structure does not accurately reflect the distinct life histories or the genetic and vast geographic diversity of the eulachon, and any potential listings that group together relatively strong runs with weaker runs with a single DU could have significant infringements to First Nations Title and Rights.

For the development of the Recovery Potential Assessment for each of the DUs, DFO has identified significant data gaps, especially for in-river abundance estimates, and is requesting eulachon data and information from First Nations. First Nations that conduct eulachon assessments as part of their fisheries programs' AFS or AAROM funded activities will have already provided data and reports to DFO as part of their funding agreement reporting. There are also some First Nations that conduct their own eulachon monitoring and assessments for their own fisheries management. As discussed on the teleconference, if DFO does not have data for the local stocks within the DU, it may need to use whatever information it has on eulachon populations from one area and apply it to its assessment of eulachon populations in other areas.

First Nation representatives on the call agreed to take the information and the DFO request for eulachon data back to their communities and/or fisheries organizations for further discussion. The FNFC will host another Eulachon Teleconference Call on September 8th from 9:30 to 10:30 am.

The deadline to contribute data and information to the RPA is September 15th. The FNFC is also encouraging First Nations that are concerned with the COSEWIC Assessment and the proposed composition of the COSEWIC recommended Designatable Units, to submit a letter outlining your concerns to DFO and Environment Canada.

REGIONAL FIRST NATION FISHERIES ORGANIZATIONS CONFERENCE CALL

The First Nation Fisheries Council continues to host a tier one bi-weekly conference call for First Nation fisheries organizations. The conference calls are open to all First Nations and First Nations fisheries program staff. Upcoming conference calls:

- Wednesday, August 24, 2011 (9:00 am to 10:30 am)**
- Wednesday, September 7, 2011 (9:00 am to 10:30 am)**

Dial-in information and agendas are distributed prior to each conference call via our email listserve.

Summaries of past conference calls are available on the Fisheries Council website at: www.fnfisheriescouncil.ca/index.php/mission-a-work-of-council/working-groups/regional-first-nations-fisheries-organizations

Please note that these summaries are internal to First Nations, and a username and password are required to view them. To create a username and password for our website, please contact us at info@fnfisheriescouncil.ca.

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COHEN COMMISSION

The Cohen Commission has continued with a series of evidentiary hearings, which have now covered a broad spectrum of issues, including aboriginal fishing in late June and early July. The evidentiary hearings, which are open to the public and held at Federal Court at 701 West Georgia Street (8th floor), will cover Aboriginal Fishing (DFO Programs) on August 19th and September 2nd. Evidentiary hearings on Diseases begin August 22nd followed by Aquaculture beginning August 25th.

The schedule is subject to change, so for the most up-to-date schedule of the evidentiary hearings please visit: www.cohencommission.ca/en/schedule.

For background information relating to the evidence that is being put in front of the Commission please visit: www.cohencommission.ca/en/Backgrounders.php.

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2011 FISHERIES ASSEMBLY

The First Nations Fisheries Council will be hosting the annual Fisheries Assembly on November 8 and 9, 2011 in Penticton, British Columbia.

Further information regarding the theme, agenda, travel and accommodations will follow by early September.

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CONTACT US

For more information about the First Nations Fisheries Council, please visit our website at www.fnfisheriescouncil.ca. For general inquiries contact us at info@fnfisheriescouncil.ca.