

# Evolving a New 'Framework' for Decision Making in Salmon Fisheries: Drivers and Directions

A DRAFT Working Discussion Document

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*Derived from the Integrated Salmon Dialogue Forum 2007-2011*

April 2011

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## Purpose

The purpose of this discussion paper is to highlight the main concepts that have emerged over the past three years from the Integrated Salmon Dialogue Forum's (ISDF) deliberations on making decisions and resolving disputes (aka "governance") in BC salmon fisheries. The paper aims to support the dialogue at the **2011 Widening the Circle III Symposium**, and will stand as a reference to future groups charged with the responsibility to evolve a new 'governance framework' for the region, and crafting and sustaining the relationships required to give it ongoing effect.

This paper is a companion piece to another document "*A Practical Guide to Collaborative Fisheries Governance: A guidebook for BC salmon fisheries*"<sup>1</sup>, by identifying the key drivers influencing the changing context that the Guidebook is intended to be used, and the future directions a framework needs to take into account.

Underscoring all of it is the key recognition that an "evolving governance framework" is not an endpoint represented by a "map" on the wall. Instead, like a city that continues to grow and evolve and change in appearance over time, and is held together by a common set of codes and practices, an evolving framework will change and adapt while drawing from common principles and key concepts. This paper attempts to describe these core elements.

Central to the thinking has been the recognition that **improvements to making decisions and resolving conflicts may come in different forms, whether through enhancing traditional processes, reaching out for new approaches, or exploring what it takes for the traditional and emerging to be mutually supportive.** A key lesson is that "one size does not fit all".

## Context

"Change is here: how can you make change work for you, and you for change" had been one of the underlying themes of the ISDF since its inception, with the point of departure being the "status quo is not good enough" and the mission to explore "big picture issues across all sectors and regions, informing itself where helpful on low beam experience."<sup>2</sup> Over time the ISDF came to recognize the undertaking we were engaged in was change, and responding to it, because accepting change is the first step in dealing with it.

"The future ain't what it used to be."

Yogi Berra

"How we are going to work with each other (with our different rights, interests and mandates), make better decisions, and live together despite our differences", and "what work are we going to do where,

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<sup>1</sup> Available at \*\*\*

<sup>2</sup> Excerpt from ISDF Descriptor adopted by all participants, January 2007.

and at what scale and at what layer in the interests of the fish, and each other” were some of the questions that started us off with a focus on **governance**, but there was a also profound acknowledgement that before you can make progress on improving decisions or policies, there has to be **trust in each other’s numbers**. Momentum built to the point where a separate independent entity took form, now known as the Monitoring and Compliance Panel<sup>3</sup>.

The key role of information, and the processes designed to build understanding of it, are discussed further below.

Perhaps the best way to summarize the context for an evolving framework is to identify some of the critical questions the ISDF has framed since its inception:

1. How should traditional and emerging processes work together at different scales?
2. What is required for an emerging, collaborative process to become “recognized”, and “integrated” with regional, and usually more formal, decision making structures? What might be the “process benchmarks”, such as:
  - a. Who needs to be involved? Does it need to be representative?
  - b. What can and cannot be done locally?
  - c. How can people work together and do they have to have explicit ways of resolving differences?
  - d. Are there timelines?
  - e. How would they resolve issues with other local and regional groups?
  - f. Do they have to have some kind of written understanding? What would it look like? What does it mean?
  - g. And, if there isn’t an identified local group, but just a bunch of folks who have interests, how do they get acknowledged and recognized and respected?
3. How do we provide effective linkages between the local and the regional and broader networks across organizational entities that exist across all sectors at all levels and layers?
4. How do we improve our understanding of what is currently in place, what can be built upon, where duplication needs to be eliminated, what needs to be added?
5. What is it going to take for change to be positive and working for people as best it can? How do we improve existing decision making processes?

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<sup>3</sup> See \*\*\* (web link)

6. What new processes and/or obligations are starting to emerge that now need to be taken into account? What novel ideas from here or elsewhere should be built upon?
7. Some frame the challenge in terms of the need to more flexibility, other emphasize certainty and predictability. Are these contradictory or complementary goals?
8. How should local activities be linked, and coordinated and when difficult issues arise, how might they be resolved on a timely basis?
9. What are the “Decision Making Units” contemplated under the Wild salmon Policy and likely needed to operationalize it? Was the intention that Conservation Units were also to be decision units? Or a framework through which to organize scientific inquiry and develop data and benchmarks to inform the decision making process, and the plans to support it? Are different views creating confusion? Is a lack of clarity on this one of the undercurrents in play? Are there others? What might be responses to these underlying challenges?
10. How can fisheries organizations, institutions and individuals develop the capacity to engage differently and what are the resistors to doing so?

