



First Nations Fisheries Council COMMUNIQUE

APRIL 2018



FIRST NATIONS FISHERIES COUNCIL MEMBERS:

North Coast: **Arnold Clifton**
Central Coast: **Megan Moody**
South Vancouver Island: **Larry George**
Lower Mainland: **In progress**
Upper Fraser: **Thomas Alexis**
Northern Transboundary: **Cheri Frocklage**
Haida Gwaii: **Robert Bennett**
North Vancouver Island: **John Henderson**
West Coast Vancouver Island: **Hugh Braker**
Fraser Valley: **Ken Malloway**
Mid-Fraser 1: **Murray Ross**
Mid-Fraser 2: **Tracy Wimbush**
Upper Skeena: **Stu Barnes**
Transboundary Columbia: **Howie Wright**

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LEGISLATIVE REVIEWS: BILLS C-68 and C-69

Bill C-68: An Act to amend the *Fisheries Act* and other Acts in consequence:

Following its second reading on April 16, 2018, Bill C-68 has been referred to the Parliamentary Standing Committee on Fisheries and Oceans (FOPO) for study. The Standing Committee will accept written submissions and will hold public hearings to hear views on the bill directly from invited First Nations, stakeholders and the public. After hearing from witnesses and after clause-by-clause consideration of the bill during which Committee Members may ask questions, debate or propose amendments, the Committee reports the bill (or the bill as amended) to the House of Commons for third reading.

No deadline is specified for submissions on the House of Commons website, but we heard at the recent AFN legislative review meeting that submissions on the *Fisheries Act* must be received by the Standing Committee no later than May 10, 2018. Early submissions are strongly recommended to allow sufficient time for review. More information is available on the House of Commons website at www.ourcommons.ca/Committees/en/Participate

FNFC & Coalition Submission:

The FNFC developed a submission in collaboration with several regional First Nations fisheries organizations (jointly “the Coalition”) and submitted to the Standing Committee on Friday, April 20, 2018.

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The submission was shared with BC First Nations via the FNFC Tier 1 email list. First Nations are welcome to use the content from the Coalition submission to inform the development of their own submissions. The FNFC also provided a template letter for First Nations who wish to express their support for the Coalition submission. The template letter and content from the submission can be adapted as needed.

Background – Fisheries Act Review:

In 2016, Prime Minister Trudeau mandated the Minister of Fisheries, Oceans and the Canadian Coast Guard to “review the previous government’s changes to the *Fisheries Act*, restore lost protections and incorporate modern safeguards”. The Minister asked the Parliamentary Standing Committee on Fisheries and Oceans (SCFO) to undertake the review, and their report was released in February 2017. The federal government response was released in June 2017.

In 2016, DFO and the federal government had engagement opportunities for First Nations to gain more information about the environmental review process and for First Nations to provide their feedback and recommendations on the *Fisheries Act*, with particular regard to habitat protections and modernization of the Act. In 2017, after the release of the SCFO report and the Government response, there was a short window of opportunity for First Nations to provide further feedback and recommendations related to *Fisheries Act* policies and programs that will need to be addressed should Parliament proceed with legislative amendments.

Bill C-69: An Act to enact the *Impact Assessment Act* and the *Canadian Energy Regulator Act*, to amend the *Navigation Protection Act* and to make consequential amendments to other Acts:

The Standing Committee on Environment and Sustainable Development (ENVI) accepted submissions on Bill C-69 up until Friday, April 6, 2018. FNFC worked with Ratcliff & Company LLP to develop a submission on the review of the *Navigation Protection Act*. The submission was shared with BC First Nations via the FNFC Tier 1 email list, along with a draft memo, information about making submissions and deadlines, and a template letter of support for First Nations who wished to express their support for the FNFC submission.

Background – Navigation Protection Act Review:

In 2016, Prime Minister Trudeau mandated the Minister of Transport to review the previous government’s changes to the *Navigation Protection Act* (NPA). The Minister asked the Parliamentary Standing Committee on Transport, Infrastructure and Communities to undertake the review, and their report was released in March 2017. The federal government response was released in June 2017.

