



# First Nations Fisheries Council COMMUNIQUÉ

MAY 2014 ISSUE



## FIRST NATIONS FISHERIES COUNCIL MEMBERS:

North Coast: **Arnold Clifton**  
Central Coast: **Megan Moody**  
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**  
Mid-Fraser 1: **Tina Donald**  
Mid-Fraser 2: **Tracy Wimbush**  
Upper Skeena: **Stu Barnes**  
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## MESSAGE FROM THE FNFC EXECUTIVE DIRECTOR

Greetings to all,

Here is an update on the current focus and direction of the FNFC, and some of the work we've done on behalf of BC First Nations over the last couple of months. We hope that you find these bi-monthly communiqués helpful for keeping up to date with fisheries issues affecting First Nations in BC.

### Governance Update

- The FNFC held its quarterly Executive meeting on May 13, 2014.
- The FNFC Executive met with the DFO Regional Director General (RDG) on May 20, consistent with the Joint Executive process under the signed Commitment to Action Accord (C2A, May 2010), which describes the implementation process for the Ministerial MOU.
- The FNFC made a presentation to the Senate Standing Committee on Fisheries and Oceans in Nanaimo, and emphasized that although many nations are pursuing various aquaculture initiatives, the consensus priorities of First Nations are the protection of wild salmon, transparent science, and implementation of Cohen recommendations.
- The FNFC amendment for 2014 has been agreed to for the base activities of FNFC operations, with the caveat that the C2A activities will still need to be negotiated subject to acceptance of work plans.

### MOU with the Fisheries Minister

In the fall of 2013, the First Nations Leadership Council (FNLC) signed an MOU with DFO to meet with the Minister twice per year. At the most recent meeting between the FNLC and the Minister (February 17, 2014) the FNFC supported the leadership in discussions regarding implementation of the MOU, concerns regarding the expansion of aquaculture, and the opposition to expansion of herring fisheries on the west coast of Vancouver Island, the Central Coast, and Haida Gwaii, and requested the Minister meeting with the nations.

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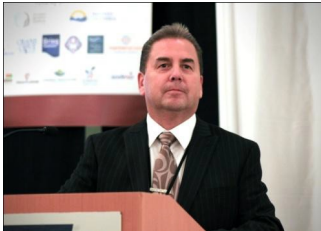
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## Operational Update

The FNFC continues to support the dialogue among First Nations regarding issues related to DFO's annual multi-year contribution agreements. Last year, the FNFC sent correspondence to the RDG regarding late changes to agreement templates and schedules, indicating that this was not acceptable business process. We have been able to develop an ad-hoc group of First Nations fisheries managers to engage in subsequent meetings, which has led to involvement from DFO national office personnel. Most recent changes indicate that the Aboriginal Strategies and Governance (ASG) program envelope will be under some internal DFO review for performance analysis. DFO has indicated the desire to have greater contributions from the region in this process.

The FNFC is currently in the final stages of year-end reporting and work planning for the 2014/15 fiscal year. This year's work plan will include the development of a new 3 year Strategic Plan for 2015-2017. The FNFC will be convening forums to receive BC First Nations perspectives in this endeavor.

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](mailto:info@fnfisheriescouncil.ca).



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O'Siem,  
Jordan Point, FNFC Executive Director

## WATER FOR FISH INITIATIVE

### **First Nations Water Network**

The FNFC is working to develop a First Nations Water Network to support collaboration, share knowledge, identify potential tools and resources, and inform the development and implementation of the Water for Fish work plan. All members of First Nations communities or organizations are encouraged to participate to help enhance shared learning and inform the development of resources and materials to support your Title and Rights around water and fish. Upcoming teleconference sessions of the Water Network:

Dates	Example Topics and/or Guiding Questions
June 18, 2014 3:00pm – 4:00pm	Cumulative environmental, community and health effects of multiple natural resource developments on First Nations' abilities to exercise their water for fish rights
Aug 20, 2014 3:00pm – 4:00pm	How will the new BC <i>Water Sustainability Act</i> affect First Nations water and fisheries management?
Nov 19, 2014 3:00pm – 4:00pm	Water availability – the relationship between water for fish and water for other forms of First Nations economic development

