



STEWARDING BRITISH COLUMBIA'S OCEANS



REFLECTIONS & RECOMMENDATIONS FROM FIRST NATIONS
INVOLVEMENT IN THE OCEANS PROTECTION PLAN

JULY 2021

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ABSTRACT

The **First Nations Fisheries Council of BC** (FNFC) works to establish First Nations-led initiatives to steward and reverse negative cumulative impacts to the Pacific Ocean. In 2019, FNFC received funding through the Government of Canada's \$1.5 Billion Oceans Protection Plan (OPP) to build meaningful First Nations partnerships for effective marine and coastal management.

Through the shared **Commitment to Action and Results Accord** (C2AR), FNFC is collaborating with Transport Canada, Fisheries and Oceans Canada, Environment and Climate Change Canada, and Canadian Coast Guard to support and strengthen South Coast First Nation engagement on OPP policy and program design. Through OPP, FNFC is leads the development of collaborative processes for South Coast First Nations and federal government agencies with responsibilities related to OPP implementation and marine management.

This paper demonstrates **the critical need for and importance of expanding OPP beyond its current life cycle**. It explores challenges and opportunities that have emerged through two years of FNFC's OPP work developing collaborative processes for South Coast First Nations and government agencies. In addition to exploring each opportunity, this paper provides recommendations to the Government of Canada for future oceans protection work.

Our recommendations, developed through data and feedback from First Nations communities across the South Coast, focus on specific, actionable items that will:

- Advance Provincial and Federal government commitments to reconciliation
- Reflect Province-wide interests in protecting marine environments
- Be rooted in Indigenous Knowledge and traditional laws and,
- Empower First Nations to advance their shared objectives, priorities, and inherent and constitutional rights related to marine management and protection.

I. INTRODUCTION

OCEAN HEALTH AND ASSOCIATED ECOLOGICAL AND CULTURAL IMPACTS

British Columbia’s (BC) offshore areas and coastlines are some of the most productive marine ecosystems in the world. These ocean environments provide a wide range of resources that directly support human society, emotional and physical health, wellbeing, and the economy. Marine activities are interwoven into the social fabric of First Nations communities. Since time immemorial, First Nations have honoured, protected, and relied upon aquatic resources through carefully managed sustainability approaches rooted in economy, culture, laws and governance. Over time, anthropogenic impacts have placed unprecedented pressures on fish stocks and habitats which has impacted First Nations access to, and management of, aquatic resources within their territories.

PURPOSE OF THIS PAPER

This paper explores opportunities and experiences that have emerged through two years of the First Nations Fisheries Council of BC (FNFC) Oceans Protection Plan (OPP) work developing collaborative processes for BC South Coast First Nations and federal and provincial government agencies. FNFC presents recommendations based on five key themes and priorities. Embedding these into future oceans protection plans will improve ongoing work by the Government of Canada, First Nations leadership, First Nations rights holders, and FNFC to achieve tangible outcomes for enhanced marine and coastal management.

FNFC developed this paper with guidance and input from our OPP Committees (see Section II for details). Recommendations incorporate priorities identified in recent surveys, reports, meetings, and bilateral feedback from South Coast First Nations communities and organizations. This work is “living” and will continue to evolve and change in response to First Nation concerns and key issues around oceans protection in the Pacific.

[DISCLAIMER] This document does not represent a consensus First Nations perspective on the United Nations Declaration for the Rights of Indigenous Peoples (UNDRIP) or BC’s Declaration Act; nor does it speak on behalf of any First Nation rights holders or satisfy the requirements for the Province of BC or Federal Government to engage directly with rights holders. The recommendations within this document are not exhaustive or prescriptive: self-determining First Nations will identify specific priorities in their territories.

II. FNFC PROGRESS IN OCEANS PROTECTION

FNFC functions to facilitate the development of a coherent process and cohesive message for cooperation and collaboration among First Nations and between First Nations and government. FNFC supports the necessary capacity and relationships that enable First Nations to influence the integrated planning and management of fisheries, fish, aquatic resources and aquatic habitat. This in turn begets collective action and supports First Nations to be stronger while working together.

