

MAY 2005

INTEGRATED SALMON HARVEST PLANNING COMMITTEE (IHPC): Terms of Reference

BACKGROUND

The Integrated Salmon Harvest Planning Committee (IHPC) is being established by Fisheries and Oceans Canada (DFO) Pacific Region to provide formal advice and make recommendations to the Department on operational decisions related to salmon harvesting in north and south coastal portions of the Pacific Region and the watersheds that contribute to these fisheries. This is part of a process to establish a more stream-lined, representative, cross sectoral advisory process for harvest planning, management and post-season review; and reflects commitments outlined in both the Improved Decision-Making discussion paper (2000) and the results of the Fraser River Sockeye Review (2002).

DFO undertakes consultation with sector organizations and First Nations to develop fishing plans and provide information related to stock status and the views of other sectors. These relationships will continue. The IHPC is a forum to augment those discussions by permitting representatives of each of the sectors to bring issues to the table.

First Nations participation on the IHPC is intended to co-ordinate the fishing plans of First Nations and other users of the resource. DFO recognizes that some issues are best addressed in bilateral processes. The results of these bilateral processes may subsequently lead to improved effectiveness of multi-sectoral processes. Negotiation of Food, Social and Ceremonial (FSC) harvest plans is not within the scope of the IHPC; this remains within the scope of the bilateral relationship between First Nations and DFO. With the complexity and large number of First Nations in each geographic area, it is understood that to fully represent all FSC interests would be difficult. The expectation is that First Nations representatives would possess a general perspective and understanding of FSC and harvest management issues in their areas.

PURPOSE:

The IHPC is being established by DFO to promote a more streamlined, representative, cross sectoral advisory process related to salmon harvest planning, management and post season review.

MANDATE:

The IHPC is the primary contact for the Department for cross sectoral communication and advice and make recommendations to the Department on operational¹ decisions related to salmon harvesting in the Pacific Region. The goal of the IHPC will be to ensure fishing plans are coordinated and integrated, identify potential conflicts, and if there are disputes, make recommendations for solutions if possible.

The IHPC and associated structures/processes will be reviewed and evaluated by the Department and participants no later than 2006.

GUIDING PRINCIPLES:

The following principles will be used to guide decisions on the structure and operations of the IHPC:

¹ "Operational" as outlined on Page 4

MAY 2005

Transparent:

There should be transparency throughout the process based on open lines of communication and the provision of timely, accurate, accessible, clear and objective information. This information should be available to all participants in the process on an equal basis. Organizers should provide access to agendas and information needed as a starting point for informed discussion well in advance of meetings. In addition, this information will be posted to a public website to ensure accountability to all Canadians.

Accountable:

Participants who are representatives of a constituency are expected to bring to the discussions the general views, knowledge and experience of those they represent, and bring back an awareness and understanding to their constituencies about deliberations of the consultation activity and reasons for decisions taken. All participants share accountability for the success of the process. The Department is accountable to participants for explaining how their advice/input was used and why and how decisions are taken.

Inclusive Representation:

Representation on advisory bodies should relate to the mandate and function of the committee. Participation in advisory processes should be fairly balanced and reflect a broad range of interests in fisheries and oceans issues in the Pacific Region, to the extent possible, so that a diversity of perspectives is involved.

Effective:

All participants should be satisfied that the process can achieve the goals of the mandate. This does not mean that participants will always agree with the final advice, outcome or recommendation. Processes must be cost-effective, and set and respect realistic timeframes.

Efficient:

The size of the advisory committee must be kept to a number that facilitates consensus-based discussion. Wherever possible, links to other departmental consultative processes will be made to realize efficiencies in consultation.

STRUCTURE:

- One regional IHPC, with two sub-committees – one for the south, one for the north. The regional IHPC will meet at least annually, and will consist of the entire membership of each of the two subcommittees.
- When the regional IHPC meets, it will be possible to coordinate north/south IHPC sub-committee meetings at the same time.
- Each “sector” nominates representatives according to the membership described below (see *Membership* section below).
- Each IHPC committee has a Facilitator and a note-taker (see Appendix B for a description of the role of a Facilitator).
- DFO will provide the services of a note-taker.

MEMBERSHIP:

Participant/member selection is directly linked to the mandate of the committee, and should respect the guiding principles of broad representation and accountability. Selection of members to sector organizations should be open, fair and democratic.

