

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

**Prepared for**  
**FRAFS Executive Committee<sup>1</sup>**  
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## **1 INTRODUCTION**

The overall objective of the Roadmap Process is the joint development of a collaborative management arrangement<sup>2</sup> 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 [FSRP] and the Fraser River Aboriginal Fisheries Secretariat contracted this work. The aim is to review and analyse documents related to the Roadmap Process and make recommendations to the FSRPG on a proposed strategic approach to plan for the upcoming series of Tier 1 and 2 Roadmap meetings that could be used to keep the Roadmap initiative moving forward. See Appendix 9.1 for a list of the documents reviewed.

Based on the document review, sections 2 to 6 of this report provide an analysis of the Roadmap progress and issues discussed to date. The analysis is organized into the following themes:

- First Nation-DFO relations – An uneven starting point
- Co-management – A vague destination
- Scope – Narrowing down an ambitious journey
- First Nation participation – Many on the voyage
- Terms of engagement – Rules of the road

Under each theme, the main issues are briefly described. Then opportunities for progress or priorities for continued dialogue are identified, from the documents reviewed.

Sections 7 and 8 highlight some of the key areas for continued dialogue and provide recommendations on a strategic approach or process that the FSRPG and its Project Facilitator can use to help guide First Nations and Fisheries and Oceans Canada toward developing the collaborative arrangement.

Points made in this document come from Roadmap workshops or are based on a range of documents unless citations indicate otherwise.

## **2 FIRST NATION-DFO RELATIONS – AN UNEVEN STARTING POINT**

Within this theme, issues can be grouped under evolving relationships, balance of power, title and rights, and minister's authority.

### **2.1 Evolving relationships**

#### **Issues**

- Gaertner (2003) provides an outline of the history and sources of acrimony in relationships between First Nations and DFO, and among First Nations (the latter also largely stemming from federal government policies and programs) in the Fraser watershed, including structural issues and management issues.
- The dysfunction has had profound impacts on First Nations land and resources. Historical fishing grounds have been compromised, with serious negative effects on First Nations.

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<sup>2</sup> Sometimes referred to in this report as an Arrangement or the Arrangement.

*"One stock after another is in trouble in serious decline. DFO mismanaged our stocks to this point, and now they're asking us how we want to manage the last fish." (Roadmap workshop, June 2010)*

- Mistrust and skepticism between and amongst First Nations and between First Nations and DFO concerning basic fisheries management information and processes continue to some extent.
- Historical differences in the approach used by DFO and by First Nations in the management of the fisheries and past lack of First Nations' participation in federal fisheries management activities are a difficult point of departure.

#### **Signs of, or opportunities for progress**

- The relationship has been evolving in a positive direction. First Nations and DFO have been working together in many ways. The adversarial approach is shifting toward a relationship founded on respect and collaboration. There is more room for trust to grow (e.g. the "Dual Fishery" means of distributing surplus stock).
- The Roadmap Process is itself an attempt to help resolve the decades-long tension and disruptive relationships.
- A measure of trust and sharing of ideas, needs and plans between First Nations and also with DFO has been experienced at Forum meetings (e.g. Early Stuart Sockeye).
- A collaborative management arrangement, reached through the Roadmap Process, could lay a foundation for best ways of working together into the future.

## **2.2 Balance of power**

#### **Issues**

- Potentially, the most important issue to address is the power imbalance between First Nations and DFO.

*"First Nations want to meet with DFO as equal partners." (Roadmap workshop, Dec. 2009)*

- Challenges persist, calling for the equitable and consistent application of law.
- Fisheries and Oceans Canada continues to dictate the direction of policy.

#### **Signs of, or opportunities for progress**

- Remedies for balance of power issues are explored under other themes in this report, such as title and rights, minister's authority, meaning of co-management and terms of engagement.

## **2.3 Title and Rights**

#### **Issues**

- There is an impasse between First Nations and DFO regarding the nature and content of aboriginal fishing rights and how those must be considered and involved in the management and allocation of resources. Related disagreements and lack of clarity,

especially related to allocations and management responsibilities, act as barriers to change. (Gaertner 2003)

- First Nations have long maintained that their aboriginal title and rights in the salmon resource includes the right to be meaningfully involved in fisheries management decision-making processes.
- The strength of authority is concentrated at the local, First Nation – band, tribe – level, as inherent title and rights flow from attachment to land, aquatic and marine space within a specific territory. (FNFC, Oct. 2010)
- Some believe that the need for First Nations to be involved in management decision-making for fisheries that affect the stocks and species for which they have rights includes decision-making for non-aboriginal fisheries. (Sampson, NTA, Jan. 2010)

### **Signs of, or opportunities for progress**

- Management activities could conceivably be established as an aboriginal right provided that they satisfy the legal test and are demonstrated to have been integral to the distinctive culture of the aboriginal group prior to contact. [REDACTED]
- Co-management (more recently, “Joint Management”) has been put forward at times both by First Nations and by DFO as a mechanism through which First Nations title and rights can be reconciled with current governance structures and processes. (FNFC, Oct. 2010)
- Consider seeking agreement on principles such as the following:
  - Principle of Shared Responsibility from the BC First Nations Fisheries Action Plan: “A central First Nations role in management is necessary based on Aboriginal and Treaty rights and title. First Nations, Federal, and Provincial Governments should have primary responsibility for the management of aquatic species and habitat. Local governments, fisheries, communities and the public at large should have opportunities to contribute meaningfully to management.”
  - There are two current realities: one – the existence of aboriginal title and rights; and two – the existence of the current authority of the Minister, Fisheries and Oceans, in the Canadian government system.
  - The negotiation process and its outcomes are without prejudice to aboriginal title and rights.
  - The negotiation process and its outcomes are without prejudice to either Party’s right to recourse to the judicial system.
  - The Arrangement would not replace the responsibilities that DFO holds to each Fraser First Nation or replace the bilateral agreements/relationships between DFO and individual Fraser First Nations.
- Include in the Arrangement a policy describing how DFO will respond to information/ recommendations given by First Nations before infringing on fishing rights.
- Include in the Arrangement an agreement to handle infringement, accommodation and compensation.

## 2.4 Minister's authority

### Issues

- A key barrier to reaching agreement on an Arrangement is the principle that DFO cannot develop co-management arrangements which would "fetter the authority" of the Minister, and in fisheries management, many decisions are at the discretion of the Minister.
- [REDACTED]
- First Nation leaders question the utility of meeting with DFO to develop an Arrangement if DFO continues to highlight this statutory authority to decide unilaterally how they will proceed. (Gaertner 2003)

### Signs of, or opportunities for progress

- Legal experts have assessed types of arrangements that can address the issue of Minister's authority. [REDACTED]
- Creative wording has been used elsewhere to avoid or work around the issue of Minister's authority. Sometimes this is called "parallel text," where different positions are listed alongside each other. An approach like this has been used in agreements around Gwaii Haanas National Park Reserve and the Pacific North Coast Integrated Management Area.
- It may be possible to stay silent on the issue. (This is less likely if the context points to a gap where the title and rights issue really should be addressed.)

