

# **Commission of Inquiry into the Decline of Sockeye Salmon in the Fraser River**

## **Public Hearings**

### **Commissioner**

THE HONOURABLE  
JUSTICE BRUCE COHEN

### **Held at:**

Room 801  
Federal Courthouse  
701 West Georgia Street  
Vancouver, B.C.

**Monday, December 13, 2010**

### **Mark East**

**(Department of Justice)  
For Federal Government**

**THE REGISTRAR:**

Order. The hearing is now resumed.

**MR. MCGOWAN:**

Yes, Mr. Commissioner. We're now at the stage of commencing cross-examination. Mr. East for Canada is going to go first. I understand he is going to try and keep himself within half an hour, if he can.

**MR. EAST:**

Good afternoon, Mr. Commissioner, my name is Mark East, again the Department of Justice. As Mr. McGowan has said, I will attempt and make every effort to keep my questions within half an hour, recognizing that we will have some hearings in the New Year on this issue, and many of the issues we're discussing today I suspect will be discussed at that time, as well.

**CROSS-EXAMINATION BY MR. EAST:**

**Q**

Thank you, everybody on the panel, for coming today. Just as an introduction, I am going to probably ask questions of you as individuals, but I just invite you to jump in and to answer the questions as a collective as I go forward, because many of the questions I'm going to ask, I'm going to try to frame them in such a way that to encourage input from all of you.

One of the things that I'd like to discuss in the time that I have is this issue of co management.

And I heard what Chief Pennier said about the definition of being co-management - I'm putting words in your mouth, I suppose - but it could have been the eye of the beholder: It's something that needs to be defined. And I was just wondering if you've heard of this structure that's used to define the levels of management as the tier system. There's Tier 1, Tier 2 and Tier 3.

Is that a terminology that's used by – within First Nations communities to describe the different levels of engagement between – between First Nations and between First Nations and DFO? Chief Pennier.

**GRAND CHIEF PENNIER:**

I've heard about Tier 1, Tier 2 and 3, but I'm not too familiar with all of it. I know that Tier 1 is amongst ourselves, and Tier 2 is with DFO, and I'm not too sure of what T3 is, whether it's with commercial and sport, or...

**Q**

I guess Tier 3 would be with essentially all the other fishers, including commercial and recreational. That's my understanding, so...

**GRAND CHIEF PENNIER:**

Yeah, good.

**Q**

I'd like to focus a little bit on what we would call Tier I, and perhaps as a first document I'd like to look, it's actually -- and this is a question for Ms. Quipp. And it's related to your witness summary, Ms. Quipp, just as an introduction. And this is the exhibit. So it's the "Witness Summary" of Ms. Quipp, Exhibit 278.

So if you go to page 2. I'm just curious and would like to follow up on a comment under the heading "FSC fishery". And if you look at the second line it says:

*Councillor Quipp explains that the Cheam band 45 falls under the collective FSC allocation for the Sto:lō Peoples. She advises that the various tribes do not discuss among themselves how to divide up the allocation.*

I just want to clarify when you refer to the tribes, the "various tribes", Ms. Quipp, is that the peoples, the tribes of the Sto:lo Nation, or is that the tribes of the Fraser generally?

**COUNCILLOR QUIPP:**

Of the Sto:lo Nation or the ones that, you know, like when we talk about Sto:lo Nation, Katzie is usually included in the allocation that we get, and then goes right up to Yale. So those are the ones that I would be talking about.

**Q**

Okay. So within the Sto:lo community of nations, Sto:lo tribes, if you're not discussing among yourselves how many fish -- how to divide up the allocation, how do you know, then, at the end of the fishing season that you've met the allocation that's been provided to the Sto:lo group, Sto:lo Nation?

**COUNCILLOR QUIPP:**

We have one -- we have the only monitoring program in the world where we have all of our fish counted so that at the end of the season all of our tallies go into DFO and they know how many fish we got in each community, as well as the -- all of Sto:lo.

