

BC First Nations Fisheries Action Plan



Preparing for
Transformative
Change in the
BC Fishery



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CONTENTS

INTRODUCTION	1
CONTEXT: The Need for Transformative Change in the Pacific Fishery	2
MOVING FORWARD	4
FIRST NATIONS FISHERIES ACTION PLAN	
Vision	6
Goals	6
Principles	7
Relationships and Reconciliation.....	9
Aquatic Resource Sharing (Allocation).....	12
Safeguarding Habitat and Responding to Threats	14
Aquatic Resource Management.....	16
Building Solid Economic Opportunities	19
Negotiations and Litigation	21
ATTACHMENT ONE: Best Practices	25

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INTRODUCTION

Fisheries in British Columbia are in a period of transition as a result of increasing demands and pressures on the resource and shifts in government policy to try to respond to these and other issues. This includes First Nations seeking increasing shares in the fishery and greater involvement in management and decision-making, pursuant to their Aboriginal title and rights, and treaty rights. However, First Nations in BC have lacked a strong, collective vision and strategy to achieve progress on these goals, and to address the wide range of other regional and provincial fisheries issues. As a result, First Nations often find themselves reacting to issues that arise from government decisions on policy, legislation and programs, as well as actions and decisions taken by the commercial, sport and recreational fishing sectors or others.

In 2004, the First Nation Panel on Fisheries, co-commissioned by the BC Aboriginal Fisheries Commission and the First Nations Summit, released “Our Place at the Table – First Nations in the BC Fishery”. This report outlined a vision, goals and principles for changes in management and allocation in the BC fishery, based on hearings in First Nation communities around the province and over 50 submissions.

On October 4-6 and November 29, 2006, BC First Nations gathered together to build upon this previous work and to commence a broad dialogue about common fisheries issues. This BC First Nations Fisheries Action Plan is a result of those Forums. It provides First Nations with a solid foundation for future action; however, it is only a starting point. Further work and discussion is required to create a BC First Nations Fisheries Council, which will engage with First Nations in implementing a detailed workplan based on the actions set out in this document.

CONTEXT

The Need for Transformative Change in the Pacific Fishery

BC fisheries have undergone dramatic changes over the past century and the last two decades have been no exception. Most changes have eroded First Nations participation in fisheries, particularly as commercial and recreational demand for fishing opportunities has increased. In 1990, the treaty negotiation process raised the expectations of some First Nations that Canada would deal with long outstanding fisheries issues within a decade. However, progress in these negotiations has been slow and, in the meantime, Canadian courts have played a more significant role in motivating the development of recent federal fisheries policies.

The 1990 Supreme Court of Canada (SCC) decision in *Sparrow* affirmed the priority of First Nation fisheries for food, social and ceremonial purposes over commercial and recreational fisheries. In response to *Sparrow*, the federal Department of Fisheries and Oceans (DFO) created the Aboriginal Fisheries Strategy (AFS) which encouraged negotiated agreements with First Nations but provided only small changes to commercial access. On the Atlantic coast, the 1999 SCC *Marshall* decision relating to treaty fishing rights led to the federal *Marshall* Response Initiative which transferred significant commercial allocations to Atlantic First Nations. However, similar commercial fishing rights cases in BC, such as the 1996 *Gladstone* case wherein the SCC held that the Heiltsuk had a commercial fishing right to herring roe on kelp, had little effect on West Coast fisheries policy.

In 2004, broad structural changes to BC fisheries were recommended by a federal-provincial Joint Task Group on Fisheries (the “Pearse/McRae Report”):

- more secure access rights for commercial fishers through 25-year term licences,
- co-management arrangements with industry,
- fully transferable Individual Fishing Quotas (IFQs) as a mechanism to restore profitability to fishing operations, and
- gradual fisheries transfers to First Nations under treaties with compensation to commercial fishers for the impacts of treaties (Pearse/McRae estimated that 33% of sockeye might be eventually transferred through treaties based on allocations in Agreements-in-Principle at the time).

A parallel First Nation Panel on Fisheries was commissioned to ensure that a First Nations perspective was advanced on how to manage and allocate the Pacific fishery. The First Nation Panel on Fisheries proposed a vision, goals and principles for future management and allocation approaches through the lens of recognizing and respecting Aboriginal rights and title and treaty rights. Its recommendations included:

- immediate steps to ensure adequate First Nation access to fish for food, social and ceremonial purposes,
- immediate transfer of a minimum of 50% of all fisheries to First Nations,
- steps by First Nations to resolve intertribal allocations which would encourage them to work together on management of migratory stocks,
- recognition of First Nations management rights and flexible management systems that accommodate the interests of First Nations, and
- a moratorium on further individual quota regimes until First Nation allocations are resolved.

Following the release of these two reports, DFO embarked on a process of “Pacific Fisheries Reform” - the intent of changes proposed under Pacific Fisheries Reform include:

- Full economic and social potential of the resource is achieved,
- First Nations fishing interests are defined and reconciled with the interests of all Canadians,
- There is public, market and participant confidence that the fishery is sustainable,
- Participants are self-reliant and able to self-adjust,
- Participants are treated fairly and equitably and are involved in decision-making and share accountability for the conduct of the fishery,
- Costs of management are shared by those who benefit from the harvest,
- All fishery participants enjoy certainty and stability necessary for business planning, and
- Equitable treaties are achieved.

These changes in the fishery are occurring in a new political context for First Nations. In March 2005, the political Executives of the First Nations Summit, Union of BC Indian Chiefs and BC Assembly of First Nation (the “First Nations Leadership Council”) signed a Leadership Accord, committing to work together to advance reconciliation. Shortly thereafter, the First Nations Leadership finalized the New Relationship vision document with the Government of British Columbia, whereby they agreed to a new government-to-government relationship based on respect, recognition and accommodation of aboriginal title and rights. On May 31st, 2005 a First Nations-Federal Crown Political Accord on the Recognition and Implementation of First Nation Governments was signed. This Accord commits the Parties (AFN on behalf of First Nations and INAC on behalf of the Government of Canada) to work jointly to promote meaningful processes for reconciliation and implementation of section 35 rights to achieve an improved quality of life and to support policy transformation in other areas of common interest. Following this, the Transformative Change Accord, building on the New Relationship, was signed by the First Nations Leadership Council, the Government of Canada and the Government of British Columbia on November 25th. This signals a new era of unity and strength among First Nations, and a greater willingness by governments to explore new ways of working together. This must include new ways of working together in fisheries and fisheries related matters.

MOVING FORWARD

The stage is set and the need is great for major, transformative changes in the Pacific fishery (see Appendix 1 for a synopsis of transformative change in various jurisdictions). Although most First Nations in BC are aware of changes that are occurring and proposed by DFO, there has been limited collective effort to assess the overall implications of changes or to discuss and address these changes.

