



BC ASSEMBLY OF FIRST NATIONS

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Prince George, BC V2K 5S3
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BCAFN 17th ANNUAL SPECIAL CHIEFS MEETING

March 3 & 4, 2021

Online via Zoom

Resolution 03/2021

SUBJECT: SUPPORT FOR THE INTERVENTION IN JUDICIAL REVIEW OF FEDERAL DECISION TO
PHASE OUT FISH FARMS IN DISCOVERY ISLANDS

Moved BY: CHIEF LEE SPAHAN, COLDWATER INDIAN BAND

SECONDED BY: CHIEF RALPH LEON, STS'AILES

DECISION: CARRIED

ABSTENTIONS: CHIEF KEN WATTS, TSESHAHT FIRST NATION

CHIEF JOSHUA CHARLESON, HESQUIAHT FIRST NATION

OBJECTIONS: CHIEF CHRIS ROBERTS, WEI WAI KUM

WHEREAS:

- A. Wild Salmon is integral to many First Nations livelihoods, culture, traditions and spirituality. First Nations continue to protect wild salmon from the threats of today, including climate change and the impacts of open net pen fish farms, in accordance with our ancestral stewardship obligations;
- B. consultations with the Homalco, Klahoose, K'ómoks, Kwiakah, Tla'amin, We wai Kai, and Wei Wai Kum First Nations provided important guidance and heavily informed the December 17, 2020, announcement by Bernadette Jordan, Minister of Fisheries, Oceans and the Canadian Coast Guard, of the decision to phase out existing salmon farms in the Discovery Islands;

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- C. Mowi Canada West Inc, Cermaq Canada Ltd, Grieg Seafood BC Ltd, and 622335 BC Ltd have applied for a judicial review in Federal Court, challenging the Minister's decision;
- D. the *United Nations Declaration on the Rights of Indigenous Peoples*, which the government of Canada has adopted without qualification, and has, alongside the government of BC, committed to implement, affirms:
Article 20:
1. Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
2. Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.
Article 26:
1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.
Article 32:
1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
- E. the decision to phase out salmon farms in the Discovery Islands came from a lengthy review prompted by Cohen Commission recommendations that included the completion of research the Minister was to rely upon to determine whether there is more than a minimal risk of serious harm to health of migrating Fraser River sockeye, and if so prohibit net-pen salmon farming in the Discovery Islands.
- F. the position of the First Nations involved in the consultation is that the DFO must not renew the aquaculture licences for the fish farms located in the Discovery Islands, and that renewing those licences would be contrary to the precautionary principle and a breach of the Minister's duty to preserve Aboriginal rights and prioritize those rights over commercial fisheries.
- G. it is the position of First Nations outside of the Discovery Islands area that open net pen farms in the Discovery Islands area pose serious harm to wild salmon migrating to the Fraser river watershed; and,
- H. an injunction and overturn of the Minister's decision through a judicial review would continue harm to wild pacific salmon and be contrary to the United Nations Declaration on the Right of

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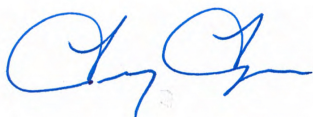
Indigenous Peoples and severely impact the inherent Title and Rights of First Nations in the Discovery Islands Area and the Fraser watershed; and

- I. the First Nations Fisheries Council (FNFC), First Nations Summit, Union of BC Indian Chiefs and BC Assembly of First Nations are seeking to develop a First Nations coalition to intervene in the judicial review.

THEREFORE BE IT RESOLVED THAT:

1. The BCAFN Chiefs-in-Assembly supports participating in a First Nations coalition to intervene in the Discovery Islands decision judicial review, pending confirmation of resourcing to support such an intervention; and
2. the BCAFN Chiefs-in-Assembly directs the Regional Chief and staff to work in coordination with the First Nations Fisheries Council, Union of BC Indian Chiefs and First Nations Summit to coordinate the creation of a First Nations coalition to intervene in the Discovery Islands decision judicial review, subject to resources

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