



Hon. Bernadette Jordan  
Minister of Fisheries, Oceans, and the Canadian Coast Guard  
House of Commons  
Ottawa, Ontario  
K1A 0A6

December 18, 2019

Dear Minister Jordan,

**RE: MORATORIUM ON ALL COMMERCIAL HERRING FISHING WITHIN WSÁNEĆ TERRITORY**

WSÁNEĆ people hold the sacred obligation, as given to us by XÁ,EL,S (Creator), to look after all life. The herring spawn was once a time of abundance, when WSÁNEĆ people would fish and gather roe alongside salmon, ducks, and our other relatives. However, over time, our lands were taken from us, our fishing practices were criminalized, we were removed as care-takers of the environment, species went extinct, and it became increasingly difficult for us to honour our sacred obligations.

Further, WSÁNEĆ people hold Douglas Treaty rights to “carry on our fisheries as formerly,” and the protection of these rights—and our sacred obligations—are enshrined in Section 35 of the *Constitution Act, 1982*. These are not asserted rights. The Supreme Court of Canada has recognized and affirmed our Douglas Treaty rights. Further, the British Columbia Court of Appeal in *Saanichton Marina Ltd. v. Claxton* confirmed that our right to carry on our fisheries as formerly is protected by the Douglas Treaty, and that the Crown should not approve plans that may derogate from the WSÁNEĆ fishery.

We are very concerned that the Department of Fisheries and Oceans (DFO) has not taken our sacred obligations and Douglas Treaty rights into account. Despite the clear constitutional imperative to not derogate from our Douglas Treaty rights, DFO has co-opted the sacred obligations of the WSÁNEĆ people and is attempting to manage the herring population without our involvement. DFO scientists claim that herring population numbers are approaching historic highs in the Strait of Georgia. The WSÁNEĆ Leadership Council rejects this assessment. WSÁNEĆ oral histories—and the archaeological record—speak of an abundance within WSÁNEĆ territory far beyond that of both the current herring population and the 1951 baseline data DFO uses to assess population numbers.

WSÁNEĆ people need herring for the survival of our culture. These rights cannot be exercised if the herring are not allowed to properly recover. As we say in SENĆOŦEN, HELIT TŦE SŁON,ET (Let the Herring Live). DFO’s plan does not provide for the recovery of the herring fishery, and certainly does not consider or prioritize our constitutional right to the herring fishery.





# WSÁNEĆ

## LEADERSHIP COUNCIL

ENHANCING RECOGNITION OF, AND RESPECT  
FOR, WSÁNEĆ DOUGLAS TREATY RIGHTS AND  
WSÁNEĆ ABORIGINAL RIGHTS AND TITLE

As the Minister of Fisheries, Oceans, and the Canadian Coast Guard, it is your legal responsibility to sustain herring populations throughout WSÁNEĆ territory in a way that ensures the protection of the WSÁNEĆ fisheries and provides priority to WSÁNEĆ people. We ask that you respect our Douglas Treaty rights and WSÁNEĆ laws by imposing a moratorium on all commercial herring fisheries within WSÁNEĆ territory until herring populations have recovered and the WSÁNEĆ people are involved, once again, in their care-taking.

HÍSKWE, SI,ÁM,

Chief Don Tom  
Chair, WSÁNEĆ Leadership Council  
Chief, Tsartlip First Nation

Chief Nicholas Claxton  
Director, WSÁNEĆ Leadership Council  
Chief, Tsawout First Nation

Chief Tanya Jimmy  
Director, WSÁNEĆ Leadership Council  
Chief, Tseycum First Nation