



First Nations Fisheries Council COMMUNIQUÉ

FEBRUARY 2019



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**
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Message from the Executive Director

ʔi ʔə ce:p ʔəw ʔəy ʔaí, Si:yém nə Siyeʔe?

Are you all well, my esteemed friends (relations),

We as BC First Nations continue to find ourselves in very busy times, with a busy calendar of meetings, dialogue and engagement on all matters that impact our fisheries. Here are some of our top priorities as we prepare for 2019-2020 fiscal year.

Commensurate Resourcing: In the environment of reconciliation, governments have made symbolic announcements of program and policy commitments (e.g. Oceans Protection Plan [OPP], Guardians, Science, etc.). However, significant dialogue has led to the understanding that 70 to 80% of funding is cannibalized internally by various departments, i.e. resources are used for internal government staffing to engage with First Nations. In turn, First Nations are not properly resourced, and thus cannot keep up with the multiple meeting requests, leading to meeting fatigue and poor engagement results.

Commitment to Action – Oceans protection Plan: FNFC is working to develop a *Commitment to Action (C2A)* document with Transport Canada for the Oceans Protection Plan (OPP). C2A will align the 6 federal departments currently involved with OPP to a common priority approach to implement the 57 streams of the program.

(continued)

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NIFI Indigenous Program Review: A nation-wide review of DFO programs that affect Indigenous fisheries, including the Aboriginal Fisheries Strategy (AFS), Aboriginal Aquatic Resource and Oceans Management (AAROM), the Pacific Integrated Commercial Fisheries Initiative (PICFI) and Indigenous Guardians programs. The review was conducted by the National Indigenous Fisheries Institute (NIFI) through engagement with Indigenous groups across Canada, development of several discussion papers, and a final report in 2 parts (the first part has been released, and the second part is expected to be released this winter. More info online at indigenoufisheries.ca.

Introduction of National Aquaculture Act (CCFAM): The FNFC hosts the Aquaculture Coordinating Committee (ACC), a province-wide group with participation based on FNFC's 14 geographic regions. We must work to align the interests of the ACC with the AFN's National Aquaculture Working Group (NAWG) in order to inform the national process according to BC First Nations' perspectives.

Legislative Review – Environmental Protection: The FNFC is working with federal agencies on the national review of environmental legislation and reversal of the most problematic amendments created through Bills C-38 and C-45 under the Conservative government in 2012. The FNFC led forums to support First Nations' engagement in the review of the *Fisheries Act* and worked closely with regional First Nations organizations and legal support to develop a BC First Nations Coalition response to restore lost protections in the *Fisheries Act*. The FNFC is also working to highlight BC First Nations' rights, interests and priorities in the federal review of the *Canadian Navigation Protection Act* (formerly the *Navigation Protection Act*).

Implementation of the Cohen Commission Recommendations: The FNFC supports full implementation of all recommendations in the Cohen Commission report on the decline of Fraser River sockeye salmon to decrease risk to wild salmon populations.

First Nations Science Engagement: Overall there is a need for increased First Nations participation in fisheries science (e.g. data collection, analysis and ownership, formal collaborative science decision-making processes, etc.). There are 25 AAROM bodies in BC, which could be used to develop a province-wide technical/science table. Resources would be required to coordinate technical bodies throughout the province and to bring groups together to identify and work on common science priorities (e.g. salmon declines, pinnipeds, climate change, aquaculture, energy corridor impacts, etc.).

Case Law Implementation: The AFN National Fisheries Committee has identified as a priority the creation of a secretariat on case law implementation, as specific cases have been languishing in the interpretation and implementation stages, leading to chronic frustration among BC First Nations. For example, arising from the most recent *Ahousaht* decision, the court directed DFO to update the Salmon Allocation Policy and related articles to reflect First Nations' priority access. FNFC will be conducting regional forums to explore meaningful dialogue between DFO and BC First Nations to inform the updating of this policy and related policy articles.

Economic Fisheries: First Nations support further expansion of the Pacific Commercial Fisheries Diversification Initiative (PCFDI) to support continued development of economic fisheries for BC First Nations. 97 nations are currently engaged in 24 Commercial Fishing Enterprises (CFEs), which employ up to 600 people directly and indirectly.

