

First Nations Fisheries Council

June 2011 Communiqué



FIRST NATIONS
FISHERIES COUNCIL

MESSAGE FROM THE FNFC EXECUTIVE DIRECTOR

Greetings everyone,

It has been a busy two months since our last bi-monthly update. I have provided below a snapshot of the current issues we're working on at the First Nations Fisheries Council (FNFC) from the perspective of the Executive Director. We hope that these bi-monthly updates will help to keep BC First Nations informed about the initiatives and activities of our organization.

Strategic Planning:

The FNFC has been busy on a number of fronts, including participation in numerous Tier 1 and Tier 2 sessions to elicit information and develop the feedback for the purposes of building out the 3 year strategic plan for the FNFC. Beginning in May, the FNFC met with several Directors of DFO sectors to discuss the priorities of the FNFC. In addition, this gave DFO the opportunity to identify their own priorities, which will allow us to build toward a strategic plan that will incorporate and identify mutually beneficial objectives. The strategic plan will ultimately serve as the foundational information for a multi-year contribution agreement for the FNFC after this fiscal year.

Relationship Accord:

The FNFC's priority focus for the first quarter of this business cycle is to more clearly define the relationship between and among First Nations organizations to ensure a more cohesive, coordinated, and effective voice on *policy level matters* on behalf of First Nations. We invited the First Nations Leadership Council to our strategic planning session in May, and agreed to formally develop a Relationship Accord. This Accord is consistent with the All Chiefs Task Group acceptance of the terms of reference calling for Memoranda of Understanding between the partnering organizations and councils in order to build more constructive and effective interactions between the BCAFN, UBCIC, and FN Summit. The FNFC staff and the Leadership Council's operations staff are currently drafting this Accord. As a complementary component to this process, local and watershed level First Nations participants on our bi-weekly update conference calls have also expressed a need to work more cohesively and effectively with one another. The FNFC will be following up on a process for relationship building with these local, regional and watershed level groups.

Joint management process:

The Integrated Fisheries Planning process, which includes the development of IFMPs (Integrated Fisheries Management Plans), occurs through the Integrated Harvest Planning Committees. First Nations have identified a number of concerns with the IHPC and IFMP processes, including First Nations representation at the IHPC, the process of appointing First Nations delegates, and how input and advice from First Nations on the development of IFMPs is considered by DFO. Perhaps the most explicit concern is the development of decision rules that may impact or infringe on Section 35-1 fisheries, as a Tier 3 process is

not appropriate the appropriate forum for decisions that could affect First Nations rights. The FNFC has a meeting with Jeff Grout to discuss this issue scheduled for June 16th.

Included in this portfolio will be the need to identify efficiencies in harmonizing activities of the 4 working groups under the DFO Commitment to Action accord. The federal aquaculture program implementation and the potential sunset of the PICFI program have emerged as priorities that must be considered and resourced as business lines that have to be rationalized with the emerging priorities below.

Case law implementation / Media responses

First Nations have expressed extreme dissatisfaction with the poorly considered interpretation of Supreme Court of Canada decisions, and the lack of implementation or consideration to DFO program envelopes; this will be a focus of work planning moving forward.

At the strategic planning session with the Leadership Council, it was stated that developing a process for timely and effective media responses is a specific priority from the political level. The FNFC will be developing a process to accommodate this in the business planning.

Overview of Recent Meetings

April 26: Gladstone/Ahousaht Reconciliation meeting (Case law implementation)

April 26: FNFC Board Meeting (Conference call)

May 3: FNFC/DFO Directors Meeting (FNFC strategic planning)

May 4: IHPC Meeting – Richmond (Second draft, salmon IFMP)

May 9-10: Forum on Conservation and Harvest Planning – Kamloops (Tier 1/Tier 2)

May 17-18: Cohen Commission Attendance (Enforcement)

May 19: Mandell Pinder – First Nations Coalition (Draft inquiry recommendations)

May 30-31: FNFC/FNLC Strategic Planning (Relationship building)

June 1: FNFC Bi-weekly Update Conference Call (COSEWIC Eulachon Assessment)

June 1: UBCIC – Resolution – Salmon as a symbol of BC (FNFC Update)

June 2: Meeting with RD, DFO FAM, TAPd (R. Reid, S. Murdoch)

June 6: Aquaculture Working Group – UBCIC (Tier 2)

June 7-8: Economic Access Community Dialogues – Richmond (PICFI 2.0/sunset?)

