

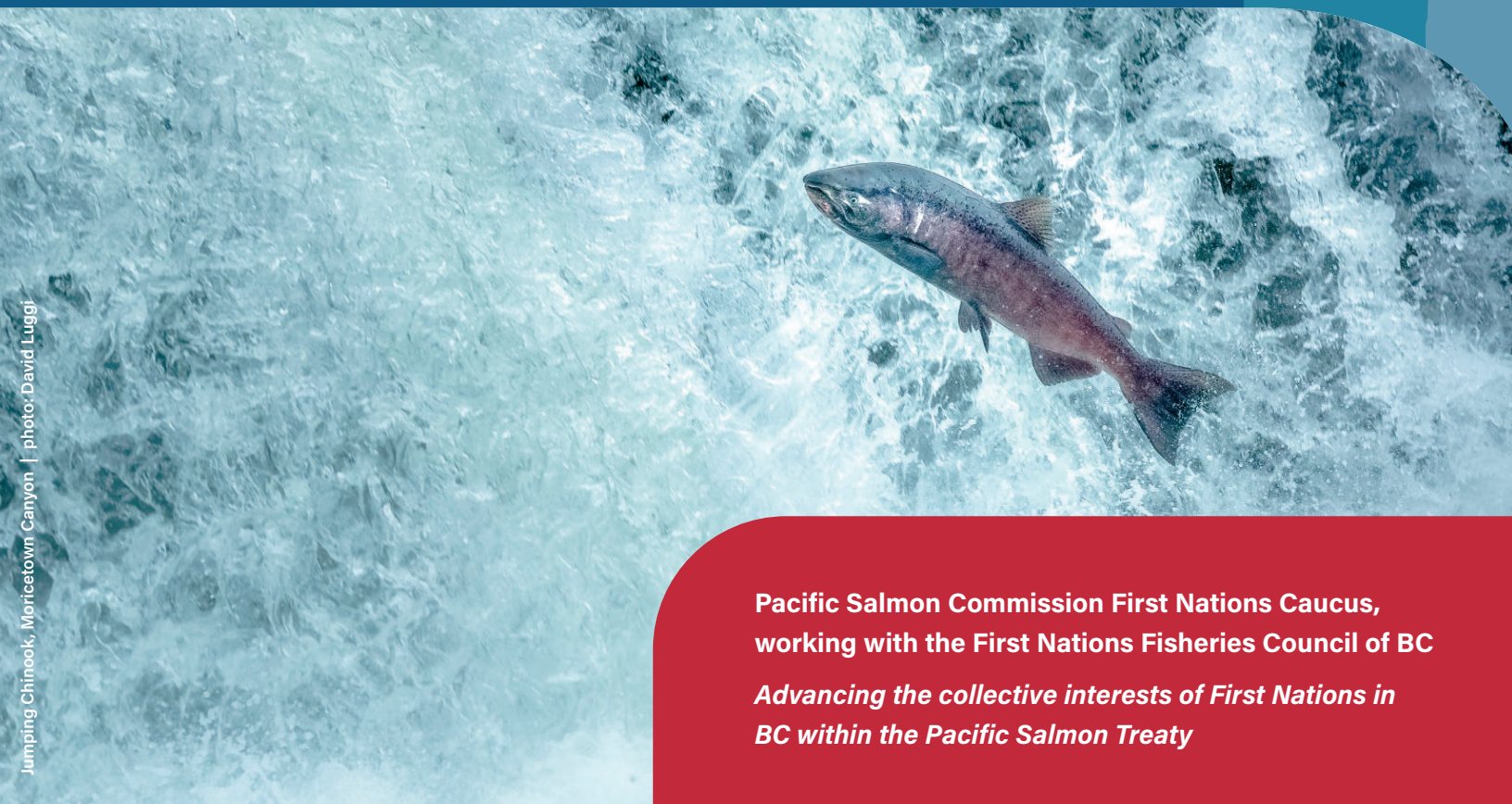


First Nations
Fisheries Council
of British Columbia

The PSC First Nations Caucus

Engagement with First Nations

DISCUSSION GUIDE AND FEEDBACK FORM



Pacific Salmon Commission First Nations Caucus,
working with the First Nations Fisheries Council of BC

*Advancing the collective interests of First Nations in
BC within the Pacific Salmon Treaty*

BACKGROUND AND CONTEXT

Protecting and promoting Pacific salmon for all

WHAT IS THE PACIFIC SALMON TREATY?

