

September 25, 2008

To all club Presidents and members:

The enclosed material is intended to better inform all our members about the details and urgently needed club support for the BCWF Legal Defence Fund. For practical reasons your BCWF Board of Directors has recommended that we retain the SDA legal council for another year. Fiscal responsibility dictates the commitment be made only after we have the necessary amount actually in place and to date this is not the case.

Many clubs have demonstrated clear support for this fund and recently Region 2 President Ed George made a personal contribution of \$5000.00. This is an outstanding demonstration of commitment to our need for preparation in defence of our hunting and fishing rights. I'm sure you share in sincere thanks to all clubs, members and Ed for their personal caring for our future opportunities.

Please take the time to review the enclosed material and raise, again if necessary, the matter of club support for the BCWF Legal Defence Fund at your club meeting. Please understand that your fellow club representatives, by resolution at our Convention in Nanaimo in 2005, committed to building a legal defence fund of \$250,000.00. Almost four years later we sit at approximately \$18,000.00. In 2007 the delegates reinforced their desires by voting overwhelmingly against a resolution to strike down the Legal Defence Fund.

Please appreciate that to succeed at anything your Federation undertakes on your behalf you must support it. We cannot resolve to action and then allow inaction to result in an expectation that someone else will carry our ball for us.

On behalf of all our future generations I am making a sincere effort to motivate you and your club to join the others who wish to see your Legal Defence Fund achieve its objective – to preserve and protect your rights to hunting and angling in this Province.

Yours in Conservation – Rod Wiebe
VP, BC Wildlife Federation

September 25, 2008

Dear BCWF Club President:

We are writing to you and your membership today to raise awareness of the BC Wildlife Federation Legal Defence Fund and the critical need for such a fund.

The Legal Defence Fund was created by resolution at our annual convention in Nanaimo (2005) by an overwhelming vote of the delegates. The purpose of this fund is for the B.C. Wildlife Federation to be in a position to take such legal action as is needed to defend the rights of our members if not all British Columbians to hunt and fish.

As you all know our rights have never been under such an ongoing and many faceted attack as today. We have the Anti's who don't believe that we should have any opportunity to hunt and fish at all and that such activities should be banned. While not overly active in B.C. at the moment they are certainly there with regard to working to stop bear hunting, focusing at the moment on grizzly bears. They have already tried once and lost but they did make inroads. Black bears are high on their list and we can expect them to move into all other species each time they achieve some success. And make no mistake; they are developing major campaigns on recreational fishing as well. So far they have managed to ban "catch and release" fishing in Germany, Sweden and Portugal, recently in Switzerland and are working hard in Australia and other countries.

Globally there are well salaried people who go to work daily with no other purpose than to eliminate hunting and fishing. We must be prepared when they come our way.

Over and above the anti's we have our own governments that are squandering our hunting and fishing heritage through totally unreasonable Treaty settlements. And then we have the Federal Government through Fisheries and Oceans Canada developing policies to cut us right out of the fisheries and make them private.

The generosity of our governments, (both Federal and Provincial) knows no bounds. Settlements are overly generous and the two latest treaties signed, Tsawwassen and Manulth, are going to have serious implications for our future hunting and fishing in the territories affected.

First and foremost you need to understand that under the terms of these Treaties there are no bag or annual limits for the Band members when it comes to harvesting wildlife including migratory birds. There are a few exceptions of one or two species, such as Elk on Vancouver Island, where there is supposed to be an annual harvest limit imposed but we are told that half of the allowable harvest is not enough. The Minister of Environment for B.C. has given up all his authority to manage the harvest of all other wildlife species unless and until there is a "conservation" issue or an issue of public health or public safety. Beyond that the Indians set their own seasons and harvest limits. We will get what is left!

But along with the Treaties our governments have been working on secret side agreements with regard to fisheries and taxation. We won't go into taxation other than to point out you can expect to pay more and get less in the future. But the key agreement of concern to all hunters and fishermen are the Commercial Fishing Harvest Agreements. These agreements provide the Indians with a percentage of all the fish species in their area to use as a commercial fishery for ever and a day, in perpetuity.

