

Minister of
Fisheries and Oceans



Ministre des
Pêches et des Océans

Ottawa, Canada K1A 0E6

OCT 20 2010

Grand Chief Stewart Phillip, President
Chief William Charlie, Vice-President
Chief Bob Chamberlin, Secretary-Treasurer
Union of British Columbia Indian Chiefs
209 - 345 Yellowhead Highway
Kamloops, British Columbia
V2H 1H1

Dear Grand Chief Phillip, and Chiefs Charlie and Chamberlin:

Thank you for your correspondence of July 15 and August 26, 2010, regarding First Nations consultation and the proposed Pacific Aquaculture Regulations.

The development of the Regulations was spurred by the February 9, 2009, decision of the British Columbia Supreme Court with respect to jurisdiction for aquaculture management in British Columbia. The Court initially set a deadline of one year for the federal government to develop a new regulatory regime for aquaculture in the province.

However, at the federal government's request, this deadline was subsequently extended to December 18, 2010. A key motivation behind the government's request for this extension was to afford sufficient time for consultation regarding the content of the required federal regulations.

The government did not, however, wait for the Court's decision to begin consultation with First Nations in British Columbia. On the contrary, two information sessions for all British Columbia First Nations were held at Fisheries and Oceans Canada's (DFO's) expense in June 2009; one in Vancouver and the other in Campbell River. Both were well-attended by First Nations leaders.

Late in 2009, the Aboriginal Aquaculture Association was engaged by DFO to facilitate consultation with its members and other First Nations regarding the proposed regulation well before drafting of the regulation began.

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Using funds provided by the Department, the Association retained technical and policy advice, convened two workshops involving over fifty First Nations leaders and generated a report to DFO regarding the content of the proposed regulation.

At the same time, the Department also engaged the British Columbia First Nations Fisheries Council (FNFC) to facilitate a parallel consultation process with all First Nations in British Columbia. Using funds provided by DFO, the Council retained legal advice, policy support and convened approximately ten regional workshops with First Nations across the province.

The Department and provincial staff attended these workshops to provide input regarding the current management regime and to hear firsthand First Nations views on the issues. A report on this process was generated by the Council and submitted to DFO.

Finally, First Nations leaders were active participants in the general public consultation sessions held in several locations on Vancouver Island late last year. Their views expressed in these sessions, coupled with the reports and verbal feedback generated through the processes described above, significantly influenced the design of the proposed regulation in several important areas.

The proposed regulation itself was posted on the *Canada Gazette* website on July 10, 2010. The Department offered to brief the British Columbia FNFC and its members regarding the regulation on July 12, 2010; at the Council's request, the briefing was held on July 14, 2010.

At the conclusion of that briefing, DFO offered to meet with the Council members and any First Nations it chose to include in a meeting at any point in July or August. Arrangements were tentatively made for a meeting in early August but the Council then declined to meet.

At the same time, upon the posting of the regulation, a letter was sent to all British Columbia First Nations notifying them of the posting and offering to meet with any First Nation wishing to do so. To date, approximately fifteen First Nations have responded to this offer and meetings have been held or are being scheduled with all of them.

The Government is firmly of the view that strong and proactive engagement of First Nations in the management of the British Columbia aquaculture sector is critical both in the immediate transition period and over the longer term.

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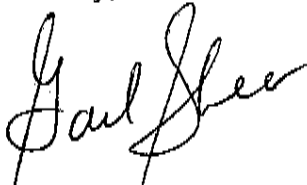
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Through the British Columbia First Nations Fisheries Council Aquaculture Working Group, it is the Department's intent to fund First Nation engagement in the development of the operational policies needed to manage the industry on an ongoing basis and to develop effective First Nation engagement mechanisms. Discussions are currently underway to finalize a work plan to that effect.

I would welcome a chance to meet with you to discuss your views on the Pacific Aquaculture Regulations specifically, as well as DFO's ongoing collaboration with First Nations in British Columbia regarding aquaculture.

Thank you again for writing about this important issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Gail Shea". The signature is fluid and cursive, with the first name "Gail" being more prominent than the last name "Shea".

Gail Shea, P.C., M.P.