The Pacific Salmon Treaty (PST) is a Canada-US treaty that codifies and regulates the joint management, research, catch sharing, allocation mechanisms, and enhancement of Pacific salmon stocks. The PST includes chapters that consider specific species and regions, which will be highlighted in the engagement portion of this booklet, starting on page 8.

The Treaty is typically a 10-year agreement and was ratified in 1985, and renegotiated and re-ratified in 1999, 2008 and 2018. The current agreement is in place until 2028.

WHY DO WE NEED A TREATY ON SALMON?

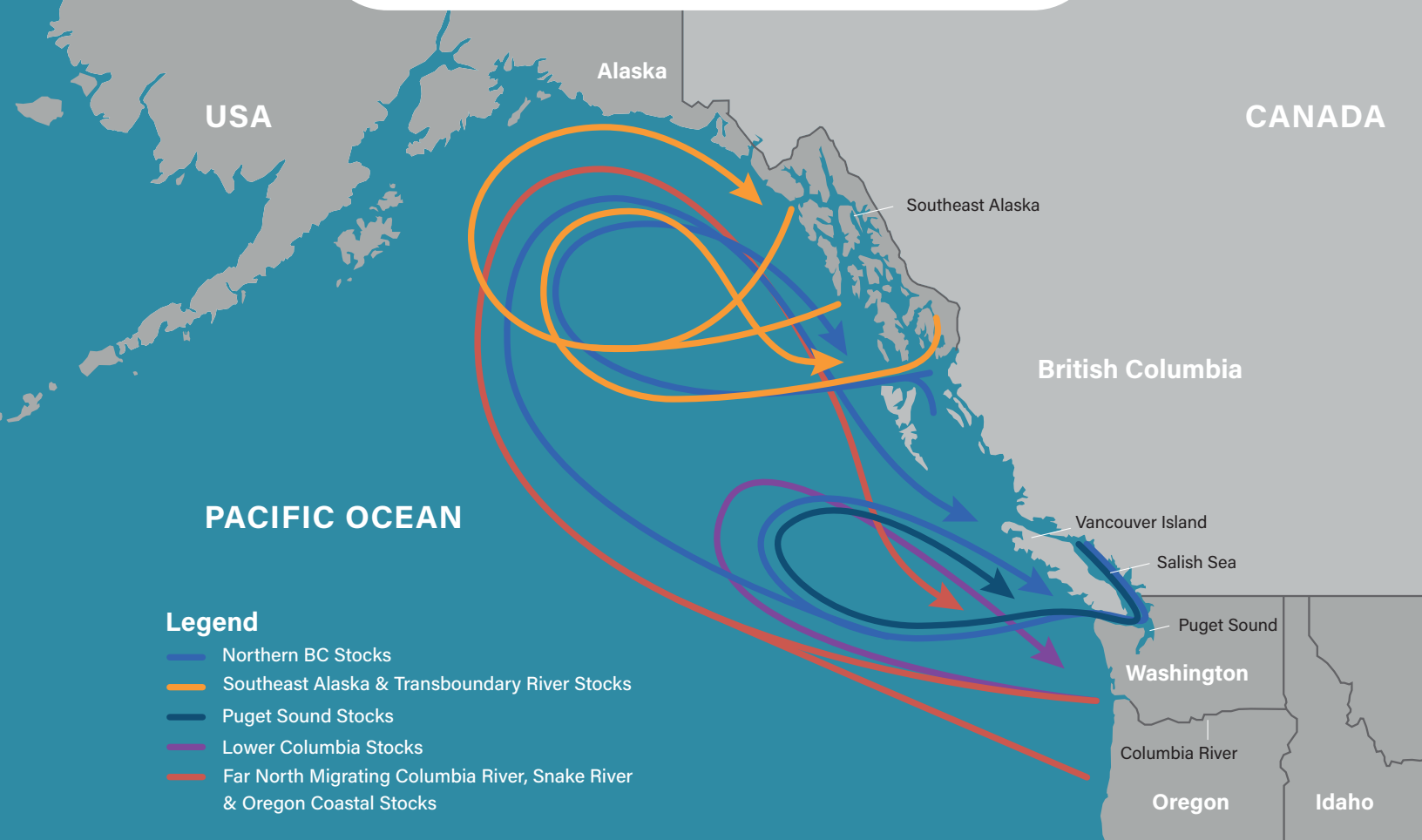
Salmon swim across international borders, beyond the jurisdiction of the government in whose water they were spawned. The fish migrate long distances, spending several years at sea. In the course of their migratory cycle, US-spawned fish enter the fishery zones of Canada, and Canadian fish enter US waters, where each are vulnerable to the other country's fishing fleets.