## 3 CO-MANAGEMENT – A VAGUE DESTINATION

Within this theme, issues can be grouped under incentives, meaning of "co-management, and bringing the objectives and vision into focus.

### 3.1 Incentives – why embark on this journey?

#### Issues

- A First Nation perspective is that, First Nations participation in the process is not worth the effort if DFO considers the Roadmap Process itself to be merely a form of consultation.  
*"Does DFO just assume they're consulting us?" (Roadmap workshop, Feb. 2010)*
- In past activities DFO has often not accommodated First Nations interests, so some First Nations do not naturally expect good results as a result of participating.
- First Nations and DFO both must consider costs and benefits. Both parties ask themselves, what is there to be gained from a new Arrangement as compared to the status quo? Will the benefits be greater than the costs?

### Signs of, or opportunities for progress

- Ways suggested to provide motivation or incentive for participants in the Roadmap process include:
  - Establish accountability mechanisms for DFO and First Nations to provide assurance that agreements will be effective.
  - Identify common incentives that make it worth the effort to keep moving forward; e.g. more real influence and direct involvement in the management of the fishery, and improved ability to rely upon the management, harvest and processing of fish as the foundation for thriving communities. (Gaertner 2003)
  - Recognize the costs of managing in isolation, such as failure to conserve the fish for the future, or increased conflict about sharing stocks at times of low abundance.

*"The stocks will fail if we don't know and agree with what's happening in-river. Unless we treat each other as equals when managing these stocks, it will never work. It's not about me right now; it's about my grandchildren and my great grandchildren." (Roadmap workshop, June 2010)*

- A necessary incentive is adequate resourcing: the parties must commit the human and financial resources required to support the Roadmap discussions in good faith and provide the necessary support to the resulting Arrangement.

### 3.2 Meaning of "Co-management"

#### Issues

- Participants in the Roadmap Process have not been able to agree what co-management means.
- There is no single agreed-upon definition of co-management to turn to. There is no legal definition of co-management either.
- First Nations are skeptical as to whether co-management will be advantageous to them. They have been asking how far DFO is willing to go in terms of co-management. Will it give them more of a decision-making role, or will DFO be unable to go beyond its duty to consult?

*"DFO has co-managed with us for many years – they manage and we cooperate." (Roadmap workshop, June 2010)*

- [REDACTED]

### Signs of, or opportunities for progress

- There may be an acceptable definition of co-management (at the general, overarching level) yet to be fully considered.
- DFO representatives have recognized that First Nations believe it is necessary to move from simple information exchange and advice to forms of co-management that include participatory and recommended decision-making.



- [REDACTED]

*"Any agreement would require the definition of specific parameters of a comanagement initiative." (Roadmap workshop)*

- First Nations are moving towards the term joint-management, as it more accurately reflects First Nations traditional ownership and asserted rights. The term co-management could be replaced with the term joint-management if it provides more clarity.
- Legal experts, and staff in the First Nations Fisheries Council have been assessing co-management mechanisms:
  - FNFC staff, Alex Gagne, explained that co-management partnerships between the Crown and First Nations could be structured in many ways, including a formalized relationship or associated with a specific task. There are three mechanisms: agreements (written agreements between First Nations and Fisheries and Oceans Canada); co-management bodies or boards (a group comprised of both First Nations and Fisheries and Oceans Canada personnel and representatives that involves some aspect of decision-making); and legislation or regulation (a statute or law which governs a relationship). (FNFC Assembly, Nov. 2010)
  - [REDACTED]
  - [REDACTED]

### 3.3 Bringing the objectives and vision into focus

#### Issues

- Without agreement on the term co-management, Roadmap participants have not been able to agree what to call the Arrangement they are seeking.  
*"Getting clear on what we're doing is important, before moving forward we need to be clear on a purpose." (Roadmap workshop, Feb. 2010)*
- 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.  
*"There would be a difference between DFO's definition and First Nation's definition of words like conservation and sustainable." (Roadmap workshop, June 2010)*
- 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.

<sup>3</sup> The Act has passed first reading: (Bill 18, 2010 Legislative Session: 2<sup>nd</sup> Session, 39<sup>th</sup> Parliament, 1<sup>st</sup> Reading: April 29, 2010.)

### **Signs of, or opportunities for progress**

- The June 2010 workshop concluded: FRAWG members will need to continue focused work around defining possible options for co-management that could accommodate the areas of difference between participants. This is consistent with Gaerner's (2003) advice that a joint working committee of DFO and participating First Nations must be resourced to discuss and develop recommendations, including developing the incentives, a common vision, mutually-compatible short and long term goals and management efficiencies and benefits that could result for both DFO and First Nations from a watershed organization.
- Much discussion of objectives and vision has occurred at Roadmap workshops. Guiding "principles," principles of co-management, goals, and elements of a vision have been identified in various places.

## **4 SCOPE – NARROWING DOWN AN AMBITIOUS JOURNEY**

Within this theme, issues can be grouped under ongoing fisheries management challenges, technical data gathering, and the spectrum of possible foci ranging from holistic to FSC.

### **4.1 Ongoing fisheries management challenges**

#### **Issues**

- The complexity of the management and allocation issues which result from various geographic and historical influences cannot be overstated. (Gaertner 2003)
- Although the Roadmap process is not intended to focus on operational planning or conservation and harvest planning, topics that have arisen at Roadmap workshops include:
  - processes for in-season management, possibly including a facilitated/mediated dispute resolution process;
  - monitoring and enforcement of recreational/sport fisheries;
  - impacts from recreational fisheries;
  - First Nations pre-season discussions with C&P about FSC enforcement;
  - First Nations developing their own fisheries plans;
  - a process for First Nations to exchange conservation and harvest interests to help develop fishing plans;
  - policies related to access and adjacency;
  - the Wild Salmon Policy and its implementation in Conservation Units.

