

Tier 2 (FN & DFO) Meeting Notes

Food Social & Ceremonial Fisheries Working Group Meeting

September 10, 2010

Attendance:

- Chief Walter Joseph (Office of the Wet'suwet'en / Skeena Fisheries Commission)
- Ernie Victor (Cheam Indian Band, Councillor)
- Deana Machin (FNFC Co-Management Coordinator)
- Alex Gagne (FNFC Policy Analyst)
- Brigid Payne (Sr. Strategic Policy Advisor, TAPD)
- Paul Ryall (A/Director Program Delivery and Resource Management)
- Barry Huber, Aboriginal Affairs Advisor, BC Interior Area
- Sarah Murdoch – Director, Treaty and Aboriginal Policy

Attending by teleconference

- Nicole McClelland (Gwa'sala-'Nakwaxda'xw First Nation)
- Brenda McCorquodale (FNFC Executive Director)

Regrets:

- Megan Moody, Tony Roberts Jr., Mark Duiven and Rob Lamirande

Introductions

- Brigid Payne, Working Group Co-Chair will Chair today's meeting
- Barry Huber is a new introduction to the Working Group. He is transitioning from his role as an Aboriginal Affairs Advisor in the BC Interior Area to a new role with the Pacific Region office, so DFO will advise as to whether he will be a permanent member of the Working Group
- Sarah Murdoch is replacing Kaarina McGivney as the Acting Director of Treat & Aboriginal Policy. DFO to advise as to whether she will be a permanent member of the Working Group

Reviewed Meeting Documents

- Agenda
- Meeting Minutes from July 23, 2010 teleconference
- May 21, 2010 Launch Crew Meeting Groups
- Proposed work planning elements
- Excerpt from 2010 Ahoushat Decision relating to Justice's comments/summary on FSC
- DFO Bulletin on Aboriginal Fisheries Management Policy (1993)
- DFO PowerPoint (distributed by Brigid Payne)

Review Agenda

- Dual Seine Fisheries Pilot – will be a brief information item since Tony Roberts Jr will is not available to give a more detailed overview of this year’s pilot
- Add: discussion the FNFC Fall Fisheries Assembly in Prince Rupert from November 2 – 4th, and the potential for the FSC Working Group to lead a session

Review of July 23, 2010 Meeting Notes

- Terms of Reference were adopted as is
- Date at top of page is incorrect
- Give additional time to Working Group members to review and provide comments before the meeting minutes are adopted

ACTION ITEM: Comments on July 23rd meeting notes to be emailed to Alex Gagne (alex@fnfisheriescouncil.ca) by September 17, 2010. Notes will be posted on the FNFC website once they have been finalized.

Update on Tier 1 Meeting (September 9, 2010)

- At the Tier 1 meeting, the FN Working Group members identified a potential goal for the working group to jointly develop FSC policy and operational guidelines
- Opportunities to use this working group as a platform for learning and relationship building between First Nations and DFO
- Learning about each others’ goals, understandings and constraints is a fundamental tool to moving forward
- Ernie Victor invited the group to come to Cheam to see the fisheries on/around the Visions Conference (October 13/14, 2010 at Seabird Island)

First Nation 2010 Fisheries Updates

- General overview of the Dual Seine Fisheries Pilot Project
 - There is dual fishing allowed in groundfish, but there have been no licenses for dual fisheries for salmon species
 - This is a pilot project where commercial fisheries can undertake a licensed commercial harvest and an FSC harvest at the same time. This is a way to minimize costs (fuel etc) and help communities whom may not have the capacity (boats, gear, etc) to access FSC
 - Two “dual fishing licenses” were arranged this year between DFO and Atlegay Fisheries Society. The license allows a seine boat (with an observer on board) to capture food fish and commercial catch at the same time.
 - We will have to wait for more information on the outcomes, successes and challenges of the pilot project at a future meeting
- Noted that in the Skeena (and likely other in-river fisheries) they do commercial and FSC fishing at the same time

- In the Lower Fraser, communications between DFO and First Nations could have been improved as there were some confusion over the timing of fisheries openings for FSC fisheries and economic opportunity fisheries. This also led to an unexpected workload increase for Fisheries Monitors in the Lower Fraser
- Note that not all communities in the Lower Fraser had an EO this year
 - In-season planning calls between DFO and First Nations were only open to participation by those First Nations with an EO. Non-EO communities were able to participate as observers, but they may not have received all of the information distributed via email on opening dates/time. This created a feeling of discrimination, and posed problems with relationship building.
- In the Skeena, the sockeye returns have been poor and FSC needs cannot be met. This has resulted in an increased reliance on Steelhead and Coho. Harvest on steelhead also raises other FSC issues related to provincial management of Steelhead and harvest by recreational fisheries
- Highlighted issues that arose this year of a lack of recognition by DFO of the protocol arrangements between First Nations for access to fisheries (the 'adjacency issue') so communities could meet their FSC needs. This occurs when some First Nations have fish within their territory and they want to share access to fish with other Nations whom do not have adequate access to fish. This issue is broader than salmon.
- In workplanning there would be utility to explore other benefits (not just economic) to FSC fishing. The benefits associated with FSC to First Nations cannot be undervalued.
- There are fundamental differences in contextual understanding between DFO and First Nations in terms of FSC and its benefits. This is an area important to workplanning (understanding the context of FSC and differing points of view).

