

INFORMATION NOTE

DATE: June 27, 2022

PREPARED FOR: Honourable Josie Osborne, Minister of Land, Water and Resource Stewardship

REGARDING: Meeting with Nanwakolas Council regarding their Nation Guardian program

Attendees: Land Use Policy, Planning and Ecosystems Division

- David Muter, Assistant Deputy Minister
- Matt LeRoy, Executive Director, Strategic Land Use, Coast
- Lisa Helmer, A/Executive Director, Resource Stewardship Branch (pre-brief only)

SUMMARY:

- The Nanwakolas Guardians program involves six individual Nations (Mamalilikula, Tlowitsis, Da'naxda'xw, Awaetlala, Wei Wai Kum and K'omoks), supported by the Ha-ma-yas Stewardship Network. This network aims to increase Indigenous stewardship capacity to ensure the effective management of cultural heritage resources, ecological values and economic development opportunities.
- The Ha-ma-yas works with each Nation on their specific stewardship interests and focuses on regional issues like standardized training, monitoring, data collection, exploring options for compliance and enforcement authorities and securing funding for Nation Guardian programs.
- The Nanwakolas Guardians have been focussing on marine stewardship activities, preparing and responding to marine incidents, and participating in forest stewardship (including Old Growth management) within the Great Bear Rainforest (GBR) and on Vancouver Island.
- The data and information generated from the Guardians work is added to a Nation information database, to inform current and future collaborative land use.
- s.16
- The Nanwakolas Guardians receive training from provincial natural resource officers, experts from the Hakai Institute, Canadian Coast Guard, and the BC Institute of Technology (BCIT).
- BC First Nations, including Coastal Nations, have long sought out opportunities for partnership and support from the Province for land and water stewardship including Guardians programs and Indigenous Protected and Conserved Areas (IPCA's).
- The Indigenous Leadership Institute (ILI) recently released discussion paper titled, *"Good for the Land, Good for the People, Good for the Economy, A Call to Action to Recognize, Support and Implement Indigenous Protected and Conserved Areas and Indigenous Guardians in British Columbia."*
- A parallel Provincial Guardians Engagement Project recently concluded with Nation representatives from across BC, including Nanwakolas. The Provincial process is a key step in designing a consistent Guardian program, and in addressing aspects of the Together for Wildlife Strategy, Goal 5, Action 21: Review of Guardians and Compliance Monitoring Programs.
- A summary 'What We Know' Report (WWKR), informed by a comprehensive literature review as well as the feedback received from Nations during the engagement process, was completed March 31, 2022.
- The WWKR provides an overview of existing programs, explores current opportunities and challenges, and outlines recommendations for the Provincial role.
- Current Guardian programs in BC include:

- Collaborative Indigenous Stewardship Forums (CISF): 65 Nations across BC, engaged in Guardian activity via the regional Forum model.
- Great Bear Rainforest Coast Watchment and the Marine Plan Partnership (MaPP): approx. 30 Coastal Nations engaged in Guardian activity.
- Specific components of the Nanwakolas' Guardian program is captured within the GBR and MaPP programs although funding is uncertain over the long term.
- Aboriginal Liaison Program: 9 Nation representatives, undertaking compliance and enforcement activity in North Area, via the Oil and Gas Commission and the Province.
- Compliance and Enforcement teams: via agreements between Nations and the Ministries of Forests, Environment and the Environmental Assessment Office.
- Regional Guardian operations with the the Conservation Officer Service and BC Parks, including the recently announced Kitasoo Xai'xais and Nuxalk Nations pilot.
- Plus a variety of other Nation-specific guardian programs, Watchmen, Wardens, Rangers, and land-based field technicians.
- The Ministry of Land, Water and Resource Stewardship (LWRS) will be presenting to Cabinet in fall 2022 options for permanent and increased funding to support Collaborative Indigenous Stewardship Forums that would also include funding for expanding guardian programs.

STRATEGIC CONSIDERATION AND MESSAGES:

British Columbia has committed to implementing true and lasting reconciliation with Indigenous peoples, formalized through the Declaration on the Rights of Indigenous Peoples Act.

BC seeks opportunities to work with our Nation partners on a lasting solution for Nation autonomy on the land base through Guardian and environmental stewardship programs.

The ad hoc approach to date has shown that there is great interest in Guardian programs, but also that there is a need to consolidate and streamline the approach, in order to make it accessible to all Nations.

LWRS welcomes opportunities to continue working together with Nations on an equitable and enduring approach to Guardians. The ministry acknowledges the efforts of the First Nations Energy and Mining Council (FNEMC) and the ILI in undertaking a leadership role in engagement, research and analysis that will inform a workable solution.

A central design component of the new ministry is the regional Collaborative Indigenous Stewardship Forum model. The Forum approach to regional collaborative stewardship has proven to be integral to advancing the collective vision of government-with-government land and resource management, including Guardians programs. This model is likely the solution space for future Guardian work, guided by Nation leadership.

The LWRS, in partnership with Nation leadership via the Governance Working Group Executive, Forum Nation representatives, and the BC First Nations Wildlife and Habitat Conservation Forum (the Wildlife Forum), will continue to evolve and expand the model of regional collaborative indigenous stewardship.

PREPARED BY:

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REVIEWED BY:

	Initials	Date
DM	LH	October 2, 2022
ADM	DM	June 27, 2022
Program ED.	LH	September 14, 2022

BRIEFING NOTE

Premier Horgan meeting with Prime Minister Trudeau

Briefing Note

What:

Federal Species at Risk Act (SARA). This note focuses on the Species at Risk Act.

Who:

Honourable Justin Trudeau, Prime Minister and Honourable John Horgan, Premier

Executive Summary:

The federal Species at Risk Act (SARA) is 'safety-net' legislation designed to assert federal control over provincial interests if provinces fail to implement effective conservation actions.

British Columbia (B.C.) has advanced policy intentions to improve legislative and regulatory tools to protect and recovery of species at risk (SAR). Although significant changes to legislation have not occurred, B.C. is using its existing legal tools to advance effective protection of SAR, usually in partnership with First Nations.

Broad challenges with the implementation of SARA resulted in the B.C. Cabinet providing direction that the Nature Agreement (see complementary note re: Nature Agreement Cliff: 28473) include a "commitment from Canada to modernize SARA and management of species and ecosystems at risk in B.C. in order to provide greater certainty for provincial land use decisions and species at risk recovery plans and resolve the need to regulatory orders under SARA."

Canada did not agree to modernize SARA, however, collaborative progress on policy, governance and communication is being made.

Background:

SARA is a powerful and highly prescriptive legislative framework that forces

BRIEFING NOTE

Premier Horgan meeting with Prime Minister Trudeau

relatively inflexible planning and process requirements. For example, SARA puts primary emphasis on the identification and protection of critical habitat to meet recovery objectives even when other threats (e.g., pesticide use, climate change) are significantly impacting recovery potential.

The prescriptive approach of SARA is also constraining innovation that is necessary to work collaboratively with First Nations on land use planning decisions and in the face of climate change.

Non-government organizations have exploited the focus on habitat to attempt to force habitat protections through court processes. For example, implementation of the Recovery Strategy for Spotted Owl has included legal protection of over 281,000 ha of critical habitat; enough to support the long-term population target of 125 breeding pairs. The organization Ecojustice has threatened to compel the federal minister to make an emergency order under s.80 of SARA to protect all identified critical habitat regardless of the recovery objective. At the same time, the Trans Mountain Pipeline is being constructed within 30 meters of aviaries at the Spotted Owl Recovery Breeding Centre, which is home to almost the entire population of owls remaining in the province.

Recommendations:

SARA should be modernized to ensure that habitat protection are informed by agreed to population objectives, science and Indigenous Knowledge and recognize B.C.'s authority for land use planning and co-management approach that is being developed in partnership with First Nations to better manage B.C.'s natural resources.

MEETING NOTE

DATE: September 20, 2022

PREPARED FOR: Honourable Josie Osborne, Minister of Land, Water and Resource Stewardship

REGARDING: Meeting with the Wilderness Committee regarding filling the policy gaps that exist in the legislative framework to protect biodiversity, especially species at risk

INTRODUCTIONS: Lori Halls, Deputy Minister, Land, Water and Resource Stewardship
David Muter, Assistant Deputy Minister, Land Use Policy & Planning Division
Celine Davis, Executive Director, Ecosystems Branch

SUMMARY:

- The Wilderness Committee (WC) is a non-profit environmental education organization founded in 1980 whose aims are to “preserve wilderness, protect wildlife, defend parks, safeguard public resources and fight for a stable and healthy climate”. WC has a membership of over 30,000 people with its head office in Vancouver as well as other offices across Canada.
- Charlotte Dawe is the WC’s Conservation and Policy Campaigner and personally wrote submissions related to the 2017 mandate to enact a species at risk stand-alone law. Torrance Coste is the National Campaign Director and has been involved in several campaigns, including “Protecting Old Growth” (Appendix 2).
- One of the WC’s campaigns encourages the establishment of a biodiversity law that protects species at risk in B.C. (Attachment 1). The campaign page outlines eight guidelines for a biodiversity law to be strong and effective. The campaign highlights Minister Heyman’s 2017 Mandate to “enact an endangered species law and harmonize other laws to ensure they are all working towards the goal of protecting our province” and provides arguments on why current legislative tools are insufficient.
- WC requested this follow up meeting since the last meeting that took place in August 2022 did not leave enough time to ‘get into the details’ and all agreed to schedule another meeting.
- WC would like to discuss how their proposal for new legislation for biodiversity and SAR could help fulfill the current mandate related to biodiversity, as well as meet the Old Growth Strategic Review (OGSR) Recommendation #2 (OG2) to ‘declare the conservation and management of ecosystem health and biodiversity of B.C.’s forests as an overarching priority and enact legislation that legally establishes this priority for all sectors’.

STRATEGIC CONSIDERATION AND MESSAGES:

- Our government is committed to implementing all 14 recommendations from the OGSR, including OG2. The OGSR recognizes that conserving and managing ecosystem health will be a cornerstone of the Province’s biodiversity conservation strategy.
- OGSR was shaped by the recognition that society is undergoing a paradigm shift in its relationship with the environment and the way we manage our interaction with it. We acknowledge that our current approach view management of ecological values as a constraint to timber production when really, it should be that sustainable timber production is one of the many benefits of managing a healthy forest ecosystem.
- We acknowledge the need for this paradigm shift to be done with the “whole system in mind” and that “aligning all sectors towards an overarching goal improves our chances of achieving ecosystem health goals, reduces conflicts between sectors and fosters a common target for everyone involved” (OGSR).

- We will be collaboratively developing the path forward to implement all recommendations with Indigenous Peoples, as well as engaging with stakeholders and communities. Engagement on the path forward will be launched in early fall 2022.
- Work on OG2 will involve bringing forward a formal declaration on ecosystem health and biodiversity. Implementation advice in the OGSR suggests that the declaration may include principles to guide the overall shift to this new framework (e.g., Province-Indigenous government-to-government foundation; science-based; monitoring and evaluation; planning and oversight; and accountability).
- Following the declaration, we will then look at how to legally establish the intent of the declaration for all sectors. New legislation and improvements to existing legislation and policies are being considered.
- There are several laws and tools that can be applied to help conserve, protect and recover species at risk in the immediate term while we co-develop the declaration. *The Forest and Range Practices Act* (FRPA) can limit activities where they threaten species of concern with designations like Wildlife Habitat Areas, Ungulate Winter Ranges, parks and ecological areas.
- There are many related, concurrent initiatives in addition to legally establishing ecosystem health and biodiversity as an over arching priority for all sectors, including the Together for Wildlife Strategy, cumulative effects framework, the modernized land use planning process, Environmental Mitigation Policy, and more. These initiatives are all working in alignment toward the common goal of protecting and enhancing biodiversity in B.C.,
- Thank you for sharing your thoughts and ideas. I will take them and share them with my team who are working on these initiatives.

