

RECOMMENDATIONS FOR POLICY CHANGES
IMPLEMENTING SEVERAL RECOMMENDATIONS
OF DR. A.W. MAY'S REPORT "ALTERING
COURSE" ON INTERSECTORAL ALLOCATIONS
OF SALMON IN BRITISH COLUMBIA

Prepared for: The Minister of Fisheries and Oceans

By: Samuel Toy, Independent Advisor

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I. CONSULTATION PROCESS

1. On October 16, 1997, the Minister of Fisheries and Oceans, hereinafter to be referred to as the Minister, announced my appointment as his Independent Advisor on Intersectoral Allocation of Pacific Salmon. At the same time I was forwarded my Terms of Reference a copy of which is annexed hereto as Appendix 1.
2. During the first month of my mandate, my energies and focus were devoted to reading past studies and reports in an effort to familiarize myself with many aspects of the Pacific Salmon Fishery, its history and the past, present and future issues it faces.
3. On November 21, 1997 I received a further letter of instruction on how I should conduct my process signed by senior ministerial officials of both Canada and British Columbia which is annexed hereto as Appendix 2. Whether or not I have succeeded in fulfilling all those requirements will be for others to decide.
4. The next step I took was to select and solicit the advice of three knowledgeable participants from each of the three sectors on how best to "Consult" with the broadest cross section of all participants in the Pacific salmon fishery. This group of fisherman were the following:
5.

<u>First Nations</u>	Mr. Harry Nyce - Nisga'a Deputy Chief, Ray Hance - Ts'ilhqot'in Chief Robert Hope - Yale Mr. Richard Watts - Nuu-Chah-Nulth
<u>Commercial</u>	Ron Fowler - troller Bob Rezansoff - seiner Les Rombough - gillnetter
<u>Recreational</u>	Gerry Kristianson Wayne Harling John Brockley
6. Those ten dedicated people responded gratuitously by coming to Vancouver and meeting with me for two solid days, closeted from 9 am to 5 pm on November 24th and 25th, 1997. I discussed with this Consulting Committee,

which I euphemistically dubbed my Gang of Ten, my proposed agendas, the appropriate wording of the issues raised by Dr. May in his recommendations, location of public meetings and lastly my proposal that the three sectors appoint three delegates each and alternates if necessary, to represent their sectors in meetings aimed at negotiating a consensus.

7. In addition to a host of relatively minor helpful suggestions to me, my Gang of Ten reined me in and told me in no uncertain terms that my proposed deadline of December 5, 1997 for written submissions that I was in the process of soliciting and my final report, to be filed with the Minister by February 15, 1998 were quite unrealistic. As a result you will recall I wrote to you requesting an extension of my mandate to March 16, 1998 which subsequently you graciously granted to me. How wise my advisors proved to be.
8. On November 14th and November 28th, 1997 through the good offices and hard work of Mary Hobbs, my liaison with DFO, notices were sent to a broad cross section of those participating in the Pacific Salmon fishery including:
 - First Nations, commercial, sport, community, and environmental individuals and organizations who participated in Dr. A.W. May's initial phase (75).
 - Tribal Councils, Nations, Commissions, Authorities, and Independent Bands (100).
 - Participants in Mr. Stephen Kelleher's process dealing with commercial allocation of salmon, plus those on the Pacific Roundtable Gear Contact lists (140).
 - Companies with licences to process salmon (100).
 - Sport Fish Advisory Board and members including: Sport Fishing Institute of B.C., B.C. Wildlife Federation, and the Steelhead Society of B.C. (30).

- Members of Union of B.C. Municipalities including cities, districts, towns and Regional Districts, plus other community Organizations such as Coastal Community Network, and West Coast Sustainability Association (about 190).
- B.C. Fish Habitat Protection Council and members (14).
- Provincial Ministry Agriculture Fisheries and Food and B.C. Fisheries Secretariat (3).
- Any individual or organization who requested information (34).

The two notices annexed as Appendix 3 and Appendix 4 solicited participation by way of attending public meetings at various locations throughout the Province or alternatively by submitting written briefs addressing effective, efficient implementation of the issues raised and recommended by Dr. May.

9. Appendix 5 reproduces the first of three Notices of Public Meetings. This notice was mailed or faxed to the groups identified above and appeared in the Vancouver Sun, Vancouver Province and in 13 other local community newspapers. Additionally Public Service Announcements were made in communities prior to the public meetings.
10. The next significant step in my process was a meeting on December 2nd, 1997 with Mr. Fred Fortier and Mr. Arnie Narcisse, two of the three co-chairs of the B.C. Aboriginal Fisheries Commission. The conversation opened with criticism of my proposal to hold public meetings at some eight coastal communities. Why had I neglected to seek input from First Nations and recreational fisherman in the interior? My frankness in confessing my ignorance that such fisheries existed perhaps disarmed them and I quickly agreed to accommodate their desire at least in part to have public meetings at Kamloops and Prince George.
11. The conversation then shifted to my input which was a request that the B.C. Aboriginal Fisheries Commission appoint three delegates and if desired three alternates to attend two days of meetings I intended to hold early in January of 1998 to negotiate a consensus on the implementation of Dr. May's recommendations. The meeting concluded leaving me with the impression that both were on side.

12. As my written invitation to the negotiating committee meetings impinges on subsequent developments concerning both the First Nations and commercial sectors I have annexed my letter of December 4th, 1997 as Appendix 6.
13. I attended public meetings on December 8, 9, 10, 11, 15, 16 17, 1997 and January 8, 9 and 19, 1998. The coastal communities were Mission, Steveston, Prince Rupert, Masset, Queen Charlotte City, Victoria, Campbell River and Ucluelet and later the interior communities of Kamloops, Prince George and lastly Terrace as I felt I needed a better grasp of the Skeena Watershed Committee Process.
14. Written briefs were received from many dedicated and concerned participants in fishery groups, associations, and concerned communities. The flow of these briefs started on November the 17th, 1997 and, by my imposed deadline of February 13th, 1998 there were 155. I am thankful to all who took such pains to try to assist me in this process. A list of the briefs is presented in Appendix 7.
15. I next will document the events leading up to, during and the conclusion of the negotiating committee proceedings.
16. On December 17, 1997 at the Ucluelet Public Meeting my agenda was virtually abandoned as all sectors present were members of the West Coast Sustainability Association who instead of dealing with Dr. Mays recommendation, utilized almost all of the meeting time giving me a sales pitch on the virtues of Regional Management Boards, a subject on which I will have more to say later. During that meeting one of the speakers requested permission to come and participate in the negotiating committee process. It had been the general consensus at the Ucluelet Public Meeting that "allocations" should be decided at the Regional Management Board level and not as had been recommended by Dr. May. Under the circumstances, I made the unpleasant decision not to invite them to participate as I believed their representative's presence would not contribute anything toward gaining a consensus between the three sectors. And to make matters worse from their perspective I subsequently declined another offer from representatives of the Nuuchahnulth/WCVI Regional Aquatic Management Steering Committee, to attend during part of the negotiating committees deliberation, to permit them to make a presentation similar to what I had received extolling the virtues of Regional Management Boards.

With personal reluctance and no doubt to their great chagrin I subsequently refused that request as well.

17. It will be recalled that the negotiating committee, drawn from all three sectors was scheduled to commence on January 5, 1998 and it was proposed that they would meet for two days.
18. On December 11, 1997 the Supreme Court of Canada handed down its judgement in the Delgamuukw case.
19. On December 19, 1997 I was notified by the BC Aboriginal Fisheries Commission that they were declining my invitation to participate in the proposed negotiating process. There were sound reasons for that decision which will be explored later in this document.
20. I was however determined to soldier on and made personal appeals to two of my original Gang of Ten, namely Chief Robert Hope and Mr. Richard Watts to attend and assist me. In addition, I solicited Mr. Miles Richardson as a third First Nations person. Mr. Richardson as you are well aware is of Haida origin, a knowledgeable person in the fishing industry and currently a Commissioner with the BC Treaty Commission. These three gentlemen attended the opening sessions of the negotiating committee meetings as observers and by serving as my advisors in the process which was about to unfold.
21. When the negotiating committee proceedings commenced on January 5, 1998 the following were in attendance:

First Nations Observers

Chief Robert Hope
Mr. Richard Watts
Mr. Miles Richardson
Mr. Arnie Narcisse - who observed until 10:30
am and then withdrew

Commercial

Mr. Mike Hunter
Mr. Ron Fowler
Mr. Bob Rezansoff
Mr. Stan Watterson
Mr. Les Rombough

Recreational

Mr. Gerry Kristianson

Mr. Wayne Harling
Mr. John Brockley
Mr. Bill Otway

22. The representatives of the commercial and recreation sectors exchanged views, debated in the presence of myself and the three First Nations observers until noon of the second of the two allotted days. At that juncture I was discreetly asked to leave the meeting and the negotiating process continued thereafter in my absence.
23. The negotiating committee reconvened on the 27th and 28th days of January with minor changes in make-up, namely Bill Otway was no longer in attendance and Mr. Mike Medenwaldt, an Area "H" troller, joined the commercial representatives. The negotiating process again was conducted outside my presence except on the second of those days for roughly an hour, when they briefed me on the progress they thought they had made to that time. The second two day session concluded again with no reported consensus.
24. During the ensuing two weeks I was occupied full time with interviews and meetings with other concerned participants in the Pacific salmon fishery.
25. On the morning of February 13, 1998 I was attended by some members of the negotiating committee that included only recreational and commercial representatives namely Stan Watterson, Mike Medenwaldt, Bob Rezansoff, Ron Fowler, Gerry Kristianson and Bill Otway who had been recruited along the way to perform secretarial services. A document entitled "Managing Change" in draft form was presented to me, discussed and explained to me, at the conclusion of which a slightly revised version dated February 13, 1998 was left with me as the combined effort of a consensus implementation plan for Dr. May's recommendations, a copy of which is annexed as Appendix 8.
26. It is to be noted, as I did at the time, that although the three recreational sector representatives were duly authorized by the Sport Fishing Advisory Board, the seven commercial representatives were no longer authorized to be speaking for the Commercial Fishing Industry Council but only for themselves and some of the subgroups that others represented.
27. On the afternoon of February 13, 1998 I faxed copies of "Managing Change" to eight concerned participants asking them to phone or write me

giving me their input and or criticisms. To date I have had no response pro or con from any of those people.

28. On February 18, 1998 I received a fax from Scott Hanna, Secretariat Manager of the Commercial Fishing Industry Council, confirming that the seven commercial fishing industry representatives who negotiated "Managing Change" were not representing CFIC at the time and the document in question did not represent CFIC's position.
29. On the same day I faxed a reply to CFIC's Secretariat Manager requesting CFIC's verbal or written helpful input or criticism. To date I have received no response and strangely I find that, of the 155 written briefs I have received thus far, I have nothing from CFIC.
30. Although I had hoped to devote my full time from February 14th onward in reconsidering the mass of material I had acquired and drafting my report to you, on Tuesday February 17, 1998 I flew to Kelowna ostensibly to attend and observe workshops being conducted by the BC Aboriginal Fisheries Commission at their Annual General Meeting. I took this trip at the invitation and suggestion of both Fred Fortier and Arnie Narcisse having accepted this engagement during a phone call with one or other of them early in December. To my surprise on my arrival I found myself to be a guest speaker - my subject being the Intersectoral Allocation Process. Accordingly, I delivered an impromptu complete review of everything I had seen and done in my capacity as your independent advisor up to that time.
31. After my extemporaneous speech the assembled participants which I would estimate at 100 + or - were invited to ask me questions. There were few questions posed that could have been answered but there was a clear underlying theme to what I was being told by the questioners. It was that I and you in turn should not be proceeding with policy changes at this time and then not until First Nations' individual rights are identified and or resolved by negotiated treaties.

II. GENERALIZED ANALYSIS OF INPUT RECEIVED FROM THE PUBLIC MEETINGS AND WRITTEN BRIEFS.

32. The issues I sought input from speakers at the 11 public meetings have been reproduced at Appendix 5. These same issues were addressed by many respondents in their written briefs submitted to me in response to my two

letters to interested participants dated November 14 and 28, 1997 which are reproduced at Appendices 3 and 4.

PUBLIC MEETINGS

33. I have reviewed the notes taken and transcribed for me of the remarks made by the 411 people who attended the public meetings. The locations are listed in chronological order and the number of people who attended follows. At Mission - 16, I noted only recreational and commercial participants ie. no First Nations. At Steveston - 76, and Prince Rupert - 55, all three sectors were represented. At Masset - 20, there were no recreational participants. At Queen Charlotte City - 20, Victoria - 48, Ucluelet - 40 and Campbell River - 74 all three sectors were represented. Kamloops - 30 participants were restricted to First Nations and recreational participants ie. no commercial. And finally Prince George - 14 and Terrace - 18 had representation from all three sectors.
34. By a substantial majority although never a complete consensus, at each of the 11 locations the participant's views on issues 4 and 5 were that the sectors were not in favor of, or ready yet, for ITO's and that virtually all but the First Nations speakers were in favor of government paying compensation to buy back commercial shares of their allocations to accommodate Treaty settlements.
35. At the Kamloops Public Meeting several if not many of the First Nations speakers addressed me with their opinions on issue 5 namely compensation to the commercial sector for reallocations to accommodate Treaty settlements. I was told in no uncertain terms that in the Treaty negotiations presently being engaged in by members of DFO and members of the Department of Indian and Northern Development with First Nation negotiators that compensation to First Nations for past fisheries mismanagement and policies that detrimentally affected the individual First Nations access to right and to sell fish, were not on the table for negotiation. As a consequence First Nations will never agree to any proposal envisaging compensation to the commercial sector for any reallocations of fishing privileges to accommodate First Nations Treaty settlements of their rights. At the time I felt that Treaty negotiations were outside of the scope of my terms of reference and may have said so. However I was asked by the speakers to report this

position being taken by the government's representatives at the negotiating table to the Minister which I have now done.

36. The remaining four issues however produced a very broad spectrum of opinions.

Issue #1. Base Period 1991-4 - Prince Rupert and Campbell River speakers expressed a consensus that they preferred four cycles as opposed to Dr. May's one from 1991 -94. There was no consensus at Mission, Steveston, Queen Charlotte City, Victoria, and Prince George. Speakers at Terrace and Kamloops felt 1991 - 1994 was not representative and the feeling at Kamloops was the base period should be at least 10 years.

Issue #2. Recreational Priority Access to Chinook and Coho - At all locations the ranks seemed to be evenly divided, the First Nations and commercial being opposed, and the recreational speakers in favor.

Issue #3. Compensation from recreational - At most locations again the ranks were divided as on issue 2. Many commercial speakers agreed that the true angler should not have to pay increased licence fees but rather that commercial lodge and charter boat owners should be required to pay for any reallocation away from commercial to the recreational sector.