In this context, First Nations recognized the need for an action plan to:

- Develop and endorse principles, mechanisms and models to guide improved relationships between First Nations, First Nations and governments, and First Nations and other sectors as they relate to the fishery,
- Develop and endorse principles and structures for fisheries management,
- Endorse principles and processes regarding First Nations fisheries allocations,
- Endorse principles and positions regarding environmental threats to the fishery (e.g. forestry, offshore oil and gas exploration, global warming) and to restore and protect fisheries habitat,
- Identify potential economic opportunities relating to the fishery, and means to take advantage of these opportunities through common efforts, and
- Identify ways to support and reduce barriers to litigation and negotiation processes relating to the Pacific fishery.

To develop this action plan, First Nations gathered together on October 4-6 and November 29, 2006 in Squamish Territory. Delegates developed an overarching vision statement, goals, and principles relating to the Pacific fishery. Six key themes were identified:

- 1) Relationships and Reconciliation
- 2) Aquatic Resource Sharing (Allocation)
- 3) Safeguarding Habitat and Responding to Threats
- 4) Aquatic Resource Management
- 5) Building Solid Economic Opportunities, and
- 6) Negotiations and Litigation.

Within each theme area, First Nations generated a number of ideas and action items to achieve transformative change in the Pacific fishery.



FIRST NATIONS FISHERIES ACTION PLAN

FIRST NATIONS FISHERIES ACTION PLAN

VISION

Our ancestors have passed on to us the responsibility to protect our land, waters and resources as they have before us, and to pass on our traditional values and practices to future generations. First Nations in BC will work together – based on respect for each other and the natural world – to address issues in the fishery for our common good and to enhance the well being of our communities. We will strive to maintain healthy aquatic ecosystems and species and restore them as necessary. We will work in partnership and share management responsibility based on our ownership of our territories and our right to manage the fishery. We will work with other governments and third parties to ensure recognition and respect of our title and rights and conservation and appropriate management of the resource.

GOALS

First Nations in BC have established the following seven goals for the Pacific fishery:

1. That we have healthy ecosystems that are resilient to change.
2. That, within the limits of healthy ecosystems and species, First Nations have the ability to use species and habitat to nourish their people for food, social, spiritual, educational and ceremonial purposes.
3. That within the limits of healthy ecosystems and species (and once the second goal is achieved), that First Nations have the ability to generate enough economic wealth from a diversity of resources and uses so that families and communities are healthy.
4. That within the limits of healthy ecosystems and species (and once the second goal is achieved), that First Nations have the ability to share their resources and wealth with respectful neighbours and guests, and that this sharing is reciprocated.

5. That First Nations, federal and provincial governments jointly manage aquatic species and ecosystems, and that those involved in the use and enjoyment of aquatic species and ecosystems have the responsibility and ability to meaningfully contribute and share their knowledge, experience, and energy towards achieving the above goals.
6. That First Nations, federal and provincial governments, with the help of others, ensure aquatic species and ecosystem users and managers are held accountable if they are not respectful of the above goals.
7. That there is a high degree of certainty that we can continue to achieve these goals over time.

PRINCIPLES

First Nations have established the following eight principles to guide actions relating to the Pacific fishery:

1. **Ecosystem Approach:** Species and their habitat are managed through an ecosystem approach. An ecosystem approach looks at the role that a species, habitat-type, or activity plays in relation to other species, habitats or activities, and in relation to their broader ecosystem. It also looks at the cumulative effects of different activities. Finally, it includes understanding broader processes and dynamics driving change at smaller scales.
2. **Conservation:** The protection, maintenance, and rehabilitation of aquatic resources, their habitats, and interconnected life support systems, take precedence in managing aquatic resources. For species and ecosystems to continue to produce benefits, we must protect their diversity and resilience to impacts and changes.

In making decisions, it is important to respect the limits of our knowledge and understanding of aquatic systems, especially given current uncertainty about environmental change. Resource managers and users should therefore err on the side of caution when making decisions. According to this precautionary principle, where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing cost-effective measures to prevent harm to aquatic species and their habitat.

3. **Sustainability:** Aquatic resource use should be conducted in an environmentally, socially, and economically sustainable manner. Asking whether an activity can continue to produce similar benefits for future generations is one way of determining whether an activity is sustainable. This test should be applied in the context of prior knowledge, our limited ability to predict the future, and an ecosystem approach that looks at the activity in relation to other activities or broader dynamics.

Full-cost accounting that integrates social, ecological, and economic costs and benefits should also be used when making decisions related to aquatic resources.



4. **Shared Responsibility:** A central First Nations role in management is necessary, based on Aboriginal and Treaty rights and title. First Nations, Federal, and Provincial governments should have primary responsibility for the management of aquatic species and habitat. Local governments, fishers, communities, and the public at large should have opportunities to contribute meaningfully to management.
5. **Accountability:** Aquatic resource managers and users should be accountable for the results of their decisions and actions. Accountability involves establishing desired outcomes, establishing rules of conduct in achieving outcomes, monitoring rules, evaluating whether outcomes are being achieved, and implementing meaningful corrective action.
6. **Diverse Approaches and Benefits:** We respect the cultural diversity among BC First Nations and the importance of continuing and supporting each others traditional practices. Diversified benefits and participation in management are important in garnering support for protecting aquatic species and ecosystems.

Within the framework of a common vision and principles, different approaches and institutions should be nurtured in different geographic or sectoral communities in BC.

Diverse approaches should be independently and transparently evaluated according to a common framework. This can provide incentives for innovation and the ability to test and adapt management strategies.

7. **First Nations Ownership:** First Nations rights and title arise from prior use and occupation of the land and ocean spaces, and include rights to utilize and manage aquatic resources. We will respect the rights and title of other First Nations and support each other to advance those rights.
8. **Stewardship:** The use of aquatic species and their habitat should carry with it the responsibility to treat them with respect and ensure their continued and unimpaired use and enjoyment by future generations.

RELATIONSHIPS AND RECONCILIATION

Progress needs to be made at three levels – government-to-government; intertribal; and with third parties.

