



FIRST NATIONS  
FISHERIES COUNCIL



**MEMORANDUM OF UNDERSTANDING**

**BETWEEN**

**THE FIRST NATIONS FISHERIES COUNCIL OF BRITISH COLUMBIA**

**(“FNFC”)**

**AND**

**THE PROVINCE OF BRITISH COLUMBIA,  
AS REPRESENTED BY THE MINISTER OF WATER, LAND AND RESOURCE STEWARDSHIP  
AND ENDORSED BY THE MINISTER OF FORESTS AND MINISTER OF INDIGENOUS RELATIONS  
AND RECONCILIATION**

**(“the Province”)  
(Collectively, the “Parties”)**

## **1. PURPOSE:**

This agreement provides a shared vision and approach for an effective partnership that will meaningfully contribute to improvements in the long-term sustainability of fish, water, and aquatic ecosystems in BC. It outlines ways to facilitate strong province-wide collaboration, coordination of intergovernmental relations, and exploration of innovative approaches to generate joint solutions.

The agreement recognizes fish, water, and aquatic ecosystems are foundational to First Nations communities, culture, and well-being. The Parties will partner to determine areas of collaborative work, deliverables and timelines for completion. While this document is non-legally binding, it provides a structure to hold the Parties accountable to the implementation of the meaningful partnership.

## **2. PRINCIPLES:**

Fish, water, and aquatic ecosystems are central to the existence and livelihood of First Nations in BC. They are essential for food security, the production of medicine, and transmission of Indigenous knowledge, systems of governance and law, and ongoing cultural practices. First Nations in BC have historic and current responsibilities with respect to stewardship and their traditional territories including aquatic and fisheries resources.

First Nations and the Province of BC (the Province) share common goals of maintaining healthy fish populations, water, and aquatic ecosystems and promoting their sustainable use. In accordance with the Canadian Constitution,<sup>1</sup> Truth and Reconciliation Commission (TRC) Calls to Action, and *The Declaration on the Rights of Indigenous Peoples Act* (Declaration Act), which affirms the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) as the Province's framework for reconciliation, the Province seeks to implement its jurisdictional authority for the sustainable management of water, fish and aquatic ecosystems in a manner that creates a path forward that respects the right of Indigenous Peoples.

The Province currently holds statutory responsibilities with respect to developing and implementing laws, policies and programs in support of ecological, social and economic interests in fish, water, and aquatic ecosystems and will implement these responsibilities in line with the Declaration Act and the goal of sustaining these resources for generations to come.

As outlined by the Constitution, provincial legislation, and the Declaration Act, the relationship between the Province and First Nations is significantly different in character than the relationship between the Province and stakeholder groups or industry.

## **3. ROLES AND RESPONSIBILITIES:**

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<sup>1</sup> Section 35(1) of the *Constitution Act, 1982* states: "the existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed."

- a. The FNFC is a province-wide First Nations policy, convening, and technical organization that has a mandate – via First Nations leadership in BC convened by the BC Assembly of First Nations, First Nations Summit, and the Union of BC Indian Chiefs – to implement the *BC First Nations Fisheries Action Plan* through working with and on behalf of First Nations in BC to protect and reconcile Aboriginal Title and Rights and Treaty Rights as they relate to fisheries, water, and the health and protection of aquatic ecosystems. The FNFC is responsible for:
  - i. Identifying areas of mutual interest and potential collaboration;
  - ii. Holding regular province-wide fisheries forums and assemblies to increase open dialogue, cooperation, and support on fisheries issues;
  - iii. Advancing the interests of First Nations in BC by supporting and building effective working relationships with First Nations, First Nations Organizations (provincial and nations), governments, and others;
  - iv. Working in collaboration with the Province, and providing a coordination and advisory role with First Nations in BC to support the building of long-term relationships; and,
  - v. Supporting reconciliation amongst First Nations, First Nations and governments, and their parties.
  - vi. The FNFC does not hold Aboriginal Rights as defined in s. 35(1) of the *Constitution Act, 1982*, and therefore its activities should not be interpreted as replacing or fulfilling the Crown’s duty to consult directly with First Nations.
- b. Multiple provincial ministries hold mandates that impact fish, water, and aquatic ecosystems in BC. The Province is committed to the conservation, recovery, and sustainable management which requires cross-ministry coordination and alignment to government direction.
  - i. The ministry re-organization of April 2022 identified the Ministry of Water, Land and Resource Stewardship (WLRS) as the cross-ministry lead. This provides a point of responsibility for unified strategic leadership promoting cross-government collaboration and coordination on fish, water and aquatic ecosystem management issues.
  - ii. WLRS will identify BC’s areas of mutual interest through engaging across the ministries with mandates that impact freshwater and fish, including salmon.
  - iii. The Province will work collaboratively with the FNFC on policy and issues with broad or provincial scope in a manner that augments, not detracts, from work with other First Nations and First Nations Organizations.
  - iv. By mutual agreement on strategic priorities, the Province will collaborate with the FNFC to build processes for the Province’s engagement with First Nations on the development or implementation of provincial initiatives, policy, legislation, or regulations relating to fish, water, and aquatic ecosystems. Current initiatives include

the BC Wild Salmon Strategy, the Coastal Marine Strategy, and the Watershed Security Strategy.

#### **4. ENDURING COMMITMENT TO ACTION:**

- a. Development and Implementation of a Successful and Enduring Partnership
  - To thoughtfully and proactively invest in the evolution of the BC-FNFC working relationship.
  - To build upon successes and further develop a strategic, and long-term governance relationship advancing the shared objectives and interests.
  - To build and adapt an efficient management structure.
  - To clearly identify joint work priorities annually, and ensure they are aligned to strategic and multi-year goals and coordinated with the respective ministries.
  - To thoughtfully and proactively develop a new fiscal relationship that enables stable, multi-year core funding to support implementation of this MOU and multi-year priorities.
- b. Successful Inclusion of other Parties
  - The Parties will jointly identify when meetings with senior provincial officials, other provincial ministries or other First Nations organizations are required, and will work together in the organization of such sessions.
  - The Parties will jointly identify when broader dialogue with other governments and jurisdictions (e.g. DFO) may be required.

#### **5. AMENDMENT AND TERMINATION:**

- a. A Party may request that this document be reviewed or amended at any time. Any amendments to this document must be in writing and agreed to by both FNFC and WLRS on behalf of the Province.
- b. A Party can terminate its participation in this agreement by providing three (3) months written notice to the other Party, formally represented by the FNFC and WLRS.
- c. The Parties will work together to define timelines and processes to review the progress of collaborative discussions, and processes for amending, terminating, or replacing this document.

**Signed on Behalf of:**  
**First Nations Fisheries Council of BC**



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Hugh Braker, President

November 8, 2022

\_\_\_\_\_  
Date

**Witnessed by:**



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Ken Malloway, Vice President

November 8, 2022

\_\_\_\_\_  
Date



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Dawn Machin, Secretary Treasurer

November 8, 2022

\_\_\_\_\_  
Date

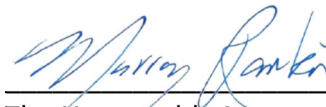
**Signed on Behalf of:**  
**The Province of BC**



\_\_\_\_\_  
The Honourable Nathan Cullen, Minister of  
Water, Land and Resource Stewardship

January 30, 2023

\_\_\_\_\_  
Date



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The Honourable Murray Rankin, Minister of  
Indigenous Relations and Reconciliation

January 30, 2023

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Date



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The Honourable Bruce Ralston, Minister of  
Forests

January 30, 2023

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Date