Issue #6. Allocation Boards and Overarching Tribunal - At Mission, speakers replied that the subject needed further study. At many other locations speakers were unprepared to address the issue and posed more questions than answers. Like Ucluelet, Queen Charlotte City, Victoria, Campbell River and Terrace several speakers supported the concept of Regional Management Boards.

WRITTEN BRIEFS

37. I turn now to my overview of the 155 written briefs that I received some of which were one or two pages but many, if not most, were longer, typed, well crafted and considered opinions. The focus of many of the written briefs did not address all and sometimes any of the six issues or questions I posed. Of those that did answer the questions, very few took

the additional step of telling me how to implement the recommendations if they agreed with them. Unfortunately this analysis has turned into a numbers game which I acknowledge is not helpful except that they confirm in part the overall impressions I gained at the public meetings. In the first draft of this report to you I devoted about three type-written pages recording the numerical results of the response. I have decided that they are of such little help that I have now excluded them.

38. Of the total number of written briefs nine were submitted by First Nations, 70 by the commercial sector, 57 by the recreational sector and 46 by another category I created to accommodate special interest groups such as the West Coast Sustainability Association, Coastal Community Network, cities, interested municipalities and interested citizens.
39. To summarize the results of the foregoing exercises of public meetings and written brief input one can conclude that there is near consensus between the commercial and recreational sectors on issue 5 ie. Compensation to be the responsibility of government and a majority of opinions against on issue 4 ie. No ITQ's at this time. I adopt these two near consensus opinions as my recommendations. On the remaining issues 1, 2, 3, and 6 the broad spectrum of opinions do not even clearly indicate a substantial majority let alone a consensus.

III. POSITIONS OF FIRST NATIONS

40. My overview of the nine written First Nations briefs did not support the implementation of any of Dr. May proposals except that there are several of the larger groups that favor the Regional Management Board concept.
41. The BC Aboriginal Fisheries Commission I have by now learned is a voluntary association of First Nations, tribes, bands, councils and commissions. Although the organization does not have representation from all First Nations in the province, I recognize without getting into a numbers game that they speak for a very substantial majority. There is no other representative body that could speak with greater force than the BC Aboriginal Fisheries Commission on fisheries matters.
42. In my ignorance when I asked Fred Fortier and Arnie Narcisse to appoint authorized delegates to a negotiating committee I have now concluded I was asking not just the improbable but something impossible. I have by now seen a copy of the BC Aboriginal Fisheries Commission -

STRUCTURE & POLICIES adopted February 27, 1997 at their Annual General Assembly. This document which I would generally describe as their constitution, contains on the third page thereof, under the general heading of DECISION MAKING this note: "The AFC will not make decisions on substantive issues on behalf of First Nations." Accordingly it appears to me that in the absence of an AFC Annual General Meeting Resolution authorizing its participation in my negotiating committee process no one could have legally participated as an authorized delegate.

43. With that mistake of mine aside I now must deal with where the First Nations stand. It is my understanding that the BC Aboriginal Fisheries Commission are opposed to my process of seeking to implement the Dr. May recommendations at this time with the sole exception being their recent support for the Nuu-Chah-Nulth/WCVI Regional Aquatic Management Steering Committee - Regional Management model and/or similar initiatives.
44. BC Aboriginal Fisheries Commission refusal to participate in the negotiating committee process is documented in two letters, the first from the Commission dated December 18, 1997 and the second from the Shuswap Nation Fisheries Commission dated December 19, 1997 both signed by Fred Fortier which are annexed hereto as Appendices 9 and 10. Enclosed in the second letter was the Shuswap Nation's policy response in opposition to an early implementation of any intersectoral allocation process. I am annexing that document as Appendix 11 as well for your consideration as it summarizes probably better than I could their opposition to entrenching allocations intersectorally at this time. I have been told by many that our collective energies at this time should be being directed at rebuilding stocks, restoring and enhancing habitat rather than further entrenching the commercial sector's fishing privileges.
45. I now know that during the Annual General Meeting after I had made my impromptu speech that a consensus resolution was passed on February 19, 1998 a copy of which is annexed hereto as Appendix 12. This document crystallizes in their own words concerns and opinions that I had commented on in the early paragraphs of this report. I have underlined four passages that I feel obliged to comment on.
46. Paragraph 1: In the third paragraph of the preamble reference is made to consultations on issues including funding

options for treaties

My terms of reference, see Appendix 1 paragraph 2 under Guiding Principles, I believe, preclude my process from entertaining proposals or my offering any such recommendation. Speaking personally I have never entertained any thoughts that I should inquire into that subject and I can only say if I have created such an impression that it is an erroneous one on my part.

47. Resolution 1: "the assembly present today agrees to: 1. Oppose the implementation of any short or long term intersectoral allocation plans pending settlement of claims with BC First Nations.

On or shortly after December 19, 1997 when I was first made aware that the BC Aboriginal Fisheries Commission was declining to participate I precipitately decided not to suspend my hearings or committee meetings. Subsequent more mature reflection suggests to me that the maintenance of the status quo for in real possibilities decades to come would be unrealistic and patently unfair to the other two sectors and others who have secondary interests in the salmon fishery. So for my part I reject such a proposal.

48. Resolution 2: Denounce any compensation to the recreational and commercial sectors, with regard to intersectoral allocation, who have purchased the privilege for fishing until fair compensation is provided for historic infringements on aboriginal fishing rights with First Nations in BC.

The subject matter of this resolution in different words I have already dealt with in paragraph 35 hereof. My opinion remains that the subject matter is beyond my mandate and no useful purpose will be served by my commenting thereon.

49. Resolution 3: Develop a transparent, fair and equitable process with governments and stakeholders to handle future changes in allocation, and that such a process also must take into account the priority of conservation, as well as the constitutional entitlements of First Nations as expressed in Section 35 of the Constitution, and any further related agreements between the Government of Canada and

British Columbia and the First Nations.

I have read and reread this resolution and can find nothing in it that is inconsistent with my mandate and what I have attempted to do.

50. On February 27, 1998 I was quite surprised to receive an additional communication from the BC Aboriginal Fisheries Commission which is annexed as Appendix 13. My reply of March 2, 1998 is self explanatory and is annexed as Appendix 14. In light of the incomplete nature of my first recommendation your decision with respect to this offer of participation will be a much harder one to make than mine.
51. The final position of note taken by First Nations is another resolution passed by the BC Aboriginal Fisheries Commission on February 17, 1998 by consensus at its Annual General Meeting which has only recently come to my attention. As it bears directly on my second recommendation I quote the resolution in its entirety.

“Whereas it is the First Nations right and responsibility to manage the resources in their territories in a manner that ensures healthy resources for all First Nations in the Pacific Northwest.

Be it resolved that the BC Aboriginal Fisheries Commission supports the Nuu-chah-nulth / West Coast Vancouver Island Regional Aquatic Management Board initiative and similar initiatives that may be developed by other First Nations.

Be it further resolved that the BC Aboriginal Fisheries Executive will support, coordinate, and facilitate information sharing about regional management initiatives between First Nations, BC and Canada in the normal role and function of the BC Aboriginal Fisheries Commission.”

IV. POSITIONS OF THE RECREATIONAL SECTOR

52. As a result of my previous conclusions in paragraph 39 regarding ITQ's and who should pay compensation for Treaty settlements I will restrict my observations here to the four remaining issues.
53. Issue #1 Base Period 1991 - 4.
Many of the anglers in their oral presentations and written submissions tenaciously hold to the view that there should be no allocations, and no

aggregate limit on their public privilege to catch salmon - especially coho and chinook once conservation and First Nations obligations are met. My present opinion is that some form of allocation process should now be implemented and that like Dr. May I prefer the 1991-94 period. My reason for agreeing with him is, that, this as the base period represents the first cycle when there are catch figures for both P.S.P. and E.S.S.R. fishing during at least the years 1992-4.

54. Issue #2 Priority Access to Chinook & Coho in Predicted Periods of Low Abundance?

In this connection the recreational sector are virtually unanimous in favor of this preference. In the public meetings and written briefs while firmly held beliefs were being expressed I gathered the clear impression that there was not a clear understanding of the concept of low abundance. One of my wise Gang of Ten crafted a definition which has clarified my understanding of the word which I now pass on to you.

"Low abundance means a harvestable number of fish which is surplus to conservation requirements and constitutional obligations but not in sufficient numbers to allow an allocation for both the recreational and commercial sectors without rendering both sectors economically unviable."

Support for such a recreational preference can be found in fairly recent history in an article published by the late Peter Larkin, arguably British Columbia's most renowned fisheries biologist. The article's title is Natural Laws Concerning the Management of Sport and Commercial Fisheries which was published by the Sport Fishing Institute Washington D.C. 1982 in a publication entitled Marine Recreational Fisheries - 7.

At page 36, Dr. Larkin deals humorously with Sport and Commercial Fisheries Conflicts and proposes four natural laws for managing mixed sport and commercial fisheries:

- Law 1. Sport fishermen will always be favored over commercial fishermen
- Law 2. Wherever possible, sport fishing and commercial fishing on a common stock are conducted at different times and/or different places, in such a way as to favor sport fishermen

Law 3. All sport fishermen are not equally good at catching fish or at telling stories; all commercial fishermen are not equally good at catching fish or at making a living at catching fish.

Law 4. The objective of mixed sport and commercial fisheries management is to maximize the satisfaction that people get from fishing. Any means of which this can be accomplished will be thought of.

Dr. Larkin's article in its entirety is the most humorous yet perceptive analysis of the characteristics of fishermen that I have had the privilege of reading.

Standing back and trying to resolve the real division of opinions by commercial and recreational fishermen I start from the fundamental proposition, that is, it is the Canadian people who own the resource. Government have been and are granting fishing privileges by two different licencing schemes. Acknowledging that the principles of conservation and First Nations rights have priorities, there are presently in excess of 300,000 Canadian citizens licenced to fish recreationally. Why should an additional substantial number of Canadian citizens not be allowed to push aside some of the commercial fishermen from their historical harvests providing of course, that in doing so, the displaced commercial fisherman is compensated for the loss of his licence?

It is my opinion notwithstanding substantial arguments to the contrary, that in this very limited area the greater common benefit will be derived by granting recreational fishermen this preference.

55. Issue #3 Should recreational fishermen be required to pay compensation from a fund created from increased licence fees?

In this connection, in both oral presentations and written briefs many if not most recreational fishermen opposed any increase in licence fees and pointed to the fact that when licence fees were doubled as recently as 1996, there was a decrease in the number of licences purchased. DFO figures supplied to me bear that out.

On the broader issue, the recreational sector oppose in principle Dr. May's recommendation that the commercial sector should be compensated by recreational fishermen for any future reallocations at all. It is with substantial reluctance that I have been driven to the conclusion

that I do not support Dr. May's recommendation on this issue.

I have anxiously reread many times Dr. May's expressed opinions on this matter, however my thoughts take me back to the origin of the allocation problem that we are now addressing. It was the Davis Plan of 1969 which created the concept of limited entry commercial licencing. Since then, commercial licences have been transferrable and now have a substantial market value that has increased over the years. Government buy back schemes in the recent past have recognized an obligation, probably not legal but moral, to pay a displaced licence holder for the fair market value of his licence. It is my belief, on principle, that there is no justification for not accepting the same obligation when it becomes necessary to retire commercial licences to fulfill the needs of additional citizens who wish to buy a licence to exercise their privilege to attempt to catch a salmon.

56. **Issue #6 Allocation Boards and Overarching Tribunal**

As I have previously reported the speakers at public meeting and those who submitted written briefs viewed this recommendation with a wide range of opinions. My overview of the recreational sectors position on a majority basis is that they were not supportive of the concept at this time. Subject to what I will have to say later on the subject of Regional Management Boards I also share the recreational sectors position that there is no necessity at this time to set up an additional hierarchy whose sole function would be to decide on initial allocation and subsequent reallocations.

V. POSITIONS OF THE COMMERCIAL SECTOR

57. The fleets of the three gear types which make up the commercial sector have had intrasectoral allocations visited on them in recent years due to their inability to achieve consensus among themselves. Hopefully that will change prior to this fishing season and perhaps, aided by Stephen Kelleher a consensus will prevail. Having observed several, if not many of the players who were involved in my process suggests to me that there exists a fresh breath of co-operative understanding that has and will supplant the former attitudes of adversarial confrontation.
58. The commercial fleet has been exposed to many cultural shocks over the last six years. The events causing these shocks are the Ministers of the day's policies of AFS, the Pacific Salmon Revitalization Strategy and in

particular, its Area Licencing component. Another concern is a perceived growing of the numbers of people who are fishing recreationally and as the commercial fisherman would say "taking our fish." This phase is most acutely felt in the north where wilderness based commercially oriented charters and lodge owners have invaded the commercial sector's historical domain in places such as Rivers Inlet, Hakai Pass and more recently Langara Island. I am told that Johnstone Strait is running second only to Langara where both the commercial fishermen and First Nations fishermen are obliged to watch, the wilderness being polluted with carbon fumes and their historical catches being intruded on before their very eyes. However, on balance I am not persuaded in the recent past that there has been either an increase in the number of recreational fishermen or that they are catching more fish.

59. Against that back drop the commercial sector generally argues that the First Nations allocations since 1992 should be regularized and likewise the recreational sector should have imposed on them an annual allocation like everyone else. I believe a majority of the vessel owners in the commercial sector recognize that the worrisome commercial/recreational operators are here to stay and also that First Nations Treaty settlements are bound to result in increased reallocations - so they seek certainty of access and when their allocations are reduced from time to time they seek fair compensation.
60. For this sector's analysis I will not repeat my thoughts on issues 4 and 5 but will concentrate on their positions on issues 1, 2, 3, and 6.

Issue #1: Base Period 1991-4?

The majority of the three gear types in the commercial sector seemed to prefer four cycles as opposed to the 1991 - 4 cycle, however, my preference is 1991 - 4 for the reason previously expressed in paragraph 53.

Issue #2: Recreational Priority Access?

A clear majority of the speakers and written briefs respondents opposed the recommendation that the recreational sector should receive a preference or priority. My preference is to give recreational fishermen this limited preference for the reasons as previously expressed in paragraph 54.

Issue #3: Compensation from Recreational Sector?

Here again there were many favoring compensation for reallocation

away from commercial - but directed specifically at those who derive profit in the commercial recreation area. That is to say that commercial/recreational operators should be free to enter the market and buy up a licence or licences from the commercial licence holders. I am firmly of the opinion that allowing big commercial/recreational operators to acquire a financial interest in allocations as has happened in the commercial fleet is undesirable and would be compounding the problems that already exist where big business interests have some, if not substantial control, over part of the commercial fishery. It is my opinion for the reasons previously stated in paragraph 55 that at least insofar as long-term reallocations are concerned that the commercial sector should be compensated not by the recreational sector but by government.