Future efforts to evolve a governance framework will need to take on board all these questions, and more. This paper hopes to bring together in one place what we have covered in complicated, rich and often difficult conversations over three years as we have struggled with these and many other questions, and in doing so create a platform for continuing them in other ways and in other places.

## **The Need for a Framework: Key Drivers**

### ***Fish and People***

Salmon take a long and complicated journey over thousands of miles over multiple years. The lives and livelihoods of people and the interests of many communities, organizations and institutions are affected in every place these remarkable animals travel from and through, both on their way out to sea or as they are homeward bound. Diverse stocks come together, which adds layers of complexity to the management challenge – harvesting strong stocks and protecting weak stocks, and reconciling that with conservation, policy, the constitution, treaty obligations, and modern fishing communities. Everyone, from those who make a living from fish to those who love the animal, want greater control over their “world” to build a sustainable future for the salmon and their relationship with it – whether expressed as a culture, a community, a business, or a lifestyle.

But the migratory ways of the species means it is inevitable everyone’s world is interlocked with someone else’s, near and far.

### ***Values***

Salmon mean different things to different people, and different people value it in different ways. The value equations around fish have changed, partly because of increasing resource scarcity. Changing power equations have given us many additional lenses through which we must look through in addressing challenges. Many players are declaring and asserting their interests, and this has inevitably given rise to tensions and conflicts among different users, with government trying to find a pathway between uncertainty of the species and conflict among the interests, themselves included.

Each sector has its own ‘currency’ around values. For those whose livelihoods depend on salmon, value converts partly into money. But there are many interests that are not readily translatable, if at all, into monetary measures - interests that are cultural, social, historical, ecological, environmental, recreational, and the broad public interest in the health of the resource. What was once seen as largely a matter of turning fish into money to conduct a socio-economic analysis and resolve competing interests has become a much more complicated matter.

### ***Power***

Like values, the power equations around salmon have changed. The center of gravity of power is shifting along the invisible axis that stretches from office towers in Ottawa and Vancouver to people and communities at the ends of rivers fishing for food, and local groups protecting and recreating in streams in different ways. The Wild Salmon Policy and the Species at Risk Act are important drivers of this shift, but challenges remain with their implementation and operationalization.

Salmon are a federal responsibility under the constitution. But in the last 20 years, the legal framework guiding the constitutional authority of the DFO to manage salmon has evolved. The watershed case of *R. vs Sparrow* in the early 80's, highlighting in more detail the "priority after conservation" for Sec 35.1 fisheries, made clear that Aboriginal people have special rights in relation to fish for food, social and ceremonial purposes. The management of fisheries continues to struggle to align what happens in government offices and on the fishing grounds with what has been prescribed by the courts. In addition, there is a wide range of other interests that Aboriginal people and communities have in common with non-aboriginal Canadians.

Power comes in many forms. Environmental advocacy campaigns have played a major role in shaping public opinion and expectations of responsible corporate and government conduct for other resources, and increasingly for fisheries. Growing public awareness of the precarious state of many fish stocks around the world is causing former foes to become allies in support of incenting and enforcing more responsible fishing practices. Technology has turned strangers across continents into allies for a cause. Use and access to information is one driver of the power equation, and information barriers are breaking down.

Everyone wants greater control over their "world" to build a sustainable future for the salmon and their relationship with it – whether expressed as a culture, a community, a business, or a lifestyle. And they use the new instruments of power at their disposal to ensure they are "players in the game."

## ***Uncertainty***

Although Pacific salmon are one of the most well studied fish on earth, the core management challenge remaining is making decisions and dealing with differences in the face of increasing uncertainty and risk. Sound decisions require sound information, but **often knowing what we do not know and acknowledging it is even more important than what we do know**. Science has to tell us where the line is between certainty and uncertainty, however blurry it may be.

Informed decision making requires sharing of information among interests and the use of tools to adaptively grow our understanding of what impact different conditions and choices may have (e.g., models to help us ask "if we did this, what might be the consequence?"), and then adjust management strategies within acceptable levels of risk. It also involves consideration together of science and local (often traditional) knowledge. Linking scientific knowledge with local ecological knowledge, a point on which there is much awareness today, does not happen easily. Finally, communicating the information, whatever the results, is an essential part of allowing it to inform decisions constructively.