The Treaty is an international agreement intended to prevent one nation from harvesting too many of the other country's stocks.

PACIFIC SALMON TREATY GOALS

- ✓ Prevent overfishing
- ✓ Provide for the best possible salmon production
- ✓ Ensure both countries receive the benefits equal to their fair share of salmon that are born in Canadian and US waters

PACIFIC SALMON TREATY AREAS AND PACIFIC SALMON STOCKS



WHAT WE ARE ENGAGING ON

First Nations, government, and supporting organizations must commit to changing current legislation, policies and practices and work together to establish a new paradigm in fisheries. In the context of the PST, that begins with understanding the impacts of the treaty on First Nations fisheries and how Canada's international obligations affect domestic fisheries planning and management. Canada has fiduciary responsibilities to avoid infringement on First Nations rights and title. It is imperative that First Nations fishing rights and interests are protected when Canada and First Nations are at the international table and that they are upheld in the PST.

It is also important that the collective interests of BC First Nations are brought forward during each PST negotiation. The First Nations Caucus (FN Caucus) has served and advanced First Nations interests for almost two decades at the Pacific Salmon Commission (PSC) and is uniquely situated to continue participating while working collaboratively with Canada's delegation. To that end, the FN Caucus is taking the initiative to engage with First Nations in BC directly regarding the PST in order to best understand priorities and interests in advance of PST renegotiations, anticipated to begin in 2026.

This document and activities led by the FNFC and PSC First Nations Caucus do not replace Canada's fiduciary responsibilities to consult with First Nations through rights-based, nation to nation consultations. This document is intended to help communicate with First Nations on matters related to the Pacific Salmon Treaty, and should not be interpreted to represent a consensus First Nations perspective on the Pacific Salmon Treaty nor the specified issues stated within. Neither the FNFC nor the PSC FN Caucus speaks on behalf of any rights holders.

WHO WE ARE

Subject matter experts on the PST and Indigenous fisheries interests



WHO IS THE FIRST NATIONS CAUCUS?

The PSC FN Caucus is a group of approximately 33+ First Nations delegates who participate across different levels of the PSC process (Commissioners, Panels and Technical Committees).

The FN Caucus has been in place since 2002 and functions within the Canadian Section of the PSC. During its tenure, the FN Caucus has worked to become a recognized participating body at all levels of PSC engagement, providing a coordinated and knowledgeable First Nations voice on priorities and initiatives, as well as on the underlying Pacific Salmon Treaty.

The FN Caucus is a convening body that brings forward collective concerns and advice, based on participant experience and regional processes. Many members of the FN Caucus are either First Nations leaders or subject matter experts on salmon fisheries management and who work with First Nations and First Nations Regional Fisheries Organizations. Commissioner and Panel members are appointed by the Federal Government to advise Fisheries and Oceans Canada (DFO) in its PST negotiations and implementation with the US, while Technical Committee members are identified by, and support, the FN Caucus.

WHO IS THE FIRST NATIONS FISHERIES COUNCIL?

The First Nations Fisheries Council (FNFC) helps First Nations build a united and coherent voice on fisheries and aquatic resource topics. To support First Nations priorities, FNFC hosts processes, programs and initiatives related to fisheries policy, management, habitat, environmental protection, and economic development as outlined in the **BC First Nations Fisheries Action Plan**. We build processes, capacity, and relationships to help First Nations in BC influence the integrated planning and management of Pacific fisheries and aquatic resources at the province-wide level.

In 2021, the FN Caucus and FNFC signed a Memorandum of Understanding (MOU) to build on an already successful partnership. The new MOU includes the FN Caucus within the FNFC governance structure to streamline support including the development of work plans, meeting logistics and strategic planning.

Together the FN Caucus and FNFC work to advance the collective interests of First Nations in BC at the international PST table.

WHO IS THE PACIFIC SALMON COMMISSION?

The PSC is responsible for the implementation of the PST. It is a treaty-based, decision-making body representing both Canada and the US, responsible for the cooperative management of Pacific salmon. It gives both countries a forum through which to resolve salmon management issues.

