

Fraser Salmon Roadmap:
**Document analysis and
Process Recommendations**
SUMMARY

Prepared for
Fraser River Aboriginal Fisheries Secretariat
Executive Committee and the
Fraser Salmon Roadmap Planning Group
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1 INTRODUCTION

The overall objective of the Roadmap Process is the joint development of a collaborative management arrangement for Fraser salmon between First Nations and Fisheries and Oceans Canada (DFO). The focus is on Fraser salmon management issues that are relevant to First Nation's interests in the Fraser Watershed and marine approach areas.

In preparation for Roadmap meetings to be held in 2011, the Fraser Salmon Roadmap Planning Group and the Fraser River Aboriginal Fisheries Secretariat contracted the following work. The aim was to review and analyse documents related to the Roadmap Process and make recommendations for key themes for dialogue in up-coming Roadmap meetings to help keep the initiative moving forward.

This is a summary of the full, 25-page report. It draws together the conclusions of the report, leaving out the detailed analysis of past Roadmap meetings and related reports.

2 THE MAIN ISSUES FOR THE ROADMAP PROCESS TO ADDRESS

The full report analyzed issues and signs of (or opportunities for) progress within the following five themes and sub-issues. This summary lists the topics, and makes a brief, overarching recommendation for moving forward under each theme.

First Nation-DFO relations – An uneven starting point

Issues relate to:

- evolving relationships,
- balance of power,
- title and rights,
- Minister's authority.

Moving forward:

- Find ways to work around issues of authority and uneven power, drawing on legal advice already obtained, and seek agreement on principles that address concerns about title and rights.

Co-management – A vague destination

Issues relate to:

- incentives,
- meaning of “co-management,
- bringing the objectives and vision into focus.

Moving forward:

- Focus on progress already made to identify a vision and goals to set the bearings for the Roadmap process, keeping in mind the incentives for “coming to the table.” Figure out what co-management or joint management means as part of the investigation of possible mechanisms.

Scope – Narrowing down an ambitious journey

Issues relate to:

- ongoing fisheries management challenges,

- technical data gathering,
- the spectrum of possible foci ranging from holistic to FSC.

Moving forward:

- Take a narrow scope for trying out an agreement and building momentum, with a view to being more holistic after some progress and some learning about co-management have been achieved.

First Nation participation – Many on the voyage

Issues relate to:

- engaging First Nations connected to Fraser watershed salmon,
- need for a Tier 1 agreement/process,
- connections with other bodies and processes.

Moving forward:

- Figure out who does what best among the various aggregate bodies and processes, and put existing arrangements to work in a coordinated way while pursuing broader Tier one cohesion for the whole Fraser and approach.

Terms of engagement – Rules of the road

Issues relate to:

- how formal the approach should be,
- mandate and accountability,
- representation of parties.

Moving forward:

- Keep moving in the workshops with those who turn up to do the work, in an inclusive and respectful way. At the same time, develop a framework for negotiation that accommodates the differing mandates individual participants bring from their communities, clarifying how parties to the agreement are represented and ensuring accountability.

3 KEY AREAS FOR CONTINUED DIALOGUE – PAVING THE WAY

The key challenges and opportunities under each of the five themes are summarized here, pointing to promising topics for continued dialogue.

These are put forward as a resource that the FSRPG and its project facilitator can use to help guide First Nations and DFO toward developing the collaborative arrangement.

The full report organizes the recommended topics for dialogue into a suggested series of meeting themes for the next six Fraser Salmon Roadmap meetings.

3.1 First Nation-DFO relations

Evolving relationships, power imbalance, title and rights

Historical differences and mistrust between DFO and by First Nations in fisheries management is a difficult point of departure, but at the same time provides incentive for an arrangement that will improve relations. The Roadmap process is timely, as evolving relationships are more open to a collaborative approach.

The most important issue is to address is a challenging one: the power imbalance between First Nations and DFO. The Roadmap process implicitly addresses the First Nations right to be meaningfully involved in fisheries management decision-making processes, which stems from aboriginal title and rights.

Dialogue topic: A number of potential principles, policies and agreements have been suggested that have the potential to indicate respect for title and rights in a management arrangement and the negotiations leading up to it. If agreed on by the parties, these might provide enough assurance to permit moving forward. (Independent of the Roadmap process, legal tests could be applied to establish management activities as an aboriginal right.)

Minister's authority

Federal government emphasis on not fettering the minister's authority has been a barrier to progress.

Dialogue topic: Legal advice obtained by the Roadmap Planning Group assesses types of arrangements that can address the issue of Minister's authority. The potential of the options presented by Blomfield and Belak (2010) deserves further discussion.

3.2 Co-management

Incentive, objectives and vision

First Nations participants occasionally express skepticism as to whether it is worth participating, due to lack of confidence in the co-management aim. At the end of the June 2010 workshop there were still many differences between First Nations' and DFO's visions, objectives and desired outcomes of the Roadmap work.

Dialogue topic: While processes are ideally driven by positive objectives and a vision, costs of *not* reaching an Arrangement might be more obvious, or easier to agree on.