**Q**

So each of the Sto:lo tribes, or Sto:lo bands reports their catch monitoring to DFO and that's how you know how -- to what extent that all the Sto:lo First Nations have met their allocation?

**COUNCILLOR QUIPP:**

Yeah, it's done every week as soon as the fishing times that we've been allocated are over, then the stats go in right away.

**Q**

Okay. I'll probably return to this in a minute if I have time, but I just want to ask at the bottom, and I think at that same page, you refer to that:

*The Cheam have their own catch monitors --*

- that's the very last sentence -

*-- who record numbers of fish as they come in. The catch monitors then pass those numbers along to the band office and in turn DFO.*

**COUNCILLOR QUIPP:**

Each community has their own catch monitors --

Q

Okay.

**COUNCILLOR QUIPP:**

-- normally throughout the season.

Q

Okay. So it would be a requirement of DFO to essentially collect all these numbers and to ensure that the allocations are met, that the allocations are fished to and not exceeded?

**COUNCILLOR QUIPP:**

Yes. And they do, otherwise they refuse to pay the -- the \$60,000 or whatever it is, annually, they refuse to pay it until all of those reports are in.

Q

Okay. And just as an aside, my understanding that Cheam in particular hasn't had a catch monitoring program for the last two years; is that right?

**COUNCILLOR QUIPP:**

No, we haven't signed an agreement for the last two years.

Q

Okay.

**COUNCILLOR QUIPP:**

But I think the catch monitors, they're probably still out there anyway.

Q

Okay. That was a preface for a more general question for the panel, and that is in a poor run year where there are concerns that there simply not be enough fish to meet all of your communities' needs, what is your vision for how the First Nations will ensure -- your vision of all the First Nations on the Fraser River will ensure that the fish are shared equitably among the nations on the Fraser River. And I'd throw that open to anybody on the panel.

**CHIEF BAIRD:**

I think one first step to ensure that doesn't happen would be to provide the test fishery to First Nations. That would be a very positive measure to ensure that if there isn't any fish beyond the test fishery, that First Nations would have access to those fish that are caught

in-season as a starting point.

**MR. BECKER:**

As a rule a percentage that was proposed by DFO for First Nations to -- to try and see if we could come to some agreement on it, and that was starting at 25 percent and allowing another as it went up the river. Though there was no agreement on it, I believe that if -- if First Nations could rely on the information that was given to them, because it's not the first time that we've come close not to meet our FSC needs. But we're always suspect of -- of the numbers that are being given to us by the Department. Because there's test fisheries going on in the Straits, test fisheries going on on the West Coast of Vancouver Island, and those fish are going somewhere, they're actually being sold.

So what we're saying is that -- and I believe what -- in what Kim is saying, give those fish to First Nations, thereby reduce the amount that -- the impact on First Nations, and then let us try and decide if -- if we believe there's not enough fish, and if there isn't then we'll work out that percentage and we'll start meeting with First Nations up along the -- the watershed.

**Q**

Okay. Anybody else?

**MR. BECKER:**

I don't believe you can impose it -- impose from the federal side --

**Q**

Right.

**MR. BECKER:**

-- a percentage we and Musqueam could -- would have to share.

**Q**

Chief Charlie.

**CHIEF CHARLIE:**

It's Mark?

**Q** Yes.

**CHIEF CHARLIE:**

Thanks, Mark, for your questions. There's a couple of comments for, I think, the ones that you have asked for the tiers. Again, I'm not as intimately involved in the fisheries at a higher political level, but I definitely think that the tiers need to be across the board. And so that if we're going to talk about monitors in relationship to the -- amongst the different tiers, then I think that it should also be in the same question.

So June mentioned a bit about the monitoring system that First Nations are using that is not with the other user groups. There is no counting for other user groups. And so this tiers -- tier

system needs to be somehow clear and concise and some clear mandates that should go across the different tiers.

