



# Sumas First Nation

2788A Sumas Mountain Road, Abbotsford, B.C. V3G 2J2  
Telephone: (604) 852-4041 Fax (604)850-4048



February 12, 2019

Rebecca Reid - Regional Director General and  
Canada's Chair of the Pacific Salmon Commission  
DFO Pacific Region  
Suite 200 - 401 Burrard Street  
Vancouver, BC V6C 3S4

Dear Ms. Reid,

**Re: Negotiation of Chapter 4 of the Pacific Salmon Treaty: Fraser Sockeye and Pink Salmon**

I write to you on behalf of our leadership and members regarding outstanding concerns with the Pacific Salmon Commissions' Mission Hydroacoustic operations in our territory, and general concerns with the Pacific Salmon Treaty (PST) negotiations. I understand that the two countries are in the middle of renegotiating Chapter 4 relevant to Fraser Sockeye and Pink Salmon. Canada, the United States of America and Pacific Salmon Commission have not formally consulted our community regarding the Mission Hydroacoustic site, which we deem an infringement on our right to an unimpeded fishery and access to fish under section 35.1 of the Canadian Constitution.

Canada, the Department of Fisheries and Oceans(DFO) and Pacific Salmon Commission have imposed boundaries 500 meters above and below the Hydroacoustic site. This prohibits our members ability to conduct an effective drift net fishery and has eliminated set nets in this area. Our people have fished in our territories since time immemorial evidenced by village sites and practices along the Fraser River in this region. **Canada has not accommodated or compensated Sumas First Nation for the Hydroacoustic site infringement and Nation to Nation, Government to Government engagement must occur to resolve this matter as soon as possible. Sumas First Nation will not recognize the imposed Mission Hydroacoustic site boundaries in 2019 and beyond as it compromises our aboriginal right to the fish and fishery.**

It is imperative that Sumas First Nation maximize access to their Food, Social and Ceremonial (FSC) fisheries, including the ability to practice the fishery regularly and honoring of our salmon through traditional ceremony. Declines in all salmon stocks during the last few decades due to mismanagement, over harvesting, climate change and habitat degradation has resulted in Sumas First Nation members not meeting their FSC needs. Through the guidance and laws of the Creator, our leadership is obligated to protect and conserve salmon for future generations while providing access opportunity for our members to local and passing salmon in our territories.

Recent cycles for Sockeye limit our members FSC access three out of every four years and lately Pink Salmon returns have declined. Sockeye abundance for Economic Opportunities (Commercial) is now an

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option only one out of every four years (i.e. 2010, 2014, 2018) and our people rely on this to subsidize their income to support their families. We must now wait until 2022 for the next Economic Opportunity and maintain hope that the Sockeye return in abundance. **In the next three years we expect to incur Sockeye FSC 'deficits' and neither government, Canada or USA, or the Pacific Salmon Commission has articulated how they will address this issue through the Pacific Salmon Treaty and Chapter 4 negotiations. Our people are also concerned that Canada and DFO are not investing enough science and stock assessment resourcing into management of Pink Salmon relevant to the PST.**

In 2017, Sumas First Nation published our Declaration and invited government representatives of Canada, the Province of British Columbia, the DFO and State of Washington. We have a historical linkage to the Nooksack Tribe as our traditional territory extends south into the State of Washington and an American town also called Sumas. Our Declaration revitalizes our people's commitment and responsibility to govern and manage resources within S'ólh Téméxw, our territory. **As Chief of Sumas First Nation, I invite Canada, United States of America and the Pacific Salmon Commission to acknowledge and respect our Declaration, including partnership and support of its full implementation. It is time for Canada and DFO to fully implement the United Nations Declaration on the Rights of Indigenous People (UNDRIP) and ensure Sumas' aboriginal rights and title related to Fraser River Salmon and fisheries are incorporated into International treaties like the Pacific Salmon Treaty.** This would be a major step toward Reconciliation.

In 1924, the Province of British Columbia and local jurisdiction drained Sumas Lake to increase the agricultural land base for European settlers. The Lake was approximately 35,000 acres in size and spanned the Fraser Valley between Vedder and Sumas Mountains. Our people relied heavily on Sumas Lake for sustenance because it was home to all species of salmon, sturgeon, water fowl, wild game and was a travel route to the Fraser River. The Lake was central and enabled our people to share and trade resources with the Sto:lo, Nooksack and other Tribes. Draining of the lake was an historic catastrophic event that destroyed critical habitat and resources, and the livelihood of Sumas people.

The remnant of Sumas Lake is now Sumas River which remains a tributary of the Fraser River. Chilliwack Sockeye, Chum, Chinook, Pink, Coho, Steelhead and Sturgeon are still present but nothing near historic abundance. Today Sumas First Nation requires access to Chilliwack Sockeye in the Sumas River in years of abundance but DFOs implementation of Sockeye aggregate management of the four stock groupings relevant to the PST Annex 4 Chapter 4 has not supported this opportunity, but instead inhibits our access. **Through the Sumas Declaration we plan to implement fisheries on Chilliwack Sockeye, and other salmon species, and Canada and DFO will have to adjust their domestic management regime and Chapter 4 treaty obligations with the USA accordingly.** Our leadership welcomes further engagement and discussion to explore resource management, capacity building, stock assessment and restoration to habitat and spawning areas in the Fraser .

The Pacific Salmon Treaty is not a document that I reference frequently nor is it a process that remains familiar to leadership when engagement and consultation only occurs every ten years during PST re-negotiations. **Canada and DFO must resource consultation engagements with our leadership and people annually to ensure we are apprised of challenges or opportunities with the Pacific Salmon**

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**Treaty.** These sessions would build the capacity of First Nation leadership and lead to more productive contributions to the ten-year PST negotiations.

**In terms of Canada's composition at the Pacific Salmon Commission, Fraser Panel and Technical Committees, I recommend Canada increase First Nation participation levels to at least 50% and over time that the formal appointments be transitioned to the full authority of BC and Yukon First Nation leadership.** Furthermore, the decision-making procedures of the Canadian Panel Caucus must recognize and implement the authority of First Nations for the management of these resources. This would be consistent with the articles and principles of UNDRIP and Canada's commitment to Indigenous people.

At your earliest convenience, I am prepared to meet with representatives of Canada, DFO and the Pacific Salmon Commission to begin the discussions on reconciling the Mission Hydroacoustic site issue and recommendations to Chapter 4 and the Pacific Salmon Treaty.

Sincerely,



Chief Dalton Silver - Lemxyaltexw

Cc Sumas First Nation membership  
Lower Fraser First Nations  
First Nation Caucus Members, PSC  
PSC Commissioners  
Jordan Point – First Nation Fisheries Council  
Angela Bate – Fraser River Interior Management, DFO  
Fraser Panel members  
FN Leadership Council  
AFN – National Chief Perry Belegarde  
AFN National Fisheries Committee