Dialogue topic: Guiding “principles,” principles of co-management, and elements of a vision have been identified in various places. These could be assembled and assessed for the level of agreement (at Tier 1 and Tier 2).

Meaning of co-management

For some, the term co-management is unacceptable. Though its meaning will be expressed in the agreed-on management arrangement, at the end of the June 2010 workshop there were still many differing views of what form an eventual collaborative management relationship regarding Fraser salmon would look like.

Dialogue topic: Defining co-management or joint management will be integral to the work towards a management arrangement. The definition and parameters of these terms are a key part of the agreement towards which the parties are working and so they deserve to be spelled out through dialogue.

Dialogue topic: The parties have not yet discussed in depth which options or models they would support for co-management of Fraser Salmon – as the mechanism for the new arrangement. The models themselves express what co-management means. There is much technical advice (Ratcliff, FNFC) and experience from elsewhere (e.g. Maori, Haida) to draw on. A joint

committee should continue focused work around defining possible options for co-management that could accommodate the areas of difference between participants.

3.3 Scope

Ongoing fisheries management challenges and technical data gathering

Although the Roadmap process is not intended to focus on operational planning or conservation and harvest planning, related topics regularly come up at Roadmap workshops. Themes related to technical data have been approached more purposefully. The Forum, running parallel to the Roadmap process, is the main avenue for addressing ongoing fisheries management topics.

Dialogue topic: The Roadmap workshop notes have many specific ideas on aspects of fisheries management and technical information, and ways of working together. An analyst could collate these and draw out ideas relevant to the development of the management Arrangement for consideration by Roadmap workshop participants. As well, experience in collaboration in technical working groups could be drawn on to inform the design of the Arrangement.

Spectrum: holistic and multi-sector, to FSC and sharing low abundance

Many arguments have been made for going beyond the original focus on FSC and sharing low abundance stocks, particularly to include habitat, but also to include issues connected with other fisheries and other aspects of First Nations fisheries, such as economic opportunities.

Dialogue topic: There is a need for clearer understandings on what issues the Nations are prepared to put to the watershed level, and what must remain at the nation and/or community level, in the context of the increasing complexity of fisheries management. Discussion could explore the pros and cons of including a wider range of themes as compared to a narrow, FSC focus. Participants could also consider the option of building from a narrow focus to a broader one over time.

3.4 First Nation participation

Engaging First Nations connected to Fraser watershed salmon, and need for a Tier 1 agreement/process

A range of issues complicate engaging the many First Nations connected to Fraser watershed salmon. Higher levels of involvement in the Roadmap process are desired, though some participants are heartened by the way First Nations have been coming together in recent years.

Dialogue topic: Suggestions for engaging First Nations range from the informal “Open door policy” through considering regional sub-groupings of First Nations, to the call for a formal Tier 1 agreement/process. The importance of a Tier 1 organization to the process of developing a mutually agreeable arrangement for management of Fraser salmon is generally recognized by all participants, and it warrants more time, potentially in a Roadmap workshop dedicated to this theme. It has been suggested that the Intertribal Treaty Organization (ITO) be given the opportunity to host this Roadmap session.

Dialogue topic: Is the ITO ready to play the role of organizing Tier 1 in negotiations towards the management Arrangement, or does the Roadmap process keep this role? If the latter, Roadmap

needs to focus more on terms of engagement, as discussed below. As the ITO is developing tools as well, it would be good to find out what they've developed and their progress so far.

Connections with other bodies and processes

There needs to be convergence among processes, namely, the Forum, FRAWG, the Roadmap process and the ITO in order to avoid overlap, prioritize activities, and structure the work that needs to be done.

Dialogue topic: A Roadmap workshop could include a short report on the status of related processes, especially the ITO, from central participants in those processes. A background document could be provided, including information already written up. Discussion could focus on any linkages that need to be made, and which organizations are most appropriate for particular roles and activities. Flowcharts that have already been prepared could help frame the discussion. The aim would be to inform the development of the management arrangement, and the development of the Tier 1 process.

3.5 Terms of engagement

How formal an approach?

There has been much discussion of the extent to which the process needs to be formalized, and what process formalization would look like. Some experts and leaders recommend a stepwise negotiation framework, with terms of reference.

Dialogue topic: As recommended in 2009, the option of striking a committee to discuss the development of a negotiation framework could be considered. The committee would look at the pros and cons of a formal negotiation framework, and if it recommends adopting such a framework, then include a possible outline. The committee would report back to a Roadmap workshop. If there is a special meeting on a Tier 1 process, that same meeting could also discuss the negotiation framework from the First Nations perspective. In 2009 it was suggested that FRAWG could serve as this committee; however, the Fraser Salmon Roadmap Working Group was subsequently established and is able to fill this role.

Mandate and accountability, and representation of parties

This theme again relates back to the need for a Tier 1 process/structure, because such a structure is pivotal to mandated representation of First Nations in the Roadmap process. Issues around DFO's mandate and the mandate for the process as a whole have also come up. One of the reasons to look for mandated representation is accountability – so that parties can be held accountable for living up to agreements. Complexities arise from questions of what level of representation is needed (e.g. senior decision makers) and roles and responsibilities.