FNFC WORKS TO:

CONVENE	First Nations and government through effective mechanisms that advance First Nations priorities and interests as they relate to fisheries and the health and protection of aquatic resources to identify key issues of common and broad concern.
ELICIT	The interests and desired outcomes of First Nations and government to find shared objectives to support coherent advice and messaging. This is made possible by our collaborative relationships with First Nations, government, and other partners.
DISTILL	The perspectives of First Nations into a cohesive voice regarding fish, fisheries and aquatic resource matters to influence policy and program development, legislation, and decision-making. This results in clear First Nations priorities and interests informing government in collaborative development of program and policies.

OPPORTUNITIES THROUGH THE OCEANS PROTECTION PLAN

In 2016, the Government of Canada launched a national \$1.5 billion **Oceans Protection Plan (OPP)** to build meaningful Indigenous partnerships for effective marine and coastal management. Before OPP, there was little collaboration among First Nation communities in the South Coast, where participation in marine decision making occurred primarily through direct bilateral relationships. Through OPP, FNFC is supporting the development of broad collaborative processes for South Coast First Nations in BC and federal government agencies with responsibilities related to OPP implementation.

FNFC Marine and Coastal Management Objectives:

1. Develop Nation-to-Nation governance structures that support the collective management of marine environments in the BC South Coast region.
2. Enhance First Nations capacity and resource development in marine and coastal management.
3. Support First Nations engagement in oceans research and scientific processes to mobilize knowledge sharing and enhance access to data within South Coast First Nations communities.



FNFC COLLABORATION WITH THE GOVERNMENT OF CANADA

Through the shared **Commitment to Action and Results Accord (C2AR)**, (Appendix A) FNFC is collaborating with Transport Canada, Fisheries and Oceans Canada, Environment and Climate Change Canada, and Canadian Coast Guard to support and strengthen South Coast First Nation engagement on OPP policy and program design initiatives. The C2AR is founded in principles of respect, inclusiveness, flexibility, sustainability, stewardship, and accountability. FNFC brings together and coordinates participating communities, both within and external to the OPP process, to:

- Set cohesive and collaborative regional priorities.
- Inform government and First Nations decision-making processes to protect marine ecosystems.
- Advance First Nation Rights and interests in marine environments and aquatic resources.

CURRENT OPP COORDINATING COMMITTEES

Three Coordinating Committees to support South Coast First Nations engagement in marine management, policy, and program planning. These Committees identify shared interest and concern among participating First Nations, as well as First Nations marine and coastal values.

KEY COMMITTEE OBJECTIVE(S)

		KEY COMMITTEE OBJECTIVE(S)
Marine Research and Science	<i>Marine Spatial Planning initiative with DFO</i>	Co-develop a trilateral governance model for future collaborative MSP South work between DFO, BC Government, and South Coast First Nations.
Ship Movement and Vessel Management	<i>Cumulative Effects of Marine Shipping initiative with Transport Canada</i>	Co-develop a shared approach to understanding the potential environmental impacts of marine shipping. Support collaboration between First Nations, Federal and Provincial governments, the shipping industry, coastal communities, non-governmental organizations, and other marine stakeholders.
Emergency Preparedness and Response	<i>Recovery from ship-source oil spills initiative with Environment and Climate Change Canada</i>	Co-develop a First Nations-led oil spill response and recovery framework to address oil spill prevention, preparedness, response, and recovery in the south coast region.

III. THEMES AND PRIORITIES

1. IMPLEMENTATION OF ENDURING FIRST NATION-CENTRED PROGRAMS

THE CHALLENGE

First Nations are leading tremendous work in their territories to govern and manage marine resources and to engage with Crown governments, while continuing to experience major resource and capacity disparities. **This is exacerbated by short-term oceans funding agreements that often put First Nations in a reactive position,** resulting in projects and employment opportunities that are difficult to sustain. Small investments into capacity development come at a cost as they place more demands on managers to recruit, train, supervise, and manage multiple commitments. Additionally, First Nations continue to bear the costs of resource development and extraction in their territories without receiving fair compensation or benefits from those activities. In a recent oceans survey conducted on South Coast First Nations' experience in OPP, many respondents noted that they would require additional, dedicated capacity to engage in OPP initiatives. **While enhanced long-term, stable funding ensures in-house capacity is built, developing such capacity takes time. Capacity building needs to be viewed as an incremental process that is unique to each project and community.**

“Within marine planning, [there is] definitely not as much capacity in First Nations' administrations to start those processes. It would take a little bit of training and time to get us to the point where we could really take this on... It's a fairly structured process.”

