



FIRST NATIONS  
FISHERIES COUNCIL

**Planning for the Development of  
Integrated Management of Aquaculture Plans  
and an Advisory Committee Process for Aquaculture:**

**Considerations for British Columbia First Nations**

January 2011

*A Report by the B.C. First Nations Fisheries Council*

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## Summary of Discussion Questions and Recommendations

The following is a list of the discussion questions posed throughout this document. The purpose of each of the discussion document is to stimulate dialogue on various areas of importance to IMAP development. Relevant information pertaining to each of the discussion questions is presented within the paper. Under each discussion question, potential recommendation(s) are proposed for consideration. Additional discussion of each recommendation takes place within the paper. The recommendations are presented with the intent that they could form the basis of a dialogue and discussion both among First Nations and between First Nations and DFO in the development of a new aquaculture management regime for British Columbia.

**Discussion Question:** Are there elements from the IFMP approach that we should be considering in IMAP development?

- **Recommendation 1:** Canada and British Columbia need to ensure that adequate capacity and resourcing, and adequate timelines for First Nations engagement are built into the planning and management for aquaculture and other issues which have the potential to impact First Nations Title and rights.
- **Recommendation 2:** Establish a governance mechanism for B.C. which engages First Nations as an authority with jurisdiction related to aquaculture management

**Discussion Question:** What works and what could be improved upon with the current IFMP approach?

- **Recommendation 3:** The process related to the management of aquaculture needs to incorporate effective Tier 1, Tier 2, and Tier 3 elements.
- **Recommendation 4:** Ecosystem units for management of aquaculture should be developed that will link in the future to more broad IFMP development and which will facilitate area-based joint management.

**Discussion Question:** What criteria should be used to determine the geographical scale for IMAPs?

- **Recommendation 5:** Either a separate IMAP, or discrete sections of an IMAP, is needed to relate to the unique factors of each of the aquaculture regions.
- **Recommendation 6:** DFO should move to align the management regions for other species with the joint management Regions developed for aquaculture management.
- **Recommendation 7:** Strong Tier 1 & 2 processes at the B.C.-wide scale should support joint management related to science and policy development.

**Discussion Question:** What types of issues are best dealt with at the local/ community scale? What types of issues are better dealt with at an regional or B.C. wide scale?

- **Recommendation 8:** There needs to be clear accountability for Rights and title to the community scale. Tier 1, 2, and 3 processes need to be developed in each of the seven Joint Management Regions in collaboration with B.C. First Nations. These processes could link to an overarching Tier 1, 2, and 3 process which would be B.C. wide.

**Discussion Question:** What do you think of the suggested components for IMAPs? Are there other components that should be included?

- Recommendation 9: First Nations and DFO should begin immediately to develop an assessment of the true costs of First Nations participation in the management of aquaculture, and these costs should be borne by the proponents of aquaculture through licensing fees, and incorporated into the cost of doing business.
- Recommendation 10: DFO needs to support First Nations in the development of Marine Use Plans, and the incorporation of those plans into the development of IMAPs.
- Recommendation 11: DFO and First Nations should collaboratively develop success criteria and indicators to be incorporated into IMAPs, which will give a fulsome picture of the success of the IMAP and management of the aquaculture industry over the short and long term.

## Introduction to the IMAP Concept

On December 18<sup>th</sup>, 2010, regulation of the aquaculture industry in B.C. became a federal responsibility under the department of Fisheries and Oceans Canada (DFO). The shift in jurisdiction is a result of the February 2009 B.C. Supreme Court ruling in the *Morton* case<sup>1</sup> which ruled that fish reared in ocean cages qualify as a fishery, and are therefore under the jurisdiction of the federal government. Subsequently the federal and provincial government agreed that the ruling would apply to all forms of aquaculture. As a result, the governance processes and management framework for all aquaculture activities in B.C. require significant reform in order to balance the management responsibilities and jurisdictions federal, provincial, and First Nations governments. The outcome of this reform will be a new way of managing aquaculture in British Columbia.

