



FIRST NATIONS
FISHERIES COUNCIL

SUMMARY REPORT:

AQUATIC SPECIES AT RISK IN THE PACIFIC REGION VIRTUAL WORKSHOP SERIES

NOVEMBER 19TH 2020 TO MARCH 4TH 2021

BRITISH COLUMBIA

PREPARED BY FIRST NATIONS FISHERIES COUNCIL
IN COLLABORATION WITH TWO WORLDS CONSULTING, LTD.

Table of Contents

Aquatic SARA Workshop Series Overview	3
Aquatic SARA Workshop Series: “What We Heard”	6
“What We Heard”: Summary.....	6
“What We Heard”: Key Themes	8
SARA & DFO Processes.....	8
Capacity Funding.....	13
Cultural Considerations and IK.....	16
Conclusions	21

Appendices

Appendix A: Workshop Agendas	22
Appendix B: Workshop Summaries	28
Appendix C: Useful Links and Resources	44
Appendix D: SARA Overview Presentation by DFO Species At Risk Program, Pacific Region ..	46

Aquatic SARA Workshop Series Overview

In 2020, the First Nations Fisheries Council of British Columbia (FNFC), in collaboration with Fisheries and Oceans Canada (DFO) collaborated to develop opportunities to share information and foster dialogue on ways to improve Indigenous engagement in aquatic species at risk (SAR) processes in the Pacific Region. As part of this collaborative effort, FNFC and DFO organized and hosted a five-part virtual workshop series open to First Nations in BC. This Workshop Report (the Report) is a summary of the key findings that emerged across the workshop series.

The Aquatic SARA workshop series included Tier 1 participants (First Nations only) and Tier 2 participants (First Nations and DFO SAR program staff). The workshop series intended to:

- Improve awareness and understanding of SARA and related First Nation engagement and consultation processes;
- Improve awareness on the status of listed species and species being considered for listing in their geographic areas, including the status of the recovery planning, management, and consultations;
- Identify the existing mechanisms and gaps for First Nations to engage in Aquatic SAR management and conservation;
- Make suggestions on how to improve First Nations' engagement within SARA processes; and
- Provide an opportunity for relationship building and advancing discussions between First Nations and DFO.

FNFC developed the workshop series to provide space for information sharing and conversations with the DFO SAR Team, as well as space for First Nations to discuss their collective interests in aquatic SAR. Two Worlds Consulting Ltd. (TWC) facilitated the workshop series and supported the development of the Report.

To ensure continuity and to respect FNFC's ongoing work with First Nation communities and DFO, past FNFC-supported work was integrated into the workshop topics. In addition to this, First Nation participants also provided feedback on topics to be discussed during these workshops. As a result of the feedback we received from participants, much of the focus for these workshops was on the first two SARA stages: Assessment and Listing (Figure 1).

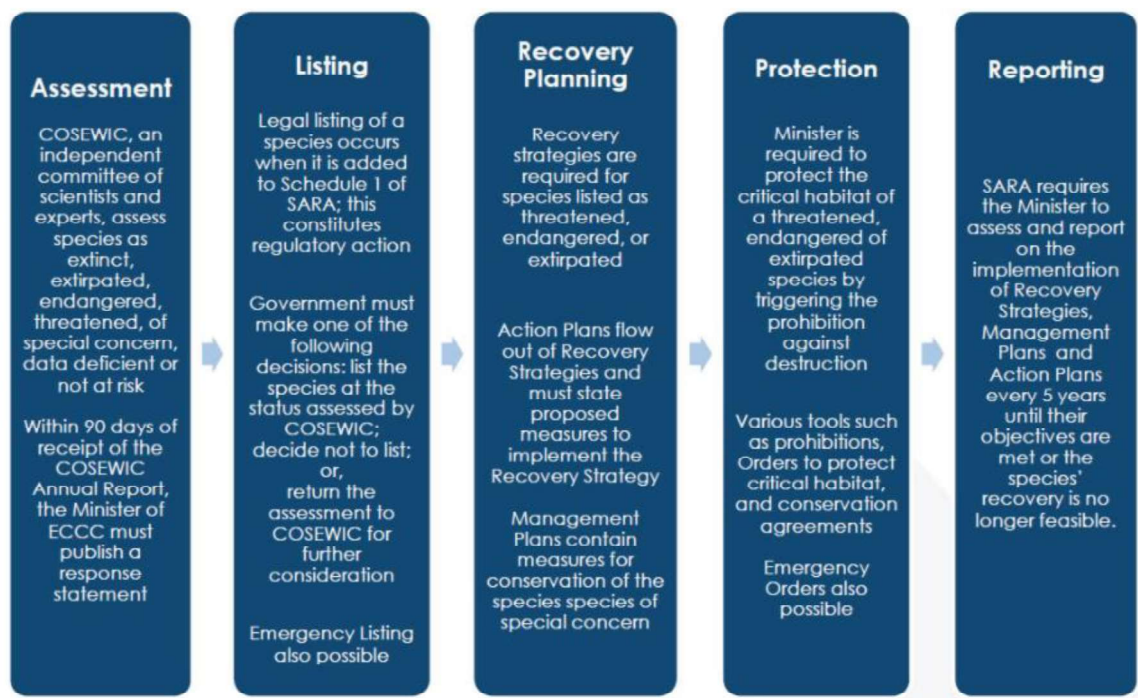


Figure 1. A summary of the SARA process: assessment and normal listing stages. Source: DFO. <https://www.dfo-mpo.gc.ca/transparency-transparence/mtb-ctm/2019/binder-cahier-1/1F4-sara-lep-eng.htm>

A summary of the topics discussed in the workshop series is provided in Table 1. The workshop series included several presentations that were provided by DFO. Additionally, there were also presentations from Chief Byron Louis, co-chair of the National Aboriginal Council for Species at Risk (NACOSAR), Sue Chiblow from Ogamauh Annag Advising Services, and Dorothee Schreiber from Tamarack Research. Throughout the workshop series, with the support of Sue Chiblow and Dorothee Schreiber, FNFC developed companion discussion papers on the topics of Indigenous Knowledge (IK) engagement within Aquatic SAR¹, and First Nations engagement in socio-economic analysis (SEA) and evaluation in SARA processes². These Discussion Paper topics were identified early on as topics of high interests to First Nations participants and DFO. Detailed agendas and workshop summaries can be found in Appendix A and B, respectively.

Table 1. Summary of workshops and workshop topics. Parentheses indicate presenters.

Workshop	Agenda Topics
Tier 1 and 2 Nov 19, 2020	<ul style="list-style-type: none"> Species-at-risk Processes Overview (DFO) Opportunities for First Nations in SARA (Chief Byron Louis, NACOSAR) Workshop structure feedback
Tier 1 and 2 Dec 03, 2020	<ul style="list-style-type: none"> Regional SARA Grants and Contributions Funding and broader DFO Landscape (DFO) SARA Listing Process and Engagement Opportunities: Examples from Salmon (DFO) Tier 1 Feedback on opportunities and gaps in listing processes, including funding

¹ First Nations Fisheries Council (FNFC). We can't keep treating Mother Earth this way: Improving Indigenous Knowledge engagement in the aquatic species at risk process for First Nations in BC, A Discussion Paper. 2021

² First Nations Fisheries Council (FNFC). Improving socio-economic valuation in the aquatic species at risk process for First Nations in BC: Discussion Paper. 2021.

Tier 1 Jan 20, 2021	<ul style="list-style-type: none"> • Overview of SARA Processes and IK Engagement: mechanisms, considerations, relationships, engagement and communications (Sue Chiblow)
Tier 1 and 2 Feb 11, 2021	<ul style="list-style-type: none"> • Socio-Economic Analysis within the Aquatic Species-at-risk Process in the Pacific Region (DFO) • Tier 1: considerations in improving Socio-economic valuation for First Nations in the aquatic species-at-risk program (Dorothee Schreiber)
Tier 1 Mar 5, 2021	<ul style="list-style-type: none"> • Workshop Series summary: an overview of key gaps and recommendations (TWC)

The workshops were, on average, attended by 20+ First Nations participants across the province. First Nation participants voiced support for FNFC hosting these workshop series and creating opportunities for dialogue amongst First Nations and to learn about the SARA process from DFO and other First Nations. In particular, the Tier 1 portions of the workshop series were highlighted as a critical opportunity to share experiences/resources, as well as discuss collaboratively how to advance positively in recovering and managing species-at-risk within and outside SARA processes. Appendix C is a summary of SARA-related resources shared during the workshop series.

Aquatic SARA Workshop Series: “What We Heard”

The following sections will elaborate on the key themes and the affiliated existing mechanisms, challenges, and recommendations for improving First Nation collaboration and engagement within the aquatic SARA process, as identified by the First Nation participants throughout the workshop series. It is important to note that the opinions and views outlined in this Report are not comprehensive and do not reflect the opinions of all First Nations in BC.

“What We Heard”: Summary

This section provides an overview of the key concerns and recommendations related to SARA that were raised by the First Nation participants throughout the workshop series.

Overall, the First Nation participants felt that the SARA process to assess, protect and rebuild species of conservation concerns to largely be inadequate. First Nations see SARA as a weak management tool for protecting aquatic species and their habitats. To participants, SARA and DFO have failed to protect aquatic species and their habitat. This perception of failure was seen as a result failure to proactively list species before they become at risk, and participants felt that there was a lack of evidence that supports the process and outcomes of a species listing and subsequent recovery planning has led to species recovery. In particular, participants expressed their frustration with what they saw as the Government of Canada’s failure to protect and conserve ecologically and culturally important keystone species, such as salmon.

Throughout the workshop series, the First Nations participants expressed their anger, frustration, and grief about the loss of aquatic species and the subsequent cultural and socio-economic impacts to First Nations. In several areas throughout BC, it was shared that many First Nations have not been able to harvest or taste salmon for generations, which has had profound impacts on First Nation culture, economy, health, food security, and well-being. In particular, the impacts from the loss of species such as salmon disproportionately affect First Nations, as First Nations have a unique relationship with the land and species. As expressed in the workshop series, First Nations have an important relationship with their territory and emphasized that species and ecological features, such as the ground and water, are like family. When the environment is altered or begins to suffer, participants expressed it as being as painful as watching your family suffer. These critical relationships continue to be strained, a result of colonization, and exacerbated by a lack of meaningful collaboration and measurable action to prevent, protect, and recover species. Participants noted that these disproportionate impacts and cultural considerations are not fully reflected within the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) and SARA assessments and recommended that these effects, as well as the cumulative effects from the loss of species and access, need to be considered within the SARA process.

Further to this, the workshop participants said they felt that the Government of Canada continues to show First Nations a lack of respect and consideration within the SARA process. For many participants, these concerns were highlighted by the lack of meaningful engagement, the prioritization of economics and commercial interests over First Nations interests, the lack of respect and consideration of IK and Aboriginal rights and title, the disregard of First Nations’ territories, laws and jurisdictions, the lack of opportunities for IK stewardship, inadequate funding support, and the lack of authority and autonomy that is given to First Nations over the allocation of funding. In addition, the First Nation participants noted that the Government of Canada continues to infringe upon Aboriginal rights and title and has

made little effort to stop the perpetuation of the ‘poverty treadmill’ and continued marginalization of First Nations. This demonstrates a lack of consideration for First Nations rights and interests and demonstrates the unequal distribution of costs and benefits. As illustrated by Chief Byron Louis, co-chair, National Aboriginal Council on Species at Risk (NACOSAR), Food, Social and Ceremonial (FSC) fisheries are part of meeting social, economic, spiritual, and cultural needs of First Nations people, and the decline of aquatic resources and the subsequent loss in the ability to harvest aquatic resources have a significant impact on First Nation communities. The loss of fisheries resources is a significant infringement on Aboriginal rights and there is a need to address cumulative impacts to fisheries as a way to alleviate the socio-economic issues that face First Nation communities. First Nations participants voiced support for issues identified by Chief Louis.

The First Nation participants also noted frustration with the Government of Canada’s use of language. This includes repeated changes to terminology used to describe First Nations people (e.g., Indian, Aboriginal, Indigenous, etc.) and how IK is described (e.g., FSC). Workshop participants said that the Government of Canada has and continues to define and impose terms onto Indigenous peoples without any consideration of, or consultation with, First Nations. Moreover, participants said the Government of Canada’s use of language and terminology is often vague or not clearly defined. Participants gave examples of capacity building and the use of “should consider” in legislation as examples. One participant noted that the SARA preamble states, “traditional knowledge of the aboriginal peoples of Canada *should be considered* in the assessment. . .” This leaves First Nations to question to what extent does the Government of Canada ‘consider’ IK. One example that emphasized this frustration was with the process of Indigenous Cultural Significance (ICS) valuation. It was suggested that valuation of the loss of species should include economic terms so that the Government of Canada would understand and/or be more likely to listen. It was recommended that quantifying, evaluating, and comparing First Nation customary diets versus contemporary diets could demonstrate the significance of the loss of access to healthy food resources due to species population declines and loss. First Nations participants supported the notion that the loss of species and loss of access to traditional foods is a significant infringement on Aboriginal rights that the Crown is required to justify. Overall, the participants emphasized the need for First Nations to define terms related to culture and identity themselves and for the Government of Canada to more clearly define terms related to policy or regulation.

Lastly, the First Nation participants repeatedly expressed that they expect to be engaged in a respectful, meaningful way, which includes having ongoing open, transparent collaboration *in every stage of the SARA process*. Participants see their co-development and collaboration throughout SARA and DFO processes as critical to ensure that their voices can be heard, their concerns and interests addressed, and so those cultural considerations can be adequately represented within the processes. As highlighted in the workshop series, the protection and restoration of SAR are not only about protecting ecological systems but is about protecting cultural integrity and community well-being. While the workshop series focused on the current mechanisms for First Nation collaboration and engagement within the SARA process, participants communicated that First Nations do have the expertise to recover SAR and they do not have to work within the SARA framework to support the recovery of SAR.

“What We Heard”: Key Themes

Three key themes relating to First Nation collaboration and engagement emerged through the presentations and discussions of the Aquatic SARA workshop series: SARA and DFO Processes, Capacity Funding, and Cultural Considerations and IK. Each of the following subsections provides a summary of the key existing mechanisms, challenges, and concerns that were identified in the workshops.