Attachment(s): Attachment 1: Wilderness Committee Biodiversity Crisis webpage
Attachment 2: Biography of Charlotte Dawe and Torrance Coste

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REVIEWED BY:

	Initials	Date
DM	LH	2022-09-22
ADM	DM	2022-09-16
Program Dir/Mgr.	CD	2022-09-16

Attachment 1: Wilderness Committee Biodiversity Crisis webpage

Biodiversity, or biological diversity, is the variety of living things on Earth. Worldwide biodiversity is declining, and BC is no exception. The list of species at risk in BC keeps growing.

Species at risk is a term that encompasses all wildlife that are endangered, threatened or of special concern and if action isn't taken to reverse their decline, could become extinct.

The greatest biodiversity in the country exists in the lands now called BC, but also the highest number of species at risk. **The vast majority of species at risk living on non-federal land, 94 per cent of the land base in BC, lack protection from being harmed or having their habitat destroyed.**

Climate change and old-growth logging are hot political topics thanks to activists doing an incredible job demanding answers and action from decision-makers. But somehow, wildlife protection isn't at the top of mind for those decision-makers. **You can change that. Get involved with the movement to protect biodiversity in BC.**

From the Vancouver Island marmot to southern mountain caribou species at risk are left to fend for themselves against logging, oil and gas activities, mining, climate change, toxic contamination and urban sprawl.

Today, more than 1,900 species and subspecies are at risk of disappearing from our province. That number will grow unless BC prioritizes biodiversity in all its plans and policies affecting the land.

One solution is to create a biodiversity law that protects species at risk in BC

Saving endangered species is possible. So is preventing them from becoming endangered in the first place. In fact, wildlife are incredibly resilient and can rebound if they get a chance. Two of the biggest drivers of extinction are habitat loss and direct exploitation like hunting. Both of these are directly within our control to change. If we create a law that halts habitat destruction and limits the harmful exploitation of endangered species, they can recover.

The Wilderness Committee has advocated strongly in the past that BC needs an endangered species law.

In 2017, Premier John Horgan told Environment Minister George Heyman in his mandate letter to enact endangered species legislation for BC. They failed to do this and the NDP government backed out of this promise in 2019 amid racist backlash to caribou recovery efforts. This was despite conducting stakeholder meetings the Wilderness Committee attended along with industry, hunters, recreational users and the BC government to discuss what this law should look like. They'd also begun consultation with Indigenous Peoples.

Since then the BC government undertook an Old-growth Strategic Review and committed to a **paradigm shift** in the woods. BC agreed to implement all of the recommendations including legislation that legally establishes ecosystem health and biodiversity as a priority. This is an opportunity to finally get species at risk legal protection through a biodiversity law.

We're still strongly advocating for these eight guidelines in order for the law to be strong and effective:

1. It must enshrine Indigenous rights and sovereignty in line with the United Nations Declaration on the Rights of Indigenous Peoples and the Declaration on the Rights of Indigenous Peoples Act and be co-developed with Indigenous Nations
2. Climate change must be considered a real threat and accounted for in the recovery and action plan phase for species at risk.

3. Protection of habitat: as soon as a species is found to be at risk, all of the known occupied habitats must be protected while further recovery plans are underway. This way, the species will receive the habitat protection they need right away in order to hold them over until more complex recovery plans have been made.
4. A separate board to review applications for permits and exemptions that pose a serious conservation risk. Granting high-risk permits to harm a species at risk should not be left to the minister and cabinet to decide. These high-risk permits need to go through a high-level process where a separate board reviews and makes decisions on whether or not to give permits to harm a species at risk.
5. Mandatory and strict deadlines: starting from the legal listing of a species to the recovery plan, then the action plan, and finally to on-the-ground action, all steps must have mandatory deadlines for completion.
6. Cumulative impacts: when cumulative impacts are high, the recovery measures must be maximized, and the highest level of precaution should be applied.
7. Review the effectiveness of action plans every three years and adjust as necessary. If an action plan is not proving to be effective, then adjustments must be made.
8. It must establish a stewardship fund to promote the preservation of species at risk habitat on private lands.

Attachment 2: Biography of Charlotte Dawe and Torrance Coste

CONSERVATION AND POLICY CAMPAIGNER



Charlotte's work focuses on endangered species in Canada and BC. She works on policy related issues that impact wildlife across the country. Charlotte advocates for stronger and more effective laws that hold the governments accountable. She works from the unceded Coast Salish Territories. Working at the Wilderness Committee gives Charlotte a platform to advocate on behalf of our environment and all the amazing wildlife we share this planet with. Before Wilderness Committee, Charlotte worked as a freshwater ecology and climate change researcher, a boreal forest restoration and assessment field technician and overseas to restore degraded coral reefs, re-build communities and care for orphaned wildlife in rehabilitation sanctuaries. Charlotte enjoys snowboarding, boxing, photography, cooking and backcountry camping – one time she was standing 8ft from away from a mamma grizzly bear who was calm and looked her right in the face.

Check out some of the campaigns that Charlotte leads:

- [Bees and Pollinators](#)
- [Federal Species at Risk Act](#)
- [Southern Mountain Caribou](#)
- [South Okanagan-Similkameen National Park Reserve](#)
- [BC Endangered Species Legislation](#)

NATIONAL CAMPAIGN DIRECTOR



Torrance is honoured to lead Wilderness Committee's campaigns, representing our organization with grassroot allies, Indigenous nations, government, the media and the public. Torrance works mostly from the unceded Lekwungen and Coast Salish Territories. A major highlight for him is co-leading our field program on Vancouver Island. He is also known to enjoy (the very rare) heated Twitter exchanges. Torrance grew up constantly encouraged to be outside, to learn to be comfortable in nature and in the woods, which has impacted him greatly. Torrance grew up working on a small hobby farm then put himself through university working as a labourer in the shipyard in Victoria. Before Wilderness Committee, Torrance worked in fundraising and outreach for a few other environmental organizations and initiatives. His love for nature takes him out hiking and camping every summer – he even got engaged on the West Coast Trail!

Check out some of the campaigns that Torrance leads:

- [Protecting Old-Growth](#)
- [Walbran Valley](#)
- [Clayoquot Sound](#)
- [BC Forestry](#)

BRIEFING NOTE FOR INFORMATION

DATE: September 23, 2022

PREPARED FOR: Honourable Minister Josie Osborne, Minister of Lands, Water and Resource Stewardship

ISSUE: Meeting with Union of BC Indian Chiefs (UBCIC) regarding strategic wildlife policy and strategies.

BACKGROUND:

- UBCIC Staff - Andrea Glickman, Laura Beaudry and Lydia Lobbezoo – requested a meeting to discuss the work that the Ministry of Land, Water and Resource Stewardship (LWRS) is doing on strategic and policy issues regarding wildlife.
- UBCIC receives regular updates on implementation of the Together for Wildlife Strategy. At this year's Annual General Meeting updates from the First Nations-BC Wildlife Conservation Forum and the Provincial Caribou Program were included on the agenda.
- In February 2021 UBCIC released a paper "Renewing A Strategic Direction for Hunting in BC" which overviews perspectives of the UBCIC on the current landscape of Indigenous hunting rights, legislation, and policy in British Columbia (BC), key barriers and challenges to Indigenous hunting, and further work and action that is needed to advance Indigenous hunting rights.
- The Discussion Paper provides a broad and comprehensive understanding of UBCIC's interests regarding the management of hunting in BC and the exercise of Aboriginal and treaty rights to hunt. Although there are some points of conflict and concerns described in the paper, including conflicts between Provincial and Indigenous jurisdiction with respect to hunting and wildlife management, there are also several areas where BC and Indigenous Nations are working together to advance the interests.

DISCUSSION:

See Ministry Response for high-level speaking notes.

INDIGENOUS PEOPLES:

Recommendations and principles in the "Renewing A Strategic Direction for Hunting in BC" Discussion Paper include:

- The creation of jurisdiction for Indigenous Nations to make decisions regarding the management of hunting, environmental sustainability, and exercise of Aboriginal rights and title, customs, and traditions.
- Implementation and operation of Indigenous laws and protocols for hunting. Protocols and laws should focus on cooperation and collaboration between First Nations and with the public and should be driven by elders and youth to advance knowledge sharing.

- A recommendation for government to organize itself holistically to address environmental sustainability broadly and consider all factors that may impact wildlife and hunting.
- Improved transparency and accessibility of hunting and wildlife data for First Nations, and improved work by all parties to understand and account for First Nations' wildlife harvest in wildlife decisions.
- Increased funding for First Nations to participate in conservation and the management of hunting.
- First Nations' engagement and participation in the review and modernization of the *Wildlife Act*.

MINISTRY RESPONSE:

Provincial accountability for wildlife strategies and policy is shared between LWRS and the Ministry of Forests (FOR). LWRS is responsible for leading the Together for Wildlife Strategy, ecosystem and habitat conservation, and species at risk recovery in BC, including leading the Provincial Caribou Recovery Program.

FOR is responsible for the Wildlife Act (e.g., establishing hunting regulations, permits and authorizations, etc.) including where required to support species at risk recovery strategies, as well as the policy and procedures to implement the Act (e.g., predator reduction policy).

The Province has also committed to implement recommendations of the Old Growth Strategic Review. The recommendation to an ecosystem health and biodiversity declaration and improved legislation is strongly aligned with wildlife policy work and the advancement of a co-management regime, which LWRS is leading.

Through implementation of Together for Wildlife, in collaboration with First Nations – BC Wildlife and Habitat Conservation Forum – we are co-developing draft policies. Formal consultation on draft policies will occur with all Indigenous Governing Bodies and leadership organizations prior to being finalized. This includes a review of the *Wildlife Act* which we are doing together with Ministry of Forests.

My staff will continue to engage with UBCIC to ensure implementation of these initiatives are collaborative and we welcome your feedback on how to improve processes, communication and partnerships.

PREPARED BY:

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REVIEWED BY:

	Initials	Date
DM	LH	Oct 2, 2022
ADM	BB	Sept 23, 2022

MEETING NOTE

DATE: September 7, 2022

PREPARED FOR: Honourable Josie Osborne, Minister of Land, Water and Resource Stewardship

REGARDING: Meeting with the British Columbia Treaty Commission on (1) advanced negotiations, (2) the Minister's new Ministry and its mandate, (3) linkage to negotiations, and (4) upcoming 30th Anniversary of the launch of the British Columbia Treaty Commission process on September 21st.

INTRODUCTIONS:

- Celeste Haldane, Chief Commissioner, British Columbia Treaty Commission (BCTC)
- Sashia Leung, Director of Communications and International Relations
- Mark Smith, General Counsel, Director of Process, BCTC

SUMMARY:

The British Columbia Treaty Commission (BCTC) is an independent advocacy body for the negotiation of modern treaties and other constructive arrangements. Its three main roles are as follows:

1. To be the independent facilitator of negotiations amongst First Nations, the Government of Canada (Canada), and British Columbia (BC);
2. Allocate negotiation support funding to enable First Nation participation in negotiations;
3. Provide public information and education about treaty negotiations, including annual reporting.

In September 2019, BC, Canada and the First Nations Summit reached agreement on a new policy for treaty-making. The "Recognition and Reconciliation of Rights Policy" (3R Policy) helps establish a modernized framework for treaty negotiations that reflects case law and the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) and includes advancing treaties, agreements and other constructive arrangements between Indigenous peoples and the Crown.

The policy enables the co-development of treaty mandates and reframes treaties as 'living relationships' that evolve over time and supports a stepwise approach to negotiating treaties.

BC is currently in advanced treaty negotiations with several Nations including: Kitselas [KIT-se-las] and Kitsumkalum [KIT-sumkay-lum], K'omoks [KO-mox], Te'mexw [te-MUCK] and Pacheedaht.