Dialogue topic: Who and how representation, participation and voting (or consensus) will occur could be discussed as elements of a negotiation framework, and/or as part of the design of the Tier 1 process or structure.

4 AVOIDING MEETING PROCESS POTHOLEs

Much care has to be taken at the process level. In terms of the Roadmap workshop process, as opposed to the content of discussion (recommendations for content are in the section above), several suggestions have come out of the process to date.

Suggestions include:

- The process must be adequately and consistently funded.
- Participants have been provided with a lot of information; therefore:
 - The process has to proceed at a pace at which participants can absorb the information.
 - Information needs to be circulated well in advance of meetings to allow participants to read and absorb the material.
 - There needs to be a quick turn around on Roadmap minutes.
- The workshop facilitator has to keep speakers on topic and push points to resolution. To do this he or she needs a mandate to help close on subjects in an agreed-upon way.
- Meetings need to focus on clear objectives rather than spend time in general dialogue.
- Carefully design agendas, slides, etc. to make the best use of meeting time, especially since funding will be increasingly difficult to obtain.
- Workshop participants need to be willing to break into work groups during workshops in order to be able to make progress in the short time available. Agenda design has to mitigate concerns that participants might have about this approach.

5 MAKING PROGRESS, NOT JUST PROCESS

- Some question whether the resources invested in the workshops would be better spent on “actions.” Others fear that vision, goals and objectives would just “sit on the shelf” without moving towards implementation, after much time has been spent on them.
- Everyone involved wants outcomes from the Roadmap process, as soon as possible – no one is engaged in it for the sake of having meetings.
- Participants have to work together to make the most efficient use of resources.
- Workshop dynamics has an impact on how much progress is made:
 - The process cannot be overly rushed – it has to take the time necessary for the dialogue to reach consensus. At the same time, it has to be efficient.
 - While Roadmap participants should be open to learning from experience, they need to avoid dwelling in the past to the extent that it absorbs time that could otherwise be spent looking forward.
- It is important for First Nations and DFO to recognize that this process will take time. At the same time, the process has to be results orientated.

6 MOVING ALONG ON PARALLEL TRACKS

- Concerns of Roadmap process participants about ongoing fisheries management challenges have to be addressed as work continues towards the management arrangement. The experience of working together in fisheries management can pose barriers to, or incentives for, a management arrangement, depending on how well it goes. If agreements about how

to work together feed into ongoing fisheries management, they can improve that process, so that trust and relationships are built along the way.

- The intent is for the Forum to be the place for attending to fisheries management issues, parallel to the Roadmap Process. DFO and the Forum Planning Committee (formerly FRAWG) will continue to support the Forum process to deal with pre-season planning and in-season management issues around Fraser salmon.
- The distinction between meetings (or parts of meetings) intended to receive, disseminate and discuss in-season management issues (and therefore part of Crown consultation efforts), and meetings to develop recommendations for the longer term process must be clearly understood. Communications need to clarify the differences and relationships between the Forum process and the Roadmap, in order to:
 - get the attention of First Nations not currently participating,
 - reduce confusion among new and old participants,
 - ensure that each process stays focused on its own ends.
- The two processes may intersect in the area of dealing with policy issues, if (as?) the Forum expands its scope beyond operational issues.
- It has been questioned whether holding large bilateral forums for both the “Roadmap” process work and the “Forum” process was effective. This may need additional discussion by the Forum Planning Committee, the Fraser Salmon Roadmap Planning Working Group, and other participants.
- Another parallel process that must continue is that of developing a tier 1 process. While this is the work of First Nations, DFO recognizes that a functioning tier 1 body is necessary for the success of a tier 2 process. As First Nations focus on building the tier 1 body, work on visioning, goals, etc. for the joint process can happen concurrently. This can be challenging, e.g. as it encounters questions of the mandate for First Nations representation. But it also has the potential to give momentum to both processes.

7 TRYING OUT CO-MANAGEMENT

- As explained above, many participants are impatient for results, and tradeoffs between investing in process vs. “action” have been questioned. Yet there is potential for both to happen at once. One illustration is the Forum moving ahead on management as the Roadmap works towards the long term management arrangement.
- There have also been several suggestions from advisors to the process on ways to learn about co-management by doing it, in an experimental, incremental or pilot approach:
 - Due to the complexity of fisheries management, it may be useful to develop co-management through discussions related to management activities – frame co-management by activity.
 - Develop the framework for and negotiate distinct components that could eventually evolve into a comprehensive agreement (e.g., test and other selective fisheries, technical processes, sales arrangements).
 - A pilot project could provide valuable information on how to structure in-season and post-season decision making and dispute resolution processes to be included in the management arrangement.
 - Test political will before a framework has been developed. For instance, the First Nations could construct a Salmon Management plan that might be accepted as an

Integrated Fisheries Management Plan. A Tier One process could be conducted that obtains feedback from First Nations, followed by bi-lateral discussions with Fisheries and Oceans Canada.

- A related suggestion that similarly urges a practical approach to developing the Arrangement is to evaluate the successes and failures of different case studies. For example, the Haida have experience with co-management.