



# Fisheries Overview

*for Common Table  
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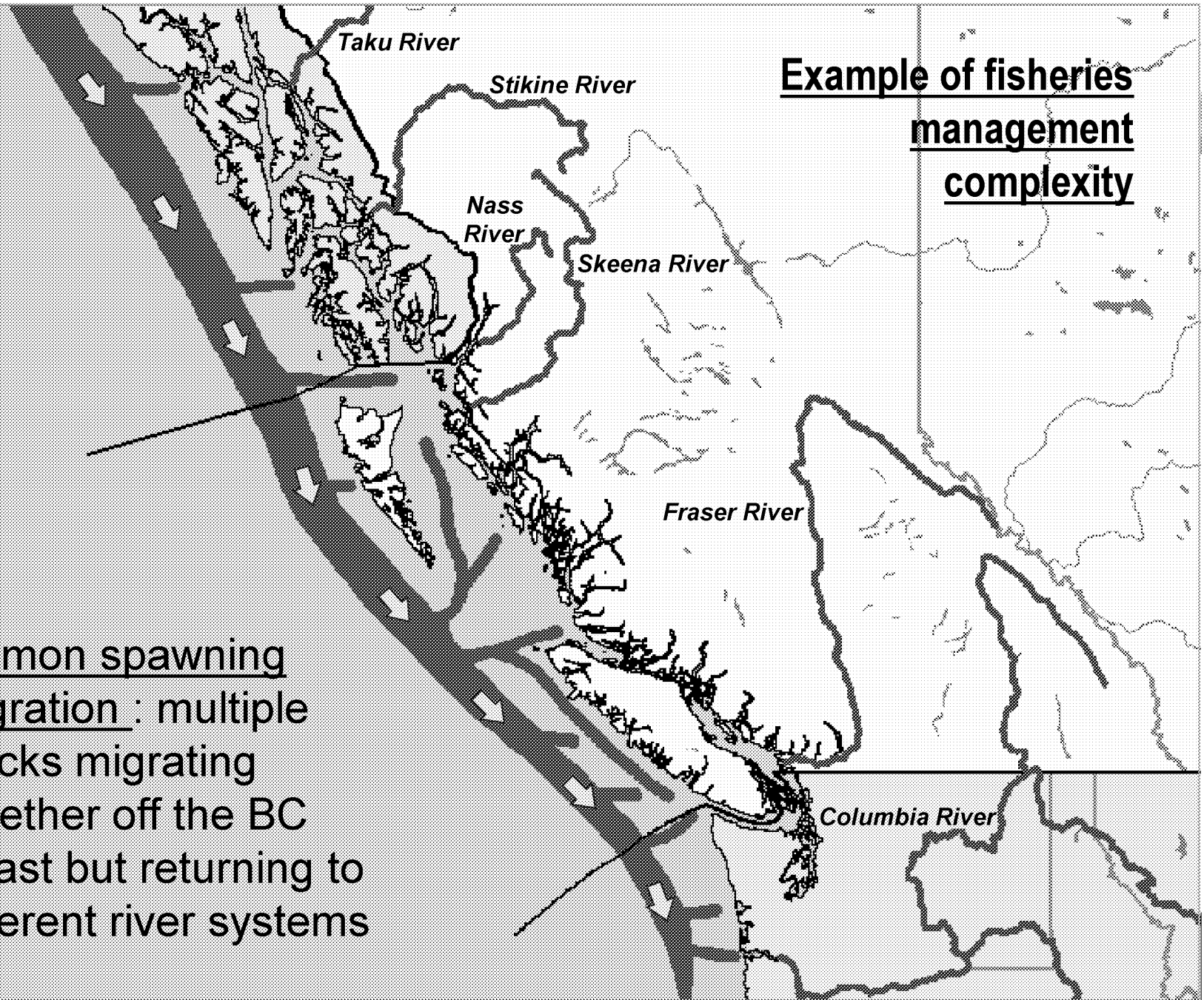
# Presentation overview

- Fisheries Context
- Federal Interests for Fisheries in Treaty Negotiations
- Components of Fisheries Negotiations
- Key negotiating challenges

- First Nations
  - Over 200 First Nations in BC, high level of interest and historical involvement in fisheries
  - Highly variable interests
- Multiple other resource users & interests
  - commercial sector
  - recreational sector
  - conservation sector
- Multiple fisheries targeting different species and stocks
  - Management systems for fisheries vary depending on species biology, economic considerations, and a variety of other factors