B.C. First Nations assert Title to their territories and rights which relate to their lives and culture within those territories, and many B.C. First Nation assert that aquaculture infringes upon Title and rights. B.C. First Nations enjoy the right to broadly defined benefits of natural resources in their territories and it is reasonable to expect that these rights are likely to be infringed upon by aquaculture. Infringements could range from spatial exclusion, to impacts on ecosystem health, disruption of the food chain and/or food sources important to First Nations, and in general aquaculture management decisions which may impact the future of First Nations communities. The potential for infringement of Title and rights extends to First Nations in the interior of the province who are impacted by the upstream effects of farming activities.

First Nations Title and rights are protected under Section 35(1) of the Canadian Constitution. Although Title and rights are not defined by the Constitution they are increasingly being defined by the courts. These rights include the rights to engage in traditional activities and also include access to resources that may be adversely affected by aquaculture. Several recent court decisions on First Nations Title and rights have laid out directions for avoiding infringement that are applicable to aquaculture (e.g., *Sparrow*, *Delgamuuk'w*, *Marshall*, *Haida/Taku*, *Ahousaht*, and *Homalco*). First Nations can provide DFO with advice and direction to minimize the possibility of infringement and to ensure that the spirit of these court decisions are incorporated into the future management framework for aquaculture. Thus recognition, and respect for, the rights and Title of B.C. First Nations is fundamental to ensure that aquaculture develops in a way that does not negatively affect First Nations and is in the best interests of all parties<sup>2</sup>.

The First Nations Fisheries Council (FNFC) and DFO have established a joint Aquaculture Working Group (AWG) to promote the meaningful and effective engagement of B.C. First Nations in all aspects of aquaculture management. The FNFC was mandated by resolutions passed in the fall of 2009 by the three main First Nation representative bodies (BCAFN, FNS, UBCIC), which empowered the FNFC and the AWG to work together to forward the interests of B.C. First Nations within the field of aquaculture. One of these resolutions, *B.C. First Nations Statement of Solidarity on Aquaculture*, outlined four key areas in which First Nations requested active involvement. These areas are: the siting of farms; the science that guides the industry; monitoring and compliance; and day-to-day management. The other resolution, the *Statement of Jurisdiction on Aquaculture* empowered the FNFC and the AWG to engage senior decision makers and ensure the interests of First Nations are meaningfully considered in the regulatory reform process, and to facilitate an effective consultation process with B.C. First Nations.

Through discussions of the AWG, it has become apparent that DFO plans to model the management system for aquaculture on the existing Integrated Fisheries Management Plans (IFMP)/ Integrated

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<sup>1</sup> *Morton v. British Columbia (Agriculture and Lands)*, 2009 BCSC 660

<sup>2</sup> For a legal analysis of First Nations rights and title and the duty to consult on the DFO aquaculture initiative see Ratcliff & Co. 2010, available on [www.fnfisheriescouncil.ca](http://www.fnfisheriescouncil.ca)

Harvest Planning Committee (IHPC) approach used to manage other Pacific fisheries. Under this regime DFO will develop Integrated Management of Aquaculture Plans (IMAPs), which will be the aquaculture equivalent of IFMPs, using a process they are calling the Coast Wide Advisory Committee (CWAC), which presumably will be modelled after the existing IHPCs, to manage the aquaculture industry. At this time, little has been decided on the specific elements of the IMAPs or the structure/processes related to their development, and this provides an opportunity for First Nations to help in the design of this new management regime. In late January/February 2011, the FNFC (through the AWG) are hosting a series of workshops and Tier One community sessions to gather perspectives from First Nations on how the IMAPs and the Advisory Committee (AC) governance and process should be structured, and implemented.

## **What can we learn from IFMPs and IHPCs?**

DFO currently manages Pacific Coast fisheries through the development of **Integrated Fisheries Management Plans** (IFMPs). Within the Pacific Region, over 30 IFMPs are currently used to manage various fisheries. Different IFMPs are done for each species of commercially/recreationally harvested fish, and in some cases different IFMPs are done for different gear types.