For this reporting, First Nation collaboration and engagement participation encompasses First Nation outreach, participation within the processes, the inclusion of IK and cultural components, the recognition and respect of First Nation interests and rights, and First Nation involvement in decision-making processes. Identified mechanisms and challenges are elements that support or impede the ability for First Nations to engage and be collaborators within the SARA and DFO process. The identified additional mechanisms and challenges go beyond the identified engagement entry points provided by DFO and include activities that support meaningful participation.

SARA & DFO Processes

This theme focuses on the discussions surrounding the procedural components of listing a SAR. A detailed overview presentation of the SARA process, as presented by DFO during the first workshop, can be seen in Appendix D. Here, SARA processes refer to the components and activities that are within the SARA Conservation Cycle. This includes the COSEWIC, Recovery Potential Assessment (RPA), Management Scenarios, Indigenous Cultural Significance (ICS), and Socio-economic Analyses (SEA) components. The focus, however, is on Stage 2 of the SARA Conservation Cycle, Listing and Protection, as this falls under the jurisdiction of DFO at a regional level (e.g., Pacific Region). DFO processes refer to the larger procedural and structural components of the DFO governance system and how the system operates (e.g., legislation, policies, structure, organization, systemic issues).

Existing Mechanisms

Presenters and First Nation participants identified several existing and potential mechanisms for First Nations engagement within the SARA process, which is summarized in Table 2. These mechanisms are categorized into four themes: SARA Conservation Cycle, Data Collection and Ecological Monitoring, Legislative Tools, and Agreements. Four key areas for First Nations to engage within the existing SARA listing process were identified: within the RPA, the development of Management Scenarios, Indigenous Cultural Significance (ICS), and Socio-economic Analysis (SEA). DFO invites First Nations to First Nation-centered engagement and consultation forums and to assist in the development of the ICS framework. First Nations also can participate in processes aimed at technical expertise, such as attending peer-review meetings, including Canadian Science Advisory Secretariat (CSAS) and RPA Steering Committee meetings, act as a ‘subject matter expert,’ and participate in Working Groups and Advisory Committees as established by DFO. First Nations can also participate in public consultation processes by providing feedback through workbooks and public platforms (e.g., Canadian Gazette). In addition to these existing mechanisms, the First Nation participants identified additional mechanisms that can enable collaboration with DFO within the SARA process. These included data collection and ecological monitoring (outside the DFO process), the use of legislation and case law, and the development of agreements under SARA (see Table 2).

Technical staff were described by the First Nation participants as playing a critical role in supporting First Nation decision-making and involvement within SARA discussions. Current legislation and case law are seen as tools to hold the Government of Canada accountable and to help ensure that meaningful engagement and consultation is being conducted and that Aboriginal rights and title are not being infringed upon. Furthermore, First Nations participants noted that under section 9, 10, and 11 of SARA, there is support for First Nations to collaborate and engage within the SARA process by entering into an agreement with the Government of Canada by establishing Advisory Committees (s. 9) and entering Administrative agreements (s. 10). For example, the Government of Canada entered an agreement with the Assembly of First Nations (AFN) which led to the formation of the First Nations Advisory Committee on SAR.

Table 2. Summary of the identified mechanisms for First Nations engagement within the SARA and DFO processes

Theme	Identified Opportunity
SARA Conservation Cycle	<p>SARA Conservation Cycle:</p> <ul style="list-style-type: none"> • Participate in consultation and engagement processes throughout the SARA Conservation Cycle <p>Assessment:</p> <ul style="list-style-type: none"> • Assist in COSEWIC process as knowledge experts • Assist COSEWIC in having Aboriginal Traditional Knowledge (ATK)³ inform COSEWIC reporting • Participate within the ATK subcommittee through a nomination process • Respond to a request for proposal to author COSEWIC status reports <p>Listing and Protection (RPA, Management Scenarios, ICS, SEA):</p> <p><i>RPA:</i></p> <ul style="list-style-type: none"> • Attend peer-review meetings (e.g., Canadian Science Advisory Secretariat (CSAS) and RPA Steering Committee) as a 'subject matter expert' <p><i>Management Scenarios:</i></p> <ul style="list-style-type: none"> • Participate in DFO-established Working Groups and Advisory Committees <p><i>SEA:</i></p> <ul style="list-style-type: none"> • Attend engagement and consultation forums • Provide feedback through workbooks and public feedback forums (e.g., Canadian Gazette process) • Lead a First Nation SEA and/or Cost-Benefit Analysis <p><i>ICS:</i></p> <ul style="list-style-type: none"> • Participate in the scoping and development of the ICS framework <p>Recovery Planning:</p> <ul style="list-style-type: none"> • Participate in engagement and consultation processes <p>Implementation:</p>

³ The terminology Aboriginal Traditional Knowledge is used here to coincide with the language used in SARA and is used in this report when referring to COSEWIC and/or SARA formal processes (e.g., ATK subcommittee).

	<ul style="list-style-type: none"> • Implement recovery planning strategies • Implement First Nation-led initiatives to support SAR recovery Monitoring and Evaluation: <ul style="list-style-type: none"> • Participate in/contribute to DFO's monitoring and evaluation programs • Implement and/or continue to implement monitoring and evaluation programs
Data Collection and Ecological Monitoring	<ul style="list-style-type: none"> • Collect ecological, cultural and socio-economic data to support First Nation and DFO decision-making and to help ensure that First Nations needs and interests are being met
Legislative Tools	<ul style="list-style-type: none"> • Leverage legislative tools to hold the Government of Canada accountable to their legal requirements (e.g., <i>Statutory Instruments Act</i>, <i>Fisheries Act</i> (amendments), <i>BC Declaration on the Rights of Indigenous Peoples Act</i>, Case Law (e.g., <i>R v. Sparrow</i>, <i>Haida Nation v. British Columbia</i>, <i>Taku River Tlingit Nation v. BC</i>, <i>Clyde River (Hamlet) v. Petroleum Geo-Services Inc</i>, <i>UNDRIP</i>), to ensure that meaningful engagement and consultation is being conducted and to hold the Canadian Government accountable when Aboriginal rights and title are being infringed upon
Agreements	<ul style="list-style-type: none"> • Government of Canada and First Nation to enter agreements under sections 9, 10, and 11 of SARA. AFN under section 9 has an agreement that establishes the First Nations Advisory Committee on Species at Risk

Challenges

The identified challenges within the SARA and DFO processes are both procedural and structural, including especially how the SARA operates and is administered by DFO and other Canadian departments (e.g., legislation, policies, structure, organization, systemic issues) and the ideologies of DFO staff that reflect the colonial system of governance in Canada. The three challenge topic areas that were identified by the First Nation participants that pose a barrier to meaningful First Nation collaboration and engagement include the inflexible/limiting boundaries around the existing mechanisms, the structure and organization of government, and the transparency and cultural awareness of DFO staff. Despite the engagement mechanisms in place, these challenges continue to impede the ability of First Nations to collaborate and engage within SARA and DFO. A summary of the challenges by the theme can be seen in Table 3.

Overall, participants felt that First Nation collaboration and engagement within the SARA and DFO processes has been inadequate as there is a lack of flexibility in the existing mechanisms (i.e. they are not defined/co-developed/led by First Nations) and adequate funding available to support meaningful participation and engagement. Governmental structures and organizational barriers identified included the lack of communication and coordination between Canadian governmental agencies and departments as they are perceived by First Nations as working in isolation from one and another, and lack of communication between policy staff and 'on-the-ground' personnel. Having governmental agencies and departments work in isolation was seen as problematic as it reduces the ability to address cumulative impacts, to effectively manage SAR, and it causes an increase in First Nations resourcing as

communities have to participate in terrestrial and aquatic SAR separately. These both affect the ability for First Nations to collaborate and engage in the SARA process as it reduces the efficiency of the process which in turn increases capacity requirements. The First Nation participants also noted a lack of transparency that surrounded DFO decision-making and the inability for First Nations to see how the information they are asked to provide is informing decision-making throughout the SARA process.

Participants were particularly concerned about how IK is being interpreted, communicated, and used to inform SARA processes. It was noted that First Nations are hesitant to share their knowledge due to past negative experiences that have resulted in a lack of trust on the part of First Nations. The participants also shared that these past negative experiences have not proven that there are benefits for First Nations who share their knowledge. Participants also emphasized that IK cannot be separated from First Nations stewardship and management.

Greater cultural awareness and understanding and participation in cultural activities was viewed as an integral component for supporting meaningful collaboration and engagement with First Nations. The cultural education and awareness demonstrated by DFO staff, especially those working ‘on the ground’ with First Nations were seen as deficient. The participants expressed that without long-term, ongoing participation from DFO staff in participating in community-level cultural activities, lack of consideration and respect for First Nation knowledge, culture, needs, and interests will continue. These failings negatively impact First Nation-DFO relations and inhibit meaningful collaboration and engagement. One opportunity identified by the workshop participants that would improve the cultural awareness and understanding of DFO staff was to ‘include ceremony’ as part of the SARA process. Ceremony is an important cultural practice for First Nations and, if conducted appropriately, could be a culturally educative tool.

As participants shared in the workshop discussions, these challenges are further compounded by larger societal and systematic issues such as systemic racism and the inherent power imbalances between First Nations, the Crown, commercial industries, and settler populations.

Table 3. Summary of the key identified challenges to First Nation collaboration and engagement within SARA and DFO processes

SARA and DFO Processes	
Theme	Identified Challenges
Engagement	<ul style="list-style-type: none"> • Lack of First Nation engagement reflective of the First Nations needs/interest and that can be co-developed, or led by First Nations • Lack of funding available to support meaningful participation and engagement
Governance Structure and Organization	<ul style="list-style-type: none"> • The segregation of governmental agencies separates discussions of terrestrial and aquatic SAR which effects efficiency of the process and increases the capacity requirements for First Nations to participate in several overlapping processes • Lack of communication and coordination between government policy staff and ‘on-the-ground’ personnel • Lack of First Nations to be a part of decision-making processes

Transparency	<ul style="list-style-type: none"> • Lack of involvement and First Nation oversight of how information is informing decision-making
Cultural Competency	<ul style="list-style-type: none"> • DFO/Canadian government staff appear to be unwilling to support or actively participate in “indigenizing” processes such as ceremonies, cultural education, and community events • Lack of understanding and/or acknowledgement of who First Nation people are • High turn-over rate of DFO staff and the effect it has on the ability for creating long-term relationships which are integral for meaningful, ongoing, relationships

Recommendations

The following recommendations were developed from the Aquatic SAR workshop series discussions and are intended to improve the ability for First Nations to not only participate but to engage and be collaborators within the SARA process. Six overarching themes of recommendation and corresponding actionable items are provided for DFO and First Nations consideration, including recommendations to improve cultural competencies and understanding, information sharing, collaboration and communication, SARA processes and methodology, and the respect for Aboriginal rights and title (Table 4).

Table 4. Recommendations to DFO and First Nations to improve SARA and DFO processes to facilitate the ability for First Nations to collaborate and engage within the SARA process

Recommendations for DFO	
Theme	Recommendation
Improve Cultural Competencies and Understanding	<ul style="list-style-type: none"> • DFO must provide opportunities and incentives for their staff to participate in cultural ceremonies and events. It is of utmost importance that the Government of Canada and the public understand the intrinsic relationship First Nations have with all-beings • DFO must make a significant effort to increase their active participation in community events and ceremonies • DFO must allocate sufficient resources for staff cultural training
Improve Information Sharing	<ul style="list-style-type: none"> • DFO must improve the usability of their SARA webpage to improve accessibility and use
Improve Collaboration and Communication	<ul style="list-style-type: none"> • DFO must establish working relationships with Environment Canada and relevant health authorities to ensure that other environmental impacts such as pollutants are considered/addressed to minimize impacts to First Nation health and well-being • DFO must collaborate with Aboriginal Aquatic Resource and Ocean Management (AAROM) and AFN to reduce any duplication of effort in the ICS Framework development
Improve SARA Processes and Methodology	<ul style="list-style-type: none"> • DFO must adopt an approach that takes into consideration cumulative impacts and social dimensions within the SEA process

	<ul style="list-style-type: none"> • DFO must develop mechanisms to improve their transparency and accountability, including definitions of terminology used in funding, policies, and legislation related to SAR • DFO should advocate for extending consultation and engagement timelines to better allow for deep meaningful consultation
Respect for Aboriginal Rights and Title	<ul style="list-style-type: none"> • DFO must recognize and uphold Indigenous rights and title within the SARA process, including through the consideration of provincial and federal legislation related to United Nation Declaration for the Rights of Indigenous Peoples (UNDRIP) and provision for <i>Free, Prior and Informed Consent</i>
Recommendations to First Nations	
Theme	Recommendation
Collaborative Opportunities	<ul style="list-style-type: none"> • First Nation communities must continue to work together to demonstrate to the Government of Canada that First Nation governance, management and stewardship practices are effective at improving SAR. The compilation of evidence can be used to build a case to support First Nations' stewardship for the protection and recovery of Aquatic SAR. • First Nations must continue to work together to advocate for the respect of Aboriginal rights and title within the SARA process • First Nations should continue to work together to support better management of Aquatic SAR • First Nations should consider and engage other territory initiatives that could inform the SARA Listing process (and others), and streamline efforts to illustrate the significance of species/habitat (e.g. archaeology) • First Nations should develop strategies and collective management plans to implement recovery strategies outside of the SARA process

Capacity Funding

Adequate capacity funding was a recurring theme throughout the workshop series. It is understood by the First Nation participants as a precondition for deep and meaningful First Nation collaboration and engagement.

Existing Mechanisms

The existing capacity funding options available to First Nations, as identified in the workshop series, only pertain to the National and Regional funding programs specifically related to SARA. These include Aboriginal Fund for Species at Risk (AFSAR), Habitat Stewardship Program (HSP), and the Canada Nature Legacy Fund. Outside of the National SAR Grant and Contribution Programs, there is limited funding available to support First Nations SAR recovery initiatives and engagement. These funding options are summarized in Table 5.

Table 5. Identified funding options available to First Nations within the SARA process

Theme	Identified Mechanism
SAR Grants and Contribution Programs (National Funding)	<ul style="list-style-type: none"> • Aboriginal Fund for Species at Risk (AFSAR) • Habitat Stewardship Program (HSP) • Canada Nature Legacy Fund¹
Regional Funding	<ul style="list-style-type: none"> • Funding to support First Nation engagement activities (funding is however limited)

¹ Canada Nature Legacy Fund was a one-time call for proposals over a 5-year period initiated in 2018; however, it was communicated that a similar funding program could be developed in the future.