June 9: FN Summit Update and Reporting Out (Salmon Symbol Resolution)

June 10: Cohen legal team call (Water use – effluents)

June 10: Meeting with FNFC Board Member – H. Wright – Joint DFO review committee

Regularly Scheduled Meetings:

Every 2nd Wednesday: FNFC Bi-weekly Update Conference Call (9:00am-10:30am)

Friday mornings: Reviews and Updates on Cohen Commission (9:00am)

Last Tuesday of each month: FNFC Board Meetings (alternate in-person and conference call)

If you would like more information about our organization, or to join our email list to stay informed on First Nations fisheries issues in BC, please get in touch with us by emailing info@fnfisheriescouncil.ca.



Thanks,
Jordan Point

ECONOMIC ACCESS COMMUNITY DIALOGUE SESSIONS – June 7-8, 2011

SUPPORT A LARGER FIRST NATIONS' SHARE OF COMMERCIAL FISHERIES

The federal PICFI program ends on March 31, 2012. The First Nations Fisheries Council is inviting your support to advocate for a second phase of the PICFI program to the federal government.

At a Community Dialogue Session in Richmond on June 7-8, 2011, First Nations delegates urged the FNFC to advocate for an increased share of commercial fisheries for First Nations. In 2007, Fisheries & Oceans Canada introduced the Pacific Integrated Commercial Fisheries Initiative (PICFI), a \$175 million investment in the Pacific fisheries over a five-year period (2007-2012) for economic access, enhanced accountability, capacity building and co-management. PICFI is a sunset program due to end on March 31, 2012. The program currently supports 25 commercial fishing enterprises in the province, encompassing 90 First Nations. The need for accelerated economic access transfers was identified by the First Nations Panel on Fisheries in 2004, and was supported by DFO through Pacific Fisheries Reform policies in 2005, resulting in the PICFI program.

The PICFI program is a first step in transferring access and allocations to First Nations. Additional First Nations economic opportunities are needed, as well as continued support to address food security, fisheries sustainability, and meaningful First Nation involvement in fisheries management and multi-tier advisory processes. At the Dialogue Session, First Nations recommended the continuation of the PICFI program for a second five-year term, with a proposal that requires \$425 million to support the following activities:

- **Economic Access** is the largest component and will focus on additional transfers of communal commercial licenses or allocations to First Nations. The target is an additional 20 percent of licenses and quota, especially for fisheries of high value and profitability. The goal is to will bring the First Nation communal share of commercial fisheries to 33 percent. A portion of the funds will be used to explore alternative management and access strategies to enhance benefits for communities and businesses. The transfers will result in stronger and more diversified business opportunities for First Nations.
- **Capacity Building** will support training, such as safety, navigation, mentorships, and harvesting and processing certifications, to assist the expansion of communal commercial fishing opportunities in First Nation communities. Funds for ongoing business operations, management and development for commercial fishing enterprises will also be provided. This enhances First Nations financial and administrative stability, an important element in fostering enduring relationships with government, stakeholders and investors.
- **Joint Management** will support strategies, recommendations and projects that improve First Nations engagement in the integrated management of fisheries and aquatic resources.
- **Enhanced Accountability** will support current initiatives related to the development of standards for the monitoring and traceability of fish and new initiatives related to compliance and enforcement within all fisheries, including aboriginal, recreational and commercial.

The 2011 Speech from the Throne highlights the federal government's interest in supporting economic development on reserve lands by enabling communities to pursue and seize economic opportunities. The continuation of the PICFI program will assist First Nations in the development of governance and economic structures that support the Canadian economy. In addition to employment opportunities and profits that will be generated in First Nations communities, the continuation of PICFI will reduce the need for fisheries litigation, enable self-sufficiency, and revive the fishing traditions that contribute to strong families and prosperous communities.