GOVERNMENT-TO-GOVERNMENT CONTEXT

A number of government-to-government agreements exist between the Crown and First Nations, which provides the context in which fisheries discussions should take place:

- **A First Nations-Federal Crown Political Accord on the Recognition and Implementation of First Nation Governments (May 31, 2005):** Commits the Parties (AFN on behalf of First Nations and Indian and Northern Affairs Canada (INAC) on behalf of the Government of Canada) to work jointly to promote meaningful processes for reconciliation and implementation of section 35 rights to achieve an improved quality of life and to support policy transformation in other areas of common interest.
- **New Relationship (March 2005):** The Province of British Columbia and First Nations in BC, as represented by the First Nations Leadership Council, agree to: a new government-to-government relationship based on respect, recognition and accommodation of Aboriginal title and rights; reconciliation of Aboriginal and Crown titles and jurisdictions; and to establish processes and institutions for shared decision-making about the land and resources and for revenue and benefit sharing.
- **Transformative Change Accord (November 25, 2005):** An agreement between First Nations in BC, the Government of Canada and the Government of British Columbia to work together to close the social and economic gap between First Nations and other British Columbians over the next 10 years and establish a new relationship based on recognition and reconciliation of Aboriginal title and rights.
- **A Joint Fisheries Dialogue for British Columbia, Memorandum of Understanding (October 2000):** Signed by the First Nations Summit, British Columbia Aboriginal Fisheries Commission (BCAFC), Native

SYNOPSIS OF ISSUE

RELATIONSHIPS ARE STRAINED WITH RESPECT TO THE PACIFIC FISHERY AND FIRST NATIONS AND CANADA NEED TO FIND BETTER WAYS OF WORKING TOGETHER TO MAKE MEANINGFUL PROGRESS ON ISSUES – AT BOTH POLITICAL AND TECHNICAL LEVELS. PRINCIPLES TO GUIDE THE GOVERNMENT-TO-GOVERNMENT RELATIONSHIP ARE REQUIRED. NEW PROCESSES FOR COLLABORATIVE POLICY REVIEW AND DEVELOPMENT, CONSULTATIONS AND DIALOGUE SHOULD FLOW FROM THESE PRINCIPLES.

INTERNALLY, FIRST NATIONS NEED TO RESOLVE THEIR DIFFERENCES AND DETERMINE AREAS OF AGREEMENT. BASED ON THESE AREAS OF AGREEMENT, FIRST NATIONS NEED TO WORK THROUGH REPRESENTATIVE ORGANIZATIONS TO ADVANCE FISHERIES POSITIONS.

RELATIONSHIPS BETWEEN FIRST NATIONS AND THIRD-PARTY USER GROUPS ARE ALSO STRAINED. FIRST NATIONS NEED TO DETERMINE HOW – AND ON WHAT ISSUES – TO ENGAGE THESE GROUPS FOR MUTUAL BENEFIT AND IMPROVED RELATIONS.

STATEMENT OF UNITY

ON THE BASIS OF RESPECT, RECOGNITION, ACCOMMODATION AND RECONCILIATION OF ABORIGINAL RIGHTS AND TREATY RIGHTS, FIRST NATIONS IN BC WILL ADVANCE COMMON POSITIONS ON FISHERIES MATTERS – EXERCISING OUR INHERENT TITLE AND RIGHTS – THROUGH A UNITED FRONT, A UNITED VOICE, TO BUILD EFFECTIVE WORKING RELATIONSHIPS WITH GOVERNMENTS AND THIRD PARTIES.

Brotherhood of British Columbia, the Department of Fisheries and Oceans, Indian and Northern Affairs Canada, Human Resource Development Canada, Environment Canada, Parks Canada, and Western Economic Diversification Canada to establish a forum for dialogue among senior representatives of the federal government and First Nations regarding policies relating to fisheries. While there is recognition that the Policy Dialogue Forums and the MOU establish a unique and important forum for dialogue, First Nations have expressed some concern that these processes have not resulted in significant or observable policy change on the ground.

INTERTRIBAL RELATIONS - INTERNAL FIRST NATION CONTEXT

There is currently no formal agreement among First Nations on fisheries issues in BC and, in fact, there is at times significant disagreement between First Nations, particularly on a geographic basis – such as between north/south, and interior/coastal regions.

Another difficulty is that, should First Nations be able to produce a strategy on fisheries issues, there is no single province-wide First Nations organization to work with First Nations and to oversee its implementation.

THIRD PARTY CONTEXT

There is a recognized need for improved relations with the commercial, sport and recreational sectors and that further work is required to achieve this. Some instances of First Nations organizations engaging in dialogue with commercial and recreational sectors exist (including the June 2006 Commercial Salmon Advisory Board agreement with some Sto:lo First Nations), but not on a province-wide scale.

ACTION ITEMS

- ▶ Through further discussions (specifically regarding composition, structure and mandate), First Nations will create a BC First Nations Fisheries Council that is supported by, and has balanced representation of, First Nations, is appropriately resourced, is accountable in all respects (including decision-making, financial management, responsiveness, information-sharing). This Council will:
 - Be responsible for implementing this Action Plan,
 - Hold regular province-wide fisheries forums and assemblies to increase open dialogue, cooperation and support on fisheries issues,
 - Support regional or watershed-based forums and processes to deal with local and regional issues,
 - Develop collective First Nations fisheries-related strategies and policy perspectives,
 - Share information on fisheries issues with BC First Nations and support improved data collection and sharing,
 - Support First Nations in developing and implementing their fisheries and aquatic resource plans, and
 - Build effective working relationships with First Nations, First Nations organizations (provincial and national), governments, the media, and others.
- ▶ First Nations will hold a reconciliation ceremony amongst themselves.
- ▶ Develop a communications and media strategy to promote, and increase public awareness of, Aboriginal title and rights.
- ▶ Consider forming a “direct action group” to defend Aboriginal and Treaty rights to fish to act when governments fail to fulfill their obligations to First Nations.
- ▶ Develop a legal strategy to further Aboriginal and Treaty rights and title to aquatic resources.
- ▶ Develop intertribal protocol agreements or an intertribal treaty on fisheries (including building on the Inter-Tribal Fishing Treaty for the Fraser and Columbia watershed signed in Squamish in 1993).
- ▶ Develop a high-level protocol or Memorandum of Understanding with governments to improve relationships as they relate to the fishery.
- ▶ In the spirit of the New Relationship and Transformative Change Accord, create a consultation and accommodation policy with respect to fisheries and aquatic resources and engage with governments to implement it.
- ▶ Engage with the federal government to ensure that First Nations needs are addressed through Pacific Fisheries Reform.
- ▶ Engage with the national Assembly of First Nations to sponsor forums in BC to address those aspects of Fisheries Act Renewal (including Bill C-45 Fisheries Act 2007) that will affect BC First Nations.
- ▶ Develop a strategy to address the renegotiation of the Pacific Salmon Treaty that will involve province-wide or regional First Nations forums on the status of negotiations and may involve meetings with US Tribes and Alaska Natives.
- ▶ Participate more actively in third party stakeholder meetings and nominate First Nation representatives to advisory boards.