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Integrated Natural Resource Secretariat: Consistent with the “2009 Cooperation Protocol”, it has been recommended that a Natural Resource Secretariat be created to develop a coordinated and defined approach for consistent information sharing and communication between the 3 natural resource councils (FN Fisheries Council, FN Energy and Mining Council, FN Forestry Council).

Provincial Advocacy: Multiple provincial government ministries have been attempting to engage with BC First Nations at local scales (e.g. MIRR, MOECCS, FLNRORD, MoAgr, ECC, Wild Salmon Advisory Council, etc.); however, there is a strategic need to coordinate province-wide. As a first step to engagement with the Province, the FNFC Water for Fish program has convened a Working Group to develop an engagement framework for remaining regulations and policies as part of BC’s *Water Sustainability Act* (WSA). A key proposed structure within this framework is a First Nations Water Caucus which would have participation from throughout BC to engage with the provincial government on water management issues, including the WSA. The Province is also currently drafting a Sustainable Management of BC’s Fish strategy document, which includes a Guardians focus.

FNFC Board Appointments: The term of FNFC’s 14 current delegates will end in December 2019. Reappointment of delegates will begin in fall 2019, and instructions for nominations and appointments will be shared via our Tier 1 email list.

As we approach our fiscal year end, I would like to thank our friends, colleagues, and partner organizations for their work over the past year, and express that we look forward to our continued work together in the next year.



Thank you,
Jordan Point
FNFC Executive Director



Salmon Coordinating Committee

The First Nations Salmon Coordinating Committee (SCC) is a province-wide advisory process consisting of approximately 28 primary and alternate delegates from the First Nations Fisheries Council Regions. The Committee was formed in 2011 in response to ongoing frustrations expressed by First Nations with DFO's Pacific Salmon Integrated Fisheries Management Plans (IFMPs) and DFO's Salmon Integrated Harvest Planning Committee (IHPC) processes. Over the last few years, the work of the SCC has evolved from IFMP development and towards engaging in province-wide salmon management and planning initiatives. Since October 2013, the committee has participated in larger policy initiatives such as updating DFO's Commercial Salmon Allocation Framework (CSAF), and more recently in the implementation of the Wild Salmon Policy.

On January 22 2019, the FNFC hosted a Tier 1 webinar on DFO's 2018-2022 Wild Salmon Policy Implementation Plan (WSPIP), and the SCC's draft response to DFO on their draft national Fisheries Monitoring Policy. The webinar highlighted key activities within the WSPIP which First Nations may wish to focus on, including assuming habitat and resource-management roles and implementing WSP-related activities to fill the DFO capacity gaps. The SCC anticipates working with DFO on the WSPIP, particularly on Accountability (Theme 3) and DFO's progress on implementing the WSP. The FNFC and SCC will also continue identifying opportunities for First Nations to collaborate with different DFO branches on WSPIP activities and with anticipated *Fisheries Act* amendments.

Relatedly, the FNFC is exploring opportunities to work with the Province, one of which is the BC Wild Salmon Secretariat and their Wild Salmon Strategy. The FNFC and SCC are encouraged by the Province's commitment towards wild salmon and habitat protection and re-building, and will be encouraging BC to build linkages with existing federal processes (e.g. Wild Salmon Policy), and to work collaboratively with DFO and First Nations in implementing this joint priority.

On January 24, 2019, the FNFC and the SCC provided feedback and recommendations to DFO's draft national Fisheries Monitoring Policy (FMP) which will supersede the current Strategic Framework for Fishery Monitoring and Catch Reporting in the Pacific Fisheries. The intent of these policies is to establish common criteria and monitoring objectives that would be applied consistently across all fisheries. The FNFC's feedback outlined seven themed recommendations, as well as specific revisions to two DFO draft documents: the draft FMP Statement and the Draft Steps to Implement the Fishery Monitoring Policy. The seven themed recommendations are as follows:

1. Full recognition of BC First Nations' authority in co-managing and managing fisheries resources in their territories and Canada's full adoption of UNDRIP;
2. Recognizing regional specificities in Pacific region fisheries and need for realistic, phased workplans developed with First Nations;
3. First Nations as third-party monitors for all fisheries within their territories;
4. Ensuring the proper management and programs to achieve stated goals of the FMP: Dependability of data and monitoring of the recreational fishery;
5. Licensing of commercial recreational operators;

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6. New and dedicated funding to implement monitoring programs; and
7. Working collaboratively with First Nations and fully engaging in the development of policies

DFO requested feedback to the draft FMP by January 25, 2019 and the FNFC's submission was circulated through the FNFC email distribution list. For those First Nations that have missed this deadline but still want to submit a response, you are encouraged to submit responses directly to Jonathan Thar, DFO Regional Fisheries Monitoring Coordinator at jonathan.thar@dfo-mpo.gc.ca. As well, First Nations are invited to review the FNFC's submission and can submit a Letter of Support and/or utilize the submission in preparing your own feedback to DFO.

