

National Indigenous Fisheries Institute and Indigenous Program Review

Aboriginal Fisheries Strategy and Aboriginal Fishery Guardian Program PLENARIES

January 2019

indigenousfisheries.ca

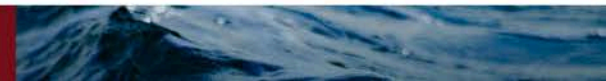


NATIONAL INDIGENOUS
FISHERIES INSTITUTE
Indigenous Program Review

INSTITUT NATIONAL DES
PÊCHES AUTOCHTONES
Examen des programmes autochtones

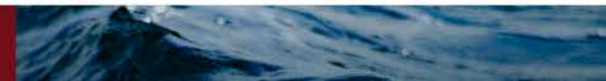
Purpose of this Plenary

- Opportunity to review and confirm:
 - What we heard during workshops
 - What we received in submissions
 - What we heard by phone, via email, and social media
- Opportunity to get more information:
 - Focus on areas of consistency
 - Understand other views and issues brought forward
 - All input will inform final report

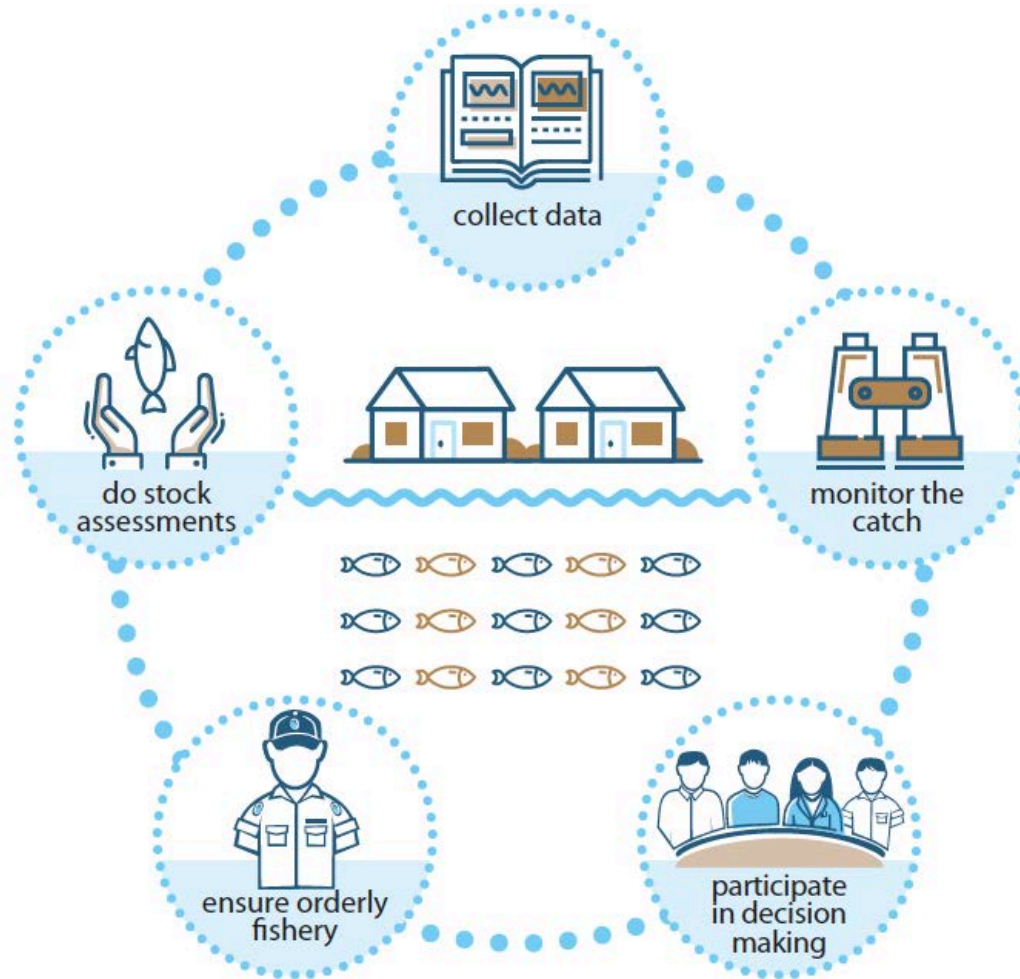


Programs Under Review

- Aboriginal Fisheries Strategy Program
 - Discussion Paper conclusions and submissions received
 - Workshops: What we heard in Abbotsford, Terrace, Prince Rupert, Williams Lake, Kelowna, Kamloops, Central Coast, Prince George, Victoria, Nanaimo, Campbell River, Sydney, Moncton, Halifax, Goose Bay, St. John's, Quebec City, Hay River, Yellowknife, and Whitehorse
 - Initial Conclusions and Steps: Facilitated Q&A
- Aboriginal Fishery Guardian Program
 - Discussion Paper conclusions and submissions received
 - Workshops: What we heard in St. John's, Moncton, Halifax, Vancouver, Goose Bay, Quebec City, Hay River, Yellowknife, and Whitehorse
 - Initial Conclusions and Steps: Facilitated Q&A