SYNOPSIS OF ISSUE

RESOURCE SHARING AND ALLOCATION IS THE MOST CONTENTIOUS ISSUE IN THE FISHERY AND MUST BE RESOLVED IF RELATIONSHIPS ARE TO BE IMPROVED, AND FIRST NATIONS UNITY MAINTAINED. IN OTHER JURISDICTIONS, DECISIONS ON FISHERY ALLOCATIONS TO FIRST PEOPLES PROVIDED STABILITY AND CERTAINTY IN THE FISHERY. SHARING OF MIGRATORY STOCKS AMONG FIRST NATIONS CAN BE CONTENTIOUS; HOWEVER, IF FIRST NATIONS DEVELOP THEIR OWN SYSTEMS FOR SHARING, IT PROVIDES AN OPPORTUNITY TO DESIGN APPROPRIATE MANAGEMENT SYSTEMS AND ADDRESS PROVINCE-WIDE ISSUES. SYSTEMS FOR SHARING MUST BE RESPECTFUL OF ABORIGINAL TITLE AND RIGHTS, AND TREATY RIGHTS, TO AVOID COURT DISPUTES AT A LATER DATE.

STATEMENT OF UNITY

SHARES OF THE FISHERY WILL RESPECT ABORIGINAL TITLE AND RIGHTS, AND TREATY RIGHTS, ARISING FROM FIRST NATION OWNERSHIP OF THEIR TERRITORIES AND RESOURCES THEREIN. AS A RESULT, FIRST NATIONS WILL HAVE A MAJORITY SHARE OF ALL AQUATIC RESOURCES. FIRST NATIONS WILL CONSERVE SHARED/MIGRATORY STOCKS AND RESOLVE INTERTRIBAL RESOURCE SHARING.

AQUATIC RESOURCE SHARING (ALLOCATION)

Existing models for First Nation sharing of migratory fish (e.g. Nisga'a Final Agreement, AFS pilot sales, economic opportunity fisheries, Allocation Transfer Program) are difficult to apply on a province-wide basis. They also fall short in terms of fully developing relationships; the current system pits First Nations against each other and makes it difficult to realize their full potential in fisheries management.

First Nations will have a stronger voice if they work collectively. The need for collaboration among First Nations was recognized by the First Nation Panel on Fisheries, which recommended that intertribal allocations be made by First Nations. The rationale was that joint allocations would provide an incentive for First Nations to work together on management of migratory stocks. A key question will be whether or not First Nations are able to organize themselves to address fisheries allocations.

Inter-tribal sharing will be difficult to resolve, but not impossible. Both Washington Treaty Tribes and Maori worked for years to develop principles for resource allocation. In the end, shares for the Treaty Tribes were determined through a political process and did not change significantly. There was friction in the process, including lawsuits among Tribes. Maori allocations went through a similar political process. Final criteria were approved by a narrow majority and included length of coastline in the tribal area and population. A flood of court actions arose, although most were dismissed. First Nations in BC wish to avoid inter-tribal litigation and learn from the experiences of these other Tribes.



PHOTOS COURTESY OF OKANAGAN NATION ALLIANCE

ACTION ITEMS

- ▶ First Nations will improve communications with each other with respect to resource sharing negotiations.
- ▶ First Nations will develop a legal strategy to address resource sharing, building upon litigation efforts of the Nuu-chah-nulth, Lax kw'alaams and Haida.
- ▶ First Nations will develop a political, public relations and inter-governmental strategy to achieve a First Nations majority share of all fisheries resources, based on Aboriginal priority rights to the fishery.
- ▶ First Nations will develop an approach to sharing aquatic resources with third parties, based on the priority Aboriginal right for food, social and ceremonial needs, and an appropriate share of the commercial fishery for First Nations.
- ▶ First Nations will address intertribal sharing of migratory stocks and aquatic resources among themselves as a mechanism for developing regional working relationships
 - Consider providing incentives and mechanisms for First Nations to develop their own sharing arrangements
 - Identify dispute resolution processes.
- ▶ Consider creating a First Nations licensing system.
- ▶ Work with Assembly of First Nations to promote BC workshops on Bill C-45 and Fisheries Act Renewal in order to develop unified First Nation positions on changes.
- ▶ Develop positions and seek supporting resolutions from First Nations Leadership Council member organizations with respect to specific aspects of Pacific Fisheries Reform, and Fisheries Act Renewal, particularly with regard to:
 - A majority share of all BC fisheries for First Nations,
 - Funding for transfer of allocations to First Nations, and
 - Curtailment of all pilot Individual Fishing Quotas (IFQs) programs until First Nations access issues are addressed.
- ▶ Develop a plan to achieve First Nation needs for fish for food, social and ceremonial needs for the 2007 fishing season and include these in DFO fishery management plans.
- ▶ Develop and promote approaches to intertribal resource sharing discussions that foster and maintain unity, including support for regional First Nation groups to develop intertribal resource sharing protocols and investigate how these might be applied at the province-wide scale.

SYNOPSIS OF ISSUE

AQUATIC RESOURCES AND HABITAT ARE UNDER THREAT FROM A VARIETY OF SOURCES AS DEMANDS FOR LAND AND RESOURCES ARE INCREASING. FIRST NATIONS NEED TO CONSIDER COLLECTIVE STRATEGIES TO SAFEGUARD AND RESTORE HABITAT AND ENSURE THAT AQUATIC RESOURCES CONTINUE TO SUSTAIN FIRST NATION CULTURES INTO THE FUTURE.

STATEMENT OF UNITY

FIRST NATIONS IN BC HAVE A COMMON INTEREST IN LONG-TERM PROTECTION AND REVITALIZATION OF AQUATIC RESOURCES AND THEIR HABITAT AND WILL WORK TOGETHER TO ASSESS AND RESPOND TO THREATS AND TO MAINTAIN AND ADVANCE COMPREHENSIVE HABITAT PROTECTION PROGRAMS IN FRESHWATER AND MARINE ENVIRONMENTS ESSENTIAL FOR THE SURVIVAL AND PRODUCTIVITY OF ALL SPECIES AND POPULATIONS.

SAFEGUARDING HABITAT & RESPONDING TO THREATS

Land-based activities and developments compete with fish for water or habitat. Some activities, such as urbanization, agricultural development, forestry or coastal development are gradual and it is difficult to assess cumulative impacts. Over a period of decades, developments may threaten the survival and productivity of fish populations. Strategies to address these can be numerous and include urban planning, creating protected areas (including riparian areas), habitat improvement or replacement when developments occur, or provision of minimum water flows.

Increasing attention is being focused on potential threats to marine habitat such as:

- Aquaculture,
- The introduction of invasive species due to release of shipping ballast water,
- Offshore oil and gas development, and
- Climate change.

First Nations must be engaged on these issues at various levels including assessment, planning, policy and decision-making.

There are also current policy and legislative changes underway that may impact the health of habitat (First Nations have had varying levels of involvement and input in these changes), including:

- Policy changes to streamline habitat referrals through DFO's Environmental Process Modernization Program,
- Changes to the Fisheries Act that would allow delegation of responsibilities to the provinces,
- Implementation of the Wild Salmon Policy, which includes assessing habitat status to maintain wild salmon in their natural habitat, and
- Implementation of the federal Oceans Action Plan.