STRATEGIC CONSIDERATION AND MESSAGES:

- Together, First Nations, Canada, and B.C. are creating innovative agreements that are flexible and better suited to addressing the needs of individual Nations.
- The Ministry of Land, Water and Resource Stewardship is well positioned to support the modernized framework for treaty negotiations.

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	Initials	Date
DM		
ADM-A/ADM	MP	Aug 29, 2022
Program Dir/Mgr.	MP	Aug 26, 2022

BRIEFING NOTE FOR DECISION

DATE: September 20, 2022
PREPARED FOR: Honourable Josie Osborne, Minister of Land Water and Resource Stewardship
ISSUE: Indigenous Guardian Program

RECOMMENDED OPTION: Approve recommended next steps for Indigenous Guardians

BACKGROUND:

- 'Guardians' is an umbrella term used to describe First Nations-led initiatives to undertake a spectrum of activities on the land base. Often called by different names (such as Watchmen or Rangers etc.), Guardians are employed by their First Nations to serve as their "boots on the ground", provide stewardship, monitoring, public safety capacity in a cultural context.
- Guardians build internal capacity in First Nations to participate in partnership and co-management of the natural resource management regime with British Columbia (BC).
- Guardians create opportunities for youth to receive skills training, and employment opportunities as land and resource stewards on their territories.
- Guardians' activities are currently supported through the Collaborative Indigenous Stewardship Framework forums, the Aboriginal Liaison Program, government-to-government agreements, and most recently, BC Parks pilots.
- s.12; s.13
- In 2021 Premier John Horgan announced the Province's intention to engage with First Nations on the topic of Guardians. BC engaged with Nations through a Guardians Engagement Working Group.
- s.12; s.13
-
- BC and Canada are currently negotiating the BC-Canada Nature Agreement that will contribute to a streamlined approach to federal investments in provincial priorities, including support for Guardians.

DISCUSSION:

A strategic approach is needed to advance the concept of a model to support Guardians functions in BC, that considers the requirement to co-develop it with First Nations and to ensure alignment with other initiatives being coordinated across Natural Resource Sector (NRS) ministries (e.g. Indigenous Protected & Conserved Areas (IPCA) or compliance and enforcement). Staff are seeking confirmation of direction and proposed next steps for Guardians.

Indigenous Engagement:

In 21/22 Four Directions Management Services (FDMS) Consulting facilitated engagement on Guardians through a Guardians Engagement Working Group comprised of First Nations representatives and Indigenous experts in Guardians programs. That engagement resulted in a 'What We Know' Report (attached #2). The report highlighted the need for long-term funding for Guardians to provide stability and

capacity to participate in co-management with BC. Additional priority policy themes that participants identified for further development were – training and skills development, compliance and enforcement, and linkages to IPCAs. The report provides insights into Indigenous perspectives on Guardians. The report has not been released by government formally but has already been shared in draft form with participants. There is little risk involved in approving the final version to share back with participants. By not sharing the report, it may suggest lack of transparency.

Staff recommend:

Closing the loop on this engagement and sharing the report back with the participants and publishing the document on a government website.

Guardians Policy Development:

The vision and approach for Guardians must be co-developed and co-led with Indigenous peoples. To support internal discussions and considerations related to Guardians,

s.12; s.13

s.12; s.13

Fed-Prov Coordination:

Currently Provincial funding for Guardians activities is ad hoc and most First Nations with Guardians programs are piecing funding together through various federal, provincial, and non-governmental organization (NGO) sources. This approach creates challenges for sustainability and increases the administrative burden. The federal government announced support for Indigenous Guardians in 2021, committing up to \$173 million to support new and existing Indigenous Guardians initiatives and the development of Indigenous Guardians Networks for First Nations, Inuit, and Métis.

s.13; s.16

Staff recommend:

s.13; s.16

OPTIONS:

OPTION 1: s.12

- s.12; s.13; s.16

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Implications:

- s.12; s.13; s.16

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- s.12; s.13; s.16

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OPTION 2: s.12; s.13

s.12; s.13

Implications:

- s.12; s.13; s.16
-
-

OPTION 2: s.12; s.13

Implications:

- s.12; s.13; s.16
-

RECOMMENDATION – Option 1

Approved / Not Approved

Signature

Date

Attachment(s):

1. s.12; s.13
2. What We Know Report
3. s.12; s.13

PREPARED BY:

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REVIEWED BY:

	Initials	Date
DM		
ADM	CW	Sept 27/22
ED	MP	Sept 16/22

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s.12 ; s.13

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s.12 ; s.13 ; s.17

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s.12 ; s.13

WHAT WE KNOW SUMMARY REPORT

*Guardians Engagement
across the Province of
British Columbia*

June 2022

PREPARED BY



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s.12 ; s.13

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s.12 ; s.13 ; s.17

BRIEFING NOTE FOR DECISION

DATE: July 13, 2022.

PREPARED FOR: Honourable Josie Osborne, Minister of Land, Water and Resource Stewardship.

ISSUE: Seeking decision regarding an invitation from Fisheries and Oceans Canada to jointly participate in a consultation process on west coast fisheries licensing.

RECOMMENDED OPTION: Option 1: s.13
s.13

BACKGROUND:

- FOPO studies and reports on matters related to the federal role in the management of Canada's fisheries and the safeguarding of its waters.
- The Committee can study or report on matters referred to it by the House of Commons, or on topics the Committee itself chooses to examine related to DFO, Freshwater Fish Marketing Corporation, Atlantic fisheries License Appeal Board and Pacific Region License Appeal Board. It is a permanent Committee.
- In 2019 the Committee prepared the *West Coast Fisheries: Sharing Risks and Benefits* report (the FOPO Report). The FOPO Report contains 20 recommendations (Appendix 1) to DFO with potentially significant changes to the current commercial fisheries licensing and quota regime in British Columbia (BC), as well as other recommendations aimed at improving transparency and accessibility to fishing resources. The report was re-tabled by the Committee in 2020.
- In addition to FOPO members, Parliamentary Secretary Fin Donnelly participated in preparing the FOPO Report in his previous role as a federal Member of Parliament.
- DFO have indicated that any review and consultation would be staff led and that if there are any political events, they would be a separate process and Minister Osborne and/or Parliamentary Secretary Donnelly would be welcome to attend those session.

DISCUSSION:

Various groups in BC provided input to the FOPO Report and believe reforms to Pacific Fisheries licensing policies are needed to ensure that benefits of fisheries resources reach coastal communities. They support DFO's Atlantic fishing policies, which emphasize owner-operators (a fishing license owner must be the person operating a fishing vessel) and adjacency (benefits of a resource must be given to those communities adjacent to it). These are vastly different policies from those developed for Pacific fisheries and are often viewed as controversial within the BC commercial fisheries sectors. Any implementation of these type of policies would likely require extensive consultation and an overhaul of seafood markets, management regimes and the overall socioeconomic structure of fisheries in BC (Appendix 2 – differences between the east and west coast licence / quota systems).

The recommendations in the FOPO Report are aimed at DFO and largely concern matters solely of federal jurisdiction. At a February 2022 FOPO session DFO was asked by a committee member what actions/consideration have been given to the recommendation to date. DFO responded by noting the

2021 release of the *Comparative Analysis of Commercial Fisheries Policies and Regulations on Canada's Atlantic and Pacific Coasts* report; analysis of the technical requirements associated with setting up a licence and quota registry that would be publicly available; early public engagement; an examination of what further kinds of surveys or data collection on socio economics is needed; and, an expectation to be going out and initiating larger or broader engagement with external groups about FOPO's recommendations in the coming months of 2022.

DFO staff have expressed interest in the Province being engaged in these public consultations as a partner. Of the 20 recommendations, three specifically suggest where DFO could work with the Province, including:

- Discussing a model for a loan board (similar to the one run by the Province of Newfoundland and Labrador) to support harvesters' intent on purchasing licences and/or quota to maintain or modernize existing vessels or to purchase new ones;
- Developing strategies to expand value-added fish processing in BC and the recapture of benefits from processing in adjacent communities; and,
- Seeking provincial participation in a new policy framework through a process of authentic and transparent engagement with all key stakeholders.

Elements BC's Wild Salmon Advisory Council (WSAC) recommendations related to Goal 2: Protect and Enhance Economic, Social and Cultural Benefits to BC Communities from Wild Salmon and Fisheries (Appendix 3) were also reflected in FOPO report. Since the FOPO Report's release in 2019, many groups have met with Minister Popham (the then Minister responsible for fisheries in BC) and Parliamentary Secretary Donnelly requesting provincial support in encouraging DFO to act. Many also noted a sense of fatigue with the delay. To date the Province has publicly indicated its appreciation for the effort that went into both the submissions to FOPO and the FOPO Report itself, and its commitment to continue analyzing the recommendations and working with DFO Pacific Region as appropriate.

Any potential changes to Pacific fisheries management policies and structures would require extensive consultation with BC Indigenous Organizations and industry. Work related to a decision to enter this policy initiative would be led by Ministry of Land, Water and Resource Stewardship staff and could be integrated into the Coastal Marine Strategy as it relates to economics of coastal communities.

OPTIONS:

Option 1:

s.13

Josie Osborne, Minister

Date

Attachment(s):

- Appendix 1: List of Recommendations from the 2019 FOPO West Coast Fisheries Report
- Appendix 2: Differences between East Coast and West Coast Licence / Quotas Systems
- Appendix 3: WSAC Goal 2 Strategic Recommendations

Assistant Deputy Minister

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LIST OF RECOMMENDATIONS

As a result of their deliberations, Committees may make recommendations which they include in their reports for the consideration of the House of Commons or the Government. Recommendations related to this study are listed below.

Recommendation 1

That Fisheries and Oceans Canada maintain the limited transferability for non- directed catch, which is a widely supported system for ensuring that non- targeted groundfish that is caught can be sold and tracked for conservation purposes.

Recommendation 2

That based on the principle that fish in Canadian waters are a resource for Canadians (i.e., common property), no future sales of fishing quota and/or licences be to non-Canadian beneficial owners based on the consideration of issues of legal authority, and international agreement/trade impacts

Recommendation 3

That Fisheries and Oceans Canada permit the separation of stacked (or “married”) licences for sale by the licence owner to divest some or all of their licences in the sole intent of facilitating existing harvesters and new entrants to become owner-operators.

Recommendation 4

That, to increase the transparency of quota licence ownership and transactions, Fisheries and Oceans Canada determine and publish, in an easily accessible and readable format, a public online database that includes the following:

- **The beneficial holder of all fishing quota and licences in British Columbia, including penalties for failing to accurately disclose the holder of fishing quota and/or licences, and that Fisheries and Oceans Canada work with Finance Canada to achieve this goal; and,**
- **All sales or leasing of quota and licence holdings be reported and made public by Fisheries and Oceans Canada, including buyer, seller and sale/leasing price.**

Recommendation 5

That Fisheries and Oceans Canada prioritize the collection of socio-economic data for past and future regulatory changes and make this information publicly available.

Recommendation 6

That Fisheries and Oceans Canada develop a comparative analysis of the East Coast and West Coast fisheries in regard to regulations with a view to devising policy that would level the playing field for independent British Columbian fishers.

Recommendation 7

That Fisheries and Oceans Canada undertake discussions with the Province of British Columbia to explore the establishment of a model for a loan board to support harvesters' intent on purchasing licences and/or quota, to maintain or modernize existing vessels or to purchase new ones.

Recommendation 8

That Fisheries and Oceans Canada, with regard to West Coast commercial fisheries, provide financial incentives to independent ownership of licences and quota vs. corporate, overseas or absentee ownership. This could include tax incentives; a shared risks and benefits program; and/or, the creation of community licence and quota banks.

Recommendation 9

That Fisheries and Oceans Canada create a loan and mentorship program to help independent harvesters enter the industry.

Recommendation 10

That Fisheries and Oceans Canada work with the Government of British Columbia to develop strategies to expand value-added fish processing in British Columbia and the recapture of benefits from processing in adjacent communities.

