

**The 2008-2009
Xeni Gwet'in
Chilko Roundtable
Watershed Based Fish Sustainability Plan
An Overview**



Report Prepared For:
*Xeni Gwet'in First Nations Government
General Delivery
Nemiah Valley, BC
V0L 1X0*

Report Prepared By:
Richard Holmes MSc. RPBio. QEP



PO Box 174, Likely, BC, V0L 1N0

March 15, 2009

LEGAL COVENANT FROM THE XENI GWET'IN GOVERNMENT

The Tsilhqot'in and Xeni Gwet'in assert aboriginal title and rights in the Brittany Triangle and Xeni Gwet'in trap line. These areas are within the Tsilhqot'in traditional territory of Xeni Gwet'in First Nation and are delineated in *William v. B.C. et al* B.C.S.C. – Victoria Registry, Action No. 9-0913. Nothing in this report shall abrogate or derogate from any aboriginal title or aboriginal rights of the Tsilhqot'in, the Xeni Gwet'in First Nation or any Tsilhqot'in or Xeni Gwet'in members.



Acknowledgments

Cariboo Envirotech Ltd. would like to thank all of the Xeni Gwet'in people for their generous hospitality and for making us feel welcome in their traditional territory. Additional thanks to the elders of the Community, and to Chief Marilyn Baptiste and Councillors Lois Williams and Benny William for their guidance and advice. We would also like to thank the entire Band office staff for their assistance whenever it was needed.

We are extremely grateful to all community members for their many contributions on numerous consultative occasions for the provision of their traditional and historic knowledge of the fishery resource in their Caretaker Area.

I would like to extend a special thank you to all the members who took time from their busy schedules to attend the Roundtable meetings in Williams Lake. Your contributions are valued and provide the Roundtable with a collective voice to address watershed and fishery issues.

We would like to thank our funding source, the Fraser Basin Council and the Pacific Salmon Foundation's Fraser Salmon and Watershed's Program.

Our thanks and apologies go out to those who may have helped us but have been forgotten in these acknowledgements.

Richard Holmes

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“The Chilko Watershed within the Xeni Gwet'in Caretaker Area is a self-sustaining, wild environment and will remain a source of clean water, clean air and abundant fish and wildlife forever, providing an example of how people use and live respectfully with the land.”

(Draft Mission Statement for the Xeni Chilko River Watershed Roundtable)

1.0 Introduction

The Xeni Gwet'in First Nation reside primarily in the Nemiah Valley west of Williams Lake in the Chilcotin region of British Columbia. Since time immemorial the Xeni Gwet'in people have fished the two great rivers that border their Caretaker Area; the Chilko River and the Taseko River. These two great salmon producing rivers have sustained the Xeni Gwet'in and continue to provide sockeye, Chinook, rainbow trout, bull trout and other species for their consumption.

The “Xeni Gwet'in First Nations Government is one of six Tsilhqot'in communities that form the Tsilhqot'in National Government. Xeni or Tsilhqot'in never made or signed any treaty with BC, Canada, or any Crown Government. Xeni and Tsilhqot'in Nation are not in the BC Treaty Process, we will not ever give up or extinguish our rights and or title to this Tsilhqot'in Land”(Xeni).

Their independence is shown in their desire to research, restore, enhance and manage the fish stocks in their area. This is critical as it has been shown in a community survey that fish are consumed at least twice per week with the majority of the fish being provided by the Caretaker Area (Cariboo Envirotech Ltd.). The Xeni Gwet'in people have taken a proactive approach to protecting fish stocks in their Area through several initiatives that include the following projects:

