



Fraser Salmon Management Agreement

History of and update on negotiations

March 13, 2019



March 20, 2012

- LOU signed by 60+ First Nations and the Regional Director General - parties to undertake a negotiation process to reach agreement on a management regime for Fraser Salmon.

March 25, 2014

- First Nations sign off on a Constitution and Bylaws for politically mandated Tier 1 organization - the Fraser Salmon Management Council (“**FSMC**”).



April 2014 – August 2016

- FSMC and DFO reach agreement on a Framework to guide the negotiation process.

November 2016

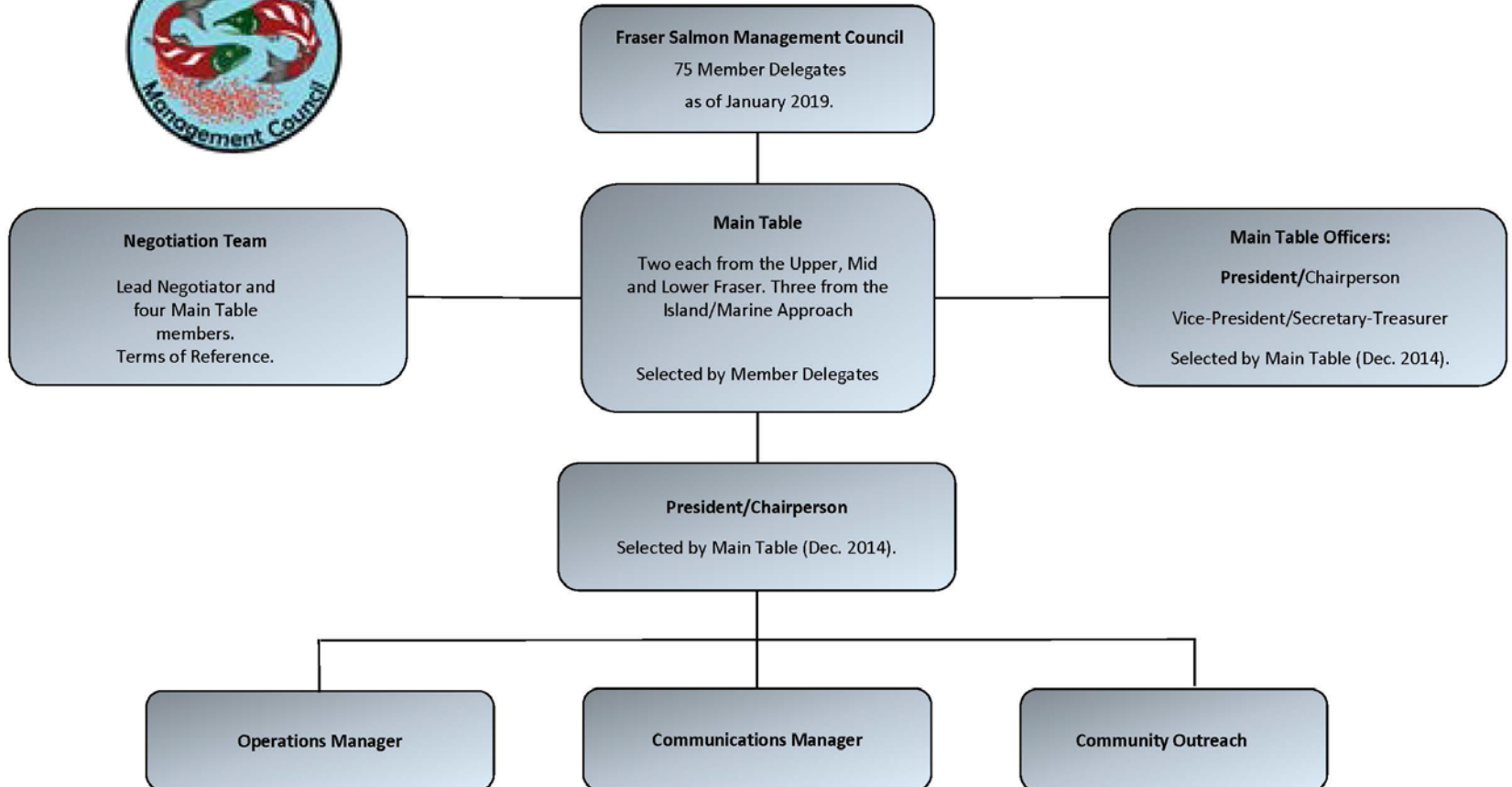
- Negotiations begin between FSMC and DFO.