OUTCOME SOUGHT

Stable, multi-year core funding that allows for incremental capacity development, supports the development of structures and processes for engaging with Crown and increases First Nations capacity to implement oceans resource management (including employment opportunities and initiatives in restoration, monitoring, science, stewardship, food security, data management, planning, Indigenous Knowledge, and revitalization of Indigenous legal orders).

RECOMMENDATIONS TO THE GOVERNMENT OF CANADA

- Collaboratively design future processes with First Nations and agree on mutually beneficial project outcomes, timelines and engagement strategies.
- Develop opportunities for First Nations to lead the planning and implementation of future OPP initiatives within their territories.
- Establish and commit to long-term, consistent processes for First Nations and First Nation organizations to work in Tier 1 and 2 processes to advance shared priorities and address key concerns.
- Identify and implement ongoing benefit-sharing mechanisms so that First Nations receive a meaningful share of advantages derived from the use of fisheries, aquatic resources, and their territories.
- Support strategic training and capacity development Marine Training Programs to advance career opportunities for First Nations youth in the oceans and coastal management sectors.



2. SHARED PROCESS, MANAGEMENT, AND DECISION-MAKING

THE CHALLENGE

It is both the responsibility of government and First Nations to bring the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), shared decision-making systems forward in marine and coastal management conversations and processes. While promising new examples of shared and consent-based decision-making are emerging, collaborative structures and decision-making arrangements for marine and coastal environments are still nascent or absent in many territories. **First Nations are ready to move beyond participatory processes and become meaningful partners with government.** In BC, the Declaration on the Rights of Indigenous Peoples Act (DRIPA) provides an important opportunity to develop authentic partnerships.

OUTCOME SOUGHT

Stable and collaborative structures and processes, based on a foundation of mutual cooperation and equal partnership to collaborate on policy, legislation, regulations, and strategies for enhanced oceans protection. This includes the implementation of joint processes and management of marine and coastal resources with First Nations (individual First Nation or aggregated Nations working together at a regional or territory level).

RECOMMENDATIONS TO THE GOVERNMENT OF CANADA

Collaboration with First Nations on province-wide policy, legislation, and programs

- Resource and support a Marine and Coastal Management Interdepartmental Policy Table (collaborative forum) between departments within the federal government, provincial government, and First Nations to advance shared priorities in areas related to preparedness and response, cumulative effects of marine shipping and other marine and coastal management priorities.
- Resource and support First Nations to co-develop and co-deliver decision-making processes with government where First Nations are equal partners in designing how resources are shared. Embed solutions that identify and provide solution towards intersectoral and cross-cutting challenges facing First Nations communities such as reconciliation, food security, adverse health outcomes and economic disadvantages.
- Support the advancement of regional First Nations-led marine planning and conservation based on capabilities and resources within a given community or organization.

Operational changes internal to government

- Provide regular, transparent, and broad communications to First Nations about UNDRIP implementation in relevant oceans policy, legislation, and programs.
- Improve internal coordination and integration between Ministries, departments (and partners) to remove silos and create clear lines of accountability.
- Increase communications and training with non-Indigenous stakeholders and departments to improve reconciliation and increase partnership with First Nations.

3. FIRST NATIONS STEWARDSHIP FOR RESILIENT MARINE AND COASTAL HABITATS

The marine environment is fundamental to the social, cultural, and economic well-being of First Nations communities. These values are at risk due to the rapid deterioration of our oceans' health as well as the ecological and cultural impacts of marine and foreshore developments. Habitat loss caused by growing cumulative impacts (e.g., unsustainable commercial and recreational fishing, open-net fish farms, vessel traffic, underwater noise, pollution, greenhouse gas emissions, deep sea infrastructure and coastal overdevelopment, etc.) is a leading factor driving major declines in aquatic species and habitat, undermining First Nations livelihoods and community food security.