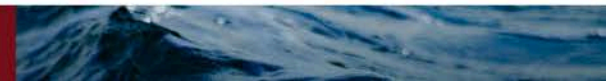


Aboriginal Fisheries Strategy Program



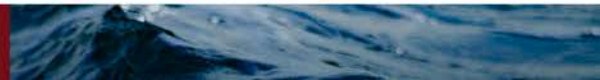
Discussion Paper

- Program Design:
 - Food, social and ceremonial fishery objectives
 - Simplifying agreements and reporting on outcomes
 - Measuring program performance
- Technical:
 - Data collection, monitoring and other science activities
 - Training needs of managers and technicians
- Relationships:
 - With the Department (Resource Management, Science, etc.)
 - With aquatic resource and oceans management groups



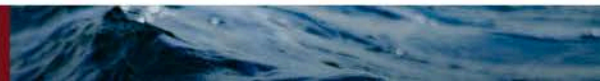
What We Heard: Program Objectives

- Highly significant program, but outdated
 - Expectation for program results does not match funds
- Question objectives and program direction
 - Community needs not always met, re: food, jobs, tech activities
 - Participation in fisheries management not always occurring
 - Orderly fishery: how is data being used (for/against them)?
- Indigenous objectives
 - Protect culturally significant fish species (which means all)
 - Invest in Indigenous knowledge systems (knowledge collection)
 - Co-management: meaningful contribution to mgt. processes
 - Long-term vision to bring program under Indigenous control



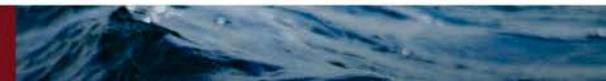
What We Heard: Lack of Funding

- Lack of funding despite increased demand for deliverables
- Prevents capacity-building and causes retention issues
 - Inability to create meaningful jobs (not just seasonality; inability to pay equitable wages and offer increases and/or promotion)
 - Results in annual training costs to train new employees
- Led some Nations to go elsewhere to develop programs and/or use own source revenues
 - Considered to be a lever program (crucial to some)
 - Annual challenges to secure funding for activities
 - DFO (and others) benefit from these activities
 - Many mature fisheries and/or natural resource departments



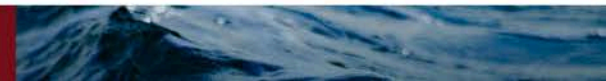
What We Heard: Admin & Reporting

- Consistent with Phase One input
- Funding not always timely
 - Want funding at beginning of fiscal year
 - Suggest fewer reviewers on agreements
- Reporting requirements too detailed/time consuming
 - Some say improvements made few years ago
 - Do not like monthly reporting requirements of new templates
 - Inconsistent among Nations (e.g., some must report all mtgs.)
 - Suggest summary report



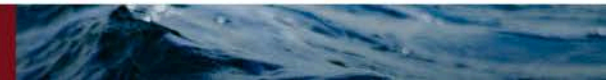
What We Heard: AFS Agreements

- Many have yet to get a signed agreement for this year
 - Some only sign agreement because it provides jobs
 - Others hold off on signing to get issues addressed by DFO
- One size does not fit all (adaptability of program)
 - Different agreements/programs (e.g., for guardian program, for data collection (or tech work), for commercial, etc.)
 - Yet, some still asking for more flexibility
- Want to engage on improving FSC species list
 - Tried to renegotiate in past: want access to commercial species
 - Aware of differences from one community to next
 - Update more frequently (reflect changing community dynamics)



