



FIRST NATIONS  
FISHERIES COUNCIL

First Nations Fisheries Council

# Communiqué March 2010

## **FISHERIES ISSUES UPDATES**

### **Cohen Commission**

Justice Cohen has now set up the offices for the Judicial Inquiry into the Decline of Sockeye Salmon in the Fraser River. The deadline for applications for standing (the ability to participate in the Commission process and any required funding) was March 10/10. First Nations, even if they have not sought standing, are able to make written submissions to the Commission.

A number of First Nations and First Nations fisheries organizations, including the First Nations Fisheries Council, have applied for standing before the Commission. The First Nations Fisheries Council will be participating both from a concern for the protection of rights and title interests for B.C. First Nations in general, and with the objective of looking at what key issues First Nations want to see brought forward in the Commission and included in the final report. Discussions to this affect will take place on the Council's Tier 1 bi-weekly conference calls. All First Nations are invited to participate in these discussions.

For more information on the Cohen Commission, visit their website at:

<http://www.cohencommission.ca/en/>

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### **Aquaculture**

Following last February's *Morton* decision, Fisheries and Oceans Canada is now in the process of conducting consultations relating to the development of a new B.C. Regulatory Framework for Aquaculture. The Fisheries Council has been hosting information meetings around British Columbia throughout February and March, providing analysis and background information, and offering the opportunity for First Nations' communities to become more aware of and engaged in this issue. More information is posted on the Council website, including: an overall paper of summary recommendations; a Primer which provides an introduction to the issue of aquaculture; a legal opinion on the issue of the new regulatory framework and associated consultation; an analysis of reviews of aquaculture; and a review of DFO's strategic questions from First Nations' perspective.

Notes are currently being summarized from the community sessions and the Fisheries Council will be preparing a final report and recommendations to help ensure that First Nations rights and title interests are incorporated into the new regulatory framework.

For more information about aquaculture visit the FNFC website [here](#).

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## **First Nations Fisheries Council Co-Management Update**

In January 2010 the Fisheries Council hired three new Co-management staff who will be working with communities around B.C. in order to look at planning related to future co-management of fisheries. The Council staff are working out of offices on Musqueam lands in South Vancouver. In February Fisheries Council member Howie Wright was nominated as the lead Council member for Co-management initiatives. Staff have been attending on-going Tier 1, 2 and 3 meetings to learn and participate. In early February the Fisheries Council staff met with DFO to develop a short-term work plan for the 2009-10 fiscal year, and to begin to look at an approach to long-term work planning which will involve communities. In the short-term the new staff will complete a draft co-management concept paper, continue professional development, and visit First Nations fisheries and fisheries organizations. The Council is working with DFO in order to make local co-management positions available to First Nations fisheries organizations around B.C.

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## **Commitment to Action Implementation**

As a part of the more broad Commitment to Action being negotiated between the Fisheries Council and DFO, Terms of Reference are currently being developed for four B.C.-wide working groups on the priority issues of: Sec 35 (1) FSC fisheries (lead Council member Walter Joseph); Co-Management (lead Council member Howie Wright); Aquaculture (lead Council members Ken Malloway and John Henderson); and Salmon Shares and Economic Development (lead Council member Russ Jones). A process to request nominations and to make appointments to the working groups will also be developed. It is hoped that the working groups will be established this spring.

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## **BC Government Launches the Water Act Modernization Process**

As part of the commitments made in *Living Water Smart: B.C.'s Water Plan*, the province has now initiated the public engagement phase of the *Water Act Modernization (WAM)* Process.

BC's *Water Act* is over 100 years old requires significant changes to broadly address key issues such as:

- recognition and accommodation of Aboriginal Title and Rights
- protection of aquatic ecosystem services (e.g. in-stream flows during critical salmon life history stages)
- integrated watershed/land-use planning to protect water quality and quantity,
- protection of groundwater
- ways to manage future uncertainty (e.g. climate change impacts and adaptations)
- the provincial water allocation system.

The FNFC will compile and post some information and resources on the FNFC website that may assist communities with their review of the WAM Discussion paper and in preparing their written submissions to B.C.