“The marine environment is fundamental to our social, cultural and economic well-being.”

OUTCOME SOUGHT

First Nations stewardship to address territory-specific issues and lead holistic ecosystem-based management, prioritizing resilient marine and coastal habitats that sustain healthy aquatic life, community well-being, economies, and food security. First Nations stewardship includes the caretaking of the natural world, ensuring the wellbeing of nature and its creatures.

“First Nations were placed in our territories to take care of them.”

RECOMMENDATIONS TO THE GOVERNMENT OF CANADA

- Enhance initiatives like the current Cumulative Effects of Marine Shipping Initiative and Marine Spatial Planning by resourcing and enabling First Nations to undertake holistic territory-wide planning, monitoring and stewardship of future and ongoing projects.
- Prioritize holistic marine and coastal initiatives that balance economic sustainability, conservation, cultural and social well-being.
- Embed Indigenous knowledge with Western knowledge in decision making and governance processes of forward moving programming such as Emergency Recovery Planning and Cumulative Effects of Marine Shipping initiatives.
- Develop policies and programs that build resiliency in First Nations to provide targeted long-term marine stewardship and emergency recovery (including proactive planning and resource investment) focused on First Nation-led management, monitoring, restoration, and aquatic habitat threat response.
- Develop processes that bring together aggregate organizations within the South Coast to discuss their aspirations for oceans protection planning and how it can support their interests to lead marine and coastal management.
- Create a higher standard for sustainable resource use to ensure ongoing initiatives align well with First Nations' priorities such as preventing unsustainable resource harvesting while allowing for the continuation of traditional uses, creating new opportunities for employment and economic development (for example in eco-tourism and related industries), and enhancing public understanding of First Nations culture and Rights.



4. STRENGTHENED COORDINATION AND COLLABORATION WITH GOVERNMENT

THE CHALLENGE

Differing Federal Government department initiatives with similar mandates create barriers for internal collaboration, coordination, and the sharing of resources. And although they share jurisdiction over many resources and natural habitats, BC and the Government of Canada also work independently from each other, with ranging levels of First Nations engagement.

“ I’d like to see more coordination between the various ministries that are working on various aspects of oceans protection... There is a lot of overlap in what they’re doing. ”

When First Nations expend the majority of their resources and capacity to engage with siloed federal and provincial departments, it becomes difficult to understand where and how they benefit from engaging in such processes. Cultivating relationships departments is extremely important in collaborative management, and there is effort from government to work in collaboration with First Nations. However departmental engagement that is conducted independently from one another creates significant engagement fatigue and a reluctance to participate in future endeavours. It also makes it challenging for First Nations to align and coordinate their management processes with those of government, creating barriers in both directions of dialogue.

“ The number of requests to participate in dialogue is overwhelming. There are no resources to accomplish this meaningfully or assess impacts on First Nations culture and our future. ”

OUTCOME SOUGHT

Effective and efficient processes at both provincial and federal scales that support First Nations in BC and the Government of Canada to collaborate on oceans related policy, legislation, strategies, and initiatives with province-wide effect.

RECOMMENDATIONS TO THE GOVERNMENT OF CANADA

- Develop processes for collaborative government programming by increasing interdepartmental participation through pre-existing forums such as Marine Spatial Planning, First Nations Water Network and Pacific Salmon Commission.
- Establish engagement forums for multiple, concurrent Government initiatives with similar objectives and outcomes to reduce engagement fatigue.
- Coordinate an Interdepartmental Policy Table with First Nation leadership to ensure that Government department-specific processes and objectives are streamlined where possible.
- Pool resources between departments (i.e., DFO’s Marine Spatial Planning and Transport Canada’s Cumulative Effects of Marine Shipping initiatives) to invest in shared deliverables that serve multiple program objectives and government mandates.