First Nations need to consider whether these changes will improve or weaken habitat protection and to develop a collective response. Additionally, while many First Nations participate in, or manage, stewardship programs, a lack of funding limits the potential effectiveness of these efforts.

ACTION ITEMS

- ▶ Replace DFOs “No Net Loss Policy” with a “No Loss of Habitat Policy”.
- ▶ Support communities in developing watchman/stewardship programs, including through identifying adequate resources for stewardship and restoration.
- ▶ Undertake public education campaigns.
- ▶ Lobby industry groups to develop appropriate habitat protection plans and policies.
- ▶ Improve baseline information on environment and resource status.
- ▶ Support First Nations involvement in integrated land use planning.
- ▶ Improve monitoring of non-point source pollution (e.g. agriculture).
- ▶ Develop strategies and plans to implement and use court decisions such as Saanichton Marina case that extends the right to fish to protection of habitat.
- ▶ Improve information-sharing between First Nations on habitat protection and threats to habitat.
- ▶ Under the New Relationship and Transformative Change Accord, transform environmental assessment processes, including incorporating First Nation views on acceptable levels of risk.
- ▶ Develop standards for incorporating First Nation traditional knowledge into plans and practices.
- ▶ Develop and implement comprehensive First Nations policies to protect habitat and water resources.
- ▶ Conduct a collaborative review of existing legislation, policies and regulations (including in the areas of fish farm development, waste disposal, logging, etc.) to identify issues that need to be addressed.
- ▶ Conduct an analysis and appropriate strategies for Integrated Oceans Management.
- ▶ Work with the national Assembly of First Nations to address immediate issues such as Fisheries Act Renewal and increased delegation of habitat responsibilities to the province.
- ▶ Convene a forum with First Nations, government and industry to assess threats to marine and freshwater species and habitats and develop specific action plans for areas including: environmental disaster response; global warming and climate change; aquaculture; forestry (including Mountain Pine Beetle impacts to riparian areas, and cutting practices and clear cuts); invasive species (marine and land); ballast water discharges; mining; agriculture (run-off and water pollution effects); pesticides; residential development; solid waste disposal; offshore oil and gas; transportation (railways, roads, bridges); pulp mills; pollution effects on marine mammals (including killer whales, sea lions); channelization of rivers; trawling (oolichan bycatch and shrimp trawling, benthic habitat destruction); water flow and water use plans.

SYNOPSIS OF ISSUE

FISHERIES MANAGEMENT SYSTEMS ARE RAPIDLY CHANGING TO REFLECT NEW REALITIES SUCH AS THREATS TO FISH POPULATIONS AND DECREASED PUBLIC RESOURCES FOR MANAGEMENT. MARKET-BASED MECHANISMS SUCH AS INDIVIDUAL TRANSFERABLE QUOTAS ARE DISPLACING TYPICAL INPUT CONTROLS (SUCH AS LIMITED ENTRY) AS THE PRIMARY MANAGEMENT TOOL AND USER GROUPS ARE INCREASINGLY REQUIRED TO FUND MANAGEMENT PROGRAMS. IN THIS NEW ENVIRONMENT FIRST NATIONS NEED TO CONSIDER HOW THEY WANT TO ORGANIZE THEMSELVES AND ENGAGE IN MANAGEMENT AND DECISION-MAKING.

STATEMENT OF UNITY

FIRST NATIONS IN BC WILL TOGETHER PLAN AND MANAGE SUSTAINABLE FISHERIES IN ORDER TO ENSURE FISHERIES CONSERVATION AND POSITION FIRST NATIONS AS ACTIVE FISHERIES MANAGERS AND DECISION-MAKERS AT REGIONAL AND PROVINCIAL LEVELS. BY WORKING TOGETHER IN FISHERIES MANAGEMENT, FIRST NATIONS WILL CONSERVE FISHERIES RESOURCES FOR FUTURE GENERATIONS.

AQUATIC RESOURCE MANAGEMENT

First Nations need to consider how to work better collectively in fisheries and aquatic resource management, particularly for migratory stocks. Opportunities for First Nations to participate in management and decision-making should increase as economic fisheries allocations increase. However, First Nations need to decide on how best to organize themselves to take advantage of these changes locally, regionally and provincially.

Co-management is a key element in fisheries reform. The First Nation Panel on Fisheries Report largely focuses on a broad concept of co-management that encompasses: participation at all levels of management, including the development of policies and overall objectives for fisheries management; direct involvement in conservation and rehabilitation programs; and, detailed decisions on the regulatory controls and management programs that should be applied to individual First Nations fisheries. In contrast, the Pearse/McRae Report focuses on a narrower concept of co-management, largely restricted to operational decision-making and program implementation at the level of individual commercial fisheries. First Nations must be clear on their vision of co-management, and the processes through which this will occur.

Multi-sector advisory committees for salmon and herring, the Salmon Integrated Harvest Planning Committee and Integrated Herring Planning Committee, respectively, have been operating for the last two years. These committees provide advice on fishery management plans. There is no First Nation process to appoint representatives, so participants are currently invited by DFO.

The First Nation Panel on Fisheries highlighted that many First Nations are not obtaining adequate aquatic resources for food, social and ceremonial purposes. DFO has recognized the need for a better framework and better procedures to guide establishment of food, social and ceremonial harvests. First Nations must determine to what degree they should engage in a process to define food, social and ceremonial requirements at local and regional levels.



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Ideally, a diversity of management approaches would be implemented in order to reflect the diversity of interests of First Nations. However the trend is for most fisheries to be managed through aggregate catch limits or individual quotas with negotiation of numerical limits on fisheries access. This approach could limit options for First Nations to exercise their fishing rights, such as setting aside exclusive fishing area or managing through fishing time with no catch limit.

International agreements such as the Pacific Salmon Treaty (PST) and the Convention creating the International Halibut Commission may affect First Nations access to fish. Linkages between representative First Nation bodies dealing with salmon and First Nation representatives in the PST needs to be strengthened.

