

Work under way to revitalize Nuu-chah-nulth salmon laws



ḥiṇačacišt, Estella White, Hesquiaht First Nation member and staff lawyer at West Coast Environmental Law (WCEL).

Six Nuu-chah-nulth Nations are embarking on a process to gather, document and ultimately reclaim the ancient Nuu-chah-nulth laws that have governed the management of salmon in Nuu-chah-nulth territories since time immemorial.

“Nuu-chah-nulth law and knowledge is absolutely necessary to restore

the health and well-being of salmon ...” said ḥiṇačacišt, Estella White, Staff Lawyer at West Coast Environmental Law (WCEL) and Hesquiaht First Nation member.

“Indigenous law has been disrupted by generations of colonial law and interference, and all First Nations have the right to reclaim and revitalize their laws, governance and ways of doing things,” White added in an email to Uu-a-thluk.

White is one of two lawyers from WCEL (the second is Georgia Lloyd-Smith) who are working with Mowachaht/Muchalaht, Nuchatlaht, Ehattesaht/Chinehkint, Hesquiaht, Ahousaht and Tla-o-qui-aht First Nations, as well as Ha’oom Fisheries Society and Uu-a-thluk, on the Salmon Laws project.

Nations and organizations have signed agreements with WCEL to apply the RELAW (Revitalizing Indigenous Law for Law, Air, and Water) ILRU (Indigenous Law Research Unit) methodology to the project. The ILRU is a research unit at the University of Victoria.

According to WCEL’s website, “The heart of the RELAW program is the recognition that Indigenous law is law, and that Indigenous laws can and should be used on the ground today.”

The law firm offers a RELAW Co-learning Program which introduces participants to the methods used in applying and enforcing Indigenous law, including a story-based approach.

“The sessions are an opportunity for us to learn about the methodologies that are applied in pulling out the laws from the stories,” said Uu-a-thluk’s Marine Stewardship Coordinator Danielle Burrows, who took part in the year-long program and is also working as the Salmon Laws Project Coordinator.

White and Lloyd-Smith will employ the ILRU methodology while engaging Nuu-chah-nulth communities in researching, summarizing and drafting legal principles for Nuu-chah-nulth Salmon Laws.

They will be assisted by two part-time Nuu-chah-nulth community liaisons who will take part in the research. Steve Dennis will act as the community liaison for the central Nuu-chah-nulth region, and Kayla Klawitter for the northern region.

A Salmon Laws Steering Committee is being created to guide the Salmon Laws project.

“The Salmon Laws Committee idea came about from the planning team as a method of making sure we are going about the work in a good way. To make sure that proper protocols are used for accessing the stories and working with them; to make sure we are looking for the right stories so that we can ground truth the information,” said Burrows.

Steering committee members will deliberate, advise, provide strategic oversight, and foster support for Salmon Laws initiatives. Committee membership will be comprised of one representative from each of the six member nations who will have decision-making capabilities, as well as four observers in total from the Council of Ḥawiiḥ, Nuu-chah-nulth Tribal Council,

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Danielle Burrows, Marine Stewardship and Salmon Parks Coordinator for Uu-a-thluk.

Ha’oom Fisheries Society and WCEL RELAW team.

The Salmon Laws initiative has so far been defined as a multi-year project, however, it is understood that the process of extracting and revitalizing law from stories can be a lifelong process. Although the salmon laws drawn from the stories are currently intended for the specific work outlined here, their foundations will

serve many future Nuu-chah-nulth initiatives.

“The salmon laws that are being collected and documented through the RELAW process will provide the foundation for the establishment of Salmon Parks as a matter of Nuu-chah-nulth law,” said Eric Angel, Uu-a-thluk Program Manager.

For Alex Gagne, Ha’oom Fisheries Society Executive Director, the work is an important step to having Nuu-chah-nulth legal principles for the management of salmon recognized by the Canadian Government.

“It’s about what reconciliation means,” said Gagne.