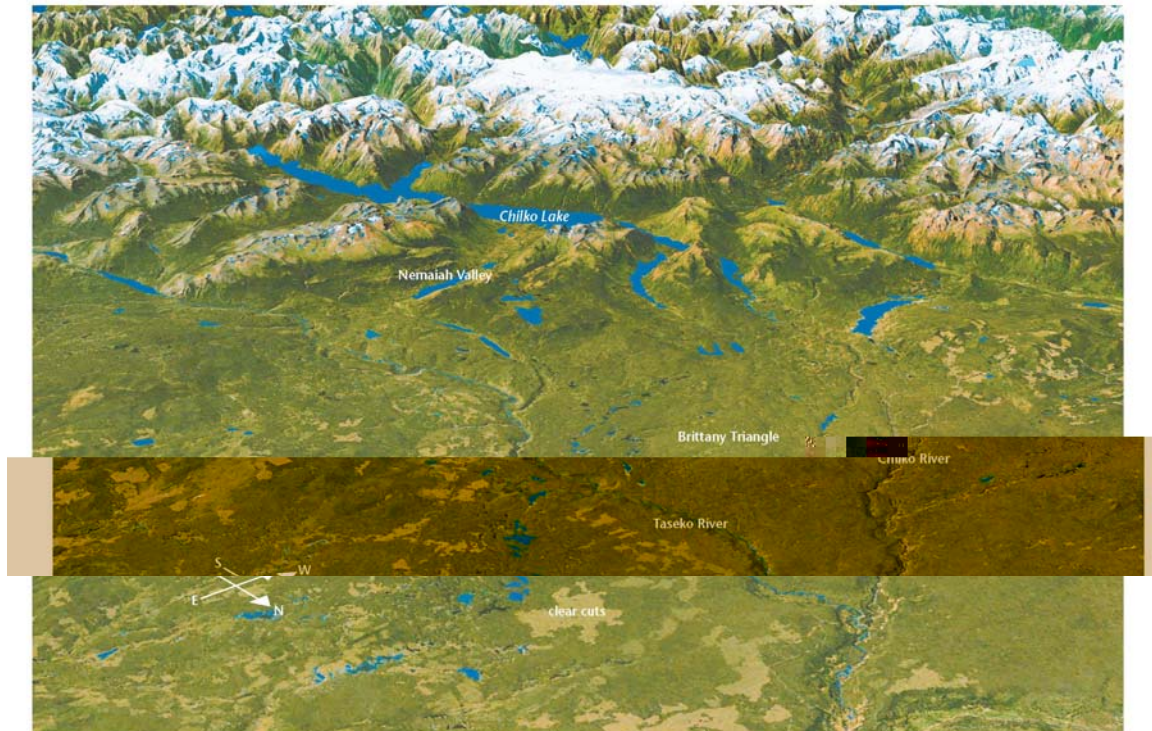
- *The 2006 Fish and Fish Habitat Training Program on Nemaia Creek WSC 150-335700-98700.*
- *The 2007 Stream Crossing Assessment Report for the Xeni Gwet'in First Nation*
- *The 2007 Xeni Gwet'in Caretaker Area Fisheries Assessment and Enhancement Planning Project*
- *The 2007 Quality Waters Summary Report for the Xeni Gwet'in Caretaker Area*
- *The 2008 Xeni Gwet'in Caretaker Area Fisheries Enhancement Projects*

All of the above projects and the community's wish to manage and care for the fish stocks in the Caretaker Area and its associated watersheds have led to the formation of the Xeni Chilko River Watershed Roundtable. This forum hosted by the Xeni Gwet'in allows individuals, business, industry, resort owners, guides and outfitters, and NGOs an opportunity to discuss watershed issues with government agencies who have been asked to participate as part of the joint federal provincial Watershed Based Fish Sustainability Plan.

2.0 Watershed Location

The watershed boundaries, for the purpose of the Xeni Gwet'in Chilko River Roundtable are the Xeni Gwet'in Caretaker Area, and include the Brittany Triangle. The watershed originates in streams of the British Columbia Coast Range Mountains that feed Chilko Lake. The area includes both Chilko River and its drainages, as well as the Taseko River to the east and the associated drainages in that system. Figure 1 below provides the reader with an opportunity to visualize the extent of the watershed boundaries.

Figure 1: Chilko and Taseko Rivers and the Brittany Triangle (Canadian Geographic).



3.0 Watershed Based Fish Sustainability Plans

The following information is being provided to give the reader a sense of how the Watershed-based Fish Sustainability Planning program came into being. Its genesis was the 1997 Auditor General's Report to Canadians. The text was originally prepared for the Horsefly River Roundtable.

