

From: Sprout, Paul <Paul.Sprout@dfo-mpo.gc.ca>
Sent: Wednesday, August 5, 2009 8:50 PM
To: Farlinger, Susan <Susan.Farlinger@dfo-mpo.gc.ca>
Subject: Fw: MSC Certification

Sue, I expect the DM to seek our views on this and will likely request a draft reply. I don't recall her questioning the consultation, in fact I thought she didn't support the links made by Doug. That noted we do need to have a explicit approach in the future for consulting with FNs on certification.

For this reply however, it seems that discussions over many years all of which have involved FNs (WSP, IFMP, FSC and any number of other meetings and discussions) have considered the issues raised by Doug. Further certifying does stop further changes in fisheries if justified. In any even your thoughts and possibly legal's on this would be helpful. Paul

Paul Sprout
Sent using BlackBerry

From: Doug Kelly <DKelly@fns.bc.ca>
To: Dansereau, Claire
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Sent: Wed Aug 05 23:29:30 2009
Subject: MSC Certification

Dear Ms. Dansereau

Thank you for taking the time to meet with members of the Fisheries Council in Vancouver on Friday July 17, 2009. □ We hope the remainder of your visit and holiday went well.

I am writing today specifically to follow up with respect to a discussion of next steps on the issue of Marine Stewardship Council certification. □ In our meeting the Fisheries Council advised you that DFO had not met its obligation to provide information related to MSC certification, on any fisheries, to British Columbia First Nations. □ We shared our concern that First Nations will not be in a position to be able to make DFO aware of any potential rights-infringement or of issues which may be of related concern. □

In the meeting I understood that you agreed that this lack of consultation was a concern, and that DFO should be working to share information related to MSC with First Nations, also presumably hearing and dealing with any related concerns which may arise. Of specific concern is the status of the certification process for sockeye salmon. □ As you are likely well aware from the media, Fraser and Skeena sockeye are facing significant challenges which are not being explained by the management models which DFO currently has in place. □ For a number of consecutive years First Nations (either coastal, interior, or both) are not able to harvest even the minimal amounts of sockeye needed to meet food requirements. □ Notwithstanding these ongoing issues, the certification process for sockeye is nearing completion, with a certification assessment report which has been tabled with a response deadline of August 24/09. □ This is happening without most B.C. First Nations even having an awareness that the assessment process is taking place, and within a summer season when many of B.C.'s First Nations peoples are out collecting their traditional foods.

In our meeting we had a discussion related to whether the MSC process is strictly an environmental assessment. □ I would like to point out specifically that Criterion 3.1 indicator 3.1.6 provides an assessment of whether the management system is □ responsive to social and economic impact of fishery □ and Criterion 3.6 indicator 3.6.3 speaks to whether the fishery □ observes legal and customary (First Nations) rights. □ □ It is the Council's position that DFO cannot and should not put itself in a position where it assumes to speak to First Nations interests in the fishery without any consultation with the rights-holders to whom the assessment refers.

We ask that DFO support the Council in requesting that MSC and Tavel Consulting in a request to delay the final assessment of the sockeye fishery, and any other fisheries currently in process, until DFO has been able to provide any potentially affected First Nations with information relating to certification, and those First Nations have had an opportunity to provide their own information directly into the assessment process. □ In this way DFO and First Nations will be able to better understand together whether there is any

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potential that MSC may result in an infringement of First Nations rights. □

Sincerely,
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