As with the review of the *Fisheries Act*, in 2016-17 the federal government invited First Nations and all Canadians to provide their feedback and recommendations on changes to the *Navigation Protection Act*. The FNFC developed submissions to the Standing Committee for all phases of the review.



SALMON COORDINATING COMMITTEE UPDATE ON WSP IMPLEMENTATION

In August 2016, the Minister of Fisheries, Oceans and the Canadian Coast Guard announced a government commitment to rejuvenate the *Wild Salmon Policy* (WSP) starting with the preparation of an implementation plan. The draft WSP implementation plan was developed through a working group of representatives from the First Nations Salmon Coordinating Committee (SCC), the Pacific Salmon Foundation, the Province of BC, the Yukon Salmon Sub-committee, and DFO.

DFO led consultations with First Nations on the draft WSP Implementation plan spanning the province and Yukon this past fall. We also kept a record of topics discussed, questions, and concerns; we heard a lot of similar issues. The FNFC and the SCC submitted recommendations to DFO under the two main themes of 'Assessment Work' and 'Integrated Planning and Program Delivery'. FNFC received six letters to DFO from various First Nations and regional First Nations organizations all around the Province expressing support for FNFC's submission. The multi-partner working group met recently to discuss the constructive feedback that DFO received from the consultations. The Department will be working on incorporating these changes to the implementation plan, with an aim to have the implementation plan finalized by the fall of 2018.

The SCC maintains that it is not a decision-making body for any First Nation or group of First Nations, and that consultation with the SCC does not satisfy the requirement for bilateral consultation between DFO and any First Nation. The FNFC encourages First Nations to request bilateral meetings with DFO on regionally specific interests around the conservation and management of wild salmon, given that the implementation of the WSP has the potential to impact Aboriginal Title and Rights and Treaty Rights. The SCC and FNFC will continue to communicate the progress and outcomes of the committee's activities through existing FNFC communication channels, such as meetings with Charter organizations, monthly calls, communiqués, and email updates.

PACIFIC SALMON COMMISSION

The 1985 Pacific Salmon Treaty (PST) commits Canada and the US to work together on the research, conservation, and management of Pacific salmon. Five PST chapters are set to expire at the end of 2018: Transboundary Rivers, Northern BC and Southeastern Alaska, Chinook Salmon, Coho Salmon, and Southern BC/Washington Chum Salmon.

Both the US and Canada aimed to complete negotiations by December 2017 to allow one year for domestic ratification. So far, negotiations for Chapters are close to being finalized except for the Chinook and Northern BC and Southeastern Alaska Chapters. Many additional negotiating sessions were added in an attempt to finalize Chapter agreements. Outstanding issues are related to challenges in negotiating harvest sharing agreements and appropriate management measures to address conservation concerns. Additionally, the Fraser River Sockeye and Pink Salmon Chapter is set to expire at the end of 2019, and negotiations on new Chapter wording are expected to begin this year.

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DFO is seeking input on reference points and exploitation rates for the Southern Canadian Coho management unit under the Canada-US Pacific Salmon Treaty (PST) for the development of the Southern Coho Management Plan. To gather this information, the Department hosted Tier 3 webinars on April 11th and 24th and will host a focused technical workshop in early May. Any potential changes resulting from these discussions will come into effect for a 10 year period beginning with the 2019 fishing season.

To enhance engagement on this significant topic, the FNFC organized a Tier 1 webinar with the Pacific Salmon Commission's First Nations Caucus. This webinar provided an opportunity for participants to discuss key issues, understand the input that DFO is seeking, and identify opportunities that may be of interest to First Nations relating to the management of Southern Coho. Members of the PSC First Nations Caucus attended the session to share their expertise and answer questions. Given the significance of these international negotiations on Aboriginal Title and Rights and Treaty Rights, the FNFC is urging First Nations to request bilateral consultations with DFO on PST renewal as required.

AQUACULTURE

First Nations in BC have diverse interests, perspectives and priorities with respect to the management of aquaculture and, as self-determining Nations, share a responsibility to manage resources in a manner that respects the interdependence they have with one another. As such, the FNFC established the Aquaculture Coordinating Committee (ACC) as a technical table with members from the various FNFC regions. The ACC aims to identify common interests and to increase First Nations involvement in the policy and management of aquaculture.

