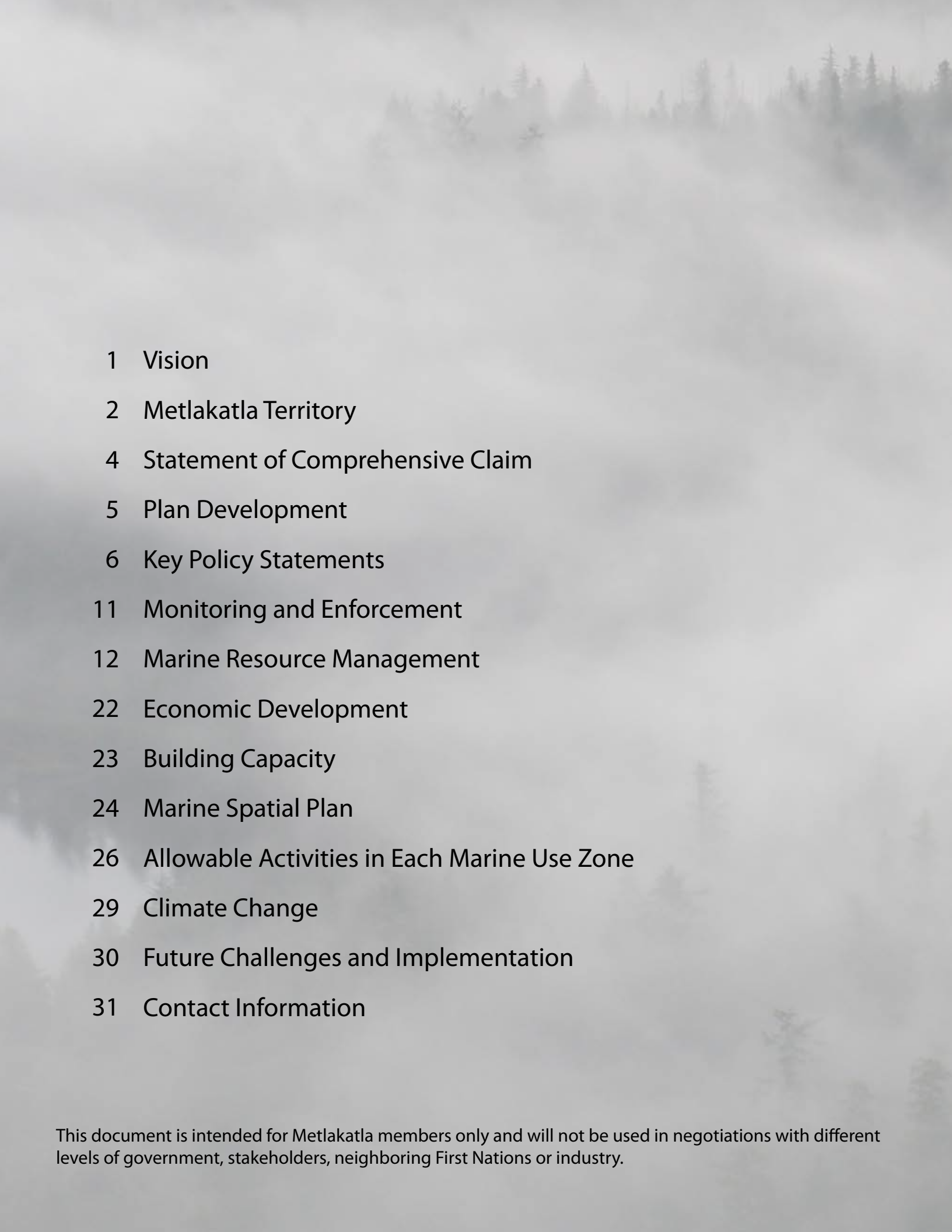


The background of the cover is a sunset over a body of water, with a silhouette of a forest on the horizon. Overlaid on this is a large, stylized logo in shades of blue and purple. The logo features a central vertical element resembling a tree or a stylized figure, with large, flowing, leaf-like shapes on either side. The overall color palette is dominated by the warm tones of the sunset (orange, red, yellow) and the cool tones of the logo (blue, purple).

Metlakatla

Draft Marine Use Plan Executive Summary

- 
- A background image of a dense forest of evergreen trees shrouded in thick, white fog or mist. The trees are dark green and silhouetted against the lighter, hazy background, creating a serene and atmospheric scene.
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This document is intended for Metlakatla members only and will not be used in negotiations with different levels of government, stakeholders, neighboring First Nations or industry.

