



First Nations Fisheries Council COMMUNIQUÉ

MAY 2013 ISSUE



MESSAGE FROM THE EXECUTIVE DIRECTOR

Greetings to all,

The FNFC has been working on a number of initiatives so far this year. Here is an overview of the current issues we're working on 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.

We heard from First Nations that a national level strategic response on Bills C-38 and C-45 is needed. In December, the FNFC supported the AFN at a national meeting in Ottawa. FNFC Executive members Cliff Atleo and Ken Malloway attended, and were part of a consolidated approach to have resolutions adopted concerning the impacts of Bill C-38 (i.e. the federal approach to the regulatory environment and fast tracking legislation such as Fisheries Act modernization and changes to the Canadian Environmental Assessment Act). The FNFC is coordinating an approach between the Pacific region and our Atlantic counterparts (Atlantic Policy Congress of Chiefs).

On March 19-21, 2013 the AFN Environmental Stewardship Unit (ESU) held a National Fisheries meeting in Calgary, which was attended by Chief Byron Louis, (BC Chiefs delegate), and Jordan Point and Deana Machin from the FNFC. Priority topics included Fisheries Act amendments, the Section 2 definition of Aboriginal fishing, and the Section 10 'Use of Fish' policy for financing.

On March 25-26, 2013, the FNFC held a Fisheries Summit among the regional First Nations fisheries organizations in BC. The intent was to discuss priorities and division of labor to address the current agenda of Canada, and in particular DFO, in implementing the legislative changes embedded within Bills C-38 and C-45. The following priorities were identified:

- Focus of the FNFC: Recognizing that the work of the FNFC over the past year has been focused on building the collaborative framework among First Nations, there was a desire to have the FNFC begin to take on more of the high-beam activities, such as strategic policy analysis and responses, and developing relationships with the province and other federal departments.
- Defining FSC (Food, Social and Ceremonial fisheries): The Cohen Commission report recommends that DFO work with First Nations to define Section 35 and Aboriginal fishing. The changes to the Fisheries Act circumvent this, and aggressively limit the scope of Section 35. The majority of First Nations are still not having their FSC needs met, and DFO policy remains a barrier to increasing FSC and economic harvest opportunities. Under case law, the brunt of conservation must be borne by all other sectors. Changes to the Fisheries Act place any fishery that is not for FSC use in a commercial category, which eliminates Section 35 priority protection.

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- Strategic Response to Bills C-38 and C-45: Since these bills were passed, there has been no cohesive response from First Nations. The regional organizations advised that they saw the FNFC as the appropriate vehicle to develop a strategic response, and assess where First Nations can identify opportunities to occupy the field vacated by federal departments on management activities.
- Safeguarding and Protecting Environment: CEAA – environmental reviews require resourcing and database information. First Nations will collaborate on strategic responses to ensure coherent messaging, and First Nations councils and organizations will convene discussions to ensure benchmark positions are complimentary and mutually supportive.

Also following year-end, we heard from First Nations that there have been significant changes to AFS and AAROM contribution agreements that are impeding progress on collaborative fisheries agreements. This was expressed to the RDG during our recent Joint Executive meeting (May 21). The FNFC stated that if changes are being considered in reporting requirements and activities, specific communication from DFO should be circulated to First Nations. The FNFC will be coordinating specific conference calls on moving this issue forward. Please stay tuned on this matter.

Recent strategic meetings of the Council have included:

- FNFC Charter development meetings
- Okanagan Nation Alliance – March 2013: The ONA has committed to signing on to the Charter and is currently in the process of developing their regional appendix
- The Council of the Haida Nation signed the Charter on May 29, 2013 in Skidegate
- The FNFC presented to the UBCIC in Nanaimo on May 29-30, 2013
- The FNFC will be presenting to the Summit on June 5-7, 2013

Strategic Planning and Governance: The FNFC continues to build on the strategic objectives and direction laid out in the *2010 All Chiefs' Task Force Report*, and recommendations to develop formal MOUs for a cohesive voice among First Nations. The FNFC has been working with First Nations to gather information and develop feedback for the purpose 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. It has also provided the basis for "enhanced" classification as an organization, which allows for multi-year funding agreements.