Recommendation 11

That Fisheries and Oceans Canada, with regard to West Coast commercial fisheries, establish an open public auction process to allow fishers to lease licence and quota.

Recommendation 12

That Fisheries and Oceans Canada, with regard to West Coast commercial fisheries, establish a licence exchange board to allow the trading of licences between owners.

Recommendation 13

That Fisheries and Oceans Canada reconstitute the membership of advisory boards to ensure equitable representation by fishers, processors and quota owners.

Recommendation 14

That Fisheries and Oceans Canada develop a new policy framework through a process of authentic and transparent engagement with all key stakeholders:

- **Active fish harvesters (or where they exist, organizations that represent them) in all fisheries and fleets including owner-operators, non-owner operators, and crew;**
- **First Nations commercial fish harvesters (or where they exist, organizations that represent them);**
- **Organizations representing licence and quota holders that are not active fish harvesters, including fish processing companies;**
- **Organizations representing First Nations that hold licences and quotas for commercial fisheries;**
- **The Minister responsible for fisheries in the British Columbia government;**
- **Fisheries policy experts from academic institutions nongovernmental organizations; and,**
- **Representatives of municipal governments and socio-economic development, health and cultural agencies in coastal communities.**

Recommendation 15

That, with regard to West Coast commercial fisheries, the Minister of Fisheries and Oceans establish an independent commission to:

- **Develop a concept for a ‘fair-share’ system to equitably allocate the proceeds from the fishery of individual species between the quota/licence holder, the processor and the harvester based on the average wholesale price earned by the processor over a three-month period;**
- **Work with Fisheries and Oceans Canada to explore the feasibility of set limits on the amount of quota or number of licences for an individual species that can be owned by an individual or entity and ensure that comprehensive consultations are undertaken;**
- **Devise a policy of current market buy back from fishers looking to exit the industry and to prioritize that quota and licence sale to emerging young or independent fishers through a student/mentorship/apprenticeship program as has been done successfully in other regions for the country and other jurisdictions (Maine, Alaska, Norway) who have testified before this committee; and,**
- **Prepare a concept through comprehensive consultations that could transition the West Coast fishery to a “made-in-BC” owner-operator model.**

Recommendation 16

That the development of Fisheries and Oceans Canada's new policy framework should be undertaken by a working group chaired by a senior National Headquarters official and comprised of appropriate officials from National Headquarters and Pacific Region.

Recommendation 17

That the Minister of Fisheries and Oceans direct the Department to develop an implementation framework for transition with time limits and phased approaches similar to the Policy for Preserving the Independence of the Inshore Fleet in Canada's Atlantic Fisheries (PIIFCAF), but appropriate to particular fleets and/or fisheries.

Recommendation 18

That transition strategies should take account of the recommendations, needs, rights and capacities of First Nations and the framework for reconciliation.

Recommendation 19

That the Minister of Fisheries and Oceans initiate immediate steps to regulate quota licence leasing costs to allow for a fair return for vessel owners and adequate incomes for fish harvesters during the transition to owner-operator. Such measures should continue after transition to guarantee crews fair wages under the new regime.

Recommendation 20

That Fisheries and Oceans Canada develop a plan to achieve its five-objective fisheries management regime, which includes conservation outcomes: compliance with legal obligations; promoting the stability and economic viability of fishing operations; encouraging the equitable distribution of benefits; and facilitating data collection for administration, enforcement and planning purposes.

Appendix 2: Differences between East Coast and West Coast Licence / Quotas Systems

- In Atlantic Canada in 2007, DFO adopted the Policy for Preserving the Independence of the Inshore Fleet in Canada's Atlantic Fisheries (PIIFCAF).
 - PIIFCAF was put in place to ensure that commercial inshore fish harvesters remain independent, and that the benefits of fishing licences flow to the fisher and coastal communities.
- In the Pacific, over several years, DFO introduced measures to manage fish stocks including: a limited entry licensing regime, total allowable catch (TAC) limits and individual transferable quotas (ITQs) for some fisheries.
 - ITQs give their owners exclusive and transferable rights to catch a given portion of the TAC of a given fish stock.
 - ITQs can be owned by individual active and non-active fishers, non-fisher investors, vessels or enterprises, and are transferable through selling, buying and leasing in an open market.
 - Over time, some owners of ITQs found they can make more money leasing out their quotas than fishing it themselves, this process is not monitored.

Appendix 3 WSAC Goal 2 Strategic Recommendations

Goal 2: Protect and Enhance Economic, Social and Cultural Benefits to BC Communities from Wild Salmon and Fisheries

WSAC STRATEGIC RECOMMENDATIONS

2.1 Elevate discussions and decisions about using strategic enhancement opportunities to stabilize the commercial and recreational fishing industries in BC

2.2 Develop and implement a strategic employment plan to include training, mentoring and job creation.

2.3 Enhance local social, cultural and economic benefits from BC fisheries for adjacent communities and their active commercial and recreational fishers, including both tidal and freshwater anglers.

2.4 Encourage economic activity adjacent to fishing grounds to benefit coastal and rural fishing communities, Indigenous peoples, shore workers and ancillary businesses.

2.5 Leverage the weight of existing marketing and branding programs in BC and Canada to raise the value and profile of wild salmon and seafood products from BC

2.6 Support fisheries-related eco-tourism opportunities in BC

BRIEFING NOTE FOR INFORMATION

DATE: September 1, 2022

PREPARED FOR: Honourable Josie Osborne, Minister of Lands, Water and Resource Stewardship

ISSUE: Provincial Salmon Aquaculture Policy Details and Implications Post June 30 2022

BACKGROUND:

Fisheries and Oceans Canada (DFO) Minister has made two significant announcements in summer 2022 regarding federal plans for aquaculture transition in British Columbia (BC). Additionally, the Province has implemented its Salmon Aquaculture policy related to Crown Land tenures. Below is a summary of current status and implications of these events.

Discovery Islands:

- DFO will be undertaking consultations between now and December 2022 on a final decision related to whether DFO should reissue marine finfish licences in the Discovery Islands.
- Licences for 15 sites in the Discovery Islands which cultivate Atlantic salmon were allowed to expire on June 30, 2022, and no new salmon will be permitted to be transferred into the area. Two facilities which culture small numbers of Chinook will be permitted to continue to hold the salmon currently in their facilities until January 2023 or until the fish have grown to harvestable size, whichever happens first.
- The Minister has provided industry and First Nations a rationale which outlines her perspectives as to why this is the appropriate course of action at this time.
- This is a decision specific to the Discovery Islands, and not an indication of the intent of any future licencing decisions in BC or Canada more broadly. Additional vision related to the future of open net pen aquaculture in BC will fall within the vision and goals of the Transition Plan and associated upcoming engagement

Finfish Transition:

- The protection and sustainability of wild Pacific salmon is a top priority for Minister Murray. She wants to ensure aquaculture is managed in an environmentally sustainable way that reduces, or eliminates, interactions between wild Pacific salmon and farmed salmon.
- On July 29, 2022, DFO released a document detailing the vision of the federal 2025 Net-Pen Transition Plan engagement process. DFO indicates that this vision has been informed through previous engagement including by former DFO Parliamentary Secretary Terry Beech in 2020-2021, of which BC Parliamentary Secretary Fin Donnelly was present. Consultations will run until early 2023. The feedback received during these consultations will be incorporated into a final transition plan, expected in spring 2023.
- The Minister announced a two-year renewal of licences for marine finfish aquaculture facilities outside of the Discovery Islands. These licenses include stronger requirements for aquaculture facilities, including the implementation of standardized reporting requirements and sea lice management plans, as well as wild salmon monitoring, that continue to improve management of the salmon aquaculture industry.
- Reissuance of licences for this duration is intended to allow the industry to continue to operate in a stable regulatory regime while the transition plan is being collaboratively developed.
- The Province has committed to working with DFO and First Nations at a Strategic Oversight Committee (SOC) to develop the plan. To date the SOC has not convened and in a recent letter addressed to the DFO Regional Director General, the First Nations Fisheries Council has opted to not participate further citing concerns of an unclear direction of the plan.

Provincial Policy:

- The Province is now implementing its own salmon aquaculture policy for tenuring decisions.
- In June 2018, the province announced new strategic policy direction for salmon aquaculture tenures, “Effective June 2022, the Province will grant *Land Act* tenures only to fish farm operators who have satisfied Department of Fisheries and Oceans Canada (DFO) that their operations will not adversely impact wild salmon stocks, and who have negotiated agreements with the First Nation(s) in whose territory they propose to operate”. This was formalized in an update to the *Land Act* operational policy for aquaculture which was completed in August 2019. Subsequently a notification email of this policy update was sent to salmon aquaculture tenure holders, First Nations, and the BC Salmon Farmers Association.
- On November 26, 2021 staff from then Ministries of Agriculture, Food and Fisheries, and Forests, Lands, Natural Resource Operations and Rural Development, with assistance of the Attorney General’s Office, met to discuss and establish a common understanding of Provincial commitments under the policy in anticipation of June 2022. Key points were summarized as follows:
 - The policy is not legally binding to a statutory decision maker (SDM) and would require an Order under *Environment and Land Use Act* (ELUC) if this was desired. Not having any agreements with any First Nations cannot, by itself, pre-determine that a tenure will not be issued. An administratively fair process would need to be undertaken to consider a tenure application on its merits, in accordance with a variety of considerations including this policy direction.
 - Assuming they have a valid DFO aquaculture license in place, tenure holders may continue to operate past June 30, 2022, until such time as a decision is made on their tenure renewal application or ongoing month-to-month tenure.
 - 79 tenures have terms extending beyond June 30, 2022, (six expire by end of December 2022, 30 expire between 2023-2030 and 43 expire between 2031 - 2046) and are not expected to require decisions when the new strategic policy direction comes into effect June 30, 2022. 33 have tenure terms that have expired or will prior to June 30, 2022, and of these, 24 will require decisions in consideration of the new strategic policy direction at or around June 30, 2022, while nine are subject to other decision processes (i.e., Broughton agreement area).
- On June 30, and during the first week of July, The Ministry held bilateral meetings with each of Cermaq, MOWI and Grieg Seafood to learn of their perspectives of the decision and intent moving forward. In general, the operators do not intend to apply for new tenures or renewals in First Nations territories that written letter of non-approval however some operators plan expansion elsewhere in the Province. The operators raised the issue that site decommissioning is costly and can take upwards of 18 months. Furthermore, until fully decommissioned, sites require federally licensing. Therefore, they wish to accomplish this in ways that are operationally efficient and coordinated with Provincial and Federal requirements. Ministry staff have contacted all operators to inform them on the need for site decommissioning plans and for ongoing coordination and communication.
- These sentiments were reiterated on July 13 to the Minister as part of a roundtable discussion with representatives of the three major operators and Dallas Smith, spokesperson for the coalition of First Nations for Finfish Stewardship (FNFFS). The group is also advocating for FNFFS representation on the Strategic Oversight Committee (SOC) overseeing the federal 2025 Transition Plan.

DISCUSSION:

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s.16 The Province is in discussions with DFO regarding the path forward for having appropriate First Nations engagement in the transition, which is key to the success of the initiative.

CONCLUSION:

Following Canada's decision on salmon farm licenses, attention will shift to how the province will implement its own Provincial Salmon Aquaculture Policy that takes effect June 30, 2022,

Ministry of Forests will lead the administration of tenure renewal applications and be required to follow an administratively fair process that considers government policy direction among other *Land Act* requirements.

Industry has been well informed of the provincial policy and generally supportive of the approach. It is possible that in cases that agreements are not reached with First Nations that the industry voluntarily chooses to not even apply for tenure renewal. This could facilitate administrative processes and workload.

s.13

s.13 First Nations participation and engagement will be critical in answering not only the Indigenous calls for engagement, but also the provincial request that the transition process respects reconciliation and associated provincial commitments.