DFO 2010 Fisheries Update

- Also recognized the issues and challenges associated with fisheries management and sharing limited amounts of fish. The DFO wants to move from being the negotiator to being a partner with First Nations.
- DFO is working to develop a management and recovery plan for Early-time Chinook.
- There are challenges around the province with fisheries management and planning.
 - How does DFO make progress in discussions?
 - How can management plans be structured to better suit everyone's needs?
- May want to explore the issues associated with First Nations Protocols and/or adjacency issues within one of the case studies we select as part of the workplan

Priority FSC Issues – DFO (see PPT presentation)

- Review the DFO powerpoint slide and discussed that the role for this Working Group is to look broadly at a B.C. wide level.
- The PPT is to provide an overview of DFO's documents and FSC policies and guidelines
- Broadly, basic elements of fisheries management pursued by DFO include:
 - Clear and stable policy basis for fisheries management planning and decision-making
 - Collaborative planning and management models
 - Challenge has been how to set up a planning process that is dynamic that has adequate buy-in and proper representation?
 - Measures to collect pertinent harvest information
 - Measures to promote compliance with fisheries plans

Action: DFO to provide hyperlink to Aboriginal Communal Fisheries Licenses and Regulations – this is a public document (referenced on slide 4).

Priority FSC Issues – First Nation

- Contemporary management language can shift the focus. In terms of FSC, harvesting is only one part of the process and the ritual.
- Would be more empowering if the language used was reflective of the First Nation worldview. These terms have a deep-rooted understanding and context for First Nations created through the relationship of people, their territories and to fisheries resources.
- Broad objective of the Working Group would be to jointly develop FSC policies and guidelines to improve the relationship between First Nations and DFO at local levels

Workplanning (SEE WORKING PLANNING TEMPLATE)

- The role of the group is to explore the FSC policy issues, not necessarily to resolve the issues.
- In many ways, the group needs to come to a common understanding and communication system in which to discuss the issues, and to have agreement on how to approach the issues.
- One objective will be to understand where each party is coming from
 - How do we understand Section 35(1)? How do we understand FSC?
 - What do these elements mean to FNs? To DFO?
- What is the role of the WG?
 - Providing advice/guidance to existing processes; learning from existing processes
 - Examine and inform the policy issues
 - Draft documents and building something together that would be subsequently ground truthed through a wider discussions and engagement with First Nations
- FN Working Group Members drafted the following draft workplan outline for discussion today. Table includes some basic workplan categories, but the actual activities to be undertaken and the form of deliverables needs to be more fully scoped:

Information Needs – PAUL RYALL and SAUL MILNE TO SCOPE ACTIVITIES AND SUBMIT TO WORKING GROUP FOR CONSIDERATION
A. Background/Discussion Paper from DFO on information and data needs for effective fisheries management. Include a discussion of current practices that DFO uses to manage data and how data is analysed for use in fisheries management decisions.
B. Background/Discussion Paper from FNFC on information and data that FN can provide to meet their fisheries management needs. Includes a discussion on FN perspectives on the incentives/disincentives for sharing data and information.
Case Studies: Analysis of Management Systems Currently in Place – BRENDA McCORQUODALE and SARAH MURDOCH TO SCOPE ACTIVITIES AND SUBMIT TO WORKING GROUP FOR CONSIDERATION
A. Early-timed Chinook Highlights: Conservation imperative; issues related to priority allocation and access
B. Clam Management Highlights: Benefits and challenges with shared management responsibilities; benefits and challenges with area-based management
Policies and Operational Guidelines BRENDA McCORQUODALE and BRIGID PAYNE TO SCOPE ACTIVITIES AND SUBMIT TO WORKING GROUP FOR CONSIDERATION (PARTS A, B and D)
A. Background: Document DFO policies and operational guidelines with respect to FSC
B. Background: Develop a discussion paper on First Nation perspectives and approaches to Section 35(1) rights
C. Community workshops/meetings to identify and discuss FSC issues, challenges and potential solutions – ALEX GAGNE AND BARRY HUBER TO WORKING GROUP FOR CONSIDERATION
D. Develop FSC Policy Framework and Operational Guidelines: Developed using background documents on FSC perspectives, learning from case studies, and designed to meet information needs for fisheries management

- Comments on the table:
 - Under information needs, add an additional activity that related to joint research/investigation of information and data needs that will support the goals and objectives of DFO and FNs
 - General agreement that early timed Chinook will be a good case study, but need more discussion on a second case study
 - Under Policies and Guidelines:
 - Activity A– make linkages back to management planning processes and needs
 - move activity C to a new category called Communication and Engagement

- Need to be careful with language in activity D – can investigate alternatives recommend changes to policies, but DFO needs to be mindful of how it develops policy
- Discussion of overall objectives for the working group and workplan:
 - More acceptable FSC policies and operational guideline that can be applied consistently across scales and areas
 - Improve and strengthen relationships between DFO and First Nations
 - Shared understanding of FSC – broad perspectives and values
 - Shared understanding of the data and information needs for fishery management; and how do we achieve it at the local scale
- Workplan is made of incremental steps to help[us reach overall goals and objectives of the Working Group
- Need to be cognizant how the workplan items are scoped and how deliverables are framed
- Need to be realistic on what can be accomplished within the remainder for the fiscal year, and what are longer-term workplan activities

ACTION ITEMS:

- 1. Deana Machin to distribute workplan outline/template to working group members by September 14, 2010**
- 2. Assigned Working Group members (highlighted in yellow above) to scope out workplan objectives and activities in greater detail and submit them to Alex Gagne (Alex@fnfisheriescouncil.ca) on or before September 29, 2010**
- 3. Alex Gagne to compile the workplan elements into a single workplan and distribute to the FSC Working Group by October 1st.**

NEXT MEETING:

Teleconference on October 4th from 1:30 – 3:00 PM to review and discuss FSCWG draft workplan