The FNFC also continues to work toward establishing an advisory process that facilitates information sharing between the various scales (local/watershed, provincial), as per the Institute on Governance report (2012). Dana Bellis is currently working with various regional First Nations fisheries organizations to formalize our relationships through the FNFC Charter.

For more information about the FNFC, visit us on the web at www.fnfisheriescouncil.ca



Thanks,
Jordan Point, FNFC Executive Director

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AQUACULTURE UPDATE

The FNFC has been working with regional First Nations fisheries organizations to support awareness of and engagement in DFO's Tier 3 aquaculture advisory process, the Aquaculture Management Advisory Committees (AMACs). The AMACs are formal advisory processes that support the development of Integrated Management of Aquaculture Plans (IMAPs) by providing a venue for First Nations, industry, other stakeholders, and various levels of government to engage in dialogue and participate in the planning cycle for aquaculture. IMAPs will be developed for marine finfish, marine shellfish, and freshwater aquaculture.

On March 27, 2013, DFO hosted its first AMAC meeting on marine finfish. At this meeting, First Nations participants expressed their preference to focus on the development of Tier 1 and Tier 2 processes. The FNFC is currently working with DFO to identify a budget and work plan that prioritizes limited resources and capacity to building Tier 1 and 2 structures, while keeping up to speed on the discussions at the AMACs. This work will build on experiences from the Salmon Coordinating Committee, which has informed First Nations engagement in DFO's IFMP/IHPC process.

The FNFC has developed a discussion document that explores these concepts and includes a description of how First Nations have expressed their vision for participation in these processes. This "Aquaculture Management Advisory Committee Reference Guide" will be distributed to First Nations via the FNFC email listserve on Monday, June 3, 2013.

For more information, please contact Michelle Tung at michelle@fnfisheriescouncil.ca or at 778-279-2900 (tel)

SALMON COORDINATING COMMITTEE UPDATE

Background:

The DFO process for managing salmon occurs through the Salmon Integrated Harvesting Planning Committee (IHPC), which is a regional steering group process that contributes to the development of the Salmon Integrated Fisheries Management Plan (IFMP). The Salmon IFMP is one of twenty-seven species-specific IFMPs, and is developed annually to manage the harvest of all salmon species.

First Nations continue to assert that it is not appropriate to develop decisions in a Tier 3 environment (government and First Nations together with commercial and recreational interests) that impact First Nations priority rights to fisheries. First Nations also express frustration with the lack of clarity from DFO in demonstrating how their recommendations are incorporated and reflected in the development of the IFMPs.

Purpose:

The purpose of the Salmon Coordinating Committee (SCC) is to contribute to the development of a functional Tier 1 forum and provide strategic technical advice and recommendations to DFO on the development of the annual salmon IFMP. The SCC is composed of thirteen delegates that are regionally nominated from thirteen of the fourteen FNFC regions that participate in the development of the Pacific Regions Salmon IFMP (the Northern Transboundary region engages through a different process). Delegates are responsible for reciprocal information sharing between the provincial, regional, and community scales for First Nations, and for engaging in strategic Tier 2 discussions to advance the priorities of First Nations and to create change in the IFMP/IHPC process.

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Key Activities:

The Salmon CC is making excellent progress in developing its internal structure, strengthening external relationships, and developing a strategic approach to engagement in the salmon IFMPs. Key activities and accomplishments are as follows.

Activities of the Salmon CC in 2013:

- Ongoing identification and development of efficiencies with external processes.
- Development of the 2013 Consolidated Comment Document on DFO's 2013 IFMP.
- Ongoing presentations of the SCC's work and structure to First Nations Fisheries Organizations.
- Finalizing nomination and appointments to confirm standing Salmon CC delegates. Nominations and appointments are organized through regional First Nations fisheries organizations, programs, nations, or representative bodies in accordance with the Salmon CC Terms of Reference and regional processes.

