

OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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March 30, 2010

Honourable Gail Shea
Department of Fisheries and Oceans Canada
Parliament Buildings, Wellington Street
Ottawa, Ontario K1A 0A6

Dear Minister Shea

We are writing with respect to UBCIC resolution no.2010-02, Requested Support for Protection of the Early Timed (spring) Chinook which was carried at the Union of BC Indian Chiefs Council on March 18, 2010 (enclosed).

The UBCIC recognizes that the situation of the early spring Chinook in the Fraser River is critical and cannot sustain further pressure from fishing. Therefore, the UBCIC strongly urges the Department of Fisheries and Oceans to uphold their federal fiduciary responsibility to both First Nations and the fish, and stop all non-Aboriginal fisheries that could affect these stocks until the stocks have recovered and there is sufficient data available to manage these stocks sustainably.

The UBCIC Chiefs Council will encourage all First Nations in the approach areas and Fraser River to cease fishing on these stocks for this year in order to encourage recovery and expects DFO to mirror this moratorium by stopping all non-Aboriginal fisheries.

On behalf of the UNION OF BC INDIAN CHIEFS

Grand Chief Stewart Phillip
President

Chief William Charlie
Vice-President

Chief Bob Chamberlin
Secretary-Treasurer

Cc: BC First Nations Fisheries Council
UBCIC Chiefs Council

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UNION OF B.C. INDIAN CHIEFS
CHIEFS COUNCIL
MARCH 17TH - 18TH, 2010
VANCOUVER, B.C.

Resolution no. 2010-02

RE: Requested 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 (or return) 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 (4₂ Spring Chinook) that return to the Coldwater River, Nicola River and Spius Creek systems have been in drastic decline over the last five years, returning in numbers under 1000 for all three stocks combined; and

WHEREAS these stocks need to be re-built to sustainable numbers (10,000 for all three stocks) 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 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.

THEREFORE BE IT RESOLVED that the UBCIC Chiefs Council demands that DFO upholds the federal fiduciary responsibility to both First Nations and the fish, and stop all non-Aboriginal fisheries that could affect these stocks until the stocks have recovered and there is sufficient data is available to manage these stocks sustainably; and

THEREFORE BE IT FURTHER RESOLVED that the UBCIC Chiefs Council directs the UBCIC Executive and Staff to work with the First Nations Fisheries Council to ensure that DFO fund First Nations fishing programs to obtain technical support to sustain the management of the Early Timed (spring) Chinook 4sub2 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 2010 in order to encourage the recovery and restoration of the fish stock for future generations.

Moved: Chief Ko'waintco Michel, Nooaitch First Nation
Seconded: Chief Jonathan Kruger, Penticton Indian Band
Disposition: Carried
Date: March 18th, 2010