IFMPs involve the development of annual or multi-year plans for harvesting, catch monitoring and compliance. The same template for IFMPs is used for all species. IFMPs serve as annual plans for setting out First Nations food social and ceremonial (FSC), commercial, and recreational fishing activities. They provide an update on science and stock assessment prior to a fishing season, and project the access, or fishing opportunity, that will be available. They also identify who will be able to access the resource and what rules and restrictions will be placed on that access, and in some cases how fisheries will be monitored and enforced.

Each IFMP is developed within DFO by staff responsible of a specific species of fish. IFMPs are supported through a DFO-managed process of multi-stakeholder **Integrated Harvest Planning Committees** (IHPCs). IHPC processes engage representatives from various stakeholder groups in a process designed to identify and resolve their issues and overlaps, with the theory being that the result will be a widely-accepted unified IFMP for the execution of that year's fishery. IHPC groups may request more detailed analysis of technical issues, which are the responsibility of to DFO to study. Research progress reports are part of ongoing agendas and representatives are able to question the results or the direction of the research. IHPC groups are generally weighted to have the majority of input from commercial stakeholders, although recreational fishing interests, First Nations, and environmental organizations all may participate to various degrees depending on their level of interest in a particular species and their available capacity and resources.

DFO is proposing to develop an IMAP process for aquaculture which will be modelled after the IFMP process. The analogy of 'an IFMP for aquaculture' is not entirely accurate, as the jurisdictions related to aquaculture, its exclusive control of spaces, its waste management and ecosystem impacts issues, and other related considerations make it much more complex than what is covered in an IFMP. It is also hard to separate the product, an IFMP, from the process used to develop it, the IHPC.

**Discussion Question: Are there elements from the IFMP approach that we should be considering in IMAP development?**

## What works in the IFMP approach?

One positive is that the meeting schedule of four meetings a year is fixed thus allowing members to plan. At each meeting, information about the upcoming season and a review of the past season is distributed and discussed. This provides an opportunity for participants to learn, and ask questions, about management systems and decisions. In some cases at a local scale First Nations and other stakeholders have been able to sit together to develop respectful working relationships which advance a more broad understanding of each parties interests.

As well, in theory the annual IFMP document is a comprehensive document that organizes, in one place, all the material, contacts and concerns related to the fishery. This was not always the case. Much general information is included and repeated verbatim year to year but recent improvements have seen changes from year to year highlighted so the reader can easily see what might be different for this year's fishery.

## What are some of the shortcomings of the IFMP approach?

Many First Nations identify issues with the current management approach that relate to both process and outputs.

### Process

In terms of process, shortcomings identified include concerns about governance, timeliness and lack of availability of data and information, lack of coordination among various processes, and structured inability for First Nations to participate effectively. Engagement can be understood as being on a spectrum (see Figure 1). First Nations have articulated a want to be actively engaged in all decisions which affect their territory in co-management type relationships (right side of the spectrum). However, current engagement in the IFMP processes is more advisory in nature (towards the left side of the spectrum).

<b>Centralized Government Management</b>		<b>← Range of Engagement →</b>			<b>Community Self-Governance</b>
<b>Informing</b>	<b>Information Exchange</b>	<b>Advisory</b>	<b>Joint Management</b>	<b>Devolution</b>	
<b>Government Management</b>		<b>Co-Management</b>			
DFO informs First Nations and stakeholders of decisions No input into decision making process	DFO informs First Nations and stakeholders what management actions it intends to take First Nations and Stakeholders may provide comment, E.g. Dialogue Forums	DFO outlines what it intends to do but does seek comment or input from FNs and stakeholders Assume that there is an analysis of options, Trade-offs, risk management Government makes the final decisions	Joint commitment to identify issues and processes for resource management activities and decisions Shared decision-making responsibility by DFO and First Nations	Government delegates the authority for resource management to First Nations	

### Outputs

With respect to outputs, concerns relate to a lack of adequate protection and accommodation of rights, poor accountability for meeting DFO's obligations to First Nations, a lack of flexibility and accommodation to traditional and/or preferred practices, and concern for the health and protection of aquatic resources.