5. DATA AND INDIGENOUS KNOWLEDGE

THE CHALLENGE

Data is critical for First Nations capacity and leadership (e.g., marine use plans, shoreline zone mapping, traditional harvesting sites, disposal at sea areas, sensitive habitat, monitoring and climate change impacts, fishing areas, southern resident killer whale, etc.). **Limited access to government data creates barriers for First Nations to engage in OPP activities and can fuel mistrust. Authentic, co-governance models require space for both Indigenous and Western Knowledges in data management.**

OPP has supported the development of new technology that prioritizes oceans protection and management through engagement with First Nations. However, where there is overlap in OPP project mandates with other government-led oceans initiatives (e.g., SSI, EMSA, etc.), there has been little consideration given to First Nations abilities and capacity in using software for collaborative data management. Specific objectives of these systems have been difficult to understand and navigate with little engagement on how these products could be useful for First Nations communities and organizations.

OUTCOME SOUGHT

An OPP program in which First Nations are provided with opportunities to lead data-sharing and where Indigenous Knowledge actively supports technology development and decision-making, including through joint and consent-based decision-making, consistent with and respecting Indigenous Knowledge protocols, laws, processes, and protections.

RECOMMENDATIONS TO THE GOVERNMENT OF CANADA

- Develop data-sharing agreements between the Government of Canada and First Nations related to specific OPP initiatives that will support collective planning, scoping, and implementing in which all parties are sharing and contributing equally to the process.
- Invest in data platforms and software that can serve multiple mandates within various government departments to reduce barriers to First Nations capacity, access and use of data management tools.
- Ensure data security and Indigenous data sovereignty through OCAP (standing for Ownership, Control, Access, and Possession) as a tool to assert that First Nations alone have control over data collection processes in their communities, and that they own and control how this information can be stored, interpreted, used, or shared.
- Develop processes that supports First Nations leadership in data collection and the weaving of Indigenous Knowledge with the use of Western science systems— including support for the necessary knowledge governance systems, agreements, and protocols.
- Co-design data definitions related to oceans protection and marine emergency response and recovery in partnership with First Nations (e.g., “baseline” conditions, “functioning” ecosystems, “healthy” fish stocks, etc.)



IV. DISRUPTING THE STATUS QUO

The challenges presented in this paper are not new, but rather have continued throughout years of environmental mismanagement and fractured engagement processes. FNFC works with the understanding that by dismantling three systemic, persistent challenges that prevent true partnership between First Nations and the Government of Canada, we can collectively streamline and advance marine and coastal management. By coming together in partnership to achieve shared objectives in oceans protection, **FNFC can help disrupt the root causes that limit collaboration**. The outcomes of our work will naturally align with the Government of Canada’s efforts towards advancing UNDRIP and reconciliation with Indigenous peoples.

SYSTEMIC ISSUE 1 INEFFICIENT RESOURCING LIMITS FIRST NATIONS PARTICIPATION	
WHY WE NEED TO INVEST IN SOLUTION	<p>Inefficient resourcing limits First Nations from partnering in oceans stewardship.</p> <p>FNFC evaluation findings indicate that First Nations that report a high degree of internal capacity have a higher likelihood of collaborating with other First Nations, as well as all levels of government and intersectoral partners in marine management.</p>
HOW THE GOVERNMENT OF CANADA CAN ADDRESS IT	<p>Establish enduring capacity enhancement efforts for communities and organizations. This will allow First Nations to:</p> <ul style="list-style-type: none"> • Build the dedicated knowledge and staff needed to partner effectively with government. • Better understand their community and regional needs through engagement and territorial-level planning.
FNFC IS THE VEHICLE THAT DISRUPTS THE STATUS QUO	<p>For more than a decade, FNFC has supported First Nations to solidify and harmonize their interests and priorities before they come to the table with government.</p> <ul style="list-style-type: none"> • Supporting this work through future OPP initiatives could be accomplished by funnelling enduring and stable resources through FNFC rather than individual application processes for each meeting. <ul style="list-style-type: none"> ○ This will reduce administrative burden for both the Government of Canada as well as individual First Nations, enabling these parties to better allocate their time to OPP strategy and action).
SYSTEMIC ISSUE 2 INEFFICIENT ENGAGEMENT LEADS TO COMPETING INTERESTS AND SILOED ACTION	
WHY WE NEED TO INVEST IN SOLUTION	<p>Overlapping government departmental mandates cause:</p> <ul style="list-style-type: none"> • Duplicated efforts and resources causing engagement fatigue. • Complexities in policy and process. • Competing interests between and among First Nations - without the ability to collaborate with other Nations, individual First Nations have a less likely chance of taking on increased responsibility in marine and coastal management.
HOW THE GOVERNMENT OF CANADA CAN ADDRESS IT	<ul style="list-style-type: none"> • Support the facilitation of First Nations-led processes that utilize existing engagement models, which convene multiple concerns and interests. • Resource an Interdepartmental Policy Table that allows for enhanced government coordination and streamlined engagement processes with First Nations with projects that have overlapping mandates and scope.
FNFC IS THE VEHICLE THAT DISRUPTS THE STATUS QUO	<p>It is incredibly complex to collaborate with the 203 First Nations in BC, given their various sizes, capacities, governance structures and priorities: for more than 12 years, FNFC has respectfully engaged and worked to form consensus with the various First Nations across BC.</p> <ul style="list-style-type: none"> • FNFC provides strong and legitimate operational capacity, as well as a scalable governance structure that are accepted and supported by the First Nations in BC that work with us.

