

FRASER SALMON ROADMAP WORKSHOP

March 21 & 22, 2011 • Prince George Native Friendship Centre • Prince George, BC

ATTENDANCE:

Pat Matthew, Secwepemc Fisheries Commission	Andrew Meshue, Williams Lake Indian Band
Murray Ned, Lower Fraser Fisheries Alliance/Sto:lo T.C.	David Loewen, Takla Lake First Nation
Deana Machin, First Nations Fisheries Council	Christina Ciesielski, Carrier Sekani Tribal Council
Tony Roberts Jr., A-tlegay/Campbell River Band	Darrell Williams, Skway First Nation
Simon Smith Jr., Tsartlip First Nation	Aimee Arsenault, Fraser River Aboriginal Fisheries Sec.
Stuart Alec, Nazko First Nation	Pete Erickson, Nakazdli First Nation
Brian Wadhams, Mugamagw Tsawataineuk T.C.	Ken Malloway, Fraser River Aboriginal Fisheries Sec.
Greg Wadhams, Namgis First Nation	Frank Frederick Sr., Lheidli Tenneh First Nation
Jerry Alfred, Namgis First Nation	Susan Anderson Behn, IMAWG
Ray Silvey, Island Marine Approach Working Group	Adrian Wall, Fisheries and Oceans Canada (DFO)
Dan Claxton, Tsawout First Nation	Diana Trager, Fisheries and Oceans Canada (DFO)
Joe Planes, Tsouke First Nation	Terri Bonnet, Fisheries and Oceans Canada (DFO)
Mike Jimmie, Sto:lo Nation	Gerry Kelly, Fisheries and Oceans Canada (DFO)
Jim Webb, Carrier Sekani Tribal Council	Corey Jackson, Fisheries and Oceans Canada (DFO)
Kirby Johnnie, Tl'az'ten First Nation	Barry Rosenberger, Fisheries and Oceans Canada (DFO)
Robert Hope, Yale First Nation	Barry Huber, Fisheries and Oceans Canada (DFO)

Facilitation team: Marcel Shepert, Donald Golob, Bergen Amren, Richard Delaney (Delaney and Associates)

AGENDA:

Day 1: Monday, March 21, 2011 (morning Tier 2, afternoon Tier 1)

MORNING (Tier 2 – First Nations and DFO)

- 8:30 am Meeting room open, coffee and snacks
- 9:00 am Welcome and Opening Prayer, introductions
- 9:30 am Workshop purpose, desired outcome, agenda, structure, protocols
Introduction to and update on the Roadmap process
- 10:30 am Break
- 10:45 am Joint First Nations/DFO management framework discussion
What DFO sees as necessary steps to move forward on joint decision making
- 12:00 pm Joint lunch (First Nations and DFO)

AFTERNOON (Tier 1 – First Nations only)

- 12:45 pm First Nations reconvene
- 1:00 pm A Tier 1 Organization – What is needed and how do we achieve it?
- 2:00 pm Break
- 2:15 pm Tier 1 Organization discussion continues
- 3:00 pm Break
- 3:15 pm Summary of the day and comments from participants
- 3:45 pm Evaluation of the day
- 3:55 pm Closing comments and outline of Day 2
- 4:00 pm Day 1 ends

Day 2: Tuesday, March 22, 2011 (morning Tier 1, afternoon Tier 2)

MORNING (Tier 1 – First Nations only)

- 8:30 am Meeting room open, coffee and snacks

9:00 am	Welcome, introductions, brief review of Day 1 and outline of Day 2
9:15 am	A Tier 1 Organization – What is needed and how do we achieve it?
10:30 am	Break
10:45 am	Roadmap Process Communications – What is needed and how do we achieve it?

AFTERNOON (Tier 2 – First Nations and DFO)

12:00 pm	Joint lunch (First Nations and DFO)
12:45 pm	First Nations and DFO reconvene
1:00 pm	Review of workshop achievements and commitments Outline of next steps arising from the workshop, responsibilities, and timelines Confirmation of details for next workshop
1:45 pm	Evaluation of the day
1:55 pm	Closing comments
2:00 pm	Day 2 ends; end of workshop

MORNING DAY 1 – MARCH 21, 2011 (TIER 2)

Introductions

Opening comments – Marcel Shepert, Delaney and Associates

- The FSRPG decided that they wanted to move the Roadmap process in a new direction. They put out a request for proposals for a few facilitation team, and subsequently retained Delaney and Associates for the March workshop and the 2011/2012 fiscal year (Bergen Amren, Donald Golob, Richard Delaney). Marcel Shepert will also be working with the new facilitation team.
- There will be a great deal of work completed between workshops this year, which has been lacking in the past.

