

INTRODUCTION

In 2008, it was recognized that poor forecasted returns for Fraser salmon would limit harvest opportunities and could potentially impact the ability of First Nations to harvest salmon for food, social and ceremonial (FSC) purposes. Recognizing this would pose in-season management challenges for DFO and First Nations, the Department (led by BCI) initiated a series of workshops to engage Fraser River First Nations regarding harvest planning for the 2008 season.

The first workshop took place on January 10, 2008, which led to the formation of an *ad hoc* transition committee comprised of First Nation and DFO representatives. This *ad hoc* committee planned three additional two-day meetings with First Nations meeting on the first day and DFO staff joining First Nations on the second. These meetings were productive and, at the end of the third session, First Nations requested DFO support continuation of this planning process in order to build on progress made—particularly further work on a new, permanent DFO-First Nation engagement process that would result in improved understanding Fraser salmon management issues, technical information and a sharing of views in a respectful and collaborative manner.

In preparation for 2009 season, the *ad hoc* transition committee evolved into the Interim Fraser River and Approach Working Group (IFRAWG). This working group has continued to fill the role of planning and organizing meetings and communications, with the assistance of the Fraser River Aboriginal Fisheries Secretariat (FRAFS).

In 2009, DFO and IFRAWG held a further series of four workshops. Facilitated by Paul Kariya, these workshops were titled the Forum on Conservation and Harvest Planning for Fraser Salmon. Key objectives were to provide technical information, improve the understanding of this information and hear views on how best to manage fisheries; in particular, situations where a salmon stock or stocks were expected to return in such low numbers that harvest opportunities would not meet First Nation FSC needs. Desired outcomes included the development of a sharing plan for Early Stuart sockeye should a total allowable catch (TAC) be identified in-season and/or a set of decision rules that could be used to allocate shares of any available TAC to First Nation communities.

Through this process it became clear that despite the efforts of DFO staff to support this outcome, First Nations collectively lacked the capacity to develop a coordinated FSC harvest sharing plan for Fraser River salmon stocks. What was achieved, however, was advancement in the relationship building between First Nations (in particular the marine approach and the Fraser River groups) and between First Nations and DFO; improved in-season communications; and a much better understanding of the complexity involved with the management of Fraser River salmon. Based on this progress, First Nations in the Fraser area indicated a desire to build on this progress and develop a more permanent co-management structure or process between First Nations and DFO regarding Fraser salmon, including appropriate representation and decision-making powers.

At the fourth meeting of the Forum on Conservation and Harvest Planning for Fraser Salmon (on May 21st) it was agreed that the Department would work with IFRAWG to plan for a fall workshop that would focus on two key issues:

- Mandated representation on the part of First Nations (both political and technical); and
- Initiating a collaborative planning process that would lead to a DFO-First Nations agreement on a more permanent co-management process for Fraser salmon.

Barry Huber (BCI), with support from FAM and PICFI staff (RHQ), has developed the following strategic plan that would shape further DFO engagement with First Nations on these issues and could ultimately lead to an agreement with Fraser River First Nations regarding a more permanent co-management process for Fraser salmon. A budget to support this engagement strategy for the 2009-10 fiscal year is attached (**Attachment 3**). Sources of funding are identified in the budget.

Further internal work is required in order to ensure linkages and consistency with current DFO initiatives and fisheries management processes (e.g. Fraser River Panel, Integrated Harvest Planning Committee). However, this plan will be used to inform and seek approval from DFO senior management as the process moves forward and further meetings are undertaken this fall.

In the meantime, it is anticipated IFRAWG will continue to assist in planning for another series of meetings with First Nations and the Department for 2010 Fraser salmon using the Forum on Conservation and Harvest Planning for Fraser Salmon as the main communications mechanism.

DFO is also undertaking consultations with First Nations on the renewal of Chapter 4 (Fraser Sockeye and Pink) under the Canada-US Pacific Salmon Treaty. DFO and First Nation representatives on the FRAFS Executive Committee have agreed on a consultation strategy for Canadian negotiations with the US to renew the Chapter, which expires at the end of 2010. DFO has committed to support venue costs for three watershed-wide meetings between First Nations and with representatives of DFO. The first of the three meetings was held May 22, 2009 at Thompson Rivers University in Kamloops. The morning session was lead by Barry Rosenberger while the afternoon session was for First Nations only. A second session was held June 23, 2009 in Kamloops with a third session scheduled for October 27, 2009 in the Lower Mainland. The outcomes and relationship with Fraser First Nations built through this process could be important in terms of moving forward with longer-term work on a co-management structure for the Fraser.

