

## **Small Group Dialogue (Transcription)**



FIRST NATIONS  
FISHERIES COUNCIL

### **Background**

After each panel discussion on Day Two, attendees participated in small group dialogue sessions that provided an opportunity to discuss the concepts of governance, scales, activities and mechanisms in relation to joint management.

### **Governance**

The objective of the governance small group dialogue session was to identify common grounds in terms of opportunities for joint management initiatives.

*What are the key challenges and opportunities that we face in developing governance approaches for fisheries and aquatic resource joint management?*

#### Issues:

- Variable definitions of co-management
- Current legislation and overlap
  - Fisheries and Oceans Canada: who do we talk to?
  - First Nations: who do we talk to?
- Find a direction for co-management
- Change legislation, *Fisheries Act* needs to reflect Supreme Court Rulings
- Use the Nisga'a Treaty as a case study (government-to-government, incorporating science and traditional based decision making tools, and establish Nisga'a Annual Fish Plan that can be submitted to various agencies)
- Dictatorial attitude of Government and Fisheries Department
- Willingness to change policies, rules and regulations that guide FISHERIES AND OCEANS CANADA and to implement change
- Recognition of rights and respect for those rights
- Understanding and respect for each other as people
- Recognition of local knowledge and implementation of that knowledge
- Ability for local people to cost-effectively deliver fisheries management
- Effective enforcement and powers for fisheries guardians
- Development of First Nation traditional judicial systems for infractions
- Local control of habitat requires fisheries management
- Implementation of customary laws
- Effective structures and decision making as to support open dialogue
- Effective communication
- Cross cultural understanding
- Trust
- More timely information

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- More relevant information
- Resources (Capacity)
- Resistance to institutional change
- Need for better information (for example, incorporate TEK)
- Growth in recreational sector and need for joint management
- Build on interim agreements in advance of treaties
- Canada has to recognize the authority of First Nations
- Decision making
- Recognizing what First Nations want
- Need a resource to manage (conservation)
- Joint management boards at the right scale/geographic area
- All aquatic resources – fish water etc.
- Getting First Nations to work together and agree (especially at larger geographic scales)
- Management scales established by Fisheries and Oceans Canada do not correspond to First Nation territorial scales
- How do interests of recreational and commercial users get included in joint management processes (for example, through Fisheries and Oceans Canada representation, First Nation representation or direct representation?)
- Overcoming the distrust (long history), How do we do it?
- On-going discussions / communication
- First Nations capacity to communicate at the First Nation community level
- Report back to community
- Work with government
- Approaches and management are all compartmentalized instead of integrated – too many independent processes with no common structure
- To have a real say, meaningful input to decision making
- The government has not recognized First Nations authority
- Need 7 or 8 generation or longer plan
- First Nations either don't have the capacity (tech) or are ignored when they provide input
- Fisheries and Oceans Canada doesn't respect First Nations knowledge and worldviews as legitimate
- Fisheries and Oceans Canada thinks "in the box" – First Nations have a holistic worldview and don't understand
- First Nations expect Fisheries and Oceans Canada will be respectful and learn but they don't
- Fisheries and Oceans Canada has predetermined agenda and wont relinquish or share authority
- Need support and capacity to provide meaningful input
- Identifying existing small First Nations projects as pilots of governance
- Interim finding - lack of sufficient funding for First Nations currently

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- Recognition of title and rights
- Precursor to discussions of governance and joint decision making
- Fisheries is a part of aquatic resource management
- Enforcement
  - Lack of appropriate protocols
  - Lack of enforcement and capacity to enforce our rights (FSC)
  - Lack of First Nations authority to enforce rules

Challenges:

- Lack of fisheries, diminishing resources
- Federal ministry position in BC
- Need MOU's/Treaty to set baseline for discussion
- All parties need to be prepared to participate, not just listen
- Where is the provincial government?
- Education
- Resources (money and people)
- Level of understanding / communication
- Out-dated policy/legislation
- Entrenched indifference towards Aboriginal title by Fisheries and Oceans Canada
- Resources – funding / HR
- Fisheries and Oceans Canada has to recognize existing treaty right
- Overlapping tenures (for example, aquaculture)
- Developing achievable timelines
- Remote communities left out of the process
- Educate Ottawa
- Trust issue
- No clear principles or mandate
- Accountability?
- Lack of economic analysis
- Community impact study
- Can we include decision-making at the ministerial level?
- Communication
- Frustration
- Not after the fact
- Early, effective, proactive
- Local authority at FISHERIES AND OCEANS CANADA
- Considering and incorporating local knowledge
- Different structures (behind people coming to the table)
- Different tiers
- Respecting different protocols, title and rights
- Delay of courts – waiting for answers but not timely and no clear direction