Steps in negotiating a co-management arrangement – Pat Matthew, SFC

- FN and DFO have yet to arrive at an agreed-to definition of co-management. Co-management aspirations also vary among FN communities.
- In a 2003 report, Brenda Gaertner of Mandell Pinder provided a number of recommendations on how to structure a watershed process and agreement, which she described in 3 steps: pre-negotiation, negotiation, and ratification.
- **Pre-negotiation** (pre-requisites to an agreement): A mandated Tier 1 structure; a funded facilitation process (FRAFS and FSRPG are currently in place); adequate funding for Tier 1 and Tier 2; confirmation of commitment from FN and DFO to move the process forward (incentives for FN participation); and full commitment from FN (many groups still not participating).
- **Negotiation**: Identify elements of a co-management arrangement: vision; goals; mandate; accountability; and similarities and differences between the aspirations of FN and of DFO. FN have indicated that co-management must address the power imbalance between FN and DFO. FN must also prepare for political involvement (connect rights holders with DFO decision makers; reconcile roles and responsibilities of various levels of FN governance). Respect, trust and shared principles must be developed, and roles/parties must be clearly defined and mandated.
- **Ratification**: Once an agreement has been developed, it will be ratified by both parties.
- **Next steps in moving ahead**: FN prepare for political involvement, and clarify roles and responsibilities regarding decision making and authority at various levels. FN and DFO must identify key negotiating steps that will lead to co-management. DFO must identify options for addressing the sharing of authority and decision making. Review Julie Gardner Report (key themes, limitations, opportunities) and history on the Fraser (e.g. ITFT, IIFC, Intertribal MOU, 1993 FN/DFO watershed agreement, etc.).
- **Defining co-management**: What does each party see in the definition of co-management? Steps: Roadmap workshops; negotiating framework; agreement in principle based on mutual respect for each

other's authority rights, entitlements, duties, and obligations; negotiation agreement (principles, structure, activities, a detailed format for negotiation sub-agreements); negotiated and ratified agreements (not necessarily build all at once, but broken down into components, e.g. technical, policy, etc.); implementation (includes other post-implementation items, e.g. conflict resolution).

Discussion

- Use of the term negotiation – what it means, what expectations it sets, and what happens if it is not achieved?
- FN have the task of interpreting aboriginal rights in terms of allocation. Groups have been reluctant to do this, but as it stands now DFO must interpret rights and implement policy based on the information they have. It is up to FN to effect change.
- Keep in mind the parallel co-management processes that are developing (e.g. CMWG, ITO).
- Some work was done last year on identifying vision and goals (that work can be refined). A next step for the Roadmap will be to reconcile DFO and FN goals, vision, mandates, etc.
- Need a coordinated process for bringing community level concerns to DFO.
- FN have built relationships with individuals within DFO, but this progress is often interrupted due to shifts in personnel. Need to have relationship building with FN incorporated into DFO policy at a broad scale.
- The agreement must be adaptive over time (allow new groups to sign on). Maori example: They began developing their agreement with approximately 30% buy-in, and more groups signed on as the process gained momentum (eventually reached 100% participation).
- DFO must be up front about what they are and are not mandated to address.
- Part of the role of the FSRPG and the facilitation team is to keep FN up to speed on what's happening with the Roadmap process (communications); this will take work between workshops.

Moving toward a new relationship for the co-management of Fraser salmon: DFO perspectives on the roadmap initiative – Barry Rosenberger, DFO

- Hope the Roadmap process allows DFO to be more explicit about recognizing aboriginal rights.
- DFO wishes to develop this co-management process collectively (co-management is a priority).
- Recognize that there are issues to be dealt with at the local level.
- Concern was expressed about DFO choosing not to disclose information about a virus in salmon; however, DFO felt that they should know more about the virus before reporting about it.
- DFO is committed to the goal of jointly building a co-management process with FN that includes a vision, objectives, roles and responsibilities, clear outcomes, as well as a defined process and strategic plan.
- Need to narrow down what issues will be addressed at the Roadmap, but also build a process that is inclusive, flexible and adaptive (will grow and evolve over time).
- Need to clarify how we will achieve ratification and endorsement at the political level.
- Identified several levels of engagement along a continuum, in increasing order of decision making responsibility and accountability: *information*, *consultation*, *collaborative decision making*, *delegation*, and *decision authority*. DFO and FN can discuss and identify at what stage/level of engagement various tasks should be addressed.
- Decision making responsibility and accountability will vary depending on the fishery, activity, type of decision, and scale (local, regional, province-wide, etc.).
- The foundation for co-management will be built upon a vision statement with agreed-to principles and outcomes, clearly stated roles and responsibilities, appropriate governance and representative structures for FN and DFO, capacity, and accountability.
- DFO is not mandated to handle all types of arrangements with FN (e.g. treaty).
- If decisions are made collectively, FN and DFO will be collectively accountable for those decisions.
- Need to think collectively about efficiencies in human and financial resources.
- Strategic elements: incremental progress building from narrower to broader focus; clarify roles and linkages to other processes and organizations; engage individuals with the appropriate skills; use support teams as necessary (working groups); develop an effective communications strategy; need to determine what happens at the Roadmap vs. other forums.