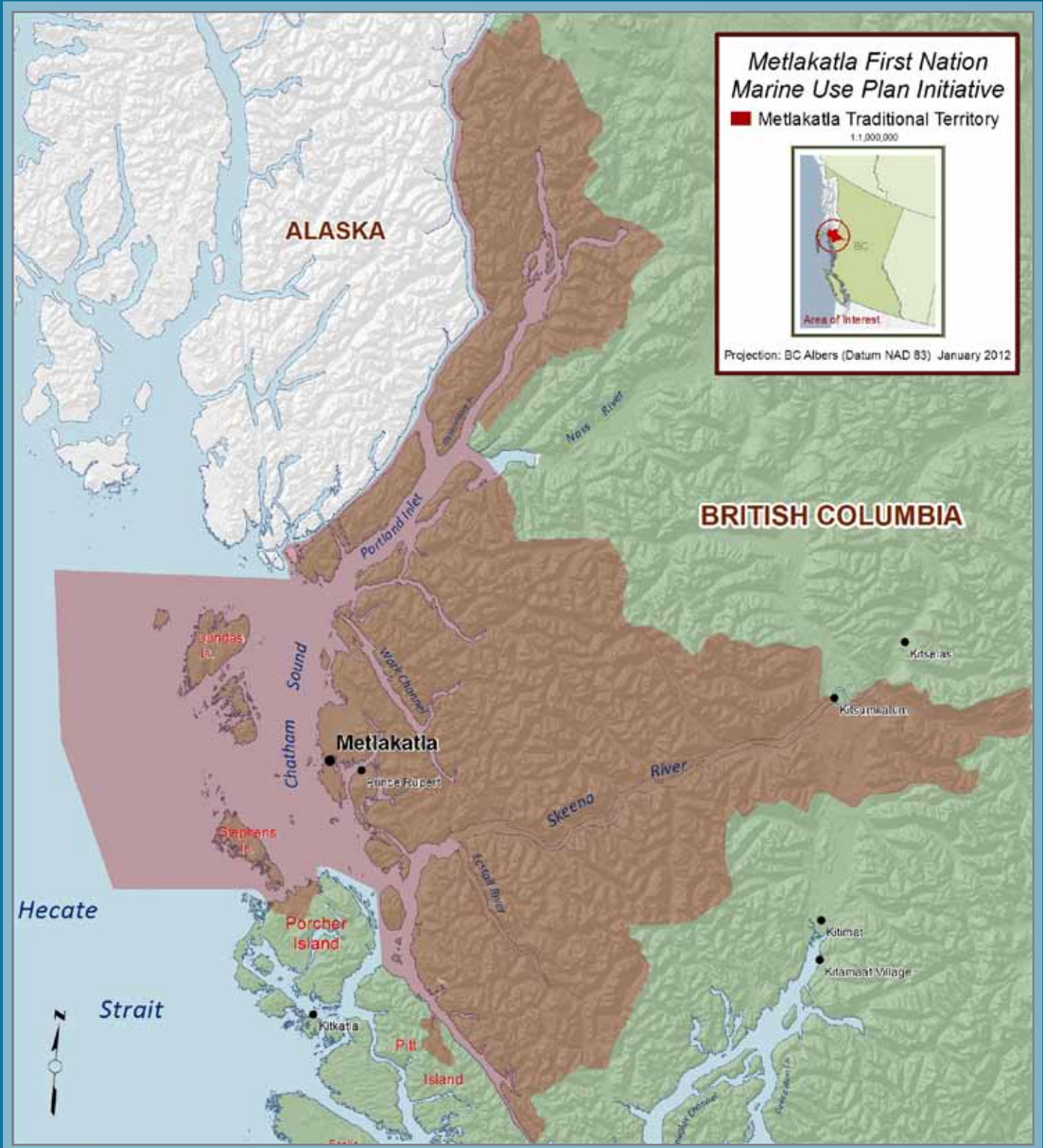
Vision

Metlakatla First Nation will ensure our members maintain our aboriginal right to harvest for food, social, ceremonial and commercial purposes throughout our territory. Metlakatla will pursue a Government-to-Government relationship in all areas of management and conservation in order to ensure healthy, productive waters and aquatic ecosystems as well as to build capacity amongst Metlakatla members. As a result of the sustainable utilization of our marine resources and a strong involvement in management decisions and marine planning processes, Metlakatla members will benefit culturally, socially and economically.

Metlakatla Territory

Metlakatla territory is situated in the Great Bear Rainforest between the Pacific Ocean and the Coast Mountain Range on the west coast of British Columbia.

Metlakatla and Lax Kw'alaams are comprised of nine tribes which are: Gispaxlo'ots, Gitsaxlaal, Gitlaan, Gitsi'iis, Gitnaxangiik, Gitando, Gitutsa'aw, Gitnadoiks and the Gitwilgyoots. The combined territories make up the Metlakatla Traditional Territories and extend from the coast islands in the west (eastern Hecate Strait) to Lakelse lake in the east (near Terrace, BC) and from Portland Canal and Observatory Inlet in the north to the headwaters of the Escstall River in the south.



The First Nation community of Metlakatla, British Columbia is located approximately seven kilometres northwest of Prince Rupert, B.C., on the Tsimshian Peninsula. The community is accessible only by sea or air. The name “Metlakatla” is derived from a Sm’algyax (Tsimshian language) word meaning “a passage connecting two bodies of water.”



Statement of Comprehensive Claim

Metlakatla First Nation exercises its sovereign aboriginal rights and title to, and jurisdiction and stewardship authority over, the lands, waters and resources within our territory, based on our laws, oral history and customs. Metlakatla First Nation will confirm and renew Government-to-Government arrangements which will bridge Metlakatla First Nation interests with the interests of all levels of government to form a collaborative management arrangement. Shared decision-making on issues affecting us must occur at all stages, from early discussions of issues to drafting legislation, as Canadian law requires through several recent Supreme Court decisions.

Plan Development

The Metlakatla Marine Use Plan is a strategic document to guide marine resource management in our territory. The Plan is comprehensive and covers jurisdiction, resource management, economic development and capacity needs across all sectors of the marine market and non-market economy. The overarching goal is to realize a sustainable balance between economic development, social and cultural wellbeing and ecosystem health. To this end, the Plan utilizes an ecosystem-based management approach to resource use.