To join the network and/or register for upcoming sessions please email: [terry@fnfisheriescouncil.ca](mailto:terry@fnfisheriescouncil.ca)

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## **Legislation - British Columbia's *Water Sustainability Act (WSA)***

Based on feedback from First Nations during the November 2013 Legislative Proposal Analysis engagement phase, it was recommended that in order to resolve issues, a meaningful relationship must be developed with BC First Nations that is respectful of their interests, including their constitutionally protected s. 35(1) Aboriginal and Treaty Rights, prior to enacting the *WSA* and regulations.

FNFC staff drafted and submitted a letter on December 2, 2013 to Minister Polak (Ministry of Environment) highlighting significant unresolved governance and jurisdiction issues related to water resources, and a second letter on April 17, 2014 recommending that the Ministry of Environment 1) provide BC First Nations with documentation that clearly demonstrates how First Nations' issues and comments submitted are addressed and incorporated into the legislation; and 2) establish a process to work in collaboration with BC First Nations on the drafting of the *WSA* legislation, policies and regulations.

The British Columbia *Water Sustainability Act* will likely receive Royal Assent in May 2015, and will become operational within the subsequent 12 to 18 months. A round map of regulation developments will be requested in order to enable First Nations to plan their potential involvement.

## **Provincial Process – British Columbia Roundtable on the Economy and the Environment Process**

On March 28, 2014 the province announced the formation of a Roundtable on the Environment, which will explore the balance between economic development and environmental protection. The roundtable was announced with seats for 4 Environment, 6 Industry, 2 Community, 1 First Nation, and 3 Labour delegates. Consistent with the Water for Fish Initiative's objective of supporting First Nations involvement in provincial initiatives, the FNFC has been in contact with the Ministry of Environment to discuss First Nations representation and roundtable membership. Chief Shane Gottfriedson of the Tk'emlúps te Secwépemc has since accepted an invitation from the Minister to sit on the roundtable.

## **AQUACULTURE**

The First Nations Fisheries Council (FNFC) has been working with DFO since 2009 to develop a strategy to engage First Nations in the development of the Integrated Management of Aquaculture Plans (IMAPs). DFO continues to engage First Nations, along with other stakeholders, on the development and implementation of the Aquaculture Management Advisory Committees (AMACs), the Tier 3 committees leading the development of marine finfish, marine shellfish, and freshwater IMAPs. While the AMAC/IMAP process has the potential to provide opportunities for First Nations to influence the development of policies and priorities, it also has limitations that will affect First Nations participation and influence in decision-making.

### **Role of the FNFC – The Aquaculture Coordinating Committee and Declaration:**

Over the last fiscal year, as per the direction from participating First Nations, the FNFC has been focused primarily on the development of a functioning Tier 1 process that represents the interests of First Nations province-wide. This Tier 1 process is being referred to as the "Aquaculture Coordinating Committee" (ACC).

The ACC and the FNFC have developed an Aquaculture Declaration document that sets out guiding principles for an aquaculture advisory process among BC First Nations. The principles were developed by First Nations participants in 2010 during a series of nine regional meetings co-hosted by the FNFC and DFO to discuss the development of the Pacific Aquaculture Regulations.



The principles were captured in the final report from these engagement sessions titled *First Nations views on a Proposed Aquaculture Regulation for BC* (2010). The principles are as follows:

- Recognition of Title and Rights
- Meaningful engagement, consultation and accommodation
- Area-based management
- Capacity development
- Monitoring and enforcement
- Transparency and information sharing
- Inclusive science and ATK/TEK
- Corporate responsibility
- Balance of economic opportunity and environment impact
- Stock recovery and habitat restoration

While there are many differing interests and concerns among BC First Nations regarding aquaculture, these principles reflect values that are common to First Nations communities and organizations across the province. Based on discussions over the past year, First Nations have confirmed their support for these broad principles to guide collaboration and cooperation toward common goals – this includes contributing respective technical strengths to achieve progress on priority issues identified by First Nations at local and regional levels. The Declaration has also received support from the 14 FNFC regional delegates and a number of First Nations fisheries groups throughout the province.

