



FIRST NATIONS SUMMIT

July 23, 2010

Honourable Gail Shea
Department of Fisheries and Oceans Canada
House of Commons
Ottawa, Ontario K1A 0A6
VIA FACSIMILE AND POST: 613-992-1974

Dear Minister Shea,

We are writing to express our concerns about the recent release of the BC Aquaculture regulations published in the Canada Gazette on July 10, 2010. The Crown has an obligation to consult directly with First Nations on a government-to-government basis on issues that may impact on Aboriginal title and rights and treaty rights. Further, the United Nations Declaration on the Rights of Indigenous Peoples states:

Article 32:

- 1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and others resources.*
- 2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.*

Clearly, the issuing of licenses pursuant to these proposed regulations has the potential to impact on title and rights and treaty rights, as does the proposed joint BC-DFO decision-making table to be responsible for industry-wide decision-making processes.

We recognize the work conducted in February and March 2010 between DFO and the First Nations Fisheries Council to start the initial dialogue on this important subject. Valuable input was provided by First Nations through that regional dialogue process. Of utmost importance is the fact that First Nations that attended those sessions provided some feedback to DFO about the contents of the regulation but saw those sessions as the first step in a dialogue – they did not accept that that feedback fulfilled the Crown's consultation obligations. First Nations strongly indicated that they expect to continue to work jointly with DFO on the development of the regulations.

We strongly believe that the outcomes of that regional dialogue process provide an excellent starting point for further discussions, and note that work is ongoing by the First Nations Fisheries Council on many of the technical issues that need to be addressed in the regulations. Further work with First Nations is required in order to ensure that the regulations support First Nations laws, authority, and traditional knowledge, and consider the economic component of Aboriginal Title and Rights and Treaty Rights. This joint work with First Nations must be adequately resourced by DFO. We urge you to

meaningfully engage with First Nations in BC in a joint, resourced process for the development of regulations.

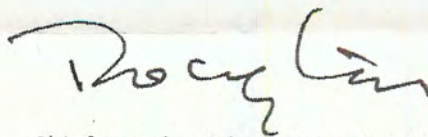
Finally, we understand that DFO plans to roll over existing licenses without any consultation with local First Nations, and that many of these First Nations were not adequately consulted about these licenses in the first place. This shift to federal jurisdiction over aquaculture now obliges the federal government to consult on the issuance of licenses, which we understand is not a view that DFO shares. We strongly encourage you to take adequate steps to consult on existing licenses as this new jurisdictional regime gets underway.

Sincerely,

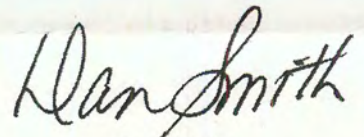
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A stylized, handwritten signature in black ink, appearing to be 'E. John'.

Grand Chief Edward John

A handwritten signature in black ink, appearing to be 'Douglas White III'.

Chief Douglas White III Kwulasultun

A handwritten signature in black ink, appearing to be 'Dan Smith'.

Dan Smith

cc. First Nations Fisheries Council ✓