

Continuation of Consultation related to FSC Area Change Requests and Consolidated FSC Fisheries Management Approaches in the Lower Fraser River

Forum on Conservation and Harvest Planning - March 2015



Overview

- Background
- Status of Current Access Requests
- 2015 Consultation Approach
- Next Steps
- Appendix: Overview of DFO's policies and practice related to FSC fisheries

Background

- DFO has been engaged in consultations with First Nations on issues related to FSC access at the mouth of the river for some time, and recognizes the inherent complexity of First Nations' fishing interests and stock management considerations in the Lower Fraser.
- Letters sent to Fraser and approach-area First Nations in 2014 asked for specific feedback on how a number of FSC access changes requests might impact their ability to access FSC allocations. Specifically,
 - Allocation increases being sought by Squamish First Nation and Cowichan Nation Alliance Members
 - Area change requests being sought by Squamish First Nation, Cowichan Nation Alliance Members and Snuneymuxw First Nation



Background

- Some primary themes of feedback received in 2014:
 - DFO's process is cumbersome and difficult to understand, and takes too long to yield a decision
 - Need meaningful consultation as the proposed changes are significant
 - Need some level of engagement at a multi-First Nations level (Tier 1 and Tier 2)
 - DFO needs to share the information upon which it is basing decisions
 - Need more details on the specifics of management to evaluate impacts to our fisheries
 - Need for transparency and consistency in access arrangements even if no changes to areas or allocations made
 - These matters need to be addressed through traditional protocols
 - What will be the impacts to sharing arrangements in years of low abundance?



Status of Current Access Requests

- Decisions regarding requests for allocation increases were made and communicated to requesting First Nations last year.
- As a result of these decisions, total communal license amounts for Fraser River Sockeye in 2014 increased by 30,000 relative to the amounts shown in the 2014 IFMP.
- Responses to area change requests have not yet been provided



