



First Nations Fisheries Council COMMUNIQUÉ

FEBRUARY 2015 ISSUE



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Central Coast: **Penny White**
South Vancouver Island: **Dan Claxton**
Lower Mainland: **Richard Sparrow**
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**
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MESSAGE FROM THE FNFC EXECUTIVE DIRECTOR

Greetings to all, and Happy 2015! As we move forward with our work in the New Year, the FNFC continues to focus on the following priorities:

- Advancing our relationships with the First Nations Leadership Council and First Nations fisheries organizations through our Protocols and our Charter processes.
- The FNFC met with the Leadership Council in January to indicate that the FNFC will be raising its profile and engaging directly with senior DFO officials in Ottawa (March 2015).
- Supporting the work of various Coordinating Committees (e.g. Salmon, Aquaculture) with geographically based delegates/participants to advance BC 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.
- First Nations from around the province met with DFO regional officials on January 30, 2015 regarding the sunset of the PICFI funding envelope, and the impacts to programs currently funded by PICFI. There will be an \$850K shortfall to aboriginal funding for fisheries management. The FNFC will be coordinating an environment scan and will work with First Nations to develop recommendations on a strategy to be considered by DFO. This work will be coordinated through the Tier 1 FishTank Policy Dialogue process.

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. This will form some of the agenda items for our Ottawa trip.

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We concluded our strategic planning session with the FNFC Executive Council on December 8, 2014, and 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.
- 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. This work is being coordinated with the First Nations Health Council's Social Policy Forum (wellness 2025); a meeting held with Provincial Deputy Ministers on February 6, 2015 has led to a commitment to begin engaging with the First Nations resource councils on BC resource extraction activities and impacts.

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 our general direction for this year. We look forward to working with you all in 2015!

If you would like more information about our organization, or to join our email list to stay informed on First Nations fisheries issues in BC, please get in touch with us by emailing info@fnfisheriescouncil.ca.



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O'Siem,
Jordan Point, FNFC Executive Director

DFO COMMERCIAL SALMON ALLOCATION FRAMEWORK REVIEW

The First Nations Salmon Coordinating Committee (SCC) delegates have worked together since October 2013 to develop a proposal for specific changes to revise and improve DFO's Commercial Salmon Allocation Framework (CSAF). The SCC has proposed for an updated CSAF that:

- 1) ensures that the CSAF process is easier to understand,
- 2) identifies explicit harvest shares and the means for First Nations to increase their share,
- 3) is more consistent over multiple years, and
- 4) clearly recognizes First Nations communal commercial fisheries and provides harvest shares for these fisheries.

SCC delegates are currently communicating to BC First Nations about the SCC's proposal to update the CSAF, and are encouraging First Nations and/or organizations to support the SCC proposal through statements of declaration and letters to

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the Minister of Fisheries and Oceans. The FNFC recently circulated an information package through our email list that provides details about the SCC's proposal, and ways First Nations can support the proposal. The FNFC has also written a letter to the Minister of Fisheries and Oceans Canada to express support for the SCC proposal. Nonetheless, the FNFC and SCC do not expect there to be consensus on the SCC proposal. As such, the FNFC expects and encourages First Nations and/or organizations to send letters of support and letters of concern of their own to DFO.

Additionally, in January 2015, a few delegates of the SCC, the Commercial Salmon Advisory Board, and DFO began collaborating on an initial draft of guiding principles for a new CSAF. The SCC has proposed to continue to work with these delegates to define a common set of principles and operational guidelines needed to implement a new CSAF. The document defining these principles and operational guidelines is expected to evolve over time. The 2015 version of this document will need to be completed by early April 2015 so it can be used to determine the degree to which any proposed changes to the CSAF can be implemented in 2015.

If you have any questions about the SCC's involvement in the CSAF review process, or would like more information on the SCC proposal, please feel free to contact Wanli Ou, Fisheries Project Manager, at wanli@fnfisheriescouncil.ca, or 778-279-2900.

WATER FOR FISH INITIATIVE

Thank you to all the participants who joined us in January and helped make our first Water Forum of 2015 an enjoyable and informative event. We had over 40 participants from around the province discussing the ins and outs of watershed planning and governance, and the feedback we got back from everyone was simply: "We need more of them!" So if you missed out, don't worry, the Water Team is planning additional Water Forums throughout the year targeting water issues important to First Nations across BC.

The FNFC will also be launching its new water website this month. This will be the online hub where you can find information on water for fish and healthy aquatic ecosystems. We know your experience in water-related matters is vast, and we welcome your contributions to this site as we all have much to learn from each other's experiences.

