

OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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August 26, 2010

Honourable Gail Shea
Department of Fisheries and Oceans Canada
Ottawa, Ontario
K1A 0A6

Fax: 613-992-1974 (original by mail)

Dear Minister Shea,

Thank you for your correspondence of July 20, 2010 in response to our March 30, 2010 letter regarding the proposed Federal aquaculture regulation and strategic action plan for British Columbia under the *Fisheries Act*. We would like to note that the UBCIC has recently sent you a letter of July 15, 2010 with respect to the Regulations and in particular, noting our complete rejection of the Regulations as published in the Canada Gazette on July 10, 2010 and vehemently opposing the engagement sessions held by DFO across BC as these “information sessions” simply do not meet Canada’s legal and constitutional obligations of consultation to First Nations.

Fulfillment of the Crown’s duty to consult requires that First Nations in BC not be engaged solely as stakeholders; instead, First Nations must be engaged on a bi-lateral level with government. You indicate in your letter that DFO has taken time “to hear and consider the interests of First Nations,” by working collaboratively with the FNFC and AAA by holding information sessions that you characterize as “very productive and resulted in two thorough reports.” We would like to take this opportunity to emphasize our position that we do not accept these steps taken by DFO as fulfillment of the Crown’s constitutional and legal obligations, in fact we view this as the first step in the dialogue around Aquaculture regulation. We would like to note that the ten “information sessions” held for 2-3 hours with a multitude of First Nations should not be considered adequate and meaningful consultation. In addition to this, the two reports that you noted the Department is “carefully considering” in it’s drafting of the new regulation, is conspicuously absent in the Regulations as published in the Canada Gazette. First Nations have strongly indicated that they fully expect to continue to be meaningfully engaged and consulted on the development of the regulations. At a minimum, it is important for DFO to consult directly with First Nations that have aquaculture ventures operating in their territory.

We also understand that DFO plans to roll over existing aquaculture licenses without any consultation with First Nations. These licences were issued pursuant to a regulatory regime which the courts have

determined as unconstitutional. Therefore, the validity of these licences is questionable and any licences that are eventually issued by DFO would, at a minimum, require meaningful consultation and joint decision-making with the affected First Nation.

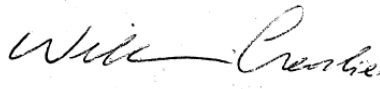
Again, the UBCIC strongly feels that Canada's Aquaculture Regulations must give expression to First Nations laws, authority, and traditional knowledge and must incorporate the economic component of Aboriginal Title and Rights and Treaty Rights in order to adequately address and develop a regulatory framework and policies around aquaculture.

If there are any questions or comments please contact Bob Chamberlin, Secretary-Treasurer at 604-684-0231 or 778-988-9282.

On behalf of the UNION OF BC INDIAN CHIEFS



Grand Chief Stewart Phillip
President



Chief William Charlie
Vice-President



Chief Bob Chamberlin
Secretary-Treasurer

Cc: The BC First Nations Fisheries Council
Hon. John Duncan, Minister of Indian and Northern Affairs Canada