ACTION ITEMS

- ▶ Ensure food, social and ceremonial needs are met through appropriate fisheries management and allocations.
- ▶ Implement compensation for loss of access to food, social and ceremonial fisheries as a result of disasters (slides, spills, epidemics).
- ▶ Create a First Nations Fisheries Commission to play a role in the management of the First Nations share of aquatic resources.
- ▶ Develop a dispute resolution system for issues arising between First Nations and between First Nations and government.
- ▶ Develop a strategy to address Individual Fishing Quotas (IFQs) and the increasing privatization of fisheries resources.
- ▶ Document First Nation traditional knowledge and protect, maintain and employ traditional conservation strategies/sustainable fishing practices (e.g. weir fisheries).
- ▶ Consider new tools for the preservation of species at risk (e.g. gene banks).
- ▶ Analyze the impacts of species at risk recovery plans on First Nations.
- ▶ Develop a First Nations salmon management plan for 2007/08 and present to governments.
- ▶ Lobby for diverse, reliable and adequate funding for local and regional fisheries organizations.
- ▶ Improve the collection, management and sharing of data, including both scientific knowledge and traditional knowledge.
- ▶ Develop a training strategy for First Nations fisheries managers and biologists.
- ▶ Support local and regional management planning.
- ▶ In the context of the New Relationship and Transformative Change Accord, develop a legal and political strategy to advance the Aboriginal right to manage the fishery and shared decision-making at all levels (local, regional, provincial).
- ▶ Meet with Washington Tribes to learn from their management systems and work together on common issues.
- ▶ Convene a forum to discuss Integrated Ocean Management Planning and Marine Protected Area planning, including First Nation initiatives and progress.

BUILDING SOLID ECONOMIC OPPORTUNITIES

First Nations must determine how to make the best use of fisheries allocations once they are secured. Together, First Nations have a diversity of experiences with management systems, including existing commercial fishery licencing, special First Nation licencing provisions, pilot sales agreements, and Excess Salmon to Spawning Requirement licences. Once fish are caught, they must be marketed and markets will pay premium prices for consistent quality. First Nations could share experiences and help each other avoid costly mistakes.

Overcapacity is another term for “too many people chasing too few fish”. The result can sadly be that, even if the resource is healthy, individual fishers may not make enough income to support themselves or their families. Common tools to manage overcapacity in a fishery are to limit the number of participants or reduce fishing time. Excess effort can contribute to other problems, such as poor product quality and unsafe fishing practices. First Nations may elect to operate communal fisheries rather than provide fishing opportunities to individual First Nation members. These can produce economic benefits that can be used for community benefit; however, they may not achieve social objectives of teaching traditional practices and self-reliance.

Overcapitalization is another common problem in competitive fisheries. It is human nature to try to improve operations whether by means of larger vessels, better fishing equipment, or increased fishing effort. Investment may initially improve profitability but at some point will fall below economic returns. Tools, such as length limits for boats or nets and gear limits, may help to limit investment but overcapitalization is difficult to avoid in most fisheries. Individual quotas are another tool that could be considered to promote economic efficiency.

Recreational fishing (particularly of chinook and coho salmon and halibut) is another business opportunity that First Nations may consider. Long term growth is expected to continue in this sector, which would create sustainable businesses and employment.

SYNOPSIS OF ISSUE

FIRST NATIONS NEED TO DESIGN ECONOMIC OPPORTUNITIES IN FISHERIES IN A MANNER THAT AVOID PITFALLS SUCH AS OVERCAPACITY, OVERCAPITALIZATION AND THE RESULTING POOR ECONOMIC PERFORMANCE. FIRST NATIONS NEED TOOLS TO CREATE FISHERIES THAT PROVIDE LONG LASTING, SUSTAINABLE BENEFITS THAT SUPPORT ECONOMIC INDEPENDENCE AND CONTRIBUTE TO HEALTHY FIRST NATIONS ECONOMIES.

STATEMENT OF UNITY

FIRST NATIONS IN BC RECOGNIZE THE IMPORTANCE OF AQUATIC RESOURCES TO ALL FIRST NATIONS AND WILL WORK TOGETHER TO DEVELOP FISHERIES MANAGEMENT SYSTEMS THAT ENABLE SUSTAINABLE ECONOMIC OPPORTUNITIES WITH LONG-TERM BENEFITS TO FIRST NATION COMMUNITIES AND FISHERS.

ACTION ITEMS

- ▶ Identify opportunities for revenue-sharing in the fishery.
- ▶ Analyze opportunities in value-added fisheries products through local processing.
- ▶ Include action items for economic opportunities in fisheries under the New Relationship and Transformative Change Accord.
- ▶ Develop a strategy to support the recognition of the economic component of Aboriginal title and rights (including defining “social”).
- ▶ Identify and lobby for increased economic opportunities for First Nations through the Allocation Transfer Program and Pacific Fisheries Reform.
- ▶ Develop a “build on our strengths” strategy for economic opportunities, including building on traditional economies and economic practices, learning from First Nations “best practices”, developing markets (internationally and locally) for First Nations products, and identifying opportunities for First Nations companies and co-ops, in the following areas:
 - Eco-tourism
 - Fishing (commercial, recreational, large and small scale)
 - Aquaculture
 - New and emerging fisheries (sardines, butter clams)
 - Marketing
 - Processing (value-added products)
- ▶ Develop a strategy for First Nations capacity-building in business skills and economic development areas, including training on best business practices (keeping politics and business separate).
- ▶ Review the application of DFO’s Aboriginal Procurement Strategy and promote opportunities for First Nations to obtain fisheries monitoring and Coast Guard contracts.

NEGOTIATIONS AND LITIGATION

Fisheries are a key component of treaty negotiations for most, if not all, First Nations in BC and some, but not all, negotiations are occurring through the BC treaty negotiations process. Federal and provincial governments have defined Cabinet-approved mandates that direct and limit government negotiators working on Fisheries Chapters. Examples of restrictive government treaty negotiation mandates include the following: lack of recognition and affirmation of the Aboriginal right to fish or the right to a moderate livelihood through the fishery; a focus on fixed allocations; a limit on First Nations' interests in commercial and recreational fisheries. In general, First Nations have not been able to reach acceptable terms for a Fisheries Chapter without substantially reducing the original community expectations for the fisheries components in a treaty.

Although the early preference was for each First Nation group to negotiate and work independently, many have found that the government mandates have limited flexibility and hindered progress in fisheries negotiations. First Nations governments have, up until recently, not looked to define a strong, collective position from the First Nations side of the table. The shared frustration among First Nations has led several to work together to explore the impediments to treaty negotiations inherent in government mandates. These First Nations have created a common table to address six key mandate barriers in treaty negotiations – including fisheries.

Treaty negotiations also affect First Nations that are not in negotiations, and all First Nations need to work together to address these impacts. Province-wide intertribal agreements could be discussed between First Nations to ensure an accepted food, social and ceremonial harvest can be achieved by all. Accepted requirements for intertribal agreements will also ensure that federal and provincial governments cannot rescind treaty proposals because of intertribal issues.

In recent years, Canadian courts have been asked to rule on questions concerning Aboriginal fisheries including the nature of the protection provided by section 35 of the Constitution Act, 1982. For example, the SCC has confirmed that:

SYNOPSIS OF ISSUE

TREATY NEGOTIATIONS FOCUS ON RECONCILIATION OF PRE-EXISTING ABORIGINAL TITLE AND RIGHTS WITH THE ASSERTION OF CROWN SOVEREIGNTY, INCLUDING USE AND MANAGEMENT OF AQUATIC RESOURCES. GOVERNMENT-TO-GOVERNMENT NEGOTIATIONS MAY ALSO OCCUR OUTSIDE OF THE TREATY PROCESS. ONE OF THE MAIN BARRIERS IN ACHIEVING RECONCILIATION IS GOVERNMENT MANDATES IN FISHERIES NEGOTIATIONS.