Upcoming Water Wednesday – February 25, 2015 at 10:30am: Join the discussion to learn more about the BC Government's proposed Water Licensing Plan. An agenda along with call-in information will be emailed out via the FNFC email distribution list.

AQUACULTURE

Upcoming Dates:

- **February 23 – DFO Technical Session on Aquaculture Management for BC First Nations**
For all interested BC First Nations – Vancouver, SFU Harbour Centre.
- **March 3 – First Nations Opportunities in Freshwater Aquaculture Workshop**
For all BC First Nations members and representatives – Vancouver, SFU Harbour Centre

****Please register on the FNFC "News and Events" webpage to guarantee a spot and to access remaining travel funding****

The Tier 1 process for Aquaculture continues to develop through the Aquaculture Coordinating Committee (ACC). The ACC is moving forward on three priority areas identified and reaffirmed through the Tier 1 process:

- Development of tools to support a First Nations approach to risk management for fish farms,
- Increased First Nations involvement in environmental and compliance monitoring, and
- Exploring economic opportunities in freshwater and closed-containment aquaculture.

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A working group has been formed to develop technical tools to support BC First Nations in their approach to risk management for open net pen fish farms. The FNFC has begun drafting guiding principles for this approach, as well as background material on siting criteria, DFO decision making, and existing risk management frameworks. The working group will convene in February and March to review work to date and provide direction for next steps.

To kickstart ACC work on opportunities in freshwater and closed-containment aquaculture, the FNFC is hosting a day-long workshop on March 3, 2015 in Vancouver. An expert panel of presenters has been confirmed and we expect a highly informative and engaging day. Registration for the March 3 workshop is open on the FNFC website. This FNFC workshop is scheduled to coincide with a March 4 workshop on multi-species aquaculture being hosted by a UVic-based research group.

The FNFC has also scheduled a March 24 workshop on First Nations involvement in environmental and compliance monitoring. A detailed agenda and formal invitation will be distributed in the coming weeks via our Tier 1 email list.

Finally, the FNFC is providing logistics and communication support for the rapidly approaching February 23 DFO Aquaculture Technical Session. This is the second DFO Aquaculture Technical Session, and DFO staff will present on a number of key topics, including siting of fish farms and the DFO application review and decision making process. Registration for this session is open on the FNFC website.

More information about these sessions, including all upcoming dates and links to registration and travel subsidy applications where available, can be found on the FNFC News and Events webpage at www.fnfisheriescouncil.ca/news-events.

PACIFIC SALMON COMMISSION

The Pacific Salmon Commission (PSC) was established in 1985 by Canada and the US to implement the Pacific Salmon Treaty (PST), the agreement between Canada and the US to cooperate in the management, research, and enhancement of Pacific salmon stocks. The PSC includes participation from First Nations via its technical committees, various panels, and at the Commissioner level. DFO seeks advice from First Nations on appointments for these positions, but ultimately the appointments are finalized at the discretion of DFO. The PSC held meetings in Vancouver in January and in Portland in February. The following major issues were discussed:

- **Preparation for re-negotiation of several PST chapters, scheduled to conclude by 2018:** Chapters pertaining to Transboundary Rivers, Northern BC and Southeastern Alaska, Chinook Salmon, Coho Salmon, and Southern BC and Washington State Chum Salmon (Chapters 1, 2, 3, 5 and 6) will be re-negotiated over the next 3 years. The PSC is currently scoping key issues at the panel and technical levels. The PSC First Nations Caucus plans to meet to further discuss in March, and has strongly urged DFO to engage in broader consultations with BC and Yukon First Nations whose rights may be impacted by the negotiations.
- **Interior Fraser Coho Exploitation Rate:** Canada increased the domestic exploitation rate for Interior Fraser Coho from 3% to 16%. The US was unable to respond late in the season to this change, and as a result, may have missed fishing opportunities. Discussions are ongoing and will likely carry into fisheries planning for 2015.
- **Chinook Technical Committee (CTC) Participation:** With a number of CTC projects concluding soon, there is room being made for further First Nations involvement at the Canadian Caucus and Bilateral (Canada-US) CTC tables. The PSC First Nations Caucus will solicit nominations for this opportunity via the FNFC.
- **Fisheries Act Section 10: Fish Allocation for Financing Purposes (Use of Fish policy):** It is the understanding of the PSC First Nations Caucus that DFO's Use of Fish policy has been finalized, but it has not yet been released. The PSC continues to discuss test fishery requirements, PSC and DFO responsibilities, and changes to test fishing policies and practices for 2015.

