



# FIRST NATIONS SUMMIT

## NEWS RELEASE

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**FOR IMMEDIATE RELEASE:**

**APRIL 3, 2014**

*An Open Letter from the First Nations Summit to  
Hon. Gail Shea, Minister of Fisheries and Oceans*

**Coast Salish Territory (Vancouver)** — The First Nations Summit today released the attached open letter to the Hon. Gail Shea, Minister of Fisheries and Oceans Canada opposing any plans for a commercial roe herring fishery in 2014.

Also attached is a copy of a more detailed letter and a First Nations Summit resolution sent to Minister Shea on March 14, 2014.

The First Nations Summit resolution entitled *Support for opposition of the 2014 commercial roe herring fisheries in the waters of Haida Gwaii, Central Coast and West Coast of Vancouver Island*, was passed by consensus at the March 2014 First Nations Summit Chiefs' Assembly and states;

*Therefore be it resolved;*

1. *That the First Nations Summit Chiefs in Assembly express support for:*
  - a. *The Haida, Heiltsuk and Nuu-chah-nulth nations working collaboratively in opposition to the 2014 Commercial Roe Herring Fisheries in the waters of Haida Gwaii, the Central Coast and West Coast of Vancouver Island due to on-going conservation concerns for herring in their territories;*
  - b. *The need for the Fisheries Minister and the Department of Fisheries and Oceans (DFO) staff to work with First Nations on, but not limited to, herring conservation, joint management and stock assessment in 2014; and*
  - c. *The need for the Fisheries Minister, DFO, and the commercial herring industry to jointly work with First Nations to resolve this matter to avoid conflict.*
  
2. *That the First Nations Summit Chiefs in Assembly direct the First Nations Summit Executive to work with like-minded organizations to:*
  - a. *stop the commercial roe herring fisheries in 2014 in the Central and West Coast and Haida Gwaii; and*
  - b. *raise political and media awareness regarding the fact that the Fisheries Minister rejected the recommendation of DFO scientific staff, regional staff and senior staff in Ottawa to not open commercial roe herring fisheries in the Central Coast, Haida Gwaii and the West Coast of Vancouver Island in 2014*

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*The First Nations Summit speaks on behalf of First Nations involved in treaty negotiations in British Columbia. The Summit is also a NGO in Special Consultative Status with the Economic and Social Council of the United Nations. Further background information on the Summit may be found at [www.fns.bc.ca](http://www.fns.bc.ca).*

For Further Information:

Colin Braker, Communications Director, FNS  
Phone: 604-926-9903



# FIRST NATIONS SUMMIT

April 3, 2014

Honourable Gail Shea, Minister  
Department of Fisheries and Oceans Canada  
200 Kent Street  
Ottawa, Ontario K1A 0E6

Dear Minister Shea:

We are writing in follow-up to our correspondence of March 14, 2014 (attached) to reiterate our continued support for the Haida, Heiltsuk and Nuu-chah-nulth Nations' in their opposition to commercial roe herring fisheries in 2014 due to on-going conservation concerns for herring in their territories.

We are particularly concerned with recent media reports of an imminent herring fishery planned for the Central Coast of BC (Heiltsuk and KITASOO territory). If this fishery is to proceed, it will undoubtedly undermine recent conservation efforts and result in conflict between First Nations and commercial fishermen.

We understand representatives from the Heiltsuk Tribal Council have contacted your office to request an immediate meeting to discuss these pressing issues but have had no response to date. We encourage you to immediately suspend any planned herring fishery and to travel to BC to meet with First Nations on an urgent basis to discuss a plan forward that would prioritize the conservation and sustainability of the west coast herring fishery.

We look forward to your prompt reply.

**Sincerely,**  
**FIRST NATIONS SUMMIT POLITICAL EXECUTIVE**



Grand Chief Edward John



Cheryl Casimer



Robert Phillips

Enclosure (1) First Nations Summit Letter to Minister Gail Shea dated March 14, 2014 re: FNS Resolution #0314.09 (*Support for Opposition of the 2014 Commercial Roe Herring Fisheries in the Waters of Haida Gwaii, Central Coast and West Coast of Vancouver Island*)

Cc: Chief Marilyn Slett, Heiltsuk Tribal Council  
Deb Foxcroft, President, Nuu-chah-nulth Tribal Council

Peter Lantin, President, Council of the Haida Nation  
Hon. Bernard Valcourt, Minister of Aboriginal Affairs and Northern Development  
Shawn A-in-chut Atleo, National Chief, AFN  
Jody Wilson-Raybould, BC Regional Chief, AFN  
Grand Chief Stewart Phillip, UBCIC  
Jordan Point, First Nations Fisheries Council  
Matthew King, Deputy Minister, DFO  
Sue Farlinger, RDG, BC Region, DFO