These are fish that no non-aboriginal Canadian will ever be allowed to fish for again. These are fish that are not part of the Section 35 rights under the Constitution that the Indians enjoy. These fish are a gift for all time from our governments to the First Nations so they can sell them and make money. They are effectively removed from the Canadian common property fishery.

The fact that this action has no foundation under current law is obviously of no concern to our law makers. They are more than prepared to infringe on our Canadian Common Law Right to Fish, despite that the Supreme Court of Canada has declared repeatedly that an aboriginal right to a commercial fishery does not exist.

Our Federal politicians are sitting in the House of Commons after having voted in favour of this totally illegal invasion of our "Right to Fish" through their support for the Tsawwassen First Nation Final Agreement.

The Minister allocated a total of 12% of the total Halibut catch to the recreational fishery. He has now abdicated his responsibility to adjudicate the allocation of future Halibut catches on the basis of achieving the best benefit for all Canadians and has told Canada's recreational anglers, if you want more halibut, go buy or lease quota from the Commercial sector. Ain an illegal infringement on our Canadian Right To Fish. Moreover, this same Minister and his government are moving to make all fisheries into quota fisheries, give the majority to the commercial fishery and then leave it to us to buy back our own fish.

The scenario reads like this, when the sports salmon quota is all gone, and you want to go salmon fishing you have to buy a permit for a specified amount of fish from some organization that DFO has set up to broker the privatization of the fishery. Or we can entertain a scenario like they have on the East Coast where they close the recreational fishery, license the Charter Boat Association so they can buy or lease cod and groundfish quota and then if you hire them you can go out sportfishing.

They put the same proposal to our charter boat operators and lodges here on the West Coast and were promptly told to take a hike. We pay the government to manage the fish and we expect them to do the job.

Provincially, we have the recent "William Decision" by Justice Vickers. This judgement dealt with a claim by the Tsilhqot'in First Nations for a major portion of the Chilcotin Plateau and all resources therein. While the judge had to reject part of their claim, he did make it clear that if he had been allowed to he would have given more. The majority of

the Reasons for Judgment are opinion re: aboriginal title and only serve to invite years more of litigation.

This case is under appeal now and will not be heard until likely next year but the implications for our future hunting and fishing are horrendous. This judge was prepared to not only give them title to the Crown land but also privately owned property. Judge Vickers decision was clear that the Crown had no authority over forest resources and calls into question the authority over all resources including fish and wildlife. At the same time he was prepared to give them ownership of a portion of Chilko Lake and several miles of the Chilko River downstream from the lake. If this case is allowed to stand as the judge suggests it will set a precedent that will end our opportunity to fish or hunt anywhere in this province in the future, unless of course we want to buy or lease the right from a First Nation.

The saddest part of this whole fiasco is that our Provincial Government is playing soft shoe with this issue, they are not prepared to take a strong stand on the appeal as they feel, "they are developing a good working relationship with the Indians and don't want to jeopardize this". They started out this year by refusing to issue any guide licenses or tenure leases for guiding of fishing lodges until they had the permission of the Indian Band. So stand by for a major change in your ability to hunt in the Cariboo this fall and perhaps in many other areas in the province.

As previously noted we are under attack and we need to prepare ourselves to fight back and fight back hard, therefore the need for a strong Legal Defence Fund.

Since 1998 we in the B.C. Wildlife Federation have been conducting all of our legal battles dealing with attacks on our Right to Fish through the Sportfishing Defence Alliance, of which the B.C.W.F. is a founding member. The SDA has been very successful on a number of fronts, particularly the legal arena. They began with the Qualicum River fishery, the Douglas Case, the Lax Kwalaams, Hunt and Ahousat. We and they went all the way to the Supreme Court of Canada on the Kapp case.

We have won every case we have been involved in with the exception of Hunt and Ahousat which are still underway, but the claims are almost the same as Lax Kwalaams so we should expect some carryover there. Also, Kapp has not been decided as yet.

We also charged the Minister of Fisheries and Oceans with "aiding and abetting" the poaching on the Fraser River. Although the case never got beyond a hearing with the judge, within weeks we had additional enforcement staff on the river and charges were being laid on all transgressors.