Challenges

Capacity constraints, limited funding sources, funding scope and requirements, and a lack of coordination and communication on the part of DFO were identified by the workshop participants as the key barriers for First Nations in accessing and obtaining capacity funding to support their collaboration and engagement within SARA process. These challenges pertain directly to funding availability, DFO's capacity funding processes, and circumstances that exacerbate the capacity constraints that First Nations in BC already face. The identified challenges to building capacity, including participating in existing funding regimes, are summarized in Table 6.

As discussed in the workshop series, limited capacity funding affects First Nation's ability to respond to DFO requests, to participate in engagement and consultations, apply for funding, conduct SAR monitoring, implement management strategies, and prevents First Nations in BC from working together to implement their own strategies to recover SAR. First Nations participants considered the available funding to be extremely insufficient for meeting the resourcing needs of First Nations. As expressed by the workshop participants, national and regional funding available is often narrow in scope, short-term, and requires First Nations to match a certain percentage of the allotted funding. Several participants expressed frustration with these funding constraints and noted that they often negatively impact First Nations' ability to respond to DFO requests while also inhibiting First Nations from conducting their own work on the recovery of SAR. Funding streams are also reactive in nature and confined to responding to individual listing processes. This funding model precludes proactive activities and strategic planning that would be more holistic to protect and rebuild depleted stocks and ecosystems.

One of the primary barriers to accessing funding identified by the First Nation participants was the request for proposals process. Often First Nations cannot respond to requests for proposals or to meet the in-kind or matching fund requirements (e.g., AFSAR funding requires applicants to contribute 20% of the total funding amount)⁴. Participants emphasized that this places an extra financial burden on First Nations, further limiting First Nations' ability to meaningfully collaborate and engage. In addition, participants noted that the National and Regional funding available is often limited in scope, which includes restrictions on how First Nations can use the funds and/or only pertain to conducting certain tasks or initiatives. This results in the funding requirements not aligning with the needs and priorities of the First Nations for aquatic SAR management. An example provided during the workshops was that a First Nation may need to hire personnel (e.g., Administrator, Technician, Biologist, etc.) to help conduct

⁴ Department of Fisheries and Oceans Canada (DFO). Pacific Region's Species at Risk Program, FNFC-SARA Workshop 2: December 9th, 2020.

the work or a particular piece of equipment but are unable to spend the funding they receive as they see fit due to restrictions imposed on the funding. This narrow scope of funding limits the ability for First Nations to have autonomy over their financial decisions and restricts their ability to fully participate in SAR recovery.

Workshop participants noted duplications within the SARA framework placed an additional burden on First Nations. For example, there could be a potential duplication of effort for the development of the DFO/AFN IK protocol and the development of the ICS framework, which are requiring the same input but would result in additional First Nation participation. Participants also noted that First Nations should be compensated for their time appropriately and should not bear the financial burden to participate in the SARA process. This is particularly in light of commitments and changes to policy and legislation that create a fiduciary responsibility to engage with IK and First Nations (e.g. UNDRIP, recent Fisheries Act amendments, etc.)

Table 6. Summary of the identified challenges for First Nation to access SARA funding

Theme	Identified Challenges
Capacity Constraints	<ul style="list-style-type: none"> First Nations have limited capacity to fully collaborate and engage within the SARA process
Limited Funding	<ul style="list-style-type: none"> Limited funding available to support First Nation capacity Lack of stable, long-term funding available to support First Nations collaboration and engagement within SARA Regional and National funding pots available are often narrow in scope, short-term, and require 20% matching which does not adequately meet First Nations capacity needs
Funding Scope and Requirements	<ul style="list-style-type: none"> DFO funding requirements are narrow in scope and do not give First Nations enough freedom to use or allocate the as they deem appropriate. First Nations are often required to justify where they are spending their funding
Lack of Coordination and Communication	<ul style="list-style-type: none"> Lack of coordination and communication between relevant parties that are potentially working on parallel or intersecting processes (e.g., IK and ICS). Having similar coinciding processes multiplies the burden for First Nations, including financially, subsequently to be able to participate in other/simultaneous processes

Recommendations

The following recommendations were developed from the Aquatic SARA workshop series discussions and are intended to improve the ability for First Nations to collaborate and engage in the SARA process by expanding funding availability and accessibility, providing fair compensation, and improving the allocation of financial resources. These elements are highlighted within the three recommendation themes and corresponding actionable items are provided for DFO and First Nations to consider.

Table 7. Recommendations for DFO and First Nations to consider improving First Nation capacity

Recommendations for DFO	
Theme	Recommendation

Funding Availability	<ul style="list-style-type: none"> • DFO must expand the funding envelope and broaden the scope to allow for greater First Nations autonomy over allocation of funding to better meet capacity needs. • DFO Pacific Region must champion the increased allocation of capacity funding to the treasury board. • DFO must address the funding gap and facilitate the equitable opportunities for First Nations to acquire capacity-building funding to fully participate within the SARA process
Equitable Compensation	<ul style="list-style-type: none"> • DFO must provide compensation packages that fully reflects the loss of rights and title and include funding for training, capacity-building initiatives, and employing staff to facilitate First Nation involvement within the SARA process
Recommendations to First Nations	
Theme	Recommendation
Continue Collaborative Efforts	<ul style="list-style-type: none"> • First Nations need to continue to work together and use allocated funding strategically to improve the use of financial resources and simultaneously assist in rebuilding SAR populations

Cultural Considerations and IK

This section provides an overview of existing mechanisms, key concerns, and challenges related to the use and considerations of cultural components and IK within the SARA process. This includes discussions surrounding the primary SARA mechanisms used to incorporate Indigenous socio-economic and cultural components and IK (e.g., SEA, CBA, ICS). Detailed insight and analysis related to IK and SEA can be seen in FNFC’s discussion papers that were developed concurrently to this report^{5,6}.

As noted by the First Nation participants, IK is not simply cultural knowledge, but it is the knowledge that is embedded within an Indigenous Knowledge System that reflects First Nation values and practices. These values, including relationships, respect, responsibility, and reciprocity, form an ethical code that guides decision-making with First Nation culture⁷. IK is also a representation of the long-standing relationships of Indigenous peoples within social-ecological systems.³ As one participant stated, “First Nations hold IK as part of their identity. . . it is a way of life.” As such, IK and cultural considerations are intrinsically linked.

Participants emphasized that IK is not a commodity and should not be “cherry-picked” by DFO and the Canadian government as they see fit. IK should be considered in its entirety, as is a collective body of knowledge, understandings, experiences, and beliefs. The First Nation participants also expressed concerns related to the trust that needs to exist and the establishment of an equitable distribution of cost and benefits before sharing IK (for additional detail, see subsection SARA and DFO Processes – Challenges. As highlighted throughout the workshop series, First Nations want to be stewards of their

⁵ First Nations Fisheries Council (FNFC). We can’t keep treating Mother Earth this way: Improving Indigenous Knowledge engagement in the aquatic species at risk process for First Nations in BC, A Discussion Paper. 2021

⁶ First Nations Fisheries Council (FNFC). Improving socio-economic valuation in the aquatic species at risk process for First Nations in BC: Discussion Paper. 2021.

⁷ First Nations Fisheries Council (FNFC). First Indigenous Knowledge Forum Proceedings and Discussion Paper. FNFC of British Columbia, October 2019.

knowledge, which means that First Nations require full autonomy and authority over how IK is shared, applied, and communicated.

Existing Mechanisms

There were several identified existing mechanisms for incorporation and valuation of cultural consideration, which are summarized in Table 8. These include existing SARA mechanisms as well as additional strategies and processes outside of SARA which can assist in the reduction in the duplication of effort and the valuation of SAR. The key existing mechanisms for IK integration and cultural considerations occur during Stage 1 of the SARA Conservation Cycle, Assessment, led by COSEWIC. During this stage, IK can be used to inform COSEWIC decisions and the research of species distribution, habitat, population size, body condition, species interactions, potential threats, temporal and spatial trends, existing management, and Indigenous names. First Nations can also be nominated as members of the Aboriginal Traditional Knowledge (ATK) subcommittee and can apply to be authors of COSEWIC reports. It was shared that DFO is currently developing an ICS framework that is intended to identify and develop strategies to better encompass cultural values during the listing stage of the SARA Conservation Cycle.

Outside of the SARA process, participants identified several additional mechanisms that can assist facilitating First Nations participation by building off current developments, such as the NACOSAR initiative and AFN-DFO IK protocols, or adopting an alternative approach to SEA, such as a Rights-based approach or a First Nations-led SEA/CBA.

Table 8. Summary of the identified mechanisms related to First Nation collaboration and consideration of IK and cultural components within SARA

Topic/Themes	Identified Mechanisms
SARA process	<ul style="list-style-type: none"> • Participate as a member of the ATK subcommittee • IK informs COSEWIC decisions and research of species distribution, habitat, population size, body condition, species interactions, potential threats, temporal and spatial trends, existing management, and Indigenous names • Participate in Management Scenarios in which the SEA and CBA evaluation are based • Participate in the development of the ICS framework
Alternative Approaches	<ul style="list-style-type: none"> • Use a rights-based approach to evaluate cultural components and conducting SEAs • First Nations can lead and conduct ICS, SEA and CBAs¹
Other processes	<ul style="list-style-type: none"> • Collaborate with the National Aboriginal Council on Species at Risk (NACOSAR). NACOSAR is currently working with DFO to assist DFO in identifying ways to better incorporate Indigenous perspectives within a SARA SEA. • First Nations can build-off parallel protocols and frameworks that are being developed for IK to inform decision-making processes (e.g., AFN-DFO IK protocols)

¹There was concern about a First Nations-led SEA. Participants mention current SEA processes do not with First Nations' traditional management practices, and that First Nations leading a SEA potentially transfers the additional

burden from DFO to First Nations. It was also highlighted that conforming to a DFO framework could further take away from First Nation sovereignty. Additional challenges from lack of capacity also exist.

Challenges

Participants identified several challenges that impede the ability for IK and cultural values to be adequately reflected within SARA. Challenges with SARA, and more specifically with the SEA process, including a lack of opportunities for Indigenous stewardship and engagement, the unequal valuation of IK, cultural values and First Nation interests, limitations of the SEA and CBA methodology, such as the use of economic language, and monetization of cultural values, and the lack of financial resources available to First Nations. Workshop participants stressed that there is too much emphasis on economic factors and an undervaluation of the cultural significance of SAR to First Nations. As highlighted by presenters and participants, the quantified impacts to First Nations from species loss are significantly underestimated in the current SEA model. This poses a significant challenge to ensuring that First Nations' interests and needs are reflected in the assessment and listing processes. A summary of these challenges is found in Table 9.

Throughout the workshop series, the First Nation participants reiterated that fisheries resources are not just food but are part of social/economic trade, maintaining cultural integrity through knowledge transfer, and spiritual, physical, and mental well-being. It was highlighted that the loss of species is an infringement on rights which under *Sparrow*, the Crown is required to justify their infringement. This is why First Nations need to determine the socio-economic valuation of species that reflects the full breadth of impacts of species loss to First Nations. Due to the clear importance of cultural considerations, it is critical to identify opportunities for cultural components and IK to inform the SARA process in a meaningful and respectful way.

Additional challenges that were identified are external to the SARA process but contribute to the lack of participation of First Nations. These include the belief that the Government of Canada has made commitments to guiding principles and best practices for considering IK and cultural components but that there is no accountability for these processes. This decreases the desire of First Nations to want to participate within government-led processes, including in the development of IK best practices and/or the ICS framework.

Table 9. Summary of the identified challenges that impede the ability for full First Nation collaboration and consideration of IK and cultural components within the SARA process

Theme	Identified Challenges
Lack of opportunities within the SARA process	<ul style="list-style-type: none"> No opportunities for Indigenous stewardship. Once IK is shared, First Nations have no authority or autonomy over how the knowledge is being interpreted, shared, and applied
Unequal valuation to IK and First Nations Interests	<ul style="list-style-type: none"> Lack of valuation of First Nations interests and cultural components within the SAR process. DFO prioritizes economic and commercial interests over ecological and First Nation health and interests Unequal distribution of costs and benefits through the sharing of IK. First Nations often do not receive any benefits from sharing IK and hold most of the costs and risk.

SEA & CBA Methodology	<ul style="list-style-type: none"> • Inherent incompatibility of using monetary terms / economic measures to evaluate social and cultural values • The narrow scope of economic language makes it challenges to equitably evaluate ecological, social, and cultural values. • The methodology does not adequately reflect the disproportionate impacts to First Nations
Capacity	<ul style="list-style-type: none"> • Lack of ability for First Nations to come together to come up with alternative scenarios and plans of action due to lack of resources • COSEWIC status reports are progressed through a request for proposals, which limits the ability of First Nations to author status reports due to capacity constraints
Societal / Systemic Challenges	<ul style="list-style-type: none"> • Differences in colonial and First Nation worldviews and governance systems • Systemic racism and marginalization of First Nations people within society
Cultural Competency	<ul style="list-style-type: none"> • Lack of understanding of the importance of First Nation relationships • Lack of common understanding of IK and how IK is defined by individuals and organizations. This contributes to IK misinterpretation and cherry-picking of information
Governance	<ul style="list-style-type: none"> • Ministerial discretion and lack of First Nation authority within the decision-making • Lack of transparency by DFO decision-making. For example, it is unknown how the information provided is being used and interpreted. First Nations could develop their own SEA but without full transparency, First Nations do not know how it is being used within the process.

Recommendations

The following recommendations were developed from the Aquatic SARA workshop series discussions and are intended to improve the ability of First Nations to collaborate and engage in the SARA process by improving DFO's approach to considering and evaluating cultural components, and the ability for IK to inform the process. The recommendations include identifying mechanisms, developing alternative approaches, improving collaborative efforts, defining terminology, and developing IK protocols that support the consideration of cultural components and IK within the SARA process.