“At a fundamental level, reconciliation means that you need to uphold all parties and have a respectful way of incorporating all parties into decision-making. For Nuu-chah-nulth, they have a management system that’s been in place since time immemorial ... that’s sustainably managed the resources ... and so for us to have sustainably managed fisheries going forward, that respect the inherent authority of Nuu-chah-nulth, we need a way to have it pushed into the colonial system.”

“One way we can do that is through the salmon laws. If we have a way that we can articulate them in a mechanism that’s understandable for the general public, or for a colonial society, it becomes harder and harder for a government to say, ‘we’re not going to incorporate that?’”

If you are a member of the six Nuu-chah-nulth Nation participating in the Salmon Laws project and interested in becoming a representative of your nation for the Salmon Laws Steering Committee, contact Danielle Burrows at danielle.burrows@nuuchahnulth.org or 250-724-5757, ext. 303.

Nations welcome implementation of WCVI clam fishery modernization

It’s been roughly two years since Fisheries and Oceans Canada’s (DFO) Dave Fogtmann made a presentation to the Council of H̱aw̱iiḡ Forum on Fisheries on proposed changes to the West Coast Vancouver Island (WCVI) commercial clam fishery.

The South Coast Resource Manager returned to the table two years later, this past October, to update the H̱aw̱iiḡ (hereditary chiefs) and Nuu-chah-nulth Nation fisheries managers and representatives on what they can expect in the months ahead.

“Our planned next step is implementation of this modernization for the commercial clam fishery which

would remove the fees for First Nations and allow designation to the harvesters ...” said Fogtmann at the October 20-21 virtual Council of H̱aw̱iiḡ Forum on Fisheries.

Fogtmann is referring to the first positive change to the WCVI commercial clam fishery, which is the change of authority for Z2ACLs (Aboriginal Commercial Clam Licences) from the Fishery General Regulations to the Aboriginal Communal Fishing Licence Regulations.

The shift in authority – which has received support from DFO Regional Director General Rebecca Reid

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UPDATES

Nuu-chah-nulth Nations mourn the loss of Qiiqiiqiiy'मित, Willard Gallic Sr.

On September 8, the Nuuchahnulth Tribal Council (NTC) issued a media release acknowledging the sudden passing of well-known and respected Tseshaht elder, Qiiqiiqiiy'मित, Willard Gallic Sr. NTC President Cloy-e-iss, Judith Sayers, stated, "Willard Gallic was an important figure in Nuuchahnulth communities. He dedicated his life to our rights, treaty negotiations, and language and culture. He will be sorely missed as he involved himself in so many meetings and activities and was so well-known and loved by many."

Uu-a-thluk staff and members of the Council of Hwiih Forum on Fisheries Implementation Committee who worked closely with Willard will miss his kind disposition, depth of knowledge and generosity. We send our deepest condolences to the family and Tseshaht community, and anyone else who had the pleasure of getting to know Willard.

Uu-a-thluk welcomes new fisheries biologist

The Nuuchahnulth Northern Region has a new fisheries biologist. Dani Robertson joined the Uu-a-thluk team on December 6, bringing with her an interesting background in fisheries work that includes a recent three-year stint as the Nursery Site Production Manager of a Metlakatla scallop farm in Prince Rupert. Danielle holds a bachelor's degree in Marine Science and Management from Southern Cross University (Australia), as well as a diploma in Fisheries and Aquaculture from Vancouver Island University. She can be reached at danielle.robertson@nuuchahnulth.org.

Nuuchahnulth Fisheries Pathways Program at North Island College

Course administrators of the Nuuchahnulth Adult Basic Education (ABE) Fisheries Pathways Program are recruiting prospective students for the bridging program which starts January 2022. Informational sessions that provide a vision of the program, course descriptions and schedules, and instructions on how to apply (including applications for funding and how to apply to the future Fisheries Certificate program) were held in December and will also be available in the new year. The Fisheries Certificate Program – which is currently being developed in collaboration with Uu-a-thluk, Ehatesaht/Chinehkint First Nation, Hwiih and Nuuchahnulth Nation knowledge keepers – will explore Nuuchahnulth teachings on fisheries management and draw on local Indigenous knowledge systems, ways of knowing and protocols. For more information, contact Stacey Miller at stacey.miller@ehatis.ca or 250-761-4155 ext.108.