Moving Forward in 2013:

- Development of a Tier 1 and 2 meeting schedule and work plan.
- Development of a Tier 2 Terms of Reference.
- It is anticipated that over the next year, the FNFC will lead a process to develop and establish an interim First Nations Aquaculture Advisory Panel (FNAAP), which will work closely with the SCC to identify lessons learned and efficiencies in developing its model, process, and structure.

For more information about the SCC, please contact Dana Bellis at dana@fnfisheriescouncil.ca or 778-279-2900 (tel).

FNFC CHARTER UPDATE

What is the Charter & Appendix?

The FNFC Charter is a good faith document that encompasses the principles and objectives from the 2007 Fisheries Action Plan and the 2011-2015 FNFC Strategic Plan. It is designed to promote enduring relationships and constructive dialogue among First Nations, and serve as the foundation for positive working relationships on the coordination of capacity and resources in matters of mutual interest. The Appendix is the accompanying document that describes the collaborative working relationship between the FNFC and the First Nations fisheries organizations through spelling out in simple terms how to best work together. The Appendices are customized to meet the individual needs of each fisheries organization through an ongoing dialogue of revisions. They also outline areas such as meetings, communication, information sharing, and potential advocacy roles.

Charter Signings and Updates

It is with great pleasure that the FNFC announces the successful signing of The Charter by: the Upper Fraser Fisheries Conservation Alliance (UFFCA); the Nuu-chah-nulth Nations; the Lower Fraser Fisheries Alliance (LFFA); the Island Marine Aquatic Working Group (IMAWG); the Council of the Haida Nation (CHN); the Native Fishing Association (NFA); the Pacific Salmon Commission (PSC) First Nations Caucus; and the Okanagan Nation Alliance (ONA – agreement to be signed). To date, the signed Charters encompass over 108 First Nations communities in BC. Over the coming spring, we anticipate that four to six additional Charters will be signed.

For more information about the FNFC Charter process, please contact Dana Bellis at dana@fnfisheriescouncil.ca or at 778-279-2900 (tel).

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WATER FOR FISH STEWARDSHIP INITIATIVE UPDATE

The FNFC would like to thank everyone who has come out to the eight *Water for Fish Stewardship Initiative (WFSI)* workshops. They say if you want a job done, give it to a busy person. Given the amazing range of expertise that was represented by very busy people at the workshops, we fully appreciate that our communities have so much to give and continue to give so much. Over 120 people came out to the various workshops and added their voice to the collective considerations that will go into the development of an FNFC strategy and action plan on water for fish.

What now you ask? We will be finalizing the reports from all of the regional workshops. People who attended those workshops will get a chance to review their regional inputs and the draft thoughts and key points that set out the strategic direction and focused action items. This has been a marathon run of workshops, so our thanks goes out to those who are waiting with bated breath to review and provide further input.

Following the distribution of summary notes, we will be bringing the broad themes and specific actions that the FNFC can propose to the June 19 & 20 forum called *Directing the Flow*. This will be your chance to help us prioritize both short-term and long-term activities.

You can now register for the June 19 & 20 Forum in Richmond online at <http://www.createsurvey.com/s/PAdMjp/>

And then we write and you review. We will put into place the words and tools by which the FNFC can empower and enable effective participation in improving freshwater management for fish in BC.

This is an amazing project with the opportunity to advance respectful engagement and strategic partnerships as we ensure sustainable and strategic use of water, and water uses. As many have said at the workshops while ‘defining’ water – water is not a problem to be solved, *WATER IS LIFE*. So we are looking forward to seeing you all June 19 & 20 in Richmond!

