



First Nations Fisheries Council COMMUNIQUÉ

JULY 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**
Upper Skeena: **Stu Barnes**
Transboundary Columbia: **Howie Wright**

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Fraser Canyon Rock Slide Update

Sometime on June 21 or June 22, a significant rock slide occurred in the Fraser River Canyon near Big Bar, northwest of Kamloops. The rock slide resulted in large debris entering the Fraser River that may affect salmon migration upstream.

DFO and the Province of BC have formed a unified command structure in response to the rock slide and First Nations representatives are being asked to collaborate and help determine potential mitigation options.

An acoustic monitoring device was installed upstream of the rock slide and early results indicate that approximately 700 fish (~70% chinook, remaining likely sockeye) are making it past the debris. A second acoustic monitoring device will be installed downstream of the debris to determine potential holding of fish and to evaluate the extent of fish passage that may be impeded.

Work is underway to secure the site for the safety of crew members to work in the area. During this time, regular technical briefing calls are expected to occur in order to provide regular updates to First Nations in BC.

The Fraser River Aboriginal Fisheries Secretariat (FRAFS) is the main communications body regarding the slide and we encourage interested First Nations to contact FRAFS at frafs15@gmail.com to be added to their distribution list for regular updates.

DFO has identified Dale Michie as the lead contact for any information requests. He can be reached at dale.michie@dfo-mpo.gc.ca.

The FNFC is optimistic that First Nations and governments will be working together to mitigate this potential disaster and help the salmon and steelhead migrate upstream to the spawning grounds.

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Salmon Coordinating Committee Update

The First Nations Salmon Coordinating Committee (SCC) is a province-wide advisory process consisting of delegates from the First Nations Fisheries Council (FNFC) 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* (WSP).

Wild Salmon Policy:

The Salmon Coordinating Committee provided feedback to DFO regarding their *Annual Report 2018-19* for Wild Salmon Policy implementation. This document outlines DFO's progress on the 48 activities listed within the Wild Salmon Policy Implementation Plan 2018-2022. Within the Annual Report, DFO reported out that four activities have been completed, 35 activities on-track, and nine delayed and/or facing challenges. The SCC will be working with DFO to advance implementation of the Wild Salmon Policy, including areas to advance Protection and Rebuilding Strategies. As well, the SCC will continue to provide recommendations to DFO regarding their Annual Report and performance indicators. DFO's Annual Report 2018-22 can be found here:

<https://www.pac.dfo-mpo.gc.ca/fm-gp/species-especes/salmon-saumon/wsp-pss/annual-annuel/2018-2019-eng.html#progress>

Commercial Salmon Allocation Framework:

The SCC and DFO are piloting Local Area Committee forums, a project to improve efficiencies in demonstration fisheries planning and build better communications between First Nations fishers and non-Indigenous commercial harvesters. The first pilot areas where these forums have taken place are in the Nass/Skeena region, as well as in the Central Coast. The dialogues are inclusive of First Nations delegates from each region that partake in said fisheries. The SCC is hopeful that these dialogues will improve local communications between DFO area staff, First Nations and commercial harvesters and aid in the implementation of First Nations demonstration fisheries and help realize economic opportunities for those that are partaking in the fisheries.

The SCC have also been engaging with DFO to advance dual fishing opportunities when implementing commercial fisheries. This has been an important priority for many First Nations in B.C. and the SCC will continue to prioritize these discussions for 2019/20 fisheries. DFO have indicated their desire for a pilot-driven phased approach. Over summer/fall 2019, the SCC also anticipates reviewing the performance of the Commercial Salmon Harvest Shares and providing recommendations to DFO for possible updates.

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

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Pacific Salmon Commission Update

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 have been completed. Along with other previously negotiated Chapters, it is expected that upon Canada's ratifications of the PST chapters, DFO will be dedicating new funding to implement the new Pacific Salmon Treaty and new Canadian commitments and 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. DFO is also preparing a Summary Report for the Pacific Salmon Treaty negotiations that will be released in the coming months.

Update on appointments to the Pacific Salmon Commission:

DFO have re-appointed Mr. Murray Ned as Commissioner to the Pacific Salmon Commission for a 3-year term. Mr. Ned has been a strong contributor to the recent Pacific Salmon Treaty negotiations and the FNFC congratulates his re-appointment. We look forward to his continued contributions as Canada ratifies and implements the new Pacific Salmon Treaty.