I think the question around the low stocks and the low numbers, and I agree, last year we -- or, yeah, it was last year early in the season that the numbers of the early Chinooks weren't returning.

**Q**

Mm-hmm.

**CHIEF CHARLIE:**

And we were wanting to have our first salmon ceremony to pay respect. And it was actually one of the test fishery out of Albion that gave us a feel of the early Chinook, what we call a squawkum (phonetic). Squawkum is that first fish, and it's like the -- and it's like the most prized fish of our people, the king of the fish, if you will, the one that you pay respect to, and the one that you have a ceremony for, because they're the first ones to return to the people. And once you have your ceremony for them, it's like they are supposed to go back and let the rest know that they're still being respected, so that the other numbers can happen, so the others will return. And so that kind of collaboration amongst the test fisheries and other user groups should definitely be out there. We should learn how to spread that out, rather than it being sold somewhere else. It should go for some of those sacred uses.

Another example of the test fisheries and paying respect, I guess, to the low returns, in Chehalis we had a catch for some chum and DFO said for commercial use. So they give us these numbers and our guys went out and they said, well, there's not enough fish. We're not going to fish if there's no fish in the water. And then it was told to us that we needed to use those numbers. We needed to go out and catch those numbers. Our fishermen came back very adamantly to the band office and said "We're not going to fish if the fish aren't there."

And so the proper tests that need to happen before allocations are given out should be a collaborative approach amongst all groups of this co-management that you were talking about. So that's what co-management would mean. It's not just the divvying up of numbers, dealing out cards and saying "This is how much fish you're going to get, and you're going to get." The co-management really needs to be for stewardship and enhancement, and then what goes back to that.

So there's user groups in our fishing -- in our salmon enhancement numbers and some of the commercial opportunities that we get, some of those dollars there are marked to go back into enhancement, and are other groups doing that? Should other groups be doing that same thing, putting "X" amount of their catch or their resources that they make, they should be putting it back into enhancement, as well.

So that's I co-management.

**Q**

Okay. Mr. Becker.

**MR. BECKER:**

Mark, could I just go back to your Tier 1, 4 Tier 2 and Tier 3?

**Q**

Yeah.

**MR. BECKER:**

In 1992 when the Lower Fraser was negotiating with the Department of Fisheries and Oceans on the first AFS agreement, in the end of that process, the other user groups were invited into that meeting. And I think we went two days without any kind of a consensus being reached between the user groups and First Nations. So it has been tried, but there was never any kind of an agreement. Just to let you know that part.

**Q**

Yeah. No, that's helpful, and I'll probably return if I have time to what I guess you would call a Tier 3, and that's something that you brought up, Mr. Becker. I'd be interested at some point in discussing, if we have time, your ideas and vision for how all user -- all fishers on the water can get together in some kind of what we would call a Tier 3 initiative, Fraser-wide, to manage and co-manage the fishery, including DFO.

One thing I want to focus on, though, is some of the -- what you see is perhaps some of the challenges in getting all of the various First Nations on the Fraser together into one kind of collaborative management organization. I wondered if I could just ask you, based on just a quote I found in one of the -- one of the documents that we -- that we have in our -- on our database, and it's -- Mr. Registrar, it's actually -- it's Tab 12 of our list of documents, Canada's list of documents and the CAN number is CAN056656.

So this is a paper -- maybe I should introduce it. It's a paper, it's called "Review of the Fraser River Aboriginal Fisheries Secretariat". Now, I understand that most of your First Nations, or all of them are -- at least participate in the Fraser River Aboriginal Fisheries Secretariat?

**COUNCILLOR QUIPP:**

I think a lot of these organizations that are put together, there are certain groups that participate and they're -- not all First Nations participate and not all of the leaders participate. Quite often, and especially in Tier 1, I think it ended up being a lot of the technical people from different 1 communities and we don't all have technical people, ended up at these meetings and DFO was calling it consultation. And so they sort of in my mind, in our community didn't really work out. Because when our -- if any of our leaders went, they were unsure of what role they actually played in those Tier 1 meetings. And I think that's the way it was sort of ending up in our community -- for our community, anyway.