### **Signs of, or opportunities for progress**

- The Roadmap workshop notes have many specific ideas on aspects of fisheries management and ways of working together.  
*"What can we do continue to build a paradigm shift in fisheries? How does this model compliment it?" (Roadmap workshop, Oct. 2009)*

## 4.2 Technical data gathering

### Issues

- First Nations feel that their technical contributions are not well respected.  
*“DFO keeps saying FNs need the capacity, but we have the capacity, how can we move forward?” (Roadmap workshop, Dec. 2009)*
- Solid joint technical data gathering, analysis and review should be separated from political decision making. (Kariya, Oct. 2009)
- Relationships founded on science and communication are essential. Both parties need to be on the same page on technical issues in order for management discussions and decisions to work.

### Signs of, or opportunities for progress

- The following needs with regard to technical information have been identified at Roadmap meetings and in related studies:
  - a joint technical data/information/ assessment process upon which to build basin and area integrated fishing plans;
  - making concise, easily accessible information available to all interested First Nations;
  - greater emphasis on the integrity of joint technical information, and communications about weaknesses in the data;
  - recognition for the technical work by First Nations;
  - a more active role for First Nations in data collection and analysis, management decisions, development of technical processes, etc.;
  - fitting aboriginal traditional knowledge into the management regime;
  - DFO connections with aboriginal resource management agencies;
  - resources for technical support at various levels (watershed, sub-watershed, etc.).

*“First Nations and DFO working together on technical issues will pave the way for effective collaboration. This is starting to happen at the Chinook joint technical working group. Any technical structure needs to be collaborative.” (Roadmap workshop, Dec. 2009)*

## 4.3 Spectrum: from holistic and multi-sector, to the Aboriginal fishery (Food, Social and Ceremonial – FSC) and sharing low abundance

- Many are calling for a more holistic perspective than FSC, that includes habitat, with comments such as:
  - Because of the interconnectedness of the coast and the river, the land and the water, the process needs to consider the linkages between fisheries and mining, forestry, etc.
  - Area fisheries affect one another so there is a need to go beyond management based on areas, to address salmon fisheries holistically.
  - A number of First Nations want the Arrangement to go beyond FSC fisheries, to include habitat restoration and rehabilitation.

- FSC fisheries includes habitat, “because if the fish spending two years in habitat are not doing well, and the fish spending one year in habitat are doing well, then maybe it has something to do with their habitat.”

*“A harvest arrangement is where the problems start. First Nations want conservation, rebuilding, then finally harvest.” (Roadmap workshop, Feb. 2010)*

- Others have argued that habitat is a sub-regional issue, and very specific, so less relevant to this process focused at the watershed level. At the watershed scale, topics such as FSC and fishery planning are relevant.
- Most discussions have called for a focus on FSC and sharing arrangements for low abundances, raising issues such as the following:
  - how First Nations can develop a collective fishing plan for sharing;
  - what to do if there aren’t enough fish to share;
  - ensuring best efforts are made to secure highest priority access (2nd only to conservation) for First Nations.

*“We’re here because of sockeye salmon, and to learn how to share those salmon in low abundances.” (Roadmap workshop, June 2010)*

- Arguments to go beyond the FSC focus into other areas of fisheries management include:
  - Issues such as recreational and commercial fisheries, predation, forestry and fish farms impact First Nations fisheries.
  - Other fisheries involve First Nations (e.g. economic opportunity, demonstration fisheries, etc.).
  - Non-aboriginal fisheries on salmon species, stocks, or populations of Fraser River salmon affect First Nation access to Fraser River salmon.

*“We had an agreement to talk about FSC fish, but some want to talk about economic opportunities and some about commercial fisheries.” (Roadmap workshop)*

### **Signs of, or opportunities for progress**

- Few ideas have been presented for resolving the issue of the focus. It may not be possible for this process to take on the wide range of issues requiring consultation and engagement between DFO and First Nations.
- Most respondents to the Kariya survey favored as the priority agenda item meeting FSC needs. Secondary agenda items were related to co-management, habitat and economic opportunities. Habitat and co-management were noted as useful additions, once the core FSC and operational subjects have been covered. (Kariya, Oct. 2009)

## **5 FIRST NATION PARTICIPATION – MANY ON THE VOYAGE**

Within this theme, issues can be grouped under engaging First Nations connected to Fraser watershed salmon, need for a Tier 1 agreement/process, and connections with other bodies and processes.

### **5.1 Engaging First Nations connected to Fraser watershed salmon**

#### **Issues**

- The FNFC (Oct. 2010) has pointed out that First Nations need to work collaboratively among themselves, building Tier 1 relationships, due to overlapping territories, migratory stocks, the need to manage ecosystems, the need to build and share capacity, traditional law and rules and the need to work out issues that affect many First Nations.
- The high numbers of First Nations – 93-97 bands on the Fraser River and 40-50 on Vancouver Island – make coming together a challenge.
- It has been suggested that the area (coast and river) might be too large to deal with in one forum.
- Concern was expressed about moving forward with the development of this process while several First Nations on the Fraser or in the approach areas have not been participating.
- Some bands/tribes have less capacity than others.

#### **Signs of, or opportunities for progress**

- An open door policy has been suggested. First Nations need to feel welcome to join the process when it's right for them, and they will join on their own if they can see the value and benefit of a shared arrangement.
- The Arrangement could have a relationship-building clause built into it.
- Any umbrella organization which is intended to facilitate or represent First Nations of the watershed, and negotiate and consult (perhaps accommodate) First Nations fisheries issues with DFO regulations, could include regional sub-groups and approaches. These sub-groups would build the expertise and information base upon which regional and stock based interests can be represented and mandated to address complex fisheries issues. (Gaertner 2003) Several (sub-)regional groups/organizations or processes exist now.
- First Nations have been coming together in the last few years. They are willing to work together. Communication between the marine and in-river groups is improving. The time is right to build a process for effective communication with First Nations throughout the watershed.

*"The biggest thing from yesterday is unity. There are tribes in BC that have lost their fish. We all have the same thing in common." (Roadmap workshop, Feb. 2010)*

### **5.2 Need for a Tier 1 agreement/process**

#### **Issues**

- The First Nations-mandated process needs to be self-determining; First Nations have to ratify decisions through their own tier 1 process. As well, many First Nations see the need for a written agreement that guides the collaborative process, so a tier 1 process will be

necessary to assign First Nations representatives to negotiate the Tier 2 agreement. Therefore, for First Nations, getting a functional Tier 1 process in place is priority before getting to any agreement on a structure for management of Fraser salmon. Reconciliation amongst First Nations through a tier 1 process is the first step.

*“There is a very strong need to develop a tier 1 “home,” and also the need for protocol. We need to take the time that it needs to do it right, it is important for our future.”*  
(Roadmap workshop, Feb. 2010)

- 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.