**Discussion Question:** What works and what could be improved upon with the current IFMP approach?

## Considerations for First Nations Recommendations

There is an opportunity today, as Canada takes over responsibility for aquaculture, for First Nations to recommend improvements to the management system. One of the challenges First Nations face is to develop consensus about what those improvements might be in the face of a lack of funding and capacity to support either First Nations to First Nations discussions (Tier 1 processes), or organized dialogue between First Nations and federal/provincial governments (Tier 2).

### Effective Engagement

One of the first considerations of First Nations and governments should be that adequate capacity and resources, both for First Nations and governments, are factored into consultation processes. It is the understanding of the FNFC and the AWG that although a Treasury Board Submission was completed when DFO found out it would be taking on management for aquaculture, there were no resources allotted specifically for First Nations engagement or for future capacity for First Nations participation in a renewed management regime. Although DFO had the opportunity to ask for an extension to the dates for the implementation of the new regime, this time was not used effectively in terms of engagement of First Nations. As well, DFO staff participating in discussions were often ill-prepared for discussions which took place.

This has resulted in last minute work being completed, with inadequate funding for analysis and policy development, a lack of preparedness of DFO and First Nations, and results in inadequate consultation. It is also likely to severely limit the options available in discussions relating to the development of a management framework for aquaculture. This is a serious oversight and DFO needs to ensure that this is rectified not only for the management of aquaculture but more broadly.

**Recommendation #1:** Canada and British Columbia need to ensure that adequate capacity and resourcing, and adequate timelines for First Nations engagement are built into the planning and management for aquaculture and other issues which have the potential to impact First Nations Title and rights.

### Governance and Authorities

One of the most significant challenges with the current Fisheries Management regime results from the perspective and approach within DFO that the Minister has unfettered authority to make decisions related to fisheries, and the tendency in Fisheries Management to lump First Nations in with other 'stakeholders.' Both through the outcome of court decisions, and through negotiations and land claims settlements, decision-making mechanisms are being put into place which recognize that First Nations within B.C. and Canada have authorities which translate into a legitimate role within decision-making processes. A number of options are available to government, ranging from the development of recognition legislation, to the development of formalized boards or bodies.

Within British Columbia one example of this is the establishment of a National Marine Conservation Area which is jointly managed by Canada and the Council of the Haida Nation. Even within DFO Pacific Region, the Pacific North Coast Integrated Management Area (PNCIMA) process has been structured in a way that allows First Nations to sit at a decision-making table with the federal and provincial governments, in a governance role that frames the more broad multi-stakeholder engagement process. The establishment of these governance relationships are an important aspect of recognition that First



Nations Title and rights exist, and that government has an obligation to engage with First Nations on a government to government basis.

**Recommendation #2:** Establish a governance mechanism for B.C. which engages First Nations as an authority with jurisdiction related to aquaculture management.

