



Changing the Way DFO Talks "Access"


Without a doubt the biggest hurdle First Nations have to leap over in fisheries management is the control and ambiguity of how DFO manages priority access. Since time immortal First Nations have managed their territories; yet since the inception of economic industries, DFO has been the soul managers of the resource with the Minister having complete control of all management decisions.

Controlling First Nations fisheries is done so by DFO through the application of communal licensing, or via Treaties, through the Aboriginal Fisheries Strategy (AFS) after the 1990 Supreme Court of Canada ruling in the *Sparrow* decision. This declaring aboriginal right to harvest for "food, social and ceremonial purposes" (FSC) and the importance of "consulting" if rights may be affected. The AFS program created "agreements" applied to each Nation that implies allocations, area, gear, times and reporting requirements. It also allowed DFO to enter into funding agreements for "cooperative management projects".

As the years grew on, First Nations of Canada have had to watch the commercial industries gain more and more access while communities continually have their rights infringed. In some cases, recreational harvest allows for more allocation than all the First Nations on the Coast! As impacts to the resources continue to grow, stocks continue to decline, and First Nations are left to "bear the brunt of conservation"; this means First Nations are not meeting their needs, yet nothing is being done about it no matter how many times we request changes to DFO.

This biggest limiting factor is that DFO has created a system, or process, that is extremely vague and difficult to understand. While the commercial and recreational industries have advisory boards and economic corporations; First Nations are limited to process for making changes "via their local DFO manager for the Minister's decision". This process is called the "FSC Access and Allocation Framework"; a system that wasn't co-developed, wasn't consulted, nor does anyone both in DFO or First Nation communities really understand.

As far as IMAWG has been told the "FSC Access Framework" follows a DFO instilled procedure as such receiving requests from a First Nations community, DFO evaluating the request, obtaining information, consulting with the Band and other "impacted tribes", determining the scope of consultation, then a DFO decision.

 Fisheries and Oceans Canada / Pêches et Océans Canada



Current Pacific Regional Operational Approach to Managing FSC Fisheries

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Issues being first and foremost, not only does this process directly affect First Nations priority rights, it is vague, doesn't allow for collaboration, doesn't incorporate historical or modern treaties and legislative outcomes, and was created in a time where a government didn't have a mandate put the relationship of indigenous relationships as a priority. DFO has acknowledged that they have challenges with the Framework such as lack of information, concerns around impacts, application of protocols, lack of First Nation control over their own resources and capacity.

First Nations have continually requested that allocations be increased, areas via protocols expanded, closures implemented to industries, accountability to the recreational fishery increased, and so much more...yet are blocked this flawed Framework.

IMAWG has been providing advice and recommendations on several management measures that are continually stalled by the Framework so we have put forward a recommendation that this process be modernized and redeveloped with First Nations. This has also been supported by the First Nations Fisheries Council (FNFC) at their 2015/2016 AGA whereas Kevin Stringer and Andy Thomson of DFO declared it was time to re-visit the Framework as a note to "rebuilding relationships with First Nations".

IMAWG has brought this request to the FNFC and Kent Spencer (DFO Aboriginal Affairs Advisor), and want to inform Island Nations that we will be taking steps to look at creating a process of engagement to change the Framework. We realize that it's time to remove a flawed process that doesn't work for First Nations, and start to think of a modern more equalized approach to management.

Our **next Tier Two meeting on December 14**, we plan to meet with DFO to discuss this process and enacted steps for engagement; time for change is now!



CO-MANAGEMENT
OUTCOMES FROM MEETINGS...

TECHNICAL UPDATE

HERRING

Overarching concern for herring stocks in areas of low abundance was expressed by numerous Island Nations during the last Tier Two. DFO is going to use the AM2 assessment model as the basis for fisheries planning in 2016/2017. AM2 is the more precautionary of the two assessment models as it provides lower biomass estimates and lower catch rates, and was the version that Island Nations expressed they preferred, in absence of a better option.

DFO is planning on opening the Strait of Georgia and Prince Rupert District to commercial fisheries subject to a maximum harvest rate of 20%. Area 2W and 27 will be open at a maximum harvest rate of 10%. The West Coast of Vancouver Island and Haida Gwaii will remain closed to the commercial fishery in the 2016/2017 season.

Hul'qumi'num Treaty Nations requested a commercial closure for the Food and Bait fishery in the Southern Strait of Georgia, based on DFO's projected decline in spawning biomass in this area in 2017, the consistent lack of spawn observed in this area in previous years, and DFO's lack of data and understanding of the northward movement of spawn in the Strait of Georgia. In response to this request, DFO is implementing a "catch cap" of 2,000 tons on the amount of Food and Bait quota to be harvested in the Strait of Georgia South of Dodd Narrows (Areas 17S).