MAY 2005

The following selection method will be used to appoint participants to the IHPC process:

- Participants nominated by their sector/organization
- Nominations forwarded to the Department
- Department appoints nominees

Participation should be based on some of the following criteria:

- Knowledge of policies related to management of Pacific salmon
- Knowledge of the elements of salmon harvest management, including: fishery cycles and timing, gear options and interactions, data management and potential allocation issues
- Level of scientific, technical, ecological or traditional expertise/knowledge that contributes to the discussion
- Willingness to contribute constructively to the discussion
- Ability to represent the perspectives of their constituency
- Capacity to work in a consensus-based environment
- Willingness to adopt and respect a committee charter

Alternates:

- Each of the participating sectors, through their respective committees/boards, should nominate one alternate per person to represent their seat on the committee, as needed. In the interests of continuity, no other substitutions will be permitted.

Terms of Service:

- Each organization/sector is requested to stagger the terms that their representatives serve on the IHPC, with the maximum term being three years.

North Coast IHPC:

- Four northern representatives from the Commercial Salmon Advisory Board (CSAB)
- Three northern representatives from the Sport Fishing Advisory Board (SFAB)
- Two northern representatives from the Marine Conservation Caucus (MCC)
- Four First Nations representatives (Note: In 2004, interim appointments by DFO will be based on recommendations made by major Aboriginal groups active in the north. For longer term appointments, DFO will continue to work with Aboriginal groups to identify a suitable process.)
- One ex-officio member from the Province of BC (MAFF)

South Coast IHPC:

- Six southern representatives from the CSAB
- Three southern representatives from the SFAB
- Two southern representatives from the MCC
- Four First Nations representatives (Note: In 2004, interim appointments by DFO will be based on recommendations made by major Aboriginal groups active in the south. For longer term appointments, DFO will continue to work with Aboriginal groups to identify a suitable process.)
- One ex-officio member from the Province of BC (MAFF)

MAY 2005

ROLES AND RESPONSIBILITIES:

Integrated Salmon Harvest Planning Committee:

Pre-season

- Provide recommendations that ensure fishing plans are coordinated and integrated, identify potential conflicts, and recommend a means of resolving disputes.
- Receive from and provide advice to DFO on pre-season forecasts and stock assessments.
- Review enforcement plans, identify problems and provide recommendations on the management or enforcement of the fishery, and makes recommendations for improvement.
- Provides input on stock assessment programs, as required for management purposes.
- Provides advice on changes to escapement strategies or policies.
- Advise on IFMPs (i.e. decision guidelines, fishing plans).
- Advise on measures and mechanisms for timely and accurate catch/effort information.
- Advise on selective fishing practices.

Post-season

- Review post – season stock status to determine if conservation goals were met.
- Advise on problems encountered regarding management, enforcement and consultation.
- Advise on management, enforcement or other actions that will improve the fishery.
- Review anomalies not covered in the fishing plan.
- Review expected stock status for the coming year.
- Review stock assessment programs

All Fisheries and Oceans Canada employees:

- The Department will refer stakeholders who offer unsolicited recommendations and advice on harvest planning outside of the established process to the appropriate advisory body contact.

Fisheries and Oceans Canada (DFO) employees supporting the IHPC process (not exhaustive):

- Distribute of notice of meetings, agendas and materials well in advance of meetings.
- Provide meeting venues.
- Provide services of recorder.
- Provide Facilitator.
- Respond to recommendations of committee in a timely manner, explaining how recommendations were incorporated into decision-making process. The reason(s) why recommendations were not adopted or followed and how that advice might be changed to become acceptable are to be provided.
- Ensure that all Committee approved agendas and records of meetings are provided to the Consultation Secretariat, for posting to the Department's consultation website.
- DFO participation will be limited to those that are directly responsible for the business of the committee. For example: technical and managerial expertise, as needed. This will require the department's representative to communicate committee discussions with all other affected staff, and bring forward any information from the Department that is relevant to the committee's discussions.
 - Levels of DFO staff participation:
 - Regional IHPC:
 - Regional Director, Fisheries Management
 - Lead, Salmon Team
 - Regional Salmon Manager
 - Area Chiefs, Resource Management
 - Chief Enforcement Officer