# FIRST NATIONS SUMMIT

March 14, 2014

Honourable Gail Shea, Minister  
Department of Fisheries and Oceans Canada  
200 Kent Street  
Ottawa, Ontario K1A 0E6

Dear Minister Shea:

Enclosed for your consideration is a signed copy of First Nations Summit Resolution #0314.09 (Support for Opposition of the 2014 Commercial Roe Herring Fisheries in the Waters of Haida Gwaii, Central Coast and West Coast of Vancouver Island). The First Nations Summit Chiefs in Assembly fully support the Haida, Heiltsuk and Nuu-chah-nulth in their opposition to commercial roe herring fisheries in 2014 due to on-going conservation concerns for herring in their territories.

Herring are important species to BC First Nations. As you know, due to herring declines in many areas along the coast of BC, the commercial roe herring fishery has been closed for conservation reasons in Haida Gwaii since 2003, on the West Coast of Vancouver Island (WCVI) since 2006, and on the Central Coast of BC since 2008.

The Haida, Heiltsuk and Nuu-chah-nulth Nations have expressed concerns to your Department, the fishing industry, fisherman and media regarding proceeding with commercial roe herring fisheries in their territories (Haida Gwaii, Central Coast and the West Coast of Vancouver Island/WCVI) as herring stocks in these three areas are just starting to rebuild. As such, those First Nations are opposed to commercial roe herring fisheries on the Central Coast, Haida Gwaii and West Coast of Vancouver Island in 2014.

DFO stock assessment data indicates that herring stocks in the Strait of Georgia and Prince Rupert area are abundant and can sustain commercial herring fisheries in 2014, with more than three times the amount of herring available for harvest that the industry proposes to harvest in Haida Gwaii, the Central Coast, and WCVI. First Nations strongly urge your Department to direct 2014 harvest activities into those areas that can sustain them.

We are aware that despite an Injunction being ruled in favor of the whole WCVI in 2014, there are still proposed fisheries in Haida Gwaii and the Central Coast (Heiltsuk and KITASOO territory). First Nations caution your Department against proceeding with this approach, particularly since the injunction brought by the five Nuu-chah-nulth Nations to close the commercial roe herring fishery on the WCVI was granted. We urge you to heed the scientific findings and recommendations of DFO scientific staff, regional staff and senior staff in Ottawa regarding closures to avoid a repeat of the WCVI ruling.

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We call on you, Minister, to address the three fishing areas of concern and recommendation that DFO work with Haida and Heiltsuk on resolving the matter within their territories and that no commercial roe herring fisheries occur in the areas of Haida Gwaii, Central Coast and the West Coast of Vancouver Island until herring abundance is sufficient. Furthermore First Nations call on you and DFO staff to work with First Nations on herring conservation, joint management and stock assessment in 2014.

We look forward to your prompt reply.

Sincerely,

**FIRST NATIONS SUMMIT POLITICAL EXECUTIVE**



Grand Chief Edward John



Cheryl Casimer



Robert Phillips

Enclosure (1) First Nations Summit Resolution #0314.09 (Support for Opposition of the 2014 Commercial Roe Herring Fisheries in the Waters of Haida Gwaii, Central Coast and West Coast of Vancouver Island)

Cc: Deb Foxcroft, President, Nuuchahnulth Tribal Council  
Peter Lantin, President, Council of the Haida Nation  
Chief Marilyn Slett, Heiltsuk Tribal Council  
Shawn A-in-chut Atleo, National Chief, AFN  
Jody Wilson-Raybould, BC Regional Chief, AFN  
Grand Chief Stewart Phillip, UBCIC  
Jordan Point, First Nations Fisheries Council  
Matthew King, Deputy Minister, DFO  
Sue Farlinger, RDG, BC Region, DFO



# FIRST NATIONS SUMMIT

## RESOLUTION #0314.09

**SUBJECT: SUPPORT FOR OPPOSITION OF THE 2014 COMMERCIAL ROE HERRING FISHERIES IN THE WATERS OF HAIDA GWAI, CENTRAL COAST AND WEST COAST OF VANCOUVER ISLAND**

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### WHEREAS:

