

WITNESS SUMMARY

Chief Kim Baird

Witness Background

Chief Baird is the elected Chief of the Tsawwassen First Nation (TFN), and has been for the past eleven years. She is now on her sixth term. Prior to becoming Chief, she was a TFN council member for six years.

Chief Baird's first involvement with TFN politics came when she was hired as a student to advance the land claim. She eventually transitioned from an administrative position to become the lead negotiator for the treaty.

Chief Baird comes from a family of fishermen.

Nation

Chief Baird is a TFN member.

Territory

TFN's traditional fishing territory extends from the marine areas up to the Port Mann Bridge. Historically, TFN would move up river to conduct a lot of their harvesting, and some fishers still prefer to fish up towards New Westminster.

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

Salmon have been the mainstay of the TFN diet for all of living memory - it is part of their identity. The importance of salmon is hard to articulate, but culturally it is very significant. There are many legends which describe Tsawwassen people as salmon people. Cultural transmission of knowledge occurs by practicing fishing through generations; a rich family history is passed along.

Salmon is one of the only resources left in TFN's traditional territory, which means it is all the more important. Fishing is one of last ways that TFN community can practice its culture, so people are very involved. Fishermen want to participate and be on the river - whether one fish or 100 are caught.

The community bubbles with excitement when the fish are abundant, as happened this year.

Modern participation in the fishery

▪ FSC fishery

TFN has fewer participants in the FSC fishery, although almost everyone tries to get out for the commercial fishery. TFN gave up a portion of its FSC fish allocation in order to obtain a greater share of commercial fish in harvest agreements

The TFN fisheries department establishes how many people may be interested in FSC fish, based on the previous year's numbers. There is a process to determine who wants to be on that list. FSC fish are also put away for treaty day, canoe events, and elders' luncheons. Some individual fishermen trade FSC fish with other First Nations, as it is not prohibited by DFO (e.g. for moose or deer).

FSC fish are distributed on and off the Tsawwassen Lands, and people are generally able fill their freezers. However, the lack of FSC fish was devastating for the community.

- **Commercial/economic opportunity fishery**

TFN's commercial fishery is comprised of individuals who have their own boats and gear. TFN started with very small skiffs, but through AFS the fleet is upgrading gradually to larger boats and gill net fishing.

The TFN government has jurisdiction to designate commercial fishers, but they bless them all. TFN has not established a maximum number of fishermen on the water, and it would be controversial to do so.

Collaborative processes with other First Nations

Chief Baird explains that there is talk of developing a First Nation representative body, but that project is going to require some capacity building. The body would be a regional organization that would operate based on the consent of constituent nations. There are a range of views as to whether such a body is desirable or not. Perhaps if First Nations came together with the same voice, DFO would be forced to listen. On the other hand, most First Nations are accustomed to dealing with things on a local level.

In the context of Shared Territory discussions, Chief Baird has been involved in discussions around the concept of creating a resource council with about 10-15 First Nations or Tribal Councils that would represent the Coast Salish people.

Interaction and consultations with DFO

Chief Baird advises that TFN has tried hard to obtain joint management powers, but DFO has always wanted to retain ultimate decision making authority. She understands the reason for it, with so many First Nations and players involved in the fishery, but she does not see why DFO cannot explore ways to make joint decision making or co-management better. Chief Baird would like to see First Nations have involvement in the decision making, particularly in the area of conservation.

Chief Baird finds it difficult to understand the relationship between regional DFO and the national headquarters (NHQ) in Ottawa. In the last few years, the Minister has not been that involved in fisheries management. TFN's relations with regional DFO have always been antagonistic on the enforcement side, but the management side has been a bit better.

Chief Baird believes that DFO should apply a similar standard of catch monitoring, whether higher or lower, to all fisheries. This would help reduce the perception that First Nation fishermen are not trustworthy.

Visions for involvement in management of the Fraser sockeye fishery

Chief Baird's personal view of conservation is to protect and grow the stocks for future generations, while others believe that maintaining the stocks is sufficient - growing them is unnecessary. Now that TFN has a treaty and is no longer negotiating Communal Fishing Agreements (CFAs), they have more time and resources to direct towards conservation. Also, the treaty's percentage based catch model is different than an arbitrary allocation because it is more conducive to an abundance based model and therefore supportive of conservation...

Chief Baird envisions TFN having a greater role in co-management of the resource. In particular, TFN would like to engage DFO around broader issues that are currently off the table, such as the impact of logging on fish. Being in an urban environment, TFN is especially concerned with habitat restoration and negotiated a fisheries fund for that purpose in the treaty. TFN would like to expand its role in restoration, and work with other groups who also have funds to contribute. Currently, the restoration programs are kind of ad hoc and their effectiveness is questionable. There is a need to look at species in a more targeted way and figure out how to create better habitat for fish.

Perspective on prohibition on sale of FSC fish

Chief Baird advises that, prior to the treaty, the prohibition on FSC sales was generally not complied with. She is uncertain as to whether anything has changed post-treaty; it is hard to gauge because there was no FSC fishery in 2009 and commercial sales were higher in 2010.

Chief Baird finds the restriction paternalistic, and her personal view is that it is nobody's business what people to do with their own fish. Clearly fishermen need to invest in gear, and therefore need a way to raise capital.

Post-treaty fishery

Chief Baird explains that the actual management of fisheries is not all that different post-treaty than pre-treaty. However, TFN now has better processes in place for identifying harvest plans for different species of fish. They work with biologists who provide advice on identifying vulnerable stocks and conservation concerns, and propose openings and closings. This advice is helpful to TFN in providing logic to how their fisheries are conducted.

Chief Baird also explains that having a quota system under the treaty has made a big difference in the management of TFN's fishery. She recognizes that some fishermen do not prefer the idea of quotas, as they enjoy the opportunity based approach. However, she believes that this would be controversial amongst her peers. Before the treaty, there was no transparency because DFO would manage to an undisclosed allocation number for TFN, which caused antagonism among users, including with First Nations. This issue has been resolved with the treaty, since the allocation is determined by the TAC, among other things, rather the perception of a political decision by DFO.

Chief Baird explains that there is allowance for "overages" and "underages" in TFN's harvest plan, which are registered if the harvest exceeds, or is less than, the quota allocation. She has found that, to an

extent, overages and underages take away the opportunity based fishery by imposing consequences if TFN catches more than it should, or not enough. She points out that an underage will not be registered if no fish are there to be caught, but one will be registered if fishing is not allowed due to DFO management decisions (e.g. competing First Nation interests, Johnstone Strait commercial fishery).