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### Opportunities:

- Common interest
- Improved structures
- Updated policy/legislation
- Willingness / opportunities to communicate
- Build capacity at Fisheries and Oceans Canada as well as First Nations to communicate at the community level that flows to higher level processes
- Integrate several processes in into one e.g. IFMP
- Embracing Supreme court of Canada decisions
- United Nations D.R.I.P. – co-management can assist in meeting declaration
- Also opportunity to explore – FN have local knowledge that can be tapped into
- Aquaculture – new unencumbered program that can be developed with tools in mind
- Economic efficiencies can be explored – FN on the ground and coast can more effectively deliver government mandate i.e. enforcement
- Understand and accommodate First Nations needs
- Define consultation to ensure harmful measures don't go forward
- Solidarity and support to make changes
- FN resource management approaches to assist and lead others in making resource use sustainable
- FN as teachers of sustainability
- Consensus is a way to bring together different worldviews
- What is “appropriate capacity” – we need to have a discussion to define
- First Nations have come to table to share decision-making but FISHERIES AND OCEANS CANADA has not been able to come to the table in good faith
- Delegated authority to regional/local scale
- Incorporation of local knowledge into decision-making (ATK)
- Focus on the future – start with a clean slate such as joint management
- Fishery Guardians

### Scales

The objective of the scales small group dialogue session was to ground a common understanding of the concept of scales and look for common understanding on what is the proper scale for various decisions.

#### *What Management functions are best handled at the local scale?*

- In some cases distribution of resources including money, people, boats and some aspects of certain fisheries (for example, central databases)
- Some national policies (for example, joint management with Fisheries and Oceans Canada)

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- Development of MPA network
- International agreements (for example, halibut and salmon, migratory fish, etc.)
- Some stock assessment (for example, halibut longline survey)
- Support local knowledge and systems (for example, First Nations TEK documentation)
- Management decisions need to be made at the local levels to the highest degree of possibility
- Training
- Development of third party partnerships (for example, farmers, local hunters and fishers, business, regional governments, municipalities, etc.)
- (Weighted input needed)
- Community impact need to be reviewed with communities (prior to implementation)
- Information and C.I. not done or ignored
- Current advisory committees are dominated by investors that largely don't fish or live in the region because of past policy initiatives
- Owner Operator ignored despite impacts. Other jurisdictions impacts ignored of regulations.
- Need to control and policies of harvesting that affect community (for example, PICFI has had no input or collaboration)
- ICZM policy (UN) needed – Fisheries and Oceans Canada is not living up to their STOS (for example, geoduck)
- Say in licensing and regional licenses that affects local employment
- Monitoring and enforcement (fisheries and environmental impacts)
- Assessment of local stocks and habitat (Band)
- Enhancement including habitat and aquaculture
- Establishing watershed priorities
- Interests to be linked (rights and or interests) to other processes
- “Relationships” – effective relationships need to be created between Fisheries and Oceans Canada and First Nations leads to management functions
- Decision making/local governance and incorporation of “local knowledge”
- Habitat management
- Stock assessment
- Catch monitoring
- Enforcement
- Ecosystem management
- The management functions defined by joint management at the local scale
- Ceremonial harvest
- Program delivery and development
- Who defines local? Communities, government, watershed?
- Who has the authority to make decisions?

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- Local defined by individual communities (for example, TARC and SMFCA – depending on the issues)
- Local allocation policies and incorporate local knowledge
- Timings and areas of openings and closing of fisheries
- Monitoring of all fisheries
- Enforcement and use of landing stations
- Enforcement, ability to enforce rules and regulations
- Catch monitoring
- Stock assessment
- Environmental monitoring
- Habitat enhancement and restoration
- Test fishing done by First Nations
- Determining appropriate gear types, traditional First Nations methods (weirs etc.) and incorporating TEK on what is best to use
- Stewardship of the eco-system
- Sustainability
- All management must recognize and respect our First Nations title and rights and first priority to fisheries
- Environmental assessments, major projects and agricultural pollution
- Water quality monitoring
- Data collection
- Data communication, real time when people need it
- Data needs to be verified and understood by local First Nations
- Fisheries decision made locally
- Operating weirs, creel surveys, gathering information
- Local advisory processes
- Community dialogue
- Trust building, like canoeing
- Education and enforcement
- Feasting
- The authority to make decisions rests with each first nation, therefore all decisions related to management are handled at the local scale
- Until there is recognition of First Nations authority, delegation upwards can't happen
- Need a good working relationship with Fisheries and Oceans Canada local staff
- Technical aspects of stock assessment and monitoring
- Enforcement, boundary rights, permits, licensing authority
- Identification of issues tools and implementation priorities
- Resource allocation
- Communication media relations for consistent messaging
- Consultation for local and outside timely and meaningful
- Education and training