**Q**

My understanding of -- and my imperfect understanding of this organization, it provides technical and communication support for First Nations. It's not intended to be a representative body. I wanted to take you to -- however, I

wanted to take you to a quote from the document. It's at page 5 of the document. And this is a -- it appears to be a paper done by a consultant for this organization. And it's page 5, under "Review Results". And I just want to read you the first paragraph under "Tier I", and this is where some of the terminology of tiers comes in. I just want to get your impression of -- your comments on this paragraph. I'm just going to read it out:

*One of the most problematic issues addressed in each of my previous Reviews –*

- and that's a reference to some earlier papers that this consultant has done -

*– is the serious division that exist amongst Fraser River First nations. I noted then that the hard feelings that exist between some Nations and Bands made it difficult to get everyone to the table. These relationship problems were then and remain today, complex, rooted in a variety of sources: treaty issues, AFS issues, harvest vs. conservation issues, and others.*

And it's that last sentence that I'd like to have some of your comments on. What are some of the issues that make it difficult, at least according to this person, as to why communities on the Fraser have a difficulty in getting along? First of all, do you agree with that?

**COUNCILLOR QUIPP:**

I agree. I agree I there's a lot of conflict within First Nations, and in my experience, my witnessing of how the Department of Fisheries has acted within our meetings, they go from one community to another, and we know for a fact that they've gone up to the – the communities up -- what I call the Thompson area, and above the Spuzzum Bridge, and they misinform some of the First Nations there. When this has happened in the past, I know we at Cheam have written letters to some of those First Nations and asked them, "Come and sit with us and find out, you know, what's going on." So that's one of the biggest problems I see is that, you know, it's easy for -- for the Department to travel all over the province and spread rumours or whatever, or misconceptions to other First Nations. And it's easy for us to believe some of the stuff they're spreading.

**Q**

Chief Baird?

**CHIEF BAIRD:**

I think there's lots of reasons why there's First Nations' conflict and I think it comes down to, in my view, undefined fishing rights. And I think that when you have collaborative sessions that just turn out into venting sessions that don't really result in any true co-management, and there's no strong foundation between the federal government and the First Nations, there's no partnership there. There's nothing to hang our administrative arrangements on, in my perspective. And, you know, when you talk about ceilings on allocations that seem arbitrary to First Nations and a lack of clarity of how those are even arrived at. And the lack of capacity within First Nations to engage in these issues at different times in their different communities, those are all elements that don't help the situation.

And if going forward we want to have a more robust ability to work together in a Tier I type

of fashion, then we need to have sort of rules of engagement that everyone understands, agrees to, and has input on, so that there's meaning to be -- there's real meaning to be in those sorts of forums, in my view.

**Q**

Mm-hmm. I wanted to ask if you've been involved or heard of some -- the recent initiatives on the Fraser River. One of them is I called, and I'll always get this wrong, I always kind of call it "the Forum", but it's the Fraser River Forum on Conservation and Harvest Planning. Are you aware of this initiative that I believe started in 2008?

**CHIEF CHARLIE:**

Mark?

**Q**

Yes, sorry.

**CHIEF CHARLIE:**

Sorry, I don't know the last question. I'm not aware of it. But I was just going back to your Tier I, and the way you read something from this report. And I read down further in the report that would have been my comments. So if you go down to paragraph 3 and it talks about:

*However, recent positive changes...*

**Q**

And this is -- I'm glad you're pointing it out. I was going to go back to that and maybe we can go back to that now. Thank you very much, Chief Charlie, because I think that's important. If we can go back to that same -- same paragraph, and go down to the third:

*However, recent positive changes in attitudes, brought on by projected declines in fish stocks, the prospect of increasing competition from "approach" Bands (Vancouver Island Bands are arguing that they be given access to in-river fishing), projected in river commercial fisheries, the demise of the –*

- I think that's the BC Fisheries Coalition -

*- BCFC, dissatisfaction with the bi-lateral process and other issues, has resulted in a recent resurgence of interest in attending Tier I meetings...*

Now, this was in 2007, but would that be your view today?