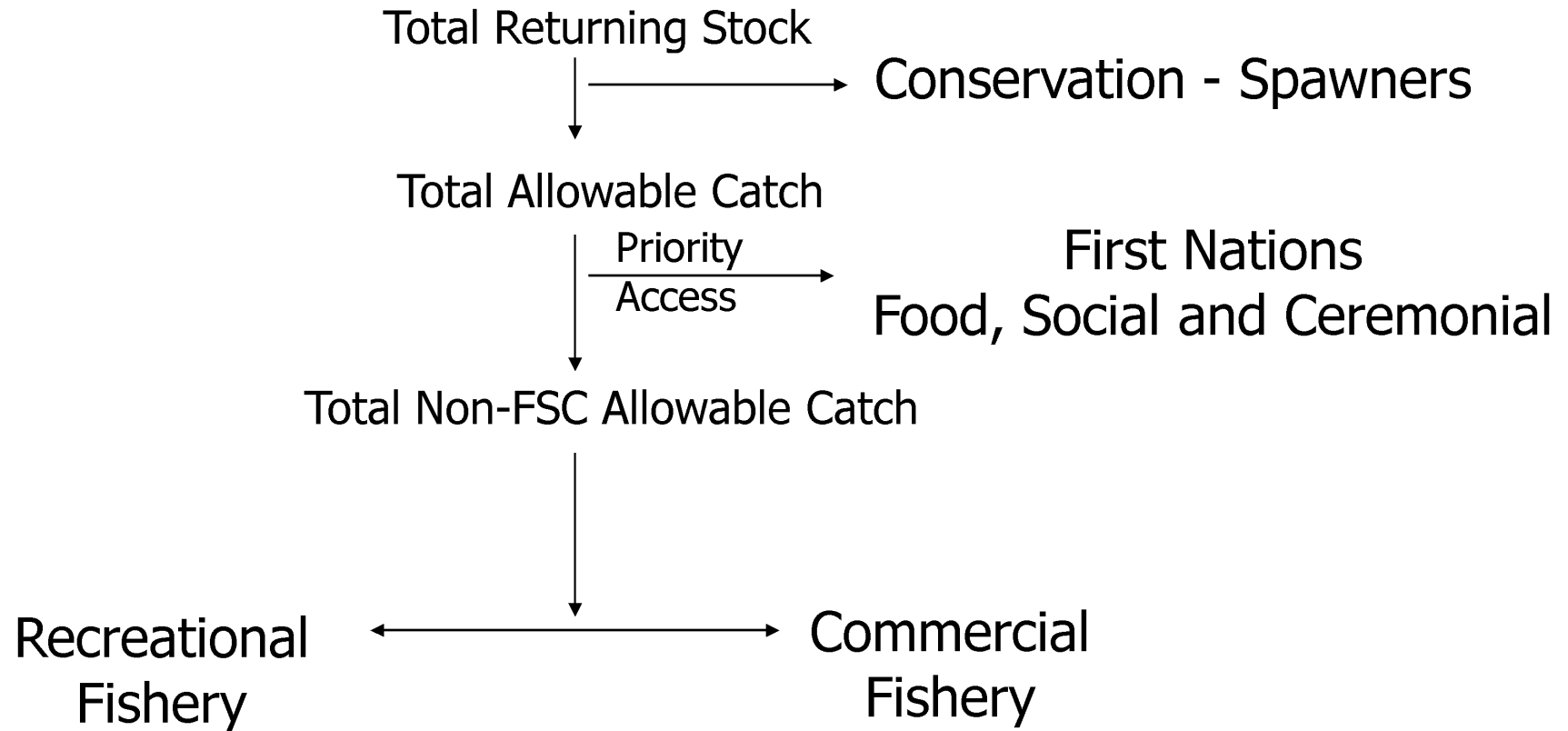
**Example of fisheries  
management  
complexity**

**Salmon spawning  
migration** : multiple  
stocks migrating  
together off the BC  
Coast but returning to  
different river systems



# Multiple harvesters

## How are salmon allocated?



# Context: Change & Uncertainty

- Environmental change
  - Climate change and other factors can make forecasting stock abundances and behaviours more difficult
- Market factors
  - Globalization impacts
  - Consumer demands for increased accountability
  - Changes in economic performance of various fisheries within BC
- Evolving policy and legal context
  - *Fisheries Act. Species at Risk Act, Oceans Act*
  - Evolving case law

# Responding to the challenge

- **Ongoing emphasis on improved conservation and resource sustainability. Tools include:**
  - Integrated Fisheries Management Planning
  - Wild Salmon Policy
  - Species at Risk programs
  - Oceans integrated planning
  - Orientation of DFO science programs to ecosystem-based approaches, and a better understanding of ocean and environmental conditions
- **Greater certainty, clarity and stability of access for all users, and better systems for collaborative management.**
  - Emphasis on share-based management systems for fisheries
  - Clear and transparent rules for all fisheries
  - Enhanced accountability – emphasis on reliable catch reporting and fisheries compliance in all sectors
  - Developing new models of collaborative management and increasing fish harvester involvement in decision-making processes.
- The Pacific Fisheries Reform Initiative provides a framework for achieving these objectives, supported by programming such as Pacific Integrated Commercial Fisheries Initiative (PICFI) and Aboriginal Aquatic Resource and Oceans Management (AAROM) program and the Aboriginal Fisheries Strategy (AFS)