- It is still not clear how the ITO will fit into the overall co-management structure on the Fraser (not yet seeing linkages and interactions with other processes). However, a mandated political process like the ITO is needed in order to have proper ratification and endorsement of the co-management process as it moves forward.
- Next steps: commitment from DFO and FN to move toward a co-management arrangement; possibly a negotiation framework with TOR/participant mandates; determine process and timelines; establish political involvement; identify negotiation teams (FN and DFO); ratification process.
- Key documents for review: Julie Gardner report 2011; Brenda Gaertner report 2003.

Discussion

- Local level info from Van Island will be incorporated into the process. The Roadmap has a Fraser focus, but IMAWG participation is viewed as a key part of the process.
- Concern was expressed about trying to establish an agreement that covers such a vast area; however, decisions will occur at different scales (not all issues at this table, e.g. local issues at the local level).
- Sharing at low abundance is an allocation issue. DFO could make those decisions based on the information they have available, but it would be better for FN to make those decisions about sharing than for DFO to impose them.
- FN priority access needs to be recognized by DFO (e.g. when a conservation concern is identified and FN stop fishing, they expect DFO to close those fisheries to other sectors).
- Challenge for the next Roadmap workshop: both parties bring a framework of their vision for the process. The FSRPG will do some of that work before the June workshop.

AFTERNOON DAY 1 – MARCH 21, 2011 (TIER 1)

Breakout session: *What did we hear from DFO? What are the opportunities?*

- **Group 1:** The watershed is complicated geographically, and there are issues to be dealt with at multiple levels/scales. The FNFC has developed a tool (co-management matrix) to help identify what activities should take place at what scale. The tasks outlined in the matrix could be a starting point for determining tasks to be included in an agreement with DFO (e.g. stock assessment, access and allocation, monitoring).
- **Group 2:** DFO is committed to joint management. FN and DFO need to create a priority list of items that should be included in a joint management framework.
- **Group 3:** DFO must be willing to share management authority with FN, and must move away from their paternalistic style of management (FN and DFO at the same level). Small joint initiatives between FN and DFO (e.g. FN taking over stock assessment or catch monitoring) could serve as a starting point for co-management (start from the bottom and work up to larger scale initiatives).
- **Group 4:** DFO needs to be clear about what change they are willing to accept. In the north, DFO has managed the fishery to critically low abundances. Also need to listen to Elders about how the fishery should be managed, and reinvigorate the traditional management system (acknowledge ATK/TEK). Also need a commitment of funds for FN projects. Need to determine what's on the table, and who needs to be at the table to move forward (next steps).

Discussion

- There have always been funding and policy blocks within DFO that prevent FN from achieving their management goals. DFO must be willing to put policy and management issues on the table in order to achieve a legitimate joint management arrangement.
- FN have a goal of managing to ensure that there are fish 7 generations into the future.
- Recreational and commercial lobbies have more influence on DFO decision making than FN. Need to achieve a balance of power that is consistent with aboriginal rights.
- FN need to understand DFO's decision making process (how decisions are made and at what levels within DFO).
- FN are reluctant to define their FSC needs in terms of numbers, as DFO could use that information to limit fisheries in the future; however, this creates uncertainty when determining allocations for different areas.

- FN need to focus their attention on Tier 1 development.
- There is potential for redundancy, as co-management is also being explored in different processes (e.g. FNFC). However, it was expressed that at this point the Fraser process might have the greatest potential to effect meaningful change (good linkages between FN and DFO at the Fraser level).

Schedule of Roadmap workshops in 2011

- March 21-22, 2011: Prince George
- June 22-23, 2011: Campbell River
- October 12-13, 2011: Chase, B.C.
- December 6-7, 2011: Richmond, B.C.
- February 8-9, 2011: Chilliwack, B.C.

Next steps/communication between workshops

- FN will go back to their respective communities and find out what they want to see in an agreement between FN and DFO, and bring that information back to the workshop in June (to be reconciled among FN). From that, will create a draft plan that FN can present to DFO.
- Look at the watershed agreement from 1993, precursor MOU, and other relevant agreements/documents to find parts that are still relevant today, and identify problem areas that could be refined in order to build an agreement that will last (Delaney and Associates/FSRPG).
- *At what point do we involve politicians? What is needed for them to verify or ratify this process?* It was suggested that a framework should be developed, and at that point it could be brought to the political level. *At what point in the Roadmap schedule can we realistically build a framework?* SFC and ONA have each developed an example framework of issues in their territories; they will share with the group.
- Possibly develop a parallel Tier 1 process (request to nations or individual communities to review the work done at the Roadmap process).
- Use the current Tier 1 processes (e.g. IMAWG, LFFA, UFFCA, FRAFS) to move the Roadmap process forward.