The PSC is comprised of eight Commissioners (four delegates and four alternates) from each country. The Commissioners are supported by approximately 200 participants on subsidiary Panels and Committees, including First Nations. Currently Canada appoints two First Nations Commissioners.

Wind drying salmon, Saddle Rock | photo: Frankie Victor



OUR OBJECTIVES

FIRST NATIONS CAUCUS OBJECTIVES

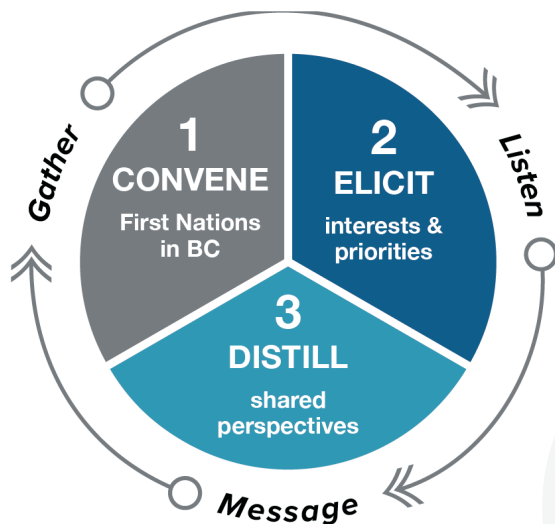
- Advance the collective interests of First Nations in BC at the international scale
- Facilitate a process to gather input from First Nations across BC in advance of the PST renegotiation in 2028
- Increase First Nations representation in the PSC and First Nations' perspectives in the PSC's negotiating mandate
- Bring forward First Nations interests to Canada and PSC negotiation tables

ROLES IN PST NEGOTIATIONS AND IMPLEMENTATION

Organization	Role in PST Negotiations and Administration
First Nations Caucus (FN Caucus)	<ul style="list-style-type: none">✓ Advances the collective interests of First Nations in BC at the international scale✓ Advises DFO in its PST negotiations and implementation with the US✓ Brings forward regional perspectives and feedback from First Nations participants
First Nations Fisheries Council (FNFC)	<ul style="list-style-type: none">✓ Provides support and advice to the FN Caucus✓ Supports FN Caucus communications to First Nations broadly
Pacific Salmon Commission (PSC)	<ul style="list-style-type: none">✓ Implements the PST
Fisheries and Oceans Canada (DFO)	<ul style="list-style-type: none">✓ Represents the Canadian Government, and advances the collective interests of Canada in negotiations with the US

ENGAGEMENT PROCESS

We Want to Hear From You



GATHERING INSIGHTS

FNFC and the FN Caucus are excited to launch a multi-year engagement program to gather input from across the province to elicit BC First Nations' perspectives and interests for the purpose of the next PST negotiations.

To better support First Nations interests and influence the PST to be more reflective of said interests, the FN Caucus is leading the engagement process and engaging with First Nations, Indigenous groups, subject matter experts and other groups to gather input in preparation of the next round of PST negotiations.

HOW YOUR INPUT WILL BE USED

The input provided via the feedback form and through our other engagement activities will be consolidated, reviewed and summarized to inform FN Caucus participation and activities. These topics will also be shared with First Nations to communicate collective interests. In turn and when opportunities arise, these topics will then be advanced to DFO, the Federal Government, and the PSC.

We hope these parties receive this input within the context of reconciliation and UNDRIP, and work with us to evolve the FN Caucus' role from mere advisor to a partner in negotiations, in order to best represent BC First Nations' individual and collective interests.

We recognize and respect the sovereignty and self-governance of all First Nations as Rights Holders. Input gathered is intended to help the FN Caucus better understand and identify shared interests that may arise from engaging with First Nations in BC, and to be able to advance First Nations interests in a coherent and cohesive manner at the international scale.

Process to Advance First Nations Insights



ENGAGEMENT GOALS

- Build accountability of the PSC process to be more reflective of First Nations interests
- Increase the collective capacity of First Nations, and understanding of the scope of the PST
- Garner support for the FN Caucus to advance the collective interests of First Nations in BC
- Gather high-quality information from First Nations, including subject matter experts working on Pacific salmon fisheries
- Better understand and identify international and domestic interests for First Nations in BC, and how the PST might reflect and protect said interests
- Gain insights and a better understanding of priorities to effectively and directly protect and advance First Nations' interests
- Build consensus around the guiding principles amongst BC First Nations, Indigenous groups, technical staff and stakeholders
- Identify Chapter-specific topics and strategies
- Bring forward First Nations' perspectives to be included in the PST negotiations

HOW TO PROVIDE INPUT

We encourage everyone to provide input—at any and all levels—that matters to them, and in any form.

