

First Nations Fisheries Council

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FIRST NATIONS
FISHERIES COUNCIL

July 15, 2011

The Honourable Peter Kent
Minister, Environment Canada
10 Wellington Street, 28th Floor
Gatineau, Quebec K1A 0H3

The Honourable Keith Ashfield
Minister, Fisheries and Oceans Canada
200 Kent Street
Ottawa, Ontario K1A 0E6

RE: COSEWIC Assessment of Eulachon

Dear Minister Kent and Minister Ashfield,

The purpose of this letter is to articulate our initial concerns related to the information presented at the May 2011 Committee on the Status of Endangered Wildlife in Canada (COSEWIC) assessment of eulachon (*Thaleichthys pacificus*).

The First Nations Fisheries Council was established in 2007 as an organization that works with B.C.'s 203 First Nations on issues related to fisheries and aquatic/marine resource stewardship. The Council works to identify and address issues of common interest to First Nations with respect to fisheries and aquatic resources, including title and rights concerns, building community capacity, and moving toward a more robust and responsive system of co-management.

At the May 2011 COSEWIC meeting it was proposed that eulachon be divided into three Designatable Units (DUs) with the following statuses: 1) Nass/Skeena – *Threatened*; 2) South Central Coast – *Endangered*, and; 3) Fraser River – *Endangered*

First Nations are alarmed that the proposed DU structure does not accurately reflect the distinct life histories or the genetic and vast geographic diversity of the eulachon. First Nations' Traditional Ecological Knowledge (TEK) clearly indicates that each eulachon river is a unique population with differences including, but not limited to: run abundance, run timing, size of fish, and the taste and physical appearance of returning adult eulachon to various river systems within a number of First Nations' territories. The proposed DU structure ignores critical TEK and scientific knowledge that would support and sustain informed management decisions that protect First Nations food security and our rich cultural and social practices and traditions.

The FNFC understands that the Fisheries and Oceans Canada (DFO) Pacific Region has initiated a Recovery Potential Assessment (RPA) to aid in the development of recovery strategies, action plans and other recommendations. DFO has limited scientific knowledge to contribute to the assessment, remains largely unaware of the diversity of eulachon populations and has relatively no experience or knowledge of how First Nations have managed their in-river eulachon fisheries. Currently, local First Nations lead in the collection and recording of eulachon scientific information and in conducting annual eulachon stock assessments within their territories. As a result, DFO is often obliged to rely solely on abundance data, information and knowledge held by First Nations. The information on abundance in the RPA needs to be accurate and broadly encompass all eulachon runs to properly inform eulachon management decisions.

As you are aware, Canada has endorsed the **United Nations Declaration on the Rights of Indigenous People** and Article 31 states:

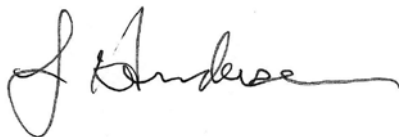
“Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures...They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

The FNFC expects the Government of Canada to uphold these guiding principles by taking effective measures to recognize and protect the exercise of rights by B.C. First Nations. Furthermore, First Nations in B.C. have unequivocally and repeatedly articulated that their title and rights include a right to have a central role in natural resource management within their territories. For First Nations, joint management of fisheries and aquatic resources is an approach that has the capacity to entrench the constitutional obligations of the Crown in mechanisms which actively engages and accommodates First Nations’ role in management and decision making processes. In order to meaningfully engage B.C. First Nations in processes relating to eulachon management and recovery, the FNFC recommends that the Government of Canada:

- i. Create bi-lateral government-to-government relationships and dialogue with B.C. First Nations by engaging directly, and in person, with First Nation Bands and Tribal groups; and
- ii. Provide financial resources to B.C. First Nations communities and organizations to:
 - a. Review, analyse and provide comment on the COSEWIC Assessment of Eulachon Participate in technical and scientific assessments and processes that will contribute to the determination of a potential SARA listing
 - b. Participate in the development of management plans and recovery strategies for eulachon populations.

Ultimately any listing under SARA will affect the intimate relationship between First Nations and eulachon, posing a significant threat of infringement on First Nations’ Title and rights, thus necessitating a robust and timely consultation process. As First Nations continue to be the holders of Traditional Ecological and scientific knowledge it is paramount that at the outset, First Nations be involved in any discussions regarding recovery potential or future management eulachon populations.

Sincerely,
FIRST NATIONS FISHERIES COUNCIL



John Henderson
Coastal Co-Chair



Ken Malloway
Interior Co-Chair

CC: Sue Farlinger, Regional Director General, DFO Pacific Region
Regional Chief Jody Wilson-Raybould, BC Assembly of First Nations
Grand Chief Stewart Phillip, President, Union of BC Indian Chiefs
Grand Chief Ed John, First Nations Summit
Regional Chief Eric Morris, Chair, National Aboriginal Council on Species at Risk
Larry Carpenter & Donna Hurlbert, Co-Chairs, COSEWIC ATK Sub-Committee