Issue #6: Allocation Boards and Overarching Tribunal?

Although numerically the speakers and written brief respondents may have been in favor of such a regime, there was little if any unanimity as to how such Boards or the Tribunal would be constituted or how they would function. It is accordingly my view that this recommendation should not be implemented at this time, restricted as it was to allocation issues.

VI. POSITION OF OTHER INTERESTED PARTICIPANTS

61. In paragraph 16 of this report, I briefly described the reception I got from the West Coast Sustainability Association at Ucluelet on December 17th, 1997. During that public meeting I was presented with a written brief from the Nuuchah-Nulth/WCVI Regional Aquatic Management Steering Committee which describes their conception of Regional Fisheries Boards and an overarching Pacific Region Allocation and Management Board a copy of which is annexed hereto as Appendix 15. I have since December 17th had sufficient time to inwardly digest the content of their proposal and now reaffirm my initial reaction that this concept merits mid term and long-term support and encouragement for many of their assumed responsibilities.
62. In addition to the West Coast Sustainability Association which supports and endorses the concept there is another special interest group called the Coastal Community Network that has similar goals and objectives. That organization has representation from as far and wide as Port Hardy, Alert Bay, Sayward, Port Alberni, Prince Rupert, Ucluelet, Ladysmith, Port McNeill and Campbell River who wish to participate. I have also

received supportive letters and council resolutions from Prince Rupert, Masset, and having visited Alert Bay and met Chief Pat Alfred of the Kwakiutl Territorial Fisheries Commission I have every reason to believe that, that community as well will be supportive.

63. A contrary view may be expressed by some knowledgeable people who had experience with the Skeena Watershed Committee, which was the first bold attempt at a regional management board that, after three long years of hard work by many, was regrettably disbanded in 1997. I did not have the time to conduct an in depth inquiry into the reasons for its demise however I have made it my business to enquire of several former members of that committee. A substantial majority of those that I interviewed still are strong proponents of the regional management board concept. I interviewed Chief Lester Ned of the Sto:lo Nation and he expressed interest in the concept. Having visited some interior communities such as Terrace, Prince George and Kamloops and having heard from both First Nations and recreational fishermen, I came away from those public meetings with the clear impression that informal partnerships already exist between First Nations people, recreational fishermen and yes, DFO officials. There are already in existence, in the interior on the upper reaches of the Fraser River watershed organizations such as the Thompson Basin Fisheries Council comprised of representatives of the Shuswap Nation, the Nicola Valley Tribal Council, three non-aboriginal recreational societies and other community oriented groups. These people are co-operating with one another in many conservation programs and fostering sustainability principles. With their sincere interest in habitat enhancement, they appear to me, as stewards of the spawning grounds, to be willing participants in any regional management scheme that hopefully may grow.
64. I initially rejected the West Coast Sustainability Association members request to advocate that the allocation process be surrendered to the Nu-u-Chah-Nulth/WCVI Management Steering Committee because I could not envisage them going it alone. Unless and until there are regional management boards in the other five regions they envisage that are empowered to act, allocations will still have to be centrally controlled. However, if ever such a province wide scheme is in place I can think of no good reason why the overarching Tribunal should not be empowered to deal with reallocations in the future.
65. On the opposite side of the coin you must appreciate that the commercial

and recreational sectors will be opposed to a move in the direction of regional management boards as such would entail a substantial power shift that they will find extremely difficult to adapt to. So, again, dear Minister in the absence of consensus some hard decisions will have to be made.

VII. RECOMMENDATIONS

66. Reflecting upon my terms of reference reproduced in Appendix 1, I believe that what I am about to deliver to you is within the four guidelines namely Conservation will not be compromised, Aboriginal Fisheries rights will not be infringed or impacted upon and recommendations must be consistent with the Pacific Salmon Treaty and the Pacific Salmon Revitalization Strategy of 1996. I am now at the stage of trying to fulfil the second and third tasks imposed upon me. The applicable words at this time are:

“ . . . The consultative approach should seek consensus on as many issues as possible and should be conducted in a transparent and impartial manner. For issues, where consensus is not possible the advisor is expected to make recommendations.”

67. Having read the first six chapters of this report, you will now appreciate that consensus is not, was not and probably never will be literally possible given the diversity of interests of people who participate directly and indirectly in the Pacific salmon fishery.
68. Having travelled the public meeting and written brief routes seeking consensus, one does not need to be a rocket scientist to appreciate that 350,000 recreational fishermen 3,500 commercial vessel owners and other interested parties are unlikely to be able to arrive at a consensus. Accordingly, late in November, I decided to try a negotiating process involving authorized representatives of the three sectors.
69. When the First Nations withdrew I was faced with two alternatives. The first was to abandon the negotiating process and hire some knowledgeable experts to advise me on what my recommendations to you should be. The second alternative was to continue the negotiating process seeking consensus with the authorized representatives of the remaining two sectors, which I did.

70. On the final day of the negotiating committee's deliberations namely February 13, 1998 I was for the first time, advised by the representatives of the commercial sector that they did not then have authority to speak for the umbrella organization purportedly representing all participants in the commercial sector namely the Commercial Fishing Industry Council. However some of those seven gentlemen have subsequently advised me that they have been authorized on behalf of their respective associations which are the following: Fishing Vessel Owners Association, Pacific Trollers Association, Area "D" Gillnetters Association and Fisheries Council of BC.

Accordingly the seven representatives speak only for four of the 17 associations comprising CFIC. In my last letter faxed to CFIC on February 19, 1998 I requested them to call or write to me expressing their helpful input or criticisms of the mini consensus agreement "Managing Change".

To date I have received no criticism - helpful or otherwise, so I am left with "Managing Change" as a consensus but obviously a far cry from being completely representative of both sectors commercial and recreational.

71. The majority of the signatories to "Managing Change" I have now known over a period of almost four months. Most of them I first met on November 24th, 1997, when as my Gang of Ten, they gratuitously gave of their time and expertise to try to teach me and advise me in how to conduct myself in the attempts I was about to make to fulfill my mandate to you. To my surprise on the opening session of the negotiating committee meetings on January 5, 1998, the authorized delegates from both the commercial and recreational sectors were, with one or two notable exceptions, the same people I had invited to be my original Gang of Ten. My attendances at the negotiating committee's meeting were sporadic and non participatory as far as input into the consensus document of February 13th, 1998 was concerned.
72. I would like to make it very, very clear that I had virtually no input into "Managing Change." My only contribution was to organize meeting places for them where they negotiated over four solid days. I have been told and accept that during that five week period of time, January 5 to February 13, the negotiators were intensely involved in dialogue between one another. Notwithstanding criticisms that I was dealing with a group

of paid lobbyists, my impression of the participants in the negotiating committee process was consistent with the impression I formed at the conclusion of my two day session with my Gang of Ten. That impression was that these knowledgeable people were ready, willing and able to face and discuss irreconcilable issues and effect compromises. I am told that this has been an unique accomplishment for them.

73. Having disclaimed any credit for the content of "Managing Change", unlike Dr. May, I knew and still probably know nothing of the intricacies of the problems I was asked to address, the only credit I seek to claim is that, the individuals that strained and struggled until reaching their consensus were likely encouraged by my continuing threat to them which was expressed verbally and in writing many times. "Gentlemen if you don't come up with recommendations for me you will have to live with what I decide."
74. The last chapter in this particular saga has been that since February 13, 1998 the ten members of the negotiating committee have been struggling to reach consensus on an amendment by way of rewording the first two sentences of Chapter 2 paragraph 2 of "Managing Change". These amendments have the approval of all but two of the original ten. Those two I understand, are not presently available to agree. The amended wording was delivered to me on March 10, 1998. I have accordingly redrawn "Managing Change" by substituting the new wording but to keep the record straight I have noted the original wording at the end of the document produced at Appendix 8.
75. Having said all this about that, my first of two recommendations is:
RECOMMENDATION 1. THAT SUBJECT TO SOME ENSUING OBSERVATIONS AND QUALIFICATIONS I ADOPT AS MY RECOMMENDATION THE DOCUMENT IN APPENDIX 8 MANAGING CHANGE DATED FEBRUARY 13, 1998, AS AMENDED MARCH 10, 1998.
76. In approving "Managing Change" I have examined as critically as I can any provisions that might impact or impinge upon the First Nations constitutional rights. I do not believe that the First Nation's rights will be compromised.
77. In Chapter 2 paragraph 5 of "Managing Change", reference is made to compensation being paid by the government for short term allocation

changes from the commercial to the recreational sector. This was not previously discussed in public meetings, written briefs or prior meetings with either my Gang of Ten or while I met with the members of the negotiating committee. I would have preferred to disagree with the suggestion and make a recommendation that, for short term allocations, no one deserves compensation. However, I consider that this recommended change in policy is just policy, it is not etched in stone, it is not a regulation, nor a statute, nor a constitutional change. Accordingly if you adopt it and find that it is producing undesirable consequences it remains within your discretion to unilaterally revoke it.

78. In Chapter 2 paragraph 6 of "Managing Change" the following words appear:

"... For example, such a transfer from the commercial sector to First Nations would be followed by a reduction in capacity, effected through a "buyout" based on fair and reasonable compensation.

It is in this area that I feel obligated to state a qualification to the underlined wording. During public hearings and in several written briefs in addressing buy back compensation, it was suggested to me that those other than vessel owners should received compensation such as deck hands, shore workers and to my amazement processors. In addition a few commercial sector written briefs advocated that compensation should reflect a discounted value of a future stream of benefits lost by the licence holder bought out. I have not been persuaded that such should be the preferred method of determining compensation. It is my recommendation that fair and reasonable compensation be limited to government or DFO going out into the market and buying a licence or licences in the area and from the gear type where the allocation or reallocation needs to be accommodated. As I have previously indicated in paragraph 55 it is the licencing scheme that has created a market value for licences, accordingly, if one is to be retired the willing vendor should be paid the fair market value for it.

79. Assuming a hue and cry of unfairness by shore workers, deck hands and processors my response to you is firstly that compensation to that group of people may well be beyond your jurisdiction. Hopefully other governmental agencies will be able to respond to those needs. More practically however unlike the recent revitalization strategy that reduced

the commercial fleet by roughly 30%, and there is still another 20% to go, the reallocation adjustments between commercial to recreational will be minimal. Where reallocations occur to accommodate the First Nations Treaty settlements, predictably, they will not happen all at once, and in all probability will be spread over many years if not decades. Accordingly the effects of such reallocations in any given year also should not be substantial.

80. In Chapter 2 paragraph 6 of "Managing Change" the concluding words are: "... we believe that the government must apply this principle to transfers of allocation that have occurred since 1992, through Pilot Sales Policy and ESSR fisheries, for which full and fair compensation has not yet been paid."
81. My first observation or qualification is a reiteration that "full and fair compensation" should be restricted to payment to a licence holder of the fair market value for his licence.
82. My second observation relates to the alleged uncompensated or under compensated allocations due to past Pilot Sales Policy and ESSR fisheries. Without being disrespectful to my recently acquired fishing acquaintances and advisors, when I first heard these arguments at public meetings and in written briefs I said to myself - "Oh my - these guys are like elephants - they never forget."
83. However on more mature reflection I have concluded that due to AFS policies and some pre and in-season management decisions granting ESSR fishing rights there may well have been some unconsciously under compensated allocations. It may be a difficult exercise to investigate and one that I would not like to be involved in. However, fishermen are fisherman and it is unlikely that you or I are able to substantially change them before we or they die. With reluctance I support this recommendation.
84. Chapter 3 Next Steps. Nothing in "Managing Change" is of greater disappointment to me than this recommendation. In view of the lateness of time when I first learned of this recommendation namely February 13, 1998 and my lack of expertise to resolve the issue is personally frustrating to me to say the least. I say that because the two month delay anticipated may preclude your new policy being implemented in time for the 1998 fishing season. I reluctantly endorse this recommendation.

85. I consider my mandate to be at an end on the delivery of my report to you by March 16, 1998. I have great confidence that the authors of "Managing Change" will, if their proposal is adopted by you, be successful in completing their unfinished business by consensus within their two month deadlines. If for any reason their continuing negotiations break down or fail, I would like you to know I feel obligated to you to return to the task you set me. Under such circumstances in all probability I would retain one, two or more experts to advise me and then I would deliver to you another recommendation of mine fleshing out and concluding the presently incomplete Recommendation 1.

86. I turn now to my second recommendation.

RECOMMENDATION 2. THAT YOU SHOULD CREATE A NEW INITIATIVE THE OBJECT OF WHICH IS THE EMPOWERING OF REGIONAL MANAGEMENT BOARDS THROUGHOUT THE ENTIRE PROVINCE, DEMOCRATICALLY ELECTED, WITH AN OVERARCHING INDEPENDENT TRIBUNAL. THE PURPOSE OF THESE NEW CREATIONS WILL BE TO FORMULATE, ADVISE AND UNDERTAKE LOCAL CONSERVATION AND HABITAT ENHANCEMENT PROGRAMS, COORDINATE AND PRESENT PRESEASON FISHING PLANS, ASSIST WITH IN SEASON MANAGEMENT AND IF AS, AND WHEN APPROPRIATE, THE DETERMINATION OF INTER AND INTRASECTORAL ALLOCATIONS AND OR REALLOCATIONS BY AN OVERARCHING INDEPENDENT TRIBUNAL.

87. At the present time there is only one such organization in existence that could assume some of those responsibilities. It is my suggestion that so far as it is practical that you should support and foster the future development of that organization as a possible model for other regions of the province to adapt if they have the will to move in that direction.

88. It has taken the West Coast Sustainability Association three years of hard work to build consensus among the three sectors and other interest groups who traditionally battled one another. No matter how long or how many meetings it took on the numerous issues that they have faced so far, where opinions differed, there was and must be a non confrontational method of resolution. As one of the leaders of that group expressed to me - "It hasn't all been easy."

89. One of the briefs I received from a biologist of substantial experience and repute proffered to me these guidelines which make eminent good sense to me.
1. A successful multi-stakeholder process should have defined objectives and established Terms of Reference. Furthermore, there must be consequences if the process fails to meet its objectives;
 2. There must not be an incentive for participants to "end-run" the process;
 3. That representation must be seen to be fair, equitable, and representative. This is much more difficult than it sounds because an inclusive process which promotes consensus often leaves people outside the process feeling that their representative is no longer representing his or her views;
 4. Local multi-stakeholder processes must find a balance between ensuring that regional or local priorities are met while recognizing that people outside the area also have legitimate interests;
 5. Governments must not be the chair or facilitators. They must be seen to be part of the process instead of directing or manipulating it.
 6. Multi-stakeholder processes must be broadly supported and be seen to be credible;
 7. These processes must be run on a consensus basis;
 8. They must, at least at the beginning, have a trained facilitator with the ability to also provide full secretariat services.
90. Recognizing as I do that my second recommendation has never been fully aired or exposed to either the commercial or recreational sectors for debate drives me to another undesirable suggestion for you. That is that the concept of regional management boards and an overarching tribunal requires further study and consultation with all three sectors and other interested participants. Implementation issues affecting how the boards and tribunal will operate, such as guiding principles, number and

location of boards, membership, decision-making processes, funding, roles and responsibilities of members and governments, and dispute mechanism processes need to be discussed and agreed upon prior to implementation.