Involvement of "non-scientists" in helping the technical experts define the questions that need to be answered may be one of the most important ways to acknowledge uncertainty in conflict situations. This encourages science to be responsive without detracting from its independence and important role in stretching out new frontiers of investigation. It also builds understanding and appreciation for uncertainty among non-scientists, which pays dividends when it's decision time. Further, it is naïve to

presume there will ever be one “right” answer, not only because the systems we are involved in are complex, but also because - like anything - science can slip into politics and politics into science, depending on who’s interest it may serve.

## **Markets**

There are numerous developments in the fisheries marketplace and influences on consumer behaviour, and an exploration of them is beyond the scope of this paper. One important driver to highlight however is the impact that certification and eco-labelling (arising out of market demand, particularly in the European Union) is having on where groups see their interest lying in the future.

## **Towards a Framework – Key Tensions**

### **Access<sup>4</sup>**

Every party wants stability and confidence in access, but how we do that in ways that everyone can live with is the challenge. The goal is clear but the means to achieve it are not, and if we do not find the means, we will not achieve the goal. What has long been a contentious issue continues to be so – recent efforts within the commercial sector left most frustrated, and experiences with other species have not served to build new bridges.

Every party in its own way for its own reasons and places is concerned about being pushed out of the water over competition for the same fish. We address this by managing “access”, but what do we mean by the word? We think of “accessible” stocks and their potential “value”, and the way in which people derive benefits from the fishery. The word is as much about “growing the resource pie” and the values and benefits associated with it as it is about dividing it the pie up, and recognizing and respecting different interests and values, not just tensions and conflicts among them.

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<sup>4</sup> Drawn from ISDF Access Discussion Note, January 2010

### **One Example of Changing Dynamics:**

On the Fraser, First Nations have been experimenting with low volume fisheries and looking at a number of ways to improve quality, increase value, and create production networks that support low-volume fisheries. What is becoming clear is that fishermen become more motivated to adopt new approaches when they are part of developing these solutions and benefit from successful outcomes that enables them to deal with the issues that have confronted marketing fish from fisheries of this nature.

Commercial harvesters are facing an ever increasing range of challenges that affect their ability to operate the ‘business of fishing’. E.g., increasing uncertainty and reduced access (arising from need to protect stocks of concern in mixed stock fisheries, outcomes of court cases, etc.) Without greater certainty around access, the ability of commercial fishers to maintain their boats and equipment and run fishing operations will continue to be impeded.

On the Fraser, the high intensity and proximity of First Nation and recreational fishers are coming into increasing conflict. But arising out of a serious incident a new level of dialogue has been sparked that is struggling to work out a workable accommodation. So crises can turn into opportunities.



With ever increasing concerns over the future of salmon, there is an increasing drive to protect interests as the reality of a real threat looms. The conflict is over “accessing” what people value, usually played out during a season through decisions in the heat of the fishery, and the fallout over the tensions that arise as a result of those decisions. The general orientation has been to approach the challenge through the frame of conservation. We need to reframe the debate – particularly in times of resource scarcity - to optimizing the benefits of the access we can have, and ensuring that when the fish are “there”, we make best use of the opportunity. How might we increase “value” in innovative and creative ways, and in doing so, indirectly reduce competitive tensions.

The complexity is further intertwined with First Nations constituency of interests, their lack of involvement in key policy decisions that guide current approaches (ie the current Allocation Policy), and a difficult and often bitter history between Aboriginal and non-Aboriginal constituencies.

### ***Bilateral obligations within an evolving multilateral context***

We have to build the architecture of making decisions and resolving disputes in a way that is alive and attentive to the reality **constitutionally protected right of First Nations interests in respect to the fish**, and the honour of the crown to uphold those rights. But **how do those bilateral obligations work in an effective way with multi-lateral environments in which First Nations exist with all other communities of interest around common issues?** All parties have reciprocal interest in finding good and effective ways of working with each other.<sup>5</sup>

The issue should not be “bilateral or multilateral”, but rather how we do both (for the obligation is to do both) and what is the best way of doing so. Another way of framing the question is this: **what will it take to most effectively transform interests and rights into results?** Can that challenge be fully discussed without taking on board questions about how the interests of sectors and non-government groups are taken into account? Most likely not. Finding ways to engage in a safe and effective way with other sectors, far from compromising a right, creates the opportunity to transform rights into real results.