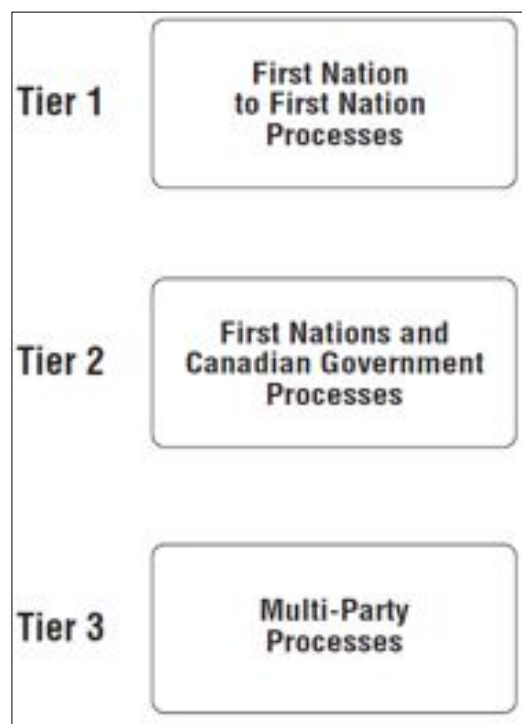
First Nations, in discussions with DFO at the 2010 Fall Fisheries Assembly in Prince Rupert, B.C., strongly voiced their expectation that the relationship between DFO and First Nations needs to move from one of information exchange or informing, to one of joint management. This does not mean that First Nations are opposed to participating in multi-stakeholder groups, or in working collaboratively with other stakeholders, but with respect to the framing of the relationship between DFO and First Nations there is a clear expectation that the parties will develop a working relationship based on recognition and respect of each other's authorities. With respect to the development of an explicit governance agreement, First Nations and DFO will want to outline the roles of each government in decision-making related to management, licensing role, environmental assessment, monitoring and enforcement, and other issues determined of high importance to both parties.

### Developing an Effective Process

Under the current fisheries management regime, IHPCs are the focal point for stakeholder engagement on the development of IFMPs. Only a very limited number of First Nations are able to participate in the IHPC processes (due to a limited number of seats, limited capacity, and a lack of funding), and therefore DFO uses local program administration staff to facilitate discussions with First Nations related to concerns and issues with various fisheries. Theoretically, issues arising from these discussions should be tabled at the IHPC. DFO and the commercial and recreational sectors in theory state that bringing these issues through the IHPC process can generate problem solving and hopefully consensus on an annual fishing plan.

In practice, only a limited number of First Nations have the resources and capacity to participate in the IHPC (and in any case there are a limited number of seats available for First Nations in these processes). Those First Nations who do participate are only mandated to represent their own local First Nation (so in salmon for example, this may mean that only about 7 of 203 B.C. First Nations are really effectively engaged in the IHPC process). Without an effective Tier 1 process, and in some cases without a clear outline of dual accountability mechanisms (for First Nations and DFO), even those who participate in the IHPC are often frustrated by the lack of the ability of the process to deal with First Nations issues. In addition, concerns which are brought to local DFO staff by First Nations communities do not generally find their way to discussion at the IHPC scale, and therefore are not generally incorporated into IFMPs.

In the last ten years many First Nations in B.C. have started to talk about engagement in fisheries management and joint decision-making in terms of Tier 1, Tier 2, and Tier 3 processes. Concerns have been expressed by many First Nation communities that forced participation in multi-lateral process undermines assertions of aboriginal Title and rights, and the fiduciary responsibility of the Crown to address those rights.



First Nations generally prefer models which include processes that support the ability of First Nations to work collaboratively to identify and address their Title and rights issues (Tier 1), and which incorporate bi-lateral discussions which bring together government and First Nations (Tier 2). When these processes are working effectively many First Nations support participating in multi-stakeholder processes (Tier 3).

**Recommendation #3:** The process related to the management of aquaculture needs to incorporate effective Tier 1, Tier 2, and Tier 3 elements.

At present, DFO generates about 30 IFMPs every year. There are numerous processes associated with the development of these plans, most of which operate totally independently from one another. In many cases First Nations may be told that these meetings are happening, and may be able to access agendas or background for the meetings on the Internet, but the limited resourcing and capacity of most communities precludes their effective participation in these processes. These processes also generally take place in one central location, like Nanaimo or Vancouver, and many First Nations are not able to undertake the travel which would be required to participate in these processes. Even if the resources were available, it would not be possible for a fisheries manager from one rural community to organize their attendance at all of these meetings.