PACIFIC SALMON COMMISSION UPDATE

The Pacific Salmon Commission (PSC) panels and technical committees are responsible for specific stocks of salmon originating in the waters of one country and which are subject to interception by the other (Canada and US). With this mandate, the PSC process, and hence the First Nations Caucus, address issues related to many major salmon stocks in BC and the Yukon.

The First Nations Caucus of the PSC consists of First Nations participants appointed to the PSC by DFO, including 2 Commissioners, 12 panel members, and approximately 9 technical participants. The governance structure of the Caucus consists of an Executive, with a member from each Panel and the 2 First Nations Commissioners.

Members of the PSC that comprise the First Nations Caucus are as follows:

Name	Affiliation	PSC Representation	PSC FN Caucus
Commissioner(s)/Alternate Commissioner			
Brian Assu	A-tlegay	Commissioner	Executive Committee
Murray Ned	Sto:lo Nation	Commissioner	Executive Committee
Panel Members			
Chris Barnes	Skeena Fisheries Commission	Northern Panel	Executive Committee
Cheri Frocklage	Tahltan Fisheries Program	Trans-boundary	Executive Committee

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Louise Gordon	Taku River Tlingit	Trans-boundary	FN Caucus Member
Don Hall	Nuu-chah-nulth Tribal Council	Southern Panel / Southern Endowment Fund	Executive Committee
Ken Malloway	Sto:lo Nation	Fraser River Panel	Executive Committee
Harry Nyce	Nisga'a Lisims Government	Northern Panel	FN Caucus Member
Errol Sam	Ahousaht First Nation	Southern Panel / CIG Observer	FN Caucus Member
Marcel Shepert	Upper Fraser Fisheries Conservation Alliance	Fraser River Panel	FN Caucus Member
Gord Sterritt	Northern Shuswap Tribal Council	Southern Panel / Coho Working Group	Interim Chair of the Executive Committee
Linaya Workman	Champagne and Aishihik First Nations	Trans-boundary	FN Caucus Member
Vacancy		Fraser River Panel	FN Caucus Member
Vacancy		Northern Panel	FN Caucus Member
Technical Committee Members/Observers			
Kim Charlie	Chehalis Indian Band	Chum Technical Committee	FN Caucus Participant
Sabrina Crowley	Nuu-chah-nulth Tribal Council	Chinook Technical Committee	FN Caucus Participant
Roger Dunlop	Nuu-chah-nulth Tribal Council	Chinook Technical Committee	FN Caucus Participant
Richard Erhardt	Taku River Tlingit/Tahltan Fisheries Program	Trans-Boundary Technical Committee	FN Caucus Participant
Allen Gottesfeld	Skeena Fisheries Commission	Northern Technical Committee / Habitat Restoration Committee	FN Caucus Participant
Pete Nicklin	Upper Fraser Fisheries Conservation Alliance	Coho Technical Committee	FN Caucus Participant
Teresa Ryan	Native Brotherhood of BC	Chinook Technical Committee – Precautionary Management	FN Caucus Participant
Mike Staley	Fraser River Aboriginal Fisheries Secretariat	Fraser River Technical Committee	FN Caucus Participant/Technical Coordinator
Howie Wright	Okanagan Nation Alliance	Chinook Technical Committee / Coded Wire Tag Tech Committee	FN Caucus Participant
Kelsey Campbell	A-tlegay Fisheries	Fraser River Technical Committee Observer	FN Caucus Participant

Individuals participating in the various PSC panels are selected and appointed by DFO. Technical contractors are selected by the Caucus and approved by DFO based on their knowledge and expertise as well as their experience working with First Nations.

Geographic Parameters

Participants in the First Nations Caucus have ties to aboriginal organizations from diverse geographic regions throughout the Pacific Region.

Commitment to Conservation and Sustainable Resource Use

In addition to the conservation and sustainable use-oriented mandate of the PSC process, the Terms of Reference for the First Nations Caucus lay out a number of principles, the first of which confirms the priority of salmon conservation.