There are currently 102 tenures for salmon farming operations:

- Nine are issued under the Broughton Agreement that explicitly set out the requirements for when and how farms would be decommissioned.
- Currently there are 11 sites that have tenures explicitly expiring within two years and a further 26 that are month-month on overhold (Appendix 1). The remaining 66 have tenure expiries outside of two years and the Province will have time to establish an administratively fair process, or to consider the upcoming transition plan from DFO.
 - The Province has the option to allow overhold tenures to continue to operate on a month-month basis until DFO has made final decisions, or until which time an operator submits a tenure application or major modification.
 - Should relevant First Nations object to continued operation, the province may consider entering early discussions with industry and First Nations on the tenure.

Attachment: Appendix 1 – Overhold (I.e. Expired) Tenure Detail

PREPARED BY:

Tyson Carswell
Senior Policy Analyst
FAWSB
778 698-4056

REVIEWED BY:

	Initials	Date
DM	LH	September 8, 2022
ADM	DT (A/ADM)	September 2, 2022
Program Dir/Mgr.	DT	September 1, 2022

Appendix 1 – Overhold (I.e. Expired) Tenure Detail

	Tenure Name	Company/Owner	First Nation 1	First Nation 2	Next Steps
1	Dixon Bay	Cermaq Canada LTD.	Ahousaht First Nation		Replacement application received - Agreement with Ahousaht Nation
2	Maude Island/Broughton Island	Cermaq Canada LTD.	Gwawaenuk Tribe	Dzawada'enuxw First Nation	Cermaq has verbally confirmed they will not seek replacement of this tenure. DFO has not re-issued this MFF licence.
3	Mt. Simmonds/Simmons Point	Cermaq Canada LTD.	Gwawaenuk Tribe	Dzawada'enuxw First Nation	Cermaq has verbally confirmed they will not seek replacement of this tenure. DFO has not re-issued this MFF licence.
4	Whelis Bay/Well Passage	Cermaq Canada LTD.	Gwawaenuk Tribe	Dzawada'enuxw First Nation	Cermaq has verbally confirmed they will not seek replacement of this tenure. DFO has not re-issued this MFF licence.
5	Hardy Bay	MOWI Canada West INC.	Kwakiutl - Core Area	Gwa'Sala-'Nakwaxda'xw Nation	No replacement application received
6	Conville Bay	MOWI Canada West INC.	Wei Wai Kum First Nation	Xwemalhwu (Homalco) First Nation	No replacement application received
7	Conville Point/Quadra Island	MOWI Canada West INC.	Klahoose First Nation		No replacement application received
8	Hohoe/Pinnacle Channel	MOWI Canada West INC.	Maa-nulth First Nations Final Agreement Areas		No replacement application received
9	Shaw Point/Geneste Point	MOWI Canada West INC.	Wei Wai Kum First Nation	Xwemalhwu (Homalco) First Nation	Replacement application received - Letter of non-opposition from Wei Wai Kum/We Wai Kai Discovery Islands facility not affected by the Ministerial Decision for phase-out. Currently active with brood and production fish, ongoing culture of broodstock and

					estimated harvest of production fish summer 2023
10	Glacial Creek	MOWI Canada West INC.	Shishalh (Sechelt) First Nation	Snuneymuxw First Nation	No replacement application received (within Shishalh territory) - To be decommissioned
11	Owen Point/Frederick Arm	MOWI Canada West INC.	Wei Wai Kum First Nation	Xwemalhkwa (Homalco) First Nation	No replacement application received
12	Newcombe/Salmon Inlet	Greig Seafood BC LTD.	Shishalh (Sechelt) First Nation	Snuneymuxw First Nation	No replacement application received (within Shishalh territory) - To be decommissioned
13	Farm 13/Sechelt Inlet	Greig Seafood BC LTD.	Shishalh (Sechelt) First Nation	Snuneymuxw First Nation	No replacement application received (within Shishalh territory) - To be decommissioned
14	Kunchin/Salmon Inlet	Greig Seafood BC LTD.	Shishalh (Sechelt) First Nation	Snuneymuxw First Nation	No replacement application received (within Shishalh territory) - To be decommissioned
15	Vantage/Sechelt Inlet	Greig Seafood BC LTD.	Shishalh (Sechelt) First Nation	Snuneymuxw First Nation	No replacement application received (within Shishalh territory) - To be decommissioned
16	Salten/Sechelt Inlet	Greig Seafood BC LTD.	Shishalh (Sechelt) First Nation	Snuneymuxw First Nation	No replacement application received (within Shishalh territory) - To be decommissioned
17	Salmon Inlet	Greig Seafood BC LTD.	Shishalh (Sechelt) First Nation	Snuneymuxw First Nation	No replacement application received (within Shishalh territory) - Grieg has requested for a one year extension as there are fish still in the water.
18	Steamer Point/Hecate Channel	Greig Seafood BC LTD.	Nuchatlaht First Nation		No replacement application received - To be decommissioned
19	Culloden Point/Jervis Inlet	Greig Seafood BC LTD.	Shishalh (Sechelt) First Nation	Snuneymuxw First Nation	No replacement application received (within Shishalh territory) - To be decommissioned
20	Ahlstrom Point	Greig Seafood BC LTD.	Shishalh (Sechelt) First Nation	Snuneymuxw First Nation	No replacement application received (within Shishalh

					territory) - To be decommissioned
21	Noo'la/Clio Channel	Greig Seafood BC LTD. /Tlowitsis First Nation	Nanwakolas	Tlowitsis Nation	Replacement application received - letters of support (Tlowitsis) and opposition (Mamalilikulla) received. Notification Letter sent to representative of Ma'amtagila.
22	Atrevida Point	Greig Seafood BC LTD.	Mowachaht/Muchal aht First Nation		Replacement application received - Letter of support (in principle) received from Mowachaht/Muchal aht
23	Williamson Passage	Greig Seafood BC LTD.	Mowachaht/Muchal aht First Nation		Replacement application received - Letter of support (in principle) received from Mowachaht/Muchal aht
24	Kid Bay	Kitasoo Aqua Farms (MOWI West Canada)	Heiltsuk Nation	Kitasoo/XaiXais Nation	Replacement application received - FOR Aqua staff meet with Heiltsuk on July 7, 2022.
25	St. Vincent Bay	Totem Sea Farm INC	Shishalh (Sechelt) First Nation	Snuneymuxw First Nation	No replacement application received - DFO has not re-issued this MFF licence.
26	Read Island	Cape Mudge Indian Band	Wei Wai Kum First Nation	Xwemalhwu (Homalco) First Nation	No replacement application received. Written and verbally communication with tenure holder has indicated they plan on submitting an application for a change in purpose to co-culture (Shellfish/Aquatic Plants)



Your file Votre référence
Our file Notre référence

2022-502-00095

Ms. Lori Halls
PO Box 9120, STN Prov Govt.
Victoria, BC
V8W 9B4
Canada
Lori.D.Halls@gov.bc.ca

Dear Ms. Lori Halls,

Budget 2021 committed \$3M for Fisheries and Oceans Canada (DFO) to trial a new approach to aquaculture management in British Columbia (BC), called area-based aquaculture management (ABAM). ABAM is a concept that has been recommended through multiple engagement processes, including the BC Minister of Agriculture's Advisory Council on Finfish Aquaculture in 2018; the Indigenous and Multi-stakeholder Advisory Body and ABAM Working Group convened by DFO in 2020; and most recently, in the DFO Parliamentary Secretary's "As Was Heard" report in 2021.

ABAM offers opportunities for enhanced collaboration between Federal, Provincial, and Indigenous partners. Recognizing that perspectives on aquaculture in BC vary greatly, ABAM can provide an avenue to consider the unique social, cultural, environmental, and economic values in different parts of the province. An area approach may also play a role in the operational implementation of the Transition Plan we seek to continue work on with the province and Indigenous partners for open net pen salmon aquaculture. There is also potential that a collaborative approach will reduce time and workload associated with site-by-site licensing and tenuring decisions. Future area plans may identify economic development objectives along with environmental information to support sustainable aquaculture decision-making, lead to improved relationships, and support reconciliation.

DFO has recently selected two pilot areas (see Appendix 1) and is now working to advance efforts at both the regional and area scales. A summary of these proposed activities can be found in Appendix 2. We anticipate that the Province may have varying levels of interest and contributions to some or all of these committees. DFO is developing plans to co-announce the selection of the pilot areas with partners and host an opening ceremony this spring (more details also found in Appendix 1).

We seek your support for this work and if BC wishes to participate, ask that you identify a lead contact within your Ministry for this initiative.

I look forward to working with you on this important initiative. In the meantime, should you have any questions please do not hesitate to contact me. Following your response, my staff will contact you to schedule a time in the near future to discuss next steps.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'R. Reid'.

Rebecca Reid
Regional Director General
Pacific Region

Cc: Brenda McCorquodale, Director, Aquaculture Management Division

Attachments:

- 1) Appendix 1: Pilot Areas for Area-Based Aquaculture Management
- 2) Appendix 2: Governance Framework for ABAM

Appendix 1: Pilot Areas for Area-Based Aquaculture Management

Pilot Areas

DFO received four expressions of interest from applicants wanting to participate in an ABAM pilot. The successful applicants were: the K'omoks First Nation for a Baynes Sound and Lambert Channel pilot focused on shellfish aquaculture; and Grieg Seafoods in partnership with the Ehattesaht First Nation for an Esperanza Inlet and Hecate Channel pilot focused on finfish aquaculture. Although all applicants have been notified, the pilot areas have remained confidential until announcement language has been collaboratively agreed upon by partners.

DFO recognizes that there are other First Nations who have overlapping territory in the pilot areas, and will be reaching out to seek their feedback on their level of participation moving forward, prior to an announcement.

Announcement

We hope to co-announce the selection of the pilot areas with our partners in June 2022. We would like to invite the Province of BC to co-announce the pilot areas alongside DFO, the K'omoks First Nation, and the Ehattesaht First Nation and Grieg Seafoods. This would include a local media release in the Comox Valley, followed by newsletters to First Nations, Indigenous groups, local governments, industry and stakeholders. A low key and local approach to launch is recommended in light of the work still underway on the Net Pen Transition Plan and how it may relate to implementation of ABAM

Opening Ceremonies

We invite BC participation in the planning and launch of opening ceremonies for the pilot areas in cooperation with our First Nations partners, tentatively being planned for the end of June 2022. These will be held in the communities of the K'omoks and Ehattesaht First Nations, and will include a shared meal and entertainment. As the intent is relationship building, operational staff who may be working on area committees would be welcome.

Appendix 2: Governance Framework for Area-Based Aquaculture Management in BC

Governance Committees

BC-Wide Regional Committee

The Regional Committee is not intended to be a decision-making body for ABAM, rather it would be a forum for sharing information, providing strategic guidance to staff, and ensuring sufficient and appropriate resources are in place to support ABAM (see *Table 1* for a description of committee participants, purpose, and recommended time and effort investment). We are recommending that the Transition Plan Strategic Oversight Committee (SOC) and associated Technical Working Group (TWG) be expanded to perform the functions of the ABAM Regional Committee as they are already trilateral forums with an aquaculture focus for DFO, BC, and Indigenous groups to meet. Creating new committees for this function would take time and may be duplicative.

It is recognized that the work load for the Transition Plan is already significant and adding another item to these groups may be burdensome. Because of this, we are proposing that ABAM only utilize the SOC as a venue to provide short updates to senior management and seek feedback on limited topics from the TWG. In this way, we expect that the work load will be manageable for committee members while still providing feedback to ABAM at a strategic, regional level. By linking ABAM with the Transition Plan at the SOC and TWG, we can ensure that these initiatives align.