Key areas of focus of this fiscal year’s work on aquaculture will include continuing to operationalize the Tier 1 process, and exploring options for Tier 2 engagement. We will also develop some broader aquaculture communications pieces, which will be available soon. More information about the upcoming year’s activities will be coming out when funding for the FNFC’s aquaculture work is confirmed.

For more info about the Aquaculture Coordinating Committee, please contact Michelle at [michelle@fnfisheriescouncil.ca](mailto:michelle@fnfisheriescouncil.ca)

## SALMON COORDINATING COMMITTEE

The DFO process for managing salmon occurs through the Salmon Integrated Harvesting Planning Committee (IHPC), a regional steering group process that contributes to the development of the Salmon Integrated Fisheries Management Plans (IFMP). The Salmon IFMP is one of twenty-seven species specific IFMPs, and is developed annually to manage the harvest of all salmon species. Many First Nations continue to express concern regarding Tier 3 processes (multi-stakeholder processes that include government, commercial, recreational, and First Nations) that could impact their priority rights to fisheries.

The purpose of the Salmon Coordinating Committee (Salmon CC) is to contribute to the development of a Tier 1 forum and provide Tier 2 strategic technical advice and recommendations to DFO on the development of the annual salmon IFMPs. The long-term objective of the Salmon CC is to contribute to development of functional Tier 1 and 2 processes to inform and support First Nations participation in Tier 3. The Salmon CC is composed of thirteen delegates that are regionally nominated from the FNFC geographic regions that participate in the development of the Pacific Region’s salmon IFMPs.

### Salmon CC Activities 2013-2014

- Selection of Salmon CC Co-Chairs: Northern Chair Mark Cleveland from the Skeena Fisheries Commission; Southern Chair Don Hall from the Nuu-chah-nulth Tribal Council.

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- Third year of operations and development of the Consolidated Comment Document, which is developed through the voluntary submission of First Nations annual IFMP comments. These comments are compiled and analyzed to develop provincial recommendations on the salmon IFMPs. The follow up evaluation on to what extent DFO has incorporated the recommendations from the Consolidated Comment Document demonstrates a lack of substantive uptake. First Nations are expressing frustration towards this situation, and the Salmon CC is looking forward to evaluating the uptake from the 2014-2015 salmon IFMPs.
- Ongoing development of the draft Tier 2 terms of reference.
- Ongoing collaborative development of potential FSC performance measure indicators with DFO.
- Participation of Robert Davis, a Northern Salmon CC Delegate, in the Fraser Forum to identify lessons learned to support discussions on what a northern fisheries process could look like.

### **Looking Forward to 2014-2015**

The IFMP/IHPC process will continue to be a significant component of the salmon management planning process for DFO. The FNFC continues to develop the coordination of an advisory panel process for First Nations to engage effectively at Tier 1, 2, and 3 levels. While First Nations continue to express frustration with the current Tier 3 process, considerations are being made on how to develop recommendations aimed at increasing effective First Nations engagement.

The Salmon CC is looking forward to the development of a two-year strategic workplan and budget that will assist with short-term financial stability for the operations of the committee. At a Tier 1 level, the Salmon CC will be increasing its communications with First Nations salmon management processes to share regular and more detailed updates on its activities. At a Tier 2 level, the Salmon CC is looking forward to finalizing and “road testing” a Tier 2 terms of reference before a more focused examination of Tier 3 will begin.

## **DFO COMMERCIAL SALMON ALLOCATION FRAMEWORK**

In October 2013, DFO engaged the First Nations Salmon Coordinating Committee (SCC) in discussions about updating the Commercial Salmon Allocation Framework (CSAF). The scope of this work is limited to the allocation of the ***commercial*** shares of salmon in BC. It does not address recreational harvest or test fisheries, nor does it address Aboriginal Title and Rights or Treaty Rights. DFO has allocated \$1-million to the process for updating the allocation framework; this \$1M is a portion of the 2009 mitigation settlement that the Government of Canada received from the United States Government in exchange for the reduction of Canadian commercial harvest of Chinook salmon off of the West Coast of Vancouver Island.

