



First Nations Fisheries Council COMMUNIQUÉ

JUNE 2012 ISSUE



CURRENT FIRST NATIONS FISHERIES COUNCIL MEMBERS:

North Coast: Don Roberts
Central Coast: Megan Moody
South Vancouver Island: Allen Claxton
Lower Mainland: Richard Sparrow
Upper Fraser: Thomas Alexis
Northern Transboundary: John Ward
Haida Gwaii: Robert Davis
North Vancouver Island: John Henderson
West Coast Vancouver Island: Cliff Atleo
Fraser Valley: Ken Malloway
Mid-Fraser 1: Waiting for Confirmation
Mid-Fraser 2: Vacant
Upper Skeena: Stu Barnes
Transboundary-Columbia: Howie Wright

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MESSAGE FROM THE FNFC EXECUTIVE DIRECTOR

Greetings everyone,

Here is a snapshot of the current issues we're working on at the First Nations Fisheries Council (FNFC) from the perspective of the Executive Director, and the Executive Council. We hope that these bi-monthly updates will help to keep BC First Nations informed about the initiatives and activities of our organization.

Recent strategic meetings of the Council have included:

- Regional Update to the UBCIC, the FN Summit and to the AFN
- The National Aboriginal Fisheries Forum (NAFF 2) working group – which is developing the Agenda for the October forum
- The Leadership Council meeting with the Minister of Fisheries and Oceans – June 25, 2012 – at the meeting, we requested follow up to two key Items:
 - The request for an MOU with the Minister and the FN Leadership Council
 - A response to the FNFC submission to the Commercial Fisheries Modernization 2012 rollout

Strategic Planning:

The FNFC continues to build on the strategic objective and direction of the *2010 All Chief's Task Force Report* – and recommendations to develop formal MOUs for a cohesive voice for First Nations. This has been laid out earlier in our communiqués and in Tier 1 meetings. The FNFC has been working with a number of you, to elicit information and develop the feedback for the purposes of building out the 3-year strategic plan for the FNFC, and to develop a broadly supported approach to working effectively together at a Regional/Provincial scale. We will further articulate this through our "Commitment to Action" work plan.

This activity has been supported by First Nations and DFO, and has enabled the FNFC to demonstrate stability in the strategic vision and provided the basis for "enhanced" (cont.)

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classification as an organization, which allows for multi-year funding. The FNFC will soon be concluding an amendment to the three-year agreement with DFO, and we look forward to them supporting some of the next steps outlined in the strategic plan.

Institute on Governance:

The FNFC commissioned a report early in 2012 from the Institute on Governance, to help map out the strategic direction of the fishery objectives of First Nations, find a way to bring people together to inform this process, and most importantly, determine how to financially resource the institute to participate with the FNFC. These objectives lay out some action items, which include the establishment of regional/local advisory boards at the local and watershed level (this would not necessarily mean a new level of process, but rather to develop *formal* relationships with existing groups and processes). The File manager, Saul Milne, is currently working with the watershed based groups to develop these Charters among First Nations that will set out principles to agree upon as common objectives, and most importantly, how the local/regional groups will direct the FNFC on how best to address matters of importance in their respective areas. We are referring to it as the HIYU Charter (which means “working together”). To support this, we have begun a number of direct community engagement meetings to articulate the direction and framework for developing a cohesive voice among First Nations.

Cohen Inquiry/Bill C-38:

The FNFC has been advised that Justice Cohen is now expected to table the Cohen Commission report in September 2012. The First Nations Coalition (FNC) made a second submission for the Justice to consider concerning the most recent Omnibus legislation (Bill C-38). In particular, that the elements of Bill C-38 be held inoperable, until fulsome consultation is enacted and carried out on the environmental and fisheries related elements of the legislation. The original FNC submission was a comprehensive body of work amounting to 256 pages, and made a total of 101 recommendations. The FNFC again wishes to express extreme gratitude to the legal team of Mandell Pinder for the work done on behalf of First Nations. For more information about the Cohen Commission and the final submissions, visit their website at www.cohencommission.ca.