PRAWN

Island Nations continue to express their concern over the lack of recreational catch data in the recreational fisheries. They also expressed concern over DFO's implementation of supplemental licences. IMAWG and Island Nations made it very clear that supplemental licensing would not work for them and was an infringement on Aboriginal Rights. As a result, DFO asked for a list of recommendations or alternative options to be considered going forward. However, as it currently stands, supplemental licences for Prawn will still be required for 2017/2018. IMAWG will be submitting a list of historical recommendations/solutions to DFO regarding supplemental licensing.

Request for management measures on the recreational industry were again repeated: commercial trap mesh size, 100% catch reporting, mandatory release of berried females, and a coastwide winter closure (January to March) for the recreational sector. The Commercial industry is also in support of the mandatory release of berried females and a winter closure for the Recreational sector, as discussed at the Prawn Advisory Board meeting held on December 1, 2016.

DFO's current management approach for the prawn fishery uses potentially dated information. IMAWG and Island Nations have recommended creating an Invertebrate Technical Working Group. Currently, DFO has created a Herring Technical Working Group which was established to look at the current management and highlight potential areas for improvement, particularly related to technical and science advice. IMAWG is proposing something similar for shellfish, particularly prawn.

CLAM AND CRAB

IMAWG and Island Nations requested recreational licence and catch data for shellfish; however DFO has disclosed that their current recreational catch monitoring programs (Creel and iREC) do not target shellfish.

DFO provided a Prawn/Crab Buoy Survey Report and review of the report indicated that there were numerous limitation and uncertainties in the survey methodology and results. DFO stated that they do not use this information to make management decisions and are currently not conducting anymore buoy surveys at this time.

The Canadian Shellfish Sanitation Sampling Program is undergoing a National review in an effort to determine where more testing is required to both provide more harvest for Section 35.1 fisheries and remove sampling locations in areas not being utilized. Island Nations should work directly with Elysha Gordon (CSSP Coordinator, Fisheries and Oceans Canada), to determine sampling locations that will help to increase Nations access to shellfish.

DFO is looking to implement mandatory escape rings and rot cords on crab traps used for recreational and Section 35.1 fisheries as management measures in an effort to support the conservation of crab stocks. Island Nations were supportive of these management measures in keeping with conservation priorities, but made it very clear that these measures MUST not be just another First Nations gear restriction. Instead, they must be mandatory measures to be adopted by First Nations AND Industry.



SOOKE RIVER

PROGRAM FOR CAPACITY BUILDING

Revitalizing the Guardian Program

As per our 2016 Governance Workshop between Fisheries and Oceans Canada (DFO) and Island Marine Aquatic Working Group (IMAWG); IMAWG has formulate recommendations and next steps for our priority topic: Reinvigorating the Aboriginal Guardian Program (AGP). IMAWG hosted two Tier One sessions this fall whereas we presented the AGP to the Island Nations, supported by current activities we know are taking place within DFO and indigenous communities. Overall the AGP is a widely recognized and highly favored program that both Island Nations and DFO would like to be supported and expanded for various benefits to the resource, communities and the Department.

IMAWG alone as often received feedback from DFO on recommendations that state: “capacity for adequate assessments in the field is dwindling”, “assistance from First Nations in the field is essential”, and other specifics leaning towards the need for partnership.

However, as of 2016, DFO’s ability to fund and maintain a coordinated AFG program is extremely limited. To better understand what the program is about, we need to review what we know, what we want and our next steps to improve our current situation.

DFO has been working on pilot projects, exploring options for delivering training locally and creating a framework and new vision document to better articulate the overall objectives and engagement. As Aboriginal communities have a vested interest in the sustainability of fisheries resources, AFG can aid in fisheries management. There however must be open dialogue between the participants and the government, clear rules of engagement; clear understanding of roles and responsibilities, adequate training, equipment and funding, and a solid framework, and collaborative evaluation.

Our summarized recommendations are being forwarded to DFO in hope of further progressing this extremely beneficial program.

"Today's guardians are tomorrow's educators, lawyers and leaders. In addition to offering hope to our youth, we believe this (guardian program) offers hope and a path to true reconciliation between the government of Canada and Indigenous peoples."



UPCOMING MEETINGS!

December 6, 2016

Wild Salmon Policy and Pacific Salmon Treaty

December 13 and 14

Groundfish Tier One and Two

January 5, 2017

Fisheries Act Review Tier One

January 10 and 11, 2017

Salmon Post Season Tier One and Two

January 25 and 26, 2017

Fraser River Forum

COAST BASTION HOTEL, NANAIMO BC

**Forum: Richmond BC*

IMAWG VISION

“To support and empower a unified approach to First Nation fisheries which will ensure food security and health for all communities for the next seven generations.”