Metlakatla has a full-time Community Coordinator whose work is supported by a 5-10 person Marine Planning Committee with representatives from a cross-section of community members including elders, hereditary chiefs, council members and fisheries managers. The role of the Marine Planning Committee is to guide the development of a Marine Use Plan based on the values and interests of Metlakatla First Nation.

Key Policy Statements

Land Coastal Tenures

In December 2009, Metlakatla First Nation, along with other Coastal First Nations, signed a groundbreaking agreement with the Provincial Government. This Reconciliation Protocol introduces a more collaborative, coordinated and efficient approach to land and resource engagement and decision-making. Metlakatla First Nation acknowledges that this Protocol is an important step towards shared decision-making and looks forward to implementing a greater influence on what happens within our territory. The Protocol does not address our rights and title over our territory, or our ultimate goal to full jurisdiction and ownership of the lands and tenures in our territory. We will continue to pursue this goal through treaty, other negotiations measures and litigation as appropriate.

Territorial-Based Economic Development

We have stood witness to resources leaving our territory in record numbers with no benefit to our Nation or community. This is unacceptable and cannot continue. Sustainability requires that social and economic well-being is achieved at a local level. Policy and practice, both by the Crown and industry, must change to ensure that industry development and resource extraction in our territory benefits our local community.

Revenue Sharing

Metlakatla requires a stable source of capital to manage our territory and to meet our aspirations. Currently, the Federal and Provincial Governments receive significant revenues and taxes from the resource wealth in our territory. We want a share of that wealth and will work with both levels of government to realize revenue sharing agreements. As well, proponents operating within our territory must also share the wealth they derive from our lands.

Mitigation of Impacts from Industrial Activity

As part of consultation and accommodation with government we need to ensure that impacts generated by industrial development are being addressed in a systematic way that minimizes risks and maximizes benefits to our Nation. Furthermore, protocol agreements and/or partnerships with private companies need to allow for our participation in project planning.



Key Policy Statements

Access to marine resources for FSC and commercial purposes

Access to resources for food, social and ceremonial purposes is vital to the Metlakatla people for the continued practice and vitality of our culture. Guaranteed access for commercial purposes will provide employment and certainty for the future prosperity of the community and all Metlakatla citizens.

Capacity building

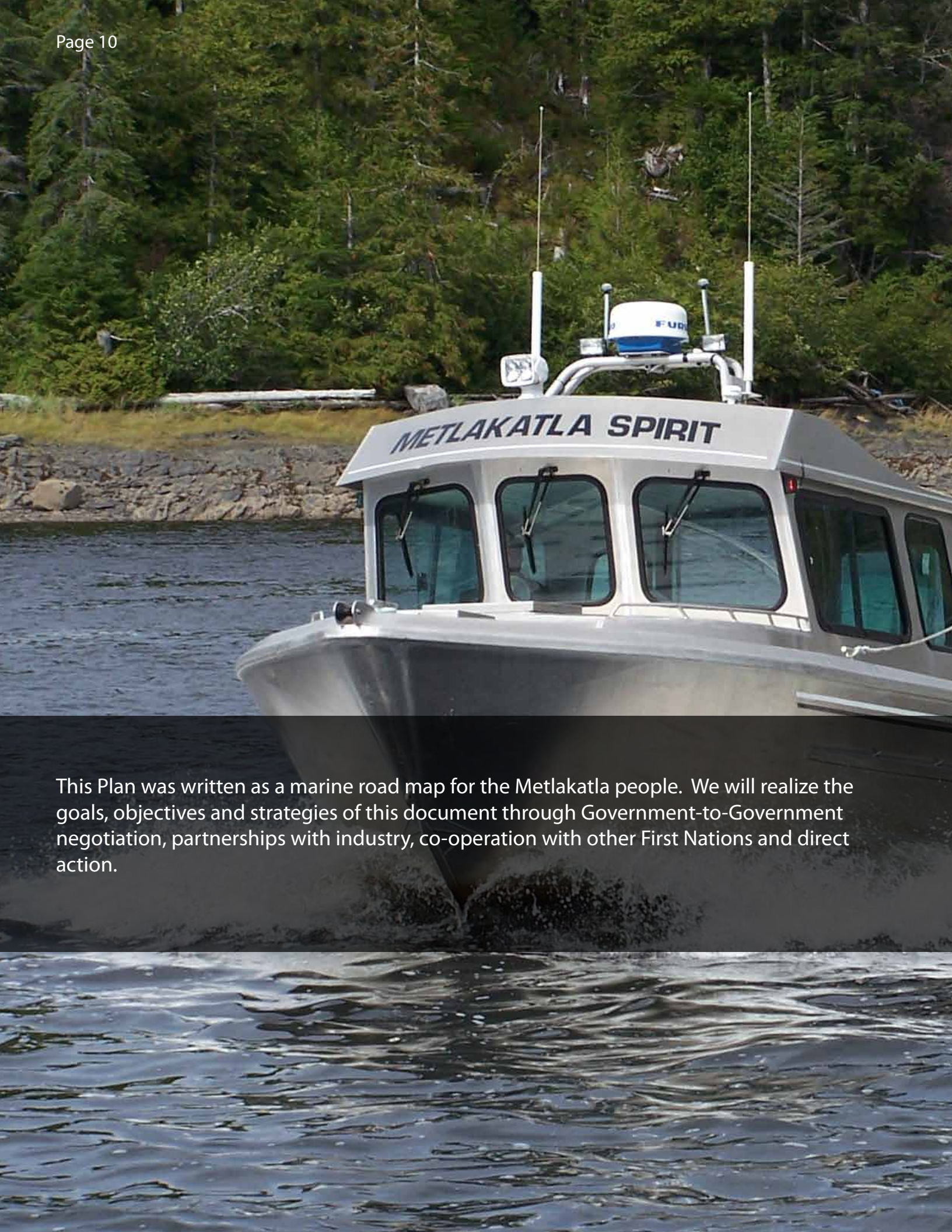
Metlakatla First Nation seeks to have meaningful participation in all aspects of future developments on the North Coast. We are building greater capacity to deal with developments on a day-to-day basis and to effectively realize many of the long-term goals of the plan. Short-term capacity building strategies are needed to deal with the day-to-day developments happening within our territory. To build Metlakatla's overall capacity and effectively achieve long-term goals and objectives, a comprehensive education/training strategy is also being developed for all of our membership.