Area Management Committee

An Area Management Committee will be formed for each pilot area, which is intended to include the different levels of government – federal, provincial, and Indigenous. The K'omoks and Ehattesaht Nations have already signaled their support for this. Provincial participation would improve harmonization efforts and help both provincial and federal governments work towards reconciliation goals. One intent of this group is to generate an Area Management Plan that describes the known social, cultural, environmental, and economic characteristics and values within the area, as well as future goals and priorities. They could also identify barriers, knowledge gaps, bring forward Indigenous knowledge, or conduct research and monitoring needed to support Plan advancement. Lastly, the Area Management Committee could bring forward consensus-based recommendations to decision making authorities, such as the DFO or provincial government ministers or their delegates, and equivalent Indigenous authority, where decisions are made in aquaculture management.

Multi-stakeholder Advisory Body

In addition to the Area Committee, it is recommended that a multi-stakeholder advisory body be established to provide a venue for input into the development of ABAM in each pilot area. An existing multi-stakeholder group already exists in the Baynes Sound area, and they have been active supporters of ABAM. A similar group in Esperanza Inlet may be initiated at the direction of the Area Committee.

The role of industry and local governments has not yet been well defined; whether they will participate solely at the multi-stakeholder table, or as support to the Area Management Committee. It may be that different areas will choose different membership at their committees.

Table 1

Regional Committees		Area Committees (one for each Pilot Area)	
Regional Coordinating Committee (SOC)	Technical Working Group (TWG)	ABAM Area Management Committee	ABAM Area Multi-stakeholder Advisory Body
Purpose / Overarching Roles			
<p>Provide strategic guidance and ensure sufficient and appropriate resources are provided in support of the TWG and Area Committees and their objectives.</p> <p>Get updates on regional and pilot area ABAM development from TWG.</p> <p>Not a decision-making body for ABAM.</p>	<p>Opportunity for governments to discuss ideas and options that could support BC-wide ABAM development and implementation.</p> <p>Get updates on pilot area(s) progress.</p>	<p>Collaborate on developing tools and materials to support ABAM implementation.</p> <p>Consider local area economic, environmental, social, and cultural values for aquaculture management in pilot spatial area.</p> <p>Make consensus-based recommendations to decision-makers.</p>	<p>Provide local environmental, social, cultural, and economic information for consideration by the Area Committee.</p> <p>Advise on the development and adoption of an iterative and responsive area-based approach to aquaculture management at the area level.</p>
Membership			
<p>Representatives at the Regional Director General-level (or equivalent) from:</p> <ul style="list-style-type: none"> • Federal Government (DFO) • Government of BC • First Nations Fisheries Council (FNFC) <p>Future possible membership</p> <ul style="list-style-type: none"> • Other BC agencies, other Indigenous groups 	<p>Representatives at the Director-level (or equivalent) and Subject Matter Experts from:</p> <ul style="list-style-type: none"> • Federal Government (DFO) • Government of BC • First Nations Fisheries Council (FNFC) <p>Future possible membership</p> <ul style="list-style-type: none"> • Other BC agencies, other Indigenous groups, Transport Canada, industry 	<p>Representatives at the Manager-level (or equivalent) and Subject Matter Experts from:</p> <ul style="list-style-type: none"> • Federal Government (DFO) • Government of BC • First Nations in Pilot Area <p>Possible membership</p> <ul style="list-style-type: none"> • Other BC agencies, other Indigenous groups, Transport Canada, industry, local gov'ts 	<p>Representatives and Subject Matter Experts from:</p> <ul style="list-style-type: none"> • Federal Government (DFO) • Government of BC • First Nations in Pilot Area • Local governments • Industry • ENGOs • Related sectors (e.g. fisheries) • Community members
Frequency of Meetings & Effort			
<p>Quarterly meetings in conjunction with scheduled Transition Plan meetings.</p> <p>ABAM to be included as a standing agenda item to receive program updates (est. 10min/meeting)</p>	<p>Bi-monthly meetings in conjunction with scheduled Transition Plan meetings.</p> <p>ABAM to be included as a standing agenda item to receive program updates (est. 15min/meeting)</p> <p>Add to work plan 2-4 targeted ABAM discussions per year, where participants can raise specific questions for discussion.</p>	<p>To be determined by partners.</p> <p>Anticipate monthly or bi-monthly meetings for two year pilot.</p> <p>Program/document development and review for partners – 5-10hr/month</p> <p>Quarterly information sharing sessions per year on priority subjects.</p>	<p>To be determined by Area Committee and as supported by group.</p> <p>Anticipate bi-annually to quarterly meetings.</p> <p>Document review and advice (est. 2-5 hr/month)</p>

BRIEFING NOTE FOR INFORMATION

DATE: September 12, 2022

PREPARED FOR: Honourable Josie Osborne, Minister of Land, Water and Resource Stewardship
Honourable George Heyman, Minister of Environment and Climate Change Strategy

ISSUE: Information for Minister Heyman to raise British Columbia and Canada's concerns with United States' approach to 2022 salmon fisheries in meeting with Rachel M. Poynter, United States Deputy Assistant Secret for Mexico and Canada.

BACKGROUND:

- The Pacific Salmon Commission (PSC) was formed in 1985, by the governments of Canada and the United States (US) in 1985 to implement the International Pacific Salmon Treaty.
- Canada and the US both make domestic pacific salmon fisheries management decisions based on PSC recommendations which are informed by available in-season data.
- The Province of British Columbia (BC) has an appointed representative on the commission, currently Mr. Martin Paish (also Chair of the Sport Fishing Advisory Board).
- Fisheries and Oceans Canada (DFO) makes those decisions for Canada and is taking a precautionary approach to ensure that adequate escapement and conservation objectives are met.
- On August 18, 2022, the PSC Secretariat made run size recommendations for Fraser sockeye that Canada felt were too optimistic. As a result, Canada took a more precautionary approach by electing to delay commercial and recreational fishery openings while the US opened an "All Citizens" and "Tribal" fishery on August 20 and 21 2022.
- Due to actual salmon returns coming in below expectations, Canada and the US have subsequently worked through the established PSC process to adjust run size recommendations, leading to closure of US fisheries.
- While the initial decision by the US to open their fishery was consistent with the Pacific Salmon Treaty, this is the first time that Canada and the US have not managed to come to bilateral agreement on run sizes and fishing plans since the clause was included in the Chapter Four language.
- There has been separate but longstanding Canadian concerns related to the US lack of precautionary approach to salmon fisheries. Canada has long been advocating for the US to reduce bycatch of Canadian-bound salmon and steelhead stocks in Southeast Alaska's District 104 fisheries. Bycatch of Canadian-bound stocks can sometimes exceed Canadian catch of the same stocks or be directed on stocks that have associated fisheries closed in Canada due to conservation concerns.

DISCUSSION:

s.13; s.16

Key Messages:

- The protection and recovery of the iconic wild pacific salmon is of great importance to BC considering our economy, ecology, and culture. We were disappointed by the US decision to open the Fraser River sockeye fishery despite concerns raised by Canada. We are pleased that efforts are being made to ensure this does not occur again.
- We are hopeful that the US will take more precautionary approaches to its salmon harvest management decisions for fisheries that impact Canadian stocks of concern such as Alaska's District 104 fishery and Fraser Sockeye fisheries.
- BC actively supports the PSC and the Pacific Salmon Treaty process. We see enormous long-term benefits for wild pacific salmon in ensuring Canada and the US consistently come to bilateral agreement on run sizes and fishing plans.
- BC fully supports Canada's efforts in ensuring PSC decisions are based on the best available science and reflect a precautionary approach based on conservation.
- We will continue to assist Canada where and how we can in its work with both the PSC and the US through the established process on in-season decisions.

PREPARED BY:

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REVIEWED BY:

	Initials	Date
DM	LH	Sept 15, 2022
ADM	JM	Sept 12, 2022
Program Dir/Mgr.	DT	Sept 9, 2022

BRIEFING NOTE FOR INFORMATION

DATE: September 14, 2022

PREPARED FOR: Honourable Josie Osborne, Minister of Land, Water and Resource Stewardship

ISSUE: Canadian Council of Fisheries and Aquaculture Minister's meeting plan & approach

BACKGROUND:

- Established in 1999, the Canadian Council of Fisheries and Aquaculture Ministers (CCFAM) is comprised of Ministers responsible for fisheries and aquaculture across Canada. British Columbia's (BC's) representative is the Honourable Josie Osborne.
- CCFAM meetings are co-chaired by Fisheries and Oceans Canada (DFO) and a rotating provincial or territorial jurisdiction. Manitoba (MB) hosts for 2022, Prince Edward Island for 2023, Newfoundland for 2024, Nunavut for 2025, and BC for 2026 and so on.
- From September 26-28, 2022, CCFAM Ministers will meet in Winnipeg, MB. This will be the first in-person meeting since 2018. September 27 will start with a meeting and presentation by Leaders of National indigenous Organizations (NIO).
- To support CCFAM's work there is a Deputy Minister group and a staff level group (the Interjurisdictional Working Group – which meets regularly). Both groups are led in BC by the Ministry of Land, Water and Resource Stewardship (LWRS).
- CCFAM has had different structures (committees and task groups) to address priorities of the day and is currently undertaking a revitalisation process.

DISCUSSION:

BC is an active member of CCFAM at all levels of work and is supportive of having a forum where provinces and territories can come together as equal partners with Canada to discuss issues of national importance on fish and seafood. Deputy Ministers have finalized the agenda and provinces and territories are submitting comments on the draft communique for the September Ministers meeting. Key agenda items include (please see Appendix 1 for agenda):

1. Leaders of National indigenous Organizations

Breakfast meeting with elected officials and NIOs followed by opening ceremonies, presentation and roundtable. BC has been supportive of the inclusion of NIOs in some aspects of CCFAM meetings but has expressed preference to keep the main CCFAM forum restricted to elected officials and delegates from each member of the Confederation.

2. Update on CCFAM Revitalization and CCFAM Committees and Task Groups (deck)

Overview of the revitalized CCFAM structure, along with presentations from each committee/task group. BC has been supportive of the review of CCFAM committees and the need to refresh their mandate and workplans.

3. Policy discussion on:

a. Aquatic Invasive Species

- Presentation from the task group on the need for nationally consistent decontamination protocols to prevent the spread of aquatic invasive species (AIS) through recreational watercraft and equipment. BC has been engaged in developing options for addressing gaps and is supportive of this process. BC's top priority continues to be increased federal support for invasive mussel prevention and rapid response across western Canada. Supporting western provinces, such as containment efforts in MB, will strengthen the perimeter defence approach that will further benefit BC.

b. Aquaculture

- The aquaculture discussion will be led by DFO Minister Murray and include federal priorities including with BC and Indigenous communities on a transition plan. BC will have the opportunity to express provincial need for support and the role of First Nations in the transition planning. Additionally, there will be discussion about the need to continue efforts on the development of a national *Aquaculture Act*, which in recent years has seemed less necessary than when it was originally tasked through CCFAM.

c. Climate Change

- After the Climate Change presentation some Ministers may suggest the formation of a CCFAM Committee or structure to further examine where to go with this topic. BC has been a leader in calling for increased consideration of climate change in national discussions on the future sustainability of fisheries, aquaculture and seafood.

While the agenda for CCFAM meetings can be limiting to individual provincial or territorial interests, there will be opportunity to raise BC's concerns both at formal roundtable and side-bar portions of the meetings. Strategic connections with both the federal government and provinces and territories are developed at these meetings and can be used further to help influence federal policy and BC's objectives in the intergovernmental space.