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- Orientation of land priorities, recognize boundary rights
- Administration
- Habitat assessment and reclamation
- Enforcement, traditional law, conservation, sport fishing
- Stock assessment, run timing and local stocks
- Environmental monitoring water quality, quantity including in-stream flows
- Predator control, seals, sea lions, sea otters, whales
- Invasive species, monitoring and eradication
- Consultation and Accommodation Fisheries and Oceans Canada policies (for example, catch monitoring, local and industrial development)
- ATK
- Tier 1 nation to nation discussions
- Determination of FSC needs drafting annual FSC amounts, and commercial TAC
- Drafting of inter tribal protocols re trade of fish
- Determination of available flow for salmon streams
- Local enhancement opportunities
- Implementation of policies (for example, WSP)
- Monitoring sport fisheries, local fisheries
- Issuance of licenses, including total amount of licenses

*What Management functions are best handled at the regional aggregate scales?*

- IFMP
- In-season management of migratory species
- Policy
- Marine use plans
- AFS coordinated where possible
- Data Management and storage and area
- Data collection protocols – international level and other standards
- Data comparability for inter-agency use
- Protocols for sharing data
- Environmental assessment and referral current process is not manageable for First Nations, this is a role for the province
- Water management issues, triggering Fisheries and Oceans Canada to get involved in water requires going through too many other jurisdictions (EC, BC) how to trigger the fed jurisdiction for fish habitat issues, water monitoring and identification of potential section 35.1 impacts
- Sport fishers management regional licensing and enforcement
- How to deal with “major projects” where decisions lands in Ottawa but impacts are felt regionally? Regional First Nation: collaboration between First Nations and Fisheries and Oceans Canada on real on the ground assessment of impacts, habitat policy implications – should be worked through in collaboration on the ground

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- Region: capitalize on opportunities move away from risk management
- Fisheries management – decentralization
- Re-enforce – authority of RDG – DM 1, authority of Area Directors
- Need to connect with the senior management and ministerial level (area managers and RDG)
- Access to resources habitat issues and policies, regulations
- Set up framework with the Tsimshian nation to nation government to government
- Up front with aboriginal rights and title pertaining to resources
- Fishing plans for all species – IFMPs need to incorporate more First Nations input at the earliest stages
- Input to openings and closures for all species, technical input from First Nations scientists, including ATK
- Have one FN or tribal council take the lead with Fisheries and Oceans Canada to create a management framework, get input from other First Nations and sectors
- Must have the agreement from lead First Nations and Canada and other First Nations and sectors or goes back to the lead group for revision
- Information sharing
- Forum to work together
- Pulling together and harmonizing common interests and concerns (for example, MUP, facilitated by aggregate group)
- Sharing technical and financial resources
- Coordinate efforts (for example, training)
- Regional advisory committees, to deal with in-season science and management, and local and regional stocks

*What Management functions are best handled at the BC Wide scale?*

- Salmon really need to be looked at BC wide
- Overall capacity building plan/approach
- Need a vision overall
- Trans-regional agreements to frame use of protocols and agreements including sharing arrangements, common understanding
- We are all connected to ecosystems
- Conservation, habitat protection, FSC, economic access, all management
- Coast wide is different than BC wide
- Coastal people have more diversity in fish interests, but interests and concerns are common
- First Nations need to share information and become better informed about each other
- Funnel local concerns that can't be dealt with locally up to another level, BC wide could be a tool to improve collaboration
- BC wide needs to be a vehicle to improve the engagement at the local scale

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- Mechanism for sharing expertise, work together and with Fisheries and Oceans Canada
- BC wide can be a translation tool to bridge gaps in communication
- First Nations need Tier 1 coast wide to hold Fisheries and Oceans Canada accountable and input for constituencies in relationships and approaches around BC

### **Activities and Mechanisms**

The objective of the activities and mechanisms small group dialogue session was to seek guidance on what are the priority topics or areas for joint management.