3.1 1997 Auditor General's Report

In 1997 Chapter 28 of the Canadian Auditor General's Report on Fisheries and Oceans Canada's Pacific Salmon: Sustainability of the Resource Base recommended the following main points:

“28.1 Canada’s ability to sustain the Pacific salmon resource at the present level and diversity is questionable given the various factors influencing salmon survival, many of which are beyond its control. While Fisheries and Oceans has built up major salmon stocks, others are declining and many are considered threatened. There is evidence that habitat loss is contributing to these declines. However, no overall status report on salmon habitat is available to assess the impact of habitat loss on the resource.

28.2 Fisheries and Oceans has a strong mandate in the Fisheries Act to protect salmon and their habitat. However, due to the division of environmental powers under the Constitution Act, the support and co-operation of the Province of British Columbia (B.C.) and municipalities are prerequisites for sustainability of the resource.

28.3 The Department’s Habitat Policy (1986) promotes both sustainability and genetic diversity. The Policy balances proactive elements (land use planning, integrated resource management and development of guidelines) and reactive elements (project review/approval, compliance monitoring and enforcement). The Department has tended to focus more on the reactive elements, but without sufficient emphasis on monitoring and follow-up.

28.4 Habitat management requires improved co-ordination within the Department and the increased involvement of external groups, including provincial and municipal governments, stakeholders and the public, under agreements that include accountability provisions, where appropriate. The Department’s overall responsibility for habitat requires clear accountability to maintain control of the process and depends especially on B.C. being held accountable for its own habitat responsibilities.

28.5 The opportunity now exists for Fisheries and Oceans to further develop and strengthen its relationship with the Province following the signing in April 1997 of the new Canada-B.C. Agreement on the Management of Pacific Salmon Fishery Issues. The Agreement is intended to revisit existing areas of intergovernmental co-ordination covered under the 1985 General Fisheries Agreement and to examine other areas for co-operation. B.C. has released a discussion paper in anticipation of future negotiations. The Department’s position on habitat management is expected to be clarified to prepare it for these negotiations” (Auditor General).

Of particular interest in 28.3 of the main points listed above is the comment that Fisheries and Oceans Canada “has tended to focus more on the reactive elements, but without sufficient emphasis on monitoring and follow-up”. Additionally in 28.4 above, the Auditor General recognizes that the Province of British Columbia plays a key role in the sustainability of salmon stocks by being accountable for its own habitat responsibilities. Furthermore, the Auditor General is suggesting that the Department would benefit from a cooperative effort including the Province and its municipalities, as well as stakeholders and the public.

As a result of the 1997 Auditor General's report, the Canada and British Columbia Agreement on the Management of Pacific Salmon and Fishery Issues (1997) and the Canada B.C. Habitat Management Agreement (2000) "committed both governments to work jointly in watershed-based fish production planning processes, to develop joint objectives for habitat protection and commit to better program coordination and information sharing" (WFSP¹).

3.2 Canada – British Columbia Agreement on the Management of Pacific Salmon Fishery Issues

The preamble of this Memorandum of Understanding (MoU) states the following:

"Whereas the Government of Canada and the Government of British Columbia:

- share a mutual interest in conserving, enhancing and protecting the salmon resource, its habitat and the marine environment, that will help ensure a sustainable and viable fishery for the future;
- agree to provide a cooperative basis for a sustainable fishery resource, sustainable jobs in the fishery sector, and sustainable communities involved in the fishing industry;
- recognize that changes are necessary to the structure and management of the fisheries sector in order to achieve conservation objectives and ensure a sustainable fishery for the future; and
- recognize that the Government of British Columbia will assume an enhanced role in the management of fisheries issues.

Whereas both Governments continue to support the principles set out in the 1996 Memorandum of Understanding between Canada and British Columbia on Fisheries Issues and the Terms of Reference for the bilateral review of federal and provincial roles and responsibilities in the management of the Pacific Salmon Fishery, which include:

- maintaining and enhancing the conservation and long-term sustainability of the resource;
- providing for the long-term viability of the industry;
- bringing decision-making closer to clients and stakeholders;
- creating effective partnerships to better manage the fishery; and
- recognizing the Constitutional protection provided to Aboriginal peoples and treaty rights" (FOC¹).