Environmental Sustainability

Metlakatla First Nation will expand our role in the planning and management of our territory, promoting Metlakatla values and objectives of stewardship in all aspects of governance, natural resource use, business and development.

Economic Vitality

Metlakatla Development Corporation actively seeks out opportunities using the resources it has on hand for the benefit of its shareholders. Metlakatla will diversify the local economy, making a more stable environment to promote development and opportunity.



This Plan was written as a marine road map for the Metlakatla people. We will realize the goals, objectives and strategies of this document through Government-to-Government negotiation, partnerships with industry, co-operation with other First Nations and direct action.

Monitoring and Enforcement

Monitoring and enforcement refers to the monitoring of activities and environmental changes on our territory as well as the monitoring and enforcement of laws and other arrangements. Laws may be Provincial or Federal or our own ayawx (Sm'algyax word for "laws"). In addition, informal (de facto) rules or arrangements may exist between us and neighboring First Nations or third parties such as industry (e.g. agreements to avoid a particular area that are not currently part of any legislation).

Monitoring and enforcement of resource use in Metlakatla territory requires staff, training, agreed upon authority, transportation, facilities, equipment and capital. It is highly preferable to have Metlakatla personnel in monitoring and enforcement positions, as they bring cultural and local knowledge to the positions, have more credibility with the community and are likely to have lower turnover rates.

Successful implementation of our plan requires that the Metlakatla First Nation is able to directly enforce our laws, policies and guidelines. Such an arrangement will require a tripartite enforcement network established through a memorandum of understanding between the Metlakatla Nation and various government enforcement agencies.

Marine Resource Management

Our wellbeing is inextricably tied to the wellbeing of the natural environment. In our culture, we do not separate humans from the ecosystem. To sustain our existence as aboriginal people we must sustain the existence of the resources we rely upon. In english, the word stewardship may come closest to this idea of our responsibility to care for our territory. Our *adawx* (oral history) and *ayookw* (governance system and its laws) reflect our link and responsibility to our territory.

Strengthening our Authority and Revitalizing our Culture

The strength of our people comes from our ancestors and history. The experience of colonization and residential schools, banning of our ceremonies, dismantling of our governance systems and loss of access to our lands and resources has resulted in tremendous cultural loss. However, the process of revitalization has been occurring for several decades and with that a strengthening of our authority to govern ourselves. Part of this revitalization involves educating our own people and our neighbors – indigenous and non-indigenous - about our culture, history, rights, strengths and needs. This increased awareness on the part of our people and others will help to strengthen our authority and ability to realize our vision and goals.

Aboriginal Right to Fish

Section 35(1) of the Constitution Act, 1982 recognizes and affirms the Aboriginal and treaty rights of aboriginal peoples of Canada. In addition, certain landmark cases such as Sparrow have defined an aboriginal right to fish for food, social and ceremonial (FSC) purposes as taking precedence over all other uses aside from conservation. The current lack of quality and access to traditionally harvested foods represent an infringement on our constitutionally-protected rights – specifically a violation of the allocation hierarchy outlined in Sparrow. The programs that are in place (such as the Aboriginal Fishing Strategy through the Department of Fisheries and Oceans) have provided only small changes towards allocation and meeting Metlakatla First Nations' traditional food, social and ceremonial needs.

Fisheries management, in general, needs to reflect local priorities. We need to move towards place-based management that is appropriate for our geographic scale and concerns.

Marine Resource Management

Food Security

Food security is understood as the state when “all community residents obtain a safe, culturally acceptable, nutritionally adequate diet through a sustainable food system that maximizes community self-reliance and social justice” (Hamm & Bellows).

The importance of the continued consumption of traditionally harvested marine foods has been reflected in a Community Needs study which demonstrated that Metlakatla First Nation members are not getting access to the range or amount of traditional foods they once enjoyed and would prefer to be eating. Metlakatla First Nation is committed to food security for our community that is safe, culturally acceptable and nutritionally adequate.

Stock Assessment

Metlakatla First Nation seeks to increase the amounts harvested of some of our staple foods such as crab and salmon. In order to do this, considerable improvement must be made in management, including stock assessment of all species harvested within the North Coast. Several species which First Nations utilize traditionally are currently being harvested without knowing the historical or current numbers, the long term implications or even who is doing the harvesting.

Stock assessments must eventually be performed for all species. Where fisheries-independent assessments are not possible, catch monitoring of all sectors that utilize resources in the territory must contribute to assessments. Once this baseline data on stock status is gathered over time, including the identification of stocks that are threatened, actions will be taken in order to restore and/or enhance these resources.

