

WITNESS SUMMARY

Grand Chief Clarence (“Kat”) Pennier

Witness Background

Grand Chief Pennier is chief of the Stó:lō Tribal Council, which is comprised of eight communities in the Upper Fraser Valley.¹ He is a member of Scowlitz First Nation.

Grand Chief Pennier’s involvement in the fishery as a young person was limited, because his family did not have their own fishing site, and a portion of his childhood was spent in the residential school system. Thus, his experience in fisheries comes primarily through his experience as a political leader, and his involvement with various representative organizations.

Traditional participation in the fishery

Grand Chief Pennier explains that the Stó:lō traditionally fished on the tributaries of Fraser and Harrison Rivers using weirs and traps. This method allowed fishers to closely monitor how many fish were passing through to the spawning grounds.

The Stó:lō also traditionally fished with dip nets the Fraser Canyon, and with torch lights and harpoons in the winter.

Modern participation in the fishery

Grand Chief Pennier advises that the Stó:lō primarily fish with gillnets today. He notes that DFO used to only allow the Stó:lō to use set nets, but began to allow drift nets approximately three years ago. He explains that DFO made this change because many of the best sites for set net fishing had been destroyed by gravel accretion.

Cultural significance of the Fraser sockeye and act of fishing for it

In his capacity as Chief, he often visits Stó:lō fishing camps in the Fraser Canyon, and has come to understand how important fishing is to his people. He advises that fishing is their way of life, and has defined their culture since time immemorial. He believes that Stó:lō culture will essentially cease to exist if the fish stop coming back to the rivers.

Grand Chief Pennier explains that the Stó:lō traditionally conducted a dry rack fishery, and continue to do so for food as well as cultural purposes. He advises that the Stó:lō depend on early Stuart sockeye to for the dry rack fishery, as they return to the river in spring before arrival of the bees and the wasps (which can ruin wind dried salmon by eating it or leaving their eggs on it). Thus, he advises that the

¹ These are: Chawathil First Nation, Cheam Indian Band, Kwantlen First Nation, Kwaw-kwaw-Apilt First Nation, Scowlitz First Nation, Seabird Island First Nation, Shxw'ow'hamel First Nation, Soowahlie First Nation.

Stó:lō will be unable to continue the cultural practice of dry rack fishing if their access to early Stuart sockeye is restricted, as it has been in the past few years.

Aboriginal Worldview / Traditional Knowledge

Grand Chief Pennier explains that salmon are an essential part of numerous ceremonies and social gatherings in Stó:lō culture. For example, the Stó:lō hold a first salmon ceremony annually, where the bones from the first fish of the season are brought back to the river to ensure that the salmon return again in the following year. Salmon is often used in memorials, as the Stó:lō traditionally make an offering of a fish from the water, an animal from the land, and a bird from the sky. In addition, salmon is customarily provided at weddings, winter dances and naming ceremonies.

Grand Chief Pennier advises that the Stó:lō have a unique spiritual connection to the sturgeon. The Stó:lō creation myth describes a time when people could transform back and forth from sturgeon to human form. These transformation continued to happen until the Creator “made things right”. Thus the Stó:lō believe that they are responsible for ensuring that the sturgeon is respected and looked after because “that is us”. Grand Chief Pennier advises that the same ethic is applied to other species of fish.

Interactions and consultations with DFO

Grand Chief Pennier has a long history of involvement with DFO in negotiations regarding aboriginal fisheries. He recalls traveling to Ottawa with other Stó:lō leaders in 1986 to meet with top DFO bureaucrats including the Deputy Minister and the Assistant Deputy Minister. At the time, the Stó:lō leaders explained their desire to become have a role in management, to develop capacity, and to undertake their own scientific analysis and forecasting. But ultimately nothing came out of that meeting. Grand Chief Pennier also recalls attending a subsequent meeting between Stó:lō leaders and the Minister in 1988, where they again expressed the critical importance of being involved in co-management.

Grand Chief Pennier recalls how DFO’s approach to the issue changed following *Sparrow* and the introduction of AFS. He advises that AFS was initially beneficial for the Stó:lō in some ways. For example, AFS funding allowed them to employ biologists who could assist with developing fishing plans, and to hire their own fisheries guardians to patrol the river (although the latter program only lasted 2-3 years). However, he advises that AFS was problematic because it greatly increased the number of fishers in Stó:lō territory, as more people started to fish in areas that were not traditional fishing sites.

Grand Chief Pennier was also a member of the Stó:lō treaty negotiating team in 2001-02. He recalls that, around the same time, a Stó:lō working group attempted to pursue an interim measures agreement with DFO to address the issue of co-management. However, when the co-management proposal was provided to federal and provincial treaty negotiators, their response was that it “looked too much like a treaty”.

Grand Chief Pennier explains that, today, First Nations have a negligible role in management of the sockeye fishery. There only involvement is attending technical meetings with low-level DFO employees

who lack any real decision making power. He notes that First Nations have limited involvement in the Integrated Harvest Planning Committee (IHPC), having only recently been invited to participate as “observers”.

Visions for involvement in the management of the Fraser River sockeye fishery

Grand Chief Pennier believes that interactions between First Nations and DFO need to move beyond the operational or technical level in order to move towards co-management of the fishery. Specifically, he believes that high-level strategic discussions need to take place between aboriginal political leaders (at the Chief level) and senior DFO bureaucrats (at the ADM level).

Grand Chief Pennier also has concerns about the manner in which DFO provides funding to First Nations. He believes that proposal-based approach - where First Nations have to continually apply for funding on an annual basis - is flawed. Instead, he favours providing First Nations with a long-term, stable source of funding in order to help them build the capacity required to participate in co-management. For example, he observes that the Stó:lō Tribal Council could hire a full-time biologist if it had access to a stable source of funding.

Perspective on the prohibition on sale of FSC fish

Grand Chief Pennier believes that the prohibition should be eliminated. However, he advises that the Stó:lō Tribal Council has not taken a formal position on the issue.

He points out that the prohibition will always be ineffective in a practical sense, because aboriginal people will continue to sell fish out of necessity as a means to feed and clothe their families.