



Community Report

Building a robust fishery for all, forever.

September 14, 2017

Negotiations Update

SUMMARY NOTES:

FSMC /DFO September 14, 2017 negotiating meeting

The September 14, 2017 negotiating meeting between the FSMC and DFO took place at DFO Regional Headquarters, Vancouver, BC. This was the third meeting of this fiscal year after a hiatus in July and August.

Present were:

FSMC: Brenda Gaertner (Lead Negotiator), Victor Isaac, Tina Donald, Dominic Hope, and Thomas Alexis; Neil Todd (FSMC support); and Stephen Mussell (Mandell Pinder).

DFO: Angela Bate (Lead Negotiator), Matthew Parslow, Kent Spencer, Cindy Wong, and Ashley Dobko. David Leech and Smriti Chand participated by phone from Ottawa.

MEETING OBJECTIVES:

1. Confirm DFO's mandate to move forward regarding Governance Concept Paper #1.
2. Discuss Concept Paper #2 – FSC Priority
3. Provide overview of September 2017 Draft Management Agreement, including draft

Principles, draft TOR, and draft Implementation Plan.

4. Identify specific topics for negotiations to complete Management Agreement.
5. Confirm schedule and deliverables.

After the opening prayer, agenda review, and Action Items review the meeting commenced.

[Concept Paper #2: FSC and Priority](#)

The FSMC's draft concept paper was discussed. The Draft had been reviewed by a number of people within DFO and comments were tabled for discussion. DFO's feedback seeks to clarify and better understand the challenges identified in the paper regarding First Nations' FSC fisheries. DFO recognizes that FSMC is seeking clarification from DFO on how it implements its obligations regarding managing fish for Section 35(1) purposes consistent with the priority. Extensive discussion occurred, with further discussion anticipated to prepare for the next meeting. The FSMC Lead Negotiator stated that our proposed management agreement contains an important principle that will contribute significantly to resolving a key difference between First Nations and DFO, particularly

when pre-season expectations are for low run sizes that may not provide enough fish to meet reasonable FSC requirement. This will be explored further as discussions on the contents of the management agreement continue.

Draft Management Agreement

The FSMC tabled its Draft Management Agreement that had been developed over the summer months, and reviewed by the Main Table at the end of August. The Draft Agreement was discussed in detail by the two Lead Negotiators as they “walked” through it. The body of the Agreement is not extensive, but contains the key elements that would, if agreed to, lead to the establishment of a joint or collaborative management process that seeks to harmonize the exercise of First Nations and DFO authorities. Attached to and forming part of the Draft Management Agreement are a number of Schedules that provide more detailed information, including: a listing of the FSMC member First Nations; a schematic diagram of the proposed governance/management structure; the recently-released Government of Canada’s “Principles Respecting the Government

of Canada’s Relationship with Indigenous Peoples”; FSMC’s proposed Guiding Principles for the FSMC/DFO governance and management structure/process; Terms of Reference for each of the three components of the structure (Executive; Joint Management Board; and Joint Technical Committee); draft Transition Plan; and Options for Dispute Resolution.

Upon completion of the review of the entire Draft Management Agreement, the Parties identified key areas/issues that will specifically require further discussion. Included in these are: the proposed scope of the issues/topics that would be within the purview of the Joint Management Board; the key Guiding Principle referred to during the Concept Paper #2 discussion; and how this structure informs the DFO/PSC relationship, including clarifying/resolving potential duplication with the First Nations Fisheries Council’s scope of responsibilities. There was agreement that in order to try to stay within our proposed timeline for reaching agreement between the two negotiating teams, the Lead Negotiators would carry out weekly discussions between the scheduled monthly meetings.



Darren Haskell, Main Table President