LITIGATION PROCESSES HAVE BEEN MORE SUCCESSFUL IN EFFECTING CHANGES IN THE PACIFIC FISHERY. HOWEVER, LITIGATION IS COSTLY AND TIME-CONSUMING, AND OFTEN PRECLUDES SIMULTANEOUS NEGOTIATION PROCESSES WITH GOVERNMENTS.

STATEMENT OF UNITY

FIRST NATIONS IN THE TREATY NEGOTIATION PROCESS WILL WORK TOGETHER, AND WITH THOSE FIRST NATIONS NOT CURRENTLY IN THE TREATY NEGOTIATION PROCESS, TO GENERATE SOLUTIONS FOR ADDRESSING ISSUES OF COMMON CONCERN AND TO DEVELOP A COMMON GENERAL MANDATE FOR FISHERIES NEGOTIATIONS WHERE GOVERNMENT MANDATES AND NEGOTIATING POSITIONS ARE CREATING IMPASSES IN NEGOTIATIONS.

- Aboriginal title exists in BC, including the right make decisions and to an economic component (Delgamuukw v. British Columbia 1997),
- First Nations food, social and ceremonial fisheries have priority over commercial and recreational users (Sparrow),
- the existence of Aboriginal rights to fish for commercial purposes (Gladstone), and
- the Crown must consult with First Nations when it contemplates making decisions that may impact on a First Nation's Aboriginal title or rights (Haida Nation v. British Columbia 2004; and Taku River Tlingit v. Tulsequah Chief Mine Project 2004), including decisions about conservation measures (R. v. Jack, John and John 1995),

There have been no decisions by Canadian courts regarding Aboriginal title to fisheries, although several cases have been filed by the Haida, Lax kw'alaams Indian Band and nine allied Tsimshian tribes, and ten Nuu-chah-nulth First Nations. It is anticipated that these cases may take some time to settle or reach decision. So far only the Nuu-chah-nulth case has proceeded to trial.

Litigation tends to result in policy changes regarding the fishery. However, litigation can be slow and costly, and the scope of a decision may be narrow. For example, the court in Gladstone established that the Heiltsuk hold an Aboriginal right to commercially sell herring spawn on kelp but did not rule whether existing regulations infringed the right. So even the winning of a case may not translate into immediate benefits such as title to land or an allocation of fish. As well, there is risk that court decisions may have negative consequences for First Nations.



NAHMINT & MAGGIE LAKE EXPERIMENTAL FISHERY, PHOTOS COURTESY UNION OF BC INDIAN CHIEFS



CHIEF BERT MACK, TOQUAHT FIRST NATION, PHOTO COURTESY UNION OF BC INDIAN CHIEFS

ACTION ITEMS

- ▶ Develop common principles to guide negotiations of First Nations, including: respect for the autonomy of individual First Nations; respect for existing treaty rights; and promote reconciliation and respect regarding shared territories.
- ▶ Increase food, social and ceremonial use to increase baseline calculations used by governments in developing their mandates.
- ▶ Create forums for dialogue among First Nations that are, and are not, involved in treaty negotiations to exchange information about government mandates and improve information-sharing on technical matters.
- ▶ Support the implementation of the treaty right of Douglas Treaty First Nations to “hunt and fish as formerly”.
- ▶ Create a BC First Nation litigation office to: monitor legislative changes or court cases that may have an impact on Aboriginal or Treaty rights; monitor and intervene in litigation that may affect First Nations; and develop a strategy for the protection of Aboriginal title and rights.
- ▶ Lobby government to abandon its “negotiate or litigate” policy.
- ▶ Identify specific mandate barriers in fisheries negotiations through processes inclusive of all First Nations and First Nations negotiators.



ATTACHMENT ONE: BEST PRACTICES

The Boldt Decision in Washington State

In Washington State, the 1974 Boldt decision ordered a reallocation of salmon to U.S. Treaty Tribes according to the court's interpretation that treaty rights required "equal sharing". Treaty Tribes were entitled to a 50% share of salmon and the same sharing formula was applied to shellfish and groundfish fisheries in the late 1990s. The Tribes faced a number of challenges in responding to this shift in policy. An immediate challenge was to develop internal capacity to catch their share. Another was to establish management systems to conduct orderly fisheries. Yet another was to deal with intertribal allocations. The need to respond to these challenges led to the formation of the Northwest Indian Fisheries Commission which was charged with grappling with these issues and developing internal mechanisms for sharing salmon amongst the 20 Tribes.

Some lessons learned from this experience:

- Allocation among the Tribes was a major issue that took years to resolve, with some disputes being addressed in U.S. courts,
- It took several years for the Tribes to ramp up their fisheries and catch their share,
- The Northwest Indian Fisheries Commission was a successful model for the Tribes to coordinate their fisheries and present a united front to State and Federal agencies. It continues to evolve and deal with emerging issues such as habitat protection, endangered species, development threats affecting salmon, overarching fishery management processes such as the North Pacific Fishery Management Council and the Pacific Salmon Treaty, and shellfish and groundfish management, and
- Tribal fisheries experienced similar development problems as the broader industry, including overcapacity, overcapitalization and poor economic performance.

New Zealand and Individual Quotas

Maori gained access to New Zealand fisheries in the early 1990s after launching court actions over the impacts of a new individual quota regime in the fisheries on treaty rights. The dispute was ultimately resolved through negotiation rather than the courts. Eventually, the New Zealand Government purchased and transferred approximately 23% of fishing quotas to the Maori. Quotas were managed in a trust until the Maori worked out arrangements for transferring quota to tribal groups. Through careful investments and business management, the Maori share of inshore quotas increased to about 40% of the New Zealand seafood industry by 2004, including processing and aquaculture operations. Some lessons from this experience:

- Times of major change can present opportunities to address long standing issues,
- Taking time to adjust to changes can be beneficial provided that fundamental issues are adequately dealt with (in this case, a trust protected assets while internal allocation issues were worked out), and
- Allocation issues can take time to resolve and may never result in a solution acceptable to everyone.