Breakout session: *Identify current Tier 1 structures*

- Participants broke into groups to identify Tier 1 structures and organizations that have a Tier 1 component (both established and under development). This information will be synthesized to provide a complete picture of Tier 1 processes across multiple scales.

MORNING DAY 2 – MARCH 22, 2011 (TIER 1)

Opening

- Began the day with an exercise where FN identified examples of good communication between their organizations and DFO. There were very few examples of good communication, which showed that relationship building between FN and DFO is a key issue that needs to be addressed.

Welcome to the Territory – Frank Frederick Sr., Lheidli Tenneh Elder

Review of Day 1

Breakout Session: *Roadmap communications plan*

- Participants broke into groups to discuss the requirements for an effective communications plan (both among FN and between FN and DFO).

Communications among FN:

- The FSRPG will meet with the CMWG and ITO before the next Roadmap workshop.
- Letters of invitation to the Roadmap should be addressed not only to political leaders, but to all fisheries staff and interested Fraser River and Approach FN (process should be inclusive not exclusive).

- Be clear about what must be emailed out about the Roadmap process; summarize information and narrow it down to essentials (more detail available on the FRAFS website).
- The FSRPG will work on developing a communications plan.
- Produce summary reports after each Roadmap workshop; post the reports on the website and distribute via email.
- Need to get the Roadmap process on every Tier 1 agenda (Roadmap participants report back to Tier 1, and bring feedback from Tier 1 back to the Roadmap).
- Suggestion: have a person designated to travel to communities to talk about co-management, and about the Roadmap process (?).

Communications between FN and DFO:

- DFO must communicate back to FN what they heard from FN during Tier 2 sessions to ensure that they properly understood the message (in writing).
- DFO needs to share with FN what they are communicating up the chain internally about the Roadmap process.
- DFO and FN need to develop and agree on a process for tracking and reporting the progress of the Roadmap process (identify milestones?).

Additional Tier 1 actions:

- Review the 'Snapshot' report; fill in any missing information based on the information about Tier 1 organizations collected during the breakout sessions.
- Review past agreements that could inform the development of a modern watershed agreement.
- Communicate with communities to ask what they would like to see in a watershed agreement.

AFTERNOON DAY 2 – MARCH 22, 2011 (TIER 2)

Summarized the Tier 1 sessions for DFO.

DFO summary of what was heard from FN during the Tier 2 session on Day 1

- Commitment to building a new process, new relationships between FN and DFO.
- Need to communicate effectively with FN and bring others into the process (inclusive, adaptive).
- Trust and relationship building is key; DFO is willing to take steps to build trust (e.g. outline commitment to the Roadmap process in writing, etc.).
- DFO is conscious about the issue of power imbalance, as well as Title and rights issues, which both have implications for the Roadmap process.
- DFO needs to more clearly define their view of joint management/decision making, and how far they are willing to go. Building relationships on the ground can help to clarify goals around joint management.
- Need to have clarity around roles and responsibilities.
- We're starting to see consistency/similarities between FN and DFO views of joint management.
- DFO committed to drafting a foundational document that provides an overview of the Roadmap process and what we're striving to achieve. This will help to communicate about the process with political leaders, etc. Will include questions to be answered at the community level (e.g. *Do you support the Roadmap process in principle?*). The FSRPG will review the draft once it is completed.
- DFO supports reviewing past agreements and co-management arrangements to inform the development of the Roadmap process.
- On the FN side, political support, readiness to assume management responsibility and accountability, and adequate funding will be key issues.
- Possibly host a conference call (or more, as needed) to vet some of the information (e.g. synthesis report, foundational document).

SUMMARY OF KEY ACTIONS:**FSRPG:**

- Review the Julie Gardner Report (key themes, limitations, opportunities) and history on the Fraser (e.g. ITFT, IIFC, Intertribal MOU, 1993 FN/DFO watershed agreement, etc.).
- Explore FN's and DFO's respective visions for the Roadmap process prior to the June workshop.
- Meet with the FNFC CMWG (April 2011).
- Work on developing a communications plan based on feedback received from Roadmap participants.
- Produce summary reports of Roadmap workshops (to be posted on the FRAFS website).

First Nations Roadmap Participants:

- Seek input from communities about what FN want to see in an agreement with DFO; bring that input to the Roadmap workshop in June.

DFO:

- Draft a foundational document that provides an overview of the Roadmap process (for review by the FSRPG).

Secwepemc Fisheries Commission/Okanagan Nation Alliance:

- Share example frameworks that have been developed to deal with issues in each of these territories.