The success of the proposal depends on First Nations support. Show your support by taking the following action:

Scale	Activity
Community	Send letters of support from your First Nation or Tribal Council to the First Nations Fisheries Council
	Seek letters of support from municipalities and regional districts articulating local economic benefits (with e-mail copies to First Nations Fisheries Council - info@fnfisheriescouncil.ca)
Provincial	Support resolutions by the British Columbia Assembly of First Nations, the Union of British Columbia Indian Chiefs, First Nations Summit and Native Brotherhood
	Seek support from your MLAs
National	Seek support from BC Members of Parliament
	Support endorsement by the National Assembly of First Nations

We are asking that First Nations please CC the FNFC on any letters of support for the continuation of the PICFI Program at info@fnfisheriescouncil.ca.

For further information, please contact the First Nations Fisheries Council:

Phone: (604) 568-9262 • Email: info@fnfisheriescouncil.ca • Website: www.fnfisheriescouncil.ca

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COSEWIC ASSESSMENT OF EULACHON

Eulachon have always been an important fish to BC First Nations, but in recent years, the coast-wide population of eulachon has declined significantly. This decline has prompted the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) to assess three designatable units of eulachon: (1) Fraser River and (2) South Central Coast units have been designated “endangered”, and (3) the Nass and Skeena unit has been designated “threatened”. The assessments are currently under review by the federal government, and if given legal listing under the Species at Risk Act (SARA), DFO as the lead agency will be required to design and implement eulachon recovery strategies.

Many BC First Nations are concerned with the overall status of eulachon populations, and are generally supportive of recovery actions that will help to preserve and rebuild the endangered runs. One of the major issues associated with the COSEWIC assessment is that by having identified only three designatable units over such a large area, COSEWIC has lumped together some strong runs with weaker ones. So while eulachon are declining overall, a few rivers (e.g. Klinaklini, Kingcome, Skeena and Nass) are still seeing strong returns. First Nations in these areas are concerned that a SARA listing using the COSEWIC assessment will mean a halt to their traditional management practices, ultimately affecting their eulachon fisheries. In addition, the majority of research on eulachon in BC is being conducted by First Nations, thus any future research triggered by a listing should heavily involve First Nations, and in most instances follow their lead.

The FNFC has already advised DFO that BC First Nations have a keen interest in eulachon, and that DFO should be prepared to undertake extensive consultation with First Nations communities in order to inform DFO’s consideration of whether or not to recommend any of the eulachon designatable units for legal listing under SARA. The FNFC will continue to monitor this issue, and will share information regarding the COSEWIC listing of eulachon via our email distribution list and on our bi-weekly update conference calls.

THE LISTING PROCESS:

COSEWIC was established as an independent body of experts responsible for identifying and assessing wildlife species considered to be at risk in Canada. Wildlife species that have been designated by COSEWIC may then qualify for legal protection and recovery under Canada's Species at Risk Act (SARA). COSEWIC's assessments do not take into account political, social or economic factors. The potential impacts of legal listing are for the federal government to analyse during its review period. COSEWIC has forwarded its assessment to the Minister of the Environment and this triggers the Government's consideration of the wildlife species for legal listing. The Minister of Environment must respond to COSEWIC's recommended status within 90 days. Information on the legal listing process has been forwarded to Government by COSEWIC can be found on the SARA Public Registry at http://www.sararegistry.gc.ca/sar/listing/listing_e.cfm.

NEXT STEPS:

- The Minister of Environment will prepare a response statement within 90 days of receiving the assessments from COSEWIC. The statement will indicate how he intends to proceed, and the timelines for the listing process for eulachon. Listings of "extirpated", "endangered", and "threatened" require the introduction of a regulation, and will trigger a need to comply with the Cabinet Directive on Streamlining Regulation. It requires consideration of the potential impact of the regulation on health and safety, security, the environment, the social/economic wellbeing of Canadians, and the degree of interest, contention, and support among affected parties; Recovery Potential Assessments and Socio-economic analyses are undertaken to inform listing decisions.
- Each agency will consult with Canadians on all proposed listings. DFO will meet with potentially impacted stakeholders, and provide as much information as possible to inform participants in consultations.
- The package provided to the Minister of Fisheries always includes a summary of consultations. The results of the consultations are taken into account when preparing the Fisheries Minister's advice to the Minister of Environment.
- Once the Governor in Council receives the assessment from the Minister of Environment, a 9-month listing deadline is set, during which time a final listing decision must be made.
- The Minister of Environment provides recommendations to the Governor in Council. Before a final decision is made, proposed decisions are announced publicly and posted on the SARA Public Registry. Canadians are given 30 days to submit comments on the proposed decisions.
- A final decision will be announced.