Integrated Fisheries Planning Process:

The Integrated Fisheries Planning process, which has been dubbed the First Nations Integrated Salmon Harvest (FN ISH) process, developed an Interim Coordinating Committee, which has developed an initial response the 2012 IFMP for Salmon. The response was presented to DFO on April 11, 2012. Perhaps the most explicit concern among the 13 recommendations included in the response is the concern about Section 35(1) fisheries allocations, and the specific concern that FSC needs are not being met. We have been advised that the work of FN ISH will be supported in our amendment and we look forward to carrying on with this integrated planning work.

NAFF II:

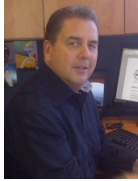
The FNFC will be co-hosting the 2nd National Aboriginal Fisheries Forum (NAFF II), which is confirmed for October 2-4 in Nanaimo. Invitations to the National Chief, Minister of Fisheries and Oceans, and other dignitaries have been extended. The focus will continue to be related to the business of fishing, such as marketing, attracting investment/access to capital, training, and aquaculture.

The FNFC participates on a National working group and steering committee to continue to build the agenda for this Forum. A Mark Your Calendar “hold the date Notification” was sent out, but can also be found on our website calendar.

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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.



Thanks,
Jordan Point

BILL C-38 UPDATE

The 2012 Federal Budget implementation Bill C-38, *Jobs, Growth and Long-Term Prosperity Act*, is an omnibus piece of legislation that dovetails with current provincial policy and legislation 'to create faster approval processes for resource development projects in BC.'

Many of the substantive amendments to the *Fisheries Act* will not come into force upon the Royal Assent of Bill C-38, but rather upon a later date to be set by the Governor in Council. In addition, the details about many of the proposed amendments in Bill C-38 will only be revealed through regulations, which are still under development.

In written submissions filed on Monday, May 14th, the First Nations Coalition ("FNC" – a coalition of many First Nations, Tribal Councils and First Nations fisheries organizations throughout the Province), requested that Commissioner Cohen immediately recommend to Harper's Government that the proposed amendments to Canada's *Fisheries Act*, the *Canadian Environmental Assessment Act*, the *Species at Risk Act* and the *Canadian Environmental Protection Act* ("CEPA") contained in Bill C-38 be kept inoperative until the completion of the required consultation with First Nations and the release and consideration of Commissioner Cohen's Report and Recommendations, in September 2012.

For more information please visit:

First Nations Coalition Submission at Cohen Commission:

<http://www.cohencommission.ca/en/pdf/FinalSubmissions/InitialBillC38Submissions/16-BillC38-FirstNationsCoalition.pdf>

The submission addresses five main issues:

- a. Ministerial discretion;
- b. Aboriginal fisheries;
- c. Habitat management;
- d. Provincial involvement; and
- e. Enforcement.

Government Summary: <http://www.parl.gc.ca/LegisInfo/BillDetails.aspx?Mode=1&Language=E&billId=5514128&View=8>

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FIRST NATIONS INTEGRATED SALMON HARVEST PROCESS UPDATE (FN ISH)

Background:

The main focus of the FN ISH process is to address First Nations' issues and concerns related to the multi-stakeholder (Tier 3) Integrated Harvest Planning Committee (IHPC)/Integrated Fisheries Management Plan (IFMP) process.

The IHPC/IFMP process was initiated in November 2004 by DFO as part of the PFR, and Oceans Act policy suite. Its objective is to coordinate and integrate fishing plans, identify conflicts, and recommend solutions for disputes. The IFMP/IHPC process was announced by DFO as an improved decision-making process for fisheries management. Committees for 28 IFMPs based on species were established, and are responsible for advising on the IFMPs and reviewing them annually. Each IHPC is split into North and South subcommittees that are responsible for planning in their respective regions. Although there are places for First Nations' representatives on the committees, First Nations have advised the FNFC that the IFMP/IHPC appointments lacked accountability and communication procedures, and, being a Tier 3 structure, is not an appropriate forum to discuss Section 35(1) fisheries.