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First Nations' Caucus Principles (Caucus Terms of Reference, adopted in February 2006):

The Caucus will work together to advance the individual and collective interests of First Nations in British Columbia and the southwest Yukon. In order to achieve this, the following principles will be respected:

- 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

For more information about the PSC First Nations Caucus, please contact Dana Bellis at dana@fnfisheriescouncil.ca or 778-279-2900 (tel).

SPECIES AT RISK UPDATE

On May 6, 2013 the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) completed an eulachon re-assessment and is now recommending that the eulachon populations in the Nass and Skeena Rivers designated unit be considered for listing under the *Species at Risk Act* as a species of "Special Concern". As previously assessed, the Central Coast and Fraser River designated units have both been designated by COSEWIC as "Endangered". It is important to note that if eulachon become listed under SARA, the most significant difference being listed as a species of "Special Concern" or one listed as "Endangered" is the automatic prohibitions that come into place. As a species of special concern there are no automatic prohibitions, but for species designated as threatened or endangered there are automatic prohibitions that would apply, which in the case of eulachon populations in the Central Coast and Fraser River are likely to infringe on Section 35(1) Rights to FSC fisheries. Populations listed as endangered will have automatic prohibitions placed on them to prohibit any person from: i) Killing, harming, harassing, capturing or taking, ii) Possessing, collecting, buying, selling or trading a species or its derivative, or iii) Damaging or destroying a species' residence.

Fisheries and Oceans Canada is the lead agency for responding to any aquatic species listing recommendations made by COSEWIC to the Government of Canada. Upon receipt of the recommendations from COSEWIC, DFO must undergo consultations on the proposed listing before it makes its recommendation to the Responsible Minister (Environment Canada) on whether to: a) list the species under SARA, b) not list species under SARA, or c) refer the proposed listing back to COSEWIC for further analysis and review.

DFO's original schedule for eulachon listing consultations has now lapsed and it is behind schedule. Consultations on the proposed "management scenarios" which identify actions to be taken to recover species in both the 'list' and 'do not list' scenarios and which may consider potential prohibitions are now scheduled to occur in the Fall of 2013. Once consultations on the proposed management scenarios is complete, DFO will undertake a Socio-Economic Analysis of the proposed listing which will then initiate further consultation. DFO has not updated their SARA consultation calendar but given the consultation delays, the FNFC anticipates that DFO's recommendation on the proposed listing of Eulachon populations in the Pacific will not be completed until late 2014 or early 2015.

The FNFC regularly hosts Tier 1 Eulachon Technical teleconferences to discuss issues related to the proposed eulachon listing and DFO's consultation process. BC First Nations are encouraged to participate in the teleconferences, or if you have any questions related to the proposed eulachon listing or the DFO's SARA consultation process, please contact Deana Machin at 778-279-2900 or deana@fnfisheriescouncil.ca.

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REGIONAL FISHERIES ORGANIZATIONS CONFERENCE CALLS – New Schedule!

The First Nations Fisheries Council previously hosted update conference calls for First Nations on a bi-weekly basis (every second Wednesday). However, since February 2013, we have moved to a monthly schedule for these calls. **The new schedule is the second Wednesday morning of every month, 10:30am-12:00pm.** We will 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 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.

On our last call (May 8), we planned to have DFO join to provide an update on the Aquatic Invasive Species (AIS) regulatory proposal. However, this update was postponed due to lack of participation on the May call. DFO will join the next call to provide this update (June 12).

More information is available in DFO's consultation document, which can be accessed online here:
<http://isdm-gdsi.gc.ca/ais-eae/regulatory-eng.asp>

The proposed regulation will be published in *Canada Gazette*, Part 1 in the fall of 2013 (specific timelines to be determined), at which time there will be a 30-day public comment period. In the meantime, First Nations are also able to send questions and comments regarding the AIS regulatory proposal to the email address provided at the bottom of the consultation document.

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

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