91. The model or initiatives taken thus far by the Nu-Chah-Nulth/WCVI Regional Aquatic Management Steering Committee is not and has not been cast in stone. Other models such as the Skeena Watershed Committee Memorandum of Understanding differ in many respects but contains the same desirable objectives. The other regions of the province which at present cannot be accurately defined should be free to craft their own models consistent with the overall provincial scheme. Additionally, there is as yet no model for the overarching tribunal.
92. It is my suggestion that you appoint a coordinating board of five members with representation of one each from the First Nations, the recreational and commercial sectors, an independent fisheries biologist and a representative of DFO to conduct such investigations and consultations as they consider appropriate in order to implement my necessarily vague in detail Recommendation 2.
93. Until such time as Recommendation 2 is implemented allocations and reallocations of course will remain your responsibility.

TERMS OF REFERENCE FOR INDEPENDENT ADVISOR

OBJECTIVE:

The independent advisor will:

- carry out and oversee consultations on intersectoral salmon allocations, based on timely Federal and Provincial advice on a stakeholder consultation process;
- focus the review with stakeholders on the implementation issues associated with Dr. A.W. May's recommendations in his report, Altering Course, and consider the Federal, Provincial and stakeholder views on the range of issues that should be discussed; and
- work with stakeholders seeking consensus on as many issues as possible; for issues where consensus is not possible, the advisor is mandated to make recommendations on a detailed policy and implementation strategy.

GUIDING PRINCIPLES:

The following principles will guide the independent advisor.

- *Conservation Is Paramount And Will Not Be Compromised.* It is vital to ensure conservation of the salmon resource and to maintain the genetic integrity, diversity and viability of salmon stocks. Any advice or recommendations must support conservation and rebuilding targets determined by the Minister of Fisheries and Oceans.
- *Aboriginal Fisheries For Food, Social and Ceremonial Purposes Are First In Priority Once Conservation Needs Are Met.* The Department has a legal duty to provide fish as per Section 35 of the Constitution and to consult Native people with respect to activities that might have an impact upon aboriginal or treaty rights. Additionally, the existing arrangements employed by the Department of Fisheries and Oceans and First Nations for determining allocations and establishing fishing plans will be maintained and will be excluded from this study.

- *Pacific Salmon Treaty.* Catch sharing arrangements among sectors must be consistent with Canada's obligations with respect to the Pacific Salmon Treaty.
- *Pacific Salmon Revitalization Strategy.* The detailed policy and implementation strategy recommended by the advisor must be consistent with, and respect the integrity of, the Pacific Salmon Revitalization Strategy implemented in the commercial fishing industry sector, in the Spring of 1996.

TASKS

Consistent with the foregoing the advisor will:

1. Consider the joint Federal - Provincial advice with respect to a stakeholder consultation process and the range of issues to be discussed with stakeholders.
2. Consult with stakeholders on the implementation issues associated with Dr. May's recommendations outlined in his report Altering Course. The consultative approach should seek consensus on as many issues as possible and should be conducted in a transparent and impartial manner. For issues, where consensus is not possible, the advisor is expected to make recommendations.
3. Prepare a report outlining a detailed policy and implementation strategy for the Intersectoral Allocation Policy. Recommendations on long term catch sharing arrangements and institutional mechanisms must be manageable, deliverable and cost effective. The report is to be submitted to the Minister of Fisheries and Oceans by February 15, 1998.



November 21, 1997

Mr. Samuel Toy
Independent Advisor on Intersectoral
Allocation of Salmon
Suite 700 - 555 West Hastings Street
Vancouver, British Columbia
V6B 4N5

Dear Mr. Toy:

On November 4, 1997, Federal Fisheries and Oceans and BC Fisheries Secretariat officials met to discuss their respective views on a consultative process and range of issues for intersectoral salmon allocation issues. This meeting was pursuant to the Federal-Provincial arrangements on allocation set out in the *Canada-B.C. Agreement on the Management of Pacific Salmon Fishery Issues* as well as the October 20, 1997 announcement by Honourable David Anderson of your appointment.

As part of your appointment, it was indicated that Canada and British Columbia would provide you with advice concerning your undertaking the design of an appropriate consultative process relating to the review and implementation of recommendations by Dr. Art May on a salmon allocation framework. We have concluded that you should be given maximum latitude in this endeavor and limit our advice to providing you with:

- a) principles to guide the consultative process design,
- b) an identification of stakeholder interests related to sectoral allocation, and
- c) specific information concerning existing federal and provincial fishery advisory groups and organizations.

Principles to guide the consultative process design include:

- Participants should be encouraged to organize themselves in a way which allows them to best represent their interests;
- The process must be democratic, representative, accountable and transparent;
- The process should be fair, open and honest and be designed and operate independently from government.

The Province of British Columbia raised the need for the Department of Fisheries and Oceans to publicly clarify the scope of your Terms of Reference, especially with respect to non rights-based salmon allocations to First Nations. Additionally, the Province believes that:

- ideally, Terms of Reference for the process should be consensus-based;

.../2

- process design should consider the inter-relationships between gear, intersectoral and international issues; and,
- the Minister of Fisheries and Oceans should be predisposed to accepting the recommendations of this process.

The Federal Minister of Fisheries and Oceans is ultimately responsible for management of the fishery and his powers in this regard cannot be fettered. Therefore, the federal government cannot commit the Minister to be predisposed towards accepting your recommendations.

With respect to the identification of interests, Canada and BC have agreed broad areas should include commercial, aboriginal, recreational, environmental and community. Given the fiduciary responsibility that exists between First Nations and the Federal Government, it should be noted that consultations in this area must be treated in a sensitive manner. Attachment 1 provides a list identifying more specific interests within these broad areas. To assist you with the identification of stakeholder groups we refer you to Appendices 4, 5 and 6 of Dr. May's report which contain names of individuals and groups that either made formal submissions to, or attended meetings with, Dr. Art May last year. Although this is an extensive list, it may not be exhaustive with respect to current interests in allocation.

With respect to the range of issues, you should be aware that there has been no formal process in which stakeholders and other interested parties could present their views to governments on the recommendations or range of issues that need to be resolved. We wish to advise you that while the terms of reference suggest you focus on the four key issues, your review of the full range of recommendations would be appropriate and most welcome.

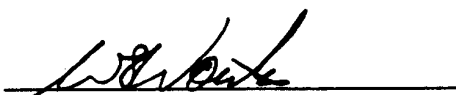
Finally, we recognize that you are working towards a very tight time frame but wish to encourage you to seek consensus on as many issues as possible and make recommendations on those issues where consensus is not possible.

We trust that you will find these principles and advice useful and look forward to receiving your report mid-February 1998 for review at the Council of Fisheries Ministers after which the Federal Minister will make a final decision. Should you wish to discuss these points further please call either Ms. Donna Petrachenko (604-666-6098) or Mr. Stuart Culbertson (250-387-3190).

Yours truly,



Doug McArthur
Deputy Minister to the Premier
Province of British Columbia



Wayne Wouters
Deputy Minister
Department of Fisheries and Oceans

Attachment

cc: Mr. Stuart Culbertson
Ms. Donna Petrachenko

SECTOR	INTERESTS
Commercial	<ul style="list-style-type: none"> • Licence holders • Fishing Crew • Ancillary Industries (packers, truckers, buyers, vendors, suppliers) • Processors • Shoreworkers • Marketing businesses & associations • Aboriginal interests within commercial sector
Recreational	<ul style="list-style-type: none"> • Lodge Businesses • Guides / charter operators • Independent Anglers: <ul style="list-style-type: none"> ⇒ domestic ⇒ foreign • Non-tidal anglers and businesses • Suppliers (marinas, fly-in charter companies) • Tourism/ hospitality sector
Aboriginal	<ul style="list-style-type: none"> • All bands with a reliance on salmon
Communities	<ul style="list-style-type: none"> • Economic dependence on the fisheries: <ul style="list-style-type: none"> ⇒ commercial only ⇒ sport only ⇒ sport and commercial dependence • Diversified local economy e.g. Victoria • Predominantly Aboriginal e.g. Ahousaht • Geographic location & remoteness: <ul style="list-style-type: none"> ⇒ Inland vs.Coastal ⇒ Rural vs.Urban
Environmental	<ul style="list-style-type: none"> • Habitat Protection • Salmon Enhancement • Environmental Movement • Other users of habitat
Other	<ul style="list-style-type: none"> • The general public • Academics • Other interested parties e.g. financial community

SAM TOY

Independent Advisor to Minister of Fisheries & Oceans
on Intersectoral Allocation of Pacific Salmon

Suite 700 - 555 West Hastings Street, Vancouver, B.C. V6B 4N5

Tel: (604) 443 5099

Fax: (604) 443 5001

November 14, 1997

To Whom It May Concern:

I am writing to you as an interested and concerned participant in the British Columbia salmon fishery.

The Minister of Fisheries and Oceans recently appointed me to consult with as many of you as is practical with the objective of arriving at a consensus on the implementation of policy issues recommended by Dr. Art May in his report "Altering Course". I am enclosing a copy of my Terms of Reference as well as a copy of Dr. May's recommendations. While I anticipate participation by representatives of the sports and commercial groups, I ask for a greater participation from affected communities, environmental groups and those First Nations that did not participate in the Dr. May processes.

There will be public hearings conducted during the weeks of December 8th and 15th at several key locations throughout the province. I hope to be able to arrange one day hearings at each of the following: Queen Charlotte City, Prince Rupert, Campbell River, Ucluelet, Victoria, Steveston and Mission. When the arrangements have been finalized, the dates, times, and precise locations will be published in local newspapers. I anticipate receiving as many oral presentations as time permits at these hearings.

More importantly for me, however, is the fulfilment by you of my request for written presentations addressing effective, efficient implementation of the issues raised and recommended by Dr. May in his "Altering Course". Your thoughtful input, pro or con, on each issue will be of assistance to me in determining whether a consensus can be attained. I regret giving you such short notice - but it is my request that you mail two copies of your written presentation to the above address or fax a copy to me at (604) 443 5001, hopefully before, but by Friday, December 5, 1997 at the latest so that they will be available to me when the public hearings of your oral presentations take place.

The helpful content of your written and oral presentations will help me determine what form my consultation process will take during the month of January, prior to my writing my report due on February 15, 1998.

Thank you in advance for your support and co-operation.



Sam Toy

Canada

SAM TOY

Independent Advisor to Minister of Fisheries & Oceans
on Intersectoral Allocation of Pacific Salmon

Suite 700 - 555 West Hastings Street, Vancouver, B.C. V6B 4N5

Tel: (604) 443 5099

Fax: (604) 443 5001

November 28, 1997

TO WHOM IT MAY CONCERN

Further to my communication to you on November 14, 1997 I would like to bring you up to date and advise you of some changes in my plans.

On November 24th and 25th I met with 10 active participants in the salmon fishery who had volunteered their time and expertise to guide me in my approach to fulfilling my mandate. The members of my consulting committee who helped me so much were Harry Nyce, Ray Hance, Robert Hope, Richard Watts, Ron Fowler, Bob Rezansoff, Les Rombough, Gerry Kristianson, John Brockley and Wayne Harling. They were two fruitful days of instruction for me in some of the intricacies of your problems pertaining to the implementation of the Dr. May recommendations. Amongst many other matters discussed it became clear to me that to insist on the preparation of your written briefs to be in my hands by December the 5th and my final report to the Minister to be filed by February 15, 1998 were totally unrealistic and unacceptable. This is so I am told because many of you are specific groups and umbrella organizations and committees that can only realistically gather a consensus by meetings held to establish principles and policies which is really what I am asking from you for input.

Accordingly I am contemporaneously writing to the Minister requesting him to extend my mandate to March 16, 1998. With respect to the written briefs I requested from you the December 5th deadline is hereby revoked. The new deadline for written briefs is February 13, 1998. For those of you that are not encumbered with committee and subcommittee input problems the sooner you are able to let me have your written briefs the more time I will have to consider and inwardly digest the content thereof prior to writing my report which I anticipate starting on the 1st March 1998. In other words if all of you withhold your written briefs until February 13th I will be hard pressed to give them adequate consideration within my time constraints.

In addition to the first session of public meetings in the month of December, early in January I will be meeting with representatives of the three sectors that will take the form of negotiation meetings. I also propose meeting with groups representing community and environmental concerns but at the time of writing my thoughts on how and when have not

Canada

yet crystallized. Please be patient – my hope is in the long term to hear or read concerns from you all.

In closing this communication I must tell you that several concerned individuals have phoned or written to me requesting 1) information via the Internet, 2) copies of minutes of meetings, and 3) copies of other participants written briefs. I regret to inform you that I do not have the capabilities, capacity or staff to accommodate such requests. On the other hand my business phone number is and should be available to all. I will do my best to respond to any reasonable questions.

Thank you.

Yours truly,



Sam Toy

SAM TOY

Independent Advisor to Minister of Fisheries and Oceans
on Intersectoral Allocation of Pacific Salmon

suite 700 - 555 West Hastings Street, Vancouver, B.C. V6B 4N5

Tel: (604) 443-5099

Fax: (604) 443-5001

NOTICE OF PUBLIC MEETINGS

Revised as of December 1, 1997

Pursuant to my mandate from the Minister of Fisheries and Oceans to seek consensus on the implementation of the recommendations of Dr. Art May on the intersectoral allocation of salmon, I will be holding public meetings to permit individuals to express their views on the various aspects of Dr. May's report.

The meetings will be held at the following locations and times, weather and travel arrangements permitting.

December 8: Mission - Mission Community Skills Centre	10:00 - 5:00
December 9: Steveston - Steveston Hotel	9:00 - 5:00
December 10 : Prince Rupert - Crest Hotel	9:00 - 5:00
December 11 : Masset - Masset Community Hall	10:00 - 2:00
December 11: Queen Charlotte City - Visitor Reception Centre	4:30 - 8:30
December 15: Victoria - Coast Harbourside Hotel	9:00 - 5:00
December 16: Campbell River - Coast Discovery Inn	9:00 - 5:00
December 17: Ucluelet - Court House	11:00 - 5:00

I seek your positive input on the following issues:

1. Should the initial allocations to the recreational and commercial sectors be based on the 1991-1994 catches?
2. Should the recreational sector be given priority access to chinook and coho in predicted periods of low abundance?
3. For any transfers of a share of the TAC from the commercial sector to recreational for such chinook and coho, should the recreational fishers be required to pay compensation from a fund created from increased licence fees?
4. Are the participants in the commercial fishery ready to institute a system of individual transferable quotes (ITQs)?
5. * Should subsequent buy-backs and transfers of shares from the commercial sector to accommodate First Nations for Treaty settlements be paid for by government?
6. Should there be a system of Allocation Boards and an over-arching independent Tribunal to work out all allocations and planning problems?
7. Other - There may well be other recommendations within Dr. May's report that concern you and that I should consider.