Of particular interest in the above MoU as it relates to the Xeni Gwet'in Chilko River Roundtable are the third and fourth bullets which encourages stakeholders and clients to become engaged in partnerships with both levels of government to better manage the fishery and ensure the sustainability of salmon stocks in British Columbia.

3.3 Canada B.C. Habitat Management Agreement

The Canada B.C. Habitat Management Agreement was signed on July 13, 2000 by both federal and provincial ministers to improve habitat protection and coordinate the efforts of both levels of senior government in their desire to ensure the sustainability of west coast salmon stocks.

The Fisheries and Oceans Canada news release goes on to state:

“Under the habitat agreement, the two governments will:

- Co-ordinate work activities to ensure comprehensive and effective protection of fish habitat, and efficient and timely decision-making;
- Establish, wherever possible, clear, comprehensive and harmonized policies, standards, guidelines and procedures to guide decisions in protecting fish habitat;
- Pursue co-operative arrangements with local governments, First Nations, industries and non-government organizations to enhance the protection of fish habitat; and,
- Monitor, evaluate and report on the implementation and ongoing delivery of the agreement (FOC²).

Of particular interest to the Xeni Chilko River Roundtable in this news release is the third bullet above once again recognizing the need for both levels of government to engage non governmental organizations in the protection of fish habitat.

3.4 Discussion Paper – A Federal-Provincial Framework For Habitat Restoration and Salmon Enhancement in British Columbia

In 1998 a discussion paper was provided to further the inter-governmental relationship in an effort to protect and enhance salmon and salmon habitat in British Columbia. One of the issues identified in this discussion paper was that “salmon enhancement and habitat restoration activities should include additional opportunities for public involvement” (FOC³). The recommendation to address this issue stated “Explore ways for communities, First Nations and the public to become more involved in planning and program delivery, as well as preparing coordinated responses to government-stakeholder disputes”(FOC³).

The opportunity for community groups to become more involved with both the federal and provincial governments in the protection and enhancement of salmon and their habitat was clearly stated in this document.

As a result of the above mentioned initiatives, the Province of British Columbia and Fisheries and Oceans Canada produced a guidebook in 2001 titled “Watershed-based Fish Sustainability Planning”- Conserving B.C. Fish Populations and Their Habitat-A Guidebook for Participants.

3.5 The Watershed-Based Fish Sustainability Planning Guidebook

The creation of this guidebook was led by members of the Watershed-Based Fish Sustainability Planning (WFSP) steering committee comprised of senior members of Fisheries and Oceans Canada, the BC Ministry of Fisheries, and the BC Ministry of Environment, Lands and Parks. Two workshops were held in 1999 and 2000 in Richmond, British Columbia that included approximately forty members of the above noted government ministries as well as consultants, First Nations, non governmental organizations, and others directly involved with fish and fish habitat in the waters of British Columbia.

The Guidebook was published in 2001 and was designed to assist governments, First nations, stewardship groups and other stakeholders in focusing their resources and coordinating their efforts to ensure fish sustainability in watersheds. It has been noted and in fact stressed that the Guidebook is just that – a guidebook, and that individual groups should use it as such, and endeavour to design a WFSP that suits their needs and the needs of the watershed engaged.

Some summary points relating to this new approach to watershed planning have been taken from the Guidebook and are provided in Sections 1.6 to 1.8 below (WFSP²):

3.6 What's New About WFSP?

- Reflects a joint federal-provincial mandate
- Encourages partnerships between governments and other parties with an interest in fish conservation
- Coordinates other ongoing fish and habitat conservation initiatives
- Introduces a consistent approach to planning

3.7 How Does WFSP Work?

- Focuses on fish sustainability
- Focuses on watersheds
- Takes a “fish first” approach
- Identifies priorities
- Builds on existing initiatives
- Uses the best information currently available
- Incorporates adaptive implementation

3.8 What Are the Benefits of WFSP?

- Enhance the capacity of participants to develop effective fish sustainability plans
- Strengthen the voice of fish conservation interests
- Guide traditional fisheries and habitat management activities

- Guide other ongoing land and resource planning activities
- Promote the development of publicly accessible data sets and analytical models