Salmon Management

The relationship between salmon and the Metlakatla people cannot be overstated. For thousands of years our culture, social structures and economy have been based on the abundance of salmon in Metlakatla territory. For Metlakatla, “values for wild salmon” refers to spiritual and cultural values of salmon as well as salmon as a means of food and livelihood.

Metlakatla First Nation is concerned about salmon management on the Skeena River. On the Skeena River our fishermen have been negatively impacted by a re-allocation of previously commercially targeted salmon species to the recreational sector and inland fisheries, an increased recreational fishery pressure and stock specific risk adverse management policies.

Metlakatla needs to have authority to manage, and enforce management principles, on all three salmon fisheries of the Lower Skeena River – the aboriginal, recreational and commercial fisheries.

Northern Abalone

Northern abalone have always been an important component of the Metlakatla diet and economy. The Metlakatla people traditionally picked abalone in the intertidal zone. This insured the there was always sufficient brood stock to support a healthy abalone population. The advent of SCUBA diving and subsequent ballooning of the commercial fishery in the 1970s led to a precipitous decline in abalone population numbers and the protection of Northern abalone under Canada’s Species At Risk Act (SARA).

Key concerns of the Metlakatla people are the poaching of abalone from the commercial dive fishery, insufficient enforcement of dive fisheries and a lack of monitoring of the coastline. Currently, there are poor levels of monitoring and enforcement in Area 4, Area 5 and Area 6. In order to prevent the further decline and potential extinction of abalone, Metlakatla will continue to request the closure of areas 4, 5 and 6 to all commercial dive fisheries until sufficient management measures can be implemented. In the spirit of recovery planning under SARA, we request that the current “honour system” be replaced with a strategic monitoring program that involved local First Nations communities.

Marine Resource Management

Crab

In the last decade, impacts from recreational and commercial crab fishing activity have increased to such an extent that our rights to access fish under Constitution Act, 1982 are being infringed upon. Firstly, our food, social and ceremonial harvest requirements for crab are not being achieved by our band membership within Metlakatla territory, particularly in areas that are closest to our community. Secondly, gear conflicts threaten people's safety. Crab lines that float on the water surface have wrapped around boat propellers causing damage to the vessel and endangering the vessel's passengers. Our vessels transport school children, members and employees whose safety on vessels in our territory is of utmost importance.



Metlakatla seeks to implement a Metlakatla Use Zone in the area of our marine territory closest to the village which only Metlakatla people are permitted to use.

Clams and Cockles – Bivalves

Shellfish resources face challenges relating to a degrading environment, raw sewage, commercial and urban developments and upland erosion. Metlakatla First Nation requires funding to conduct biotoxin and pollutant monitoring on an ongoing basis.

Habitat

The state of the environment and the availability of suitable habitat in order to support sustainable fisheries is an ongoing concern for the people of Metlakatla. The community actively seeks opportunities to rehabilitate and restore habitats that are under threat or diminished by impacts such as ocean pollution and shore line erosion, various types of development and other impacts.

Eulachon

A pelagic fish, the eulachon return to spawn every spring to rivers of the BC Coast. It is the first fish to return after the winter and as a result was often called the salvation fish by First Nations. Eulachon is an important component of our peoples' diet – both as rendered oil (or grease) and as smoked or fresh fish. Eulachon numbers have declined drastically on the South and Central Coasts. A number of impacts have affected eulachon including shrimp trawling, climate change/changes in ocean conditions, a loss of habitat from dredging, logging and shoreline construction and pollution.

Management practices for fisheries and industries that impact eulachon populations must adopt the precautionary principle and limit all possible impacts on eulachon numbers. Of paramount importance is the establishment of a ban on all shrimp and drag trawl fisheries in Metlakatla territory until further research and monitoring has taken place. Metlakatla First Nation also seeks to create better communication networks with the Department of Fisheries and Oceans regarding current reporting on the status of eulachon in our traditional territory.

Groundfish Trawl

Groundfish is a broad term used by the Department of Fisheries and Oceans to cover more than 75 species living on or near the bottom and up through the water column – in near shore, deep-sea and open ocean waters. Groundfish trawling uses a large net to target various depths where there is a tendency to catch particular species (or groups of species).

Metlakatla First Nations sees the trawling industry to be wasteful and indiscriminate. Metlakatla wishes to see this fishery closed as the waste involved in this type of fishery goes against core concepts of sustainability as well as our tradition of using everything we catch.

Marine Resource Management

Recreational Fisheries

The recreational fishery plays an important role in the social and economic life of many British Columbians. In the past twenty years, sport fishing has become a hundred million dollar industry.

Recreational fishing generates revenue within the area of our territory, particularly in Prince Rupert; however, it also has negative environmental, social and cultural impacts. Many do not realize they are impacting fish stocks as well as First Nations' access to traditional resources. Many have no idea they are fishing in areas that First Nations have fished for millennia and that function as essential 'breadbaskets.' On the North Coast, Metlakatla has had minimal involvement as guides, operators or managers. While Metlakatla experiences the negative impacts of the sport fishery, few employment, revenue sharing, or joint management opportunities currently exist. While Metlakatla experiences the negative impacts of the sport fishery, very few opportunities exist as far as employment, revenue sharing or joint management.