The simple fact is the SDA as it is presently constituted and funded cannot do the job that needs to be done. Many of our clubs have aided the SDA with generous donations over the years but now both the SDA and the B.C.W.F. are asking that you put your efforts and funds into the B.C.W.F. Legal Defence Fund.

We need at least \$250,000.00 in the bank to make this a viable legal fund and we are asking all our members to get involved and make this happen. We have 130 clubs and if each club only give \$1,000.00 for two years we would more than achieve our goal. A number of clubs have already contributed and for sums well over the \$2,000.00 and or that we are grateful but we need everyone on side. WE ask you to commit to \$1,000.00 for 2008 and 2009 and if you need help in raising that kind of money we are here to help!

Also, any individuals who wish to donate \$50.00 or more can do so and get a tax receipt for their donation.

We ask you to think about what you have that money in the bank for. Every club we know of has it there to foster hunting and fishing. Well if we don't win these court cases and stop this continual move to restrict our opportunities, what good will the money in the bank do? Put it in the B.C.W.F. Legal Defence Fund and we will all win in the end. It is your resource and your lifestyle, you decide how precious these opportunities are to you and future generations.

Yours for a future in hunting and fishing:

Rod Wiebe, Vice President and Chairman of the Native Affairs Committee

Bill Otway, President of the Sportfishing Defence Alliance.

Attached please find some Supreme Court of Canada judgments making it clear we have a Right to Fish, a Right protected by the judgments of the Supreme Court of Canada.

Legal Defence Fund

Terms of Reference

1. General Purpose

- The Legal Defence fund is created to manage funds received by the BCWF from affiliated clubs, members, or outside sources that are to be directed to the BCWF Legal Defence Fund.
- All revenues received and directed to the BCWF Legal Defence Fund will be immediately deposited in its own separately identified account.
- Interest earned from investing the BCWF Legal Defence Fund monies shall remain within the Fund.
- As approved by the Board of Directors up to \$10,000.00/year may be used from the BCWF Legal Defence Fund for appropriate advertising or solicitation to attract future endowments.
- Revenues accumulated within the BCWF Legal Defence Fund shall be dispersed only for actions in the defence of or the solicitation of professional services relating to the defence of the rights and privileges of the BCWF membership within a legal process.
- The Executive of the BCWF shall have signing authority for the Legal Defence Fund account subject to the direction of the B.O.D.

2. Committee Board Relations

- The BCWF Legal Defence Fund shall be managed under the authority of the Finance Committee.
- The BCWF Legal Defence Fund shall not be used for any purpose whatsoever without 85% approval by the Board of Directors of the B.C.W.F.
- The Finance Committee under the direction of the President of the B.C.W.F. may make recommendations to the B.O.D. regarding how the funds should be invested for the best and safest return to the B.C.W.F.
- The B.O.D. shall be authorized to direct use of monies from the BCWF Legal Defence Fund notwithstanding any recommendation of the Finance Committee.
- A sub-committee of the Finance Committee will be formed to ensure that revenues directed to the BCWF Legal Defence Fund are deposited according to any instructions attached.

- Monies from the BCWF Legal Defence Fund shall not be used in any fashion that results in negative impact on the charity status of the B.C.W.F.

3. Finance Committee

- The Finance Committee will consist of the B.C.W.F. Executive, Finance Committee Chairman, Fundraising Chairman, B.C.W.F. Executive Director, B.C.W.F. staff as appointed by the Finance Committee Chairman under the direction of the President, at least one member of the B.C.W.F. Regional Presidents, One member of the B.C.W.F. appointed by the President for their expertise in finances, and others as appointed by the President.

4. Reporting

- The BCWF Legal Defence Fund financial update will be included in the B.C.W.F. monthly financial statements with reference to breakout schedules that identify money in and out of the Fund on a monthly basis as well as a schedule to identify the balance of dedicated funds within the BCWF Legal Defence Fund.
- The B.C.W.F. treasurer will report the status of the BCWF Legal Defence Fund at the Annual General Meeting.

Drafted and submitted by Rod Wiebe

Chair – Native Affairs Committee, BCWF

Amended and approved by the BCWF Board of Directors – June 17, 2007