March 2019

- Parties had “near to final” draft agreement by January 2018. Will take to March 31 2019 to find possible solutions to outstanding issues



ORGANIZATIONAL CHART





Marine Approach/Island

- **Larry George** (Cowichan Tribes)
- **Carl Edgar Jr.** (Ditidaht)
- **Victor Isaac** ('Namgis)

Mid Fraser

- **Robert Leech** (T'it'qet)
- **Tina Donald**, Vice-President (Simpcw)

Lower Fraser

- **Ken Malloway** (Kwaw Kwaw Apilt)
- **Dominic Hope** (Yale First Nation)

Upper Fraser

- **Darren Haskell**, President (Tl'azt'en)
- **Thomas Alexis** (Tl'azt'en, Member Delegate for Nak'azdli Whut'en)



The 2019 Draft Fraser Salmon Management Agreement (the “**Agreement**”)

This Agreement is a draft. It has not been finally endorsed by either the Department of Fisheries and Oceans or the Member Nations of the Fraser Salmon Management Council and may be subject to revision upon further negotiation.



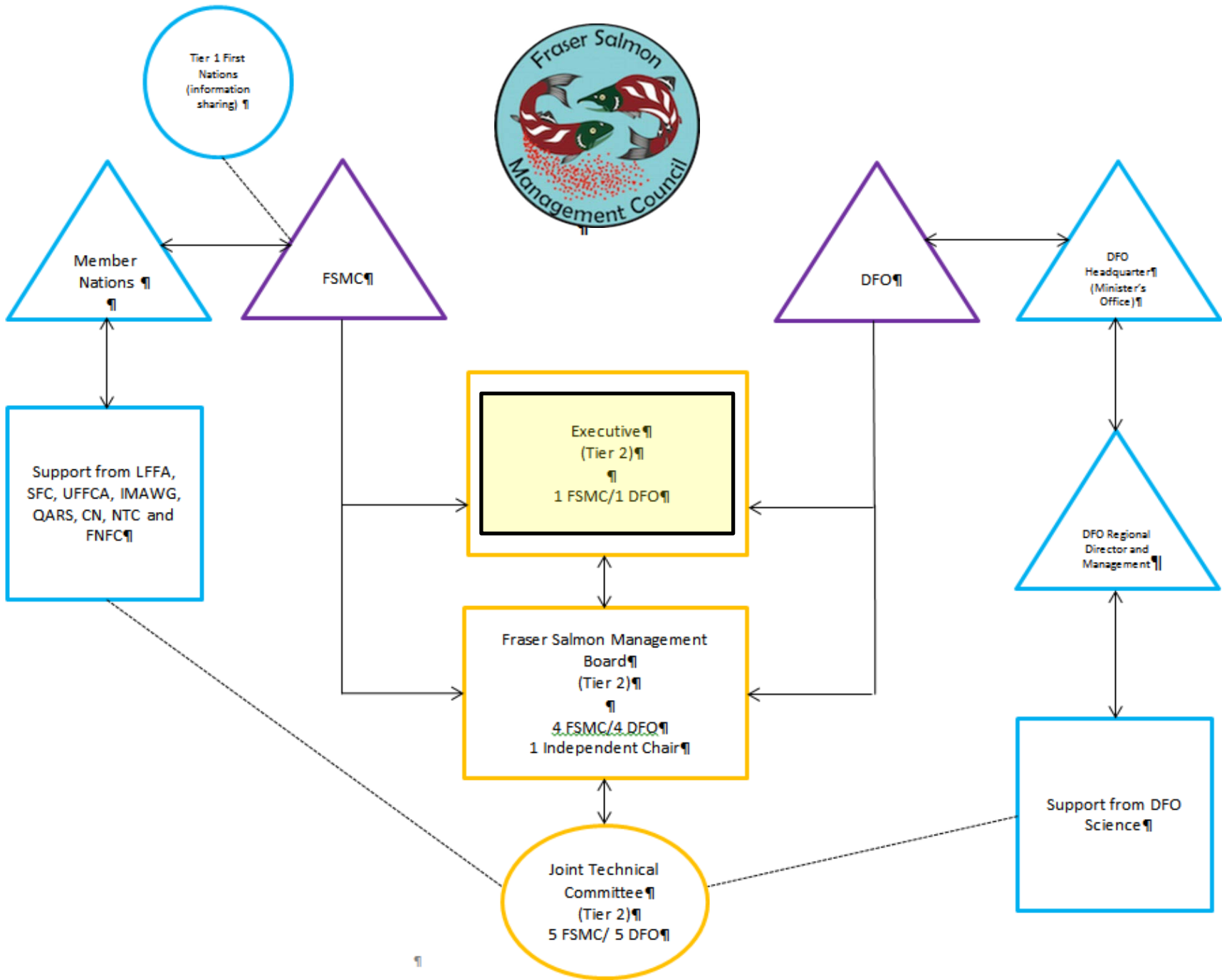
Purpose and Scope of Agreement

- Support transformative change in governance and management of Fraser Salmon at the Migratory Route Scale;
- Provide a framework for effective Tier 2 decision making by the Parties in the governance and management of Fraser Salmon at the Migratory Route Scale; and
- The collaborative exercise by DFO and the Member Nations of their respective decision making authorities, responsibilities, laws and jurisdiction as they relate to Fraser Salmon at the Migratory Route Scale.



Purpose and Scope of Agreement

- To create, promote and support government-to-government, nation-to-nation structures for effective Tier 2 (DFO and First nations) decision making in the Collaborative Governance, Management and conversation of Fraser Salmon at the migratory route scale on topics and priorities identified in Annual Work Plan.
- The Agreement does not replace the exercise of decision making authorities, responsibilities, laws and jurisdictions related to Fraser Salmon exercised at any other scale.