Although they are called ‘integrated’ harvest planning committees, many of these committees are not in any way integrated with planning committees or plans for other species. Each operate as a largely stand-alone process. This perspective is culturally at odds with the First Nations perspective which sees the community’s territory as being a web of connectivity – or as the Nuu-chah-nulth say – “*everything is one.*” It does not make sense to many First Nations that DFO develops independent processes and plans on a coast-wide basis for every species. This same consideration will relate to the management of aquaculture and the development of IMAPs. First Nation will likely want to consider urging DFO to develop a more localized ecosystem-based approach to management which could be used across the development of all IFMPs and IMAPs. Using the same geographic areas would allow for the development of local engagement that could provide inputs to fisheries management across all species and for aquaculture management. Developing IFMPs and IMAPs in the future based on ecosystem-units would also allow for more sharing of science and traditional/local knowledge, and the development of environmental indicators at a local scale.

**Recommendation #4:** Ecosystem units for management of aquaculture should be developed that will link in the future to more broad IFMP development and which will facilitate area-based joint management.

### **Potential Geographical Scales for IMAPs**

In terms of the development of these ecosystem-based units, and corresponding First Nations engagement, it would be helpful to have First Nations provide guidance related to what types of units would be most effective for future management. For the present we are assuming that one (or multiple) aquaculture plan(s) will cover off each of the various types of aquaculture (finfish, shellfish, freshwater, and enhancement). Feedback from First Nations should consider what units are most appropriate based on the natural environment, social and cultural considerations, economics, transportation, and human relations. It should also consider possible alignment in the future with other IFMP processes. Units need to be large enough that considerable infrastructure and process can be built around them, but local enough that communities relate to the scale at which they operate (eg. “X” is MY area).

Options for ecosystem units for IMAP development	
# Of Geographic Units	How They Are Divided
One B.C.-wide IMAP	One plan for all of B.C.
Two B.C. – wide IMAPs	One plan for shellfish across all of B.C. and one plan for finfish across all of B.C.
Two Coastal Regions and One Interior Region	North B.C. and South B.C. and one Interior – either separated by shellfish and finfish, or both sectors under one plan per region
Six Coastal Regions and one interior Area	An IMAP could be developed for each of the geographical regions used by the FNFC representation model - South Island, West Coast Vancouver Island, North Island/Mainland Inlets, Central Coast, Haida Gwaii, North Coast and Interior B.C. (see ANNEX A for a map of the Council Member regions)
One Region per intense farming area	Each area where there are farming activities clustered together (for example, one for the Broughton archipelago for finfish or Baynes Sound for shellfish).
?	<i>Other suggestions?</i>

**Discussion Question: What criteria should be used to determine the geographical scale for IMAPs?**

In consideration of the development of ecosystem units, it should be noted that First Nations have been very critical of the current fisheries management regime which operates on a coast-wide basis. As well, when the First Nations Fisheries Council conducted extensive consultations on the development of a Fisheries Council structure in 2009 there was a strong feeling from communities expressed that two units (North and South Coast) did not provide enough representation or adequately recognize the vast differences between communities on the coast. A model of fourteen regions in B.C. (including six coastal Regions) was adopted by the First Nations Fisheries Council, and was supported through resolution of the B.C. Assembly of First Nations (BC AFN), the First Nations Summit (FNS), and the Union of B.C. Indian Chiefs (UBCIC). In many cases First Nations have also been working collaboratively on a more local scale to undertake planning for fisheries management and aquaculture activities.

Decisions relating to a number of geographic units need to also link to the expectation as to what role will these units have in the process of IMAP development, and the capacity which communities will have for engagement in ongoing governance and processes. Current funding for the initial development of these capacities has generally aligned with the idea of between six and eight coastal Regions. The development of approximately seven Regions for British Columbia, each demarcated on a map with clear boundaries developed through bilateral consultation with First Nations could ensure that First Nations have a local mechanism through which they can provide input into the IMAP process. First Nations may want to be specific in recommending that IMAPs be developed with discrete sections outlined for each of these seven Regions.

