



Fisheries and Oceans
Canada

Pêches et Océans
Canada

First Nations Access to Fish for FSC Purposes

Draft Guiding Principles

Fall 2006



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Fisheries Access Issues

A few of the key recommendations of First Nations Panel Report, Fall 2004, on access to fish:

- Take steps to ensure First Nations have adequate quantities of fisheries resources for food, social and ceremonial (FSC) purposes. (Pg. 74)
- There is a need for First Nations to cooperate with one another when it comes to deciding on allocations of fisheries resources. (Pg. 75)
- Restore a measure of equity to fisheries allocations for First Nations in BC. (Pg. 74)





Commitments:

April 2005 DFO Action Plan for Reform of Pacific Fisheries:

1. DFO will work with First Nations to address concerns regarding fisheries access for FSC purposes.
2. DFO will work with First Nations to develop a mutually agreeable framework for negotiating appropriate levels of fisheries resources for FSC purposes.

Note: "FSC access" includes issues pertaining to amounts of fish and fishing area.





Steps Forward - 2005

- Agreed-upon general guiding principles will be the basis for a mutually agreeable framework for negotiating FSC access.
- During fall 2005 consultation sessions some specific questions re: FSC access were presented for discussion.
- Dialogue reflected consistent views on some FSC access issues, and a diversity of perspectives among First Nations on other issues.





Draft Principles to Guide FSC Access Decisions

- Input from fall 2005 sessions, AFS discussions, and the First Nations Panel Report was reviewed and formed basis of eight DRAFT general guiding principles for discussion.
- DFO is seeking input on these draft principles as a basis for a mutually acceptable framework for negotiating FSC access.

Canada



Overview of Draft Guiding Principles:

1. Processes and decisions regarding FSC access (amount and fishing area,) should honour Canada's obligations to First Nations.

Interpretation: Need to be consistent with current legal direction.

2. Aboriginal fishing for FSC purposes should have first priority in management decisions, after conservation, over other user groups.

(Reflects direction from Sparrow court decision.)





Overview of Draft Guiding Principles:

3. Processes for making FSC access decisions should incorporate some flexibility within a generally consistent approach.

What would a balance between flexibility and consistency look like to First Nations?

4. Decisions regarding FSC fishing areas should take into consideration information relating to First Nations' claimed traditional territories.





Overview of Draft Guiding Principles:

5. Decisions regarding FSC amounts should take into account the diversity and abundance of fisheries resources available in the First Nations' fishing area.

Consider the available “fish basket”.

Provides some direction on what to do when there is not enough of a given species or stock to address the FSC needs of all First Nations with access to that species or stock (e.g. access in terminal versus coastal areas)





Overview of Draft Guiding Principles:

6. FSC access decisions should take into account community use and operational factors.

Operational factors: could include diversity of issues e.g. pink salmon may only available every 2nd year, herring are unpredictable, reasonable opportunity to fish, etc.





Overview of Draft Guiding Principles:

7. Decisions regarding FSC fishing should take into account the FSC access of other Aboriginal groups.
8. Decisions regarding FSC access should take into account differences among First Nations (e.g. community needs, preferences, social and cultural differences, community use, etc.).



How Will Guiding Principles be Used?

1. Principles would provide context for negotiating FSC access.
2. Decisions should be consistent with FSC access principles.
3. Principles may continue to evolve over time.





Are These the Right Draft Guiding Principles?

- Please provide your input:
 - are the Draft Guiding Principles acceptable?
 - what is missing?
 - what should be re-considered?

Contact your Area AFS representative, or

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