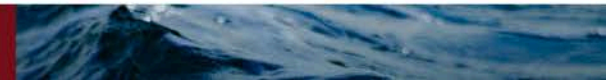
What We Heard: Economic Components

- Societal needs include economic (the ‘Social’ in FSC)
 - Want Nations to define ‘moderate livelihood’ (recognize right to sell food fish)
 - Want more flexibility between communal and commercial (dual fishing options) to make fisheries more efficient and less costly
- ATP foundation for many Nations to grow commercially
 - But inadequate to meet aspirations, concern about its future as being rolled into ICFI’s means it will no longer provide jobs, mixed messages from DFO about its future
- Unfair practices
 - Economic opportunity fisheries (pilots not extended to others)
 - Management fees for ATP licences, not for AICFI licences
 - Commercial fishery coordination/other non-FSC funded



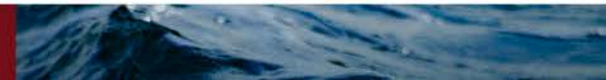
What We Heard: Technical Activities

- Data collection, catch & fishery monitoring, and stock assessments top three AFS-funded technical activities
 - Science/R&D (stock assessments, sampling) not in all agreements or on species of import/priority of communities
 - Want to fill gaps left by lack of DFO scientists and habitat
- Other priority technical activities (by order of priority)
 1. Habitat protection, restoration and rehabilitation
 2. Biomass / baseline research studies on other fish
 3. Fish stock rehabilitation, fish enhancement, water quality/environ. monitoring, species at risk
 4. Monitor impacts of other fisheries, gear types, industries, climate change, invasives, other industries (forestry, mining)
- Differing views, re: AFS or AAROM best to do science



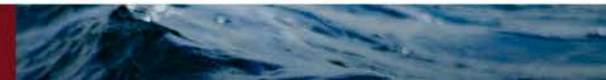
What We Heard: Training

- Want professional and field training
 - Administrative, management, etc. type training, in addition to field technician training
- Want training to result in capacity-building
 - Not annually wasted due to staff retention issues (lack of funds)
- Want to better understand and be able to communicate the rules of the fishery and science
 - *Fisheries Act*, regulations and policies
 - Plain language, community-friendly materials
- Do joint DFO-Nation training
 - Opportunity to build relationships – same training/processes

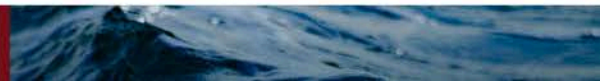


What We Heard: Relationships

- DFO offloading services without funding them
 - Communities providing “cheap labour”
 - See lack of DFO science, habitat and enforcement
- Need improvement in some Regions/areas
 - More respect/courtesy “acknowledgement – thank you”
 - Be more sensitive to traditional obligations
- Support more DFO-F/P/T collaboration for AFS
 - Within DFO: habitat, species at risk, etc.
- Most important relationship is within community
 - Education, engagement, fish camps, school programs, etc.
- Some AFS staff work closely with AAROM group
 - AAROM may do technical work for communities

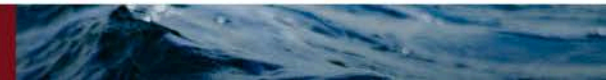


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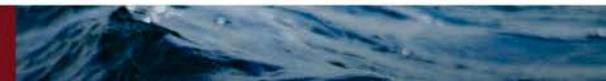
What We Heard: Priority Access & Rights

- Priority access not apparent in regulations, policies and/or DFO way of doing things
 - Recreational and/or commercial appear to have priority
 - Conservation (& Protection) actions by DFO also questionable
- Conservation and Rights intertwined in Indigenous approach to management
 - View of the Right may differ in some areas
 - Indigenous knowledge must be incorporated and respected
- AFS pathway of reconciliation, but just one tool
 - Link between DFO & Nations, re: the Right & orderly fishery
- Designed for 'on reserve'
 - Allocations do not consider rights of 'off reserve' populations



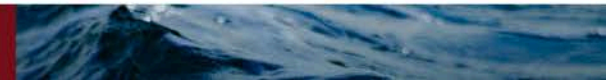
What We Heard: Food & Culture

- Food distribution/community freezers important
 - Funded through program in some Regions, but not others
 - Taken out of commercial quota if FSC not enough (or no FSC)
- Importance of ceremonial not well-understood by DFO
 - Celebrations, funerals, pow-wows, etc.
- Importance of conservation
 - Want true protection and regeneration
- Want preferred species, areas and methods (ways to fish)
 - Lack access to preferred species or opt not to fish (conservation)
 - Not able to fish in traditional waters or areas open to others