The last ACC meeting was held on April 12th in Vancouver. We started with Tier 1 in the morning, then moved on to Tier 2 for the afternoon with a focus on reviewing and updating the draft ACC strategic plan. Through this work, we were able to guide constructive discussions and identify proactive deliverables. In addition to the review of the ACC strategic plan, Tier 2 discussions covered the possible future development of a federal *Aquaculture Act*, possible amendments of Section 56 of the Fishery (General) Regulations (FGR) and potential First Nations involvement on the Canadian Council of Fisheries and Aquaculture Ministers.

As a next step we are in the process of planning another Tier 2 ACC meeting with DFO science to discuss findings from recent publications regarding Heart and Skeletal Muscle Inflammation (HSMI) with the goal of identifying some collaborative solutions moving forward. We will be sure to communicate out any new developments on this important issue.

For more information on the FNFC's work with Aquaculture, please contact Richard Sparrow at richard@fnfisheriescouncil.ca or 778-379-6470.

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SKEENA FIRST NATIONS TECHNICAL COMMITTEE

Coordinated by the FNFC, the Skeena First Nations Technical Committee (SFNTC) was formally established in January 2016 to foster greater transparency and improved understanding between First Nations on technical issues related to the management of fish populations originating from the Skeena watershed. Membership of the committee is open to technical participants from each First Nation that targets fish populations originating from the Skeena Watershed.

A Tier 1 and 2 technical meeting was held on April 16th to discuss Skeena River fishing plans for 2018 as Skeena Sockeye returns are expected to be very low. Similar to 2017, the SFNTC developed a Skeena River salmon management plan which was submitted to DFO in April 2018. This plan was developed to ensure stocks of concern were protected while considering potential conservative FSC fisheries.

The SFNTC will be working collaboratively with DFO clarifying Tier 1 and 2 structures both pre-season and in-season, solidifying the 2018 fishing plan, and working to develop relationships with Conservation and Protection folks around enforcement protocols. Our next meeting is scheduled in Terrace, BC on April 30th, 2018.

For more information on the FNFC's work with the Skeena First Nations Technical Committee, please contact Richard Sparrow at richard@fnfisheriescouncil.ca or 778-379-6470.

PROVINCIAL SPILL RESPONSE INITIATIVE

The FNFC and the BC Ministry of Environment and Climate Change Strategy are in the process of meeting with First Nations across the province in six regional workshops to review a number of Phase 2 enhancements being considered for improving spills management in BC. This initiative builds on the Ministry's first foundational phase of regulations that came into effect October 30, 2017.

At these workshops, First Nations are invited to discuss and share ideas on how to improve spills management, provide feedback on the Ministry's intentions for the development and implementation of Phase 2 enhancements, and receive updates on Phase 1 implementation. The second phase of proposed enhancements will build on the changes made in 2017 to ensure the province is better able to prepare for, respond to, and recover from environmental emergencies.

The province is in the process of conducting the workshops, having completed sessions in Kamloops (March 16), Nanaimo (April 13), Vancouver (April 20), and Prince George (April 23). The last two sessions are scheduled in Fort St. John on May 23 and Bella Bella on May 30. The FNFC is keeping a record of the feedback and will prepare a report at the end of the sessions that will be shared with First Nations via the FNFC Tier 1 email list and website.

For more information on the FNFC's work with the province on Spill Response, please contact Richard Sparrow at richard@fnfisheriescouncil.ca or 778-379-6470.

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ECONOMIC PERFORMANCE

In accordance with the *BC First Nations Fisheries Action Plan*, which mandates the FNFC to support sustainable First Nations' economic fisheries opportunities, the FNFC has begun to coordinate the establishment of an Economic Coordinating Committee (ECC) table. This table is intended to function as a BC-wide advisory body, providing advice to FNFC regarding how economic fisheries issues and interests may be advanced and addressed throughout the province.