Key Issues:

The FN ISH process, mandated by approximately 80 FN attendees at the Vancouver workshop in October 2011, acts upon three drivers or aspirations put forward by First Nations:

1. Dissatisfaction with the existing IFMP/IHPC process, new process requires rigor in appointment and communications.
2. Need to develop organizational alignment. First Nations have noted that similar conversations regarding fishery management occur in various meetings and have urged the FNFC to meet with FRAFS to streamline the activities, eliminate redundant meetings, and utilize economies of scale.
3. Develop forward-looking strategies for coordination. Efficiently design a framework for overlapping IFMPs, IMAPs (Integrated Management of Aquaculture Plans), and other emerging processes to ensure First Nations are able to engage in larger initiatives (e.g. PSC), within their current capacity.

Next Steps:

Many of the Fraser Watershed and East Vancouver Island participants also engage in the Fraser Forum on Conservation and Harvest Planning and the Fraser Salmon Roadmap processes. Both the FN ISH ICC and FRAFS have recommended that discussions take place to ensure that the administering organizations can explore approaches to coordination. On May 22, 2012, the FN ISH ICC met with the FRAFS EC and the planning committees for the Forum on Conservation and Harvest Planning and the Roadmap process to commit to further alignment. It was agreed that the FNFC would lead these initial discussions on coordination and alignment, and to follow up with another facilitated session between these groups.

The FNFC is recommending the following next steps:

1. Maintain and broaden engagement – who needs to be included in the conversation, in preparation for the facilitated session?
2. FNFC to develop and distribute a schematic rendering and synopsis for feedback prior to and during the facilitated session.
3. Identify a date and venue for the facilitated session.



4. Consistent with the FNFC strategic plan, and the IOG recommendations for regional advisory hubs: a) Confirm direction with the First Nations Leadership Council for a cohesive voice mandate, and b) Prepare for engagement in a facilitated session within 4-6 weeks.

AQUACULTURE UPDATE

As a result of the *Morton Decision*, DFO is in the process of developing a management framework to govern aquaculture, called the IMAP process. This process will mirror the IHPC process used to manage wild capture fisheries.

First Nations participants at the aquaculture governance workshop proposed a model for First Nations engagement in the Integrated Management of Aquaculture Plans (IMAP) process. Based on the proposed model, 7 First Nation representatives (6 Coastal and 1 Interior) would participate in the Aquaculture Advisory Panel (Tier 2) and Aquaculture Advisory Committee (Tier 3).

The FNFC will be hosting a series of community dialogue sessions in June and July related to the Aboriginal Aquaculture Engagement Initiative (AAEI), with a wrap up session in August. The purpose of these sessions is to discuss strategies, opportunities, and constraints for those communities that have identified aquaculture (shellfish, finfish and closed-containment) as a potential business opportunity.

The coming months will be busy with discussions related to IMAPs, AAEI, CFIA NAAHP, User Fee Act and RASRR, as well as the upcoming National Aboriginal Fisheries Forum (NAFF 2) conference.

DFO introduced the Proposed Changes to the User Fee Act and the Regulatory Regime to Manage the Release of Aquaculture Substances (RASRR). The FNFC continues to correspond with DFO to coordinate further conversations as required.

The Canadian Food Inspection Agency (CFIA) introduced the National Aquatic Animal Health Plan (NAAHP). The FNFC continues to correspond with CFIA to develop a more coordinated approach to engage First Nations.

For more information about the FNFC's work on aquaculture, please contact Alex Gagne at alex@fnfisheriescouncil.ca or 778-772-2954 to receive a more robust communiqué that discusses our various aquaculture initiatives in more detail.

REGIONAL FISHERIES ORGANIZATIONS CONFERENCE CALLS

The First Nations Fisheries Council hosts Wednesday morning update conference calls for First Nations fisheries organizations on a bi-weekly basis. 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 listserve. Summaries of past conference calls are available on the Fisheries Council website. Please note that these summaries are internal to First Nations, and a username and password are required to view them. To get your username and password for our website, or to add your email to our listserve, please contact us at info@fnfisheriescouncil.ca.

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