### **Signs of, or opportunities for progress**

*“We need a good tier 1 process, the roadmap is the closest thing to it, and we have to run with it.”* (Roadmap workshop, Feb. 2010)

- Participants have recommended that a Roadmap workshop be held as a First Nations only session to work on development of the Tier 1 arrangement.
- At the regional scale there is the capacity for First Nations, working together, to take on strategic initiatives, bringing communities together in meetings. At the same time, these initiatives have to keep in mind the need to constantly link back to communities, where the strength of authority lies. (FNFC, Oct. 2010)
- The First Nation process will need to be transparent, informed and include a dispute resolution process. (Gaertner 2003)

## **5.3 Connections with other bodies and processes**

### **Issues**

- A workshop participant reported that the ITO has been asked to participate in the Roadmap process; however, it has not committed to assigning a delegate and becoming engaged.
- There needs to be convergence among related processes in working to meet First Nations interests: the Forum, FRAWG, the Roadmap process and the ITO.
- Connections among organizations are also necessary to avoid overlap, prioritize activities, and structure the work that needs to be done.

### **Signs of, or opportunities for progress**

- The Fraser watershed Nations are on their way to building a tier 1 body with the ITO, which will have operative representation from the different regions of the River. Part of the ITO action plan was to develop a process to engage with other organizations.
- Keep moving forward with the Roadmap process parallel to ITO, and the two can join at a future time if agreed upon.

*“At some point there will be convergence.”* (Roadmap workshop)

- A broader structure will ensure that issues and activities are addressed at the appropriate levels.
- The roles/responsibilities of the various aggregate First Nations groups need to be clear and linkages between the Roadmap and these other processes need to be clarified.

- IFRAWG/Forum were supported as continuing on an interim basis into 2010; interim to FNFC, ITO and perhaps other structures and processes being developed. (Kariya, Oct. 2009)
- Linking with other aggregate bodies and processes would help to capitalize on expertise and capacity, as well as facilitate communications.
- Watershed Talk can provide a communication tools so all know what everyone is doing.

## 6 TERMS OF ENGAGEMENT – RULES OF THE ROAD

Within this theme, issues can be grouped under how formal the approach should be, mandate and accountability, and representation of parties.

### 6.1 How formal an approach?

#### Issues

- There has been much discussion of the extent to which the Roadmap process needs to be formalized, and what process formalization would look like.
- A more formalized process can bring clarity. In the past, pre-Roadmap, there has been “a significant lack of clarity at both First Nation meetings and DFO/First Nation meetings regarding such principal matters as: intentions, goals, agendas, mandates, representation, and function. It is not clear whether a particular meeting is serving an information gathering, advisory or decision making purpose. This lack of clarity breeds distrust, unspoken and conflicting agendas, increased unwillingness to participate in fear of what it will be used for, and irritants such as too many meetings to attend which do not have meaningful or concrete results.” (Gaertner 2003)

*To change policy there has to be a formal negotiation between First Nations and DFO. (Roadmap workshop, June 2010)*

- Advice to Roadmap participants from the NTA in January 2010 cautioned that First Nations have to come to agreement on the design of an Arrangement that meets their needs and protects aboriginal rights, interests, and title before joining in negotiations with DFO. It has to be kept in mind that DFO has clients in other fishing sectors whose interests at times work against the interests of First Nations. The NTA recommended that before proceeding any further a framework and/or protocol, or “terms of reference,” should be developed to provide the rules that would govern both parties during future discussions and negotiations.
- Gaertner (2003) also advised that the negotiation of a watershed agreement would benefit from a clearly defined pre-negotiation, negotiation and implementation phase.
- FRAWG, through the “Process formalization stream” was to generate an action plan to move forward in formalizing the Roadmap process. There was an attempt to come up with FRAWG and Forum Terms of Reference but they were never approved.

#### Signs of, or opportunities for progress

- The October 2009 Roadmap workshop recommended striking a committee to discuss the development of a negotiation framework. “The I-FRAWG group will serve as the drafting

committee; a couple of First Nations and DFO members will come together to draft the document, bring it back to I-FRAWG, and then bring it to the whole group for approval.”

- Nevertheless, Roadmap participants are not unanimous in the call for a formalized negotiation process. At the February 2010 Roadmap workshop a participant suggested that the term negotiation should be avoided.

## **6.2 Mandate and accountability**

### **Issues**

- Much discussion is about mandates. This is consistent with the calls for a more formalized negotiation process, and includes suggestions such as:
  - We need to develop a mandate for the agreement.
  - The First Nation representatives will need to be mandated on specific issues, i.e. have the authority to reach agreements. (Gaertner 2003)
  - DFO needs to be forthcoming about both their present mandates and their willingness (or not) to seek expanded mandates. This is particularly relevant to rights based discussions. (Gaertner 2003)
  - There is some convergence among DFO and First Nations on the need for mandated representation. [See below for more on mandated representation.]
- Accountability is a related theme that has also received much attention. This topic tends to be more often connected to the ultimate Arrangement than to the Roadmap process.

Suggestions have included:

- The co-management Arrangement needs an accountability measure to ensure FN needs are met – an accountability mechanism that describes outcomes (e.g., of conservation measures).
- The Arrangement needs to include an item about consequences if either side does not live up to their end of the agreement.

*“Accountability includes the element of “representation” but also encompasses the roles, responsibilities and accountabilities of various participants in the process.” (Discussion tool, June 2010)*

### **Signs of, or opportunities for progress**

- Progress on mandate issues could be made through consideration of a formal negotiation framework (see above) and by clarifying representation of parties (see below).

## **6.3 Representation of parties**

### **Issues**

*“Most would like to see a more structured process with mandated representatives from all areas of the Fraser drainage and approaches.” (Roadmap workshop, Feb. 2010)*

- A concern that has been raised a number of times is, “Are we engaging the correct people in the Roadmap discussions?” In addition to the theme described earlier, of engaging all the relevant First Nations, this is about the need to make sure the right senior, or “political” people are involved on behalf of both DFO and First Nations, because these are the people who can make decisions.



*"The process must connect senior level DFO decision makers with the proper holders of aboriginal rights." (Roadmap workshop, Dec. 2009)*

- Some First Nations participants in Roadmap workshops are worried when they get the information to bring back to the communities that this will be seen as by-passing the bilateral process between DFO and the individual First Nation.
- In addition to *who* participates, *how* they participate is also important. Roadmap participants have recommended a process to make participant roles and responsibilities clear (and possibly formalized and ratified), thus providing reliable representation and accountability. Suggestions from participants include the following:
  - Participants on both sides should have the appropriate mandate and authority to take part in discussions, provide input and (where necessary), make appropriate decisions and recommendations on behalf of their respective organizations.
  - Some types of decisions can be made by participants, while others will need to be brought back to First Nation and DFO leadership for further consideration.
  - Where participants do not have authority to make decisions or recommendations, there needs to be an understanding of what they need to bring back to their communities or organizations for further input.
  - Many First Nation communities are participating through tribal organizations, and others are not (and likely will not).
  - First Nations must be able to trust DFO managers to "bring to the higher ups exactly what we're saying."