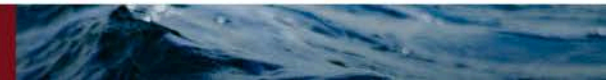
What We Heard: Co-management

- Some examples of co-management
 - Inter-tribal agreements (N2N) & few IFMPs (herring, razor clam)
 - A few Nations monitor commercial and/or recreational fishery (one/two through contract with DFO)
 - One Nation has an MOU with DFO to have voice in pre-season protocols and start of fishery (BC)
 - NS Chiefs and Province make joint recommendations to DFO, re: Atlantic salmon
- But co-management largely one-sided:
 - Data shared with DFO, but DFO does not share data
 - Little to no input into DFO plans/decisions (AFS, Sci, RM, C&P)
 - DFO too focussed on specific species (ignoring others)



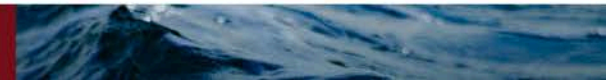
What We Heard: Co-management

- Self-management/governance elements in place
 - Organize own programs, departments, hiring, etc.
 - Designate fish harvesters and/or distribute licences and tags
 - Educate members on regulations and restrictions
 - Monitor fishery and record catch data (who, when, how much)
 - Observe, monitor, research and study: fish, habitat, waterways
 - Impose own conservation decisions and rules: sometimes applies to other fishery users (commercial, recreational)
- Program funding not directed to co-management capacity-building/decision-making (desired)
 - Improvements in this area fundamental to reconciliation
 - Comments consistent with Phase One recommendation



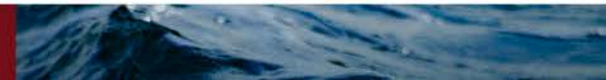
Initial Conclusions

- Lack of intention, funds and trust
 - What is the intent: Strategy vs. Program?
 - Baseline technical program to leverage other funding sources or co-management capacity-building program and orderly fishery with catch monitoring and data collection?
 - Insufficient funds set the program up for failure
 - Limits ability to retain staff → continual need for training → less money for technical / capacity-building activities → knowledge isn't built / species not protected → hard to participate in decision-making without knowledge
 - Trust is essential and it reflects a Nation-to-Nation relationship
 - Inter-tribal agreements help communities get food
 - Technical data and Indigenous knowledge help protect fish



Initial Conclusions

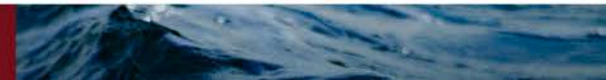
- Top three aspects in terms of import:
 - Food, societies and culture (including building economies)
 - Management over resources in territories
 - Meaningful employment
- Measuring success:
 1. Recognition of rights through priority access
 2. Meeting food needs, achieving healthy/sustainable fish stocks, renewed fishing culture in communities (interest of youth)
 3. Co-management to self-governance trajectory
 - Part of decision-making at right level
 - Balanced reflection of Indigenous knowledge and science
 4. Providing meaningful employment



Initial Conclusions: Your Thoughts?

- What do you think about these initial conclusions?

Facilitated Q&A

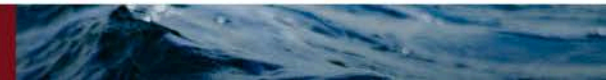


Aboriginal Fishery Guardian Program



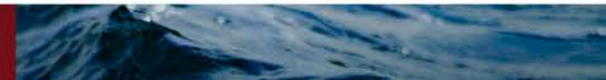
Discussion Paper

- Program Design and Delivery:
 - Objectives: technical vs. enforcement (or both)
 - Ideal team and command and control standards
 - Measuring program performance
- Roles:
 - Monitoring, surveillance, and data collection
 - Other natural resources
 - Training standards and career progression
- Relationships:
 - With the Department (Conservation & Protection, etc.)
 - With other departments/agencies and levels of government



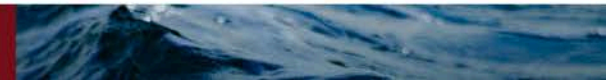
What We Heard: Program Objectives

- Lack of intention, direction or objectives
 - Historical: build catch monitoring capacity (Designation letter says role is to report fish numbers for orderly management)
 - Present: a true, functioning program no longer exists
- No formal command & control structure (or reporting)
 - Primarily report to community (as employer)
- Inconsistent program direction Region to Region
 - More designated fishery guardians in Atlantic (NL, NB)
 - C&P MOU with one community to address their liability risks
- Want to be more involved in C&P enforcement plans & patrols (or to cover their territories on their own)
 - Want meaningful jobs: must employ year-round to retain them