Recommendations for DFO	
Theme	Recommendation
SEA process	<ul style="list-style-type: none"> • DFO must identify and co-develop mechanisms for First Nation involvement in scoping and evaluating management scenarios of which the SEA is based. • DFO must identify and co-develop opportunities with First Nations on how IK can be engaged in the development of management scenarios
ICS Framework	<ul style="list-style-type: none"> • DFO must support First Nations in developing their own ICS framework before being engaged in the development of any DFO process

	<ul style="list-style-type: none"> • DFO must co-develop the ICS framework with interested First Nations
First Nation Engagement	<ul style="list-style-type: none"> • DFO must research potential opportunities for First Nations to prepare and review briefing notes to relevant Ministers in order to ensure First Nation interests, concerns and knowledge are being interpreted correctly • DFO must support First Nations, if interested, in developing their own independent briefing notes and recommendations that are shared directly with relevant ministers
DFO Processes / Approach	<ul style="list-style-type: none"> • DFO must be transparent when engaging with First Nations and clearly define what “considering” cultural components and IK within SARA processes (e.g., SEA) and communicate how they are weighting cultural values and IK in SARA decision-making • DFO must implement a coordinated process with regional First Nations where IK engagement and decision-making responsibilities are shared • DFO needs to reframe how IK engagement is conducted, including their overall perceptions about IK. First Nations need to steward IK interpretation and application, and work with First Nations to incorporate Indigenous values into their governance structure, decision-making processes, and legislation • DFO must identify co-develop opportunities for First Nations to include stories within the SARA process both to inform SARA decision-making and as an educational tool
Recommendations to First Nations	
Theme	Recommendation
Collaborative Opportunities	<ul style="list-style-type: none"> • First Nations should advocate for a coordinated approach for First Nations to be involved in the development of the ICS Framework • First Nations need to continue to demand collaboration between governmental and organizational processes to reduce demand/replication of efforts • First Nations could start a collaborative Pacific Salmon Cultural Value project to convene First Nations and share information to support the recovery of Pacific Salmon. • First Nations should consider pursuing the co-development of IK knowledge agreements with DFO. • FNFC should facilitate coordinate amongst First Nations in BC with national initiatives, including ways to connect with the regional DFO and AFN staff to determine how national-level processes are being implemented at a regional level regarding IK
Defining Terminology	<ul style="list-style-type: none"> • First Nations need to lead in defining terminology and determine the significance and impact related to species under threat. This includes and goes beyond FSC.
IK	<ul style="list-style-type: none"> • First Nations should use IK requirements to advocate for Indigenous stewardship and take opportunities to demonstrate how IK is

	<p>conceptualized, defined, and utilized, rather than DFO defining IK values and use within SARA</p> <ul style="list-style-type: none"> • First Nations should develop their IK protocols to better prepare themselves for when DFO solicits input on AFN-DFO IK protocols. This will help ensure that First Nations' definition of IK and interests are being incorporated • First Nations need to internally, and with each other, elevate the importance and value of IK
--	---

Conclusions

Through this workshop series, FNFC convened interested First Nations participants and DFO SAR Pacific Region staff to share information and discuss existing mechanisms, gaps, and recommendations for improving First Nations engagement in aquatic species-at-risk processes in BC. Though there were difficult conversations that were held, it is evidence that there is interest, and also urgency, from First Nations and DFO to improve processes to benefit people and species.

It is important to note that many of the challenges have been repeated by First Nations for many years, but remain unresolved to this date. Lack of communication and varied perspectives on how First Nations' recommendations have *successfully and tangibly* (i.e. with transparency and accountability mechanisms) applied to SARA processes continue to impact trust and relationship building. Additionally, much of the dialogue in this workshop series focused on COSEWIC Assessment and Listing stages of the SARA process, but many of the highlighted challenges and recommendations apply to other stages in SARA. However, further dialogue might be warranted for the remaining stages of the SARA process.

First Nation participants voiced a strong interest, and urgency, for moving discussions beyond 'engagement' and moving towards *enacting collaborative solutions* with DFO, ECCC and other regulatory bodies. DFO staff shared information on its specific role and responsibilities in SARA processes and it is clear to First Nations that DFO alone cannot enact the changes needed. In moving forward, there will need to have a clear outline and understanding of what DFO and First Nations can do collectively implement as solutions, and the adequate resources for First Nations to equitably be a part of the process.

Finally, this workshop series also highlighted the interest and need for ongoing Tier 1 and 2 dialogues and collective strategic planning and implementation of actions to prevent, protect, and recover aquatic species. Though there are existing mechanisms through SARA that First Nations can leverage, First Nations are not limited to these processes. First Nations have the collective knowledge and skills, long-standing ability to collaborate to successfully steward aquatic species and habitat.

Appendix A: Workshop Agendas



SPECIES-AT-RISK IN THE PACIFIC REGION WORKSHOP SERIES

WORKSHOP 1

DATE: Thursday, November 19th, 2020

TIME: 1-3:30pm *Zoom Virtual Workshop*

Sharing information and fostering conversation to improve First Nation engagement in BC regarding aquatic species at risk processes under the *Species at Risk Act (SARA)*

Workshop Purpose:

To provide initial information and space for discussion as foundation for subsequent SARA workshops

Workshop Objectives:

- To provide an overview of the SARA conservation cycle and upcoming engagement regarding potential aquatic species-at-risk listings within the Pacific Region
- To input on future workshop series topics
- To provide an initial space for feedback on presentation topics

Workshop Outcomes:

- Participants have a base knowledge on the SARA conservation cycle broadly
- Participants are aware about upcoming engagements for aquatic species-at-risk listings
- Participants are provided opportunities, and aware of future opportunities, for input for subsequent workshop topics

WORKSHOP OPENING

- 1:00 – 1:20pm **Welcome and Introductions**
- 1:20 – 1:25pm **Review of agenda & meeting process**

TIER 2 SESSION – Information and discussion with Fisheries and Oceans Canada (DFO)

- 1:25 – 1:55pm **Species-at-risk 101**
Nicole McCutchen, Species-at-risk Program Regional Manager; and Erin Gertzen, Freshwater Team Lead, DFO
- Overview of the SARA Conservation Cycle
 - Upcoming Aquatic Species Listings
- 1:55 – 2:15pm **Q & A / Discussion**
- Q&A regarding SARA Conservation Cycle Information
 - General initial feedback/input for DFO

2:15 – 2:20 pm **BREAK**

TIER 1 SESSION – First Nation Participants Only

- 2:20 – 2:50 pm **Perspectives on SARA**
Chief Byron Louis, Co-chair, National Aboriginal Council on Species at Risk
- 2:50 – 3:20 pm **Q & A / Discussion**
- Q&A with Chief Byron Louis
 - Initial feedback on anticipated workshop topics and process
 - Other input/feedback
- 3:20 – 3:30 pm **Wrap up and final remarks**
- 3:30 pm **Adjourn Workshop**



SPECIES-AT-RISK IN THE PACIFIC REGION WORKSHOP SERIES WORKSHOP 2

DATE: Wednesday, December 9th, 2020

TIME: 1-3:30pm *Zoom Virtual Workshop*

Sharing information and fostering conversation to improve First Nation engagement in BC regarding aquatic species-at-risk processes under the *Species at Risk Act* (SARA)

WORKSHOP OPENING

1:00 – 1:05 pm **Welcome**

1:05 – 1:10 pm **Review of agenda meeting process**

1:10 – 1:20 pm **Overview of previous workshop and follow-up**

Tanya Tran, Special Projects Coordinator, FNFC

c) Workshop topic feedback

d) Information resources

TIER 2 SESSION – SARA Listing Engagement with Fisheries and Oceans Canada (DFO)

1:20 – 1:35 pm **Regional SARA Grants and Contributions Funding and broader DFO Landscape**

Nicole McCutchen, Species-at-risk Program Regional Manager, DFO

1:35 – 2:35 pm **SARA Listing Process and Engagement Opportunities: Examples from Salmon and Tier 2 Discussion**

Chantelle Caron, Salmon Team Lead, DFO

2:35 – 2:45 pm **BREAK: Transition to Tier 1**

TIER 1 SESSION – First Nation Participants Only

2:45 – 3:25 pm **Facilitation Discussion**

3:25 – 3:30 pm **Wrap up and final remarks**

3:30 pm **Adjourn Workshop**



SPECIES-AT-RISK IN THE PACIFIC REGION WORKSHOP SERIES WORKSHOP 3

DATE: Wednesday, January 20th, 2021

TIME: 1-3:30pm *Zoom Virtual Workshop*

Sharing information and fostering conversation to improve First Nation engagement in BC regarding aquatic species-at-risk processes under the *Species at Risk Act* (SARA)

Workshop Purpose:

To generate discussion and feedback for improving First Nation and Indigenous Knowledge engagement in SARA

Workshop Objectives:

- d) To provide information on existing mechanisms impacting Indigenous Knowledge engagement in aquatic species-at-risk and the SARA conservation cycle
- e) Provide feedback opportunities for First Nations on Indigenous Knowledge engagement in SARA

Workshop Outcomes:

- d) Participants are aware of various mechanisms impacting engagement of Indigenous Knowledge related to aquatic species-at-risk within the SARA conservation cycle
- e) Participants have provided feedback to be shared with DFO on improving First Nation and Indigenous Knowledge engagement related to aquatic species-at-risk within the SARA conservation cycle

Tier 1 Workshop

1:00 – 1:05 pm **Welcome and brief introductions**

1:05 – 1:10 pm **Review of meeting process and agenda**

Torrye McKenzie, Two Worlds Consulting, FNFC Contract Facilitator

1:10 – 1:20 pm **Overview of previous workshop and follow-up**

Tanya Tran, Special Projects Coordinator, FNFC

1:20 – 1:50 pm **Overview of SARA and IK Engagement: mechanisms and considerations**

Sue Chiblow, Principal of Ogamauh Annag, FNFC Contractor

1:50 – 2:15 pm **Facilitated Discussion 1**

2:15– 2:25 pm **BREAK**

2:25 – 2:55 pm **Overview of SARA and IK Engagement: Relationships, Engagement, Communications**

Sue Chiblow, Principal of Ogamauh Annag, FNFC Contractor

2:55 – 3:25 pm **Facilitation Discussion 2**

3:20 – 3:30 pm **Wrap up and final remarks**

3:30 pm **Adjourn Workshop**



SPECIES-AT-RISK IN THE PACIFIC REGION WORKSHOP SERIES WORKSHOP 4

DATE: Thursday, February 11th, 2021

TIME: 1-3:30pm *Zoom Virtual Workshop*

Sharing information and fostering conversation to improve First Nation engagement in BC regarding aquatic species-at-risk processes under the *Species at Risk Act* (SARA)

Workshop Purpose:

To generate discussion and feedback for improving First Nation engagement Socio-economic analysis and valuation in the SARA conservation cycle

Workshop Objectives:

- f) To provide information on socio-economic analysis and valuation process in the SARA conservation cycle
- g) To provide information influencing Indigenous engagement on socio-economic analysis and valuation
- h) Provide information and feedback opportunities on First Nation engagement in socio-economic analysis and valuation process in the SARA conservation cycle

Workshop Outcomes:

- f) Participants are aware of the mechanisms and considerations of socio-economic analysis and valuation process in the SARA Cycle
- g) Participants have provided feedback to be shared with DFO on improving First Nation engagement related to socio-economic analysis and valuation process in the SARA Cycle

WORKSHOP OPENING

1:00 – 1:05 pm **Welcome and brief introductions**

1:05 – 1:10 pm **Review of meeting process and agenda**

Torrye McKenzie, Two Worlds Consulting, FNFC Contract Facilitator

1:10 – 1:15 pm **Overview of previous workshop and follow-up**

Tanya Tran, Special Projects Coordinator, FNFC

TIER 2 SESSION

1:15 – 1:45 pm **Socio-economic analysis and valuation in SARA**

Jas Sidu and Patrick Mahaux, Economics and Analysis, DFO

1:45 – 2:25 pm **Facilitated Tier 2 Discussion**

2:25 – 2:35 pm **BREAK: Transition to Tier 1**

TIER 1 SESSION – First Nation Participants Only

2:35 – 2:55 pm **Considerations for Indigenous Engagement in Socio-economic analysis and valuation in SARA**

Dorothee Schreiber, Tamarack Research and FNFC Contractor

2:55 – 3:25 pm **Facilitated Discussion**

3:25 – 3:30 pm **Wrap up and final remarks**

3:30 pm **Adjourn Workshop**



SPECIES-AT-RISK IN THE PACIFIC REGION WORKSHOP SERIES WORKSHOP 5

DATE: Thursday, March 4th, 2021

TIME: 1-3:30pm *Zoom Virtual Workshop*

Sharing information and fostering conversation to improve First Nation engagement in BC regarding aquatic species-at-risk processes under the *Species at Risk Act* (SARA)

Workshop Purpose:

To provide an opportunity for First Nation participants to feedback to inform final workshop reporting

Workshop Objectives:

- i) To provide feedback opportunities for First Nations to improve final reporting for the workshop series

Workshop Outcomes:

- h) Participants have provided feedback to be shared with DFO on improving First Nation engagement related to aquatic species-at-risk within the SARA conservation cycle

Tier 1 Workshop

- 1:00 – 1:10 pm **Welcome and Review of meeting process and agenda**
Tessa Gaudet, Two Worlds Consulting, FNFC Contract Facilitator
- 1:10 – 1:20 pm **Introductions**
Tessa Gaudet, Two Worlds Consulting, FNFC Contract Facilitator
- 1:20 – 1:50 pm **Overview of Key Gaps and Recommendations:**
SARA & DFO processes, Engagement
TWC
- 2:00 – 2:15 pm **Facilitated Discussion 1**
Tessa Gaudet, Two Worlds Consulting, FNFC Contract Facilitator

2:15– 2:25 pm BREAK

- 2:25 – 2:55 pm **Overview of Key Gaps and Recommendations:**
Capacity Funding, Cultural Considerations, IK
TWC
- 2:55 – 3:25 pm **Facilitation Discussion 2**
- 3:20 – 3:30 pm **Wrap up, Final remarks and Feedback Survey:** <https://forms.gle/Mru8ATskaqCkh5k9A>
- 3:30 pm **Adjourn Workshop**

Appendix B: Workshop Summaries



AQUATIC SPECIES-AT-RISK IN THE PACIFIC REGION WORKSHOP SERIES

WORKSHOP 1 SUMMARY

Thursday, November 19th, 2020 1-3:30pm *Zoom Virtual Workshop*

Purpose: To provide initial information and space for discussion as foundation for subsequent SARA workshops

1. SPECIES-AT-RISK 101

Nicole McCutchen (DFO) and Erin Gerzten (DFO) presented an overview of SARA. Three main departments are responsible for SARA implementation: Environment and Climate Change Canada, Parks Canada, and DFO. DFO is responsible for marine and freshwater species unless the habitat is in a National Park (which is then a responsibility Parks Canada). The SARA Conservation cycle has 5 main stages: COSEWIC Assessment, Listing, and if listed, Recovery Planning, Protection, and Implementation. Within listing, the socio-economic analysis (SEA) relates directly with costs of management, and falls short of considering Indigenous values. DFO is working to address through new process for Indigenous Cultural Significance (ICS) valuation, for which a framework is currently being developed. Additional details about the SARA Conservation cycle is in the appendix of the presentation.