3.9 Planning Stages

The Guidebook suggests a four stage process to undertake a WFSP. A brief description of each stage is presented below:

- **Stage I** produces a biophysical and sociopolitical profile of a region (major river basin or sub-basin) and identifies watersheds within the region that are the highest priorities for fish sustainability planning.
- **Stage II** produces a biophysical and sociopolitical profile of each of the priority watershed planning units identified in Stage 1 and identifies objectives, strategies and targets that must be met to achieve fish sustainability within these watersheds.
- **Stage III** produces a detailed fish sustainability action plan that spells out how these objectives, strategies and targets will be met and by whom.
- **Stage IV** involves actual implementation of the plan and monitoring of its effectiveness. It also involves revisiting earlier stages of the planning process, and improving the fish sustainability plan based on new information.

4.0 Xeni Gwet'in Chilko Roundtable Structure

The Xeni Gwet'in Chilko Roundtable was established in 2008 by the Xeni Gwet'in First Nations Government in an effort to bring First Nations, local residents, business, industry, non governmental organizations, and regulatory agencies together at a common table to discuss watershed and fishery issues.

Meetings have been held on four occasions during this inaugural year. The meetings have been held in Williams Lake on Thursdays to accommodate those who live in the remote Nemiah Valley who often travel and stay overnight in Williams Lake. Meeting venues in Williams Lake are varied and usually involve renting a meeting room held by a non profit organization to assist in their ongoing monetary challenges.

The first meetings were held for two hours from 10:00 until 12:00, but it soon became apparent that two hours was not long enough to discuss at length the numerous topics on the agenda. The final two meetings were held for an extra hour and scheduled from 9:00 until 12:00. A provided lunch for all meetings allowed further discussion beyond the noon time adjournment.

Although the goals of the Roundtable are based on the Watershed Based Fish Sustainability Planning Guidebook, it should be noted that the guidebook is being treated as such.....simply a guidebook to engage participants in the goals of healthy watersheds and healthy fish stocks.

The Xeni Gwet'in First Nations Government have long practiced sustainable fish harvesting and to this day encourage others to treat their Caretaker Area with respect. They wish to engage others with a common interest in protecting and enhancing the watersheds within their Area and feel the Roundtable is a means to discuss common issues and a forum for solutions.

5.0 Roundtable Meeting Summaries

The Roundtable meetings have been guided by facilitator John Lerner of J.H. Lerner and Associates (Appendix D) with minutes being recorded by Trina Phillips. The project manager is Nancy Oppermann, Chief Marilyn Baptist chairs the meetings, and fisheries biologist Richard Holmes acts as an advisor to the Roundtable.

The meetings have been well attended by community members and include local guides, outfitters, resort owners, ranchers, First Nations and government representatives. Presentations on select topics have been presented by biologist Rob Dolighan of the BC Ministry Environment on sport fishing in the area, and by Fisheries and Oceans Canada's David Reedman on the Pacific Integrated Commercial Fisheries Initiative (PICFI) (Appendix B). Additionally Fisheries and Oceans Canada biologist Linda Stevens presented data on historical sockeye run sizes and exploitation rates as this information is critical to the PICFI initiative in determining in stream commercial fishing targets should this initiative come to fruition (Appendix C).

Numerous issues have been brought forward to the table for discussion in an effort to find common solutions to the problems. The following is a list of some of the issues facing the Xeni Chilko River Watershed Roundtable:

- *Unmanaged public access in the Caretaker Area*
- *Minimum signage relating to access management*
- *Inappropriate boating regulations*
- *Inappropriate fishing regulations*
- *Undefined/undesirable recreational use objectives*
- *Potential mining impacts*
- *Lack of a community voice*
- *Lack of serious and sincere consultation by government*
- *Lack of scientific data for decision making*

The minutes of the meetings can be found in Appendix A and comments on the above can be found in Appendix D, the Roundtable Working Document.

6.0 Summary and Recommendations

Over the last several years the Xeni Gwet'in First Nations Government has been unwittingly accomplishing the stated goals as set out in the Watershed Based Fish Sustainability Plan (WFSP) Guidebook. The community has undertaken to identify and address issues in the Caretaker Area that will protect and enhance the fishery resource in their watersheds.