The revisions to the Commercial Salmon Allocation Framework are intended to make the allocation of commercial access to salmon more responsive to current situations, challenges, international and First Nations treaties, and constitutional and legal obligations. DFO has completed its own analysis and has received a broad “proposal for change” from the Salmon Coordinating Committee and several proposals from the Commercial Salmon Advisory Board (CSAB). There has also been some limited discussion, facilitated by DFO, between the SCC and the CSAB to discuss some common concerns with the CSAF, increase each other’s understanding of perspectives, and to identify potential areas of commonality in the proposals.

The SCC has been working to review and analyze the data and information and to propose changes to the allocation framework in consideration of First Nations’ interests in the existing commercial fisheries and emerging First Nations’ economic fisheries. Some of the major SCC recommendations include:

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- changing from coast-wide allocations between existing commercial fleets based on “sockeye-equivalents” (the existing, dysfunctional CSAF) to area specific allocations based on the abundance of salmon returns in 22 salmon production areas in B.C.
- having an expanded role for First Nations in salmon management for both local decisions and coast-wide allocation and management processes;
- adding a First Nations allocation category (a First Nations access “basket” that would be voluntarily filled by existing and future access to economic salmon fisheries);
- having increased management flexibility so that First Nations can determine the best approach for fair distribution of harvest opportunities and benefits for their communities and fishers, including developing guidelines to allow for transfers between First Nations and existing commercial fleets; and,
- allow for retention of non-target species for Section 35 (e.g., home-use, Food and Ceremonial) purposes.

The SCC is also recommending to DFO that DFO develop and implement a communications and consultation plan in coordination with the SCC. The communications and consultation plan will provide BC First Nations with information on the CSAF process to date, and to meet with First Nations to seek input on the CSAF and the proposals for change, prior to final recommendations to update the Commercial Salmon Allocation Framework.

DFO is also in the final stages of completing its report for Phase 2 of the CSAF review process, including completion of a socio-economic analysis, which may be available for distribution by the end of June. For more information on the process to update the CSAF, please visit the DFO website at:

<http://www.pac.dfo-mpo.gc.ca/consultation/smon/saf-crrs/index-eng.html>

It is anticipated that the DFO CSAF review will be completed sometime in the fall/winter of 2014, with a revised framework to be implemented in the 2015 commercial salmon fishery.

**This will be an agenda topic on the June 11 FNFC Monthly Tier 1 teleconference, so we encourage you to participate in that call to learn more.**

## FNFC CHARTER

The Charter is a good faith agreement between the FNFC and partner organizations that have mutual interests to advance the fisheries priorities and concerns of First Nations. The Charter plays a key role in connecting scales and processes to enhance the structure and process for First Nations engagement in fisheries. This agreement outlines a high level structure on how and when partner organizations can call on each other for support, and creates a clear mechanism for how First Nations can direct the FNFC’s priorities.

Over the coming spring and summer, the FNFC is looking forward to engaging in Charter implementation meetings. This includes dedicated time for the FNFC and Charter partners to discuss and recap the previous year, learn priorities in moving forward, and discuss the priorities of FNFC.

To date, nine Charters have been signed, covering over a 128 First Nations communities in BC. In the upcoming spring, it is anticipated that an additional three to four Charters will be signed. Charters that have been signed to date include: Nuuchah-nulth Ha’wiih, Upper Fraser Fisheries Conservation Alliance (UFFCA), Lower Fraser Fisheries Alliance (LFFA), Island and Marine Aquatic Working Group (IMAWG), Native Fishing Association (NFA), Pacific Salmon Commission (PSC) First Nations Caucus, Council of the Haida Nation (CHN), Okanagan Nation Alliance (ONA), and the Fraser River Aboriginal Fisheries Secretariat (FRAFS) First Nations Caucus.

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## FNFC UPDATE CONFERENCE CALLS (TIER 1)

The FNFC hosts regional update 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 call will be held Wednesday, June 11, 2014.**

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