* The wording of issue #5 has been amended to more accurately reflect what Dr. May recommended in paragraph 25 in his letter to the Minister.

Any interested participants unable to attend any of these meetings are free to forward written submissions to me by mail or fax to the above address.

SAM TOY

Independent Advisor to Minister of Fisheries & Oceans
on Intersectoral Allocation of Pacific Salmon

Suite 700 - 555 West Hastings Street, Vancouver, B.C. V6B 4N5

Tel: (604) 443 5099

Fax: (604) 443 5001

December 4, 1997

**VIA FAX: (604) 683-9148
(250) 378-9119
(604) 684-5109
(604) 733-9175
(250) 286-4640
(250) 847-8780**

BC Aboriginal Fisheries Commission
Box 52038 - 231 Mountain Highway
North Vancouver, B.C. V71 3T2

Attention: Fred Fortier and Arnie Narcisse

and

Commercial Fishing Industry Council
400 - 845 Cambie Street
Vancouver, B.C. V6B 2P4

Attention: Mike Hunter and Ron Fowler

and

Sport Fishing Advisory Board
c/o Jeremy Maynard
127 South Thulin St.
Campbell River, B.C. V9W 2J8

Attention: Jeremy Maynard and John Brockley

Canada

SAM TOY

Independent Advisor to Minister of Fisheries & Oceans
on Intersectoral Allocation of Pacific Salmon

Suite 700 - 555 West Hastings Street, Vancouver, B.C. V6B 4N5

Tel: (604) 443 5099

Fax: (604) 443 5001

2

Dear Sirs/Mesdames:

As you are all aware I will be attending public meetings at various coastal communities during the weeks of December 8th and 15th

As a consequence of helpful advice given to me during meetings of my consulting committee (the Gang of Ten) in my efforts to ascertain whether consensus can be attained by the 3 sectors on some if not all of Dr. May's recommendations I propose a series of negotiating meetings between the 3 sectors which you represent.

Subject to premises availability and your general concurrence I am suggesting that we get together from 9:00 a.m. to 5:00 p.m. on Monday and Tuesday, January 5th to 6th, 1998 at a conference room at SFU Downtown Campus.

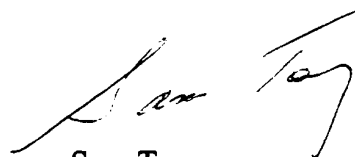
I ask that you each appoint 3 delegates and 3 alternates if you wish to have alternates, which people will come prepared to frankly discuss and attempt to negotiate a consensus on the 7 issues I have articulated in the Notice of Public Meetings.

After the first 2 day session it will be the delegates decision whether to continue the process one or two weeks later or alternatively to totally disband the process as unworkable.

I must tell you as a result of my observations of the work my Gang of Ten did that there pervaded throughout these discussions an atmosphere of optimism in most areas of concern that the possibilities of consensus were realistic.

I thank you for your initially communicated spirit of cooperation. I look forward to hearing from you and or your delegates with any suggestion to assist me in making this process acceptable and workable.

Yours truly,



Sam Toy

Canada

APPENDIX 7

LIST OF BRIEFS ON INTERSECTORAL ALLOCATION OF SALMON

FIRST NATIONS INTEREST

<u>Identifier Number</u>	<u>Submittor</u>	<u>Date Received</u>
19	Bella Bella Fishing Association Dean Wilson, President	Dec. 5, 1997
47	Kwakiutl Territorial Fisheries Commission Pat Alfred, President KTFC	Dec. 12, 1997
70	'Namgis First Nation Greg Wadhams, 'Namgis Fishery Advisor	Dec. 19, 1997
83	The Sts'wan Society Guy Dunstan	Jan. 1, 1998
86	Nicola Tribal Association Arnie Narcisse, Program Manager	Jan. 8, 1998
87	B.C. Aboriginal Fisheries Commission Fred Fortier, Chair, BCAFC	Dec. 18 & 19, 97
89	Carrier Sekani Tribal Council Mavis A. Erickson, Tribal Chief	Jan. 9, 1998
160	Heiltsuk Tribal Council Arlene Wilson, Chairperson	Feb. 13, 1998
170	Haida Fisheries Program Russ Jones M.Sc. P. Eng. Technical Director	Feb. 17, 1998

OTHER INTERESTS

1	West Coast Sustainability Association Dan Edwards, Director WCSA	Nov. 17, 1997
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4	BC Fisheries Survival Coalition Phillip Eidsvik	Nov. 3, 1997
11	City of Prince Rupert Administration Dept. Patti Sawka, Deputy Administrator/City Clerk	Nov. 29, 1997
13	Morlan Consulting Alec R. Merriman	Dec. 1, 1997
18	West Coast Sustainability Association Don Edwards, Director WCSA Article by Jim Lane, Roger Dunlop, and Don Hall	Dec. 15, 1997
24	Skeena-Queen Charlotte Regional District Sheila Dobie, Seafood Development Coordinator	Dec. 10, 1997
48	Sooke Salmon Enhancement Society Jack McLeod & Glen Varney	Dec. 15, 1997
59	Virginia Forrester	Dec. 20, 1997
60	Mrs. Sandra Posnikoff	Dec. 22, 1997
76	Lee Straight	Jan. 5, 1998
82	Bill Simard	Jan. 7, 1998
85	Thompson Basin Fisheries Council Sent by David Moore	Jan. 8, 1998
90	Upper Bulkley River Roundtable Update. Sent by Al McCracken	Jan. 9, 1998
93	The Corporation of the City of Enderby Gordon Dale, Mayor	Jan. 7, 1998
99	Nuu-chah-nulth/WCVI Regional Aquatic Management Steering Committee	Dec. 17, 1997
113	Coastal Community Network Eric E. Tamm, CCN Executive Director	Jan. 26, 1998

122	Ms. Mary-Sue Atkinson	Jan. 27, 1998
130	Village of Masset Researched by Don Pepper	Feb. 3, 1998
131	Village of Masset Dave Penna, Mayor	Feb. 6, 1998
140	Canadian Tourism Commission The Honourable Judd Buchanan, Chair	Feb. 9, 1998
156	B.C. Fisheries Survival Coalition Phillip Eidsvik	Feb. 13, 1998
163	The Corporation of the Village of Alert Bay Gilbert Popovich, Mayor	Feb. 13, 1998
165	Coastal Community Network Russ Hellberg, Paddy Greene & Eric Tamm	Feb. 15, 1998
169	Central Coast Regional District Patricia McKim-Fletcher Economic Development Officer	Feb. 13, 1998
171	Federal Treaty Negotiation Office-Paper Sent by: Paddy Greene	Feb. 17, 1998

RECREATIONAL INTEREST

5	Langara Island Lodge Ltd. Robert T.H. Noble Owner/Operator/Director	Nov. 25, 1997
7	Murray Bromley Charter Boat Opertor	Nov. 25, 1997
10	Thomas G. Cole	Nov. 28, 1997
17	Kitimate Charter Boat Association Ellen Hepting, Secretary	Dec. 4, 1997

23	Chatham Sound Charter Boat Association Bob Pederson	Dec. 10, 1997
25	D.L. Bates	Dec. 7, 1997
27	Tomic Lures Ltd. Wayne Moss	Dec. 11, 1997
32	Allocation of Salmon Between Sectors Jeremy Maynard	Dec. 8, 1997
34	R. J. Rogerson	Dec. 9, 1997
36	Clayton Vanier and Jennifer Nelson Independent Fishing Resort Owners and Independent Anglers	Dec. 13, 1997
37	Victoria Fish & Game Protective Association David W. Narver, Ph.D.	Dec. 13, 1997
38	Tom Davis	Dec. 12, 1997
39	Charles A. Nisbet	Dec. 13, 1997
40	T. Lew	Dec. 14, 1997
42	Mr. A. R. Thorpe Enviroment Chair Victoria Golden Rods and Reels Society	Dec. 14, 1997
43	John Edge	Dec. 14, 1997
44	Colin J. Funk	Dec. 15, 1997
45	Larry Doerksen Calypso Charters	Dec. 15, 1997
46	M. B. Gage	Nov. 1992
49	Frank T. Darlington	Dec. 15, 1997
50	Geoff Chislett, Angler	Dec. 15, 1997

54	Georgia Strait Sportfishing Guides Assoc. Gordon Lush, Secretary	Dec. 15, 1997
54	Dave Lock	Dec. 16, 1997
55	Oak Bay Marine Group Robert H. Wright	Dec.9, 1997
56	The Tyee Club British Columbia R.D. Berger, President	Dec. 16, 1997
58	Charbonneau Enterprises Ltd. Capt. W. Hugh Charbonneau	Dec. 18, 1997
62	Nick D. Dominique	Jan. 9, 1998
64	BC Wildlife Federation Saltwater Fisheries Commission Wayne Harling	Dec. 24, 1997
69	Richard Hackinen	Dec. 16, 1997
71	Wayne Harling	Dec. 31, 1997
73	Donna Hnatiw	Jan. 5, 1998
84	BC Federation of Fly Fishers Greg Gordon, Acting Fisheries Issues Chair	Jan. 8, 1998
88	B.C.W.F. Shuswap Region Inland Fisheries Committee and Kamloops and District Fish And Game Association John A. Carter, Chairman	Jan. 8, 1998
91	Rick Schmidt	Jan. 9, 1997
94	Mark Clark	Jan. 12, 1997
97	Bill Otway	Jan. 10, 1998
98	Harley Elias	Jan. 5, 1998
100	Ward Bond	Jan. 11, 1998

102	Port Boat House Ltd. Bob Cole	Jan. 17, 1997
103	Mr. B. Deane Strongitharm	Jan. 16, 1998
106	Brent McCallum & Roger Dornan	Jan. 20, 1998
107	Royal Canadian Anglers' Association Charles A. Nisbet, Secretary	Jan. 12, 1998
109	Greg S. Gordon, Director SSBC, BCFFF Issues Chair.	Jan. 12, 1998
110	Warren Grisewood	Jan. 6, 1998
111	George Stephenson	Jan. 8, 1998
112	Howard Paish & Associates Howard Paish	Jan. 22, 1998
115	Amalgamated Conservation Society Wayne Zaccarelli, Secretary-Treasurer	Jan. 20, 1998
117	Redfish Lodge on Copano Bay James F. Conklin	Jan. 22, 1998
118	Jim Culp	Jan. 23, 1998
127	Sunny Shores Resort & Marina Ltd. Andy Ploneta	Jan. 11, 1998
132	BC Wildlife Federation North West Region Mike O'Neill, Northwest Region President	Feb. 4, 1998
134	Sidney Anglers' Association Don Gamble, President S.A.A.	Feb. 9, 1998
137	BC Wildlife Federation Wayne Harling	Feb. 7, 1998
148	BC Wildlife Federation Omineca Region Don Hascarl, Regional President	Feb. 6, 1998

152	Gerry Kristianson	Feb. 3, 1998
154	Joe Painter	Feb. 5, 1998
157	Sunny Shores Resort and Marina Ltd. Andrew Planeta	Feb. 13, 1998

COMMERCIAL INTERESTS

2	David Boyes	Nov. 17, 1997
41	David Boyes	Dec. 14, 1998
3	Forrest Marine Ltd. M. Forrest	Nov. 17, 1997
6	Pacific Seafood Council Roy Alexander	Nov. 28, 1997
8	Pacific Coast Fishing Vessel Owners' Guild. Ken Erikson	Nov. 24, 1997
9	Wes Erikson	Nov. 25, 1997
12	Merv Brooks	Nov. 30, 1997
14	Billy Griffith	Dec. 3, 1997
15	Raindrop Enterprise Ltd. Robert L. Warren	Dec. 3, 1997
16	Northern Trollers Association David Prosser	Dec. 4, 1997
22	Cedric Towers	Dec. 9, 1997
26	Harvey Gifford	Dec. 10, 1997
28	John Aleksich	Dec. 11, 1997
29	John Disney	Dec. 11, 1997
30	Len Koyanagi	Dec. 10, 1997

33	James Michael B. Guns	Dec. 8, 1997
35	Ken W. Franzen	Dec. 12, 1997
51	Patti Sloan	Dec. 16, 1997
52	Richard Nomura, Gillnetter	Dec. 17, 1997
57	William Soltau	Dec. 16, 1997
57A.	H.G. Doerksen	Dec. 17, 1997
61	British Columbia Fisheries Council Mike Hunter, President	Dec. 22, 1997
61A.	Commercial Fishing Industry Council R. Scott Hanna, M.R.M., R.P. Bio. Secretariat Manager	Dec. 22, 1997
63	CFV Northern Star David Hardie	Dec. 29, 1997
65	Abe Vanderhoust	Dec. 29, 1997
66	Peter Collier	Dec. 29, 1997
67	W.S. Jessen	Dec. 29, 1997
68	Barry Marcotte	Dec. 30, 1997
72	Josef G. Bauer Ltd. Josef Georg Bauer, Master	Jan. 1, 1998
74	Oceanaire Investements Ltd. Gary McGill	Jan. 5, 1998
75	Bob Rezansoff	Jan. 5, 1998
77	Chris Peterson	Jan. 6, 1998
78	Commercial Salmon Fisherman's Association Don Pepper, Ph. D.	Jan. 7, 1998

79	Preferred Holdings Byron Wright	Jan. 7, 1998
80	Stephen Staley	Jan. 6, 1998
81	Fish 'n' Stitches Mike Sanderson	Jan. 7, 1998
92	Tannice Lindstrom	Jan. 9, 1998
96	David Christian	Jan. 9, 1998
101	Southern Area (E) Gillnetters Association	Jan. 15, 1998
104	Pacific Seafood Council Roy Alexander	Jan. 19, 1998
105	Tim Noot	Jan. 19, 1998
108	Lorne Finlayson	Jan. 12, 1998
114	Pacific Trollers Assocaition Stan Watterson, President	Jan. 26, 1998
119	Barry Mark	Jan. 24, 1998
120	Lorne Iverson	Jan. 23, 1998
123	Bruce Buchanan	Jan. 26, 1998
124	Fisheries Council of BC	Jan., 1998
125	Area "G" Troll Fishery Association Kathy Scarfo, President	Jan. 26, 1998
126	Robert Burkosky	Jan. 29, 1998
129	James Horner	Feb. 2, 1998
138 & 139	Ocean Acquiring Greg Taylor	Feb. 5, 1998
141	Jim McIsaac	Feb. 7, 1998

142	William Rockliffe	Feb. 9, 1998
143	Pacific Gillnetters Association John Murray	Feb. 10, 1998
145	Area "D" Salmon Gillnet Association Les Rombough, President	Feb. 10, 1998
146	Dawn Stranberg	Feb. 10, 1998
149	Geoff Goldie	Feb. 12, 1998
150	Ron and Chris Brown	Feb. 11, 1998
151	George English	Feb. 11, 1998
153	Rob Rezansoff President F.V.O.A.	Feb. 4, 1998
158	Gulf Trollers Association Ron Parke, President	Feb. 12, 1998
159	Michael Griswold	Feb. 12, 1998
162	Chris and Patti Sloan License Holders: Area G (Westcoast Troll)	Feb. 13, 1998
164	Area "G" Troll Fishery Association Kathy Scarfo	Feb. 13, 1998
166	Pacific Seafood Council Roy Alexander	Feb. 14, 1998
167	UFAWU CAW United Fishermen and Allied Workers' Union John Sutcliffe	Feb. 15, 1998
167A	The United Fisherman and Allied Workers' Union Dennis Brown	Feb. 15, 1998
168	J. Michael B. Guns	Feb. 9, 1998

172

Area "G" Troll
Patti Sloan

Feb. 23, 1998

Revised March 10, 1998
February 13, 1998

MANAGING CHANGE: PRINCIPLES AND MECHANISMS FOR INTERSECTORAL ALLOCATION

1. Statement of Intent

1.01 The authors of this document represent a broad cross-section of the recreational and commercial fishing sectors. We agree that it is essential that a transparent, fair and equitable process be in place to handle future changes in allocation. Such a process also must take into account the priority of conservation, as well as the constitutional entitlements of First Nations as expressed in Section 35 of the Constitution, and any future agreements between First Nations and the Governments of Canada and British Columbia as a result of land claims or treaty negotiations.