DFO have also appointed Chief Russ Jones, *Nang Jingwas*, as Commissioner to the Pacific Salmon Commission for a 3-year term. Mr. Jones has extensive experience at the PSC, previously serving on the Northern Panel and the Commission. He was also a First Nations advisor to the First Nations Commissioners and the First Nations Caucus during the recent PST negotiations. Mr. Jones' nomination was broadly supported by First Nations and First Nations organizations, including the Skeena Fisheries Commission, North Coast Skeena First Nations Stewardship Society, Coastal First Nations, Nuu-chah-nulth Tribal Council and Council of the Haida Nation. The FNFC thank the interest and work that regional First Nations and First Nations organizations did to submit nominations for the Commissioner position and we look forward to working with both Mr. Jones and Mr. Ned to advance joint Canada and First Nations interests at the PSC.

For more information about the PSC, including Commissioner nomination package, please contact Janson Wong, Operations Manager, at 778-379-6470 or janson@fnfisheriescouncil.ca or First Nations Caucus members.

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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 First Nations Fisheries Council (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 ACC continues to prioritize 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 which will be complete and shared by September 2019. 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.

The FNFC in coordination with the ACC will be collaboratively developing deliverables and outcomes that reflect First Nations expectations and priorities for the 2019-20 fiscal year. The ACC strives to identify a proactive approach in response to DFOs Aquaculture policy and legislation development to reflect Aboriginal rights and priority.

Interim Framework for Aquaculture Risk Management (FARM): The interim *Framework for Aquaculture Risk Management (FARM)* explains how a precautionary approach for aquaculture decision-making is to be implemented. The Commissioner of Environment and sustainable development criticized DFO for not clearly articulating how a “precautionary approach” is applied to managing aquaculture. An independent expert panel on aquaculture recommended the development of a risk management framework. The FARM will invoke changes in how aquaculture input and decisions are made; the development and publication of policies that outline specific conservation objectives; more consistent use of formal, published science advice to support decisions; specific consideration of the precautionary approach when there is high scientific uncertainty; and a more consistent, robust and transparent decision-making process which includes: published decisions; articulation of how science was considered; and criteria for decisions.

Interim Framework on the Transfer of Live Fish: The interim *Framework on the Transfer of Live Fish* provides guidance on the authorization of the movement of fish in marine environments and what, if any, additional mitigation measures are needed to protect wild stocks. The interim framework sets out a process for assessing the impact of transfers on wild fish and determining if testing for pathogens is warranted. The interim Framework process is consistent with the draft Framework for Aquaculture Risk Management (FARM), which outlines how and when the precautionary approach is used. This process is also designed to be consistent with the Sustainable Fisheries Framework, and “Canada’s Policy for Conservation of Wild Pacific Salmon” (Wild Salmon Policy), and legislative responsibilities in the management of aquatic ecosystems and fisheries, including aquaculture.



Aquaculture Act Indigenous Engagement Plan: In December 2018, the Canadian Council of Fisheries and Aquaculture Ministers (CCFAM) agreed to support the development of a federal *Aquaculture Act*. DFO will be seeking views across Canada on what should be included in the proposed act. DFO seeks to meaningfully engage with Indigenous peoples (beginning summer of 2019) to seek preliminary feedback on key elements of an *Aquaculture Act*. The next round of engagement sessions will begin in the early 2020 with the objective to validate what was heard and further discuss additional elements of the evolving *Aquaculture Act*. DFO will engage directly with the Aquaculture Coordinating Committee (ACC) and FNFC to co-develop an engagement approach with Indigenous groups, with the National Aquaculture Working Group as the lead in the process. The FNFC will engage with DFO and AFN to co-develop a Pacific region engagement strategy, identifying meaningful outcomes and deliverables to ensure First Nations perspectives and direction will guide the engagement process.

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

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Economic Performance

In January 2019, the FNFC delivered three regional socio-economic valuation workshops to 1) explore the development of a First Nations fisheries valuation framework, and 2) identify high-level policy priorities and challenges to support First Nations economic independence and healthy communities. The FNFC is utilizing this engagement to 1) develop a toolkit that communities may use to communicate the cultural, social and economic value of their fisheries, and 2) inform the development of FNFC’s long-term economic performance related priorities and strategic planning. A final report on the outcomes and recommendations from the workshops will be available in spring 2019, and FNFC staff are looking to have a draft of a valuation framework to circulate to First Nations for feedback in the fall.