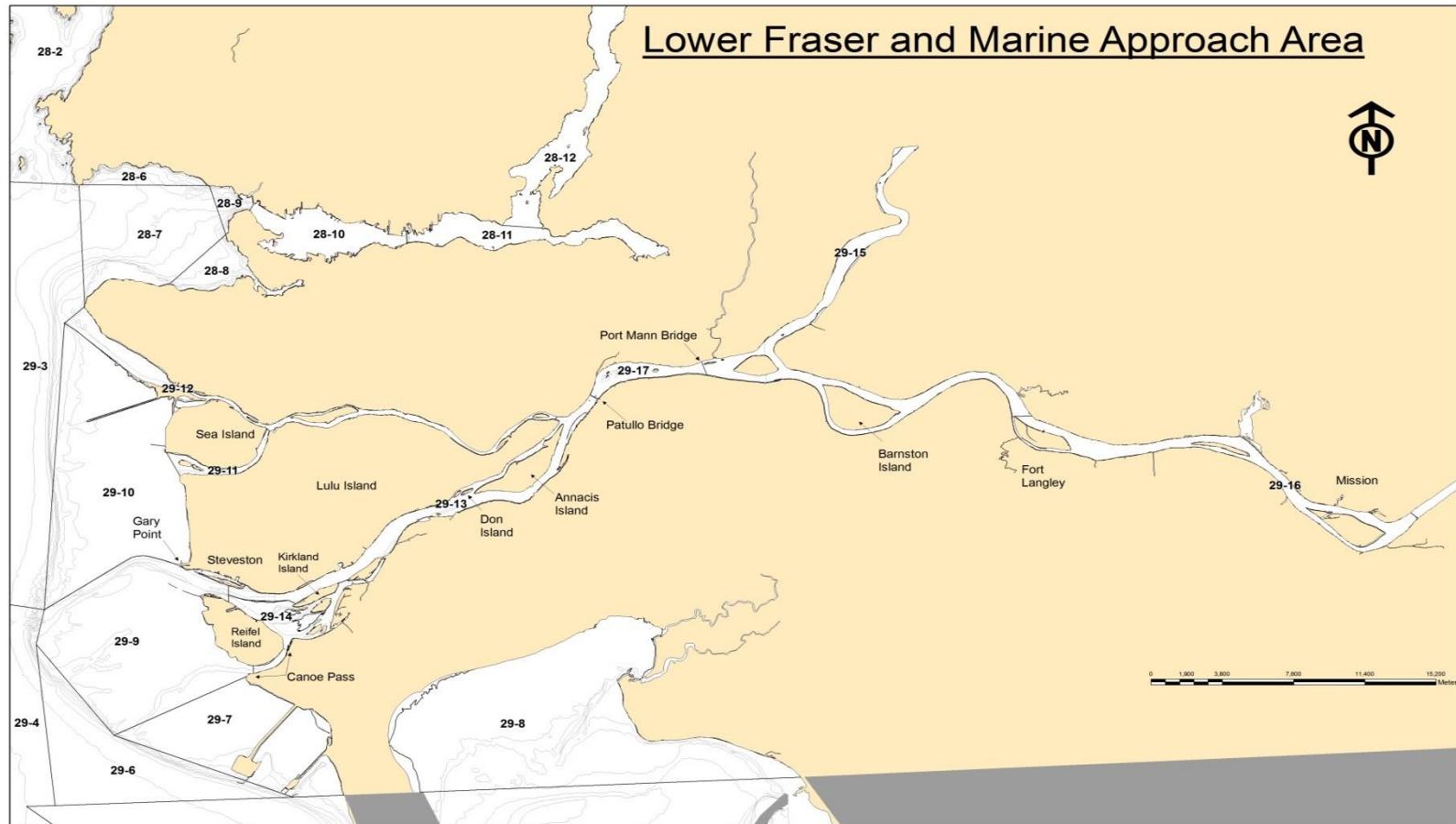
2015 consultation approach

- For 2015, DFO is pursuing a consultation process in association with:
 - The Cowichan Nation Alliance (CNA), Snuneymuxw First Nation and Squamish area change requests
 - The need for a consolidated FSC fisheries management approach for Area 29
- The focus area for work in 2015 will be the “Below Port Mann” area (i.e. 29-6, 29-7, 29-9, 29-10 through 29-14 and 29-17).



Area 29 Map

Focus Areas for consolidated fisheries management discussions =
29-6, 29-7, 29-9, 29-10 through 29-14 and 29-17





Consultation Approach

- For 2015, DFO is meeting bilaterally with those First Nations who have put forward these requests and those First Nations with existing fishing areas in the focus area.
- Key questions for discussion at bilateral sessions:
 - What are the necessary elements of a FSC salmon fishing plan for First Nations fishing in the Lower Fraser?
 - Do you have any additional information relevant to the decisions regarding the area change requests?
 - Do you have any advice on the design of a multi-First Nations' dialogue process to support 2015 decision-making and fisheries planning at the mouth of the Fraser.
- DFO is also talking to these First Nations about design options for a multi-First Nation dialogue process relating to access in this area.



Next steps

- Complete bilateral meetings (March)
- Multi-First Nations' meeting or other dialogue process related to the Focus area at the mouth of the Fraser (April / Early May)
- Draft fisheries management scenario(s) developed for consideration based on initial feedback (May)
- Additional discussions to discuss management scenario(s) (June)
- Management approach confirmed for 2015 season, and implemented (July / August)



Appendix: Overview of DFO's policies and practice related to FSC fisheries

Context for DFO's FSC policy framework

- 198 First Nations in BC, most with significant interests in fisheries.
- Fisheries capacity and aspirations of many First Nations are increasing and many do not feel that DFO's response to requests for change in access has been adequate.
- For the most part, DFO regulations, policy and programs that support FSC management were established in the early 1990s following the Sparrow decision. E.g.
 - Aboriginal Communal Fishing Licences Regulations
 - Policy for the Management of Aboriginal Fisheries
 - Aboriginal Fisheries Strategy (AFS)



Overview of DFO's FSC Policies and Practice

- *Fisheries Act* provides the Minister of Fisheries and Oceans Canada with the legislative authority for the management and regulation of the fishery
- Conservation of the resource is Canada's primary objective, and the first priority in all access and allocation decisions
- After conservation needs are met, First Nations' FSC requirements and treaty obligations to First Nations have first priority in allocation decisions
- FSC fisheries access is held communally
- Fishing for FSC purposes is an opportunity to harvest, not a guarantee of a specific allocation
- Aboriginal fishing for FSC purposes is managed within the broader context of integrated fisheries management plans
- Fisheries arrangements should promote the long-term stability of fisheries for First Nations and other users of the resource



Overview of DFO's FSC Policies and Practice

- Operational decisions regarding FSC fishing should take into account:
 - **differences between First Nations** (e.g. community needs, preferences, social and cultural differences, community use, etc.)
 - **FSC fishing by other First Nations** on the same stock/species
 - **diversity and abundance of fisheries resources available in the** fishing area of the Aboriginal group or First Nation
- Where an Aboriginal individual or group wishes to fish for FSC purposes in an area outside of their community's communal licence area and in the area of another Aboriginal group, they may be designated by the other Aboriginal group to fish under their communal licence. The harvest is counted toward the allocation from which it was licensed.



Regional FSC Fisheries Access Framework

Purpose of the Framework:

Provide staff with a consistent operational approach and common set of criteria to respond to requests from First Nations to:

- Fish for food, social and ceremonial (FSC) purposes in **areas** not previously authorized under a communal licence
- **Increase FSC allocations**, request an **allocation for “new” species**, or request a **change to gear type** that will increase the FSC fishing capacity



Regional FSC Fisheries Access Framework Key Criteria

Historic Use

- any historical information related to pre-contact and continuous fishing practices

First Nations' Community Needs for FSC Fish

- Food needs and/or nutritional studies
- Harvest information for all species
- Current allocations for all species
- Local species availability
- Any other information regarding how the First Nations' current allocation was arrived at or is currently being used



Regional FSC Fisheries Access Framework: Key Criteria

Conservation Concern

- Reasons community needs may not be getting their needs met
- Stock assessment/science branch issues or closures

Other Valid Legislative Objectives

- E.g., safety, health, other First Nations potential or established rights
- Potential adverse impacts to other First Nations' FSC access

Manageability

- E.g., fisheries monitoring and catch reporting, compliance and enforcement strategies, harvest rules, management plans, etc.

Regional FSC Fisheries Access Framework: Procedures



1. Request received from from Chief or official representative of the Band
2. DFO forms an evaluation team to evaluate the request
3. Obtains as much information as possible from the First Nation and offer to meet
4. Consultation with First Nations on potential adverse impacts
5. RDG or ADM decision
6. Area staff to notify First Nations of decision