MEMORANDUM OF UNDERSTANDING

BETWEEN

THE FIRST NATIONS FISHERIES COUNCIL OF BRITISH COLUMBIA

("FNFC")

AND

THE PROVINCE OF BRITISH COLUMBIA,
AS REPRESENTED BY THE MINISTERS OF AGRICULTURE, INDIGENOUS RELATIONS AND RECONCILIATION, AND FORESTS, LANDS, NATURAL RESOURCE OPERATIONS AND RURAL DEVELOPMENT

("the Province")
(Collectively, the "Parties")

Dated For Reference October 31, 2019
1. PURPOSE:

This document is a non-legally binding framework that facilitates the effective and respectful strategic relationship between the Parties. This agreement provides a framework for overcoming barriers, coordinating intergovernmental relations and messaging, and exploring innovative approaches to support First Nations involvement in the implementation and development of policy, management, and initiatives related to fisheries and the aquatic environment in British Columbia. Through joint work planning the Parties will partner to determine areas of collaborative work and timelines for completion of the identified work.

2. PRINCIPLES:

The discussions and collaborative efforts of the Parties will be guided by the Draft Principles that Guide the Province of British Columbia’s Relationship with Indigenous Peoples, as well as the FNFC’s “Principles of Fisheries Co-Management.”

3. CONTEXT:

In entering into cooperative discussions, the Parties acknowledge:

a. The fundamental importance of protecting marine and freshwater species, environments, and ecosystems to First Nations in British Columbia;

b. That First Nations and the Province share common goals of maintaining healthy marine and freshwater species, environments, and ecosystems and promoting the sustainable use of those resources;

c. That effective working relationships between the Province and First Nations in British Columbia are important to advancing these goals and interests;

d. That First Nations in British Columbia have developed and endorsed a First Nations Fisheries Action Plan, a collaborative effort of the First Nations Leadership Council, that provides a basis for the Parties to discuss collaborative initiatives and priorities;

e. That the Province has constitutional authority for the management of freshwater habitat and delegated authority for the management of freshwater fish. The Ministry of Forests, Lands, Natural Resource Operations and Rural Development leads the development and implementation of regulatory tools to manage freshwater habitat;

f. That the Province leads and participates in a number of intergovernmental initiatives related to fisheries including the British Columbia Salmon Restoration and Innovation Fund, the British Columbia Wild Salmon Strategy, the Marine Planning Partnership for the North Pacific Coast, and the Canadian Council of Fisheries and Aquaculture Ministers;

g. That the FNFC is a province-wide First Nations policy and technical organization that has the mandate to implement the First Nations Fisheries Action Plan through working with
and on behalf of First Nations in British Columbia to protect and reconcile Aboriginal Title and Rights and Treaty Rights as they relate to fisheries and the health and protection of aquatic resources;

h. That 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;” and the Parties affirm, based on this, that the relationship between the Province and First Nations is different in character than the relationship between the Province and stakeholder groups; and,

i. The Parties commit to the full adoption and implementation of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the Truth and Reconciliation Commission (TRC) Calls to Action in accordance with the Canadian Constitution and provincial laws.

4. ROLES AND RESPONSIBILITIES:

The Parties recognize:

a. The Province has responsibilities with respect to developing and implementing policies and programs in support of British Columbia’s scientific, ecological, social and economic interests in fisheries and marine and fresh waters;

b. That First Nations in British Columbia also have historic and current responsibilities with respect to stewardship and their traditional territories including aquatic and fisheries resources;

c. That the FNFC, on behalf of its affiliated organizations (as outlined in the FNFC Strategic Plan 2015-2018), 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 British Columbia 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 British Columbia to support the building of long-term relationships; and,


d. That 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;
e. That the Province may work 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;

f. The importance of supporting local, regional, and sector-specific approaches to, and expertise on topics related to the marine environment and ecosystems, effective community engagement, regular communications, and incorporating the expertise of First Nations professionals into the collaborative work of the Parties;

g. The Parties wish to use this Memorandum to work together to increase opportunities for integrated coordination between the Parties and other interested parties;

h. That the Department of Fisheries and Oceans Canada (DFO) has a long-standing relationship with the FNFC through the 2010 Commitment to Action and Results; and,

i. That the FNFC has a 2019 Commitment to Action and Results Accord with federal agencies on the implementation of the Oceans Protection Plan.

5. IMPLEMENTATION PLANNING:

a. The Parties will develop a joint implementation plan describing joint project areas, funding, timelines, roles, responsibilities and deliverables.

b. The core work of the joint implementation plan will be accomplished through:
   i. Regularly scheduled meeting between the FNFC and provincial officials; and,
   ii. Activities and resources as agreed upon by the Parties per the work plan subject to available funds.

c. 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.

d. The Parties will jointly identify when broader dialogue between First Nations in British Columbia is required, and will work together in the organization of such sessions.

e. The Parties will jointly identify when broader dialogue with relevant federal agencies (e.g. DFO) may be required, and will work together in the organization of such sessions.

6. 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 Parties.

b. A Party can terminate its participation in this agreement by providing three (3) months written notice to the other Party.
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

Ken Malloway, President

October 31, 2019
Date

Hugh Braker, Vice President

October 31, 2019
Date

Signed on Behalf of:
The Province of British Columbia

The Honourable Doug Donaldson, Minister of Forests, Lands, Natural Resource Operations and Rural Development

Oct 31, 2019
Date

The Honourable Scott Fraser, Minister of Indigenous Relations and Reconciliation

October 31/19
Date

The Honourable Lana Popham, Minister of Agriculture

October 31/19
Date