**CHIEF CHARLIE:**

Yes.

**Q**

That there's been a recent resurgence?

**CHIEF CHARLIE:**

I think so. I was at an All Chiefs 45 meeting a couple of months back and there was a few fishermen that came together that had been working on this Tier I, came to do a report together to the All Chiefs meeting I that was held at the Joe Mathias Centre. I don't remember exactly which date. But we had somebody there from the Coastal, and we had somebody there from the Sto:lo, and the other one was from the Fraser Canyon. And in their own comments before starting they said these guys have been involved in fisheries for quite some time. I don't know if I should say their names, it probably doesn't matter, but it was Chris Cook, Ken Malloway and Fred Sampson, Chief Fred Sampson were the ones that came and did the report together. And they both -- they all three had been heavily involved in fisheries for a number of years and came and said they've come to do this report together, standing in unison to advocate on behalf of all First Nations for co-management of fish, and the resource of the fish.

And they stood together and gave a report together, and they said not long ago they would have been poking -- pointing fingers at each other and arguing amongst each other about what numbers they were given and how they were being played against each other. And this time they stood up together to look after the stewardship of the fish.

**GRAND CHIEF PENNIER:**

And if I can add to that. There is an initiative in this year that where we're trying to bring the Fraser group together to work together, yeah, it's happening.

**Q**

Is that the Lower Fraser -- I think its name recently changed, but it's the Lower Fraser Fisheries Alliance?

**GRAND CHIEF PENNIER:**

That's right.

**Q**

Okay. And that's a -- that's an organization lunderstand it's still in development, it's in its development stages?

**GRAND CHIEF PENNIER:**

Yeah, there's still development, but they're gathering more interest from the communities up and down the river.

**Q**

And that's -- that's an initiative that DFO funds through its AAROM program?

**GRAND CHIEF PENNIER:**

That's right.

**MR. EAST:**

Okay. And there's something similar, well, I won't ask you this, but something similar for... I wonder if we could turn to -- first of all, perhaps I should mark this document that we have

on the screen as an exhibit, Mr. Commissioner.

**THE REGISTRAR:**

Exhibit number 288.

*EXHIBIT 288: Review of the Fraser River Aboriginal Fisheries Secretariat: March 2007, Prepared for the Fraser River First Nations Fisheries Forum by Dr. Bob Brown*

**MR. EAST:**

**Q**

I want to talk a little bit more about this, the Forum of -- perhaps we can go to Tab 8 in our list of -- Canada's list of documents. Now, this is -- this is an internal DFO document, so I won't ask you if you're familiar with it and have seen it before. I'm interested in just reading the first paragraph just for introductory purposes:

*In 2008 it was recognized that poor forecasted returns for Fraser salmon would limit harvest opportunities and could potentially impact the ability of First Nations to harvest salmon for food, social and ceremonial (FSC) purposes. Recognizing this would pose in-season management challenges for DFO and First Nations, the Department (led by BCI) –*

- which is BC Interior Department of DFO -

*– initiated a series of workshops to engage Fraser River First Nations regarding harvest planning for the 2008 season.*

And that started, it seems, in the next paragraph, started in January 2008.

My understanding is they met four times in 2008 and it was that process was well-received.

Did any of you participate, or do you know people who would have participated in that?

Going maybe down to the third paragraph. The second paragraph talks about some of the meetings that the organization took part in that talked about:

*In preparation for 2009 season, the ad hoc transition committee –*

- they talk about -

*– evolved into the Interim 1 Fraser River and Approach Working Group (IFRAWG). This working group has continued to fill the role of planning and organizing meetings and communications, with the assistance of the Fraser River Aboriginal Fisheries Secretariat (FRAFS).*

So this is essentially a -- it looks like a working group to operationalize some of the things that were discussed at these meetings of the -- of the Fraser River Forum. Do you have any familiarity with that, with that organization?