Community Development Quotas in Alaska

In the early 1990s, the U.S. North Pacific Management Council introduced a novel approach to promote community involvement in fisheries at a time when individual quotas were introduced to Alaskan fisheries. Community development quotas (CDQs) were created and allocated to Alaska Native communities in the vicinity of the Bering Sea and Aleutian Islands (allocations were not a part of land claims). The initial allocation was 7.5% of the Bering Sea Pollock quota and coincided with a major structural change in the industry toward more at-sea processing. This was expanded to include halibut, sablefish, Atka mackerel, Pacific cod and crab with the introduction of Individual Fishing Quotas (IFQs) in those fisheries. Quotas were held by Alaska Native corporations and involved government oversight of all business activities, community based shareholders and a requirement that all investments be fisheries related. From 1992 to 2001, the CDQ program created approximately 9,000 jobs with wages totaling more than \$60 million U.S. for western Alaska residents. Some lessons learned from this experience:

- New quota regimes were recognized as having negative effects on Western Alaska communities and a policy decision was made that all of windfall profits generated as a result of the change should not accrue to existing licence holders,
- Community quotas have provided significant benefits to Western Alaska communities that otherwise had limited economic opportunities, and
- One criticism of the CDQ program has been the lack of a well-defined governance structure involving the quota holders, the communities they represent and the state and federal personnel involved in program oversight.

Skeena Fisheries Commission

The Skeena Fisheries Commission is a coalition of all traditional tribes in the Skeena River watershed. It has functioned for approximately 15 years and focuses on sustainability, management and economic access to salmon in the watershed. The commission provides a forum for First Nations to work together, identify common priorities and advance these with DFO and other parties. Annual management plans account for First Nation food, social and ceremonial fisheries, ESSR and other economic fisheries. As well there is cooperation in watershed planning and technical assessment of sharing of data and planning of field programs. The commission has also spearheaded a variety of watershed level assessments over the years. The commission has been supported by funding from AFS, Aboriginal Aquatic Resources and Oceans Management (AAROM) and also the Federal Green Plan in the mid-1990s. The Skeena Fisheries Commission is involved in an economic opportunity fishery under Pacific Fisheries Reform where catch associated with leased or retired commercial fishery licences are converted to fisheries allocation upriver.

Northwest Indian Fisheries Commission

The Northwest Indian Fisheries Commission (NWIFC) provides a forum for treaty tribes in western Washington State to coordinate management of their fisheries that is essential for the exercise of their treaty rights. NWIFC formed as a tribal response to the Boldt decision (U.S. v. Washington) and has operated for 32 years. While individual tribes conduct most of their own fisheries activities, NWIFC provides a process for member tribes to work out intertribal issues. In addition NWIFC provides a window to deal with government agencies. NWIFC has 65 technical staff that provide a range of services to member tribes including:

- Policy analysis related to both the fishery and habitat;
- Technical assistance to the tribes in coordination of development of annual and long term fisheries plans;
- Assists tribes in implementation of the U.S./Canada Pacific Salmon Treaty;
- Efforts to protect western Washington salmon stocks that are listed as threatened under the Endangered Species Act;
- Maintaining the Treaty Indian Catch Monitoring Program, a database of harvest statistics necessary for fishery management planning and harvest allocation;
- Coordination of tribal hatchery programs such as coded wire tagging and fish health programs;
- Technical and policy development assistance to member tribes on habitat and environmental issues; This includes forest management, water quality, salmon habitat inventory and assessment;
- Publication of a newsletter to inform and educate the public;
- Responding to numerous information requests from agencies, organizations and the public;
- Shellfish management;
- Groundfish management; and
- Management of wildlife, including deer and elk.

NWIFC's main successes have been implementing historic Treaty rights, providing a strong political voice for the U.S. Tribes and acting as a springboard for the tribes to get involved in other natural resources including shellfish, groundfish and wildlife.

Uu-aa-thluk (Nuu-chah-nulth Tribal Council)

Uu-a-thluk is a fisheries management organization formed in 2005 that provides fisheries management services to 14 Nuu-chah-nulth tribes and the Pacheedaht First Nation. It is the successor to the Nuu-chah-nulth Fisheries Program that was created in the early 1990s. Uu-a-thluk has a small staff of five biologists that take direction from the 15 First Nations and a Council of Ha'wiih (Council of Hereditary Chiefs) and participates in a Joint Technical Working Group with DFO and First Nations. Uu-a-thluk responsibilities include:

- Conserve fish and habitats through Nuu-chah-nulth Tribal Council (NTC) and the First Nations fisheries programs;
- Provide fisheries related technical and policy advice to the First Nations/NTC;
- Establish a Regional Fisheries Management Board for Nuu-chah-nulth Ha-houlthee (“Chiefly” territories);
- Promote Nuu-chah-nulth participation in commercial fisheries;
- Stay current with fisheries events/issues and brief First Nations and NTC Executive;
- Organize Uu-a-thluk meetings and implement decisions;
- Communicate with other organizations the objectives and goals of NTC/First Nation fisheries programs such as Canadian government, B.C. Aboriginal Fisheries Commission, West Coast Sustainability Alliance, and Area G Trollers;
- Protect Nuu-chah-nulth fishing rights through challenges to government policies and management;
- Liaise extensively with DFO and other resource management agencies;
- Administer DFO/AFS/AAROM funding for NTC/First Nation Fisheries programs and projects;
- Collect, maintain, and publish fisheries data for assessment and management; and
- Develop and coordinate training programs for First Nation guardians and technicians.

Uu-a-thluk operates under the auspices of Nuu-chah-nulth Tribal Council that has been existence since 1979. First Nations in this area have a long history of working together and can draw on existing political decision processes and communication networks. Uu-a-thluk has increased Nuu-chah-nulth capacity to manage fisheries. It helps build capacity by providing policy advice as well as technical support to First Nations fisheries projects.

Inter-Tribal Fishing Treaty Between Indian Nations (Fraser and Columbia watersheds)

Many First Nations in the Fraser and Columbia River watershed signed the Inter-Tribal Fishing Treaty between Indian Nations: A Treaty of Mutual Purpose and Support in 1993 (see http://www.frafs.ca/resources/treaties/intertribal_fishing_treaty.php). This was a significant achievement and required considerable effort and commitment by the signatory First Nations. Original members included Cariboo Tribal Council, Carrier Sekani Tribal Scouncil, Chilcotin Ulkatcho-Kluskus Tribal Scouncil, Kootenay Indian Area Council, Lillooet Tribal Council, Nicola Valley Indian Administration, Nlaka'pamux Nation Tribal Council, Okanagan Tribal Council, Sto:lo Nation Scoiety, Sto:lo Tribal Council and Shuswap Nation Tribal Council. The treaty allowed for parties outside the watershed to show their support and become signatories to the agreement. The treaty envisaged development of a common inter-tribal fishery policy that would be approved by all parties. The parties undertook to work together to develop policies, infrastructure and processes for an Interior commercial fishery. The treaty has been inactive for some time but remains a potentially useful framework for cooperation of First Nations in the Fraser and Columbia River watersheds.

BC FIRST NATIONS FISHERIES ACTION PLAN

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