- **FNFC can collaborate with the Government of Canada to embed our widely accepted First Nations models of collaboration and coordination into an Interdepartmental Policy Table through future OPP endeavours.**

SYSTEMIC ISSUE 3 | EMBEDDING INDIGENOUS KNOWLEDGE & RECOGNIZING INDIGENOUS DATA SOVERIGNTY

WHY WE NEED TO INVEST IN SOLUTION

The science and management of fisheries and aquatic resources continues to be based on a Western Science perspective that ascribes to “command and control” resource management. Weaving Indigenous Knowledge with Western Science in modern management processes can allow for a more holistic approach, considering broader societal, cultural, economic, and ecological factors from those who rely most heavily on aquatic resources.

HOW THE GOVERNMENT OF CANADA CAN ADDRESS IT

It is not realistic to rely on government alone to develop structures and processes to better bridge the gap between knowledge systems in marine and coastal management. Rather, government can resource a South Coast Indigenous Knowledge Committee that is 100% First Nations-led to:

- Work with communities and organizations to collectively define if and how they want their knowledge and data woven into OPP initiatives and data sharing agreements.
- Build trust between First Nations and government by ensuring that the principles of OCAP (Ownership, Control, Access, and Possession) and Indigenous data sovereignty are prioritized within OPP.
- Work with First Nations to co-define terms that are used to describe ecosystem health and baseline conditions.

FNFC IS THE VEHICLE THAT DISRUPTS THE STATUS QUO

FNFC is the only provincial fisheries and aquatic management organization in BC that has 100% First Nation leadership. Because FNFC is 100% led by First Nations subject matter experts, we are able to bring a unique perspective to marine and coastal planning; one that is both rooted in lived experience, and founded through authentic, traditional models of governance and practice.

Supporting this work through future oceans protection and management initiatives could be accomplished by collaborating with FNFC to coordinate and facilitate a South Coast Indigenous Knowledge Committee, establishing and implementing First Nations-designed protocols and frameworks for promoting knowledge coexistence.

FNFC EXPERTISE AND STRENGTHS

FNFC brings the following strengths to BC marine and coastal management coordination:

- A proven track record in developing governance mechanisms, forming collaborative relationships among First Nations organizations, and working alongside them to build a cohesive voice on fisheries matters.
- A commitment to bring a pre-established advisory of invested stakeholders and First Nations together to provide a strong foundation from which to advance future phases of OPP from. It is because of our commitment to ensuring First Nation voices are forefront in all that we do that we have such a multitude of invested First Nations, partner organizations and other subject matter experts excited to engage with FNFC on marine and coastal management.
- Success and ability to uniquely engage with First Nations as well as multi-sectoral partnerships through our evidence-based, traditionally grounded 3-Tier engagement approach. Implementing a 3-Tier engagement process enables us to convene parties in a model that provides appropriate conversations at appropriate scales.