#### **Signs of, or opportunities for progress**

- Despite calls for more senior representation of parties at Roadmap workshops, many of the "right people" have been attending – indeed, there have been no criticisms of participants as being the "wrong" people. In the view of DFO, First Nations "coming together in this room have a lot of power." Many First Nation participants agree.

*"You have to be in the room or you will be planned out of the plan - that is why we all have to be here. We're doing these meetings for the nations." (Roadmap workshop, June 2010)*
- While input from the people who attend from First Nations who are not mandated representatives or official leaders must be respected, DFO must also recognize the elected Chiefs and Council within communities. The proper title and rights holders are at the community level – in the Chiefs and community members of each nation.
- It may be that relying upon the geographically different regions along the River (lower, middle and upper) and/or different stock distinctions could be helpful to framing the structure. (Gaertner 2003)
- The structure needs to reflect/accommodate the differing mandates that individual participants will bring (e.g. some will be strongly mandated by their communities, others will wish to act more as observers or information-gatherers).

## **7 THE WAY FORWARD – NAVIGATING THE ROUTE TO AN AGREEMENT**

This section and section 8 highlight some of the key areas for continued dialogue and provide suggestions for a process that the FSRPG and its project facilitator can use to help guide First Nations and DFO toward developing the collaborative arrangement.

### **7.1 Key areas for continued dialogue – paving the way**

Key challenges and opportunities for each of the five main issue areas analysed above are summarized here, pointing to promising topics for continued dialogue.

#### **7.1.1 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 to address is a challenging one: the power imbalance between First Nations and DFO. Some potential ways forward on this issue fall under title and rights, minister's authority, meaning of co-management and terms of engagement. 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.

[REDACTED]

#### **7.1.2 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; e.g., FNFC Oct. 2010, page 4; Blomfield and Belak 2010, p.7: Key principles governing consultation that inform co-management; and report from Break out session # 1 Roadmap workshop, June 2010. 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, as the meaning of co-management remains open to interpretation. Though its meaning will be expressed in the agreed-on 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:** The work towards a co-management arrangement could include the task of defining the term co-management. There may be existing definitions that are virtually acceptable. The definition, as well as parameters of co-management, are a key part of the agreement towards which the parties are working and so they deserve to be spelled out through dialogue. Even if the term joint management is used instead, a definition and parameters will need to be worked out.

**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 mechanisms for the new Arrangement. The models themselves express what co-management means. There is much technical advice [REDACTED] FNFC) and experience from elsewhere (e.g. Maori, Haida) to draw on [REDACTED] [REDACTED] [REDACTED] A joint committee should be formed (or use an existing committee) to continue focused work around defining possible options for co-management that could accommodate the areas of difference between participants.

### **7.1.3 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, as described in section 7.4, 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:** Gaertner (2003) recommends explorations towards 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 (see section 7.5).

#### **7.1.4 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 such as that in Appendices 9.3 and 9.4. 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.

#### **7.1.5 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 (possibly FRAWG) 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 meeting. If there is a special meeting on a Tier 1 process, that same meeting could also discuss the negotiation framework (if one is deemed necessary) from the First Nations perspective.

### **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. The details in section 6.3 of this report provide several specific topics and proposals that can help frame the discussion.

## **7.2 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 that 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. As Gaertner (2003) explains, “Given the complexities of peoples, issues and biology, the parties must commit the human and financial resources required for a facilitated process. ...The required resources must be identified by DFO to initiate these discussions in good faith and provide the necessary support to the resulting watershed process.”
- 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 quicker turn around on Roadmap minutes, say, within 10 days.
- 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.

*“Dialogue has been focused on smoothing over; it would be useful to deal with problems head on.” (Kariya summary at Oct. 2009 Roadmap workshop)*

### **7.3 Making progress, not just process**

- Some question whether the resources invested in the workshops would be better spent on “actions.” One suggestion was that, due to limited funding, it might be more useful to spend more time on field work and capacity development rather than meetings. Others fear that vision, goals and objectives would just “sit on the shelf and collect dust” without moving towards implementation, after much time has been spent on them.

*“It’s almost the last element to find priority activities rather than wordsmith some magical vision statement. Where does this group really want to put its focus on?” (Roadmap workshop, June 2010)*

- 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 (the pace and pattern of dialogue) 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.

*“People want action but we all have different issues, and we need a process to bring them into and to agree on.” (Roadmap workshop, Feb. 2010)*

- It is important for First Nations to recognize that this process will take time. At the same time, the process has to be results orientated: ultimately, fish management is about making decisions.

### **7.4 Moving along on parallel tracks**

- In section 4.1, some concerns of Roadmap process participants about ongoing fisheries management challenges were described. These have to be addressed as work continues towards the management Arrangement. Yet 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 FRAWG will continue to support the Forum process to deal with pre-season planning and in-season management issues around Fraser salmon. Two useful flowcharts illustrate this:

- Action Plan: moving forward on two fronts (Roadmap workshop slides, June 2010)
- Draft Overview of DFO-First Nations “Roadmap” Process and Forum and Conservation and Harvest Planning (December 2010)
- Gaertner (2003) emphasizes that 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 FRAWG 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, and DFO has focused on the development of a joint process, 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.

## 7.5 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. (FNFC, Oct. 2010)
  - 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). (Gaertner 2003)
  - 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 watershed agreement. (Gaertner 2003)
  - 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. (FNFC Assembly, Nov. 2010)

- 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.

## **8 FUTURE WORKSHOPS – MAPPING OUT THE LEGS OF THE JOURNEY**

The task at hand is to keep the Roadmap initiative moving forward in an efficient way at meetings over the coming 12-14 months.

The process pieces for Roadmap lying ahead include a series of 6 Fraser Salmon Roadmap workshops in 2011-2012 which need to be planned as to timelines, format, and content. (A facilitator will work with the FSRPG to plan the roadmap workshops.) A given workshop may be for First Nations' participants only (Tier 1), or for both DFO and First Nations' participants (Tier 2). The dates for the meetings are planned as follows:

- February 8 and 9 (likely not same facilitator as for other 5 workshops)
- March 2011
- a minimum of four additional workshops for fiscal year 2011/2012

Work will be undertaken between workshops by the process facilitator and the FSRPG, including summarizing issues, problems, outcomes and achievements from each workshop; and using those results to plan the following workshop.