There are, and will be, a variety of ways to provide input:

- ✓ Written submissions via the Feedback Form in this booklet
- ✓ 1:1 interviews
- ✓ Community workshops
- ✓ Regional town halls and open houses
- ✓ Social media
- ✓ Direct email
- ✓ Surveys

To stay updated sign up for the FNFC newsletter at info@fnfisheriescouncil.ca



ENGAGEMENT AND DISCUSSION GUIDE OVERVIEW

ENGAGEMENT OVERVIEW

The FN Caucus is seeking input on two types of topics:

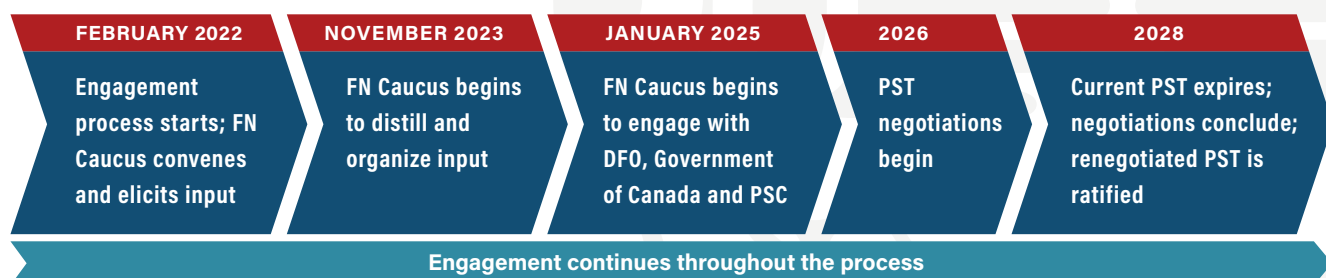
1. The Whole of the Pacific Salmon Treaty

- These include high-level recommendations to the negotiation tables with rebuilding, conservation and stewardship at the forefront
- Commissioners will largely be responsible for ensuring the PST is implemented on an ongoing basis

2. Chapter-specific topics

- These are based on the chapters of the PST and are related to individual salmon species and geographic regions. They form the majority of what will be considered in PST negotiations.
- Panel members (with support from Technical Committee members) will largely be responsible for advancing topics within each Chapter negotiation

Proposed Engagement Timeline



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WE INVITE YOU TO PROVIDE FEEDBACK

This Discussion Guide is divided into seven topic areas:

1. PST Whole Treaty
2. Chapter 1: Transboundary Rivers
3. Chapter 2: Northern British Columbia and Southeastern Alaska
4. Chapter 3: Chinook Salmon
5. Chapter 4: Fraser River Sockeye and Pink Salmon
6. Chapter 5: Coho Salmon
7. Chapter 6: Southern British Columbia and Washington State Chum Salmon

After you review the Discussion Guide, we invite you to submit the Feedback Form starting on **page 10** in one of two ways:

1. Online at fnfisheriescouncil.ca
2. By mail or drop off to the First Nations Fisheries Council

Please visit **page 18** of this booklet for detailed instructions.



The Pacific Salmon Treaty

The *Pacific Salmon Treaty* (PST) is a bilateral international treaty negotiated and agreed upon by Canada and the United States that codifies and regulates management, research, catch sharing, allocation mechanisms, and enhancement of Pacific Salmon stocks. The PST includes chapters that consider specific species and/or regions. The treaty also provides the framework for the Pacific Salmon Commission process to implement the policies and actions prescribed by the PST.