For more information on the First Nations SCC and its activities, please contact Janson Wong, FNFC Operations Manager, at janson@fnfisheriescouncil.ca or 778-379-6470.



Pacific Salmon Commission

The Pacific Salmon Commission oversees implementation of the Pacific Salmon Treaty (PST). The Pacific Salmon Commission's First Nations Caucus consists of First Nations participants who have been appointed by Canada to participate in the Pacific Salmon Commission (PSC) at the Commissioner, Panel and Technical Committee levels. The FNFC plays a secretariat role to the First Nations (FN) Caucus and supports their activities. In addition, the FNFC also provides administrative support to the FN Caucus and assists the FN Caucus in coordinating nominations towards DFO's appointment processes to the PSC.

The treaty between the U.S. and Canada provides a framework for coastwide management of Pacific salmon, including joint conservation and harvest sharing agreements. The Fraser River Sockeye and Pink salmon Chapter (Chapter 4) is set to expire at the end of 2019, and negotiations on the new Chapter wording are currently under way. First Nations engagement sessions have been facilitated through the Fraser River Aboriginal Fisheries Secretariat (FRAFS) since Spring 2018 and several key domestic and international priorities that have been identified to date for Chapter 4 negotiations and further discussions include:

1. Language in the PST chapters to be consistent with the United Nations Declaration on the Rights of Indigenous Peoples;
2. Duration of chapter;
3. Aboriginal Fisheries Exemption;
4. Alaskan catch and reporting;
5. Hatchery productions and effects on US shares;
6. Recognized Order of Priority for fisheries;
7. Operation of test fisheries and paid fish accounting;
8. Number of Management Units; and
9. Broader Indigenous representation on the PSC Panels and Technical Committees (e.g. 50% of Panel seats);

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It is expected that Chapter 4 negotiations with the United States will conclude by the end of February 2019, in time for ratification for 2020. Along with the other negotiated chapters, it is expected that DFO and First Nations will need to further review any new and amended commitments within the chapters. It is expected that upon Chapter ratifications, DFO will need to dedicate new and increased funding to implement new PST commitments, including increased stock assessment activities. First Nations are encouraged to contact DFO and request for bilateral meetings to discuss negotiated PST chapters and potential funding opportunities for First Nations-led fishery programs and activities.

The FNFC is also anticipating to re-initiate a nomination process for an expiring Commissioner seat. The FNFC provides administrative support to the FN Caucus and helps coordinate nominations that will be provided to DFO. More information will be provided via the FNFC Info distribution list.

For more information about the PSC, PST and Chapter 4 negotiations, please contact Janson Wong, Operations Manager, at 778-379-6470 or janson@fnfisheriescouncil.ca, or First Nations Caucus members.

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 FNFC regions. The ACC aims to identify common interests and to increase First Nations involvement in the policy and management of the aquaculture industry.

The development of a robust process to engage with government on regulatory, policy and management of aquaculture regionally and nationally have been identified as a high priority by many First Nations. To advance this work, the ACC is developing an Aquaculture Strategic Plan that will guide discussions and identify adequate capacity and resources required for meaningful engagement with all levels of government. Components of the Strategic Plan will include focus areas that will support co-management, governance, sustainable aquaculture development, science and monitoring, and strong communications at all levels.

On the national level, the Assembly of First Nations' National Aquaculture Working Group (NAWG) is a sub-committee working group of their National Fisheries Committee (NFC) and the current structure provides analysis, recommendations and advice on federal aquaculture policy to the NFC. The ACC has identified a process to inform NAWG on regionally focused, technical expertise relating to legislation, regulations and policies. The ACC will continue to engage with NAWG and identify means of collaboration to capitalize on existing capacity and resources.

In December 2018, the Province announced a ground-breaking government to government process following a letter of understanding (LOU) with the 'Namgis First Nation, Kwikwaut'inuxw Haxwa'mis First Nation and

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Mamalilikulla First Nation regarding the future of finfish aquaculture in the Broughton Archipelago. Fish farm operators in the Broughton: Marine Harvest Canada and Cermaq Canada have agreed to a process that will protect and restore wild salmon stocks, develop a transition plan for open-pen finfish farms and create a sustainable future for local communities.