łusmit (Herring)

In a November letter to the new Minister of Fisheries, Oceans and the Canadian Coast Guard, the Honourable Joyce Murray, Nuuchahnulth Hwiih and Nations reiterated the message they have been communicating about West Coast Vancouver Island (WCVI) łusmit stocks for years. They advised that the stocks are not rebuilding quickly enough to sustain a commercial fishery, and that the WCVI commercial łusmit fishery should remain closed until the Nuuchahnulth Nations and DFO collectively agree that the stocks have recovered sufficiently. Hwiih and Nations have advised that the closure should be indefinite and should not be up for consideration and discussion every year.

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Uu-a-thluk is...

Council of Hāwiih Forum on Fisheries

The Hāwiih or their representatives of:

Ka:’yu:’k’t’h’/Che:k’tles7et’h’,
Nuchatlaht, Ehattesaht/Chinehkint,
Mowachaht/Muchatlaht, Hesquiaht,
Ahousaht, Tla-o-qui-aht, Yuuulii?ath,
Toquaht, Uchucklesaht, Tseshaht,
Hupacasath, Huu-ay-aht and Ditidaht.

Joint Technical Working Group

First Nations, Uu-a-thluk, and
Department of Fisheries and Oceans
staff working together to solve problems
and take advantage of opportunities.

Staff

Biologists, managers, outreach, capacity
development and fundraising staff
conducting the day to day work under
the direction of the Council of
Hāwiih and First Nations.



tuuškūh · Lingcod

Photo credit: Rick Harbo

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Dave Fogtmann, DFO, provides an update on clam fishery modernization at the October 20-21 virtual Council of Hāwiih Forum on Fisheries meeting.

– means individuals harvesting clams from their nation’s Z2ACL no longer need to purchase and carry a \$60 Fisher Registration Card and pay the \$30 licence renewal fee that was required under the Fishery General Regulations.

Instead, nations will designate a Z2ACL to an individual member, who will be required to carry a designation letter when harvesting.

“It’s a positive step,” said Jim Lane, Uu-a-thluk Deputy Program Manager.

“The fees have been eliminated and people won’t have to go to Nanaimo to get a licence. It’s still

not clear how it’s going to be implemented, so hopefully it’ll be sorted out and ready to communicate in January 2022,” he added.

Nuu-chah-nulth Nations are also looking forwarding to ushering in the implementation of the Nuuchah-nulth Intertidal Clam Management Team.

Discussions around development and function of the team took place at a January 2020 meeting between Uu-a-thluk, DFO and Nuuchah-nulth Nation representatives, and at subsequent Uu-a-thluk Joint Technical Working Group and Council of Hāwiih Forum on Fisheries meetings.

The team would be Nuuchah-nulth-led and would be comprised of nation’s fisheries staff from each Sound (Clayoquot, Barkley and Nootka). Once formed, the team would work collaboratively with Nuuchah-nulth fishers and DFO clam managers to address operational issues, and to develop an overall WCVI clam fishing plan, with additional Area-based plans (Tidal Areas 23, 24 and 25).

Dave Rolston, Tseshaht First Nation Fisheries Manager, sees benefit in the Nuuchah-nulth-led management team.

“Our goal would be to make informed decisions on proposed changes to the commercial clam IFMP [Integrated Fisheries Management Plan] and licence changes and harvesting in general in Tseshaht territory.”

At the time of publication, it was not clear how the Nuuchah-nulth Intertidal Clam Management Team would be supported financially, however, Nuuchah-nulth Nations anticipate further discussion on the development and support of the team in 2022.