**Recommendation #5: Either a separate IMAP, or discrete sections of an IMAP, is needed to relate to unique factors of each of the aquaculture regions.**

In accordance with the findings of the Canadian judiciary system, it is clear that First Nations Title and rights are held at the local community scale. It is the hope and expectation of First Nations that if effective Tier 1 and Tier 2 processes are developed related to aquaculture, issues related to rights infringement can be identified early in the management process and negative impacts can be mitigated. It is possible however, that some First Nations may need to work directly with DFO on issues related to

their Title and rights. The management system for aquaculture needs to respect this approach. An effective process for aquaculture management within the Pacific Region therefore must recognize that discussions need to take place for Tier 1 and Tier 2 relationships at the local, regional, and B.C.-wide scale.

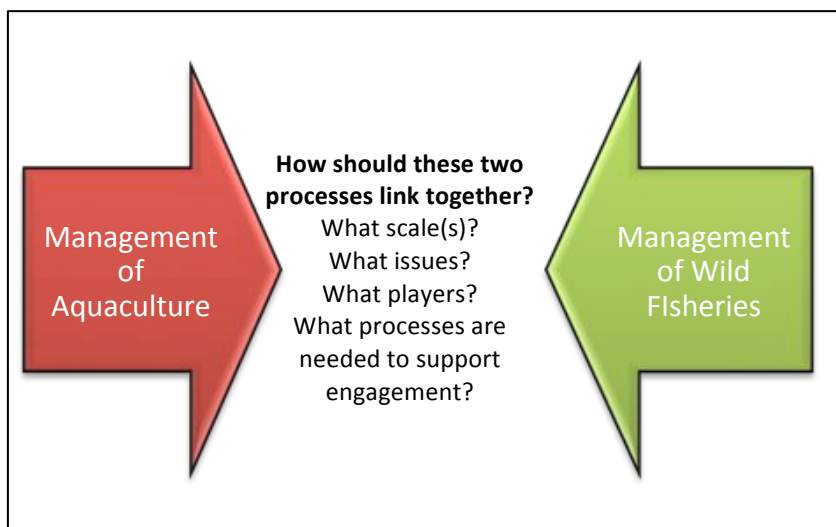
**Discussion Question:** What types of issues are best dealt with at the local/ community scale? What types of issues are better dealt with at an regional or B.C. wide scale?

**Recommendation #6:** There needs to be clear accountability for Rights and title to the community scale. Tier 1, 2, and 3 processes need to be developed in each of the agreed upon Joint Management Regions in collaboration with B.C. First Nations. These processes could link to an overarching Tier 1, 2, and 3 process which would be B.C. wide.

In order to support the development of a representative number of aquaculture Regions, DFO needs to incorporate the costs of effective engagement with First Nations into the costs of doing business for aquaculture. It would be rational to consider that the more aquaculture there is in an area, the more capacity which will be needed for First Nations to engage in management, in order to effectively identify potential infringement of Title and rights and to develop good mitigation or accommodation strategies.

**Recommendation #7:** First Nations and DFO should begin immediately to develop an assessment of the true costs of First Nations participation in the management of aquaculture, and these costs should be borne by the proponents of aquaculture through licensing fees, and incorporated into the cost of doing business.

Earlier remarks have touched on the possibility of impacts occurring between capture and wild fisheries. These impacts might be between capture finfish and capture shellfish operations; capture finfish and wild fish and capture shellfish and wild fish populations. Thus it seems reasonable that some relationship between the IMAP and IFMP processes needs to be constructed. In the future an objective of improved management would be to link the management of other fish species, the development of IFMPs, and the processes related to the development of those IFMPs to the Regions developed for aquaculture management.



**Recommendation #8:** DFO should move to align the management regions for other species with the joint management Regions developed for aquaculture management.

First Nations within B.C. expect that the governments of Canada and British Columbia will work with them to develop a more collaborative relationship with respect to broad science and policy development, which would inform the development of IMAPs. An effective Tier 1 and 2 process at the B.C.-wide scale could engage First Nations with government in an ongoing dialogue related to issues like broad science to support decision-making and ongoing policy development.