On December 10th, 2018 the Honourable Johnathan Wilkinson, Minister of Fisheries, Oceans and Canadian Coast Guard announced the development of a federal Aquaculture Act. The ACC will be working with DFO to develop their engagement strategy and process for First Nations to meaningfully co-develop an Act that reflects Aboriginal rights.

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



Economic Performance

In November 2018, FNFC received funding to undertake engagement and research advancing fisheries-related economic reconciliation policy. As part of this initiative, three regional socio-economic valuation workshops were delivered on January 21st in Terrace, January 23rd in Prince George and January 24th in Richmond. The workshops explored the development of a First Nations fisheries valuation and identifying what high-level policy changes are required for communities to achieve economic success through their fisheries.

These workshops will inform a discussion paper, which will be presented in Ottawa at a national dialogue forum in March 2019, and will support the FSC dialogues that will be occurring throughout February and March of this year. Additionally, FNFC will be utilizing this engagement to develop a toolkit that communities may use to communicate the cultural, social and economic value of their fisheries, alongside informing the development of FNFC's long-term economic performance related priorities and strategic planning.

The feedback gathered through the FNFC economic survey, which was administered in October, will also be used to inform the results of this project. In total, 52 respondents from all 14 FNFC regions completed the survey. A key piece of business and economic development intelligence, the survey covered six topic areas: access (to fish, to funding and programs), economic opportunities, capacity-building and innovation, collaboration and partnerships, and participation in resource management and informing FNFC's strategic direction.

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First Nations Engagement Framework for BC's *Water Sustainability Act*

In March 2018, the FNFC signed a small one-year grant agreement with the BC Ministry of Environment & Climate Change Strategy (MoECCS) to advise the Ministry on the development of an engagement framework for remaining regulations and policies as part of BC's *Water Sustainability Act* (WSA) in accordance with provincial government commitments to reconciliation.

The FNFC hosted two meetings in Vancouver on November 5th and December 3rd 2018 with an informal working group of 8 First Nations staff and leadership active on water issues and three MoECCS staff. A final meeting will be held on February 22, 2019 in Vancouver.

Key themes emerging from discussions to date include the need to recognize Indigenous authority and jurisdiction in the WSA, foundational principles and key elements of an engagement framework, building the right structure to create an enabling framework, and resourcing engagement. FNFC staff will seek input from First Nations leadership on the proposed engagement framework through the upcoming schedule of Chiefs-in-Assembly meetings in February and March 2019. This process will enable FNFC to draft a more fulsome and robust set of options for a First Nations-recommended framework, that has invited input beyond the small informal working group. This framework will be shared with MoECCS before March 31, 2019, after which FNFC intends to continue to collaborate with the Ministry on the implementation of First Nations recommendations.



Federal Legislative Reviews

Navigation Protection Act (Bill C-69) Review:

FNFC made a submission to Transport Canada re: Bill C-69 Changes to the *Navigation Protection Act* (now renamed the *Canadian Navigable Waters Act*) on January 31, 2019 as part of the consultation period regarding discussion papers on the Major Works Order and the *Canadian Navigable Waters Act* Schedule.

Due to the limited scope and detail of the discussion papers released by Transport Canada in November 2018, the submission contained only preliminary questions. Information provided by TC about the proposed measures was insufficient (a) to understand Transport Canada's proposals and their potential impacts or (b) to provide meaningful responses to those proposals. However, given the significance of the proposed regulatory changes to BC First Nations, the FNFC will attempt to continue to engage with Transport Canada on the draft orders (including the Minor Works Order, about which no information has been released to date) and a draft of the policy or approach to adding waters to the new *Canadian Navigable Waters Act* Schedule.

We will advise BC First Nations when Transport Canada releases the Discussion Paper on the Minor Works Order for the *Canadian Navigable Water Act* in the coming weeks.



Fisheries Act (Bill C-68) Review:

On February 6, 2018 the Government of Canada introduced a bill in Parliament that proposed amendments to the Fisheries Act. On June 20, 2018 the House of Commons gave Third Reading to Bill C-68 and referred it to the Senate, where it is currently in committee Study. Amendments to Bill C-68 are available online at, and the majority of amendments will enter into force upon Royal Assent; however, there are a few exceptions where amendments will enter into force subsequent to Royal Assent on a date set by the Governor in Council.