An inaugural meeting intended to confirm broad BC-wide interest and support for this new FNFC body was held in January 2018. Support was confirmed and common themes and guiding principles to ground table discussions and priorities were identified. Utilizing the broad themes identified in the initial ECC meeting, a March 2018 meeting was held to begin establishing table processes, which will guide the delegation and participation of those contributing to the ECC, and to further expand discussions regarding table visioning. Currently, there is general consensus from participants that until processes and priorities are established, that the ECC will remain solely a Tier 1 structure.

A component of the FNFC mandate under the *Action Plan* is to build collective mechanisms for First Nations to advance economic fisheries. While this mandate may be fulfilled in the form of an ECC that addresses issues related to policy, the ECC has also expressed an interest in addressing economic fisheries issues at an applied business level.

The next ECC meeting is scheduled for June 2018 and will continue the development of table processes and long-term visioning.

For more info about the FNFC's work on economic fisheries, please contact Astrid Niemann-Zajac at astrid@fnfisheriescouncil.ca or 778-379-6470.



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WATER FOR FISH – FNFC FRESHWATER INITIATIVE

2nd BC First Nations Water Governance Roundtable:

On March 6&7, 2018, FNFC partnered with the Centre for Indigenous Environmental Resources (CIER) and the POLIS Water Sustainability Project to convene for the second time a BC First Nations Water Governance Roundtable, a targeted group of approximately 12 staff and leadership from First Nations that are more advanced with water/watershed planning, governance and management. The purpose of the Roundtable is to provide a space for peer learning and strategic collaboration, with the goal of advancing the collective vision of Indigenous-led freshwater governance in BC. This meeting built on the first Roundtable that took place in Smithers in June 2017.

This second 1 ½-day Roundtable was held in Duncan, BC (Cowichan territories) and was facilitated by Merrell-Ann Phare, founder of CIER. Roundtable participants voiced a strong collective priority in advancing Indigenous-led water governance in BC, and expressed an interest in concrete and sustained opportunities to continue to work together.

Upcoming *Water for Fish* Events:

The *Water for Fish* initiative hosts a Water Wednesday webinar/teleconference call generally on the third Wednesday of every month. We also host freshwater-related workshops and meetings. Please contact Geneviève Layton-Cartier if you would like to be added to the Council's First Nations Water Network email list (see contact info below).

WEBINAR: Monthly "Water Wednesday": May 23rd from 10-11 AM PT

TOPIC: *FNFC Report Launch: Protecting Water Our Way – First Nations Freshwater Governance in BC.*

REGISTER HERE: <http://cs.createsurvey.com/publish/survey?a=aTn1oL>

In this webinar, FNFC *Water for Fish* Project Manager Susi Porter-Bopp and Project Coordinator Geneviève Layton-Cartier will present the content of a new FNFC report entitled *Protecting Water Our Way – First Nations Freshwater Governance in BC*. The purpose of this publication is to increase the capacity, knowledge and understanding of First Nations staff and leadership to engage in managing fresh waters and other habitat protection objectives in and beyond their traditional territories. It features a selection of deep case stories that pull out different key elements of First Nations-led water planning and evolved watershed governance (for example, articulating indigenous water laws, developing a water declaration, networked water monitoring). Susi and Geneviève will also be presenting the second phase of the *Water for Fish* program which launched in April 2018.

Please contact *Water for Fish* Project Coordinator Geneviève Layton-Cartier at Genevieve@fnfisheriescouncil.ca or 778-379-6470 if you have any questions.

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Thank you and good luck to our friend and colleague Wanli!

After three and a half years as a core member of the FNFC team, Operations Manager Wanli Ou will be leaving at the end of April. The FNFC Council and Staff would like to express our sincere appreciation and gratitude for all of the excellent work on the FNFC's operations files, and for driving many positive developments at the province-wide level in First Nations engagement in fisheries policy and management.

Thank you Wanli for all your work to advance the rights and interests of BC First Nations in fisheries. You will be missed by all of us who were lucky enough to have worked with you, and you will always be part of the FNFC family. We wish you all the best in the future!



FNFC UPDATE CONFERENCE CALLS (TIER 1)

The FNFC hosts First Nations fisheries teleconferences on the **second Monday afternoon of every month from 1:30pm to 3:00pm**. We also hold topic-specific calls from time to time as required. 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 FNFC update call will be held on Monday, May 14, 2018

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