1.02 Any fair and sustainable process for handling intersectoral allocation also must reflect the differing needs, characteristics and business attributes of the two sectors, each of which contributes in its own way to the lifestyles and economy of BC.

1.03 In the case of the recreational sector this means the need to sustain "opportunity and expectation" through a year-round fishery based on reasonable and sustainable limits.

1.04 In the case of the commercial sector this means giving effect to the commitments made by Ministers Tobin and Mifflin to the Pacific Round Table with respect to certainty of access; assuring a neutral impact on the commercial allocation process; and assuring that the commercial sector has the opportunity to harvest available surpluses.

2. Statement of Principles

2.01 Against this background, we have agreed upon the following principles. These differ in certain respects from some of the recommendations of Dr. Art May. This divergence reflects changes in the underlying environment which have taken place since Dr. May submitted his report.

1. The recreational fishery should continue to be managed by the Department of Fisheries and Oceans based on the application of reasonable limits on an annual basis,

with local closures and other restrictions utilised to deal with specific conservation needs. As an illustration, “reasonable limits” can be defined in the case of chinook salmon as a coast-wide limit of “2 and 4” . In other words, the “allocation” of the recreational sector will not be a fixed number, calculated pre-season, but the Department’s estimate of the total catch to be derived from the application of the chosen limits.

2. “It is recognised that, in years of lower abundance, it may be necessary to reduce the allocations of chinook and coho targeted by the commercial sector in order to ensure that the recreational sector is “last on the water”. However, in these years, the commercial sector would continue to receive minimum allocations of these species as bycatch mortalities in order to maintain fisheries on other target species”.* It is also recognised that as a matter of public policy, government may decide to make permanent changes in allocation. As a result, at the end of each season, a calculation will be performed to ascertain the total catch and mortalities of the recreational sector as compared with catch and mortalities in the commercial sector. At the end of each four year period, the numbers derived from these calculations will be used to determine whether there has been either a short-term or permanent shift of allocation.

3. As essential background to the calculation of allocation shifts it is necessary to establish base period numbers against which changes can be measured. The average catches of the years 1991-94 provide a useful overall starting point, but an area by area examination needs to be undertaken to ensure that anomalous circumstances do not create unnecessary complications. While it is agreed that examination of possible allocation changes should take place at four year intervals, the process should begin with the period 1995-97 so that subsequent cycles coincide with the timing of the long term commercial intrasectoral allocation plan.

4. Following the assembling of data by an impartial entity on total mortalities for the commercial and recreational sectors over a four year period, this data will be subject to sectoral examination. If sector representatives cannot reach agreement on the nature of any changes, the matter will be referred to an impartial third party for binding arbitration.

5. Short term allocation changes will be the subject of compensation, paid by the Government of Canada into a trust fund managed by government and commercial sectors for purposes related to the economic viability of the harvesting sector. Compensation for permanent allocation changes, those which will change the basic sectoral shares, shall be directed toward a reduction in harvesting and processing capacity since they reflect a permanent reduction in the commercial fleet’s share of fish.

6. Other permanent changes in allocation such as those caused by treaty settlements where the change is not accomplished by the simple transfer of a license to the First

Nation, will be handled according the same principle. For example, such a transfer from the commercial sector to First Nations would be followed by a reduction in capacity, effected though a “buy-out” based on fair and reasonable compensation. We believe that the government must apply this principle to transfers of allocation that have occurred since 1992, through Pilot Sales Policy and ESSR fisheries, for which full and fair compensation has not yet been paid.

7. We believe that compensation for all changes in allocation is properly the responsibility of government since such changes are being affected either as a consequence of policy decisions aimed at maximising the value of this resource to its ultimate owners, the people of Canada, or of concluding mutually beneficial agreements with First Nations. In the latter case it is obvious that the cost of such agreements ought to fall on all the citizens of Canada and not just the fishing sector. While Dr. May recommended that compensation for transfers from the commercial to the recreational sector be paid for from a fund based on a doubling of sport license fees, we do not believe that this suggestion is either fair or practical.

8. From the recreational perspective, it is not fair because anglers already pay a substantial fee for the privilege of access to the resource, when one considers that on average, the holder of a \$30 license catches less than half a chinook salmon per year. It also is not fair because recreational angling for chinook and coho already produces a substantial revenue surplus to government. According to a study commissioned by the federal and provincial governments, in 1994 this figure exceeded \$70 million.

9. Issues of fairness aside, attempting to finance allocation changes through increased license fees simply is not practical. As background, it should be noted that license fees were doubled in 1996 and that this resulted in a substantial decline in sales. The anticipated increase in revenue simply did not materialise. A further change of this magnitude would not deliver the expected revenue but would dampen participation in the fishery and thereby reduce the annual surplus to government generated by recreational anglers

10. From the commercial perspective, harvesters also pay very significant fees to the government for the privilege of fishing, which provides substantial and beneficial employment and income creation impacts; if this privilege is to be adversely impacted by government decisions then the people of Canada should pay the bill, not one sector of society.

3. Next Steps

3.01 Time has not allowed us to assemble all the data needed to work out the details which must accompany an arrangement based on the preceding principles. However, if the inter-sectoral consensus on these principles is endorsed, we are prepared to begin immediately a process to transform them into a practical working arrangement. In this respect, our examination of the data suggests that there may be utility in reviewing the 1991-94 base period and its impact region by region. The objective of this exercise would be to identify mutually agreeable base periods within two months of an announcement by the Minister that the proposals contained in this document are acceptable. Once these base periods are established, data from the 1995-97 fisheries will be used to determine whether there have been permanent or short-term allocation changes during this initial cycle.

4. Institutional Arrangements

4.01 It will be necessary to make modest institutional arrangements to facilitate this method of determining whether allocation changes have taken place. We envisage a system in which sectoral representatives would act as a steering committee to assist professional number crunchers in the measurement and interpretation of allocation shifts. The composition of the board is a sensitive issue for the commercial sector since it must try to ensure a neutral impact on intrasectoral allocation issues. A huge bureaucracy will not be required. At issue is an accounting function assisted by sectoral representatives, with the opportunity for impartial adjudication if consensus cannot be reached.

4.02 In our view, explicit decisions to shift allocation between sectors should continue to be the direct responsibility of government policy-makers. The application of the principles outlined above makes unnecessary the creation of an allocation tribunal as suggested in Art May's report.

The Authors of this Agreement

The proposal outlined above is the result of a process of discussion initiated by Mr. Sam Toy, Independent Advisor to the Minister of Fisheries and Oceans on Intersectoral Allocation. The following people from the recreational and commercial sectors participated in these talks and support the consensus reported in this document.

For the Recreational Sector

A January 17-18 meeting of the Sport Fishing Advisory Board authorised the following people to enter into discussions with a view to reaching agreement with the commercial sector on a process to handle future changes in allocation. The SFAB is the official representative advisory body to the Minister of Fisheries and Oceans.

John Brockley
Wayne Harling
Gerry Kristianson

For the Commercial Sector

Ron Fowler
Mike Hunter
Mike Medenwaldt**
Ron Parke**
Bob Rezansoff
Les Rombough
Stan Watterson

*The original wording of the first two sentences of chapter 2 paragraph 2 was as follows:
It is recognised that in years of lower abundance it may be necessary to reduce the allocation of chinook and coho to the commercial fleet in order to ensure that the recreational sector is "last on the water". In such cases the commercial allocation would continue to include minimum mortalities of by-catch species to maintain commercial fishing opportunities on target species.

**The stars indicates the two representatives unavailable to concur in the amended version.



B.C. ABORIGINAL FISHERIES COMMISSION

Telephone: (604) 987-6225 • Fax: (604) 987-6683
e-mail: fishing@bcafc.org

December 18, 1997

Mr. Justice Sam Toy
Independent Advisor to the Minister of Fisheries & Oceans
on Inter-Sectoral Allocations of Pacific Salmon
Suite 700 - 555 West Hastings Street
Vancouver, B.C. V6B 4N5

Dear Mr. Justice Toy,

Further to your recent invitation for representatives of the BC Aboriginal Fisheries Commission to participate in negotiation sessions with representatives of various sectors of the BC salmon fishery, please be advised that, while we are very interested in pursuing this initiative, recent events have made it necessary that we review the issue of our participation. As you are aware, the Supreme Court of Canada, on December 11, 1997 rendered its decision in the Delgamuukw case. This decision has profound and, as yet, not fully understood implications for the aboriginal rights and title of First Nations in British Columbia.

As a consequence, while the issues that you are dealing with are very important, the format you originally proposed may not be appropriate for our participation. Any format must proceed on the basis of a government to government relationship with First Nations directed toward the protection of our property right to the fish.

It is imperative at this time, that the BC Aboriginal Fisheries Commission take this opportunity to review this decision, consult with the First Nations of the Province and ascertain how the case will shape future discussions on the salmon fishery.

We would therefore ask that you delay these negotiations until later in January in order to give us time to carry out these consultations.

We look forward to hearing from you.

Yours truly,

Fred Fortier,
Chair

FF/et

cc.

The Honourable David Anderson, Minister of Fisheries & Oceans
The Honourable Corky Evans, Minister of Agriculture, Food & Fish
The Honourable Catherine McGregor, Minister of Environment, Lands & Parks
Donna Petrachenko, Regional Director General, DFO

Mailing Address:
Box 52038 - 231 Mountain Hwy.
North Vancouver, B.C. V7J 3T2



Street Address:
2nd floor - 319 Seymour Blvd.
North Vancouver, B.C. V7J 2J4



December 19, 1997

Mr. Justice Sam Toy
Independent Advisor to the Minister of Fisheries and Oceans
on Inter-sectoral Allocations of Pacific Salmon
Suite 700 - 555 West Hastings Street
Vancouver, BC
V6B 4N5

December 19, 1997

Dear Mr Justice Toy,

It is the opinion of the Shuswap Nation Fisheries Commission that the process of setting initial allocation shares in the Pacific salmon fishery is at this time premature. Further, we are concerned that the proposed process of engaging a small negotiating committee involving representatives from all sectors to accomplish this is inappropriate to accommodate the necessary consultations with each of our Shuswap Bands. Therefore, we decline the offer to respond directly to your focus questions on the basis that they are of a prejudicial nature to future process dealing with our bands' unreconciled title to the salmon fishery. However, we offer you instead our general advice and a list of principles which we hope will assist you in your work.

We are very interested in the inter-sectoral allocation initiative and advise that your greatest focus should be on establishing a framework for stabilizing the fishery before setting out initial allocation shares. We encourage you to set the stage for achieving sustainability at this early juncture of the inter-sectoral allocation process. Initial allocation shares should focus on the needs of the Pacific salmon..not the needs of the sectors. Stability will come in a fishery governed through a series of conservation credits (incentives) and conservation penalties (disincentives). Inter-sectoral allocation should only be negotiated once the biological and legal homework has been completed. This will build a sound political, economic and biological basis for meeting the each sectors allocation shares at the appropriate time.

Good luck in your work and we look forward to your public consultations scheduled for Kamloops on January 8.

Yours Sincerely,

A handwritten signature in black ink, appearing to read "Fred Fortier", written over a horizontal line.

Fred Fortier,
Chairman

***Policy Response to Proposed
Consultations Regarding Inter-Sectoral
Allocation of Salmon in BC***

Preamble

Dr. Art May pointed out in his report to the Minister of Fisheries & Oceans last December that there is no possibility of *"building consensus among all interested parties on principles or policy frameworks to guide the conservation and utilization of Canada's Pacific salmon, . . . with the single exception of a general commitment to resource conservation"*.

It is here that the advice of the Shuswap Nation Fisheries Commission (SNFC) will focus.

Background

The Secwepemc, more commonly known as the Shuswap, are presently comprised of 17 Indian Bands distributed along key salmon fishing grounds in the headwaters of the Fraser River and key tributaries of the Thompson, Chilcotin and Quesnel River

drainages and the upper Columbia River. The traditional territory extends to over 100,000 square kilometers or 18% of the total land mass of BC (see attached map). The population is presently nearly 7,000 people.

Conservation of migratory salmon and steelhead stocks was imposed on Shuswap fisheries as increasing demands on the fishery and habitats altered the abundance and production of many salmon populations in Shuswap Territory. Increasing harvest pressure pushed many industrial and recreational harvesters into the ocean beginning in the late 1800's and reaching its peak in the 1990's. This led to non-selective fishing from new and mobile fleets who fished migrating aggregations of salmon stocks including mixes of stocks from the Fraser, Columbia and many smaller coastal streams.

Fisheries managers attempted to maximize production of some salmon runs by shaping escapements to favor the most productive. This enhancement technique created enormous runs to productive streams on some cycles such as the lower Adams, Chilcotin and Horsefly sockeye, but exacerbated the by-catch on weaker or less productive stocks such as those contained in the early summer sockeye complex in particular. The early summer Fraser sockeye complex, a staple of the Secwepemc fishery, may have once supported the largest salmon fisheries in the world. The remaining early summer sockeye runs are presently not

abundant enough to actively manage among other salmon stocks in the Fraser, and like the beleaguered Thompson coho salmon, remain one of the greatest management challenges of Shuswap salmon recovery, and a symbol for the recovery of biological diversity in the Pacific salmon fishery.