**Recommendation #9:** Strong Tier 1 & 2 processes at the B.C.-wide scale should support joint management related to science and policy development.

## IMAP Development

As outlined in the section above on process, the development of IMAPs needs to link effectively to ecosystem Regions, and needs to incorporate effective Tier 1, 2, and 3 processes. Within each Region, an important component of IMAP development and evaluation will be the incorporation of First Nations' Marine Use Plans. Supported through DFO's Oceans and Integrated Management initiatives, Marine Use Plans are currently being used throughout much of the B.C. coast by First Nations to take stock of their natural resources, preferred locations for various cultural activities, and to plan for future sustainable economic development. The development of IMAPs in the future need to incorporate and respect the development of these plans, to support their development, and as Tier 3 processes evolve, so create integrated Marine Use Plans which respect the overall vision and plan of communities and stakeholders for their aquatic resources.

**Recommendation #10:** DFO needs to support First Nations in the development of Marine Use Plans, and the incorporation of those plans into the development of IMAPs.

## Other Potential Components of IMAPs

At this time, there is no formalized list of what will be included within an IMAP. This presents a unique opportunity for First Nations to shape how IMAPs are structured and what components are included. Some components may be brought over from what is included in IFMPs, however given the unique characteristics of aquaculture versus capture fisheries, other unique components will need to be included. Other components that First Nations may want to see included within an IMAP are:

- An overview of the sector in each region, including an examination of the economic, social and environmental effects
- An overview of First Nations whom assert rights and Title within the IMAP region
- A statement of the issues that require directed management attention and the related scientific basis for understanding these issues. As well, potentially a listing of issues within each area that require further scientific examination.
- General Management Direction which includes the management objectives for each region
- Information on how the IMAP will be implemented, and how compliance and enforcement will occur.
- Information on how monitoring will be occurring, what future research priorities are, and mechanisms on how the IMAP will be revised and updated with changing conditions and/or scientific understanding.
- Guidance/policies associated with incidental bycatch and recapture of escape fish
- Performance indicators for IMAPs - social, environmental and economic.

**Discussion Question: What do you think of the suggested components for IMAPs? Are there other components that should be included?**

First Nations and DFO need to work collaboratively to determine factors for success of IMAPs. Some of these criteria may be B.C.-wide, some Regional, and some local. They should include issues which are of importance to First Nations, including measures of success related to the health of resources, infringements on rights, and the development of successful partnerships. The development of Plans should include the establishment of success indicators which focus not only on economic targets, but also on the social, cultural, and environmental objectives for individual Regions and for B.C. as a whole.

**Recommendation #11:** DFO and First Nations should collaboratively develop success criteria and indicators to be incorporated into IMAPs, which will give a fulsome picture of the success of the IMAP and management of the aquaculture industry over the short and long term.

The First Nations Fisheries Council and the Aquaculture Working Group have developed a table of management functions related to aquaculture, divided into the areas of governance, management, and operations. The management aspects outlined in these tables were identified as the key areas where First Nations wanted to be part of the decision-making process, and were identified as a result of the nine community meetings held by the FNFC to discuss the development of the aquaculture regulations in spring 2010. In order to develop an effective IMAP process, First Nations and DFO should work collaboratively to understand which of these management functions are most appropriate to tackle at the community, Region, or B.C.-wide scale. As a separate exercise the Fisheries Council will be working with First Nations in order to obtain feedback on how First Nations see their communities becoming engaged in these issues.

## **Conclusion**

As the Department of Fisheries and Oceans Canada moves forward with the development of IMAPs, and the implementation of a new management regime for aquaculture, it is important that First Nations consider the above discussion questions and recommendations. These recommendations relate to both IMAPs and, perhaps even more importantly, the process and governance which relate to IMAP development. The Aquaculture Working Group is made up of First Nation and DFO representatives. This group has been attempting to “set the table” so that the right parties can discuss how this process can best be organized.

## ANNEX A: First Nation Fisheries Council Member Regions