DFO is currently working to develop regulations, policies and other program instruments to support the modifications to the *Fisheries Act* should Bill C-38 receive Royal Assent; this will be undertaken through engagement and early discussions with Indigenous groups, stakeholders and Canadians. DFO has begun to reorganize the Fisheries Protection Program (FPP) to enhance current program delivery and support the proposed amendments. Resources have been approved in Budget 2018 including capacity for science and Conservation & Protection. There will be growth and re-organization as the program transitions from the FPP to the Fish and Fish Habitat Protection Program (FFHPP). Implementation will be a phased process to occur over the next 2 to 3 years. Indigenous organizations, stakeholders, partners, proponents and clients will receive updates throughout the transition process.

The FFHPP will include several units including a Regulatory Unit, an Integrated Planning Unit, an Indigenous Engagement Unit, and a Regional Engagement Unit. The Indigenous Engagement Unit will be tasked with

promoting reconciliation, good stewardship, and cooperation with Indigenous groups to improve the conservation and protection of fish and fish habitat through strong relationships.

Next Steps and Timelines:

1. Fall/Winter 2018-2019 (Expected):
 - Paper introducing regulatory intent on designated projects regulation
 - Two regulations will be developed to support the rebuilding of fish stocks
2. Engagement on other regulations, program and policy ideas (TBD):
 - Indigenous Knowledge
 - Standards and Codes of Practice
 - Routine projects regulations can specify procedures and practices for authorizing residual harm during any phase of a project
3. Royal Assent (TBD)
4. Coming into force (expected June 2019)

For more information about the *Fisheries Act* review process, please contact Tola Cooper, DFO Team Lead Partnerships, at tola.cooper@dfo-mpo.gc.ca or (tel) 250-618-9038.

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First Nation Fisheries & FSC Allocation Regional Dialogue Sessions

The FNFC invites First Nations Leaders, Fishers, Community Members, and Fisheries Managers & Technicians to participate in a two-day Tier 1 & Tier 2 regional dialogue session relating to First Nations fisheries, allocations and access. The purpose of these dialogue sessions is to provide a venue for First Nations and DFO to have broad discussions on Section 35.1 fisheries, specifically food, social & ceremonial (FSC) fisheries, and First Nations' allocations and access to better understand how meaningful fisheries are envisioned and to find new approaches to achieve this.

The upcoming *First Nation Fisheries & FSC Allocation Regional Dialogue Sessions* are scheduled for:

- February 13 & 14: Nanaimo | Vancouver Island Conference Centre – 101 Gordon Street, Nanaimo
- February 25 & 26: Prince George | Uda Dune Baiyoh (House of Ancestors) – 355 Vancouver Street, Prince George
- March 4 & 5: Terrace | Best Western Terrace Inn – 4553 Grieg Ave, Terrace
- March 7 & 8: Harrison Hot Springs | Harrison Hot Springs Resort – 100 Esplanade Ave, Harrison Hot Springs

Each regional session will have Tier 1 (First Nations only) and Tier 2 (First Nations and DFO) components. First Nation participants are welcome to attend any one of the regional sessions, however the agenda for each meeting will be the same so participants are advised to attend the workshop closest to the region in which they work to facilitate discussion of region-specific topics and issues (note: if you've missed a session that's already passed, feel free to sign up for a future session). The FNFC will consolidate First Nations input from the regional sessions and will host a province-wide engagement session at the end of March (date to be confirmed) in Vancouver/Richmond to review the results and to make recommendations for collaborative policy review and development in 2019/20.

Please register to participate in one of the regional dialogue sessions at:

<http://www.createsurvey.com/s/wcW2MJ/>

Travel subsidies:

Limited funding is available to help support First Nation participant travel to one regional dialogue session. Participants must register for one of the regional dialogue sessions and if travel support is needed, registered participants must also complete a separate Travel Subsidy Request form. Please contact us at info@fnfisheriescouncil.ca for more information about travel funding.

If you have questions about the sessions please contact FNFC Strategic Development Manager Deana Machin at deana@fnfisheriescouncil.ca or FNFC Communications Manager Aimee Arsenault at info@fnfisheriescouncil.ca or tel 778-379-6470.

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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, March 11, 2019

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