Discussion Themes

Listing Processes

- DFO's role is specific in SARA Listing: DFO develops the recommendation (including recommendation for listing/not listing). Cabinet makes final decisions to list a species.
- *Statutory Instruments Act* (SIA) that compels the government to conduct a Regulatory Impact Analysis and a Regulatory Impact Analysis Statement (RIAS) to determine the impacts of a statutory instrument (i.e. SARA) and costs/benefits of implementation. The RIAS plays part in the SEA under the SIA.
- Engagement/consultation occurs throughout the regional listing advice stages. Where there is greater interest for certain First Nations, separate consultations for only First Nations occur.
- SEA component is not an adequate assessment tool in itself: challenge to reconciling difference between First Nations, DFO, and stakeholders (e.g. commercial and recreational fisheries)
- The new *Fisheries Act* has a requirement to incorporate Indigenous Knowledge. DFO needs to commit to this work beyond the ICS framework development as well as in internal formalized framework for incorporating Indigenous Knowledge within the SARA process.
- ICS framework needs to respect First Nation protocols and knowledge.

Recovery Planning and Funding

- For recovery planning, the amount funds allotted varies, dependent on: actions for species recovery, priorities of partner organizations
- Even without listing, resources/species can be important to First Nations and those who invested time into their recovery. Need for support funding without species listing
- Saginaw Salmon recovery approach was noted as a positive example for collaboration
- Recovery planning includes identifying threats (e.g. climate change, pollution, etc.) and identify mitigative actions. Tangible actions on broad-scale threats are difficult to implement/evaluate.

First Nation Consultation and Engagement

- Concerns around meaningful First Nation consultation and funding to participate in consultation, including consideration around the implementation of UNDRIP and DRIPA

- Considerations around ecological and cultural keystone species
- Lack of mechanisms for First Nations engagement in decision-making processes

2. TIER 1

Chief Byron Louis (NACOSAR) presented on the use of socioeconomic valuation by First Nations, importance of First Nations leading the definition of socio-economic significance of species. SEA and other tools in SARA do not fully demonstrate the full significance/ value of species. Significance can link to temporal scales (e.g. comparisons of traditional vs contemporary diets). First Nations need to lead determining the impact of species and habitat loss on First Nations. The decline and loss of species impacts First Nations access and Rights, including as defined in legislation and supported in case law

Discussion Themes

- First Nation cultural and socio-economic quantification and qualification for the SARA process is lacking. First Nations need to lead in defining these, and determining the significance and impact related to species under threat. This includes and goes beyond FSC.
 - Value of comparing traditional and contemporary ways of life to demonstrate relationships, significance, and impact
 - Lack of funding/support from government for First Nations to conduct this work
- Other legislative tools: the *SIA*, case law (e.g. the Clyde River Supreme Court Decision)
- Lack of consideration for cumulative impact on First Nations within/beyond species loss/decline
- Advocacy on the infringement of Aboriginal rights due to species decline/loss
- Use of existing legislative/policy tools to seek support on species protection/recovery based on Aboriginal rights
- Critical role of technical staff to provide knowledge to First Nation decision-makers
- Consideration of other territory initiatives that could inform SARA Listing process (and others), and streamline efforts to illustrate significance of species/habitat (e.g. archaeology)

3. WORKSHOP SERIES PLANNING

- DFO aims to understand First Nations perspectives are on how to better engage on SARA. What are the concerns? Where do First Nation see gaps? What steps can be taken to move forward?
- It is important to understand what the concerns are, what is important, and relay those to decision-makers, which is part of the workshop purposes
- From registration: strong interest in engagement of Indigenous Knowledge in SARA, and deeper conversations on First Nation engagement at specific SARA stages

Feedback on Topics interest

- Engaging Indigenous Knowledge
- Socio-economic valuation/Risk assessment
- Funding available for First Nation throughout SARA conservation
- Treaty and Aboriginal rights and title integration and conflicts with SARA
- COSEWIC Assessment (important because sometimes cabinet ultimately decides)



SPECIES-AT-RISK IN THE PACIFIC REGION

WORKSHOP SERIES

WORKSHOP 2 SUMMARY

Wednesday, December 9th, 2020 1-3:30pm Zoom Virtual Workshop

Purpose: To provide opportunities for discussion and generate feedback for improving First Nation engagement in the SARA Listing Process.

1. Tier 2: Regional SARA Grants and Contributions Funding and Broader DFO Landscape

DFO headquarters makes decisions on how much SAR funding is allocated to each region. DFO Pacific only has control over local processes and programs. Three key SAR Grants/Contribution Programs:

- Aboriginal Fund for Species at Risk (AFSAR)
- Habitat Stewardship Program (HSP)
- Canada Nature Legacy Fund for Aquatic Species at Risk (Legacy Fund). Funding for this program has already been allocated and DFO is waiting to know if it will be renewed.

National funding priorities include activities described in federal recovery strategies, action plans, or management plans, projects that support the recovery of multiple-species, and activities that address threats described within SAR recovery documents or COSEWIC assessment reports. All funding programs are focused on listed SAR and species that are 'under consideration for listing' (e.g., COSEWIC assessed species that have been recommended) and aim to support capacity development within Indigenous organizations in recovery/conservation of aquatic SAR. Each BC region has a list of priority species, this helps DFO prioritize funding allocation for SAR. Additional funding for unlisted SAR are available, including support for cumulative effects assessments and species conservation.

Discussion Themes

National Funding

- ASFAR and HSP funding: participants voiced concern around the 20% matching requirement which creates an unlevel playing field/undue hardship when First Nations must redirect their own funds to support SAR programs.
- Concerned about First Nations competing with Canadian governments for the same funding pots. First Nations should not have to compete for funding with Canadian government agencies.
 - DFO mentioned that to their knowledge, Indigenous organizations should not have to compete for SAR funding within Crown agencies.

Regional Funding

- There are no direct funding to support First Nation developing funding applications. Grant/funding applications continue to be a financial burden on First Nations.
- DFO can provide some financial support for First Nations to attend engagement and consultation meetings at the local level but recognizes that there is a funding gap for supporting First Nations in acquiring funding and participation in consultation and engagement activities.

Capacity-Building

- DFO's definition of 'capacity building' is not clearly defined. ASFAR and HSP funding can be used to hire personnel but DFO recognizes that using the funding for hiring personnel is difficult within the shorter time-frames (annual funding decisions).

- Lack of stable, long-term funding (i.e. confirmed funding over multiple years) available to hire personnel to conduct SAR related work, including ecological monitoring, data collection and administrative duties (e.g., grant applications).

2. Tier 2: SARA Listing Process and Engagement Opportunities: Examples from Salmon

DFO responsible for the listing of 40 salmon species and is interested in streamlining the process while supporting Indigenous engagement. The listing process can be broken into 5 main components to develop the regional listing advice: the Recovery Potential Assessment (RPA), the development of Management Scenarios, Indigenous cultural significance (ICS), Socio-economic analysis (SEA); and consultations. There are several engagement options for First Nations including:

- Attend peer-review meetings (e.g., Canadian Science Advisory Secretariat (CSAS) and RPA Steering Committee meetings),
- Participate as a subject matter expert,
- Participate in Working Groups and Advisory Committees (created by DFO),
- Attend consultation and engagement forums (e.g., SEA),
- Provide feedback through Work Books (SEA),
- Participate in identifying ICS components,
- Participate in the development of the ICS framework (e.g., Castelman contract), and
- Provide feedback through the public Canadian Gazette process.

DFO acknowledges that language and their understanding of Indigenous Knowledge and cultural components are a barrier to working with Indigenous peoples. DFO is working on understanding what ICS means, recognizing the diversity within First Nations and wants to ensure that there is the space to capture those cultural differences within an ICS Framework

Discussion Themes

Salmon Listing Process:

- Concern about the cultural impacts from not being able to harvest salmon, about the community health and food security, and the lack of re-building salmon populations. This is especially frustrating when there are others who are “allowed” to fish.
- The listing process takes time due to the extent of scientific studies required to understand the species and how to protect the species using management regimes.
- Concerned about the lack of ceremony within the listing process. There needs to be opportunities to have these ceremonies and harvest for sustenance and medicinal purposes.
- Two of the largest gaps within the SARA process is the lack of Indigenous engagement and opportunities for ceremony.

Indigenous Cultural Significance (ICS) Framework:

- ICS needs to be defined by Indigenous communities and not by DFO.
- Concerns with how ICS components are being weighted within the SEA process. There has been significant cultural damage to First Nation communities due to loss of access to culturally significant species. Cultural components are not adequately considered within the SEA process.
- Concerns about the duplication of effort and the additional burden on First Nations: a significant amount of work is happening with DFO and the Assembly of First Nations (AFN) developing an IK protocol in light with the Fisheries Act amendments.
- First Nations needs and culturally significant species need to be a higher priority within the SARA decision making process. The economic value of fish species is perceived to play a significant role in DFO SARA listing decision-making where recreational and commercial fishing interests are more important than First Nations needs.

- Concerns with DFO's approach to developing an ICS Framework. DFO should not be using a consultant agency to develop an ICS framework. Effort should be made to co-develop an ICS Framework with First Nations, Nation-to-Nation.

Third-party contract for ICS Framework:

- Concerns about how data/knowledge will be obtained, stored and used while the contractor gathers First Nations input on the ICS Framework.
 - DFO reiterated that the contractor is not gathering or keeping any data and is only soliciting feedback on the scope of an ICS framework within the SARA listing process.
- Concerns about the ability for First Nations to participate (e.g., interviews, surveys, engagement activities) within ICS scoping process due to inadequate funding resources and capacity. The financial burden should not be on First Nation to participate. First Nations participants should be compensated for their time.

3. Tier 1: First Nations Only – Discussion

Discussion Themes

Third-party ICS Contract

- Participant lacks confidence in a third-party contractor in having expertise to scope and develop a high quality ICS framework.
- Suggest that the development of the ICS framework should be given to First Nations.

Consultation and Engagement with DFO

- First Nations expect to have open and transparent dialogue in engagement in SARA processes

SARA Listing process

- Concern and dissapointent regarding the speed of Salmon species listing and management actions before species become at risk
- Lack of progress in listing and protecting salmon populations has significantly impacted First Nations food security and culture
- There is an immediate need to address the dissemination of salmon stocks. First Nations need to come together and collectively work together on salmon management
- First Nation need to work together and use allocated funding to rebuild and manage species before species-at-risk.

4. Recommendations

- DFO should provide long-term, stable funding to First Nations that enable First Nations to fully participate within the SAR process (e.g., consultation, development of funding applications, monitoring activities, capacity building etc.)
- The development of grant and funding applications continue to be a financial burden on First Nations. This gap needs to be addressed to facilitate equitable First Nations involvement and improve capacity.
- DFO must work to clarify what “capacity building opportunities” within funding envelopes and improve its definition to support capacity needed for First Nations to engage in SAR.
- An ICS framework should be co-developed with First Nations where there is direct involvement at a Nation-to-Nation level
- DFO should collaborate with Aboriginal Aquatic Resource and Ocean Management (AAROM) and AFN to reduce any duplication of effort in the ICS Framework development
- First Nations should be fairly compensated to participate within developing the ICS Framework.

- The weight of First Nations needs and cultural significance needs to be clarified within SARA listing decision-making process.
- DFO should establish working relationships with Environment Canada and relevant health authorities to ensure that other environmental impacts such as pollutants are considered/addressed as they impact First Nation health and well-being.
- First Nations, if interested, should advocate for FNFC and other relevant First Nation organizations to be involved in the development of the ICS Framework.
- First Nations need to come/work together to support better management of aquatic SAR

Appendix A: Outstanding Questions for DFO

- Is there an opportunity to obtain funding to work with neighboring 'private' property owners for the protection of SAR and aquatic habitats?
- In the academic literature on environmental impact assessment: scholars note a very odd contradiction. On one side there is a prohibition on deleterious impact to fish and fish habitat. After, they create a process to permit harm to fish and fish habitat. I would think an aquatic species-at-risk would prohibit the killing of any listed species. Can DFO Respond?
- How did government come up with 20% matching funds? And is there a process that we can be moving away from to level the playing field?
- Can funds be accessed through SARA for Professional Services to assist First Nations' with AFSAR Applications or can it be part of the in-kind contribution from the First Nations in their application?

Appendix B: Questions from DFO presented to First Nations:

- How can DFO/SARA effectively engage through the listing process for the number of populations?
- Are there efficiencies to pursue in combining DUs for some aspects of listing?
- Are there process steps that you would like to see or can recommend for effectively engaging across this landscape through the listing steps?



SPECIES-AT-RISK IN THE PACIFIC REGION WORKSHOP SERIES

WORKSHOP 3 SUMMARY

Wednesday, January 20th, 2021 1-3:30pm *Zoom Virtual Workshop*

Purpose: To generate discussion and feedback for improving First Nations and Indigenous Knowledge (IK) engagement in SARA.

1. Overview of SARA, COSEWIC and IK Engagement

Sue Chiblow, Principle of Ogamauh Annag, FNFC Contractor provided two presentations surrounding SARA and IK engagement. The first presentation provided an overview of IK within SARA, existing mechanisms impacting IK engagement within the SARA conservation cycle and SARA Aboriginal Traditional Knowledge (ATK) requirements under the Act. The second presentation focused on how IK informs the COSEWIC process including IK gathering and decision-making processes. The presentation also highlighted DFO responsibilities and the various legislations that include IK within their decision-making processes that can impact aquatic SAR. Note on terminology: When ATK is used on its own it is a legal reference or title (e.g., name of subcommittee or reference to policy language in SARA).

