

## **WITNESS SUMMARY**

### **Chief Robert Mountain**

#### **Witness Background**

Chief Mountain is an elected councillor of the Namgis First Nation, and a hereditary chief of the Mamalilikula First Nation. He is also a long time employee in the fisheries department of the Musgamagw Tsawataineuk Tribal Council (MTTC), which is comprised of four Central Coast nations including the Namgis. He lives in Alert Bay.

Chief Mountain has a full-time position as the MTTC's local outreach fisheries coordinator, which involves acting as a liaison between the member Nations, the government, and industry actors. In the course of his work, he gathers information about what members are seeing in the territory (e.g. aquaculture), and reports back.

Chief Mountain was a commercial fisherman for many years, starting out with his grandfather at 15. He eventually left the commercial fishery and returned to school, where he took aquaculture and fish biology courses. He worked at a hatchery and on an oyster farm in the 1980s, before returning to the commercial fishery for another three years. Chief Mountain left the commercial fishery permanently in 1989.

Chief Mountain was then trained by DFO to become an Aboriginal Fisheries Guardian. He worked as a guardian for three years out of DFO's Alert Bay office. Later, he became supervisor of the Aboriginal Fisheries Guardian program at the Kwakiutl Territorial Fisheries Commission (KTFC). During this period, the KTFC was an organization of eleven First Nations in the region of Johnstone Strait.

#### **Traditional participation in the fishery**

As a child, Chief Mountain would fish in the rivers of his traditional territory with his grandfather using traditional traps and weirs. When he moved out to Alert Bay he also fished in the local rivers using drag seines. He recalls catching Fraser sockeye that would sometimes congregate in the river mouths. He could recognize Fraser sockeye as they are larger than those spawning in local rivers, weighing about 10 to 12 pounds. He could even identify specific stocks, such as early Stuart or summer stocks.

#### **Modern participation in the fishery**

Chief Mountain advises that the four Nations of the MTTC, for the purposes of the AFS agreement, are divided. The Namgis have an individual agreement, and the other three nations, which comprise the Musgamagw Territorial Marine Management Society (MTMMS), have their own agreement.

Chief Mountain advises that the communal licensing regime has never been changed to reflect this division. There is a group of eleven First Nations in the Johnstone Strait area - including the four nations that comprise the MTTC – which collectively have an allocation of 80,000 FSC sockeye fish. These eleven

nations do not communicate their catches to each other; rather, they communicate the catch numbers to DFO.

Chief Mountain explains that, in years of abundance, DFO has allowed the FSC sockeye catch to exceed 80,000. This happened in early 2000 when two different bands collectively caught over 90,000 fish and DFO did not take action. Chief Mountain recalls receiving a notice from DFO about exceeding the cap, but with no consequences. He advises that there is no coordination between the eleven bands with respect to a proportionate allocation of the 80,000 sockeye permitted under the communal licence. He also advises that the allocation of 80,000 sockeye does not, to his knowledge, have any relationship to a conservation formula, nor is it based on the actual food fishery need expressed by the MTTC member Nations. Rather, it is an arbitrary number that was determined by DFO when the AFS policy was first implemented.

Chief Mountain advises that in the early to mid 1990s, fish were more abundant and the Namgis would generally take 20,000 to 30,000 FSC sockeye, and in one year took 52,000. However, the numbers tailed off significantly after 2000, until this year's big run. The Namgis took 37,000 sockeye in 2010.

### **Observations of historic abundance levels and of decline**

Chief Mountain explains that the Namgis traditionally fished for sockeye stocks that spawned in the Nimpkish River, but were forced to close down that fishery as the stock declined. Through intensive hatchery efforts the stock has rebuilt, but the fish have not come back in numbers that supported a harvest until this year. In 2010, approximately 200,000 fish returned to Nimpkish river, a much higher number than the predicted 12,000. However, all of those fish were allowed to escape to the spawning groups because no one had anticipated the bigger run.

Due to the closure of the Nimpkish sockeye fishery, Chief Mountain advises the Namgis now rely heavily on Fraser sockeye and obtain their food fish in the Johnstone Strait. In the past, the Namgis preferred fishing in the Nimpkish and other rivers rather than the Johnstone Strait because of the distance and related fuel costs; now, it is their only way to get sockeye.

Chief Mountain explains that the same decline in abundance has occurred in other salmon rivers in the area - with the Glendale River being a notable exception for pink salmon, owing in part to an enhanced spawning channel. Consequently, all of the MTTC Nations are now relying on Fraser sockeye from the Johnstone Strait to supply their FSC needs.

Chief Mountain also has witnessed the decline of the commercial fishery along the Central Coast. In the past, he fished with his grandfather on a table seine boat and they would do 4 or 5 sets per day. Over time, the commercial fishery transformed as people began to use larger drum seine boats that could do 20 sets per day. He recalls the length of commercial openings being reduced over time from 5 days, to 3 days, to 2 days, to 1 day, and finally to 16 hours.