THE ENGAGEMENT STRATEGY

Year 1 Activities – Fiscal Year 2009-10

1. Continuation of Forum on Conservation and Harvest Planning for Fraser Salmon
 - Two sessions were held on April 7-8 and May 21-22, 2009, facilitated by P. Kariya.
 - Two additional sessions of the Forum are being planned for this fiscal year, one in late-January or early February and one in late March 2010.

- Mr. Kariya will be providing an evaluation of the IFRAWG and Forum planning process for presentation at the fall workshop (dates to be confirmed, but currently scheduled for October 22-23, 2009), as well as completing a research initiative on leadership and salmon issues involving two case studies: the Nisga'a Treaty and Inter-Tribal Treaty Organization. The results of this research will be reported back to IFRAWG and FRAFS and used to inform the approach outlined in this proposal.
- 2. Further Collaboration with Interim Fraser River & Approach Working Group (IFRAWG)
 - In addition to planning sessions of the Forum on Conservation and Harvest Planning for Fraser Salmon, IFRAWG has continued to seek more mandated First Nations representation in the Forum Process.
 - On May 21st, it was agreed the IFRAWG participants would lead preparatory work with DFO for a fall workshop (October 22-23, 2009) including:
 - A meeting with the Inter-Tribal Treaty Organization and First Nations Fisheries Council representatives to clarify the areas of interest in management of Fraser salmon stocks, as well as associated planning processes and representation; and
 - Building interest in the fall workshop and seek political, managerial and technical representation.
- 3. Engagement with Fraser First Nations on a more permanent co-management for Fraser salmon (Phase I)
 - Long-term objective is a more formal, structured co-management process for Fraser salmon, beginning with a DFO-First Nations workshop in October.
 - Leading into the workshop, IFRAWG has agreed to: seek suitable representation for participation (political/managerial and technical); develop an annual schedule of relevant meetings (including fisheries planning meetings and fall dialogue sessions) to coordinate First Nations political and technical participation.
 - In terms of participation for the fall workshop, internal discussions have focused on the following:
 - DFO: Area Director, Chief of Resource Management and Aboriginal Affairs Advisor from BCI, Lower Fraser and South Coast Areas, K. McGivney (Director, TAPD), C. Jackson (Advisory, Co-Management), and AAROM Coordinator (approximately 12 in total)
 - First Nations: Two representatives from each tribal organization, one representative from the First Nation Fisheries Council, one representatives form the Inter-Tribal Treaty Organization and other IFRAWG representatives, as required (approximately 22 in total)
 - Subject to agreement with First Nations on objectives, the workshop will begin building the foundation for a more formal, long-term DFO-First Nations co-management process for Fraser salmon. The workshop will explore: principles for engagement; desired outcomes; process and schedule for engagement; issues around representation (including mandated representation and a plan for addressing gaps); linkages to other DFO and non-DFO fisheries initiatives (e.g. ITTO and FNFC); possible mission statement; draft Terms of Reference; resources required (human, funding); initial list of issues or potential barriers

- relevant to this work; establishment of a smaller working group and associated tasks for this group(s); and a broader communication and engagement strategy (e.g., representatives reporting back to constituents and seeking input).
- 2nd Workshop (November 16-20 or first week December 2009): further discussions and possible agreement on a more formal engagement and co-management process for Fraser salmon. Specific topics and objectives to include:
 - Finalize the engagement process for this fiscal year and next (Phase I and Phase II) that will lead to a formal signed agreement (including Forum on Conservation and Harvest Planning for Fraser Salmon)
 - Refine issues list and prioritize based on representatives input and feed back from their constituents
 - Agree on what issues will be dealt with and process to deal with each issue
 - Advance work on management framework/structural design
 - Implement communications strategy including representatives reporting back to constituents and seek input from them
 - 3rd Workshop (early January 2010): further discussions and possible agreement on a more formal engagement and co-management process for Fraser salmon. Possible topics and objectives would include:
 - Complete mission statement and terms of reference
 - Finalize key elements to include in a draft Fraser salmon co-management process, including roles and responsibilities and a process to move toward the next stage of development
 - Trial implementation of changes agreed-to as part of the three workshops, potentially through the Forum on Conservation and Harvest Planning for Fraser Salmon
 - Finalize plans for the negotiation phase of the formal agreement including what will be negotiated and when
 - Negotiating team selected (lead negotiators and agreement drafters for First Nations and DFO), including a facilitator
 - Determine resources needed to complete and agreement in 2010-11