At this point the Province's proposed consultation process with First Nation communities appears to be inadequate, lacking the time and resources required for the effective engagement. The Fisheries Council is currently in contact with the Provincial Government in order to raise concerns related to the consultation process and to suggest ways that the Province could improve its engagement with First Nation communities on this important initiative.

**The province has developed and posted a Water Act Modernization Discussion Paper**

(<http://www.livingwatersmart.ca/water-act/discussion-paper.html>) for review and input from First Nations, stakeholders and the public through regional public workshops. They have also started online discussions through the [Living Water Smart Blog](#) and they are accepting written submissions.

In addition to nine public workshops scheduled in cities throughout BC, the province has scheduled three First Nations Workshops for March 31 (Kamloops), April 1 (Nanaimo) and April 14 (Terrace). For more information on the Provincial Government's proposed engagement with First Nations on the WAM process or to register for one of the workshops, you can contact Ian Graeme at 250-356-6663 or [ian.graeme@gov.bc.ca](mailto:ian.graeme@gov.bc.ca)

Written submissions may be completed online, emailed to [livingwatersmart@gov.bc.ca](mailto:livingwatersmart@gov.bc.ca) or sent to: *Water Act Modernization*, Water Stewardship Division, Ministry of Environment, PO Box 9362 Stn Prov Govt, Victoria, BC, V8W 9M2. The closing date for submissions is **April 30, 2010.**

**Once the public comment phase has closed, the Provincial Government will review and consider the public comments, and by the end of summer or early fall, final** recommendations will be submitted to government and will be drafted into a legal language for introduction into Parliament. The Bill is scheduled to be introduced to the Legislature in the 2011 Spring Session.

For more information about Living Water Smart and the Water Act Modernization Process, please visit <http://www.livingwatersmart.ca/water-act/>.

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## **FISHERIES IN THE NEWS**

Please see the Fisheries Council's [Fish in the News](#) page for recent media coverage relating to B.C. fisheries issues of interest to B.C. First Nations. A [Bulletin Board](#) is also regularly updated on the website with information about upcoming meetings, job opportunities, and other fisheries related news.

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## **UPCOMING MEETINGS AND IMPORTANT DATES**

For a list of upcoming fisheries meetings of interest to B.C. First Nations please visit [the calendar on our website](#).

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## **NEXT B.C. FIRST NATIONS REGIONAL FISHERIES ORGANIZATIONS CONFERENCE CALLS**

The next bi-weekly B.C. First Nations Fisheries Organizations conference calls for B.C. First Nations Fisheries Organizations and technical staff (Tier 1 – internal to First Nations only) will be held:

March 24, 2010 from 9:00am – 10:30am

April 7, 2010 from 9:00am – 10:30am

Please [contact the Council](#) for dial-in information and agendas or refer to past meeting summaries on the FNFC website (you will need to login to view the meeting notes – a confidential login is available to

anyone who is a member of a B.C. First Nation or who works on behalf of a First Nation in the area of Fisheries).

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## **YOUR COUNCIL MEMBERS**

First Nations Fisheries Council members are appointed by First Nations around B.C. through processes that they determine at a region scale. There are 14 Council seats available. The intent of the Regions is that First Nations will work collaboratively to determine which area they participate in and how they wish to see appointments made. These are your current Fisheries Council members.

<b><u>Council Member</u></b>	<b><u>Region</u></b>
Allan Claxton	South Island
Cliff Atleo	Nuu-chah-nulth (West Coast Vancouver Island)
John Henderson	Kwakwaka'wakw (Northern Vancouver Island & Mainland Inlets)
Vacant	Central Coast
Russ Jones	Haida Gwaii
Don Roberts	North Coast
Walter Joseph	Upper Skeena
Vacant	Northern Transboundary
Howie Wright	Columbia Transboundary
Thomas Alexis	Upper Fraser
Vacant (2)	Mid-Fraser
Ken Malloway	Lower Fraser
Vacant	Lower Fraser/ Lower Mainland

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You can contact the Communications Coordinator for the Fisheries Council, Aimee Arsenault, at [info@FNFisheriesCouncil.ca](mailto:info@FNFisheriesCouncil.ca).