V. FUTURE OUTLOOK

BUILDING ON SOLID FOUNDATIONS

OPP presents new opportunities for First Nations coast-wide to meaningfully participate in marine protection and management, and to develop new collaborative partnerships and processes with government agencies and stakeholder groups. While FNFC's current work under OPP focuses primarily on the South Coast region, longer-term planning must move toward integrated approaches beyond the scope of current OPP processes. Collaborative, inclusive, and holistic approaches to marine conservation and management are required to support ongoing development of First Nations governance, capacity, and leadership: **First Nations must be positioned as leaders in advancing additional phases of OPP.**

FNFC RECOMMENDATIONS TO THE GOVERNMENT OF CANADA

First Nations in BC recognize the need for collective strategies to safeguard and restore marine habitats. New and innovative approaches to marine management will ensure that our shared resources will sustain the health of our loved ones and communities for generations to come. First Nations in BC are committed to supporting the sustainable growth of BC's diverse economies, cultures, and way of life now, and for the future. **First Nations are invested in and ready to engage in developing additional phases of OPP.**

In addition to the continuation and resourcing of MSP and CEMS, the following outlines opportunities for the Government of Canada and First Nations of BC to collaboratively strengthen oceans protection work along BC's South Coast.

FNFC is prepared to facilitate the required processes and structures to improve First Nations inclusion in and government-to-government development of future OPP endeavors. The foremost priority for FNFC is to coordinate First Nations capacity and develop a coherent and united voice among First Nations in BC on oceans protection. Building structures for effective governance and accountability is the foundation of all FNFC's work, established through unique and innovative processes that hold us accountable both to government for the purposes of funding, and to First Nations as per the *BC First Nations Fisheries Action Plan*. **FNFC is well positioned to support the Government of Canada in developing future OPP initiatives with First Nations in BC.**

VI. APPENDIX

APPENDIX A – COMMITMENT TO ACTION AND RESULTS ACCORD

OCEANS PROTECTION PLAN COMMITMENT TO ACTION AND RESULTS

Effective date of this agreement is March 22nd, 2019

BETWEEN

THE FIRST NATIONS FISHERIES COUNCIL OF BRITISH COLUMBIA

{"FNFC"}

AND

HER MAJESTY THE QUEEN IN RIGHT OF CANADA as represented by Transport Canada, Fisheries and Oceans Canada, Canadian Coast Guard, and Environment and Climate Change Canada

{"Canada"}

{Collectively, the "**Parties**"}

1. PURPOSE:

The purpose of this document is to provide a non-legally binding framework that facilitates the effective and respectful working relationship between the Parties with a focus on overcoming barriers and improving approaches to supporting First Nations involvement in the implementation of the Oceans Protection Plan. Through joint work planning the Parties will partner to determine areas of collaborative work and timelines for completion of the identified work.

Z. PRINCIPLES:

The discussions and collaborative efforts of the Parties will be guided by the following principles:

- a. Respect
- b. Inclusiveness
- c. Flexibility
- d. Sustainability
- e. Stewardship
- f. Accountability

3. CONTEXT:

In entering into cooperative discussions, the Parties acknowledge:

- a. The fundamental importance of protecting the marine environment and ecosystems to First Nations in British Columbia;
- b. That Canada and First Nations in British Columbia share common goals of maintaining healthy ecosystems and promoting the sustainable and safe use of those resources;
- c. That effective working relationships between Canada and First Nations in British Columbia are important to advancing these goals and the interests as they relate to the Oceans Protection Plan;
- d. For the purpose of this agreement Transport Canada will be the lead federal department on behalf of Canada regarding coordination of Oceans Protection Plan engagement;
- e. That there are other avenues and agreements for Indigenous partnerships and participation in the Oceans Protection Plan broadly, and at the Oceans Protection Plan initiative level, for First Nations and other Indigenous groups;

- f. That the scope of the issues relevant to First Nations in British Columbia includes those related to the protection, stewardship, and safe use of the marine environment that may be addressed under the Oceans Protection Plan;
- g. That First Nations in British Columbia have developed a *BC First Nations Fisheries Action Plan* that provides a basis for the Parties to discuss collaborative initiatives and priorities related to the Oceans Protection Plan;
- h. That as Section 35(1) of the *Constitution Act, 1982* states: "the existing aboriginal and treaty rights of the Indigenous Peoples of Canada are hereby recognized and affirmed";
- i. That Canada has a fiduciary relationship with the Indigenous Peoples of Canada, and the relationship between Canada and First Nations is therefore different in character than the relationship between the federal government and other stakeholder groups; and
- j. That Canada is guided in its relationship with Indigenous Peoples by the *United Nations Declaration on the Rights of Indigenous Peoples* and the *Principles Respecting the Government of Canada's relationship with Indigenous Peoples*.