- Under SARA: “traditional knowledge of the aboriginal peoples of Canada should be considered in the assessment of which species may be at risk and in developing and implementing recovery measures.” SARA stipulates that the best available knowledge be used, which includes IK, scientific information and community knowledge.
- SARA identifies several government entities, committees, and independent organizations with specific roles and responsibilities in the implementation of SARA
- SARA uses ATK terminology because it was the policy and language used at the time.
- COSEWIC assessment is based on “best available scientific, Aboriginal and community knowledge”;
- COSEWIC has an established ATK subcommittee that facilitates access to IK for IK to inform COSEWIC assessment decision-making
- ATK subcommittee members are nominated by National Aboriginal organizations;
- The ATK subcommittee follows a structured process and determines if there is enough available IK information available to inform the COSEWIC process
- IK collection and integration processes may include the development of an ATK Source Report, Assessment Report, and an ATK Gathering Report.

Discussion Themes

a. Indigenous Knowledge and First Nations participation within SARA and COSEWIC

Existing mechanisms:

- The COSEWIC status reports go through a request for proposal process where First Nations are encouraged to apply
- First Nations can participate in the ATK subcommittee to COSEWIC through a nomination process
- IK informs COSEWIC decisions and research of species distribution, habitat, population size, body condition, species interactions, potential threats, temporal and spatial trends, existing management and Indigenous names

Challenges:

- COSEWIC status reports are progressed through a request for proposals, which limits the ability for First Nations to author status reports due to capacity constraints;

- No opportunity for Indigenous stewardship within the SARA process, IK is provided to the government and First Nations have little involvement after the fact;
- DFO methodology for assessing aquatic SAR. For example, the assessment of Bull Trout in BC and Alberta was completed as one population which does not accurately reflect how the two populations interact. This assessment methodology resulted in a lower risk designation.
- SARA is seen by First Nations as a weak management tool for protecting species and habitats. There is little evidence that SARA has successfully contributed to species recovery. There has been no evidence that SARA has been used to protect salmon-bearing streams from industrial development;
- SARA funding is insufficient and unrealistic which continues to limit the ability for First Nations to fully be engaged within the process
- Lack of overall First Nations participation within the SARA process;
- Lack of transparency, and involvement in, the weighting of First Nations interests and cultural values to socio-economic components
- Prioritization of socio-economic values over First Nations interests and species health. Salmon stocks have not been listed despite the extremely low populations, resulting in significant impacts on First Nations
- Siloing of governmental agencies and separate discussions between terrestrial and aquatic SARA.

b. DFO Processes - Cultural Competencies and Respect for Indigenous Knowledge

Considerations

- Cultural and training opportunities for government of Canada staff;
- The Government of Canada can increase their active participation in community events and ceremonies;
- First Nations can build off parallel protocols and frameworks that are being developed for IK to inform decision-making processes (e.g., AFN-DFO IK protocols); and
- First Nations can develop their own IK protocols and guidelines to assert their interests and better guide DFO personnel and processes.

Challenges:

- DFO/Canadian government staff appear to be unwilling to actively participate in “indigenizing” processes such as ceremonies, cultural education, and community events. This would greatly improve DFO-Indigenous relations and facilitate the understanding of First Nations culture and is integral to forming meaningful relationships
- The higher valuation of western science compared to IK
- Lack of transparency and understanding of the terminology of ‘should consider’ within IK legislation. How does Canada define ‘considering IK’ within the SARA process?
- Lack of common understanding of IK and how IK is defined by individuals and organizations. This contributes to IK misinterpretation and cherry-picking of information
- Lack of transparency and commitment to their best practices and guiding principles and therefore, difficult for First Nations to want to participate and provide recommendations on IK best practices;
- Lack of communication and coordination between Canadian government policy staff and ‘on-the-ground personnel
- Unequal distribution of costs and benefits through the sharing of IK. First Nations often do not receive any benefits from sharing IK and hold the majority of the costs and risk;
- Siloing of governmental agencies and departments is not efficient at protecting species as the protection of species requires a multi-faceted approach (e.g., fisheries management, water quality);
- High turn-over rate of DFO staff and the ability to create long-term relationships which is integral for meaningful Indigenous engagement and IK to adequately inform the SARA process; and

- Systemic issues such as political structures and racism consistently undermine the ability of IK and First Nations to inform the decision-making process.

3. Recommendations for DFO

- First Nations should be involved in the stewardship of their knowledge including being involved in how the knowledge is being used to inform SARA decision-making throughout the process
- DFO should be transparent about what “considering” IK means, and how it is weighted in decision-making processes
- Government of Canada should provide staff on-going region-specific cultural educational opportunities
- DFO should incorporate opportunities for cultural ceremonies and community events to facilitate cultural understanding and improve relations. It is of utmost importance that the government of Canada and the public understand the intrinsic relationship First Nations have with all-beings, *Mother Earth is kin*;
- There is a need for the development of mechanisms to hold DFO accountable to actions aligning with the guiding principles and best practices in IK engagement;
- DFO should implement a coordinated process with regional First Nations where IK engagement and decision-making responsibilities are shared
- DFO SAR program should coordinate and collaborate with other departments to determine where similar processes are occurring related to IK engagement in SARA to reduce the duplication of efforts and burden on First Nations
- DFO should improve the usability of its SARA webpage
- First Nations need to be engaged *every step of the way*, beyond writing and implementing IK protocol, and be given the support to steward the relationship and IK engagement;
- First Nations need to be able to monitor and challenge the science DFO is using. IK is needed to support and monitor the science
- DFO needs to reframe the way they approach IK engagement and change their overall perceptions about IK and incorporate Indigenous values into their governance structure, decision-making processes and legislation

4. Recommendations for First Nations and the FNFC

- First Nations need to internally, and with each other, elevate the importance and value of IK;
- First Nations should use IK requirements to advocate for Indigenous stewardship and take opportunities to demonstrate how IK is conceptualized, defined and utilized, rather than DFO defining IK values and use within SARA
- First Nations need to continue to demand collaboration between governmental and organizational processes to reduce demand/replication of efforts
- First Nations should develop their IK protocols to better prepare themselves for when DFO solicits input on AFN-DFO IK protocols. This will help ensure that First Nations’ definition of IK and interests are being incorporated
- FNFC should contact the AFN to acquire the working AFN IK protocol document
- FNFC should connect with the regional DFO and AFN staff to determine how national-level processes are being implemented at a regional level.



SPECIES-AT-RISK IN THE PACIFIC REGION WORKSHOP SERIES

WORKSHOP 4 SUMMARY

Thursday, February 11th, 2021 1-3:30pm Zoom Virtual Workshop

Purpose: To generate discussion and feedback for improving First Nation engagement as it relates to the socio-economic analysis and valuation in the SARA Conservation Cycle

1. Tier 2: Socio-Economic Analysis within the Aquatic Species-at-risk Process in the DFO Pacific Region

DFO presented on Socio-Economic Analysis (SEA) within the SARA process within the Pacific Region. The purpose of the SEA is to report on “the economic implications of DFO policy, regulatory and management changes in species use by different groups.” In order to evaluate the Socio-Economic implications of a given policy, regulatory, or management change, various socio-economic indicators are used that can be measured in monetary terms to inform measurable social effects such as employment and income impacts. Within the SEA input stage, DFO identified two mechanisms for First Nations engagement within the SEA process. These include Engagement/Consultation Forums and Workbooks; however, DFO recognized that Workbooks may not be the appropriate forum to share knowledge due to knowledge sharing sensitivities. Within the CBA Review Period, DFO identified two mechanisms for First Nations engagement; participation within a technical review and providing feedback during the 30-day public CBA review period. DFO acknowledged that the SEA processes and economic evaluation is imperfect and the narrow scope of the economic language used is not compatible with the First Nation holistic worldview and knowledge systems. DFO also recognized that SEA and CBA underestimates the total impacts to First Nations derived from the loss of access of resources. To address these issues, DFO is trying to determine ways to better encompass these values and cultural components.

Discussion Themes

Cultural Components within SEA

- The monetization of cultural and social values. It is inherently a challenge to adequately assess First Nation interests and cultural values within the SARA process. For example, the quantified impacts to FSC activities are only a small component within a CBA and thus the total impact to First Nations from the loss of access to resources are significantly underestimated.
- Differences in worldviews and perspectives between First Nations and colonial populations.
- The narrow scope of the SEA and CBA processes. These processes do not adequately include cumulative impacts and social-ecological interactions.
- The narrow scope of the economic language makes it challenging to adequately evaluate ecological, social, and cultural values. This is not an equitable evaluation of socio-economic impacts and does not reflect the disproportionate impacts to First Nation communities.
- DFO is working to find better ways to encompass social and cultural values. For example, the development of an Indigenous Cultural Significance (ICS) Framework. This ICS framework is intended to be used as a starting point for individual communities to identify and develop strategies that will better encompass cultural components within the SARA process

- Collaborative efforts with the National Aboriginal Council on Species at Risk (NACOSAR). NACOSAR is currently working with DFO to assist DFO in identifying ways to better incorporate Indigenous perspectives within a SARA SEA.

First Nations Engagement within the SEA process:

- Socio-economic conditions of First Nations communities and the continuous marginalization of First Nation peoples. Many First Nations communities live below the poverty line, highlighting a clear unequal distribution of costs and benefits to First Nation communities. These disproportionate impacts are not being considered within the SEA process. It was felt that the Government of Canada is failing to see the bigger picture which includes the consideration of the historical and on-going disproportionate impacts to First Nation peoples.
- Continuous lack of consideration and respect for First Nation peoples by the Federal Government of Canada. Participants expressed frustration of the lack of acknowledgement and consideration of the historical and contemporary impacts to First Nation peoples including removing access to fisheries and alienating First Nations from their traditional fishing economy. Participants felt that the Government of Canada engages to solicit input, acquire knowledge and to meet legal requirements rather than engaging and consulting First Nations peoples out of respect or as a result of rights-based regulatory frameworks.
- Unequal distribution of wealth and political favoritism to settler populations. Policies and legislation were intended to assimilate First Nations and as a result favours the colonial populations. For example, the Fisheries Act states that First Nations cannot sell their resources which then disproportionately distributes wealth.
- Need to Improve First Nations authority over decision-making within the SARA process.

SEA Process Overall

- Lack of willingness and/or lack of DFO action for listing species due to over-valuation of economic components over the ecological, social and cultural implications to First Nation peoples. This includes prioritizing economic values and commercial industries over cultural components.
- Lack of inclusion of the costs to recover species and how those costs are distributed.
- Lack of recognition of the diversity of First Nations communities by DFO. There is concern that when DFO obtains information from a First Nation community that that information is also used to reflect other First Nations needs, interests, perspectives, values etc.
- Lack of consideration of cumulative effects.

2. Tier 1: Improving Socio-economic valuation in the aquatic species-at-risk program, Dorothee Schreiber, Tamarack Research and FNFC Contractor

Dorothee Schreiber's presentation focused on existing mechanisms and challenges within DFO's existing approach to encompass First Nation interests and values in SEA. Dorothee Schreiber addressed some concerns about using a quantitative approach to evaluating socio-economic factors and presented a right-based approach as a potential opportunity to improve the SEA process that better encompasses First Nations interests, values, and cultural components.

Discussion

Options for First Nations engagement:

- Provide qualitative material/measures through the Cabinet Directive.

- First Nations can conduct their own SEA; however, challenges still exist, including capacity, and it is unknown how DFO will use and interpret the information provided.
- Potential for a rights-based Socio-economic evaluation approach which can better encompass First Nations interests, values, and cultural components within the SARA process. This can also include the incorporation of cumulative impacts within the valuation process. At the same time, a right-based approach still presents a risk to First Nations as the process still fits within an imposed DFO process and may encourage DFO to place further burden on First Nation communities if the responsibility to evaluate cultural impacts is placed on First Nation communities.
- First Nation involvement within the development of management scenarios of which the SEA's are assessing.
- Provide evidence to DFO and the Government of Canada that First Nations can improve conservation outcomes through their own governance and management to further illustrate to the Government of Canada that First Nations should have greater authority over their resources and territories.

Challenges

- Lack of ability and/or interest of First Nations to participate within the SEA process due to lack of trust, respect, unequitable distribution of wealth and benefits, and historically poor relations with the Canadian government.
- Unequal distribution of power between First Nation and the Canadian government and the inability to have an equal say in decision-making (e.g., The Minister of Fisheries ultimately has the final decision-making power).
- Lack of First Nation capacity to be able to respond to DFO and participate within the SARA process. This includes the ability for First Nation communities to work collaboratively to determine an alternative scenario or management strategies and be able to improve abundance of SAR locally through their own initiatives.
- Lack of involvement of First Nations in overseeing how information is interpreted and communicated within the SARA process. For example, First Nations do not participate in the writing of briefing notes which provide information to the Minister. Thus, critical information might be lost or misinterpreted and/or do not reflect First Nations concerns and interests to the Minister. This can inhibit First Nations concerns and interests in being addressed.
- Lack of transparency by DFO decision-making. For example, it is unknown how information provided is being used and interpreted. First Nations could develop their own SEA but without full transparency, First Nations do not know how it is being used within the process.

3. Recommendations for DFO

- DFO needs to allocate sufficient resources for training.
- First Nations need to play a greater role within decision-making process and have greater authority within resource management.
- DFO needs to provide compensation packages that fully reflects the loss of rights and title and include funding for training, capacity-building initiatives, and employing staff to facilitate First Nation involvement within the SARA process.
- DFO needs to fully recognize and implement Indigenous rights and title.

- DFO should identify opportunities and mechanisms for First Nation involvement in determining management scenarios of which the SEA is based.
- DFO should allow First Nation communities to review briefing notes to ensure First Nation interests, concerns and knowledge is being interpreted correctly.

4. Recommendations for First Nations and the FNFC

- First Nations could collaborate on a Pacific Salmon Cultural Value project to facilitate knowledge sharing amongst First Nations and support the recovery of Pacific Salmon.
- First Nation communities need to work together to demonstrate to the Government of Canada that First Nation governance, management and stewardship practices are effective at improving SAR. The compilation of evidence can be used to build a case to the Federal Government to transfer authority to First Nation communities.