- A. Herring are important species to BC First Nations.
- B. The mismanagement of the commercial roe herring fishery by the Department of Fisheries and Oceans Canada (DFO) has led to herring declines in many areas along the coast of BC.
- C. The commercial roe herring fishery has been closed for conservation reasons in Haida Gwaii since 2003, on the West Coast of Vancouver Island since 2006, and on the Central Coast of BC since 2008.
- D. On December 23, 2013, Fisheries Minister Gail Shea made a surprise announcement by declaring that there would be commercial roe herring fisheries in Haida Gwaii, the Central Coast, and the West Coast of Vancouver Island in 2014.
- E. The Haida, Heiltsuk and Nuu-chah-nulth Nations have expressed concerns to the Minister, fishing industry, fisherman and media regarding proceeding with commercial roe herring fisheries in their territories (Haida Gwaii, Central Coast and the West Coast of Vancouver Island/WCVI) as herring stocks in these three areas are just starting to rebuild.
- F. DFO stock assessment data indicates that herring stocks in the Strait of Georgia and Prince Rupert area are abundant and can sustain commercial herring fisheries in 2014, with more than three times the amount of herring available for harvest that the industry proposes to harvest in Haida Gwaii, the Central Coast, and WCVI.
- G. First Nations must be consulted and accommodated in regards to their Treaty, Inherent and Constitutionally protected Aboriginal Rights under Section 35(1) of the Constitution of Canada.
- H. The *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) provides that:
  - a) **Article 26:** “Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use...”
  - b) **Article 29:** that “Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources...”
- I. The five Nuu-chah-nulth Nations (Ahousaht, Ehattesaht, Hesquiaht, Mowachaht/Muchalaht and Tla-o-qui-aht) won a landmark ruling in the Supreme Court of British Columbia on November 3, 2009. In the *Ahousaht et al.* decision Madam Justice Garson ruled that the five Nations have aboriginal rights to fish and sell fish into the commercial marketplace. These aboriginal rights must be honoured and respected, and the five Nuu-chah-nulth Nations must be consulted and accommodated in regards to their constitutionally protected rights.

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**RESOLUTION #0314.09**

**SUBJECT: SUPPORT FOR OPPOSITION OF THE 2014 COMMERCIAL ROE HERRING FISHERIES IN THE WATERS OF HAIDA GWAI, CENTRAL COAST AND WEST COAST OF VANCOUVER ISLAND**

- J. On February 12, 2014, the five Nuu-chah-nulth Nations filed a Judicial Review and Injunction with the Federal Court to stop the commercial roe herring fisheries being planned for the West Coast of Vancouver Island in 2014.
- K. Canada's written submission to the Federal Court included a memorandum to the Fisheries Minister written by regional DFO staff and signed off by senior DFO staff in Ottawa. The DFO recommendation to the Minister was to not open the three areas of concern (Haida Gwaii, Central Coast and the West Coast of Vancouver Island) in 2014. The Fisheries Minister rejected the DFO recommendation and authorized the opening of the commercial roe herring fisheries in 2014 in the three areas of concern.
- L. On February 21, 2014, the injunction brought by the five Nuu-chah-nulth Nations was granted, closing WCVI to commercial roe herring fisheries in 2014.

**THEREFORE BE IT RESOLVED:**

- 1. That the First Nations Summit Chiefs in Assembly express support for:
  - a. The Haida, Heiltsuk and Nuu-chah-nulth nations working collaboratively in opposition to the 2014 Commercial Roe Herring Fisheries in the waters of Haida Gwaii, the Central Coast and West Coast of Vancouver Island due to on-going conservation concerns for herring in their territories;
  - b. The need for the Fisheries Minister and the Department of Fisheries and Oceans (DFO) staff to work with First Nations on, but not limited to, herring conservation, joint management and stock assessment in 2014; and
  - c. The need for the Fisheries Minister, DFO, and the commercial herring industry to jointly work with First Nations to resolve this matter to avoid conflict.
- 2. That the First Nations Summit Chiefs in Assembly direct the First Nations Summit Executive to work with like-minded organizations to:
  - a. stop the commercial roe herring fisheries in 2014 in the Central and West Coast and Haida Gwaii; and
  - b. raise political and media awareness regarding the fact that the Fisheries Minister rejected the recommendation of DFO scientific staff, regional staff and senior staff in Ottawa to not open commercial roe herring fisheries in the Central Coast, Haida Gwaii and the West Coast of Vancouver Island in 2014.

**MOVED BY:** Chief Maureen Chapman, Skawahlook First Nation  
**SECONDED BY:** Kathryn Teneese, Ktunaxa Nation  
**DATED:** March 14, 2014


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RESOLUTION #0314.09

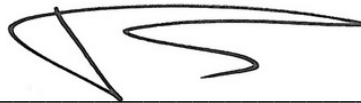
SUBJECT: SUPPORT FOR OPPOSITION OF THE 2014 COMMERCIAL ROE HERRING  
FISHERIES IN THE WATERS OF HAIDA GWAI, CENTRAL COAST AND WEST  
COAST OF VANCOUVER ISLAND

Passed by consensus.

ENDORSED BY:



Cheryl Casimer



Robert Phillips



Grand Chief Edward John