The goals and strategies within the Plan emphasize greater monitoring and enforcement, as well as increased communication between Metlakatla First Nation and recreational fishing enterprises.

Offshore Oil and Gas

Metlakatla First Nation currently support the moratorium on offshore oil and gas exploration and development. This includes opposition to exploration and seismic testing, offshore oil and gas operations, as well as pipeline development or tanker and condensate shipping through our territory.

Aquaculture

Wild salmon are extremely important to Metlakatla for social, cultural, spiritual, ceremonial, and economic reasons, and form a significant part of our cultural ways. Endangering these resources is simply not acceptable. Therefore, our people do not want to see salmon aquaculture allowed in Metlakatla territory as it is currently practiced. However, Metlakatla is receptive to aquaculture development if it:

- Is controlled by our Nation
- Does not impact Metlakatla First Nations' ability to harvest food
- Does not harm the marine environment

Metlakatla has a shellfish pilot project and remain interested in new and emerging aquaculture opportunities of species including marine plants, geoduck and abalone. Metlakatla would like to see the shellfish aquaculture industry established in a way that will respect our jurisdiction and authority as well as wild stocks and the beaches where we traditionally harvest. Development should occur in a thoughtful and appropriate manner in areas that recognize biological constraints and our social and cultural values.

Marine Resource Management

Alternative Energy

In BC there are great opportunities to use wind, hydro, tides and waves to generate electricity. However, BC's geography also presents some special challenges. The biggest hurdles include long distances to the transmission grid and difficulty in accessing high potential areas.

While often promoted as a green alternative to conventional energy generation, wind, hydro, tidal and wave energy have significant potential for negative social and environmental impacts. Special consideration must be given to conflicts with Metlakatla First Nations' current and historical use, as well as cultural and spiritual values.



Marine Transportation

Numerous industrial marine development proposals are being pursued within the North Coast and our territory. Several new terminal and marine transportation projects for North Coast ports in Prince Rupert, Kitimat and Stewart are at various levels of development. In aggregate, the marine transportation proposals are expected to substantially increase shipping traffic throughout British Columbia and particularly in the confined approach waters to the North Coast ports.

Metlakatla First Nation does not support the proposed Northern Gateway Project.

Current and planned projects impact our traditional territory. Marine Transportation is of particular concern as it impacts Metlakatla Pass and the Tree Knob group which are core areas providing food and livelihood for our community. With increased traffic comes an increase in frequency and severity of accidents and associated spills. This is significant since a number of projects involve the transport of hydrocarbons. In addition, small commercial and transient vessels travel our territorial waters. Vessels of all types affect marine water quality which can in turn affect sediments or marine organisms. Metlakatla is concerned that we receive little or no economic benefit from shipping and transportation yet we are exposed to significant risk. Improved regulation and better monitoring and enforcement are needed to reduce the harm to our marine resources.

Economic Development

Unemployment in Metlakatla is significantly higher than the provincial average. Metlakatla has always relied on fisheries for employment. Today, only 17.07% of residents are employed by fisheries. Many of the fishermen are now unemployed or are only seasonally employed. These people have homes and families with deep roots in the community. The younger generation of men and women can more easily leave to seek employment opportunities or further education in urban centers.

In 2009 a socioeconomic study and an economic development survey were undertaken to gain a better understanding of the community's demographic and employment statistics. Using the results from these studies, economic development goals, objectives and strategies are incorporated into each section of the Plan to build capacity and increase decision-making authority for all of Metlakatla First Nation. In addition, a community economic strategy chapter reflects the specific needs and visions of Metlakatla for economic development that will create long-term benefits for our community and our culture.

Building Capacity

In order for Metlakatla First Nation to be able to reach our authority, resource management and economic goals, we will need to significantly increase our institutional, human and capital capacity. Specifically, we will need the creation of institutions to govern resource use in our territory. Capital is needed to employ management staff as well as to fund management and research activities. Education of our community members is necessary in order to fill marine-related positions from governance and management to deck hands and Guardian Watchmen.

We will work collaboratively with government, industry, environmental non-governmental organizations and other interested partners to improve our capacity to achieve the goals outlined in our Plan.

Marine Spatial Plan

Existing, new and emerging marine industries and activities are competing for coastal and ocean space, producing varying levels of impacts that may infringe on other users and increase the potential for conflicts. As concerns are raised about cumulative impacts and overlapping areas of incompatible uses, recognition is growing that the current sector-by-sector approach to marine resource management is not working. A more integrated and comprehensive approach is needed to effectively manage all activities and uses in a way that ensures ecosystem health and the wellbeing of coastal communities.

Marine spatial planning (MSP) is the modern term to describe a place-based approach to management that mirrors our traditional management systems. First Nations family and clan relationships hold strong connections to place. Specific locations have primary purposes like seaweed picking or salmon fishing. According to Metlakatla customary practices, resources were managed in space and time in tune to the natural environment and community needs. This old way offers new solutions to achieving sustainable management of our marine environment by providing a means to implement ecosystem-based management and decision-making.

As such, in addition to defining the general management direction for particular areas of Metlakatla Territory, the spatial planning approach will be used to identify spatial options for managing marine use activities in order to enable and enhance community values and reduce conflicts.

