

See below a note sent today from the Council to the Deputy Minister of DFO on the issue of Pacific Aquaculture.

Brenda

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FIRST NATIONS FISHERIES COUNCIL

SUPPORTING STEWARDSHIP OF FISHERIES RESOURCES FOR CURRENT AND FUTURE GENERATIONS

From: Brenda McCorquodale [mailto:brenda@fnfisheriescouncil.ca]
Sent: August-27-10 10:42 AM
To: 'claire.dansereau@dfo-mpo.gc.ca'
Cc: 'Matthew.king@dfo-mpo.gc.ca'; 'Farlinger, Susan'; 'Ryall, Paul'; 'Thomson, Andrew'; 'kevin.stringer@dfo-mpo.gc.ca'; 'David.bevan@dfo-mpo.gc.ca'; 'Swerdfager, Trevor'; (TAlexis@telus.blackberry.net); Allan Claxton; Bill Shepert; Chief Don Roberts; Chief Marilyn Camille; Chief Walter Joseph; Chris Cook; Cliff Atleo; Howie Wright; John Henderson; John Ward - Taku Tlingit; Ken Malloway; Laura Cassidy; Ross Wilson Heiltsuk (RWilson@heiltsuknation.ca); Russ Jones; Steve Carpenter; Wayne Sparrow
Subject: Concerns Related to Pacific Aquaculture and the Need for Improved Collaboration with B.C. First Nations Greetings Deputy;

We write to you today with respect to serious issues which have arisen with respect to the development of the Pacific Aquaculture Regulations and development of the management framework for the industry. The First Nations Fisheries Council has been trying to work collaboratively with Fisheries and Oceans Canada in order to facilitate valuable and robust input from First Nations in British Columbia into various aspects of the development of a new federal system and process for regulating aquaculture. In the past fiscal year (09/10), supported through AAROM, the Council undertook a series of community meetings and provided detailed input into the development of the new draft regulations for aquaculture in a process that seemed to meet the mutual objectives of DFO and First Nations. This work appeared to be well received by both B.C. First Nations and DFO and provided concrete recommendations which were useful to DFO in their drafting of the Regulations.

Within the 2010/2011 fiscal year we have found the situation to be much more challenging. The Council moved forward with appointing 6 First Nations representatives to a joint Aquaculture Working Group, established under the Commitment to Action with DFO Pacific Region. As far as we are aware, although the Working Group has already met twice, DFO has only appointed one member to the working group (out of six seats). As well, an Aquaculture Workplan that the Working Group (DFO and First Nations members together) developed in draft stage in July has been sitting with DFO for almost a month. This workplan had outlined the intent to provide resources to support First Nations engagement in

responding to the draft regulations (for which the deadline is the first week of September), and to provide a plan for collaborative work related to the development of other elements of the management framework for Pacific Aquaculture. The intent was that much of this work was to take place in August, which unfortunately is now already drawing to a close.

In addition, the Fisheries Council has now been bombarded with requests for consultation/ engagement with DFO on aspects of aquaculture policy and management, but the Council and B.C. First Nations do not have resources either at a Council or community level to support a capacity to respond to these requests. If DFO is looking for thoughtful and constructive feedback from First Nations on these issues, leading to improvements in the relationship between the department and First Nations, and in the management regime, support for basic capacity both at the community and Council scale is imperative.

As an example I would like to bring up a number of issues which currently face the Fisheries Council with respect to requests from DFO relating to aquaculture:

- Input into the Gazette 1 Pacific Aquaculture Regulations (deadline first week of Sept);
- Input into NASAPI (end of Sept);
- Input into the priorities for innovative aquaculture funding (end of August);
- Input into fish health regulations (first week of Sept);
- Input into the management framework (licenses and conditions, operational guidelines and policies, Integrated Aquaculture Management Plans (process, area definition, integrated planning process and requirements for Tier 1 components), enforcement, science and traditional knowledge priorities, etc. (ongoing work taking place by DFO but not engagement yet in place).

DFO has also requested that the Council meet with Trevor Swerdfager in early September – presumably to discuss the Regulations.

While the Council supports and appreciates DFO's efforts to identify areas where First Nations can contribute to developments in the Regulations, policies, and the management framework, without adequate resources there is no way that either the Council or First Nations communities can respond to these requests. With the breadth and volume of this material, which is complex and technical, it is not reasonable to expect that First Nations will be able to respond to provide information relating to potential infringement of rights and Title or to provide thoughtful commentary on suggestions for amendments/improvements.

This leaves the Council concerned that DFO is leaving a trail which looks like consultation and engagement, without the substance of providing adequate capacity and resources for First Nations to prepare and advance important input into these initiatives. It is unfortunate that in the Treasury Board Submission which provided the budget required for DFO to take on management responsibilities related to Pacific Aquaculture there was no allowance made for the funding requirements associated with First Nations engagement. It has been clear for some time to DFO that First Nations engagement in aquaculture in B.C. was going to be a significant issue, and it is the obligation of DFO to ensure that they are able to respond in a manner that meets their legal, statutory and fiduciary obligations to First Nations.

On the ground we see issues brewing with respect to court decisions, assertion of rights, and the perceptions of inadequate consultation and accommodation at the local scale that are causing a number of First Nations to assert themselves directly with respect to their jurisdiction over fisheries and

aquaculture (as evidenced by the recent actions relating to geoduck harvest). If a constructive dialogue on these issues cannot be fostered it will be inevitable that DFO will see an increasing number of First Nations taking these types of matters into their own hands in an attempt to protect their local resources and associated rights and Title.

The Fisheries Council urges DFO to take immediate action to support implementation of capacity at the Fisheries Council and First Nations community scale, as outlined in the proposed workplan of the Aquaculture Working Group.

The Council looks forward to follow up discussions with you on these issues and hopes to be able to meet with you in the near future to discuss these matters.

Sincerely,

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