SPECIES-AT-RISK IN THE PACIFIC REGION WORKSHOP SERIES

WORKSHOP 5 SUMMARY

Thursday, March 4th, 2021 1-3:30pm *Zoom Virtual Workshop*

Purpose: To share draft key existing mechanisms for First Nations engagement, gaps, and recommendations for final feedback from First Nation participants to inform final reporting

Tier 1 Feedback

Existing mechanisms

- SARA agreements, section 9, 10, and 11 provide opportunities for agreements.
 - E.g. AFN has a Section 9 agreement that establishes the First Nations Advisory Committee on Species at Risk
- First Nations do *not* need to wait, and do have the expertise needs for the Recovery of species outside of SARA
- Fiduciary responsibilities exist through court cases (e.g. *Sparrow*) for DFO/Canada to protect species-at-risk tied to recognized Aboriginal Rights
- The opportunity to work changes at federal level because of UNDRIP.
- ICS an opportunity
 - To Including things such as archaeology, and other items that are not “peer-reviewed”
 - To provide education of species, legends, and stories to collectively move forward on species recovery
- Interconnectivity: to solve the issue of species-at-risk, everyone has to work together

Gaps

- Engagement is currently not meaningful: lacking FPIC, UNDRIP, Rights, adherence to case law
- Funding is severely inadequate and DFO holds responsibility to increase available funding.
 - Funding requirement are narrow in scope and does not give First Nations enough flexibility to allocate to activities/actions that First Nations deem are needed
 - Account for equity. First Nations staff, particularly women, are underfunded compared to their men colleagues and DFO counterparts,
 - First Nations have to justify where they are spending their funding
- Power imbalances
 - No place for First Nation to make decision within SARA framework
 - Need for agreements but government maintains decision-making power and funding
 - First Nations have the stewardship and knowledge to restore these populations much more quickly but are not provided the support to do so

Recommendations

- The funding envelope needs to be expanded and needs to push by DFO in a champion way to the treasury board.

- First Nations *continue* to work together and collaborate to manage aquatic species and species-at-risk. First Nations have always worked together and recommendations should reflect this collaborative ethic.
 - There is a common purpose driving First Nation collaboration. Everything is connected
 - First Nations need to commit to this collaboration and do actions to recover species regardless of SARA processes
 - Tier 1 communication of restoration efforts being done by First Nations needed
 - Develop collective planning and strategies on saving species.
- Need for supporting First Nations in developing recommendations in a Tier 1 setting and also within DFO's SARA process
- Review policies under the federal commitments to reconciliation and provincial level to UNDRIP. Taping into existing process of AFN or creating decision-making into the SARA
 - Need for moving engagement of First Nations to co-development and co-implementation of management and decision making

Appendix C: Useful Links and Resources

Overview of Aquatic Species-at-risk: <https://www.dfo-mpo.gc.ca/transparency-transparence/mtb-ctm/2019/binder-cahier-1/1F4-sara-lep-eng.htm>

Fisheries and Oceans Canada Species at Risk Act Listing Policy and Directive for “Do Not List” Advice: <https://waves-vagues.dfo-mpo.gc.ca/Library/365882.pdf>

Summary of Aquatic Species-at-Risk, currently listed or under consideration:

<https://www.dfo-mpo.gc.ca/species-especes/sara-lep/identify-eng.html?region=Pacific>

Funding for Aquatic Species at Risk Engagement (Note: this list is may change):

<i>Program (Links)</i>	<i>Purpose</i>
Aboriginal Fund for Species At Risk	“It supports Indigenous organizations and communities as they acquire, develop and use the knowledge, skills and technical resources that enable them to participate in the conservation and recovery of species at risk. The program supports projects that address species at risk and their habitat, and engage the broader community in knowledge sharing and stewardship activities”
Indigenous Habitat Participation Program (Not administered by DFO)	“The Indigenous Habitat Participation Program grants provide funding to Indigenous communities who want to support and participate in consultation activities.”
Habitat Stewardship Program (Not First Nations-specific)	“The HSP provides funding for projects submitted by Canadians that contribute directly to the recovery of aquatic species at risk.”

Canada’s Species at Risk Public Registry and Documents related to administration of SARA: <https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry.html>

Resources shared by participants:

Recording of Historic Nisga’a Fishery:

https://www.maynardkaasa.com/uploads/1/2/6/3/12634709/maynard_sample_montage_6-sd_480p_492.mp4

Clyde River Supreme Court Case Information:

<https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/16743/index.do>

<https://www.cbc.ca/news/politics/supreme-court-ruling-indigenous-rights-1.4221698>

Sakinaw Sockeye Recovery Strategy (Partnership with shíshálh Nation and DFO):
<https://shishalh.com/2018/08/24/sakinaw-lake-sockeye-stock-assessment-smolt-emigration-bulletin-2/>

DFO resources on Socio economic analysis:

<https://www.dfo-mpo.gc.ca/ea-ae/economic-analysis-eng.htm>

<https://www.tbs-sct.gc.ca/rtrap-parfa/analys/analystb-eng.asp>

Link to the Interior Fraser Coho Recovery Potential Assessment as an example: <https://waves-vagues.dfo-mpo.gc.ca/Library/40888721.pdf>. Includes a few co-authors external to DFO.

FNFC 2019 Indigenous Knowledge Forum/Paper:

<https://www.fnfisheriescouncil.ca/initiatives/indigenous-knowledge-forum/>

Book: “Indigenous nations rights in the balance: an analysis of the declaration on the rights of indigenous peoples,” Charmaine Whiteduck (author)

Ryan, T. 2012. Summary Comparison of Governance Models That Consider Aboriginal Traditional Knowledge. In E. Simmons (ed.), *Indigenous Earth: Praxis and Transformation* (pp. 324-360). Penticton, BC: Theytus Books.

An article published by Atlas Obscura in regards to the cultural importance of the Orca/stalashen to First Nation people and the environment. The interviews for the article is part of recently published research material on the pathology reports regarding Orca/stalashen mortality:
<https://www.atlasobscura.com/articles/orcas-cause-of-death>

Appendix D: SARA Overview Presentation by DFO Species At Risk Program, Pacific Region

Presented virtually via Zoom on November 19th, 2020

Aquatic Species at Risk in the Pacific Region

FNFC-SARA Workshop
November 19, 2020



Agenda

1. *Species at Risk Act* & Regional Context
2. Listing Process
3. Recovery Planning
4. Implementation
5. Discussion

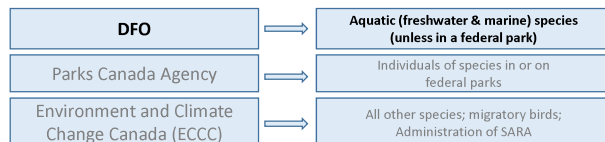
What is the *Species at Risk Act*?

Purpose:

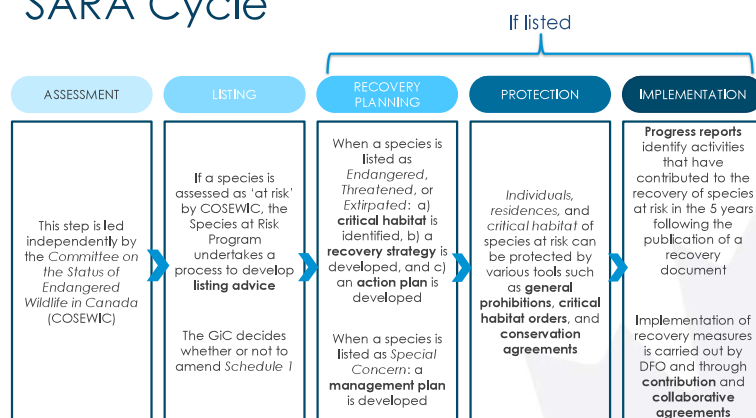
- To prevent wildlife species from being extirpated or becoming extinct
- To provide for the recovery of wildlife species that are extirpated, endangered or threatened as a result of human activity
- To manage species of special concern to prevent them from becoming endangered or threatened

Applies to:

- All listed wildlife species at risk in Canada
- Their residence and habitat



SARA Cycle



Work is done in collaboration with many internal and external partners

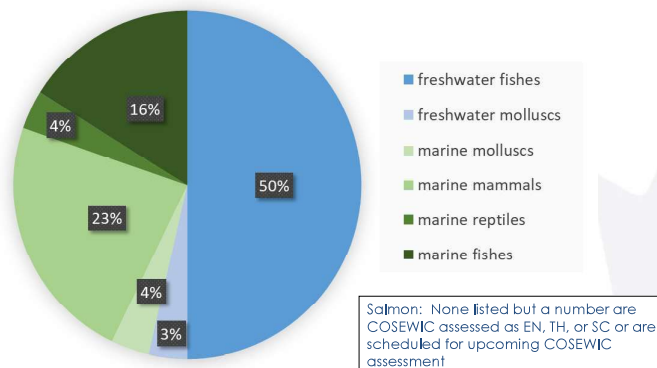
4

Pacific region context

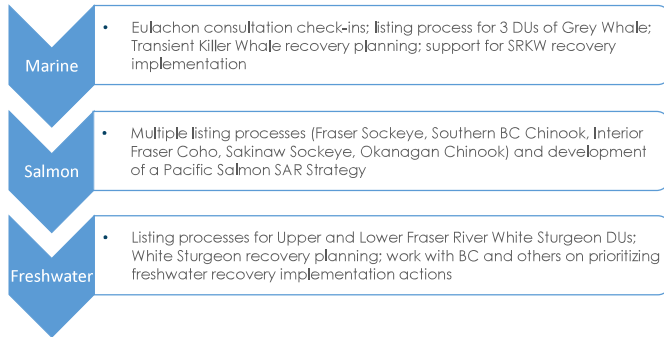
- Species are high profile, incredibly diverse
- Shared management with BC and Yukon
- No provincial or territorial SARA
- Many First Nations (200+), few treaties
- International work - killer whale, salmon, white sturgeon - but little overlap with other provinces and territories



Pacific Region has 56 Listed Aquatic Species at Risk



Species at Risk Program - work underway

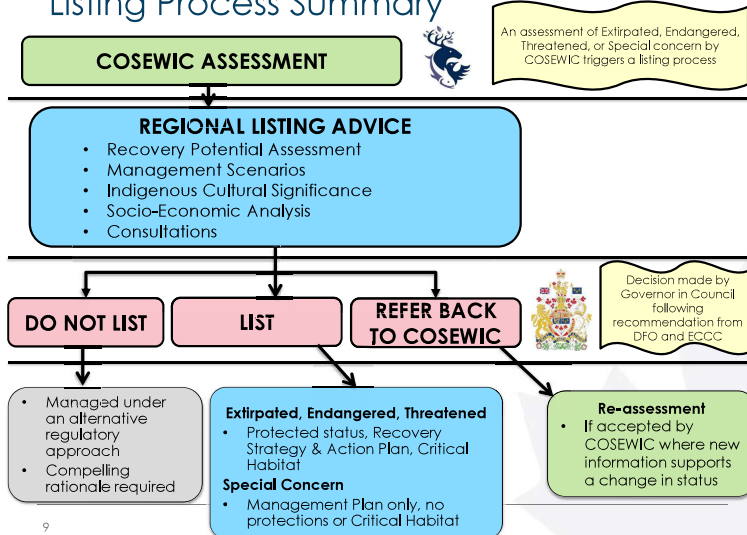


Agenda

1. *Species at Risk Act* & Regional Context
2. Listing Process
3. Recovery Planning
4. Implementation
5. Discussion

8

Listing Process Summary



9

Indigenous Cultural Significance



- Standard socio-economic analysis is not considered an appropriate tool for understanding value to Indigenous groups
- SAR Program is currently working on a new framework to assess Cultural Significance of a listing decision

"...[Thompson Steelhead]... are an important food source from the late fall to spring period and have significant ceremonial, spiritual and societal value to the indigenous community."



10

Opportunities for Input during Listing Process

1. **Regional Listing Advice**
 - a) Technical participation in RPA
 - b) Potential engagement in Management Scenarios and/or SEA
 - c) Provision of Indigenous Cultural Significance information
2. **Participation in Consultation Period** - online, in-person (post-COVID)
3. **Canada Gazette 1** - Posting of Cabinet's Proposed Decision - 30 day comment period after publication in GC1

Species under consideration for listing

Species	Team	# of DU's * in Process
Sockeye	Salmon	16
Chinook		14
Coho		1
White Sturgeon	Freshwater	2**
Shortface Lanx		1
Rocky Mountain Ridged Mussel		1
Lake Chub		2
Lake/European Whitefish		6
Umatilla Dace		1
Little Quarry Lake Stickleback		2
Eulachon	Marine	3
Bocaccio		1
Yellow Eye Rockfish		2
North Pacific Spiny Dogfish		1
Northern Fur Seal		1
Grey Whale		2
Fin Whale		1

*DU: discrete and evolutionarily significant unit of the species
 ** Lower Fraser River DU & Upper Fraser River DU

11

12

What does listing under SARA mean?