Okay, I'll leave that, then.

Have you heard of the "Roadmap Process", a process for -- well, maybe I will -- maybe Tab 6 from Canada's list of documents.

So this is a document, again this is a DFO document, and it refers to the DFO and First Nations Salmon Roadmap Process. And the first heading says:

*Engagement and input from other First Nations Organizations (e.g. First Nations Fisheries Council, ITO)*

And you have a timeline here and you see December 2010 is in the middle. On the far right, and it's very hard to see, so I'll have to get my hardcopy because I can't read what's on the screen. I just want to ask you about this process and its objectives at the end of this chart. Now I'll need my glasses.

*"Summer 2012" on this timeline:*

*A series of meetings for a potential agreement and/or implementation of the new management approach between DFO and First Nations (Fraser and Marine Approach) for Fraser Salmon.*

Are you aware of the activities of your First Nations in this Roadmap Process, this series of meetings to this objective? Okay.

**GRAND CHIEF PENNIER:**

I think Ernie Crey from our group has probably attended a few of these sessions, that's about all.

**Q**

Well, I just flag these now, I but I'm sure that we'll return to these at further sessions of this hearing. I just wanted to ask if with your -- your personal involvement and knowledge was of those -- of those processes.

But wouldn't you say that, I guess I'll leave it at this, that there's certainly an interest on the part of the Department of Fisheries and Oceans to work with First Nations on these Tier 1 and tier processes to improve the relationship with First Nations and to move toward a co-management process that works. Would you agree that there's at least been some efforts made in recent times to try to improve that track record?

**COUNCILLOR QUIPP:**

I think I want to just stress on -- on one of Kim's comments about, you know, where nothing goes anywhere, anything. You know, these meetings happen, there's meetings that happen, and

so-called plans that are made, but they're never followed through. They're never implemented, and so a lot of our people get to the point where, you know, what's the sense of going.

You know, we go and we spend our hard-earned dollars that we do have, little dollars that we have, it creates a real hardship for us, a lot of our communities to attend, you know, these types of organizations. And yet, you know, the Department has its full staff, you know. They have all the, you know, the Justice Department and everyone that they can work with. And yet if we get a lawyer it's going to cost us an arm and a leg that we don't have. So it's really difficult, I think, when we're looking at, you know, even attending some of these.

When I was -- held the position of chief in my community, I never travelled to a meeting. Any meeting that we had with any government organization, they came to us and it made it so much easier for our -- even our members to participate and be part of whatever's happening here. And this is where we fall down, I think, with -- when we might have one representative going to a meeting such as this, and yet the information never really gets back to the ground level where we get our -- where I get my direction from as a leader in my community. I need to have that support from the members that elected me in there. And if I don't have that I support, if they don't know what's going on, we don't know what's going on, we can't present that to them. And so there's a real big flaw right there that lack of capacity is one of them, you know, that we -- we really can't afford to be sending representatives probably to all of these meetings.

Even now, you know, at one time we used to be able to meet with the Deputy Minister who would come out from Ottawa. Now we meet with people such as the Resource Management, who have no authority to make decisions. And it's really hard for us to believe something's going to happen, something positive's going to happen and come out of something like this.

**CHIEF CHARLIE:**

Mark?

**Q**

Yes.

**CHIEF CHARLIE:**

Can you ask that question again?

**Q**

Yeah. If I can remember. Now I'm trying to remember how we got to where we are.

**CHIEF CHARLIE:**

Was there attempts to do...

**Q**

I guess what I'm -- what I'm -- and maybe just to paraphrase what I've heard, it's a real challenge to create these organizations. You create these processes, these ideas, but it's very difficult to implement them on the ground.