MAY 2005

- Other technical and managerial expertise, as needed
- North Sub-committee:
 - Lead, Salmon Team, as needed
 - Regional Salmon Manager, as needed
 - Area Chief, Resource Management (North Coast, Central Coast)
 - Other technical and managerial expertise, as needed
- South Sub-committee:
 - Lead, Salmon Team, as needed
 - Regional Salmon Manager, as needed
 - Area Chiefs, Resource Management (South Coast, Central Coast, BCI, Lower Fraser)
 - Chair, Fraser Panel (DFO)
 - Other technical and managerial expertise, as needed

DFO-appointed Facilitator: (for a full description of the role of the Facilitator, see Appendix B)

- Calls meetings
- Develops the agenda in consultation with the Committee
- Coordinates attendance of participants
- Enforces the committee charter
- Encourages active participation of all members
- Mitigates conflict
- Helps to summarize and focus discussion
- The IHPC may use the services of a neutral facilitator, or a skilled DFO employee not directly involved in the management of the salmon fishery.
- The Facilitator will be appointed by DFO, and will serve for a term of 2 years.
-

IHPC Participants:

- Represent information accurately and appropriately, consult with their sectors/organizations, and keep their sectors/organizations informed of the information and issues discussed at IHPC meetings, securing the support of their sectors/organizations for issues discussed.
- Bring forward issues of concern or interest, as it pertains to the mandate of the group.
- Respect the Committee Charter by developing guidelines for enforcing the charter.
- Review records of meetings for accuracy and provide feedback within a limited timeframe, before those records are posted on the public website by the Department's Consultation Secretariat.

Sector Organizations:

- Select representatives to sit on the Integrated Harvest Planning Committee.
- Transmit information and direct issues, when raised by the IHPC, to sectors/organizations for discussion, action and recommendation and transmit results back to the IHPC.

First Nations:

Select individuals to participate on the Integrated Harvest Planning Committee (to be further discussed with First Nations)

PROCEDURES:

Timeline:

MAY 2005

The IHPC committees will meet three times per year:

- North and South sub-committees will each hold a post-season review
- North and South sub-committees will each hold a pre-season IFMP meeting well in advance of the season
- Regional (coastwide) committee will meet in late fall to discuss regional issues and priorities.
- The recommendations of the IHPC will be based on consensus². Silence will be construed as consensus.
- On issues where there is not consensus, the Facilitator will summarize the differing views at the meeting.
- Meetings will be scheduled well in advance (minimum one month) to allow participants time for adequate preparation. However, under exceptional circumstances, short-notice meetings may be called.
- All meetings will be recorded and summarized in a record of meeting. Prior to the end of the meeting, if there was consensus, the record of meeting can be posted; if not posting will be done following discussion at the subsequent meeting.
- The Facilitator after consultation with the Committee may provide time in the agendas for formal presentations requested by the Committee.
- Establish sub-committees as required

FUNDING:

DFO will provide funding to cover administration and logistical costs (such as document distribution, conference calling, meetings rooms), as well as travel expenses for participants, on an as needed basis.

COMMITTEE CHARTER: (see Appendix A)

ROLE OF FACILITATOR: (see Appendix B)

² Consensus is a process for making decisions, in this case decisions on what recommendations to put forward to the Department. Its main feature is that no action is taken unless all members of the group can support the action, or agree not to obstruct it. Consensus does not require that everyone be in complete agreement, but only that all will be willing to accept a decision.

MAY 2005

APPENDIX A Committee Charter

The purpose of a Committee Charter is to promote productive discussion and provide a positive and supportive environment for that discussion. The Charter defines the expectations members have for themselves and each other regarding how they will work together.

The code below is meant to be a starting point for discussion. Ground rules need to be developed and agreed upon jointly by the group and must be reviewed regularly. As new participants become involved with the committee, they should familiarize themselves with the charter code.

- Code should include:
 - Clarifying objectives of the meeting
 - How the information will be used

Individuals' rights to participate in consultation processes are accompanied by responsibilities. Parties that participate in consultation processes should do so in good faith and with the public interest as well as their own sector's interest in mind. Participants also have a responsibility to engage in effective, balanced and civil communication. All representatives have a responsibility to ensure that they are accountable to their constituents, that the government gets the information it needs to make a well-informed and balanced decisions, and that consultation processes operate as efficiently as possible.