In March 2019, the FNFC Economic Coordinating Committee (ECC) met to review the outputs and outcomes of the advisory table’s first year of operation, discuss the outcomes of the FNFC socio-economic workshops, and discuss priorities and goals for the upcoming year. The ECC will remain a Tier 1 structure for the foreseeable future. The ECC has been developing as a BC-wide advisory body, providing advice to the FNFC regarding how First Nations economic fisheries issues and interests may be advanced and addressed throughout the province.

In order to support the FNFC’s Business and Economic Development pillar and the financial health of FNFC, a Finance Assistant was hired in March 2019. The position was developed to support the Chief Financial Officer as FNFC continues to grow and expand as an organization.

For more information on the FNFC’s Economic Development file, please contact Economic Development Manager Astrid Niemann-Zajac at astrid@fnfisheriescouncil.ca or 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, August 12, 2019

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FOLLOW us on TWITTER at www.twitter.com/fnfish

Water for Fish

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

In 2018, the BC Ministry of Environment & Climate Change Strategy (MoECCS) provided FNFC with \$20,000 in grant funding to advise the Province on an Engagement Framework to guide the development of the remaining *Water Sustainability Act* (WSA) regulations and policies in accordance with BC's reconciliation commitments to First Nations. In February 2019, an additional \$15,000 was provided by the Ministry to the FNFC to support the completion of the recommendations.

To assist in identifying recommendations for an Engagement Framework, the FNFC organized and hosted a series of meetings of a Working Group comprised of leadership and staff from a diversity of First Nations and First Nations organizations from across BC that hold relevant expertise, experience and knowledge related to freshwater governance and management. Throughout the Working Group process, the FNFC worked with three Ministry staff and meetings included a Tier 2 component (meeting with provincial government).

The Working Group identified the following underlying principles of engagement:

- Engage early (i.e. at policy definition stage);
- Increase transparency in decision-making throughout the engagement process; and,
- Provide sufficient, stable and predictable resources, not only to resource participation in engagement activities, but also to support capacity of First Nations to articulate their own water laws, policies, and strategies. A renewed and reformed relationship with First Nations as the Province has committed to MUST be rooted in supporting their capacity to undertake water planning and strategy activities in their traditional territories.

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The recommendations include 4 key engagement activities:

- Use existing and emerging government-to-government processes and mechanisms for bilateral discussions;
- Create a Centralized BC First Nations-Crown Water Caucus with a regional delegate structure and support by a technical committee. The Water Caucus could ultimately be established as a more general collaboration table on freshwater management with activities beyond WSA policy and regulation development;
- Regional advisory workshops for refining policy and regulation proposals; and,
- Written submissions throughout the regulatory and policy development process.

The Working Group is looking to finalize the Engagement Framework recommendations in spring 2019 before moving towards implementation.

Supporting the Capacity of First Nations to Advance Management of Environmental Flow Needs:

1. “Just Do It” Initiative: Supporting First Nations-led Environmental Flow Needs Strategies in BC

First Nations have a foundational relationship with water that is inherently linked to their right to healthy waters and ecological integrity. Defining Environmental Flow Needs (EFN) provides an opportunity to advance Aboriginal Rights to water and fish and to enhance decision making to protect environmental resources and heritage. BC’s new *Water Sustainability Act* introduces six key protections for environmental flows, including those that can restrict new and existing water licenses.

Currently in BC, the establishment of EFN thresholds is primarily being led by the provincial government. While this work is sometimes done in collaboration with First Nations and other local partners, the current approach does not necessarily support First Nations Rights and interests, including spiritual and cultural values of waters. FNFC’s new “Just Do It” initiative seeks to support up to 5 First Nations communities across the province to take a lead role in developing EFNs for critical streams in their territories as a pathway to asserting Aboriginal Rights to water and enhanced decision making. Learnings will be shared with the FNFC’s First Nations Water Network.

2. Release of Discussion Paper for BC First Nations on Environmental Flow Needs

The FNFC has released a discussion paper that outlines the importance of Environmental Flow Needs (EFNs) as a tool to advance Aboriginal Rights to water and fish and to enhance decision making to protect environmental resources and heritage. This paper is intended for First Nations leadership as well as lands, natural resources and fisheries staff in British Columbia who are interested in learning more about introducing EFNs as a component of their environmental resources, Title and Rights, and governance strategies. The paper is available on FNFC’s website.

Funding for the both EFN projects is provided by LUSH, Environment and Climate Change Canada and the Real Estate Foundation of BC.

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

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