4. ROLES AND RESPONSIBILITIES:

The Parties recognize:

- a. That Canada has responsibilities with respect to developing and implementing policies and programs in support of Canada's scientific, ecological, social, safety and economic interests in the marine environment, and to ensure the safe movement of people and goods by water;
- b. That First Nations in British Columbia also have responsibilities with respect to aquatic resources and seek to take on greater leadership and stewardship responsibilities;
- c. That the FNFC, on behalf of its affiliated organizations (as outlined in the *FNFC Strategic Plan 2015-2018*), is responsible for:
 - i. Identifying areas of mutual interest and potential collaboration on Oceans Protection Plan initiatives;
 - ii. When appropriate, including Oceans Protection Plan initiatives at regular province-wide forums and assemblies to increase open dialogue, cooperation and support;
 - iii. Sharing information on fisheries, marine and aquatic resources, and issues related to the Oceans Protection Plan with First Nations in British Columbia and supporting improved information collection and collaboration;
 - iv. Advancing the interests of First Nations in British Columbia as they relate to the Oceans Protection Plan by supporting and building effective working relationships with First Nations, First Nations organizations (provincial and national), governments, and others;
 - v. Working in collaboration with Canada, and providing a coordinating and advisory role with First Nations in British Columbia to support the building of long term relationships; and
 - vi. Supporting reconciliation amongst First Nations, First Nations and governments, and third parties;
- d. The importance of supporting local, regional, and sector-specific approaches to, and expertise on, Oceans Protection Plan initiatives. The Parties recognize the importance of effective community engagement, regular communications, and incorporating the expertise of First Nations professionals into the collaborative work of the Parties; and
- e. The importance of working together to increase opportunities for integrated planning between the Parties and third-party interests.

5. WORK PLANNING:

- a. The Parties will develop a joint work plan(s) describing joint project areas, timelines, roles, responsibilities and deliverables.
- b. The core work of the joint work plan(s) will be accomplished through:
 - i. Regularly scheduled meetings between the FNFC and regional Oceans Protection Plan officials;

- ii. Activities as agreed upon by the Parties per the work plan.
- c. The Parties will jointly identify when meetings with senior federal officials, other federal departments or other first Nations organizations are required and will work together in the organization of such sessions.
- d. The Parties will jointly identify when broader dialogue between First Nations in British Columbia, Canada, and others are required, and will work together in the organization of such sessions.

6. AMENDMENT and TERMINATION:

- a. A Party may request that this document be reviewed or amended at any time. Any amendments to this document must be in writing and agreed to by both Parties.
- b. A Party can terminate its participation in this agreement by providing three (3) months written notice to the other Party.
- c. The Parties will work together to define timelines and processes to review the progress of collaborative discussions, and processes for reviewing, amending or terminating this document.

Signed on behalf of the First Nations Fisheries Council:

Signed on behalf of Her Majesty the Queen in Right of Canada:



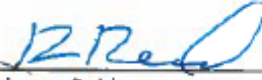
 Ken Malloway
 President
 First Nations Fisheries Council



 Robert Dick
 Assistant Deputy Minister
 Transport Canada
 Pacific Region




 Hugh Braker
 Vice President
 First Nations Fisheries Council




 Rebecca Reid
 Regional Director General
 Fisheries and Oceans Canada
 Pacific Region



 Thomas Alexis
 Secretary
 First Nations Fisheries Council



 Roger Girouard
 Assistant Commissioner
 Canadian Coast Guard
 Western Region



 Caroline Caza
 Regional Director General
 West and North
 Environment and Climate Change Canada