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UPDATES FROM THE WEST COAST OF VANCOUVER ISLAND

Submitted by Don Hall, Nuu-chah-nulth Tribal Council Fisheries – don.hall@nuuchahnulth.org

West Coast Vancouver Island Herring Fisheries

Herring stocks on the West Coast of Vancouver Island (WCVI), Haida Gwaii and Central Coast have been weak for well over a decade. Last year DFO recognized the weak stocks in these three areas and committed to re-evaluating its management approach and developing a “Herring Rebuilding Strategy” working with First Nations. The Nuu-chah-nulth, Haida, and Heiltsuk Nations, who rely on and have constitutionally-protected rights to harvest herring in their territories, have ongoing conservation concerns and have expressed these concerns to DFO. On the WCVI, Nuu-chah-nulth harvesters have been unable to obtain herring spawn on bough or spawn on kelp for Section 35 Food and Ceremonial needs for many years. Trees set by Nuu-chah-nulth harvesters in 2014 came up empty, or with only one or two layers of herring eggs (too few egg layers to harvest). WCVI herring conservation concerns led Nuu-chah-nulth Chiefs and Nations last October to call for the continued closure of their territories to commercial herring fisheries in 2015.

Despite these ongoing concerns and the opposition of First Nations, in mid-December Fisheries Minister Gail Shea announced that the WCVI, Haida Gwaii, and Central Coast areas would be open to commercial roe herring fisheries in 2015. The Nations are disappointed with Minister Shea’s decision and the approach of DFO in ignoring the serious conservation concerns of the First Nations.

In 2014, five Nuu-chah-nulth Nations obtained an injunction in Federal Court preventing DFO from opening the WCVI commercial herring fisheries because of conservation concerns and the unfulfilled obligation to accommodate the Nuu-chah-nulth Aboriginal Right to harvest and sell herring. Those concerns and outstanding obligations remain, and there has been no real progress on DFO’s herring rebuilding strategy. The five Nations are forced back into court to seek an injunction to stop the 2015 commercial herring fisheries.

This injunction hearing will be heard on February 26, 2015 in Federal Court Vancouver. The Federal Court is located in the Pacific Centre office tower at 701 West Georgia Street.

For more information, please contact Don Hall at don.hall@nuuchahnulth.org, or read the full Nuu-chah-nulth legal argument, available on the FNFC website at <http://www.fnfisheriescouncil.ca/downloads/herring.pdf>.

Nuu-chah-nulth Fishing Rights: Back to Court

In 2009, the B.C. Supreme Court ruled that five Nuu-chah-nulth Nations have Aboriginal Rights to fish and sell any species of fish from their territories into the commercial market. The Court directed Canada and the five Nations to negotiate how the Nations’ Aboriginal Rights could be accommodated and exercised. The parties were provided 2½ years to negotiate an agreement.

After five years of meetings with DFO, it is clear that Canada has no intention of negotiating a reasonable accommodation that provides a secure and reasonable opportunity for Nuu-chah-nulth members to exercise their Aboriginal Rights by their preferred means. The Nations have provided sustainable fishing plans for salmon, groundfish, and shellfish that detail how their fisheries will be carried out, and a reasonable share of available harvests that begin to address their Aboriginal Rights while accommodating other interests in the fishery. DFO has tabled meager and unsecured access to fisheries through regular commercial licences, which, with limited exception, apply the same management regime that was found at trial to have infringed on the Aboriginal Rights of the Nations. DFO continues to put First Nations interests and Aboriginal Rights behind the interests of recreational harvesters and regular commercial licence holders.

The five Nuu-chah-nulth Nations are located in remote areas with limited economic opportunities. The 2009 Supreme Court ruling recognized the particular economic and cultural importance of fisheries to these remote First Nations. Nuu-chah-nulth Nations are seeking reasonable opportunities to restore their fishing culture and foster economic independence in their communities.

Canada and the five Nations are going back to court (in the B.C. Supreme Court in Vancouver, 800 Smithe Street) on March 9, 2015, to begin another lengthy trial that will determine whether Canada’s infringement of Nuu-chah-nulth Aboriginal Fishing Rights can be justified.

For more information please contact Don Hall at don.hall@nuuchahnulth.org.



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FNFC SCIENCE SERIES

The First Nations Fisheries Council hosted another successful Science Series session on February 17-18, 2015, which focused on the 'Big Picture' in salmon management. The topic for Day 1 was Traditional Ecological Knowledge (TEK) and the topic for Day 2 was Understanding Cumulative Effects. Thanks to our great presenters and to all who attended the event! The next Science Series will be held on April 28-29, 2015 and will focus on Environmental Impact Assessment and Management of Extractive Resource Activities.



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 call will be held on Wednesday, March 11, 2015.

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