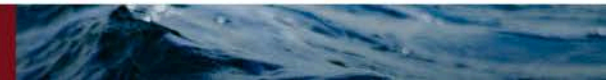
What We Heard: Historical Intent

- Historical intent abandoned: Aboriginal Fishery Officer
 - Raised expectations of career progression path (phase one, two and three) *very few offered/went through phase three
 - Few Aboriginal fishery officers in Atlantic (PEI, NB) – job placement far away from community
 - Few Aboriginal fishery officers in BC – went on to RCMP as job lacked career progression/direction and salary
 - Staff trained, but program ‘seemed to go away,’ as no work for them in community (due to lack of funds) or jobs far away
 - In Atlantic, AFS started funding fishery directors instead of guardians in 1997 (now called natural resource directors)
 - In Pacific, reluctance as ‘taking jobs away from public service’
 - Curricula for Indigenous resource manager career path initiated by C&P after 1999 review abandoned due to lack of funds



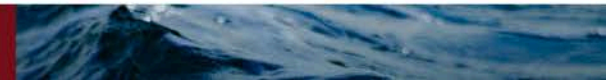
What We Heard: Funding & Support

- Lack of funding and program direction impeding progress
 - Reduced # of guardians in communities (or work hours)
 - Use own source revenues for training, uniforms, salaries
 - In some cases, guardians use own trucks, boats & equipment
- Apparent reluctance of some DFO to support program
 - Not all regions/communities and some close local relationships
 - Liability issues for fishery officers
 - Fishery guardians used to be on the DFO C&P schedule
 - Reports say DFO enforcement need guardians, but no follow-up
- Education/communications support
 - Policies/regulations in plain-language & Indigenous languages
 - Regular updates (during training and/or other meetings)



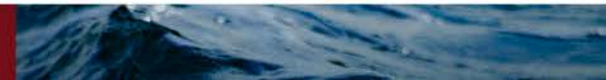
What We Heard: Technical Activities

- Monitoring and enforcement
 - Capable and willing to charge own people (many areas, not all)
 - Enforce community fishing policies and rules, too
 - Lack of C&P follow-up to guardian-reported incidents
 - Many areas remain unpatrolled
- Education and awareness
 - Clear that guardians work for community, not DFO
 - Needs to be done externally (by DFO)
- Some involved in data collection, stock assessments, etc.
 - Support for guardians to be more involved in technical work to enhance fish stocks (rehabilitation, restoration)
 - Others want these kept separate (DFO does not combine these)



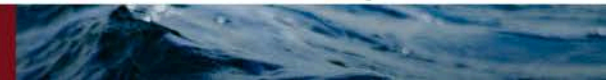
What We Heard: Resource Guardian

- Wide-spread support for broader resource scope
 - Realizes efficiencies and secures full-time jobs
 - Wildlife, habitat, water quality, enhancement, species at risk
 - Monitoring of mining, forestry, pipelines, other industries, etc.
 - Some support for auxiliary, too (SAR, emergency response)
 - Expand role or provide parallel program
 - Fishery guardians already doing multiple resource activities (asked Qs by community & expected to know answers)
 - Examples today (& pilots in past): KRG wardens, BC Aboriginal Resource Manager (BCARM), Kitsumkalum, Coastal Watchmen (communities, such as Haida)
 - May be some jurisdictional issues for F/P/T to work out
 - Want cross-designation with provinces for fishing, too



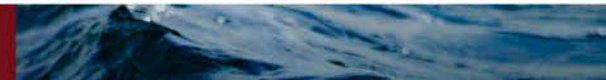
What We Heard: Training Needs

- Designations not been held in years
 - More frequent (re-)designations, succession planning
 - Non-Indigenous guardians do one-week training & designated
- Need formal standard training protocol
 - More training (annual) funded through AFS or other program
 - Same training as fishery officer
 - Clear pathways to become fishery officer and/or other careers
 - First Nations training in communities
- Communities went to education centers to develop technical curricula for guardians
 - Want DFO to recognize and accept this (credit transfer protocol)
 - Misinformation about whether fishery officers able to train
 - Coastal Stewardship Program has comprehensive training & tools