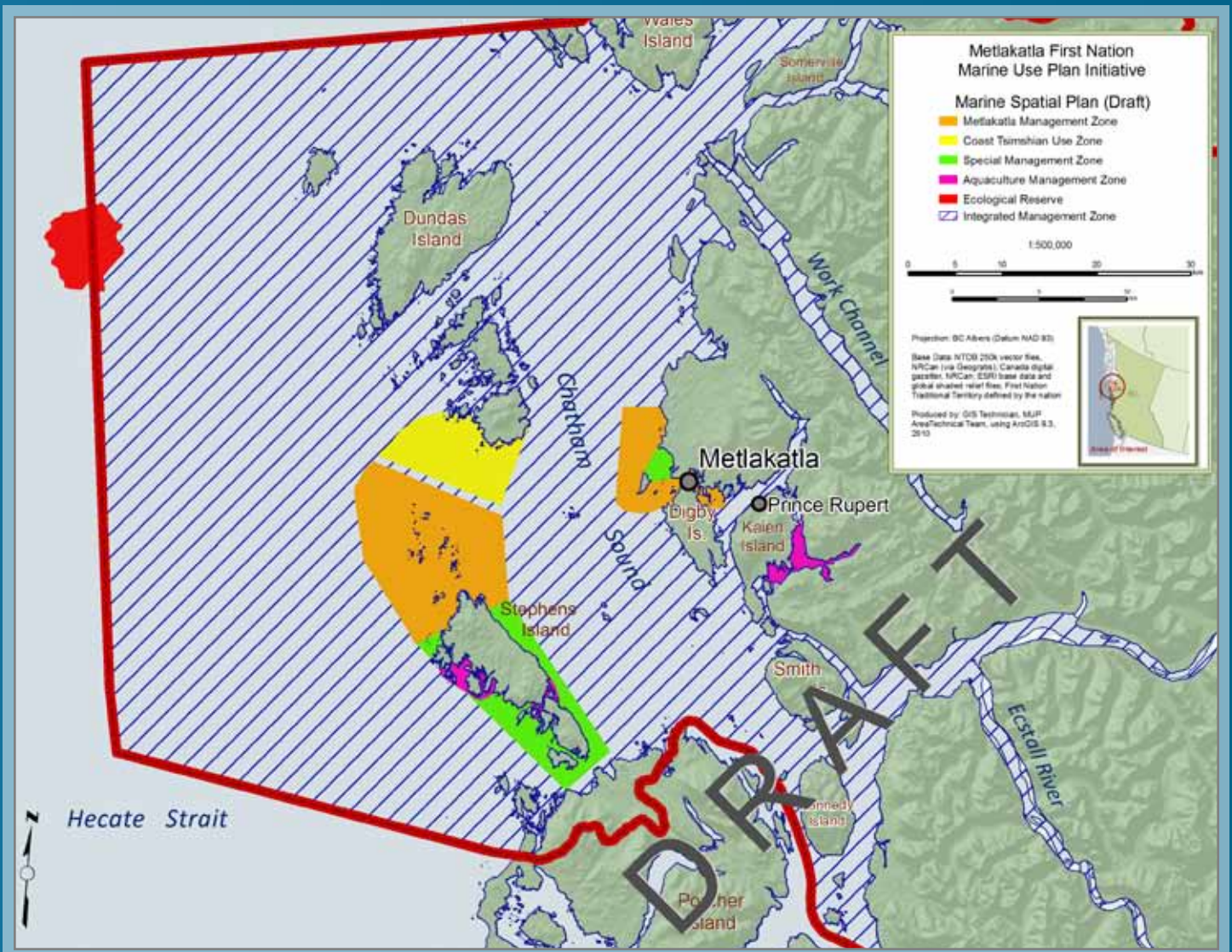
Metlakatla has designated draft zone types to facilitate sustainable resource use in our territory and wishes to see these implemented:

- Ecological Reserve
- Metlakatla Management Zone
- Coast Tsimshian Use Zone
- Special Management Zone (Abalone)
- Special Management Zone (Crab)
- Aquaculture Management Zone
- General Use Zone

We wish to engage with Federal and Provincial authorities to institute an MSP approach.

Allowable activities in each marine use zone

Activity	Ecological Reserve	Metlakatla Management zone	Coast Tsimshian Use Zone	Special Management zone	Shellfish Aquaculture Management zone	Integrated Management zone
Metlakatla traditional fisheries and cultural practices		✓	✓	✓	✓	✓
Commercial fisheries – Line, trap and net				✓	✓	✓
Commercial fisheries – Invertebrates					✓	✓
Commercial fisheries –Benthic trawl						
Recreational fisheries				✓	✓	✓
Shellfish aquaculture/ algaculture					✓	✓
Ecotourism/ recreational activities	✓	✓	✓	✓	✓	✓
Alternative Energy						✓
Mining, logging and industrial foreshore development						✓
Education and Research	✓	✓		✓	✓	✓