The table following recommends, based on the analysis of documents, how to address the issues and proposed dialogue topics through the workshop sequence listed above. It lays out which issues to focus on, in what order, and includes some discussion questions. It also suggests the role of the Roadmap committee at each step.

A graphic will be produced from the table to illustrate at each stage the key steps required, where the process has come from, how the current workshop fits in and where the process is heading next.

The facilitator will have to work with the RPG to refine the process plan.



**Table 1: Proposed themes and dialogue topics through the Roadmap workshop schedule for 2011-2012**

<b>Workshop</b>	<b>Main themes/issues</b>	<b>Discussion questions or Dialogue topics</b>	<b>Role of RPG</b>
<b>Roadmap Workshop 1: February 8-9, 2011</b>	Roadmap schedule for 2011-2012 Objectives, vision and guiding principles Scope/focus Status of, and links to related processes	Does this schedule appear realistic and appropriate? What would be the costs of not reaching agreement on an Arrangement? Which of these objectives, vision and guiding principles ideas from past discussions are acceptable to First Nations, DFO, and both parties (in draft form for further consideration)? Of all these proposed themes for the Arrangement to encompass, which should be retained? What are the pros and cons? Which need to be dealt with at the watershed level and which suit a more local level or province-wide level? Short report on the status of related processes, especially the ITO, from central participants in those processes. What linkages need to be made, and which organizations are most appropriate for particular roles and activities relevant to the development of the management Arrangement and a Tier 1 organization?	Links this Roadmap workshop schedule to parallel processes (Forum, ITO) Supervises collation of ideas from past workshops and commissioned reports to inform/support the workshop discussion Prepares a background document on related processes Flowcharts that have already been prepared could up-dated to help frame the discussion.
<b>Roadmap Workshop 2: March 2011</b>	A Tier 1 organization	How should a Tier 1 organization be formed for the process of developing a mutually agreeable arrangement for management of Fraser salmon? Does this involve formalizing Roadmap? OR, Is the ITO the appropriate organization? In either case, what should be the terms of reference for the Tier 1 organization with regard to working	See if ITO wishes to host the workshop; otherwise work with the ITO to prepare for the workshop Prepare templates for organizational terms of reference and a negotiation

		<p>on/negotiating the management Arrangement?</p> <p>What should be the negotiation framework, from the First Nations' perspective, especially concerning mandated representation?</p> <p>Strike a committee to flesh out the negotiation framework, after confirming whether a formal negotiation framework is necessary. The committee should confirm the desired scope objectives and vision of the Arrangement as well as proposing terms of reference for representation, etc., and guiding principles</p>	<p>framework (e.g. stages/steps, representation of parties), to support discussion at the workshop</p> <p>Facilitates the convening of the committee after the workshop</p>
<p><b>Roadmap Workshop3: September 2011</b></p>	<p>Negotiation framework</p> <p>Potential of alternative arrangements (options) for co-management – learning from and assessing models or examples</p>	<p>First Nations committee proposes the draft negotiation framework for consideration by all participants including DFO; discussion to seek agreement on a shared negotiation framework, including mandate and accountability, representation of parties, ratification and any other protocols</p> <p>What needs adjusting in the proposal for a negotiation framework provided by the committee?</p> <p>Use the “Fundamental questions to consider regarding mechanisms of co-management”, looking at options analysed by Blomfield and Belak (2010) (presented in summary to participants) and reviewing experience from (any of the following) Haida and Maori experience, and collaboration in fisheries management and technical working groups</p> <p>Strike a committee to continue focused work around defining possible options for a co-management Arrangement</p>	<p>Supervises the collation of references from past workshops, etc. on arrangements for co-management for discussion at the workshop</p> <p>Facilitates the convening of the committee after the workshop</p>

<b>Roadmap Workshop 4: December 2011</b>	Agreement on vision, objectives and guiding principles, leading to definition of the parameters of co-management	[Workshop agendas from here on will be shaped by the agreed-upon negotiation framework.]  From the draft vision, objectives and principles discussed in workshop 1, which can we agree on now?  What are the parameters (distinguishing features or notable characteristics) of co-management that the Arrangement needs to encompass?	
<b>Roadmap Workshop 5: February 2012</b>	Drafting agreements	What are the agreements that need to comprise the new management Arrangement?  Strike a committee (or more than one) to make further process on unresolved elements after the workshop.  Prepare for ratification by the parties.	
<b>Roadmap Workshop 6: March 2012</b>	Finalizing the new management Arrangement	Report from both parties on ratification results.  Follow up discussions as required; pursuit of new draft agreements likely to be ratified	
<b>Additional workshop?</b>			

## 9 APPENDICES

### 9.1 Documents reviewed

As the contractor, I wasn't "there" to observe what actually took place – I didn't "see what happened" at the Roadmap workshops. I am grateful that clear records of the Tier 2 meetings were kept, though I am aware they don't tell the whole story. I briefly met the Roadmap Planning Group January 19, at the Union of BC Indian Chiefs office, Vancouver, with Deana Machin – FNFC, Pat Matthew - FRAFS / Secwepemc Fisheries, Tony Roberts Jr - IMAWG/Atlegay Fisheries Society, and Ken Malloway - FNFC and FRAFS.

My assignment was to undertake a review and analysis of documents provided. These documents outline the progress made at previous Roadmap meetings to date, and provide additional context and background in relation to this initiative. The documents provided were:

- Draft Roadmap summary paper (June 15) - FRAWG
- Tier 2 Roadmap meeting notes from: October 2009, December 2009, February 2010, and June 2010
- Overview paper on a proposed Joint DFO-FN Management Framework (October 2010) – FRAWG
- Establishing a Fraser Watershed Process (2003 Draft) - B. Gaertner
- Evaluation of the FRAWG and Forum Process (October 2009) - P. Kariya
- Co-Management Discussion Paper (October 2010) – First Nations Fisheries Council
- FNFC Fall Assembly Summary Documents (November 2010) – First Nations Fisheries Council
- [REDACTED]
- [REDACTED]
- Correspondence regarding proposed Process and Protocols for the Roadmap (January 2010) – Nicola Tribal Association

