

# **First Nations Access to Fish for Food, Social and Ceremonial Purposes**

Part 2: Pacific Region Evaluation and Decision Framework

(Working Draft)

Version 1.1

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# FSC Access Evaluation and Decision Framework

## General Guidance

### 1. Background

The FSC Access Evaluation Frameworks were developed to improve consistency of how FSC access requests are addressed, while also providing the flexibility to address the unique considerations of each Aboriginal group. The table format results in a systematic approach for concisely documenting key information, and facilitates quick identification of the key (and sometimes conflicting) factors that need to be considered in decision-making.

There are three general types of FSC access requests that DFO receives from First Nations:

- 1) Requests for allocation increases – this category also includes requests for “new” species allocations, and requests for changes to gear type that will increase FSC harvests;
- 2) Requests for changes to fishing area;
- 3) Requests for commercial and/or recreational closures to facilitate the harvesting of fish for FSC purposes.

The type of information that needs to be considered differs to some extent with the type of request, therefore three versions of the evaluation framework were developed to address the three types of requests.

The evaluation frameworks consist of four general criteria, each with several “indicators” (specific issues or questions) nested beneath. The same four criteria form the basis of the three evaluation frameworks. These criteria are:

- 1) Legal considerations;
- 2) Fisheries resource diversity, abundance, and parity issues;
- 3) Fisheries capacity, governance, and operational issues;
- 4) Treaty-related issues.

The specific indicators to be addressed for each of the criteria vary among the three evaluation frameworks.

### 2. Guidance for Addressing FSC Access Requests

#### a) General

FSC access requests should be addressed in accordance with the FSC Access Operational Framework, which identifies:

## Protected for Negotiations

- i) the administrative tools available for managing FSC access;
- ii) how the administrative tools should be used;
- iii) roles and responsibilities of the Area, Treaties and Aboriginal Policy Directorate (TAPD), fisheries and Aquaculture Management (FAM), and Department of Justice (DOJ) in addressing requests; and
- iv) sign-off procedures.

Each request should be addressed using the appropriate evaluation framework. When a request involves more than one issue (e.g. request for an allocation increase and a change in fishing area), the “evaluation team” formed to address the request should decide which evaluation framework is most appropriate to use. Additional indicators can be added for each of the criteria, to ensure that all relevant information is considered.

The criteria and indicators are very general, and the template evaluation frameworks include basic guidance (in red font) on the type of information that would be appropriate to include. This guidance is not intended to limit the information that could be incorporated – evaluation teams should include information that they consider of importance to the decision.

### *b) Evaluating the Indicators and Criteria*

The evaluation frameworks prompt for the evaluation of each indicator as either supporting the request, not supporting the request, neutral, or not applicable. These evaluations should be agreed upon by the evaluation team assembled to address a request. Evaluation teams should also attempt to reach agreement on the evaluation of each criterion. Because the relative importance of the indicators will vary with each request, no weighting scheme was developed; teams should identify the indicators that are of greatest importance to the request, and consider how they should influence evaluation of the associated criterion.

The criteria evaluation is not intended to be determined by a mathematical approach (e.g. adding/subtracting the pluses and minuses) – it needs to take into consideration the overall importance of the key indicators of relevance to the request.

Similarly, the overall evaluation of the request should be arrived at via discussion of the evaluation team, taking into consideration the indicators and criteria of greatest importance to the request.

### *c) Adapting the Evaluation Frameworks*

The evaluation frameworks are intended to be a tool to guide and support FSC access decisions. The table format may present challenges for addressing complex requests (e.g. involving multiple First Nations that are part of a larger negotiating group). In such cases the evaluation teams should adapt the format as appropriate to address the complexities of the request, while providing the information requested in the framework.

*d) Obtaining Summary FSC Data*

Summary FSC data for addressing Criteria 2 in the Allocation Increase framework, and in the Request for Commercial and/or Recreational Closures framework should be obtained from the AFS Manager in TAPD.

*e) Decision Package*

An Information/Decision Note, with the completed evaluation framework tables attached, comprises the decision package that must be forwarded to the appropriate Regional Directors for sign-off, and then to the RDG for final approval as appropriate. The Information/Decision Note should identify implications of the recommended decision for other sectors, for management of the fisheries resource, and for DFO.

*f) Timeframes for Decisions*

FSC access decisions should be made in as timely a manner as possible. Prompt distribution of relevant information is key to moving the decision process forward. A strong effort at filling in the evaluation framework summary tables should reduce the ad-hoc back-and-forth between the Area and RHQ, and between branches at RHQ. In part, timeframes will be dependant upon availability of staff time.

Decisions that are straight-forward (i.e. do not involve conservation issues, overlap issues, multiple First Nations, etc.) should be arrived at in a matter of weeks, while more complex decisions will take longer. Addressing requests that will have implications for other First Nations may take several months, as consultation with First Nations who will be affected by the decision will be necessary. As well, the Area has a role in identifying the urgency associated with each request and establishing a timeframe for decision-making, taking implications of delays into consideration.