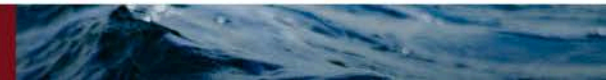
What We Heard: Relationships

- From excellent to ugly, re: C&P – requires TRUST
 - Some work very closely and some have little to no contact
 - Building relationships – some fishery officers will not board an Indigenous vessel without a fishery guardian
 - Mixed views on joint patrols / sharing equipment
 - Presents challenges within community
 - Benefits of having Aboriginal fishery officers (may not work everywhere)
- Sentiment that DFO offloading services without training, equipment or benefits (wages, pension, etc.)
 - Lack of DFO enforcement capacity, including to adequately monitor recreational fishery and local habitat
 - Long hours, bad wages, seasonality, no career opportunities

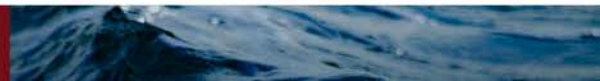


What We Heard: Relationships

- With Provinces / Territories
 - Some partner with Province/Territory to have wildlife authority
 - Others have issues with their Province/Territory
- With AAROMs
 - Guardian liaison coordinator in one AAROM facilitates discussions to help communities take more holistic approach to natural resource management
 - Another funds the fishery guardian program for its communities
 - Some AAROMs have fishery guardians and several want to play more of a role in the Aboriginal Fishery Guardian program
- With community
 - Most important: community members trust their guardians

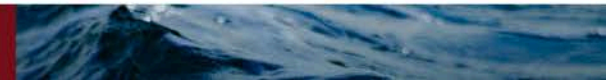


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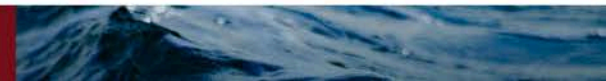
What We Heard: Authority & Recognition

- Jurisdictional authority desired by most
 - Sentiment that observe, record, report useless, if no follow-up
 - Needs support of Chief & Council (& Hereditary Chiefs)
 - Understand government does not trust that they will enforce
 - More local control and implementation of Indigenous laws in co-management structures
 - Gaining trust of harvesters to get catch data linked to those uninterested in doing enforcement
 - Support for enforcement to be in separate agreement
- Role in broader enforcement activities unrecognized
 - Joint patrols, drone operations and leading charges
 - Media profiles of enforcement events do not include guardian
 - Public unaware of role of guardians and their authority



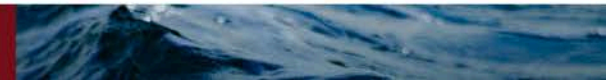
What We Heard: Filling the Gap

- Some 'mimicking' program and others training fishery guardians using own source revenues
 - One has guardians without an Aboriginal Fisheries Strategy agreement
- Others developed sophisticated programs
 - Coastal Guardian Watchmen *individualized programs for each of the partner Nations
 - Listuguj Rangers and Kativik Regional Government
 - Some have 'monitors' & 'guardians' in communities, some 'watchmen' plus 'guardian', some cross-designation



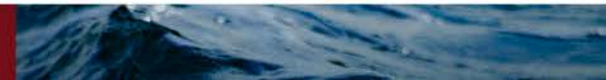
What We Heard: Some Confusion

- With how to actually 'get' guardians through their Aboriginal Fisheries Strategy agreement
- Federal Indigenous Guardian Pilot Program
 - Noted within submissions and during sessions
 - Continued clarity will be beneficial
 - Utilization may also be beneficial (for DFO, ECCC, Parks)
- With DFO C&P activities
 - Refresher training being offered in 2018/19
 - Told DFO trying to do temporary designations
 - Want to be involved in any departmental national committee