- Listing of species as **Extirpated, Endangered or Threatened** on Schedule 1 triggers automatic prohibitions under SARA against:
 1. killing, harming, harassing, capturing or taking
 2. possessing, collecting, buying, selling or trading
 3. damaging or destroying the residence of an individual of the species
 4. destruction of critical habitat (*the habitat that is necessary for the survival or recovery of a listed wildlife species*)
- Prohibitions come into force immediately upon listing for bullets 1, 2 and 3 above. Later for bullet 4.
- Prohibitions do not apply to species of **Special Concern**
- Permit required if contravening prohibitions

13

Agenda

1. *Species at Risk Act* & Regional Context
2. Listing Process
- 3. Recovery Planning**
4. Implementation
5. Discussion

14

Recovery Planning & Monitoring



16

Opportunities for Input on Recovery Documents

- 1. Draft Recovery document input**
- 2. External review**
 - Duration: 30-60 days
 - Carried out to complete the cooperation requirement of SARA and to meet the consultation requirements
 - Cooperation: organizations, groups or individuals identified in engagement process (SARA s. 39(1))
 - Consultation: organizations, groups or individuals that fit s. 39(3)
- 3. Proposed recovery document posted on SAR Public Registry**
 - 60-day public comment period (Proposed posting)

Agenda

1. *Species at Risk Act* & Regional Context
2. Listing Process
3. Recovery Planning
- 4. Implementation**
5. Discussion

17

Support for Implementation

- Implementation is a collaborative effort
- Grants and Contribution programs
 - Habitat Stewardship Program,
 - Aboriginal Fund for Species at Risk,
 - Canada Nature Fund for Aquatic Species at Risk
- Environmental Damages Fund grants
- Other funding envelopes
 - e.g. BC Salmon Restoration and Innovation Fund, Coastal Restoration Fund, and the Whales Initiative

18

Implementation: Southern Resident Killer Whale (SRKW) annual management measures

- Since 2018, the Government of Canada has implemented a suite of seasonal management measures to support SRKW recovery

- Consultation and engagement to inform measures occurs through:

- Indigenous and Multi-Stakeholder Advisory Group
- Technical Working Groups
- Indigenous governments and groups
- Stakeholder advisory groups, associations and committees
- Coastal community meetings
- Web-based consultation

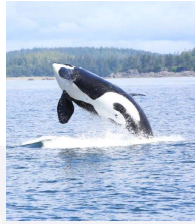
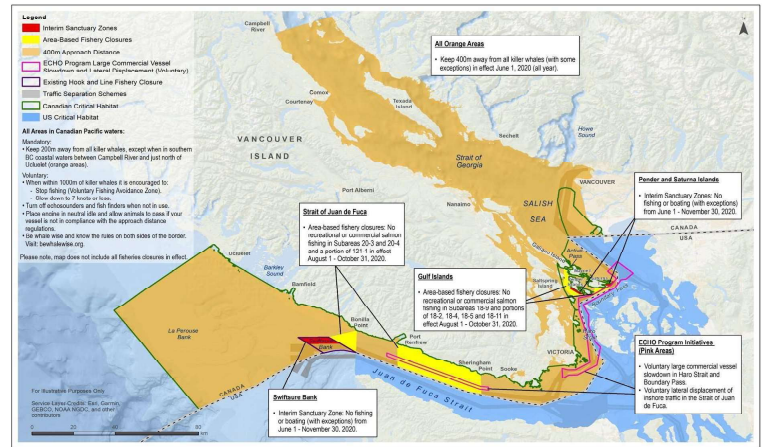


Photo: DFO-OPP-MEQ-Whales

19

Suite of 2020 SRKW Management Measures



20

Government of Canada / Gouvernement du Canada

Search Canada.ca

Home > Environment and natural resources > Wildlife, plants and species > Species at risk

Species at risk public registry

In this registry you will find documents relating to the administration of the *Species at Risk Act* (SARA). The act is part of Canada's strategy to protect hundreds of wild plants and animal species from becoming extinct, and to help in their recovery. Please visit the [species at risk sub-topic page](#) to read more about *species at risk* and the [act, the accord and the funding program](#), and visit our [education centre](#). [Help navigating the Species at Risk Public Registry](#).

Species | Status reports | Recovery | Permits | Find a document | Latest publications and news | Consultations

Species

[Species search](#)

Search species list by range, taxonomy group, risk category or schedule.

<https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry.html>

21

Agenda

1. Species at Risk Act & Regional Context
2. Listing Process
3. Recovery Planning
4. Implementation
5. Discussion

22

Questions and Discussion – Thank You

Contact:
Nicole McCutchen
Regional Manager, Species at Risk Program
Nicole.McCutchen@dfo-mpo.gc.ca

23

APPENDIX ADDITIONAL INFORMATION

24

SARA-Listed Aquatic Species at Risk (Pacific Region)

Freshwater Fishes 28 (3 TH, 15 EN, 10 SC)		Marine Fishes 9 (1 EN, 8 SC)		Marine Mammals 13 (4 TH, 4 EN, 5 SC)	
Cultus Pygmy Sculpin	TH	Black Shark - Pacific Population	EN	Fin Whale - Pacific Population	TH
Saltish Sucker	TH	Bluntnose Sigsill Shark	SC	Killer Whale - Northeast Pacific NRKW	TH
Vancouver Lamprey	TH	Longspine Thornyhead	SC	Killer Whale - Northeast Pacific offshore	TH
Enos Lake Threespine Stickleback - Benthic	EN	Rougheye Rockfish type I	SC	Killer Whale - Northeast Pacific transient	TH
Enos Lake Threespine Stickleback - Limnetic	EN	Rougheye Rockfish type II	SC	Blue Whale - Pacific Population	EN
Misty Lake Threespine Stickleback - Lentic	EN	Tope Shark	SC	Killer Whale - Northeast Pacific SRKW	EN
Misty Lake Threespine Stickleback - Lotic	EN	Yelloweye Rockfish - Inside Population	SC	North Pacific Right Whale	EN
Nooksack Dace	EN	Yelloweye Rockfish - Outside Population	SC	Sei Whale - Pacific Population	EN
Paxton Lake Threespine Stickleback - Benthic	EN	Green Sturgeon	SC	Grey Whale - Eastern North Pacific Population	SC
Paxton Lake Threespine Stickleback - Limnetic	EN			Harbour Porpoise - Pacific Ocean Population	SC
Speckled Dace	EN			Humpback Whale - North Pacific Population	SC
Vananda Creek Threespine Stickleback - Benthic	EN			Sea Otter	SC
Vananda Creek Threespine Stickleback - Limnetic	EN			Steller Sea Lion	SC
Western Brook Lamprey - Morrison Creek Population	EN				
White Sturgeon - Kootenay River Population	EN				
White Sturgeon - Nechako River Population	EN				
White Sturgeon - Upper Columbia River Population	EN				
Bull Trout - South Coast BC Populations	SC				
Bull Trout - Western Arctic Populations	SC				
Columbia Sculpin	SC				
Giant Threespine Stickleback	SC				
Mountain Sucker - Pacific Populations	SC				
Rocky Mountain Sculpin - Westslope Populations	SC				
Shorthead Sculpin	SC				
Unarmoured Threespine Stickleback	SC				
Westslope Cutthroat Trout - Pacific Populations	SC				
Dolly Varden - Western Arctic Population	SC				

26 Marine Species
30 Freshwater Species
56 Aquatic Species at Risk

ABOUT COSEWIC

Committee on the Status of
Endangered Wildlife in Canada (COSEWIC)

- Independent advisory panel to Minister of Environment and Climate Change
- Wildlife biology experts: academia, indigenous, government, private sector
- Meets twice a year to assess wildlife
- Annual report with assessment results issued in October of each year



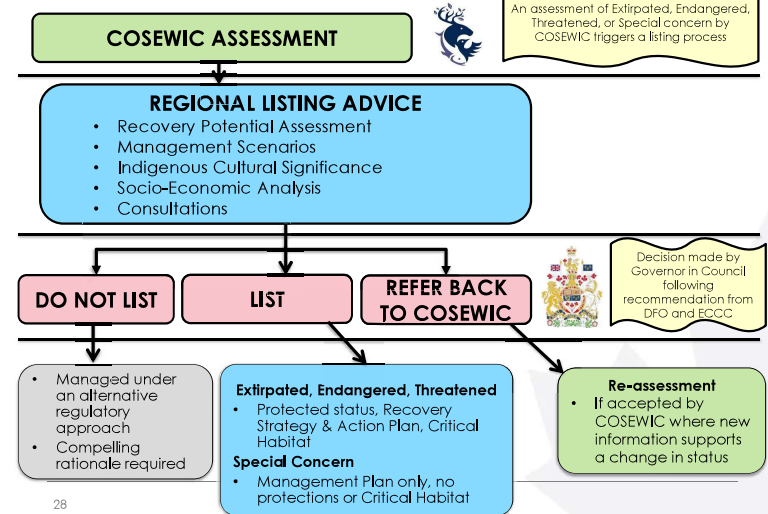
26

Upcoming COSEWIC assessments (as of September 1, 2020; subject to change)

Species	SARA status
NOVEMBER 28 - DEC 4 2020	
Chinook Salmon (12 DUs)	Not listed
• Fraser River	
• Sunshine Coast	
• Vancouver Island	
Steelhead Trout (2 DUs)	Not listed
• Chilcotin River	
• Thompson River	
Yelloweye Rockfish (2 DUs)	Special Concern
• Pacific Ocean outside waters	
• Pacific Ocean inside waters	

<http://www.cosewic.ca/index.php/en-ca/reports/status-reports-preparation>

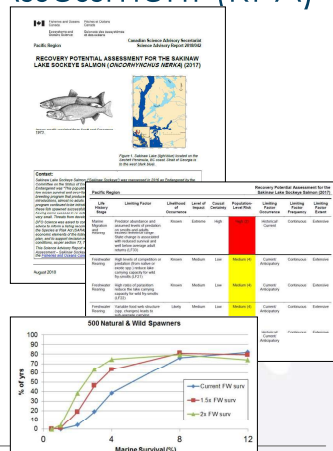
Standard Listing Process Summary



28

LISTING PROCESS Recovery Potential Assessment (RPA)

- Peer-reviewed, **DFO Science** led process covering:
 - biology, distribution, life history, threats and limiting factors, allowable harm, mitigation options
- Three documents published after peer review of working paper:
 - Science Advisory Report: summary of peer review, reflects participants' consensus
 - Research document: detailed document by RPA authors
 - Proceedings: Record of peer review meeting



LISTING PROCESS Management Scenarios

- For species assessed as **Endangered** or **Threatened**
- Realistic and achievable actions that could be taken if the species is listed under SARA or not listed under SARA
- Used to develop the socio-economic analysis of the listing recommendation and inform consultations

Baseline (current measures)
Scenario 1: Do Not List
Scenario 2: List under SARA

Actions likely to be taken after listing decision



LISTING PROCESS Socio-Economic Analysis (SEA)

- Led by **DFO Policy**
- Estimates incremental costs and benefits of species protection and proposed management scenarios
 - Regional impacts
 - Distribution of costs and benefits
 - For fisheries: economic impacts of changes in catch / effort / harvest patterns by users



31

LISTING PROCESS Consultations

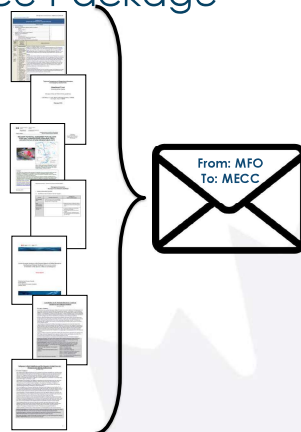
- A requirement as part of the Cabinet Directive on Regulation
- To seek input on SARA listing and involvement in the recovery of the species
- Input sought from Provinces/Territories, Indigenous Peoples, stakeholders, and the public
- May be in various formats: online, mail, in-person, webinar, etc.



32

LISTING PROCESS Regional Listing Advice Package

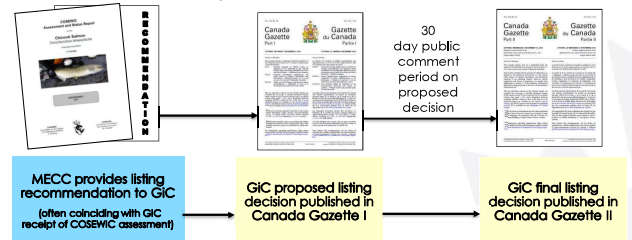
1. Species Assessment Document
2. COSEWIC Assessment
3. Recovery Potential Assessment
4. Management Scenarios
5. Socio-Economic Analysis
6. Consultation Report
7. Indigenous Cultural Significance Report



33

LISTING PROCESS Listing Decision

- Made by Governor in Council (Cabinet)
- Taking into consideration:
 - Regional listing advice
 - Listing recommendation by MECC
 - A 30-day public comment period (after notification published in Canada Gazette I)



34

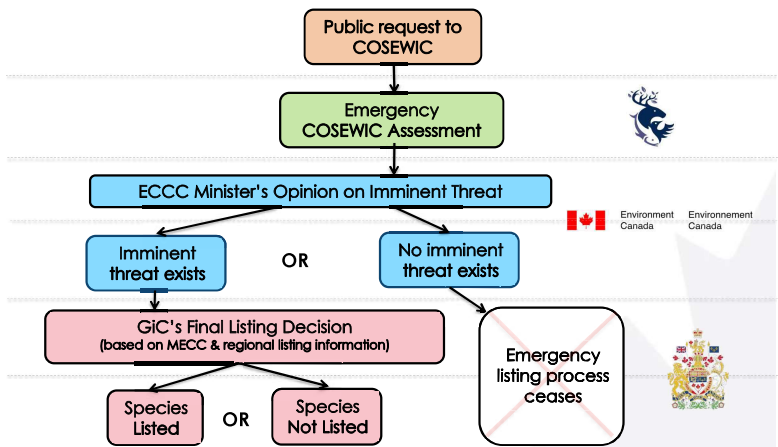
DFO Listing Policy

- A listing recommendation is provided to the Fisheries Minister after considering all elements of the listing process
- **DFO Default Listing Position:** The registry should be amended as assessed by COSEWIC, unless DFO provides a Compelling Rationale not to list.
 - Described in **DFO SARA Listing Policy and Do Not List Directive**
 - **Compelling Rationale** must include:
 - Alternative Approach in absence of SARA listing, including 5- year plan
 - Expected outcome for species in absence of listing
 - Net benefits to Canadians of Do Not List decision

<https://www.dfo-mpo.gc.ca/species-especes/publications/sara-lep/policy-politique/index-eng.html>

35

Emergency SARA Listing Process



36

Recovery Planning Documents

Extirpated, Endangered, or Threatened Species:

Recovery strategy:

- Describes biology, species needs, threats, population and distribution objectives, broad strategies and approaches to recovery, key information gaps, and critical habitat (if possible; or schedule of studies to identify critical habitat)

Action plan:

- Describes recovery measures to implement the recovery strategy, the socioeconomic costs and benefits of recovery measures, and critical habitat (if not identified in the recovery strategy)

Progress reports on the implementation of Recovery Strategy / Action Plan:

- Every 5 years following final publication

37

Recovery Planning Documents

Species of Special Concern:

Management plan:

- Describes biology, species needs, threats, management objectives, broad strategies and conservation measures, and key information gaps

Progress reports on the implementation of management plan:

- Every 5 years following final publication

38

Critical Habitat Protection

- Critical habitat is **"the habitat that is necessary for the survival or recovery of a listed wildlife species"** and identified in the recovery strategy or action plan
- Minister of Fisheries and Oceans is required to legally protect critical habitat within 180 days after the publication of a recovery strategy (or action plan) identifying critical habitat (s. 57, 58)
- Critical habitat protection will almost always occur through the establishment of an Order (ss 58(4) & (5)) invoking the **prohibition against destruction of critical habitat** (ss 58(1))

39