BC'S KEY POINTS /OBJECTIVES

- BC supports the proposed agenda for the Ministers meeting and wants to advance the work of revitalizing the CCFAM, its Committees and Task Groups. BC regards CCFAM as an important national forum for clear and frequent communication on seafood and fisheries and related issues
 - We are supportive of the proposed sunseting of groups that have fulfilled their tasks and updating terms of reference for groups where and as needed.
 - In particular, BC would like to see a revitalized CCFAM and suggests that Ministerial meetings be held annually on a set date as was done previously to help with attendance and strategic planning
 - BC would also like to see a better connection between the work of officials with a more strategic agenda for Ministers that can help shape the national agenda for fisheries and aquaculture
- BC supports the work nationally on aquatic invasives
 - We have had excellent progress with DFO Pacific Region in finding operational partnerships to help with invasive mussel defense
 - We feel that nationally we need to be more ambitious in our level of effort on aquatic invasives and this will require increased coordination and investment
 - We also would like to explore with DFO approvals for the use of invasive species, such as green crab. If there is a safe way to approve productive uses we could find revenue streams that can help with control efforts.

• s.13; s.16

- BC supports dedicated action on climate change and its impacts on fisheries and oceans. We have developed a Clean BC roadmap, a Climate Preparedness and Adaptation Strategy, and are now developing a Coastal Marine Strategy that all drive at this priority. We would benefit from increased coordination and investment in scientific research as well as planning and project funding.

Attachment: Appendix 1 Draft Canadian Council of Fisheries and Aquaculture Ministers Meeting Agenda, Location: Winnipeg, Manitoba - Fall 2022

PREPARED BY:

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REVIEWED BY:

	Initials	Date
DM		
ADM	JM	Sept 14, 2022
Program Dir/Mgr.	DT	Sept 14, 2022

Appendix 1 Draft Canadian Council of Fisheries and Aquaculture Ministers Meeting Agenda, Location: Winnipeg, Manitoba - Fall 2022

September 26	
<i>*early registration for delegates from 15:30 – 17:00 (Location XXX)</i>	
15:00 – 16:00	Pre- Canadian Council of Fisheries and Aquaculture Ministers (CCFAM) Meeting of Deputy Ministers (DMs)
19:30 – 21:00	Private dinner for Ministers (elected officials only) hosted by Fisheries and Oceans Canada (DFO) DMs and delegates to attend a separate function hosted by Manitoba
September 27	
<i>*Registration for delegates open from 07:30 (Location XX)</i>	
Meeting between Leaders of National Indigenous Organizations and Federal, Provincial and Territorial Ministers of Fisheries and Aquaculture Chair: Canada and Manitoba	
7:30 – 8:30	Private breakfast for Ministers (elected officials only) and Leaders of National Indigenous Organizations Breakfast for other delegates in separate location
8:30 – 8:45	Blessing Ceremony
8:45 – 10:45	Welcome and Opening Remarks (Minister Murray and Minister Nesbitt) Presenters: National Indigenous Organizations Presentations followed by a roundtable discussion
10:45 – 11:00	Health Break
Canadian Council of Fisheries and Aquaculture Ministers Meeting	
11:00 - 11:15	Welcome and Opening Remarks (Minister Murray and Minister Nesbitt)
11:15 – 11:45	Update on CCFAM Revitalization, Committees and Task Groups. Chair: Manitoba (MB) Presenters: MB Deputy Minister Elliot Sims and DFO Acting Deputy Minister Lawrence Hanson Presentation to Ministers on CCFAM revitalization and an overview of CCFAM committees and task groups' priorities and next steps

11:45 – 12:00	Ministerial photo
12:00 – 12:35	Lunch break
12:35 – 13:50	<p>Policy discussion: Aquatic Invasive Species (Chair: Canada)</p> <p>Presenters: Nicole Kimmel, National Aquatic Invasive Species Committee (NAISC) Co-chair, Ministry of Environment and Parks, Alberta</p> <p>Presentation by Nicole Kimmel, on behalf of the NAISC, on the need for nationally consistent decontamination protocols to prevent the spread of aquatic invasive species (AIS) through recreational watercraft and equipment. These national protocols are needed to help address the threat AIS pose to biodiversity, the economy and food security in Canada. NAISC will present options for addressing gaps and will seek a commitment from CCFAM to develop and implement consistent decontamination protocols across all jurisdictions.</p> <p>Presentation followed by a roundtable discussion</p>
13:50 – 14:00	Health Break
14:00 – 15:15	<p>Policy discussion: Aquaculture (Chair: MB)</p> <p>Presenters: Remarks from DFO Minister Murray on federal aquaculture priorities (including working with the province of British Columbia and Indigenous communities on a responsible plan to transition from open net-pen salmon farming in coastal British Columbia waters by 2025, and work to introduce Canada's first-ever Aquaculture Act). Presentation by vice-chairs of the CCFAM Strategic Management Committee (SMC) on Aquaculture (DFO, BC, Nova Scotia) on the aquaculture landscape in Canada and areas of ongoing and potential collaboration at SMC.</p> <p>Presentations followed by a roundtable discussion</p>
15:15 – 15:25	Health Break
15:25 – 16:40	<p>Policy discussion: Future of Fisheries, Fish and Fish Habitat in a Changing Canadian Climate (Chair: Canada)</p> <p>Ministerial roundtable discussion on the impact of climate change and actions that can be taken by governments to help the sector adapt</p>
16:40 – 17:00	Closing Remarks and Agreement on the Release of CCFAM Meeting Communiqué (Chair: MB)
17:00– 17:20	Health Break
17:20 – 17:45	Press Conference (Location: To Be Confirmed)
18:30 – 21:00	<p>Reception and private tours, hosted by MB</p> <p>Location: Canadian Museum for Human Rights</p>

INFORMATION NOTE

DATE: July 27, 2022

PREPARED FOR: Honourable John Horgan, Premier

ISSUE: Premier follow up with Heiltsuk Nation regarding Namu

KEY FACTS:

- Premier Horgan has identified an interest in seeking funds from the Government of Canada to remediate the Namu industrial site.
- The costs of that remediation need to be properly assessed and any strategy should include reaching out to the responsible parties to contribute towards the costs of remediation.
- The Province needs to better understand how and why Canada can help, and on what, before reaching out to request support to remediate Namu.

BACKGROUND:

- The Namu industrial site, a derelict fish processing facility on the central coast, has been the subject of heightened public and First Nation concern and scrutiny. The site overlays the former Heiltsuk First Nation community of Namu.
- Site issues are complex. Multiple ministries are involved including the Attorney General (AG); Environment and Climate Change Strategy (ENV); Forests; Indigenous Relations and Reconciliation; and Land, Water and Resource Stewardship.
- The Namu site is comprised of previously tenured Crown-owned fill and Crown-owned submerged lands and upland privately owned by Namu Properties Ltd. ("NPL")
- While NPL is the registered owner of the land, NPL was dissolved on December 16, 2019 and as a result the land has escheated to the Province. Escheated land is under the jurisdiction of the AG.
- In July 2022, Premier John Horgan visited Namu and met with representatives from the Heiltsuk Nation; the site is of significant interest and historical importance for Heiltsuk. The Premier directed staff in ENV to draft a letter under the Premier's signature to Prime Minister Trudeau, requesting funding to support the remediation of the site.

DISCUSSION:

s.13; s.16

s.13; s.16

s.13; s.14

s.13; s.16

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INFORMATION NOTE

DATE: September 22, 2022

PREPARED FOR: Honourable John Horgan, Premier

ISSUE: Ocean Falls Contamination

KEY FACTS:

- A portion of the contamination associated with a former pulp and paper mill were addressed in 2008/2009 by the Crown Contaminated Sites Program (CCSP).
- Additional contamination exists in the area although the extent and source of this contamination has not been determined. There are multiple potential sources due to industrial activities.

BACKGROUND:

- Asbestos abatement and demolition of a former Crown owned pulp and paper mill was conducted in 2008/2009 under the CCSP program. Some waste was transported offsite for disposal (eg. Hazardous waste containing lead, PCBs, mercury). Waste including asbestos and demolition debris was disposed in onsite landfills. Periodic inspections of the landfills are conducted, the most recent in 2017.
- In 2018, the Regional Operations Division – Coast Area, commissioned work to assess the hazards associated with the dilapidated wharf in Oceans Falls. Limited sampling near the wharf identified contamination of metals and hydrocarbons in the intertidal sediments. Biota typically associated with the marine intertidal zone were not observed. The source and extent of the contamination was not identified but is likely resultant from pulpmill operations. No other likely source of contamination were identified with the site.
- The contaminated intertidal area is overlain by a dilapidated wharf owned by the Province as part of the original pulpmill infrastructure. 2017 works by Regional Operations Division – Coast Area identified the cost to address the dilapidated wharf to be \$2.7 million.
- No further works are scheduled or planned by Regional Operations Division – Coast Area. The presence of contamination requires that any remediation project should address both wharf removal and contamination simultaneously. Regional Operations Division – Coast Area does not contain the expertise necessary to undertake remediation of contaminated sites.

Assistant Deputy Minister:

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Shawn Meisner (ROD – CA)

BRIEFING NOTE FOR INFORMATION

DATE: September 27, 2022

PREPARED FOR: Deputy Minister Lori Halls, Land, Water and Resource Stewardship

ISSUE: Anchorage-related concerns and the Province's role in management

BACKGROUND:

- Anchorages are considered "suitable area[s] in which to anchor a vessel"¹. The right to anchor is related to one of the oldest legal rights in Canada – the freedom to navigate on tidal waterways. Transport Canada (TC) is the lead management agency, on behalf of the federal government (primarily under the *Canadian Navigable Waters Act* and the *Canada Shipping Act, 2001* and its regulations).
- Vessels use anchorages for a variety of reasons (e.g. inclement weather, waiting to enter a port, waiting for cargo, conducting maintenance activities) and are permitted to anchor temporarily wherever it is safe. TC reports that the average stay at an anchorage in the Gulf Islands, across from the Port of Vancouver, is 8.6 days¹.
- Ensuring cargo vessels have a safe place to anchor is an important part of an efficient supply chain. When berths and anchorages within a port are full, additional anchorages are required for cargo vessels outside of the port boundary.
- Within a port boundary, the relevant port authority directs vessels where to anchor and for how long. However, outside of the port boundary, the Province has a potential role to play in tenuring anchorages for use.
- As confirmed by a 1984 Supreme Court of Canada decision, the Province owns the waters and submerged lands of the Juan de Fuca Strait, the Strait of Georgia, Johnstone Strait and Queen Charlotte Strait and the waters and submerged lands between major headlands (i.e. bays, estuaries, fjords).
- Given its ownership and related jurisdiction, the provincial government has the ability to issue authorizations for marinas, docks, and permanent mooring buoys anchored to the seafloor. These authorizations are issued under the *Land Act*, managed by the Ministry of Forests.
- Although the provincial government has the ability to issue authorizations for permanent mooring buoys, the Province has not typically done this, given challenges with resourcing compliance and enforcement of buoy tenure usage. An exception may be made where an agency, such as TC or the Vancouver Fraser Port Authority (VFPA), can be granted authority to actively manage their usage.
- In April 2021, Public Services and Procurement Canada, on behalf of TC, contacted FrontCounter BC (Nanaimo) to see about applying for a *Land Act* tenure for 33 anchorages in the Southern Gulf Islands.

DISCUSSION:

In the past several years, concerns have grown about the use of anchorages in southern British Columbia (BC). There are 33 anchorages in the Southern Gulf Islands that have been used since the early 1960s (Attachment 1); no provincial tenures have been issued to occupy unsurveyed Crown land in the area. TC currently administers them under a voluntary 'Interim Protocol for the Use of Southern BC Anchorages' introduced in 2018 and developed in collaboration with the Chamber of

¹ Transport Canada. Understanding anchorages in Canada. <https://tc.canada.ca/en/marine-transportation/ports-harbours-anchorage/understanding-anchorage-canada>

Shipping of British Columbia, the Shipping Federation of Canada, the Pacific Pilotage Authority, the VFPA, and the Port of Nanaimo. Ships are assigned to sites by the VFPA.