Climate Change

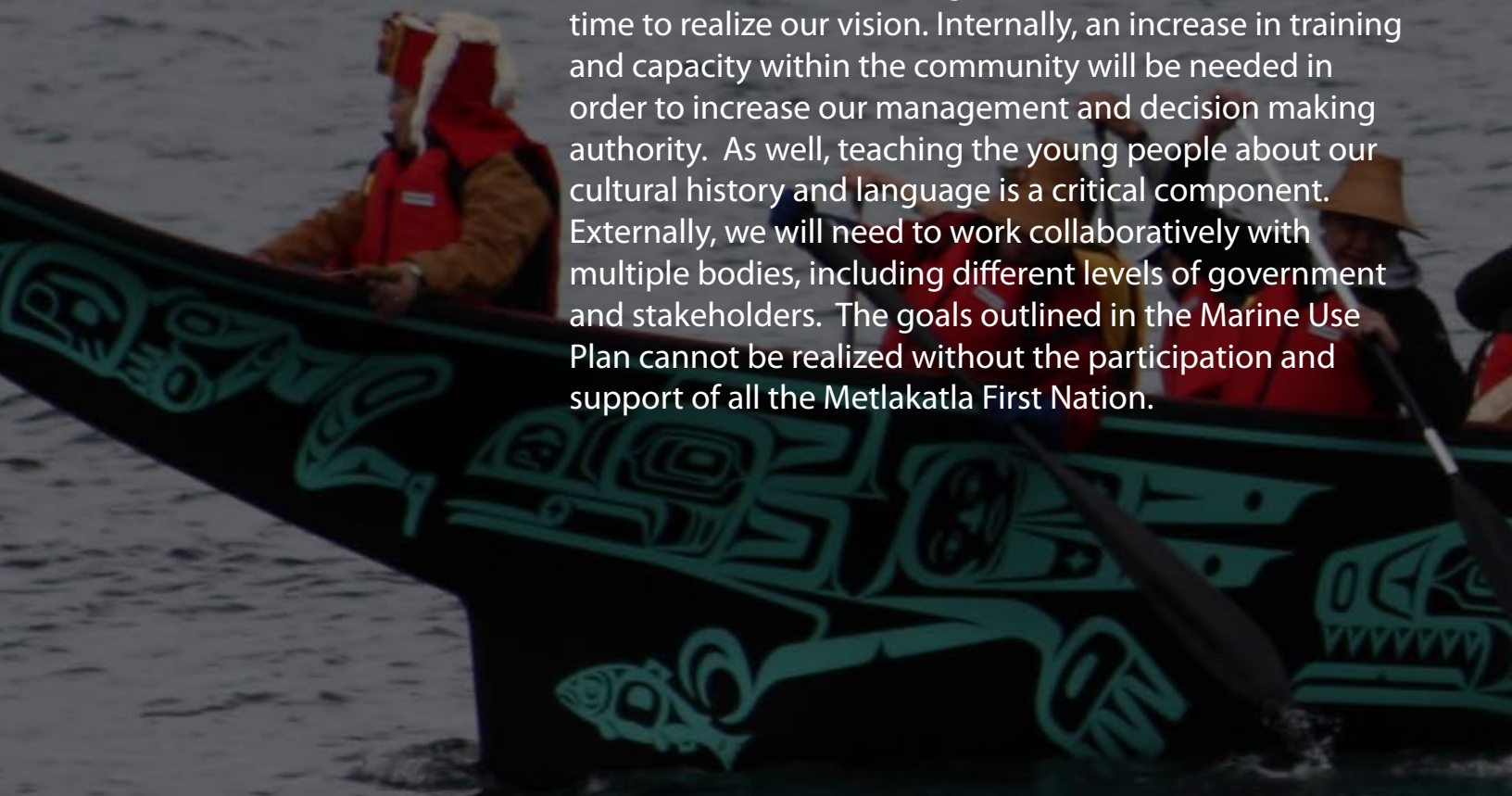
Climate change has the potential to have significant negative impacts on our marine territory; these impacts will affect our community, economy and the health of our ecosystems. Climate change concerns include rising ocean levels, ocean acidification, increasing temperatures, shifting weather patterns and the spread of exotic species.

Metlakatla First Nation is deeply concerned about each of these issues and the impact on our territory. While we cannot solve the climate change issue within the confines of our marine plan we have taken two types of actions to try to reduce the impacts on our environment:

1. Increasing resiliency of species and ecosystems. A larger genetic pool, and healthier species populations and ecosystems will better enable species to respond to a changing climate. We plan to increase the resiliency of species and ecosystems by:
 - 1.1 Including ecosystem reserves, community exclusive use areas and habitat protection areas in our territory. These zones will reduce anthropogenic impacts on species and ecosystems, making them healthier
 - 1.2 Re-allocating fish stocks in a manner that respects Aboriginal fishing rights while also diminishing the risk of over-fishing. It is imperative that fish management practices be altered to honour Aboriginal fishing practices while achieving more sustainable rates of commercial harvest over the long term and improving eco-system health.
 - 1.3 Reducing other human impacts. Our plan has strategies for reducing the human impacts of everything from human waste to marine transportation. In each case, our goal is to create a more resilient marine environment
2. Aligning industry development and economic goals with environmental beliefs and interests. Each industry was scrutinized for its impact on the environment and climate. In most cases, we present mitigation strategies that we believe will allow industry and a healthy environment to co-exist in our territory. In other cases, such as off-shore oil gas, we believe the environmental and climate impacts are too great to justify development.

Future Challenges and Implementation

Metlakatla will be faced with multiple challenges in order to reach the goals outlined in the Marine Use Plan. Both internal and external changes will need to be made over time to realize our vision. Internally, an increase in training and capacity within the community will be needed in order to increase our management and decision making authority. As well, teaching the young people about our cultural history and language is a critical component. Externally, we will need to work collaboratively with multiple bodies, including different levels of government and stakeholders. The goals outlined in the Marine Use Plan cannot be realized without the participation and support of all the Metlakatla First Nation.



Contact Information

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The community of Metlakatla would like to acknowledge the late Albert White, fisherman/traditional harvester for his work on the Marine Use Planning Committee.

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