Year 2 Activities - Fiscal Year 2010 – 2011

1. Continuation of IFRAWG. Subject to agreement among First Nations and with DFO, IFRAWG or replacement working group would continue to facilitate the process for annual fisheries planning meetings and for negotiation of the formal agreement
2. Continuation of the Forum on Conservation and Harvest Planning for Fraser Salmon for harvest planning processes. The third and final meeting of the Forum would take place in April 2010 for Fraser salmon fisheries planning for input into the South Coast IFMP
3. Engagement with Fraser First Nations on a more permanent co-management for Fraser salmon (Phase I) (Phase II):
 - Subject to agreement with First Nations, a workshop would be held in late May 2010 to continue discussions and begin negotiation of a formal agreement on a co-

management process for Fraser salmon. Potential topics and objectives would include:

- Review the process agreed upon in the previous meeting and make any needed refinements
 - Review purpose, outcomes, process, Mission Statement, and ToR developments from Phase I
 - Updates from who was working on what in the draft model developed in Phase I
 - Update representation and reporting requirements
 - Review financial support plan
 - Consider any suggested changes since the 3rd workshop in Year 1 fiscal year 2009-10
 - Issues to be negotiated update and refinement plan and begin formal agreement negotiations
 - Update communications plan
 - Report back to constituents and seek feedback
 - A second workshop focusing on a more formal agreement would be held in early November 2010. Potential topics and objectives would include:
 - Review negotiation progress to date and refine based on representatives input and feedback from their constituents
 - Refine the issues to be dealt with and how each of the issues will be addressed, including who doing what and timelines
 - Report back to constituents and seek feedback (joint feedback meetings that include the local resource manager?)
 - Outstanding issues to be worked on before Third workshop
 - Ratification –agree on process and have representatives seek input
 - A third workshop would then be held in December or early January 2011 to move the discussions forward and potential outline a draft agreement with First Nations, topics and potential objectives to include:
 - More formal negotiation and discussion on the substance of an agreement, including additional appropriate political representation is present to help do the fine tuning and garner support.
 - Draft document and/or agreement outlining the co-management process (or structure) to take out to First Nations (potentially each Nation) for ratification.
 - Subject to approvals for both DFO and First Nations and, time permitting, Phase II of the process could be concluded with the IFRAWG or the replacement planning working group planning a signing ceremony and/or unveiling of the agreement.
4. Implementation of negotiated engagement / co-management process for annual pre-season harvest planning. This would likely include meetings in late January and early March, followed by a meeting in early April 2010.

Year 3 Activities - Fiscal Year 2011 – 2012

1. Visions Workshop (late May). The annual Visions workshop could include a joint signing ceremony for the agreement between DFO and First Nations on a Fraser co-management process.
2. Implementation and refinement (as necessary) of the agreement and co-management process.

Key Considerations:

- Role of the First Nations Fisheries Council (FNFC) which is mandated by First Nations to lead the development of a broad co-management framework (endorsed by FN Summit, Union of BC Indian Chiefs and the AFS).
- Linkages to other DFO consultation and management processes and initiatives (e.g. Fraser River Panel, IHPC, Wild Salmon Policy implementation, FRSSI, Sustainable Fisheries Framework).
- Importance of maintaining experienced political and technical representation on the part of First Nations, potentially through funded positions.
- Issues around representation on the part of First Nations (both political and technical) and how to ensure that representatives have a mandate from their First Nation constituents. Also, the extent to which a process could incorporate different representative structures for different First Nations.
- Each Aboriginal organization with funding from DFO should have a strategic plan (with any linkages to tribal organizations or AAROM bodies. Also each DFO area (e.g., BCI) should develop a strategic plan linked to DFO strategic plans and management structures the Department engages in for the management of fisheries.
- To support dialogue between First Nations and the recreational sector, sub-regional Sport Fish Advisory Board (SFAB) organizations could met with AAROM bodies.
- Timing with respect to when DFO and First Nations establish a consultation protocol (e.g. at the beginning of negotiations or once there is agreement on a co-management process).
- Options for dispute resolution.
- Potential for funding support from federal partners and possibly the Province of BC.
- Issue of support among First Nations and what level of support in each of the Lower Fraser, BC Interior and South Coast (marine) areas would need to support the agreement on a co-management process before DFO will move ahead.
- Linkage between First Nation representation and whether this process can be linked to the appointment of First Nation representatives on the Fraser Panel and/or Commissioners on the Pacific Salmon Commission.

Budget Notes:

Inter-tribal Treaty Organization: Note: \$50k in PICFI workplan. The ITO in 2009/10 is provided funding from the Fraser Salmon and Watersheds Program (FSWP) in the amount of ~\$126K, FRAFS - \$22,500 and DFO in-kind funding in LTC AAROM agreement (\$12,240) for FSWP contribution to ITO.

** See Excel Budget file for a more detailed breakdown of budget, including costs and proposed funding sources.*

Attachment 1

BACKGROUND

SUMMARY OF CO-MANAGEMENT IN THE FRASER WATERSHED

- Co-Management Program – 1990-1992 (Short term program – post “Sparrow Decision)
- Aboriginal Fisheries Strategy (AFS) - Initially 1992 to 1999 (Seven year program to bridge gap between 1992 and the expected signing of Treaties by 1999. After five years the program was extended indefinitely pending the completion of treaty negotiations.
- Fraser Watershed Agreement 1992-2009 (Aboriginal organizations were required to sign the Watershed Agreement before DFO would negotiate bi-lateral agreements that funded AFS program activities-See details in Attachment 2).
- AFS program since 1999 has functioned without a Watershed Agreement which has resulted in a lack of coordination, representation and accountability for a coordinated approach throughout the Fraser Watershed.
- Pilot Sales in the Lower Fraser River Initiated. Pilot Sales were often viewed as associated with the Aboriginal Fisheries Strategy, however officially Pilot Sales was a separate initiative from the AFS.
- April 1, 2004 Aboriginal & Aquatic Resource & Oceans Management (AAROM) program initiated as a result of the 2002 AFS review. (Extended for a further five years (April 1, 2009 to March 31, 2014
- July, 2007 Pacific Integrated Commercial Fisheries Initiative introduced in the Pacific region (Atlantic Integrated Commercial Fisheries Initiative on the east coast)
- Recent Court cases have reinforced and the need for consultations with Aboriginal organizations and clarified various aspects of those consultations including the need for Governments to initiate consultations, First Nation’s obligations to participate and accommodation considerations governments are required to consider and respond to.
- 2007 Leadership Council (AFN, UBCIC and Summit) formed an alliance to work together and in turn initiated the First Nation’s Fisheries Council
- 2008 – N. St’at’imc and Nlaka’pamux Nation worked together to reactivate efforts to implement a Fraser River Inter-Tribal Fisheries Treaty (Originally signed in 1989 by the majority of Tribal groups in the Fraser River.
- 2008: DFO BCI initiated a series of Workshops to engage with First Nations for 2008 harvest plans. It was felt that a more effective way to engage with First Nations was required because an unprecedented weak returns of Fraser salmon stocks were forecast. This potential meant the First Nations would not be able to obtain sufficient Fraser River salmon to meet their desired food, social and ceremonial needs.
 - Both Marine approach and Fraser R. First Nations were invited
 - Following an initial workshop there ended up being a series of four meetings (Format Day 1 FNs only (Tier 1) and Day 2 DFO & FNs (Tier 2); also, formed at the first meeting was an ad hoc planning committee
 - At the end of the fourth workshop, First Nations asked DFO to support continuation of the process to build on progress made – mainly developing this

engagement relationship with DFO and between Fraser River and Marine area FNs. The ad hoc planning committee evolved into an Interim Fraser River & Approach Working Group.