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

Chief Mountain explains that the cultural significance of salmon is huge for the MTTC Nations. As a child living with his grandparents, he recalls eating fish for breakfast, lunch and supper. But beyond sustenance, salmon is also a big part of the culture in terms of the legends, dances and songs. For example, the Namgis have two legends about how salmon came to the river, and another story about how the river is replenished. Those stories explain how salmon are related to the Namgis culturally. The act of fishing and the preparation of fish also have a very important cultural dimension as activities for transmitting traditional knowledge about the fishery, including fishing, fish preservation methods and customary laws about fisheries management. Salmon also plays a major role in the giving of potlatches and feasts. The act of giving food at a feast is integral to the culture and tradition of giving a name, dance, and song to individuals, customary rites which are fundamental to social order.

## **Impact of decline**

Chief Mountain indicates that health is a big concern in his community. The rate of diabetes is rising rapidly, which Chief Mountain attributes to people eating less fish and other resources than they had in the past. Now people are lucky to eat fish once or twice a week. The elders have also been saying that the diet change is causing heart attacks, high blood pressure, and cancer. The loss of opportunities to transmit practical and cultural teachings about the salmon fishery from one generation to the next may be irrevocable if the trend of decline in the fishery continues.

## **Traditional knowledge**

Chief Mountain explains that, at one time, DFO knew nothing about tides or where to catch fish on the Central Coast. First Nations taught them about it. He feels that DFO is now using knowledge of tides, obtained from First Nations, in order to limit the catch numbers, i.e., openings are scheduled on the worst tides to reduce the commercial catch. He observes that First Nations have a lot of knowledge about where fish actually school, and DFO can learn from that.

Chief Mountain explains that Namgis' traditional knowledge regarding Fraser sockeye comes from fishing in the Johnstone Strait for the past 40 or 50 years, and goes back even further to the early commercial fishery in the Strait. Prior to that, the Namgis targeted local in-river stocks rather than Fraser sockeye.

## **Collaborative processes with other First Nations**

Chief Mountain advises that he attended a recent conference held by the First Nation Fisheries Council (FNFC) in Prince Rupert, where the delegates discussed unity and working together. The FNFC has been in existence for approximately 4 years, and has improved communication between First Nations. Now there is some consensus that the FNFC can be the representative group in consultations with DFO, at least in some contexts. However, participation in the FNFC is ultimately up to each individual nation, and some still want to be consulted individually.

### **Visions for involvement in the management of the Fraser sockeye fishery**

Chief Mountain explains that First Nations are not there to overfish; rather, the consensus among them is conservation. He advises that the Namgis are willing to set low targets (e.g. 5000 FSC sockeye) if there are low escapement numbers in a particular year. The Namgis understand where to set limits, and would bring that knowledge to the decision making process.

Regarding co-management, Chief Mountain believes that First Nations have to be involved before the pen hits the paper, right from start. First Nations have their own biologists and lawyers, and do not want DFO to just come and tell them what the plan is.

Chief Mountain believes that First Nations should have greater involvement in monitoring and enforcement, for both the commercial and FSC fishery. He advises that the DFO patrol presence in the Broughton Archipelago and Johnstone Strait has drastically declined since the early to mid 1990's when the DFO office in Alert Bay was closed. DFO is currently doing very little in terms of monitoring or enforcement in his territory. He also believes that the Fraser sockeye test fishery now carried out in his area is not sufficiently resourced to render accurate return estimates.

Chief Mountain advises that there used to be eight aboriginal guardians in MTTC territory, all of whom did catch monitoring. They used to hail all the boats, as well as go up to physically inspect them. Moreover, their authority was not limited to monitoring First Nations; they checked everybody. Now, by contrast, only two guardians are employed in the entire territory, both of whom work for the Namgis.

Chief Mountain believes that First Nations need to be involved in enforcement because they live right there where the fishing is happening. He thinks that it is essential for local groups to be doing enforcement and stock assessment, and it would benefit everyone. However, DFO is not providing sufficient capacity or funding to First Nations to allow this to happen. For example, AFS funding has been at the same level for years, and has actually decreased. The MTMMS had a 20-25% reduction in funds from AFS this year. If the AFS funding is reduced, Chief Mountain believes that First Nations in his territory will be effectively incapable of doing anything in terms of enforcement or monitoring.

### **Perspective on prohibition on sale of FSC fish**

Chief Mountain is aware that some people in his territory are involved in FSC sales. He believes that in years of abundance, a large proportion of FSC fish are sold. As an Aboriginal guardian, Chief Mountain reported unlawful selling to DFO, including providing boat names. However, DFO told him that there is nothing they can do unless they actually witness the sale transaction.

Chief Mountain explains that there is a divergence of views on FSC sales. He personally supports the view that FSC fish should be consumed and not sold. He agrees with some of the traditional people who say that the fish should be staying in the community. However, a lot of members want to sell because they are aware of other First Nations doing it. They look at what the Fraser River people are doing and say: why can't we do the same thing?

Chief Mountain believes that an aboriginal guardian program could help address the issue of FSC sales if DFO was willing to provide enforcement powers to guardians.

### **Perspective on Salmon Farms in MTTC Territory**

Chief Mountain has observed first hand for over two decades the practice of large scale Atlantic salmon farming in the Broughton Archipelago. These operations have never had the support of the MTTC Nations. Given the fragile and uncertain state of both the Fraser sockeye and the local salmon stocks, and the immense importance of salmon to the MTTC, it is his view that Atlantic salmon farming should only be practiced with the highest precautionary principles.