**CHIEF CHARLIE:**

I was just looking for your question again.

**Q**

Well, where I was asking about is does your --

**CHIEF CHARLIE:**

Is there attempts to do --

**Q**

-- knowledge involve -- oh, okay. Thank you.

**CHIEF CHARLIE:**

Has the Department made attempts to --

**Q**

Do you agree that the Department has made attempts through these initiatives that I've just referred to, and just generally, to try to engage First Nations on processes for co-management in a system within -- for First Nations to talk to each other, but also for First Nations to engage with DFO?

**CHIEF CHARLIE:**

Mark, you know how earlier a few of the panel members had made some comments that DFO would come to them with some of the less senior bureaucrats and come with a -- a letter with no mandate to kind of talk or negotiate and just expect a signature. And then we were saying, you know, we need to talk to the people that have some authority, then it can make some decisions on the ground. That goes both ways.

**Q**

Mm-hmm.

**CHIEF CHARLIE:**

And so that if the -- if DFO is coming to First Nations and wanting to develop on co management structure, then they need to talk to the ones that have that authority in First Nations communities, and not one-off them -- what they call one-off and go and talk to somebody and say, "Well, we consulted with First Nations, but we don't know who they were and what authority they had, but we consulted with First Nations." You need to go to the chiefs and to the leaders and those that have that mandate and jurisdiction to do those discussions.

And I think I've heard about this "Roadmap" again, but it was more at a technical level. If they're going to talk about things that are put into structure, what it's going to be, if you will, a co-management discussion, then it should be with the proper people.

**Q**

Sorry, Chief Baird.

**CHIEF BAIRD:**

Yeah, I just want to say that our manager of our Resource Department would typically attend some of these meetings, and she's always scratching her head wondering where it's best to spend her time, because she could go to a meeting probably every day of the week.

**Q**

Mm-hmm.

**CHIEF BAIRD:**

So there's that aspect of it. And to be clear, my view, it's really complicated, the interface between Department of Fisheries and Oceans and First Nations, because there's the pre season planning stuff, which in some ways we have time for. Then there's the in-season chaos that really strained relationships, and then there's enforcement on top of that. And then you throw into the mix those First Nations that are in the treaty process, and likely there's no mandate at the treaty negotiation table from DFO, because there hasn't been one for several years. It's the sort of schizophrenic relationship because it's interfacing at so many levels.

So while it is complicated, it is encouraging to hear that DFO's interested in building relationships and co-management. Because I don't see that word on that "Roadmap" myself. So having being aware of that would allow First Nations to adequately resource themselves to participate in those opportunities, I in my view.

**Q**

Yes, Mr. Becker.

**MR. BECKER:**

We've got to build a relationship rather than proceed on this document.

**Q**

Okay.

**MR. BECKER:**

The question about is the Department in our opinion striving to make relations between First Nations and DFO better? No. Ideas such as this "Roadmap" pit First Nations against First Nations. And I'm going to give you a good example that goes back to one of your questions before, and I didn't want to open a can of worms here.

Mr. Commissioner, all along this coast there are numerous runs of salmon, numerous rivers where these salmon spawn. First Nations in the North have their own. The Central Coast have their own. Vancouver Island has its own. And the Fraser River has its own. It's with the depletion of all of these, or most of these spawning channels and spawning rivers in the North and in Central Coast, on Vancouver Island, and now the Department has the audacity to come to the Fraser River First Nations and say "Make room for all of your cousins". That's the entality that we deal with.

And you ask the Lower Fraser their views on this, and have we made it clear over the years. And, Mark, I'm sure if you read the historical records going back to 1992, you know what the Lower Fraser's views are of sharing salmon with people who have depleted their own resources in the North and Central Coast.

And you also have pit commercial fishers of Indian ancestry against us rights fishermen. And some of those people we've tried to meet over the years. We could never come to a consensus on how we should sit together. But First Nations themselves have tried this. Now you've got the Department trying to say here's a new document.