- 2009: Another series of four workshops were held (initially DFO planned for three). These were labelled as “**Fraser Forum on Conservation and Harvest Planning for Fraser Salmon.**” **Outcomes included: a significant step in building the relationship between First Nations (in particular the Marine approach and the Fraser River groups) and between these two groups and DFO’s resource management staff.** This in turn resulted in a desire to continue building on progress made. First Nations still lacked the capacity to develop a coordinated FSC fishing plan for the Fraser River. DFO had hoped and prompted participants at the workshops to come up with a FSC harvest sharing plan, in particular for Early Stuart sockeye should a harvest opportunity be identified in-season. At the final workshop on May 21st it was agreed that the Department would work with IFRAWG to plan for a fall workshop. A need for two key issues were addressed:
 - Getting to a Formal Agreement on a structured process for Management of Fraser Salmon Stocks
 - Mandated Representation (political and technical)

In addition, the fall workshop will likely include a post season review of Fraser salmon fisheries and a look at an engagement plan for 2010.

Attachment 2

AFS WATERSHED AGREEMENT 1992 TO MARCH 31, 1999

Purpose

The purpose of the Watershed Agreement is to provide for a coordinated approach to the conservation, protection and enhancement of fisheries, fish and fish habitats of the Fraser R. Watershed, including fish health and quality and Allocations

Committees

Steering Committee

- Monthly meetings (10 FN reps. and 3 DFO)
- Provide a forum to exchange information regarding the progress and outcome of bilateral agreements;
- Review consensus recommendations of the Technical Committee and the Monitoring and Enforcement Committee and reports on issues on which the committees cannot reach consensus and make consensus recommendations to the RDG;
- Develop and carry out a process for reviewing and evaluating the Watershed Agreement and any activities carried out pursuant to that agreement and for reporting to the Parties on the process, reviews and evaluations;
- Carry out and coordinate any other responsibilities and activities agreed to by the parties; and
- Provide reports to the RDG, including majority and minority opinions, on any issue on which the Committee cannot reach consensus for resolution of the issue by the RDG.

Monitoring and enforcement committee

- (10 FN reps. and 3 DFO)
- provide the Steering Committee with a consensus recommendation on a coordinated monitoring and enforcement plan with respect to fishing and related activities within the Area by the First Nations, which monitoring and enforcement plan will include details with respect to landing sites, inspection, data collection, quality control, monitoring, daily enforcement activities and mechanisms for reporting and the Steering Committee;
- provide the Steering Committee with a consensus recommendation on a coordinated enforcement protocol with respect to enforcement activities by First Nations and DFO, which protocol will include, when necessary, the issues identified in subsection 7.17;
- review the performance of the Aboriginal Fisheries Officers;
- Coordinate joint patrols by the Aboriginal Fisheries Officers and DFO fishery guardians and fishery officers within the Area.
- review and coordinate joint field activities of the Parties carried out pursuant to this Agreement or that of First Nations pursuant to Bilateral Agreements with respect to monitoring and with respect to enforcement within the Area;
- identify training requirements and training options related to the implementation of this Agreement and sub agreements to this Agreement;

- refer to the Steering Committee any matters upon which it is unable to reach a consensus and provide any related information and materials to the Steering Committee to assist it in attempting to resolve the matters;
- provide reports and information to the Steering Committee on its request;
 - assist in the development of an accredited Enforcement Training Program.

Technical Committee

- (10 FN reps. and 3 DFO)
- Meet as required to recommend a fishing plan with respect to harvesting by First Nations for the Area;
- Review in-season information and recommend amendments to the fishing plans;
- Provide reports and recommendations to DFO and the Steering Committee including majority and minority positions on any issue referred to it by the Parties;
- Recommend Area production plans; and
- Recommend stock and habitat assessment and monitoring plans.