**Table 2: List of documents reviewed, file names.**

Date	Type of document	Document name, date, author	File name	Citation
Aug 2003	Report - legal	Establishing a Fraser Watershed Process, Draft #4 – August 8, 2003, B. Gaertner	47 pp. PDF GaernterReportDraft4	(Gaertner 2003)
Oct 2009	Report - evaluation	Evaluation: Interim Fraser River and Approaches Working Group (IFRAWG) and Forum on Conservation and Harvest Planning (Forum), Paul Kariya, School of Leadership, Trinity Western University, October 15, 2009  <i>See Kariya's presentation in Oct. 2009 Roadmap meeting</i>	30 pp. 2 MSWord files RepForum&FRAWG(2008-2009) Evaluation Oct 1509.Fin.pk Forum&FRAWG Evaluation _Oct 2009.Final_PKariya	(Kariya, Oct. 2009)
Oct 2009	Tier 2 Roadmap Meeting	DFO and First Nations Salmon Management Workshop October 15 & 16, 2009, Executive Airport	5 pp. 3 identical files MSWord Oct 15-16 2009 management	(Roadmap workshop, Oct. 2009)

	notes	Plaza Hotel, Richmond BC, Draft Tier 2 Minutes	workshop - Tier 2 draft minutes  PDF Roadmap Tier 2 Notes_October 15and16_2010  PDF Roadmap (October 1516 2010) (2)	
Oct 2009	Overview paper [Includes Progress to Date, and Where to from here?]	Development of a Joint DFO-First Nations Management Framework for Fraser Salmon, Supported by the Fraser River & Approach Working Group, Oct. 23, 2009	2 pp. PDF Joint DFO-FN management framework oct 23 2009	(Overview, Oct. 2009)
Dec 2009	Discussion questions for Roadmap Workshop	Possible Themes for Discussion at DFO-First Nations Fraser Salmon "Roadmap" Workshop: Draft only; for discussion	2 pp. MSWord Discussion Themes Questions_DFO-FN Roadmap Workshop Dec 9-10 v1	(Roadmap workshop draft Themes, Dec. 2009)
Dec 2009	Tier 2 Roadmap meeting notes	Fraser Salmon Roadmap Workshop – DRAFT MINUTES, First Nations & DFO (Tier 2), December 10, 2009, Sheraton Vancouver Airport Hotel, Richmond BC	5 pp. MSWord 2 identical files RmRoadmap Workshop TIER 2 DEC 10 2009 d1&bhCom Roadmap Workshop TIER 2 Notes DEC 10 2009 draft	(Roadmap workshop, Dec. 2009)
Jan 2010	Correspondence	To: First Nation members of the FRAWG From: Chief Fred Sampson, Nicola Tribal Association, January 25 2010  Re: Your discussions with DFO on a collaborative management arrangement (currently being called "the roadmap process") [= Correspondence regarding proposed Process and Protocols for the Roadmap. Includes Draft Negotiation Process Framework]	4 pp. MSWord NTA LetJan25'10-Collab Mgmnt Process&Protocol&Attachmnt	(Sampson, NTA, Jan. 2010)
Feb 2010	Tier 2 Roadmap meeting notes	ROAD MAP MEETING –Kamloops, Comfort Inn, Kamloops, Wednesday & Thursday February 3rd and 4th 2010 [Includes report from Day 1 (Tier 1)]	10 pp. RmForum Cons&HarPlnFrasSal-Feb 3 4-day 2 bi-lat.d1so	(Roadmap workshop, Feb. 2010)
June 2010	Discussion tool for Roadmap Workshop	Fraser River Roadmap: Towards a Co-Management Arrangement between DFO and First Nations in the Fraser Watershed and Marine Approach Areas, Draft Discussion Tool for Roadmap Workshop,	10 pp. (Printed) MSWord Draft Roadmap Summary Document June 2010draft	(Discussion tool, June 2010)





Forum: *planning and operational issues (e.g. IFMP, FSC planning) – (Forum)* (Roadmap workshop slides, June 2010)

the Forum on Fraser Salmon is the yearly operational phase

Forum Process:

- Key activity has been to improve operational planning around FSC fisheries and Fraser Salmon.
- Meeting regularly since winter 2008.
- Has examined a range of issues related for FSC planning and impacts of other fisheries.
- Key accomplishments:
  - o Recommendations related to Fraser Chinook and sockeye fisheries.
  - o Significant strengthening of relationships among FNs, and between DFO and FNs.
  - o Better mutual understanding of the diverse cultural considerations and fisheries interests throughout approach and watershed areas, better basis for collaborative and respectful fisheries planning discussions.
  - o Growing technical capacity among participants.
  - o Increased engagement of FNs in fisheries planning issues, both locally and at a watershed/approach level.
  - o Widespread interest and participation.
  - o Development of the Road Map Process to consider long term relationships, and a potential formal structure.

(Roadmap workshop, June 2010)

The Forum since its inception in 2008 has met 8 times in various centres in southern BC, with members and representatives of First Nations attending from throughout the Fraser River drainage and approach fishery areas. However not all First Nations have attended and indeed there are other representative fisheries processes and structures under development and underway, such as the First Nations Fisheries Council (FNFC) and Inter-tribal Treaty organization (ITO). (Kariya 2009)

Before committing to IFRAWG/Forum for 2010, First Nations and DFO have agreed upon an evaluation of progress and results to date. Paul Kariya who served as facilitator to the 2009 Forum meetings was tasked to undertake a modest survey based evaluation.

### **Fraser River and Approach Working Group (FRAWG)**

Fraser River and Approach Working Group (FRAWG) coordinates the Roadmap process.

FRAWG – a collaborative DFO-First Nations' working group responsible for jointly advancing the Forum and Roadmap processes (Roadmap workshop slides, June 2010)

FRAWG will continue to develop tools for the roadmap process. (Roadmap workshop, Feb. 2010)

This working group's origin was from the first FORUM meeting (January 2008). The role of the working group is to organize FORUM and Roadmap meetings including venues, agendas, content preparations, and communications; and generally assist with moving the Roadmap and FORUM processes forward. Initially participation was on a volunteer basis. As the FORUM and Roadmap processes have advanced there is interest in new participants. Better geographic representation was raised as an issue at the June 23-24 Roadmap workshop. The FRAWG team will want to work with Roadmap participants to consider how best to accommodate growing interest in participation on this working group. The FRAWG will be reviewing recommendations



made at the FORUM & Roadmap meetings and will consider how to provide an effective response.