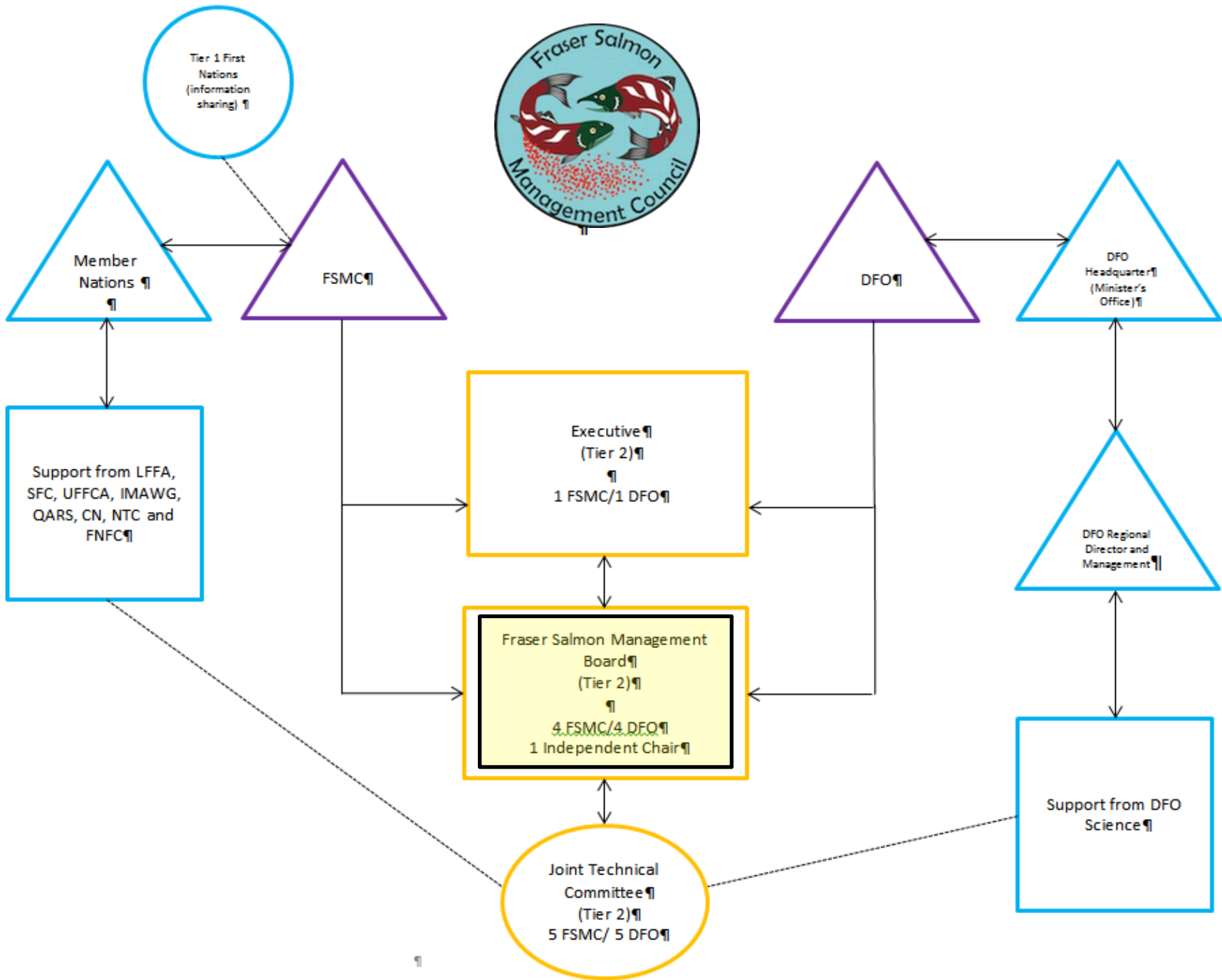
The Executive

- Equal number of representatives appointed by FSMC and DFO.
- Purpose is to work on a government-to-government, nation-to-nation basis to find solutions and make consensus decisions required for the Collaborative Governance and Management and conservation of Fraser Salmon at the Migratory Route Scale.



The Executive

- The Executive is engaged :
 - To provide direction and mandates necessary for collaborative governance and management and conservation of Fraser Salmon;
 - If the Fraser Salmon Management Board (“**FSMB**”) has been unable to reach a consensus decision or recommendation and requests assistance; or if a Party intends to make a unilateral decision; or.
 - if/when either Party proposes to make a decision or implement an action substantively inconsistent with consensus recommendation(s) of the FSMB.
- The Executive will:
 - Operative to support reconciliation, including nation to nation and best interests of Fraser salmon.
 - meet annually.
 - Failing consensus, Party will provide detailed reasons why proceeding and if plan to reject or vary consensus recommendations from FSMB provide written reasons





The Fraser Salmon Management Board

- Equal number of representatives appointed by FSMC and DFO (four each).
- Purpose is to work on a government-to-government, nation-to-nation basis to make consensus decisions and recommendations to the Parties on the collaborative governance and management of Fraser Salmon at the Migratory Route Scale.