PACIFIC SALMON AS AN OFFICIAL SYMBOL OF BC

The Pacific Salmon Foundation (PSF) and the Fraser Basin Council (FBC) contacted the FNFC about their efforts to ask the province to designate wild Pacific salmon as an official provincial symbol under the *Provincial Honours and Symbols Act*. Other official provincial symbols include the Kermode (Spirit) Bear and the Pacific Dogwood. The purpose of the proposal to designate wild salmon as an official provincial symbol is to raise awareness of the importance of wild Pacific salmon and deepen public commitments to the sustainability of salmon. Although the PSF and FBC plan to submit a report to the provincial government highlighting public support for the proposal, it was deemed necessary to seek First Nations support for the proposal as well.

Currently, the PSF and FBC are developing a package submission for the B.C. government to adopt this initiative, and the groups feel First Nations support is crucial for this initiative to be successful. As such, the parties have approached the FNFC and requested that the FNFC develop the appropriate materials to have the initiative supported by the 3 political organizations in B.C. Designating wild salmon as an official symbol of B.C. could have positive spin offs for First Nations, as well as providing recognition of the

cultural and social significance of this species to not only First Nations, but more broadly to all to British Columbians.

At the recommendation of the FNFC Board, the FNFC staff developed a resolution to support this initiative and brought it forward for consideration of the Chiefs in Assembly at the June meetings of the 3 political organizations. The resolution was unanimously passed at the UBCIC and First Nations Summit meetings. The resolution is set to be tabled at the upcoming BCAFN AGA later this month.

NEW FNFC OFFICE LOCATION AND CONTACT INFO

The First Nations Fisheries Council office has moved to a new location on the Musqueam Band. The new address is:

First Nations Fisheries Council
4011 Si-Lu Drive
Vancouver, BC V6N 4G5

Effective April 26, 2011, the FNFC will have new office phone and fax numbers.

Phone: 604-568-9262 – Fax: 604-568-9345

For general inquiries about the FNFC you can still reach us via email at info@fnfisheriescouncil.ca, or visit our website at www.fnfisheriescouncil.ca.

FIRST NATIONS FISHERIES COUNCIL EXECUTIVE

First Nations Fisheries Council members are appointed by First Nations around B.C. through processes that they determine at a region scale. There are 14 Council seats available. The intent of the Regions is that First Nations will work collaboratively to determine which area they participate in and how they wish to see appointments made. Below is a list of current Fisheries Council members.

Council Members

Jeff Thomas
Cliff Atleo
John Henderson
Steve Carpenter
Russ Jones
Don Roberts
Walter Joseph
John Ward
Howie Wright
Thomas Alexis
Hank Adam
Vacant
Ken Malloway
Wayne Sparrow

Region

South Island
Nuu-chah-nulth (West Coast Vancouver Island)
Kwakwaka'wakw (Northern Vancouver Island & Mainland Inlets)
Central Coast
Haida Gwaii
North Coast
Upper Skeena
Northern Transboundary
Columbia Transboundary
Upper Fraser
Mid-Fraser 1
Mid-Fraser 2
Fraser Valley
Lower Fraser/Lower Mainland

REGIONAL FISHERIES ORGANIZATIONS CONFERENCE CALLS

The First Nations Fisheries Council hosts Wednesday morning update conference calls for First Nations fisheries organizations on a bi-weekly basis. These calls are Tier 1, and are open to all First Nations and First Nations fisheries program staff.

Wednesday, June 15, 2011 (9:00 am to 10:30 am)

Wednesday, June 29, 2011 (9:00 am to 10:30 am)

Dial-in information and agendas are distributed prior to each conference call via our email listserve.

Summaries of past conference calls are available on the Fisheries Council website at:

www.fnfisheriescouncil.ca/index.php/mission-a-work-of-council/working-groups/regional-first-nations-fisheries-organizations

Please note that these summaries are internal to First Nations, and a username and password are required to view them. To get your username and password for our website, or to add your email to our listserve, please contact us at info@fnfisheriescouncil.ca.

CONTACT US

For more information about the First Nations Fisheries Council, please visit our website at www.fnfisheriescouncil.ca. For general inquiries contact us via email at info@fnfisheriescouncil.ca.