The formation of the Xeni Chilko River Watershed Roundtable in a sense legitimizes the WFSP process that they have initiated through their fishery programs undertaken since 2006. The Roundtable can now focus the entire community and watershed user groups on common areas of interest and address changes to further enhance and protect fish stocks in the area.

The following recommendations are provided to the Roundtable for discussion, implementation and monitoring. These initiatives could positively affect the Caretaker watersheds and the resident fish stocks:

1. ***Roundtable meetings should continue*** and funding applied towards this initiative. The Roundtable is currently awaiting funding notification from the Fraser Salmon and Watershed Program for 2009-2010. The application has been approved in principal and a detailed proposal is under review.

The Roundtable is an effective voice for the Xeni Gwet'in First Nations Government and the local community. It can be a point of contact and influence for the issues presented on page 12 of this report. Government agencies are encouraged to become engaged with the Roundtable and address these issues of concern as they are viewed to be detrimental to the health and well being of the area watersheds.

2. It is recommended that ***Fish and Fish Habitat Assessments*** of local lakes and streams continue as there is a glaring lack of information on fish and fish habitat in the Caretaker Area. It is extremely difficult for the Roundtable as well as government agencies to make critical resource based decisions without supporting scientific information or evidence.

The Xeni Gwet'in First Nation Government has applied for funding from the Fraser Salmon and Watersheds Program to continue these assessments in 2009-2010. The program has been approved in principal and they await a response on their detailed proposal.

3. Funding for a ***fry trapping program*** has been applied for by the Xeni Gwet'in First Nations Government. This program will not only educate Xeni field technicians on this aspect of fishery surveys, but augment the provincial and federal data base relating to migrating fry.

The trapping program has been approved in principal and the Xeni Gwet'in are awaiting confirmation of funding from the Fraser Salmon and Watersheds Program. This program has been designed to operate on two small yet productive streams in the Caretaker Area. It should be noted that Fisheries and Oceans Canada has yet to support or provide a final response for this initiative in spite of continued criticism over a lack of data on small streams and the willingness of the Xeni Gwet'in to accommodate the Department in redesigning the project to suit the Department's needs.

4. The Xeni Gwet'in Caretaker Area is vast as can be seen in Figure 1. Limited visitations by both federal and provincial fisheries enforcement officers may be placing the local fishery resource at risk. It is recommended that funding be applied for and provided for a *fisheries guardian* to patrol the Caretaker Area during the summer months. The numerous lakes, streams and rivers in the Caretaker Area would benefit from a guardian program to protect this vital resource.
5. *Co-management* of the Xeni Gwet'in Caretaker Area with the federal and provincial government is recommended as a first step in providing the Community with a strong voice on resource and land based issues. In view of the Williams court case decision by Judge Vickers, co-management should be pursued and fast tracked by both levels of government. Since time immemorial the Xeni Gwet'in have been good stewards of the land and its resources as their very existence relied on sustainability.
6. The Xeni Gwet'in First Nations Government has submitted an expression of interest to Fisheries and Oceans Canada (FOC) to participate in the *Pacific Integrated Commercial Fisheries Initiative (PICFI)*. This initiative has a component that encourages First Nations involvement in the commercial harvest of surplus salmon in freshwater. The Chilko River sockeye salmon are the primary focus of this project. The Xeni Gwet'in have received a response from FOC's David Reedman and will be addressing his request for more information regarding the expression of interest. The Xeni Gwet'in recognize the importance of a strong escapement to the spawning grounds and the contribution that an abundance of salmon carcasses make to the aquatic environment and as such will only pursue a commercial fishery in their Caretaker Area should escapement numbers warrant a harvest.

References

Cariboo Envirotech Ltd. 2006. The 2006 Fish and Fish Habitat Training Program on Nemiah Creek. WSC 150-335700-98700. Prepared for Xenigwet'in First Nations Government. Nemiah Valley, British Columbia.

Xenigwet'in. Xenigwet'in. People of the Nemiah. Xenigwet'in Profile.
http site: <http://www.xenigwetin.com/index.php?mod=profile>

Appendices

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