*What co-management mechanisms best reflect the fisheries co-management aspirations of First nation communities in British Columbia?*

- Tier two processes that are based on a government to government relationship, test current policies such as IFMPs and ensure that TEK is within the Fisheries and Oceans Canada
- MOUs, where we agree to work together and take baby steps.
- Need to speak a common language and have agreed upon definition (for example, “Social” in FSC – does it include economic opportunities? There are differing opinions)
- Legislation – at a broad level
- Joint management boards – before Fisheries and Oceans Canada meetings with sector groups (boards should reflect the legislative priorities of First Nations (conservations, rights recognition)
- Joint management boards (identification of areas of interest and level of authority is important)
- PNCIMA, as an example, needs effective rollout and participation and First Nations control the establishment of area/scale
- Integrated Aquaculture Management Plan provides encumbered opportunity
- Bilateral technical groups
- Local access bilateral discussions and agreements
- Formalized agreements built from aggregate processes
- Multi year, longer term commitments
- Creating opportunities to have parallel processes come together to make decisions
- Informal – allows for the ability to change as needs change, because of the large variation in fish stocks
- Tier one international dialogue on fishing plans. First Nations can impact upriver returns
- Bilateral agreements (local)
- Formal agreements at all levels need solid commitment at the NHQ level
- Recognition legislation
- Protocols (historical)
- Groups of both First Nation and Fisheries and Oceans Canada representatives that are involved in some aspect of decision making must consider all sources of knowledge including elders, historical traditional and local knowledge

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- Governance frameworks for government to government processes, such as, MOUs, adherence to constitutional and case law, and protocol agreements
- Joint management of resources
  - Delegated authority for specific functions
  - Establish dispute resolution processes
  - Joint decision making
  - Negotiate what functions are being delegated to First Nations
  - Veto power as last resort
  - Include Province of BC where appropriate
  - First Nations involved in jointly drawing up policies
  - Have decision makers available throughout the year (have alternates available then lead reps are on leave)

*What are the priority activities around which we should be enhancing our co-management relationships?*

- Negotiate protocols with Fisheries and Oceans Canada to open and close commercial fisheries in traditional territories. Include the elements of monitoring, compliance and stock identification
- Collect catch information for all fisheries
- Incorporate First Nations; fishery/communities into decision making structures – in order to be there when decisions are being made. Information flow can go both ways between Fisheries and Oceans Canada and First Nations
- Stock assessment
- Habitat assessment
- Stock rebuilding
- Capacity for all activities, which is ongoing and sustainable
- Local level planning, including joint FISHERIES AND OCEANS CANADA and First Nation planning
- Earlier engagement on IFMPs
- Technical capacity/management capacity (FRAFS model)
- Authority = level playing field
- Setting priorities with Fisheries and Oceans Canada aboriginal programming including AAROM, AFS, ATO
- Joint funding proposals to treasury boards
- Developing national aboriginal frameworks
- Transparency
- Decision making – especially equal decision making powers
- Honesty, integrity and truth
- Separating policy and technical work
- Joint policy work
- Leaving political views out of fisheries management
- Implementing the Wild Salmon Policy
- Accountability
- Securing adequate funding to implement joint management
- Capacity
- Communication of information
- Defining shared priorities under...

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- All activities outlined in presentation are critical for joint management, but we need a more inclusive environment for First Nation involvement in fisheries and ocean management generally.
- First Nation involvement in data collection, analysis and decision making based on that information (improvements/fixing of First Nation involvement in IFMP process (government to government) and other harvesting decisions.
- Government to government marine planning at First Nation territorial level
- First Nation equal and joint engagement in access and allocation decisions.
- Ensuring that activities planning don't preclude options for future generations
- Ensuring First Nations have an effective voice must be a priority
- Local meetings first in regional areas. Area management boards that have power
- Development of policies and planning at a local level
- Science and local knowledge developed with local and regional input
- Stock assessment
- Governance structures (appropriate agreement on the decision-making model between First Nations and Fisheries and Oceans Canada)
- Enforcement
- Establishing First Nation management structures at all scales and capacity development/building
- Ensuring equality between First Nation and government groups (one group cannot have more authority than the other)
- Cross cultural education so government officials understand First Nation culture and protocols (traditional practices have been restricted and prohibited by Fisheries and Oceans Canada policy)
- Priority to education the public on out joint management goals and mechanisms
- Streamlining Fisheries and Oceans Canada/First Nation permitting and agreements and processes to ensure timely response and effectiveness
- Ministry of Fisheries – west coast
- Willingness to participate in 'meaningful' dialogue
- Resource allocation/management plans which includes financial commitment
- Change legislation to provide authority to First Nations