Examples of Key Issues:

- The PST is a harvest-based agreement rather than conservation based
- Treaty language does not adequately create cooperation and accountability amongst managers
- Stronger language within the to more effectively hold parties accountable to treaty provisions
- Stronger language is necessary on the topic of respecting and upholding Indigenous fishing rights, including the priority protection for First Nations and Tribal fisheries
- Inclusion of Guiding Principles within the Treaty that can reflect Canada and US Governments' respective adoptions of UNDRIP
- Modernize treaty to reflect changing climate conditions and impacts to fish stocks

Feedback on Issues:

Potential Strategies and Solutions:

CHAPTER 1: TRANSBOUNDARY RIVERS

The *Chapter 1: Transboundary Rivers* agreement specifies arrangements for management of Chinook, Sockeye, and Coho for several rivers that flow from Canada to the Pacific Ocean through BC and Alaska, including the Stikine, Taku and Alsek rivers. The agreement outlines the abundance based management framework intended to limit interceptions of Canada-bound fish in US/Alaskan fisheries as well as to set management objectives that allow for escapement targets to be met.

Examples of Key Issues:

- Different management approaches? between Canada and the US/Alaska complicates planning and decision-making.
- Monitoring of US Subsistence Fisheries is insufficient to reliably collect and share data on harvest and by-catch in those fisheries, especially in-season.
- First Nations involvement in projects that impact Transboundary populations is too limited
- Enhancement projects have been focused on political/production-based enhancement rather than conservation based
- There are remaining inequities in Canada's harvest shares, Taku Sockeye in particular

Feedback on Issues:

Potential Strategies and Solutions:

CHAPTER 2: NORTHERN BRITISH COLUMBIA AND SOUTHEASTERN ALASKA

The *Chapter 2: Northern British Columbia and Southeastern Alaska* agreement addresses the management of sockeye, pink, coho, and chum salmon fisheries in northern B.C. and southeastern Alaska*, specifying how the fisheries will be managed to achieve escapement goals and fair sharing of salmon stocks that intermingle in the border area as well as to limit the interceptions of Canadian fish in Alaskan fisheries. The agreement features abundance-based provisions that allow harvests to vary from year to year depending on the abundance of salmon.

Examples of Key Issues:

- Canada continues to explore different mechanisms that can support chapter implementation and negotiations.
- Chapter language lacks conservation requirements or set triggers, that would lead to a review of management measures.
- Interception of Canada-bound salmon that are intercepted in US fisheries (directed/ by-catch in other fisheries).
- Current management measures within the Chapter does not reflect changes in return timing of Canadian fish .
- Insufficient data-sharing and communication from Alaskan officials complicates the process of determining interception and by-catch statistics of Canadian fish.

Feedback on Issues:

Potential Strategies and Solutions:

* The PST defines this area as being bounded to the South by Cape Caution and to the North by Cape Suckling

CHAPTER 3: CHINOOK SALMON

The *Chapter 3: Chinook Salmon* agreement describes management measures to be taken to limit interceptions of Canada and United States chinook in coast-wide fisheries, as well as establishes escapement goals to inform management of Chinook populations. Because Chinook salmon pass through fisheries regulated by many jurisdictions in both Canada and the US, this species has been the focus of increasing concern. Therefore, the chapter also describes a gradual reduction in the harvest rates of Chinook to support rebuilding efforts.

Examples of Key Issues:

- The chapter lacks clear methods for incorporating updated biological and/or statistical data into overall Chinook management objectives.
- The chapter's focus is not on increasing productivity of populations but rather on increasing escapement targets.
- The chapter does not fully account for the effects of mass-marking and mark-selective fisheries on chinook populations.
- Concerns with Alaskan modeling methods that have led to mis-estimation of Chinook stocks impacting harvest levels and over-exploitation.
- There is limited capacity for in-season management and modeling which limits the ability of managers to flexibly deal with issues in a timely manner.

Feedback on Issues:

Potential Strategies and Solutions:

CHAPTER 4: FRASER RIVER SOCKEYE AND PINK SALMON

The *Chapter 4: Fraser River Sockeye and Pink Salmon* agreement describes management strategies for the harvest of sockeye and pink salmon originating from the Fraser River watershed. The chapter's purpose is to regulate fisheries in three phases; pre-season, in-season, and post-season. The chapter also details instructions for the PSC secretariat to make in-season management changes as well as outlines the Fraser River Panel process for bilateral discussions on in-season management and stock modelling.

Examples of Key Issues:

- Chapter language is focused on maximizing potential harvest of fish rather than the conservation of fish stocks.
- The chapter currently lacks language to define a process for managing Fraser River pink salmon stocks.
- First Nations right to priority access is currently unduly limited by the allocation methods described in the chapter.
- Accessing and sharing of data on stocks is insufficient to allow for effective and accurate management to occur.
- The current structure and dispute resolution framework of the Fraser River panel does not effectively hold managers accountable.