List of Principles to Consider:

- Aboriginal title to Pacific salmon stocks has not been extinguished in Shuswap traditional territories (Delgamuukw, SCC 1997)
- setting initial allocation shares at this time will unjustifiably infringe aboriginal rights and title
- the costs of future allocation share transfers may prejudice treaty negotiations
- there are existing government to government arrangements employed by DFO and First Nations for determining allocation shares
- allocation shares should not simply perpetuate the recent unstable fishery

- allocation shares should be awarded to sustainable fisheries (incentives)
- allocation shares should be revoked from destructive fisheries (disincentives)
- allocation shares should be set on stock-specific basis, not fishing sector basis
- allocation shares should be responsive to the needs of weak stocks
- allocation shares should be set after conservation and escapement targets are established
- recognize that aboriginal fisheries have been infringed upon and that future allocation settlements will be considerably higher than recent year's catches

**RESOLUTION RE: INTER-SECTORAL ALLOCATION OF SALMON IN
BRITISH COLUMBIA**

February 19, 1998 #1

Moved by Chief Charlie Cootes
Uchucklesaht First Nation

Seconded by Chief Larry Baird Sr.
Ucluelet First Nation

WHEREAS, in December, 1997 the Minister of the Department of Fisheries and Oceans appointed an Independent Advisor to carry out and oversee consultations on inter-sectoral allocations of salmon in British Columbia;

AND WHEREAS, the Independent Advisor was to seek advice on the implementation of Dr. Art May's 1996 report on Inter-sectoral Allocation of salmon in British Columbia;

AND WHEREAS, the consultations will consider views from the governments of Canada and British Columbia as well as *stake-holders* on issues including baseline allocations of salmon, compensation for loss of access, funding options for treaties and other related issues which may infringe on aboriginal rights and title;

AND WHEREAS, the Supreme Court of Canada has recognized that aboriginal title and rights remain unextinguished except where otherwise set out in agreement, and that such rights and title includes a legal interest in the land and associated aquatic ecosystems, and well as fish, fishing and fish habitat;

BE IT RESOLVED THAT, the assembly present today agrees to:

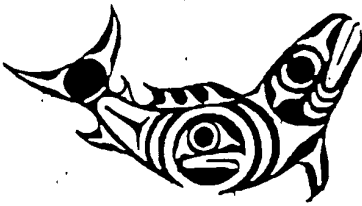
1. Oppose the implementation of any short or long term inter-sectoral allocation plans pending settlement of claims with BC First Nations which addresses rights and title to aquatic resources including fish, fishing and fish habitat;
2. Denounce any compensation to the recreational and commercial sectors, with regard to inter-sectoral allocation, who have purchased the privilege for fishing until fair compensation is provided for historic infringements on aboriginal fishing rights with First Nations in BC;
3. Develop a transparent, fair and equitable process with governments and stakeholders to handle future changes in allocation, and that such a process also must take into account the priority of conservation, as well as the constitutional entitlements of First Nations as expressed in Section 35 of the Constitution, and any further related agreements between the Government of Canada and British Columbia and the First Nations;

Fred Fortier
Chair, BCAFC

Gibby Jacob
Coastal Co-chair, BCAFC

Arnie Narcisse
Interior Co-chair, BCAFC

Carried by Consensus



B.C. ABORIGINAL FISHERIES COMMISSION

Telephone: (604) 987-6225 • Fax: (604) 987-6683
e-mail: fishing@bcafc.org

February 27, 1998

Judge Samuel Toy
Independent Advisor to Minister of Fisheries & Oceans
on Intersectoral Allocations of Pacific Salmon
Suite 700; 555 West Hastings Street
Vancouver, BC
V6B 4N5

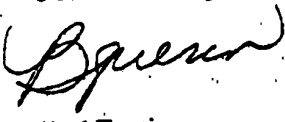
fax only 443 5001

Dear Judge Toy

I would like to thank you for attending our annual general assembly on February 19, 1998 and listening to the concerns of First Nations people regarding your process. As you recall, our membership recommended that this should be a longer process for such an important consultation, and the BCAFC are prepared to assist you with the facilitation for the 1998 - 99 season.

The BCAFC working group can provide recommendations as to how we can assist you in this process.

Yours sincerely

for 
Fred Fortier
Chair

FF/blg

Mailing Address:
Box 52038 - 231 Mountain Hwy.
North Vancouver, B.C. V7J 3T2



Street Address:
2nd floor - 319 Seymour Blvd.
North Vancouver, B.C. V7J 2J4
64

SAM TOY

Independent Advisor to Minister of Fisheries & Oceans
on Intersectoral Allocation of Pacific Salmon

Suite 700 - 555 West Hastings Street, Vancouver, B.C. V6B 4N5

Tel: (604) 443 5099

Fax: (604) 443 5001

March 2, 1998

British Columbia Aboriginal Fisheries Commission

Attention: Co-chair - Fred Fortier

VIA FAX: 604 987 6683

Dear Fred:

Thank you for your fax of February 27th 1998.

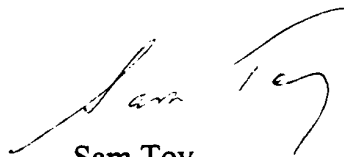
I acknowledge that your offer of assistance in time for the 1998/9 season is a genuine offer of help and a marked departure from my otherwise gloomy opinion that if your input was going to be delayed until Treaties were settled and or stocks rebuilt that the time frame was going to be in the area of decades and perhaps long after I and maybe ever you will still be here.

My report to the Minister is half done in first draft form. I will be hard pressed to deliver the completed version on its due date March 16, 1998. I have again decided to soldier on.

I will however include your letter of February 27, 1998 in my report to the Minister who may unlike myself give your offer more favourable consideration.

Thank you again for the fine lunch and my best to Arnie and yourself.

Yours truly,



Sam Toy

Canada

Nuuchah-nulth/WCVI Regional Aquatic Management Steering Committee



Box 77, Ucluelet, B.C., V0R 3A0 * Phone/fax: (250) 726 7083/7434 * Email: sustain@island.net

Presentation to Mr. Sam Toy from the Allocation Sub-Committee

Sub-committee members

Dec. 17th 1997

Richard Watts	Co-chair, Nuuchah-nulth Tribal Council
Dr. Don Hall	Fisheries Manager/biologist Nuuchah-nulth Tribal Council
Bob Walton	Councillor, District of Ucluelet
Bob Cole	Alberni Sports Fishing Advisory Committee
Darren De Luca	Alberni Sports Fishing Advisory Committee
Wilf Caron	Vice-president Area/G Troll Fishery Association
Dan Edwards	Director West Coast Sustainability Association

Dear Mr. Toy:

Please accept this submission on behalf of the NCN/WCVI Regional Aquatic Management Steering Committee during your consideration of Pacific salmon allocation issues for the Minister of Fisheries and Oceans.

Our submission is rooted in the collective experiences of commercial and recreational fishermen, First Nations, and the communities in our region. Despite the best efforts of government, the salmon and the people who rely on them have continued to suffer and face a situation of irreparable damage. We have all experienced policies and decisions made outside this region that have gradually contributed to our being disenfranchised from the fisheries resources. It is time for a new vision of fisheries management that balances ecological, social and economic values in an accountable, fair, and responsive system. It is time for regional management.

REGIONAL MANAGEMENT BOARDS : The Rationale

Regional management boards such as the one we are developing in our region are the only appropriate mechanism for meeting a number of Canada's commitments and policies. These commitments and policies include:

- the *Oceans Act* and its commitment to implement ecosystem management, coastal zone management, and marine protected areas;
- Federal and Provincial government policy commitments to cooperative management, community-based processes and partnership agreements;
- the Department of Fisheries and Ocean's **Sustainability Policy**, which commits to an integrated approach, continuous improvement, accountability, shared stewardship, an ecosystem approach, a precautionary approach, and pollution prevention.
- binding international agreements that guarantee the health of coastal communities and indigenous populations;
- the **Adjacency Principle**, which guarantees residents of coastal communities access to the resources surrounding them and which Canada has used internationally numerous times;

Recommendations from the NCN/WCVI Regional Management Sub-committee:

1. Issues number 1-5 in your Dec. 1 letter are best dealt with by an empowered regional management board in our region (as per issue number 6). Other boards in other geographic regions must be set up to deal with these same issues in their region. Potential resolutions to these issues should not be pre-determined in any manner by the DFO.

2. The Nuu-chah-nulth/West Coast Vancouver Island Regional Management Committee consists of recognized First Nations governments, commercial fishermen, sport fishermen, regional and municipal governments, environmentalists and community agencies. It contains literally hundreds of years of regional history, commitment and experience. It is through this strong connection of values, interests and knowledge that we propose allocation issues be resolved.
3. The NCN/WCVI Board will deal with allocation issues through an Allocations Sub-Committee. Representatives will be clearly accountable to their sectors, the regional management board, and government. Meetings and communications will be open, accessible, and transparent. People living outside the region with licenses within the region will be treated the same as license holders within the region. Sectoral users will sit together and collaboratively develop sustainable, economically sound fishing plans that share the resource fairly.
4. The Allocation Sub-Committee will report to the Regional Management Board. Both the Board and the Sub-Committee operate under the principles of respect and "Hishtukish ts'awalk" -- 'Everything is One.' This means they consider the needs of the salmon, those outside the region, and those within the region. It also means they coordinate allocation decisions with other management objectives such as habitat protection, restoration and enhancement, economic development, labour adjustment, harvesting practices, and ecosystem monitoring and assessment.
5. The Sub-committee will have clear criteria to guide its decisions. These criteria will include conservation of the resource, s.35 of the *Constitution Act*, historical principles, present levels of activity, future needs, and the Pacific Salmon Treaty.
6. Where the Sub-committee cannot reach consensus on allocation issues, decisions will be referred to an independent arbitration mechanism with open and transparent decision making processes and clear criteria with which to make its decisions. Final authority will remain with the Minister of Fisheries and Oceans.
7. A regional allocation committee will work in concert with other regional allocation committees to ensure that mixed and migratory stock issues are adequately addressed. An over-arching body can oversee this process. Alaska, Washington State, and Japan have been successful in coordinating regional interception issues and provide useful guidance in how this can be accomplished.
8. With regard to issue #4 in your letter, we strongly believe that the issue of individual transferable quotas (ITQs) is best addressed through our regional management board. The impacts of ITQs on our communities and industries are best determined at a regional level, where those impacts will take place. If we have to live with the consequences of these potentially massive impacts, we believe it is appropriate that they be decided by us.

9. In reference to any further allocation negotiations in January of 1998 and beyond, the Regional Aquatic Management Subcommittee must be included.

Conclusion:

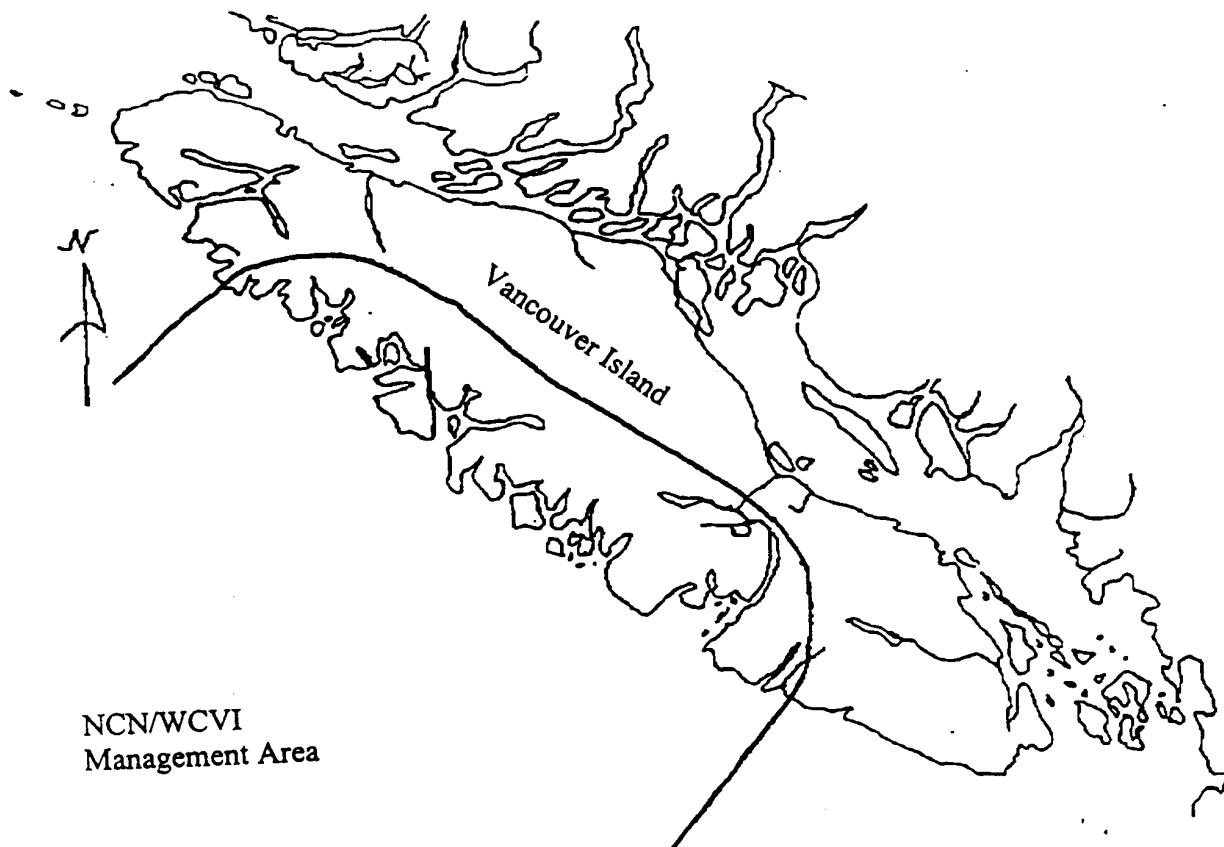
In summary, we are the ones that will be living with the fallout from allocation decisions for years to come. It is not just that outside interests determine for us what those sharing mechanisms will be if those mechanisms, whether they be priority access or individual quotas, are so arbitrary that they set us against each other within our communities or completely disenfranchise us from the surrounding wealth of the sea.

