

## Notes from Conference Call on August 31<sup>st</sup> 2010 starting at 3:30PM

### Participants:

- Ross Wilson, Heiltsuk Marine Resources
- Jim White, Heiltsuk Council member for Vancouver
- Greg Thomas DFO Naniamo
- Randy Brahniuk, DFO Naniamo
- Susan Anderson Behn IMAWG- notes

### Background:

Heiltsuk had requested 5000 pieces of Fraser Sockeye for distribution FSC to Heiltsuk urban members in the Vancouver area.

Art Lawson, a Heiltsuk skipper, had been waiting for over a week in Campbell River for permission to take these fish and deliver them to the Vancouver area.

DFO had said previously that this was not possible.

### Discussion:

**Ross Wilson and Jim White** opened by stating that Heiltsuk has around 1000 members living off reserve, most in the Lower Mainland, and they wanted 5000 pieces of Fraser Sockeye to deliver to those members.

Ross raised the point that it was now too late to take these fish in Area 7 and 8, but they thought they should be able to use the "dual fishery pilot project" to take the fish.

There was discussion about DFO recognizing a Nation to Nation agreement or protocol to ensure that Heiltsuk received the FSC requested, and a comment made by Ross Wilson that they understood that some of the First Nations had already maxed out their community First Nations allocations as listed in their AFS agreements, so it was complicated for Heiltsuk at this point in time.

### Ross Wilson:

Stated that unless these FSC fish are available, Heiltsuk will not meet its FSC needs this year, which is particularly difficult, since fish are abundant right now. This is politically difficult for Heiltsuk Chief and Council.

**Ross Wilson:** Our allocation for FSC is based on 2% of the TAC. Under our AFS agreement that's how its supposed to be laid out, so it goes up and down with the TAC each year. It's a formula.

This applies to all species, not just Fraser Sockeye, other salmon species and halibut as well. We have access to this fish, as long as its available to us. If there is a TAC on those fish, we have access.

**Greg Thomas:**

We do not consider that Northern First Nations have any access to Fraser sockeye. The allocation that is listed for FSC in your communal licence is stock and species specific. The basket of fish which Heiltsuk can have access to , under the conditions of the communal licence, is defined by DFO.

**Randy Brahniuk:**

The Marine Area First Nations do not all have access to Fraser salmon for FSC. There is a total amount in the pre-season planning of 260K Fraser Sockeye for use as FSC. That number cannot be changed in season, no matter how abundant the Fraser fish are.

There are two communities on Vancouver Island that do not have any Fraser Sockeye allocation at all.

The Area and Stocks which each First Nation can access, is identified in the Communal Licence. Heiltsuk area, and the stocks they can harvest for FSC, are identified in the Communal license.

**Ross Wilson:** That detail is not in our Agreement with DFO. We have always taken Fraser salmon as a passing stock, in addition to those fish we harvest from our local production. Our local systems subsidize the Fraser and other passing stock Heiltsuk depends on.

**Randy Brahniuk:**

Our approval for the Heiltsuk licence limits where Heiltsuk can fish. It includes;

- Historic Area designated as the location where Heiltsuk fishes
- The species allocated to be fished in that location by Heiltsuk

Its possible that some other group could provide Heiltsuk with fish from their own allocation, to supply Heiltsuk members in "satellite areas" (off reserve)

This is a political pressure point for DFO

The question of changing how FSC is managed, or increasing the amount of FSC available to BC First Nations is a bigger issue than we care to talk about.

**Ross Wilson:**

Heiltsuk was asked by other FN's not to fish the Early Stuarts this year....and Heiltsuk agreed to support that request. We went out of our way to avoid them, understood the value of those fish to other First Nations and respected their request.

We know we can catch passing stocks, but we still need to be able to provide fish to our urban members.

Its our challenge to DFO – how can we do this?

**Jim White:**

I have been involved in fisheries for years. Used to be the Executive Director of the Native Brotherhood, and am now represent the urban members of Heiltsuk. I know about the fish. It looks like there will be 25 to 30Million fish, and the upstream cannot handle 30million.

We have urban Heiltsuk. What is 5000 fish in 30 million?. We need those 5000 fish.

**Greg Thomas**

The allocation and the area for fishing for Heiltsuk are set. We have to work under the Treaty Guidelines. We are restricted by that policy. We have no option – no Fraser Sockeye.

Heiltsuk is to get their fish from the Heiltsuk fishing area....no sockeye, but chum

**Ross Wilson:**

We want that sockeye for the members. We have sockeye in our AFS agreement, and nothing says which sockeye that will be. There is a court case, a hunting case, where individual was hunting not in his local area. The judge stated that hunting and fishing rights could be exercised where they needed to be used, and were not limited to one location.

Lets go back to the 2% of TAC. We sign our AFS agreement at the beginning of the year, this is a unique situation. We want to use the 2% of this years TAC to provide access to the FSC we need.

**Greg Thomas:**

Area fishing is provided to the Heiltsuk. If one First Nation wants to provide fish to another, no DFO permit is needed.

**Ross Wilson:**

Lets forget the 2%, and just amend the permit to allow us the increase.

**Randy Brahniuk:**

We have told you why we cant do that. We cant make an in season change like this. We can not accommodate this request

**Ross Wilson:**

The FSC in our Agreement applies to all fish. Our urban members are equally entitled to fish – FSC is available for all our members, not just those who live on reserve.

**Greg Thomas:**

The allocation you have includes all the off reserve members.  
This is difficult and controversial

The Department will take this up internally. The DFO policy folks will deal with this. Its probably something that should go to the First Nations Fisheries Council, and to the cross First Nations meetings.

**Ross Wilson:**

It will go to the inter-First Nations meetings, and to the local level here as well.  
For the record, neither of you can adjust the FSC?

**Randy or Greg:**

No, you cannot use dual fishing for this, Heiltsuk cannot harvest in Johnstone Strait.

**Ross Wilson:**

Jim will have to explain this to the urban members.

**Jim White:**

This needs to go above this level, it should go to the Minister.

**31<sup>st</sup> August 2010**

**Call took 37 minutes, 31 seconds:**

**Started at 3.31PM, ended at 4.09PM.**