Feedback on Issues:

Potential Strategies and Solutions:


CHAPTER 5: COHO SALMON

The *Chapter 5: Coho Salmon* agreement outlines management objectives for Canada and the US to base fisheries regimes around. The chapter provides a framework for management planning coast-wide through a northern and southern panel. The specifics of management plans are cooperatively and bilaterally developed and refined, designed to limit exploitation rates on coho stocks to sustainable levels and to improve the long-term prospects of sustainable, healthy fisheries in both countries.

Examples of Key Issues:

- The current modelling of coho populations provide insufficient information for effective management.
- There is insufficient data regarding Canadian coho MSF's and how they have effected coho populations.
- There is urgency for more progress in rebuilding Coho stocks (e.g. Interior Fraser Coho)

Feedback on Issues:



Potential Strategies and Solutions:

The *Chapter 6: Southern British Columbia and Washington State Chum Salmon* agreement addresses chum fisheries in southern BC and Washington state. The agreement outlines management planning for chum salmon fisheries as well as describing the functions of the Joint Chum Technical Committee. The committee reports to the Southern Panel and the Commission, and is responsible for maintaining and reviewing stock status and stock composition information related to chum fisheries within the specified regions. The committee assesses catch levels and management of chum salmon fisheries.

- Increasing pressure on chum populations are not accounted for in planning of fisheries.
- Current management system lacks thresholds for review of the chapter and associated plans.
- Stock assessment data and collection methods are insufficient to effectively manage chum fisheries.

ADDITIONAL THOUGHTS

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APPENDIX: FN CAUCUS GUIDING PRINCIPLES FOR WORKING WITH CANADA

Below are Guiding Principles adopted by the FN Caucus as it continues to work with Canada and within the PSC process.

It is intended that these Guiding Principles can support a renewed relationship between the FN Caucus and DFO, as the FN Caucus looks to move away from an advisory role to Canada towards directly participating and bringing First Nations interests to the PSC process on its on merit.

- Canada has a duty to protect inherent First Nations rights, as re-affirmed under s.35(1) of the *Constitution Act*, internationally, including in international treaties that have the potential to impact or infringe on First Nations rights, including their lands, territories and resources (i.e., PST).
- Canada's efforts to advance reconciliation efforts with First Nations in BC is not defined or limited domestically. Canada's full adoption of UNDRIP and Canada's 10 Principles should be acknowledged and continue to apply internationally; they should guide how Canada works with First Nations in BC at international processes such as the PSC.
- The Federal Government should not make unilateral decisions that may impact or infringe on First Nations rights in a multi-stakeholder (Tier 3) environment. These decisions must be shared decision-making with First Nations and/or First Nations' governing bodies as appointed or self-determined.
- The role of the FN Caucus should be to work alongside Canada at the PSC table not only as advisors, but independently to protect and advance the interests of First Nations.
- The FN Caucus will continue to work and collaborate with Canada to protect and advance the rights and interests of First Nations in BC, along with the collective interests of Canada, as part of Canada's delegations at the PSC process. FN Caucus will work with Canada to consider and balance the interests of stakeholder groups, in an effort to support Canada's position at the PSC.
- The FN Caucus and Canada will work together in good faith to effectively advance Canada's positions internationally.
- Clear and transparent communications is critical to support and be accountable to First Nations in BC.
- Structured process and clear communications is necessary to convey, report out and solicit feedback and guidance with First Nations in BC.
- The FN Caucus must be adequately funded to fully participate and operate at the PSC process. This includes work outside of the PSC schedule, as there are PSC-related activities outside of PSC sessions, as well as Tier 1 engagements with First Nations broadly and with leadership.

THANK YOU AND HOUSEKEEPING

Thank you for taking the time to share your feedback. If you know of any others who may be interested, please help us spread the word by emailing them and providing a link to our engagement website at fnfisheriescouncil.ca

SUBMIT YOUR FEEDBACK

You can submit your feedback through one of two ways:

1. **Click here** or visit fnfisheriescouncil.ca to complete the form online
2. Complete the form in the back of this document and return it in the mail, or drop it off in person, to:

First Nations Fisheries Council
Attn: PST Engagement
320-1200 West 73rd Avenue
Vancouver, BC
V6P 6G5

Visit fnfisheriescouncil.ca, or sign up for the the FNFC newsletter at info@fnfisheriescouncil.ca, to stay tuned!





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