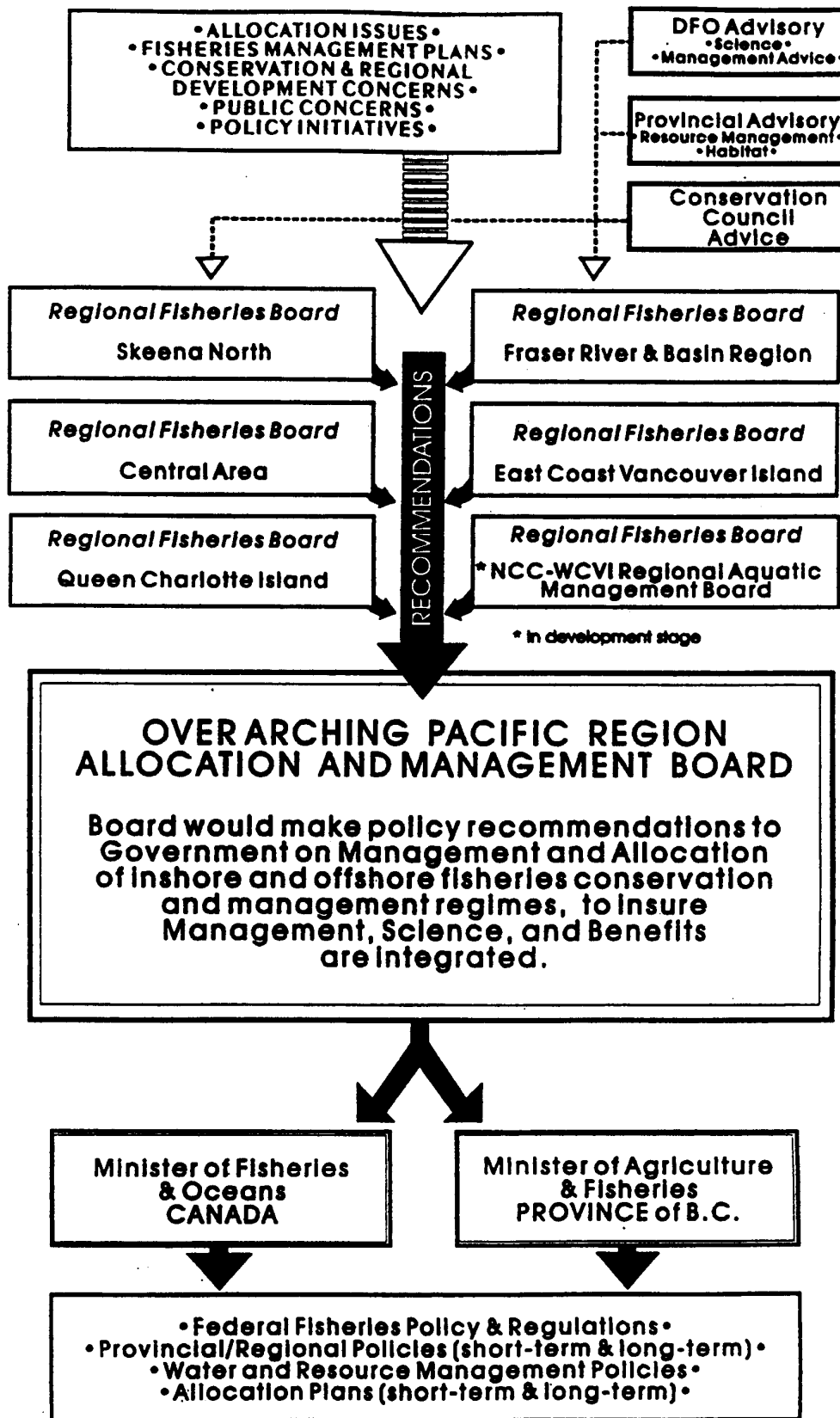
Regional management boards are the only way to produce allocation decisions that are *appropriate and responsive* to the salmon and their habitat, First Nations, industry participants, community residents, and government bodies. No other system meets all the goals of conservation, accountability, transparency, manageability, cost-effectiveness, and economic and social viability for industry participants and communities.

We hope that you recognize the tremendous amount of work we have done to build the relationships necessary to establish positive and obvious solutions to the crisis in the salmon fishery. It has been a long and difficult process with few rewards and much criticism. But we recognize that unless we attempt to overcome our differences, there is no viable future for the salmon, for the fishermen, or for the communities in which we live.

In your review of allocation processes, we hope that you find regional management boards the key to long term sustainability, community survival, and economic viability.

Thank you for your time in coming to the West Coast and accepting our submission.





Prepared for

THE CANADA ROUND TABLE • THE ENVIRONMENT AND THE ECONOMY

**Nuu-chah-nulth/WCVI Regional Aquatic Management
Steering Committee**



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Box 77, Ucluelet, B.C., V0R 3A0 \* Phone/fax: (250) 726 7083/7434 \* Email: [sustain@island.net](mailto:sustain@island.net)

# **REGIONAL MANAGEMENT**

**BUILDING A FUTURE  
FOR  
THE COASTAL COMMUNITIES  
OF THE  
WEST COAST  
OF  
VANCOUVER ISLAND**

## Who We Are

The idea of a Nuu-chah-nulth/West Coast Vancouver Island Regional Aquatic Management Steering Committee was initiated at the Common Ground Conference on Regional Fisheries Management, May 2-4, 1997, in Port Alberni. The Conference decided that such a committee was needed to push forward the participants' common vision of a regional management organization.

The Common Ground Conference and the Steering Committee represent many years of discussion and capacity building within the region. Numerous groups have worked hard to advance the idea of a cooperative, multi-party organization and to find the common interests and goals necessary to make such an organization happen. The close partnership established between the diverse participants is unparalleled in any other region of B.C.

At present, the Committee is:

### *Executive*

Richard Watts  
Nuu-chah-nulth  
Tribal Council

Dan Edwards  
West Coast  
Sustainability Association

Rose Davison  
Alberni-Clayoquot  
Regional District

### *Committee*

|                 |                                                             |
|-----------------|-------------------------------------------------------------|
| Cliff Atleo     | NTC                                                         |
| Cathy Burkosky  | Co-ordinator, Alberni Fisheries Initiative                  |
| Wilf Caron      | Director, Area G Troll Fishery Association                  |
| Charlie Cootes  | NTC                                                         |
| Darren Deluca   | Port Alberni Sport Fishing Committee                        |
| Bill Ellwyn     | Director, Alberni-Clayoquot Economic Development Commission |
| Joy Lynn Eyford | Community Fisheries Development Centre-Ucluelet/UFAWU/CAW   |
| Don Hall        | NTC                                                         |
| Bill Irving     | Mayor, District of Ucluelet                                 |
| Nelson Kettliah | NTC                                                         |
| Archie Little   | NTC                                                         |
| Maureen Sager   | Alberni Environmental Coalition                             |
| Carl Scott      | Plant Manager, Pacific Coast Processors                     |
| Eric Tamm       | Executive Director, Coastal Communities Network             |
| Bob Walton      | Councillor, District of Ucluelet                            |

### *Staff*

Andrew Day LL.B  
Consultant

## *Our Vision For The Region*

**Our vision is that the ecosystems, communities, and individuals of our region continue to achieve their inherent health and wealth for generation to come. In order to ensure this, we envision an effective public decision-making system that reflects local goals, characteristics, knowledge, and needs.**

## *Our Purpose as a Committee*

**Our purpose is to develop a regional organization that will exercise responsible joint management of aquatic ecosystems in the Nuu-chah-nulth/West Coast region of Vancouver Island so that these ecosystems will sustain and contribute to the spiritual and material well-being of local communities and future generations.**

## *Why We Are Pursuing our Purpose*

**The West Coast of Vancouver Island/Nuu chah nulth territory is one of the richest areas on the planet in terms of natural resources. For countless generations we have lived and prospered off the abundant resources that the thriving ecosystems supply. Aquatic life has played an especially important role in our social, cultural and economic lives, providing a stable source of spiritual and material health and wealth.**

**But in a relatively short time, many things have changed. We have become increasingly unable to participate in managing, using and benefiting from the region's abundance. Policies and decisions made by people who do not have to live with the consequences of their actions and who do not have an intimate understanding of the area have directly and indirectly caused widespread environmental, social and cultural destruction.**

**The herring fishery is a tragic example. Whereas numerous residents of the coast use to fish and process herring, almost no fishermen from the region are now able to participate in the fisheries. And the processing plants are all closed. In last year's fishery, virtually nobody on the West Coast of the Island saw a penny from a local fishery that landed nearly 7,000 tons of herring valued at some \$17 million. Even worse, the Department of Fisheries and Oceans quota for the fishery was exceeded by a staggering 73%—hardly a precautionary approach to conservation.**

**Another saddening and potentially disastrous example is the story of our salmon. Over the past century well over half of the distinct wild salmon stocks on the West Coast of Vancouver Island have been put at high or moderate risk of extinction, or have become extinct. This number increases rapidly each year. Attempts to protect, monitor, research and rehabilitate stocks are frequently poorly funded and/or poorly coordinated.**

At the same time as ecological decline continues, local communities are being excluded from management and access to aquatic resources. For instance, the number of fishing licences owned by residents of the region has decreased dramatically over the past 30 years as the result of federal policies that are creating a small, corporate controlled urban fleet.

This year's chum fishery in Nitinat is a classic example of the continued disenfranchisement of our communities from the resources in our region. In October of this year, 12 million pounds of chum salmon were harvested. These salmon came from a Federal hatchery that was specifically built to provide economic benefit to the communities outside of the lower mainland. Unfortunately, changes in licensing policy and lack of any cohesive plan linking the fish to community development have undermined the original purpose of the facility. Few fishermen from our region are now licensed to fish this run, none of the fish were processed in our communities, and almost no fish were even landed here. Other than the limited employment supporting the infrastructure of the facility, once again there are virtually no benefits to our region.

Unfortunately, these are not isolated incidents. They represent an on-going trend in the allocation and management of resources that is seriously jeopardizing local social, economic and ecological sustainability in the region. Coupled with changes to global economic markets and unpredictable environmental conditions such as El Nino and global warming, communities are now just as threatened as the resources they depend upon.

## *How We are Achieving Our Purpose*

At this point, we recognize that pointing fingers or making demands will not stop the on-going problems. We cannot walk into the future looking backwards. Yet at the same time, we know we can no longer depend on others to manage aquatic resources for us when their actions have consistently demonstrated that the health of our communities and ecosystems are a low priority.

Therefore, we are trying to break out of unproductive adversarial cycles by adopting a positive, cooperative approach. To this end, we have committed to overcome differences and work together towards our common vision and purpose. We continue to invite government agencies, non-governmental organizations, academics, and any other groups who are honestly committed to the sustainability of our region and who recognize our knowledge and abilities.

In order to achieve our purpose, and ultimately our vision, we recognize that we have to create a management system that is ✓ accountable ✓ representative ✓ appropriate to local cultural and ecological contexts ✓ efficient and effective, and ✓ adaptable to change and uncertainty. Such a system cannot replicate traditional bureaucratic models of organization but must combine new ideas in organizational design with concepts, experiences and ideas developed in the region.

We also recognize that building such a system will take time and that many of the problems we face have to be addressed immediately. Therefore we are proposing a two-tiered approach to developing regional management.



At one level we are calling for the formation and authorization of a joint First Nations and non-First Nations board to oversee decisions impacting aquatic ecosystems in the region. The board would consist of geographical representatives who would make decisions based on clear goals and principles. The Nuu-chah-nulth Tribal Council has written a draft of what such a board might look like and how it might function, including accountability and conflict resolution mechanisms, decision-making procedures and responsibilities.

At another level we are building the capacity within the region to operate regional management effectively. We are committed to organizing a number of working groups to design systems for specific areas of management. Such areas include economic development, labour adjustment, resource allocation, mapping and inventory, monitoring and assessment, rehabilitation and enhancement, protection and enforcement, protected areas, research and development, harvest planning and technology, and education and culture. Working groups will be comprised mainly of people from within the region but will also include external technical expertise, researchers and facilitators as needed.

The goal is for each working group to develop systems for achieving the above mentioned management goals (effectiveness, accountability, adaptability, etc.) in its particular management component. In some cases this may begin by simply bringing people together to review, prioritize and coordinate current activities. As the working groups develop and learn about different barriers and opportunities, the Steering Committee and its Secretariat will work at developing a communications and management information system to support and connect the different working groups. They will also communicate the developments of the entire project to people in and outside the region.

### *Laying the Groundwork...*

During the summer and fall of 1997, several activities and initiatives were undertaken either under the direction of the Regional Aquatic Management Committee executive or by specific groups and individuals who are connected to the development of regional management.

The most active political format was within the commercial troll fishery, one of the last significant commercial license fisheries in our area after the massive disenfranchisement caused by the federal government's Mifflin Plan. The Nuu-chah-nulth Tribal Council, Area G troll representatives, the West Coast Sustainability Association and the Pacific Seafood Processors together met with the Minister of Fisheries and several times with senior DFO officials to promote better consultative processes that would protect the allocation interests of the region in respect to the troll fishery.

Also, the executive of the committee have sent letters to the Minister of Fisheries, both Federal and Provincial, asking that the Regional Aquatic Management committee be involved in designing and implementing the following:

1. The Art May process (now Samuel Toy Process) for allocations between the Aboriginal, Sport, and Commercial interests in salmon.
2. The Kelleher process to design allocations between seine, troll and gillnet
3. The Development of a Tanner Crab fishery as a Regional Fishery through the Fisheries Development Act.
4. The development of herring management plans that will enable our communities to reconnect to this resource.
5. The development of selective harvesting strategies for chum fisheries in Ucluelet Harbour.

Other specific projects that are being considered as adjunct to and under the direction of the Regional Management Committee include the following:

1. Kennedy Lake rehabilitation and selective fishery project
2. Kootowis/Staghorn/Lost Shoe rehabilitation project
3. Community Groundfish Quota project in partnership with the Groundfish Development Authority.
4. The winter troll fishery monitoring project, including the development of an electronic monitoring program.
5. Mapping and inventory projects in the Alberni Valley in partnership with Community Fisheries Development Society and the Alberni Valley Enhancement Association.
6. Community clam management board proposal.

## *It's Time For Regional Management*

Our project is an ambitious one. It is forcing us to learn how to work together while maintaining our diversity and independence. It is forcing everyone involved to rethink and express our underlying values, beliefs, assumptions and interests. To be sure, there will be barriers and roadblocks along the way.

But it is a project that is critically important. It is about the survival of our communities and ecosystems. It is about the other regions throughout the country—indeed throughout the world—that are struggling to maintain their cultures and their environments.

We recognize that the only way to manage something effectively is to understand it well, and the only way to understand something well is to live and work with it for a long time. We are the only ones who have that understanding when it comes to the aquatic ecosystems and social systems in this region. It is time that we use our understanding to make sustainability a reality. It's time for regional management.

Coordination. Accountability. Responsiveness. Innovation.  
*Local Management by Local People with Local Knowledge*