- **Treaties are a key component of this picture**
  - Certainty in access and allocations
  - Certainty in management arrangements, and a better defined role for First Nations
  - Clarity on accountabilities and responsibilities surrounding the fishery



# Federal interests in Fisheries in Treaties

- Achieving core federal fisheries objectives
  - conservation
  - healthy and productive aquatic ecosystems
  - sustainable fisheries
- Promoting strong relationships between Canada and First Nations through:
  - good governance
  - enhanced cooperative management
  - provision of benefits with clear expectations about the scope and extent
- Achieving certainty with regard to treaty fishing rights and benefits
  - consistent with goal of creating stability in fishery access for all users
- Achieving clarity around management arrangements for fisheries and oceans resources

# Fisheries Components of Treaty Negotiations

- Fisheries Chapters negotiated to date include:
  - Recognition of right to fish for food, social and ceremonial (FSC) purposes in designated fishing area subject to conservation, public health and public safety.
  - Provisions for trade and barter of FSC fish with other aboriginal peoples
  - Clarity that FSC does not include sale
  - FSC harvest levels (or allocations) for key species for which access is fully subscribed or contentious
    - Negotiators have sought to arrive at “abundance-based” allocations (a share of available harvest)
    - intent is to promote conservation and clarity around access as abundance varies.
  - A description of management arrangements, including
    - Joint Fisheries Committees provide a forum for joint planning and management of a variety of fisheries-related matters
    - Provisions to allow for certain matters to be addressed through broader, multi-First Nations management structures

# Fisheries Components of Treaty Negotiations

- Side agreements on economic access :
  - Access and allocations to commercial fisheries have been provided through Harvest Agreements, which are not part of the treaty.
  - These long-term, renewable side agreements are intended to provide the signatory First Nation stable opportunities within the commercial fishery.
  - First Nation acquires capacity from those willing to retire their access from the commercial fleet. This prevents commercial fishing capacity from increasing as a result of treaties.

# Fisheries Components of Treaty Negotiations

- Details of management arrangements are outlined in Fisheries Operational Guidelines (FOGs) associated with each treaty
- FOGs cover details of items such as:
  - Stock assessment programs
  - Catch monitoring and enforcement programs
  - Detailed fishery planning arrangements
- Not part of the treaty, FOGs provide guidance on how to operationalize the treaty, while allowing for evolution in the details of management approaches.

- Negotiating allocations
  - Not all parties are in agreement that allocations are necessary
  - Differing views on what parameters should be used to determine allocations
  - Differing views on how allocations should be expressed
  - Differing interpretations of basic data

# Negotiation challenges cont'd

- Balancing First Nations interests:
  - First Nations interests in fisheries can overlap in various ways:
    - Overlapping fishing areas
    - Reliance on the same stocks
  - Balancing Treaty First Nations' aspirations for access and a recognized role in management with the interests of other First Nations with overlapping interests

# Negotiation challenges cont'd

- Balancing the interests of non-aboriginal users:
  - Challenge of meeting First Nations treaty aspirations while balancing the interests of various non-aboriginal user groups.
  - Public concerns about the cumulative effect of treaty settlements on fish available for non-First Nations.
- Differing views regarding inclusion of economic harvests in the treaty fishing right
  - Many First Nations hold that economic fisheries should be part of their basic treaty right
  - Government attempting to achieve an integrated fishery with similar rules for all users

# Negotiation challenges cont'd

- Management arrangements
  - Meeting First Nations aspirations for a recognized role in the management of fisheries resources while maintaining the authority of the Minister, and ensuring a voice for the multiple interests in the resource
  - Ensuring long-term effectiveness, manageability and viability of treaty management arrangements
  - Differences in the scale at which most fisheries are managed and the scale at which treaties are negotiated
  - Affordability and deliverability of management provisions



- Fishery negotiations are extremely challenging and complex yet critically important to the treaty agreements
- Fisheries arrangements with one First Nation can affect all those First Nations who also access the same stocks
- Treaty's provide benefits to all: the signatory First Nation, other First Nations, other harvesters, Canada and BC., through the clarity they provide regarding fishing rights
- We do recognize the many challenges inherent in negotiating the fisheries components of treaties, and look forward to sharing views on how we might move forward.