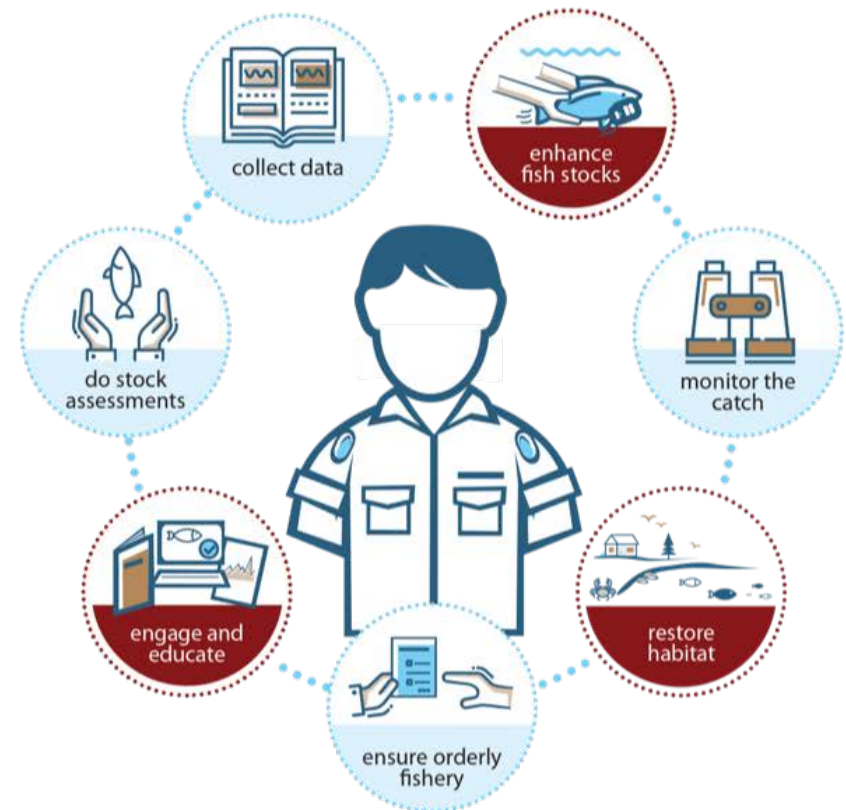
Initial Conclusions

- Lack of intention, funds and support (trust)
 - What is/should be the framework to guide the program?
 - Are fishery guardians in place to support an enforcement or a technical need? Should the program be designed to offer both?
 - Should cross-designation and career path options guide program restructuring?
 - Insufficient funds and support set the program up for failure
 - Inability to offer competitive wages and benefits
 - Disingenuous to offer sporadic training and designations
 - Trust is essential and it reflects a Nation-to-Nation relationship
 - Recognized role and jurisdictional authority helps communities protect resources and community sources of food
 - Clear link to co-management authority



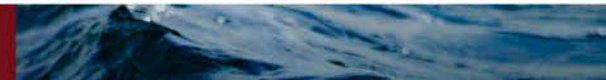
Initial Conclusions

- Some support for separate Aboriginal Fisheries Strategy and Aboriginal Fishery Guardian programs



Initial Conclusions

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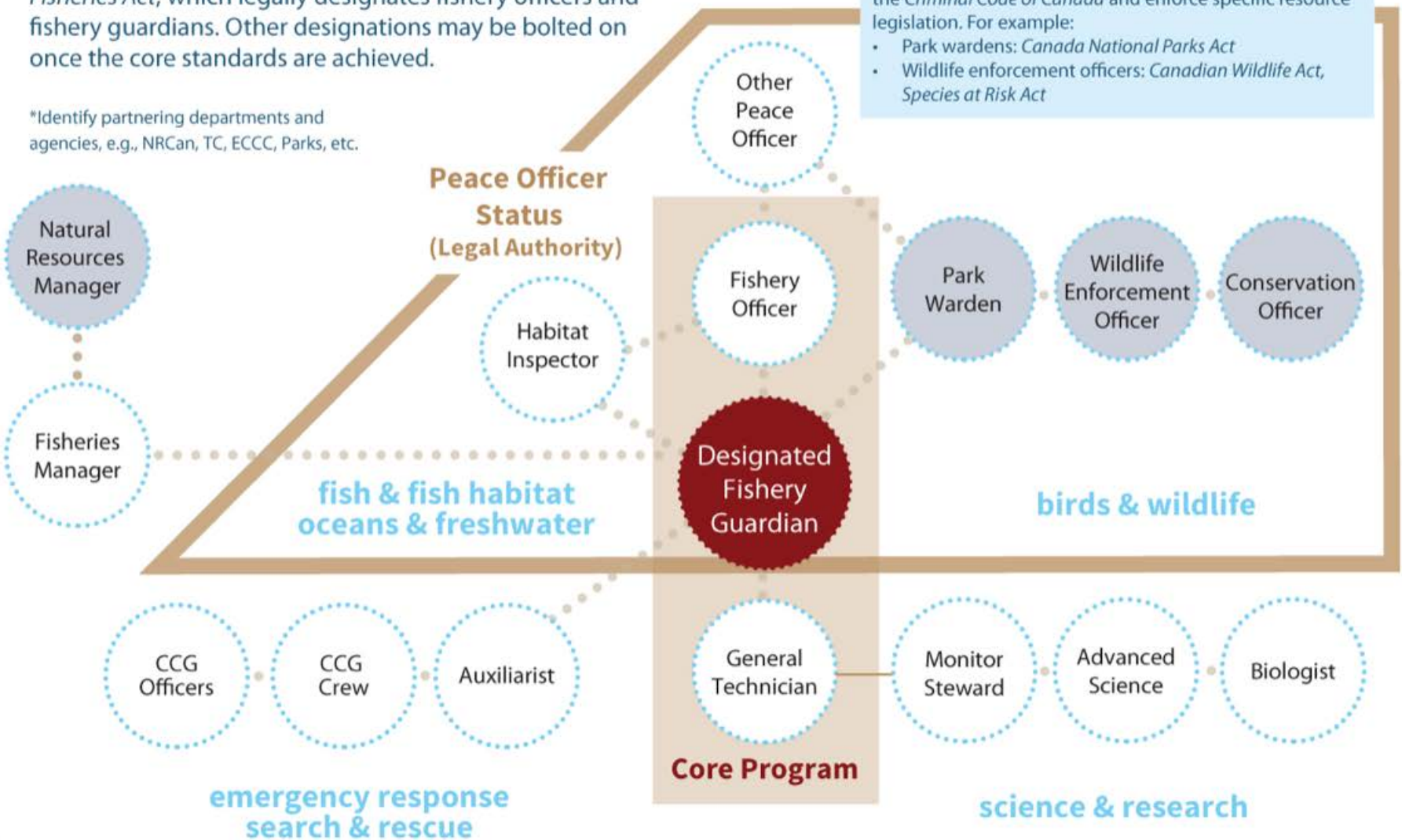
Fishery Guardian Program – Career Progression Paths