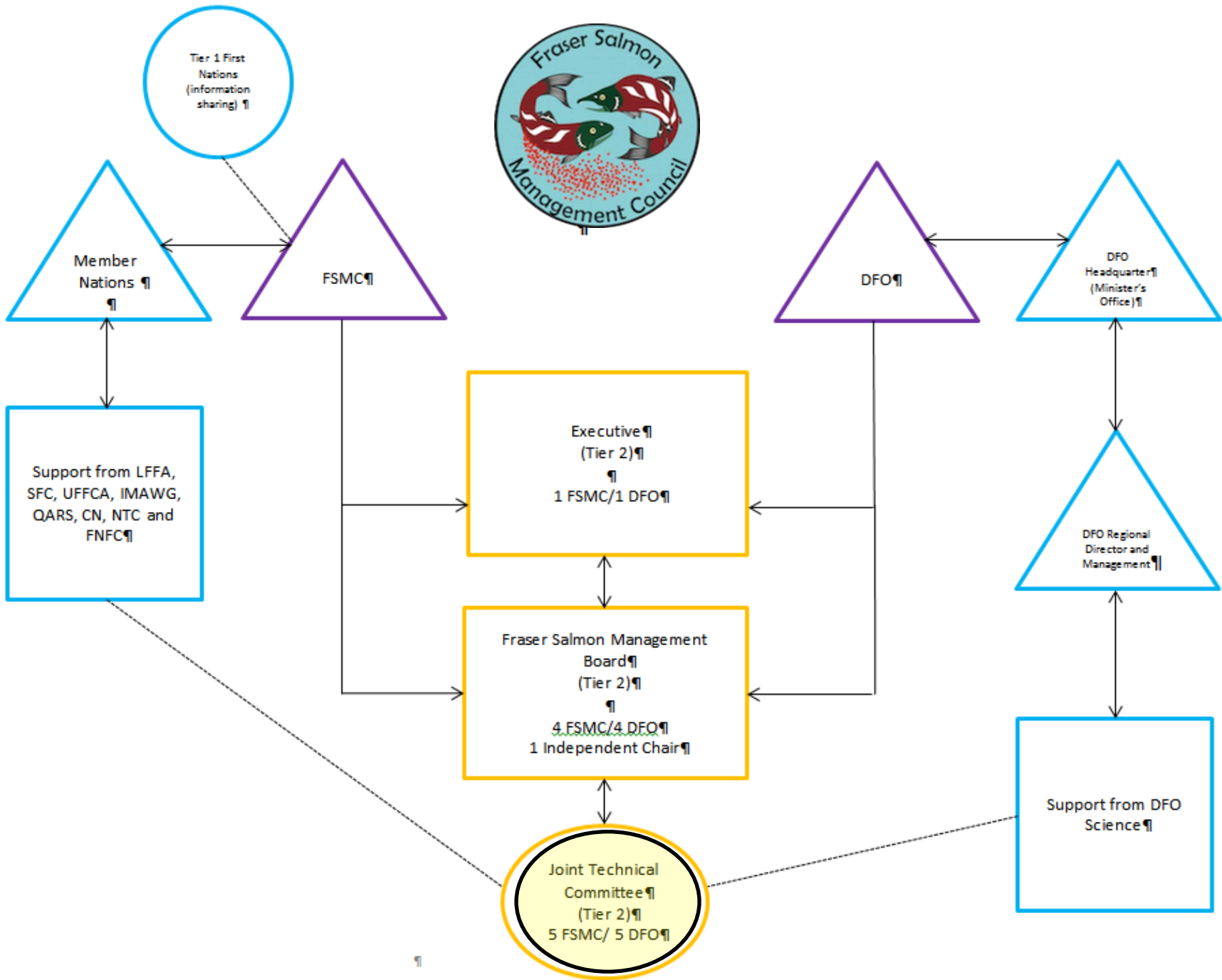
The Fraser Salmon Management Board

- The FSMB is responsible for:
 - All decisions in support of the purpose and scope.
 - Screening issues to determine whether they're at the Migratory Route Scale.
 - Providing operational direction to, and oversight of, the Joint Technical Committee ("**JTC**").
 - Developing and distributing Tier 2 information at Tier 1 and Tier 3 levels.