Participants in consultation processes should:

1. Maximize the exchange of information among parties and minimize misunderstandings by:

- speaking clearly, listening carefully and asking for clarification if a point is not understood;
- sharing information related to the issues at hand;
- stating concerns about other participants interests or the process openly and directly;
- clearly explaining what is important to them and why;
- stating their perspective as concisely and briefly as possible; and
- ensuring proper opportunity to clarify the agenda prior to the commencement of meetings.

2. Ensure that all participants have the opportunity to speak and all perspectives are taken into account by:

- seeking the participation of all interests.

3. Maintain a respectful atmosphere by:

- respecting each others' values and interests;
- avoiding accusatory language, rude behaviour and stereotyping;
- listening to what others have to say without interrupting;
- beginning meetings on time;
- seeking a better understanding of other perspectives with an open mind; and
- leave personal views on a particular issue "at the door".

4. Ensure accountability to constituencies by:

- making every effort to attend all important consultation meetings, or sending an alternate as agreed upon by constituents;

MAY 2005

- establishing clear lines of accountability with those they represent, and with other representatives;
- communicating pertinent information to their constituencies regularly and seeking support for negotiated agreements;
- acting quickly to raise and resolve any concerns regarding the accountability of the process or any of the representatives to protect the integrity and trust of the group.

5. When negotiating in a consultation process, facilitate agreements across the full spectrum of interests by:

- negotiating in good faith, building as much agreement as possible;
- avoiding participation in activities that may undermine the negotiation;
- focusing on underlying interests or objectives rather than positions and seek to understand the interests of others;
- recognizing the legitimacy of all interests;
- treating issues as problems to be solved not as personal or sectoral conflicts;
- allowing representatives the freedom to test ideas without prejudice to future discussion or negotiations — do not hold tentative suggestions or agreements against those who made them; and
- seeking creative solutions that accommodate all interests; and
- positively supporting consensus agreements once they have been reached.

6. Engaging in appropriate external communication by:

- ensuring that descriptions of the process are as accurate as possible before communicating them to the general public or the media;
- ensuring that contact with the media is respectful of others.

MAY 2005

APPENDIX B

THE ROLE OF THE IHPC FACILITATOR

"Facilitation is the impartial management of meetings designed to enable participants to focus on substantive issues and goals. Facilitators develop an agenda for each meeting, enforce ground rules of conduct, promote interaction and communication during meetings, and bring issues to closure. A facilitator remains neutral concerning the content of the group's work and typically has no decision-making authority within the group."³

A facilitator is the lead of the meeting. It is his/her responsibility to organize the agenda for each meeting, and ensure that the meeting operates in a respectful and efficient manner and in accordance with any previously agreed rules/charters and set agenda. A facilitator helps to frame the issues and sets the tone for the committee's discussions. The facilitator must encourage the expression and constructive discussion of diverse viewpoints. At every meeting, each committee member should feel that he/she has had a full opportunity to express opinions and otherwise contribute to the process. Committees have a diverse composition--this both adds to its strength and complicates the process of reaching consensus. The facilitator, therefore, must always be concerned with the committee's progress toward consensus.

The responsibility for making meetings effective is on the facilitator. They must not only be seen to be in control of the meeting, but actively do so by being well-informed about the agenda and ensuring committee members are able to freely express their views. The facilitator should lead the way towards openness to new ideas. Volunteers must always feel that their time is being used productively, which requires careful planning of each meeting agenda and of work assignments between meetings by both the chair/facilitator and the committee members.

First Meeting and at the beginning of all meetings:

At all meetings, the facilitator briefly sets expectations about the contributions expected from committee members; clarifies process, and reminds the committee about establish groundrules and the committee charter that will assist them in disputes, and establish some acceptable norms for meetings.

Duties of the Facilitator:

- Develops agenda (in consultation with committee)

³ Michael Poirier Elliott, *"The Role of Facilitators, Mediators, and other Consensus Building Practitioners,"* in *The Consensus Building Handbook: A comprehensive Guide to Reaching Agreement*, Lawrence Susskind, Sarah McKernan, and Jennifer Thomas-Larmer, editors, Sage Publications, 1999, page 207.

MAY 2005

- Convenes meeting
- Facilitates communication among committee members
- Ensures that every member participates
- Ensures that files/issues are being followed up on
- Ensures every meeting is productive
- Ensures that committee charter is respected
- Ensures the record of decisions is visible for participants for approval
- Ensures all participants can hear proceedings