And I don't believe that Musqueam would participate in it. We've tried all of these things before.

So, Mr. Commissioner, it's the shortage of salmon that forces DFO to come out with documents like this to impose on First Nations.

**MR. EAST:**

Mr. Commissioner, perhaps I should mark this document that's on the screen as an exhibit.

**THE REGISTRAR:**

Exhibit 289.

*EXHIBIT 289: DFO and First Nations Fraser Salmon "Roadmap" Process, December 2010*

**MR. EAST:**

And I believe that I -- on our document on Tab 8, I should mark that as an exhibit, as well, Three Year Strategic Approach to Developing a Co-management Process for Fraser River Salmon.

**THE REGISTRAR:**

Two hundred and ninety.

*EXHIBIT 290: Three Year Strategic Approach to Developing a Co-management Process for 12 Fraser River Salmon: First Nations Component - Draft September 27, 2009*

**MR. EAST:**

I'm mindful of the time. I would like to ask one more question, but -- and throw this open to the panel.

We've heard -- I've heard you say that one of the concerns your communities has is the fact that DFO engages you by sending you officials that are at a lower level who don't have the authority to make decisions, they don't have a mandate. And I've heard what you said, Chief Pennier, about how co-management has perhaps different definitions. But at a minimum does co-management entail perhaps a political level of engagement, but also there's a place for the technical and operational level where the biologist -- any kind of discussion that needs a

biologist is by definition in my mind technical in nature. And do you agree that DFO and First Nations have to engage at that level, as well, and that the meetings that take place now are valuable for that reason?

**GRAND CHIEF PENNIER:**

Well, it's important that we do have our own biologists to feed us the proper information, and it's okay for technicians to meet with technicians. But for decision-makers, they have to meet with the decision-makers, as well. Because, you know, it's fine to try to build a relationship. This is in relation to your previous question. But a relationship with chiefs and technicians, minor technicians, doesn't really fit the need because you've got to have the deputy ministers come out and say okay, let's get serious. We're going to talk about co-management, and this is how we want to do it. Start at that level, instead of just sending us papers about -- which are meaningless to us in the end, you know.

**CHIEF BAIRD:**

I just want to quickly add that Tsawwassen's context is a bit different now in the post-treaty world. We have a joint fisheries committee that sort of formalizes the process about how the technical gets discussed, how the operational aspects get rolled out, and what to do if there's disagreement.

I don't -- I mean, it's early days in this process for Tsawwassen so far. And I don't know that we've got it perfect, but it's a step towards the right direction, and sort of formalizing our relationship with DFO in a way that is workable and has access points from the political to technical and the operational, and even enforcement.

**COUNCILLOR QUIPP:**

In my experience, you know, when -- when we have technicians that are involved with fisheries and that, having the technicians involved sometimes creates confusion in regards to consultation when -- and we've experienced it very clearly in the last couple of years where we had some of our fisheries technicians working at the band office. And the Department of Fisheries made some decisions, and when we asked them about consultation, they told us they talked to our technicians.

So there has to be a clear line. I think that the technicians -- we take direction from our members, our communities, as leaders in our community. We give direction to the technicians in our community. And there's a big difference there. So that, you know, if the technicians are getting involved, we have to make it very clear to the Department of Fisheries that if they're being involved with our technicians, it definitely is not consultation.

**CHIEF CHARLIE:**

I agree with your comments, and I agree with Grand Chief Pennier, his analogy of that, as well, you know, so decision-makers meeting with the chiefs, and technicians meeting with technicians, and some of those being biologists. But I think you also need to put in there is the traditional knowledge. Right? So again we talked a bit about the traditional knowledge of how everything is connected and we really need to consider that in going forward if it's going to be true co-management.

**MR. EAST:**

Well, I'll leave it there. Thank you very much for your thoughtful questions, and that concludes my questions, Mr. Commissioner.