OUR LAND IS OUR FUTURE

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UNION OF B.C. INDIAN CHIEFS
CHIEFS COUNCIL
NOVEMBER 22ND- NOVEMBER 23RD, 2011
VANCOUVER, B.C.

Resolution no. 2011-59

RE: Support for Protection of the Early Timed (Spring) Chinook

WHEREAS as Indigenous Peoples, we reaffirm the wisdom and vision of our Peoples articulated in the *UBCIC Aboriginal Title and Rights Position Paper, 1978* which states:

> ***The Sovereignty of our Nations comes from the Creator. It is not granted by, nor subject to the approval of, any other Nation. As First Nations we have the Sovereign Right to jurisdiction and rule within our traditional territories. Our lands are a sacred gift. The land is provided for the continued use, benefit and enjoyment of our people, and it is our ultimate obligation to the Great Spirit to care for and protect it.***

WHEREAS Indigenous Nations will be challenged by Crown governments, or third party interests, as we continue to use, occupy and possess our Aboriginal Title territories and exercise our inherent jurisdiction. Over decades and centuries, the Crown governments have unjustifiably given out interests to third parties in all regions of Canada subject to Aboriginal Title. Forestry and fisheries are prominent examples of conflict between Aboriginal and non-Aboriginal peoples over resource allocation;

WHEREAS fishing must be understood and addressed in the context of Aboriginal Title and Rights;

WHEREAS the Early Timed Chinook (4_2 Spring Chinook) that return to the Nicola system: Coldwater River, Nicola River, Spius Creek systems and the Thompson system: Deadman River, Louis Creek, Nessett Creak and the Bonaparte River systems have been in drastic decline over the last five years; and

WHEREAS these stocks need to be re-built to sustainable numbers where benefits can be obtained by First Nations, the environment and by other "stakeholders"; and

WHEREAS the Department of Fisheries and Oceans Canada (DFO) does not have adequate data to support any non-Aboriginal fisheries that could impact these stocks of Spring Chinook, and by allowing non-Aboriginal fisheries that can impact these stocks, the government is thereby neglecting their fiduciary responsibility to both First Nations and the fish; and

WHEREAS the Government of Canada is also neglecting their responsibility to the surrounding ecosystem by continuing to allow fishing of these early stocks which play an important and interconnected role to the maintenance of the bio-diversity of the surrounding ecosystem, such as the very survival of the endangered Orca population which require an allocation of the Chinook run; and

WHEREAS the Supreme Court of Canada (*Sparrow)* ruled "…If, in a given year, conservation needs required a reduction in the number of fish to be caught such that the number equaled the number required for food by the Indians, then all the fish available after conservation would go to the Indians according to the constitutional nature of their fishing right. If, more realistically, there were still fish after the Indian food requirements were met, then the brunt of conservation measures would be borne by the practices of sport fishing and commercial fishing";

WHEREAS UBCIC Resolution 2008-18 calls for the UBCIC Chiefs Council to work with the BC Assembly of First Nations, the First Nations Summit and the First Nations Fisheries Council to compel the Minister of Fisheries and Oceans to exercise an allocation policy of conservation first, food, social and ceremonial second and to compel Auditor General of Canada to perform an audit on the management of pacific fisheries; and,

WHEREAS UBCIC Resolution 2008-19 calls for the UBCIC Chiefs Council to work with First Nations to conserve wild stocks, advocate and support recovery and restoration, and to share fairly food/social/ceremonial fish;

WHEREAS UBCIC Resolution 2010-02 called for a moratorium on fishing Early Timed Chinook (4 sub 2) in the spring of 2010 and called for DFO to stop all non-Aboriginal fisheries of these stocks until the stocks recovered;

WHEREAS in 2010 the Department of Fisheries and Oceans Canada allowed recreational fishing opportunities in the marine areas that impacted the Early Timed Chinook;

WHEREAS the First Nations from Vancouver Island, the Lower Fraser River and BC Interior, Treaty and non-Treaty, in unity stood on a moratorium on fishing Early Timed Chinook in 2010 and 2011 in order to protect the returning Early Timed Chinook.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council calls on the Department of Fisheries and Oceans (DFO) to uphold the federal fiduciary responsibility to both First Nations and the fish, and stop all non-Aboriginal fisheries that could affect these stocks until there is sufficient data available to manage these stocks sustainably; and

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council requests that the DFO acquires more data from the recreational fishers sector by making it mandatory for recreational fishers to submit marked Chinook; and

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive and staff to work with the First Nations Fisheries Council to ensure that the DFO funds First Nations fishing programs to obtain technical support to sustain the management of the Early Timed (spring) Chinook stocks; and

THEREFORE BE IT FINALLY RESOLVED that the UBCIC Chiefs Council encourages First Nations from the approach areas and Fraser River to cease fishing on these stocks for 2012 in order to encourage the recovery and restoration of the fish stock for future generations.

Moved: **Kukpi7 Christian, Splatsin**
Seconded: **Chief Dan Manuel, Upper Nicola Indian Band**
Disposition: **Carried**
Date: **November 23rd, 2011**