The core program is the legislated pathway through the *Fisheries Act*, which legally designates fishery officers and fishery guardians. Other designations may be bolted on once the core standards are achieved.

*Identify partnering departments and agencies, e.g., NRCan, TC, ECCC, Parks, etc.

Resource-related peace officers have certain powers under the *Criminal Code of Canada* and enforce specific resource legislation. For example:

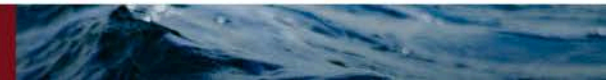
- Park wardens: *Canada National Parks Act*
- Wildlife enforcement officers: *Canadian Wildlife Act*, *Species at Risk Act*



water quality | environmental assessments | forestry | mining | pipelines

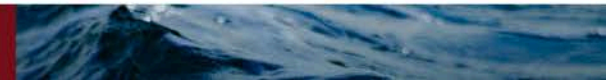
Initial Conclusions

- Lack of intention, funds and support (trust)
 - What is/should be the framework to guide the program?
 - Are fishery guardians in place to support an enforcement or a technical need? Should the program be designed to offer both?
 - Should cross-designation and career path options guide program restructuring?
 - Insufficient funds and support set the program up for failure
 - Inability to offer competitive wages and benefits
 - Disingenuous to offer sporadic training and designations
 - Trust is essential and it reflects a Nation-to-Nation relationship
 - Recognized role and jurisdictional authority helps communities protect resources and community sources of food
 - Clear link to co-management authority



Initial Conclusions

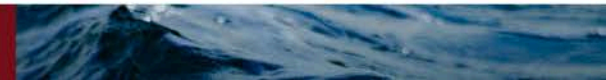
- Top four aspects in terms of import:
 - Management and protection of resources in territories
 - Enforcement presence in waterways and authority in territory
 - Respect for the fishery guardian role and position
 - Meaningful employment
- Measuring success:
 - Retention of full-time, well-paid, fully trained fishery guardians
 - Adequately funded program to support fishery guardians in more communities and adequate jurisdictional authority and enforcement presence
 - Healthy fish stocks and return of endangered fish as a result of fishery guardian activities
 - Recognition of the role of guardians in successful incidents



Initial Conclusions: Your Thoughts?

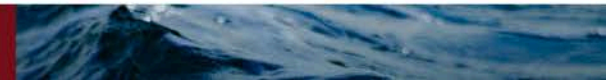
- What do you think about these initial conclusions?

Facilitated Q&A



What's Next?

- We still want to hear from you **by end of February 2019**
 - Additional submissions to the Discussion Paper
 - More input on the *What we Heard* documents or this plenary
- Phase two final report **around end of March 2018**
 - Aboriginal Fisheries Strategy and Aboriginal Fishery Guardian programs
 - First given to Indigenous Leadership
 - Then given to Fisheries & Oceans Canada and published
- Indigenous Program Review implementation:
 - Oceans management (AAROMs)
 - Marketing and certification activities (commercial)



**Thank You for
Participating in the
Indigenous Program
Review!**



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