Three Year Strategic Approach to Developing a Co-management Process for Fraser River Salmon: First Nations Component –
Draft September 27, 2009

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Attachment 3

Budget Plan for 2009 Fraser Sockeye Stock Management and First Nations Harvest Planning (Broad based collaborative meetings)					
Activity	Meeting Date	AOM Funds	PICFI Funds	Funding Source / Agreement Utilized	Comments: Funding Source
Forums for Harvest Planning					
Forum on Conservation & Harvest Planning for Fraser Salmon	April 7&8	\$ 15,000		FRAFS AAROM core budget	Planning for 2009 Fraser Salmon FSC fisheries Included: food/bev, room, facilitation & record keeping
Forum on Conservation and Harvest Planning for Fraser Salmon	May 21&22	\$ 15,000		S. Coast AAROM Funds / FRAFS AAROM amend budget	Planning for 2009 Fraser Salmon FSC fisheries Included: food/bev, room, facilitation & record keeping
Forum on Conservation & Harvest Planning for Fraser Salmon	Jan 2010		\$ 15,000	PICFI-E. Improving emerging Co-mgmt Initiatives	Planning for 2009 Fraser Salmon FSC fisheries Included: food/bev, room, facilitation & record keeping
Forum on Conservation & Harvest Planning for Fraser Salmon	Mar 2010		\$ 15,000	PICFI-E. Improving emerging Co-mgmt Initiatives	Planning for 2009 Fraser Salmon FSC fisheries Included: food/bev, room, facilitation & record keeping
		\$ 30,000	\$ 30,000		
Formal Agreement Development - Three Workshops					
Phase I-Process Development	Fall 2009 Oct 21-22		\$ 20,000	PICFI-E. Improving emerging Co-mgmt Initiatives	Includes meeting venues and contract \$s to do post meeting work
Issues review & organizing	Fall 2009 Nov 16-20		\$ 20,000	PICFI-E. Improving emerging Co-mgmt Initiatives	Includes meeting venues and contract \$s to do post meeting work
Plan for 2010 negotiations	Jan 2009		\$ 20,000	PICFI-E. Improving emerging Co-mgmt Initiatives	Includes meeting venues and contract \$s to do post meeting work
		\$ -	\$ 60,000		
Interim Fraser River & Approach Working Group Support					
IFRAW Planning Support- "forum"	Nov'09- Mar'10		\$ 5,000	PICFI-E. Improving emerging Co-mgmt Initiatives	Participant costs
IFRAWG Planning Support "Formal Agreement Developments"	July'09-Jan '10		\$ 10,000	PICFI-E. Improving emerging Co-mgmt Initiatives	Participant costs
IFRAWG representation-participation at meetings	2009/10 fiscal yr		\$ 10,000	PICFI-E. Improving emerging Co-mgmt Initiatives	Participant costs
		\$ -	\$ 25,000		
Other Initiatives					
Paul Karya -Evaluation of IFRAWG & "Forum" to date	Fall 2009		\$ 8,500	PICFI-B AAROM Capacity Dev to Engage in Co-mgt	Includes extensive interview Will report back to IFRAWG, FRAFS EC, and fall 2009 workshop
P Karya -Research Initiative on leadership & salmon-2 case study	Dec. 2008		\$ 3,500	PICFI-B AAROM Capacity Dev to Engage in Co-mgt	Travel costs only; will provide report to Aboriginal orgs and DFO
PST Chapter 4 consultations	May22, Jun 23, Oct 27/09	\$ 45,000		AAROM funding vetted through FRAFS	Cost for 3 meeting venues and additional technical support
Inter-tribal Treaty Organization			\$ 5,000	PICFI-B AAROM Capacity Dev to Engage in Co-mgt	Saul Terry's Participation on IFRAWG and "Forum Meetings"
AAROM Aggregate Capacity Dev			\$ 20,000	PICFI-B AAROM Capacity Dev to Engage in Co-mgt	Mid Fraser River AAROM development (contracted assistance)
Other Contingencies			\$ 15,000	PICFI-B AAROM Capacity Dev to Engage in Co-mgt	Additional technical and legal expertise
		\$ 45,000	\$ 52,000		
Total "Forum" - 2009/10		\$ 30,000	\$ 30,000		
Total Formal Agreement Dev Wkshops		\$ -	\$ 60,000		
IFRAWG Support		\$ -	\$ 25,000		
Other Initiatives Costs		\$ 45,000	\$ 52,000		
Total Funding Requested 2009/10 fiscal year		\$ 75,000	\$ 167,000		

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