Usage of these 33 anchorages has increased significantly in recent years, triggering the growing chorus of opposition. In September 2018, the Islands Trust Council called on the federal government to work towards eliminating the use of the 33 commercial freighter anchorages throughout the Southern Gulf Islands. Key concerns cited by Islands Trust include:

- lack of prior consultation with First Nations and coastal communities and a lack of environmental assessments on the use of these anchorages;
- significant amounts of unnecessary noise, light, and air pollution generated by these ships while at anchor; and
- risks these vessels pose to the marine environment, including the risk of oil spills.

Continued and intensifying use of these sites, and TC's interest in establishing these under long-term *Land Act* tenure, have the potential to impact current and future marine policy and planning processes, including BC's Coastal Marine Strategy as well as the federal government's own initiatives. Under the federal government's Ocean Protection Plan, TC has established an Anchorages Initiative, reportedly looking at "ways to reduce anchorage use and transits by commercial vessels while advancing active traffic management solutions to mitigate socio-environmental impacts and improve traffic management"². In addition, Parks Canada is currently conducting a feasibility assessment for designating a National Marine Conservation Area in the region. Neither seem consistent with the federal government's recent efforts to engage with the Province on long-term tenures.

INDIGENOUS PEOPLES:

Coastal First Nations often voice concerns about vessel traffic and related effects on the marine environment. Given these concerns, the Province has a strong interest in ensuring that First Nations are adequately consulted on any actions taken to legitimize the use of existing anchorages and/or expand this activity into the future.

CONCLUSION:

The provincial government's role in managing anchorages is limited. However, there may be opportunities for the Province to take a position on this federally-managed activity through the development of BC's Coastal Marine Strategy and/or as part of BC's participation in ongoing federal initiatives. In the interim, the Province should be directing concerns to the federal government and expressing that any actions taken are done in consideration of coastal community concerns.

Attachment(s): (1) Map of Southern Gulf Island Anchorages

PREPARED BY:

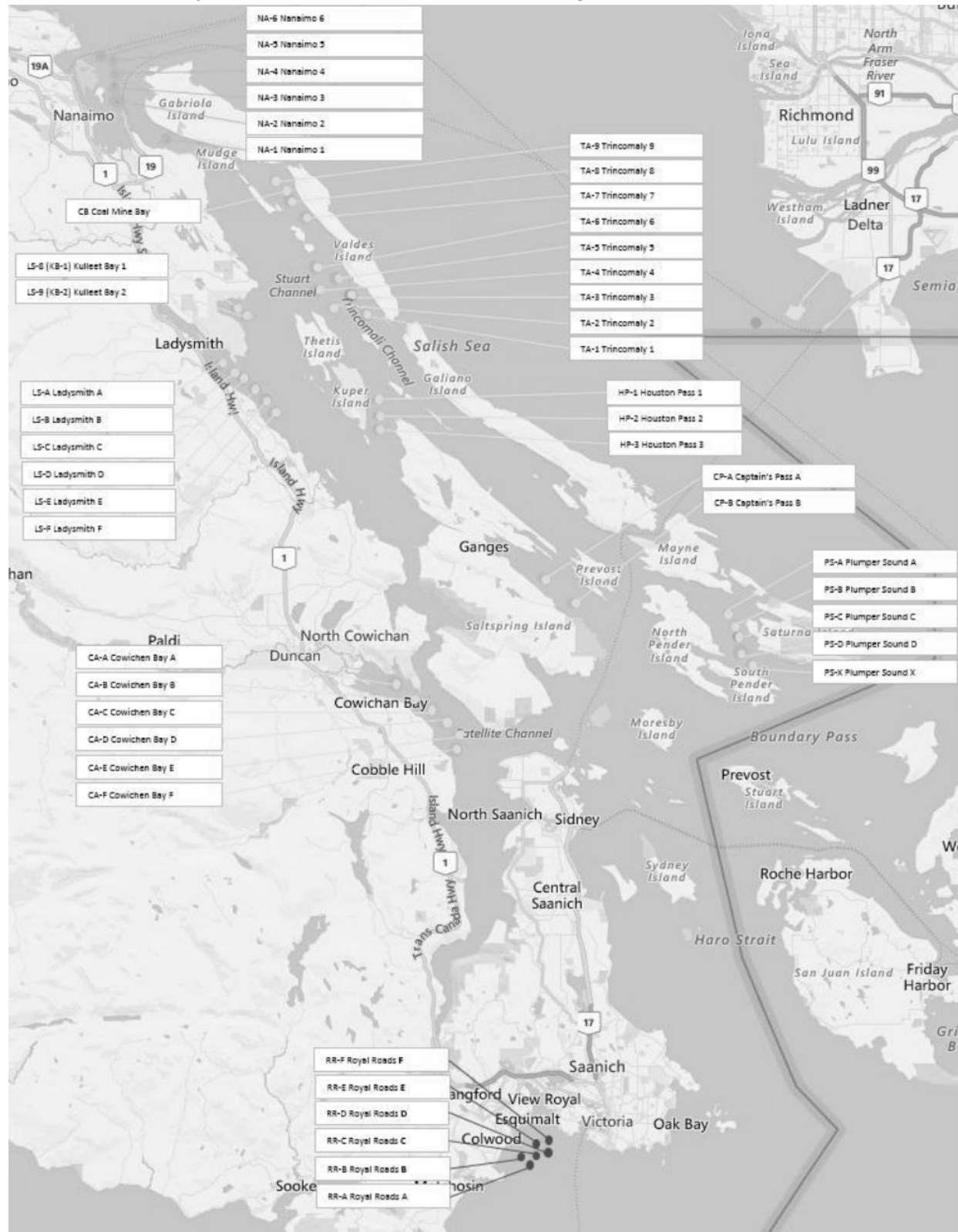
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REVIEWED BY:

	Initials	Date
DM		
ADM	JM	Sept 28, 2022
Program Dir/Mgr.	KW, A/ED for CS	Sept 27, 2022

² Transport Canada. Discharge, noise, light, and concerns for marine life from anchored vessels.
<https://tc.canada.ca/en/marine-transportation/ports-harbours-anchorage/discharge-noise-light-concerns-marine-life-anchored-vessels>

Attachment 1: Map of the Southern Gulf Island Anchorages



BRIEFING NOTE FOR INFORMATION

DATE: September 29, 2022

PREPARED FOR: Honourable Josie Osborne, Minister of Land, Water and Resource Stewardship
Honourable Katrine Conroy, Minister of Forests

ISSUE: Summary of meeting and action items following the T̓silhqot̓in National Government Leadership Table Meeting

BACKGROUND:

- In August 2019, T̓silhqot̓in National Government (TNG), British Columbia (BC) and Canada signed the Gwets'en Nilt'i Pathway Agreement (GNPA), which continues the provincial commitments from the Accord and brings Canada into our reconciliation process as a fully vested partner. The GNPA creates a framework for TNG, BC, and Canada to work together through the Declared Title Area (DTA) transition process, provides a clear pathway for T̓silhqot̓in management and control and to benefit from the declared title lands, while providing certainty to BC, Canada and third parties about each others' respective roles, rights, and responsibilities. It will also attempt to address T̓silhqot̓in aspirations for governance (whether under co-management or other collaborative decision-making model) throughout the territory.
- The Leadership Table between TNG and BC was established under the 2014 Letter of Understanding, continued under the Accord, and continues into the GNPA. The Leadership Table is in place to maintain strategic relationship with TNG leadership.
- Since the last Leadership Table meeting on March 2, 2022, the Parties have made progress on key agreement priorities including signing the five-year Collaborative Emergency Management Agreement which was celebrated by ministers and chiefs in July.
- On September 21, the Leadership Table met on the DTA. The focus of the meeting was on continuing the relationship, and an opportunity for ministers to learn about and encourage the Nation on their path to self-governance, and to see title transition on the ground.
- Specific breakout meetings regarding Wildlife and the Nen Transformation Table (NTT) related directly to the work of the Ministry of Forests (FOR) and the Ministry of Land, Water and Resource Stewardship (LWRS).

DISCUSSION:

Within the Wildlife and NTT breakout meetings several topics related to FOR and LWRS mandate were discussed as follows

T̓silhqot̓in Rangers: Leaders of the T̓silhqot̓in Rangers program provided an overview of the training and work of the Rangers and the vision to achieve a "a nation-wide program that supports understanding of, and respect for, T̓silhqot̓in culture and laws by all residents and visitors to [T̓silhqot̓in Territory]". TNG's vision clearly expands beyond DTA, and an expectation that the Ranger program can support broader stewardship goals (habitat assessment, wildlife population inventory, monitoring, public engagement, and enforcement).

TNG is seeking the following to further support the Ranger Program:

- Capacity funding, and

- A pathway to establish Ranger authority to enforce Tsilhqot'in culture and laws.

Suggested follow-up action: LWRS to seek increased funding through the Collaborative Indigenous Stewardship Program to support the Ranger program. Authorities of the Ranger program will require discussion with Ministry of Environment and the Conservation Officer Service.

Moose Management: Moose management within TNG territory has been a point on conflict since 2014. TNG does not trust the current management practices for moose population. Specific examples of concern with population calculation methods, hunter success assumptions, hunter access and transparency were raised. TNG is not seeking co-management but rather shared decision making. Several TNG chiefs and councillors stated that they have forgone their traditional right to harvest moose because they do not believe the population can sustain hunting pressure. TNG is seeking direct input and involvement in all aspects of Limited Entry Hunting (LEH) authorization process for moose

Suggested follow-up action: FOR and LWRS to work with TNG to establish a new protocol for moose LEH management in TNG territory. TNG will expect a new protocol for moose to be in place before the 2023 hunting season.

Road access management: TNG expressed concern with too many access points across TNG territory and within the DTA. Road access is viewed to allow increased hunter pressure (beyond what is envisioned in LEH calculations) increased predation risks and overall habitat disturbance. TNG acknowledged that road restoration and deactivation would need to be coordinated and planned in order to ensure that planned development can still proceed where needed.

Suggested follow-up action: FOR to convene a road management planning process under the NTT.

Feral Horse Management: Feral horse populations have increased significantly in TNG territory over the past several decades. Increased feral horse populations are damaging to habitat and disrupt native predator prey dynamics. Some TNG members view feral horses as sacred and as such do not want to pursue intensive management and population reduction. As the Wildlife Act does not formally recognize feral horses as "wildlife" there are limited management tools available under BC law. Through the discussion TNG Chiefs made it clear that they do want to look at more specific management options to ensure feral horse populations do not continue to impact native ungulate populations.

Suggested follow-up action: LWRS to convene a feral horse management team under the NTT. Implementation of population management measures should be led by TNG (relates to increased funding for the Ranger program).

Predator Management: Increasing predator populations are believed to be impacting ungulate populations in TNG territory. Through the Provincial Caribou Recovery Program, BC has been undertaking wolf management to support caribou recovery in the northern portion of TNG territory. TNG views ongoing wolf management as necessary; however, they also expressed concern with increased grizzly bear populations. TNG expressed interest in grizzly bear management including opening a licensed guided grizzly bear hunt. BC government made it clear that predator management can be supported as part of wildlife management but expressed caution on implementing a guided trophy hunt.

Suggested follow-up action: LWRS to convene a predator management discussion under the NTT. Ongoing predator management to support caribou recovery can be supported under the Caribou Recovery program.

INDIGENOUS PEOPLES:

The interests that TNG put forward in the meeting are consistent with past areas of collaboration. Through the NTT it is expected that most of TNG expectations can be supported; however, more time may be needed to fully achieve their interests.

NEXT STEPS:

TNG will be preparing summary notes and action items to be discussed at the next NTT. Jamie Jeffreys (ADM, South Area FOR) and David Muter (ADM, Land Use Policy, Planning and Ecosystems LRWS) will participate at the NTT table to advance the action items.

PREPARED BY:

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REVIEWED BY:

	Initials	Date
DM - LWRS	LH	October 10, 2022
DM - FOR		
ADM - LUPPE	DM	October 5, 2022
ADM - FOR	JJ	October 5, 2022