The Interim Fraser River and Approaches Working Group (IFRAWG) was established by First Nations and DFO as an interim planning sub-committee to plan and prepare for discussions that would take place at a larger Forum on Conservation and Harvest Planning (Forum) of all First Nations on the Fraser River and all First Nations from the approach fisheries. The focus was Fraser River salmon and how best to meet the F/S/C requirements of First Nations. (Kariya, Oct. 2009)

With the demise of the BC Aboriginal Fisheries Commission, there was need for a dialogue space for First Nations to discuss fisheries matters while other First Nations structures and process such as the First Nations Fisheries Council and Inter-tribal Treaty Organization become fully operating to their mandates. IFRAWG and Forum have filled this bill and there may be need for them to continue for a while longer. (Kariya, Oct. 2009)

An *ad hoc* working group was formed at a January 2008 meeting between First Nations (both Fraser and marine/approach areas) and DFO that was held to address specific salmon stock conservation concerns and the FSC needs of Aboriginal communities, and was tasked with helping plan further FSC planning meetings. This group, originally called the Interim Working Group, has evolved into the Fraser River & Approach Working Group (FRAWG) and continues to provide leadership and coordination for the Forum process. (Overview, Oct. 2009)

Over the coming months, FRAWG will continue to facilitate discussions between DFO and First Nations regarding the development of a co-management process for Fraser salmon. This will include developing a workplan, communication materials and bringing in a broader range of First Nations with an interest in Fraser salmon to help build this process. (Discussion tool, June 2010)

## **Roadmap**

Fraser Salmon Roadmap Planning Group (FSRPG) is a sub-committee the Fraser River Aboriginal Fisheries Secretariat (FRAFS). FRAFS is the administrator/manager of the AAROM agreement that funds this process; provides communication services, logistical support as required, and budget oversight.

DFO sees a strong need to work more closely and effectively with First Nations to improve the management of Fraser salmon stocks. To that end, DFO has allocated funding to support this process, which is being administered by the Nicola Tribal Association on behalf of the Fraser River Aboriginal Fisheries Secretariat (FRAFS).

The “Roadmap” is a developmental process (an offshoot of the FORUM process) whereby First Nations and DFO come together on a broad geographic basis (Fraser River watershed and Marine approach areas) to work together and work towards agreement on a coordinated and collaborative engagement planning process on a broad suite of fisheries related issues. This includes agreement on issues such as roles and responsibilities (e.g., Tier 1, sub-regional AAROM bodies, Regional organization); technical support requirements; communications, funding and co-management. This process will evolve slowly and will likely take several years or more to get the building blocks in place.

The Roadmap process is coordinated by the Fraser Salmon Roadmap Planning Group (FSRPG), which consists of appointed members (and alternates) from the following partners: Fraser River

Aboriginal Fisheries Secretariat (FRAFS), First Nations Fisheries Council (FNFC), Island and Marine Aquatics Working Group (IMAWG) and Fisheries and Oceans Canada (DFO). The FSRPG provides overall strategic direction and manages the process related to the Roadmap initiative, including budget allocations, linkages between First Nations groups and organizations, and other areas as appropriate. This group is responsible for providing strategic direction and making decisions regarding content and process related to the roadmap initiative.

The need for collaborative management of salmon has long been a key issue in the evolving relationship between First Nations and Fisheries and Oceans Canada, and the Roadmap Process first emerged from the on-going discussions at the Forum on Conservation and Harvest Planning since 2008. From 2009 to the present time, First Nations and DFO have been having focused Tier 1 and Tier 2 Roadmap dialogue sessions related to the development of collaborative management arrangements that could apply to the future management of Fraser Salmon stocks. Tier 1 and Tier 2 Roadmap meetings are open to First Nation participants that have interests in Fraser Salmon.

## **9.4 Roadmap workshop history**

*The following rough notes could be edited to form a briefing package for new participants in the Roadmap process, including the facilitator.*

Roadmap meetings: October 2009, December 2009, February 2010, June 2010,

Meeting regularly since fall 2009 [Four Roadmap workshops in 2009-10 fiscal year, including one dealing specifically with consultation.] (Roadmap workshop, June 2010)

### **October 2009**

At a Forum meeting in May 2009, First Nations participants and DFO agreed that a fall workshop should be held to consider options for a more formal and permanent working relationship between First Nations and DFO related to the management of Fraser River salmon stocks. In October 2009 the first in a series of Collaborative Management Workshops (now commonly referred to as “the roadmap process”) was initiated. This workshop, held in Richmond on October 15-16, 2009 with Fraser River and marine/approach First Nations and DFO was to consider options for moving forward and to discuss potential next steps.

At that workshop, the participants agreed that there is a need to continue this work and that the Fraser River & Approach Working Group should plan for a second workshop in December

### **December 9-10, 2009**

The objectives of this workshop will be to: Broaden First Nation participation to include representation for as many Aboriginal communities as possible that have an interest in the conservation and harvest of Fraser salmon; and Agree on a process for establishing a more formal agreement between First Nations and DFO on the management of Fraser salmon. (Overview, Oct. 2009) It was supported by a short overview document and a two-page description of 5 discussion themes.

Discussion themes:

1. Vision, Goals and Objectives
2. Mandate and Scope
3. First Nation Representation
4. Role of Technical Capacity and Support
5. Structural Options / Potential Models

Over the coming months, FRAWG will continue to facilitate discussions between DFO and First Nations regarding the development of a co-management process for Fraser salmon. This will include developing a workplan, communication materials and bringing in a broader range of First Nations with an interest in Fraser salmon to help build this process. The workshop on December 9-10, 2009 will be an important next step in agreeing on a “roadmap” for building a co-management structure. (Overview, Oct. 2009)

### **February 3-4, 2010**

Same discussion themes as October 2009 – up-dates by Barry Hubert and Pat Mathew were followed by discussion. A proposed Negotiations Process Framework from the NTA was also discussed.

## **June 23-24, 2010**

[Same as in Oct. 2009:] Over the coming months, FRAWG will continue to facilitate discussions between DFO and First Nations regarding the development of a co-management process for Fraser salmon. This will include developing a workplan, communication materials and bringing in a broader range of First Nations with an interest in Fraser salmon to help build this process. (Discussion tool, June 2010)

This June 2010 meeting in Kamloops aimed to focus on **working together to design a process**. The Purpose and Objectives were:

- Update participants on what the “Roadmap” process is about, the relationship of the Roadmap compared to Forum, and how it relates to FNFC fisheries co-management initiatives being undertaken in BC.
- Summarize recent work on the Roadmap, and seek input from participants on key outstanding questions and next steps.
- Continue to clarify vision, objectives and desired outcomes of the Roadmap work.

## **9.5 People involved**

### **Contract admin.**

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### **Roadmap Planning Group members**

- Deana Machin - FNFC
- Pat Matthew - FRAFS / Secwepemc Fisheries
- Susan Anderson Behn - IMAWG
- Tony Roberts Jr - IMAWG/Atlegay Fisheries Society
- Ken Malloway - FNFC and FRAFS
- Barry Huber - DFO
- Brigid Payne - DFO