The Fraser Salmon Management Board

- FSMC participation on the FSMB will be funded pursuant to annual leading into multi-year funding and annual work planning.
- The FSMB will:
 - strive to make decisions and recommendations by consensus.
 - have an independent chair selected by consensus of the FSMB.
 - reach agreed-upon Annual Work Plans for itself/JTC.





The Joint Technical Committee

- Equal number of representatives appointed by FSMC and DFO (five each).
- Purpose is to transparently review, examine and assess relevant data and information and provide to the FSMB the technical information, recommendations and options relevant to the governance and management of Fraser Salmon at the Migratory Route Scale.



The Joint Technical Committee

- The JTC is responsible for:
 - reviewing data, assumptions and theories used to assess fishing plans and harvest management decisions, habitat management and restoration initiatives and salmonid/non-salmonid enhancement initiatives.
 - Assessment of proposed fishing management actions as they relate to the objectives of the Parties.
- The JTC will:
 - report to and work under the direction of the JMB.
 - have two co-chairs, one appointed by each of DFO and FSMC.



The Principles

- The Executive, JMB and JTC will be guided in all of their work by:
 - the Principles Respecting the Government of Canada's Relationship with Indigenous Peoples (2017).
 - The Guiding Principles developed jointly between FSMC and DFO.



Decision Making Process

- FSMB will develop and finalize annual work plans for the FSMB and JTC.
- FSMB and JTC will work to reach consensus decisions and recommendations on all governance and management actions related to Fraser Salmon at the Migratory Route Scale.



Decision Making Process

- In the event that the FSMB is not able to reach consensus, the independent chair is to provide indepth summary of areas of agreement and disagreement.
- In the event either Party intends to reject, vary, set aside or replace a consensus decision or recommendation made by the FSMB, that Party must provide the Executive with written reasons.
- The Executive will meet, review the written reasons and attempt to reach a mutually acceptable resolution.



Pacific Salmon Commission

- While still being finalized, it is the FSMC's intention to achieve through the Agreement:
 - a) An increased representation of First Nations representatives on the Fraser Panel.
 - b) FSMC will appoint and mandate the Fraser First Nations' representatives on the PSC, Southern Panels, and all First Nations representatives on Fraser Panel.



Support, Administration and Funding

- Provided adequate funding is in place, FSMC will provide administration/support for:
 - Tier 1 processes, including information sharing with First Nations, and mandates and decision making with Member Nations.
 - The Tier 2 FSMB and the JTC, as well as their committees and sub-committees.
 - Tier 3 as agreed upon by the Parties.
- First funding agreement will be negotiated through FRAFS and then intention is to be independent as of November 2019; the Parties commit to negotiate subsequent multi-year funding agreements.



Reporting and Review

- The FSMB will present a report to the Parties annually in first three years, and then every five years.
- Parties will meet to review the report and to identify areas in need of improvement and/or further development of joint management authorities and processes relating to Fraser Salmon.



On-going Negotiation

- The Parties will continue negotiations on the other topics required under *Nesika Oakut* (the Framework Agreement), and the Letter of Understanding for the Development of Fraser Salmon Management Processes and Agreements.



Transition

- The FSMC will be working with DFO and the Fraser River Aboriginal Fisheries Secretariat (“**FRAFS**”) Executive Committee to finalize the draft Transition Plan.
- For Member Nations, and at the wider Tier 1 level, the FSMC is looking to assume the communications and information sharing roles of FRAFS.
- While still under negotiations, the FSMC is looking for less than a full year transition, so that the FSMB is in place as of September 2019.



Primary Outstanding Areas in Negotiations to Date

- Number of FSMC appointed nominations to PSC, Fraser River Panel and Southern Panel
- Improving application of FSC Priority in fisheries management
- Transition Plan
- Broader engagement



Next Steps

- Finalize Agreement and Transition Plan: March 2019.
- FSMC Assembly: March or April 2019
- FSMC members to obtain mandate from member First nations: April to June 2019
- FSMC support for DFO consultations with First nations along migratory route: April to June 2019
- Agreement Signoff: June 2019

Questions?