So then the fundamental tension becomes **trust and commitment** among the parties (and establishing the structures, for example technical processes, that give rise to them), and particularly trust and commitment between First Nations and DFO, because while everyone’s interests are better served in a multilateral context, this cannot be taken as an excuse for over-riding bilateral obligations.

The struggle of First Nations to rebuild their place within the fishery has been a fact of life for a long time, and developing the capacity technically and managerially is fundamental to that. Any possibility that this determination could become bogged down or deflected within “multiple sector” processes is going to fuel fear and resistance. Capacity building must be unlocked from this tension if the culture of

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<sup>5</sup> For more discussion, see ISDF Fisheries Governance Discussion Paper, December 2009

collaboration is to be given the chance to grow, most specifically with respect to First Nations, but also for all interests.

### ***Interface between existing advisory structures and emerging processes***

Improvements to making decisions and resolving conflicts may come in different forms, whether through enhancing traditional processes, reaching out for new approaches, or exploring what it takes for the **traditional and emerging to be mutually supportive**. Building a culture of collaboration is not about replacing one way of operating (e.g., authority) with another (e.g., participant driven), but about **building processes for problems**.

The conventional means by which decisions are made involving governmental or regulatory bodies in Canada has been **authority based**. While many different mechanisms may be used, the underlying model is that one final authority - a cabinet minister, an independent review board or panel, a judge, or a host of individual administrators - is empowered to listen to what competing stakeholders have to say, impartially review and weigh their claims and relevant technical information, and then decide.

The Integrated Harvest Planning Committee, or IHPC, is an example of this kind of approach. Information is brought back as advice to a Minister. Taking into account the IHPC and other advisory processes employed, the point has been made that **no other department of the Government of Canada is as extensively involved with its constituencies as DFO**. But is all the effort working?

Another world view that is emerging in many places and many resources, is the **participant driven paradigm** where government says "we can't do the job alone". A **participant driven approach** is open to all participants with a stake in the outcome, including governmental authorities. All participants work together to reach mutually acceptable outcomes. The participants begin by exploring the possibility of working together, and how they might do so in the most effective way with clear expectations about the purpose, roles, responsibilities, and procedures. **This is better than government talking to each of them separately**, because if people hear each other directly, they may be able to reach better and more informed judgements. The question is how this approach can co-exist with authority based structures, and identifying process benchmarks to define the linkage.

Collaborative fisheries governance is the process of reaching shared outcomes and resolving differences among all sectors and governmental interests in a manner consistent with the conservation and sustainable management of our salmon resource. Improved collaboration leads to more effective decision-making with a broad basis of support and more enduring outcomes.

*ISDF Collaborative Fisheries Governance  
Discussion Paper, 2008*

### ***Capacity and Organizational Resistors***

The forces of change are all pushing in the direction of integration where each sector, government and non-government alike, is increasingly finding that its own interests are better served through collaboration than through competition or coercion, and the conflict that spins off from both.

But there are strong headwinds of resistance blowing from many quarters. Government departments, organized vertically to drive out authority based mandates are struggling to understand what participating within an emerging culture of collaboration means, and what it will take to be effective within it. This plays out at many levels. Individually some public managers embrace this with gusto, so much so that like the general who gets to far out in front of his army they think he is the enemy. Others, either because of the unstated premise that “signed up to give orders, not coax folks” or simply because like an old shoe they prefer to keep doing what they have always done, become even more cautious. Many are just plain confused – “we are always consulting people. How is that any different than collaboration”. Whether rebellious or in retreat, or confused, the internal dissonance sends mixed signals externally that are not helpful to advancing the collaborative culture.

Organizationally, lines up and down, stretching from Rupert to Ottawa and Victoria, direct “reports” do not mesh well with the networks and circles of collaboration. DFO meanwhile is mandated to deal with fisheries and oceans, while the real issues in the wake of the change process relate to socio economic disruption and dislocation for which they have but limited tools available, but across other departments where there is no horizontal integration. Within the administrative processes of the bureaucracy funding and supporting collaboration is like pushing a square peg into a round hole with endless glitches and delays almost an inevitability. Job descriptions and reward systems are not geared to this new reality, so for many participating in some form of collaborative process is seen as off the side of the desk, not central to getting the job done. And then, inevitably, there is good old fashioned politics that can wedge its way into the middle of things unexpectedly and in sometimes surprising directions.

But it is not good enough to focus on government alone. Every sector with its organizations and constituencies has its own brand of reticence, or resistance. Environmental advocacy groups, used to being on the attack, are confounded when the corporations who have been their targets start doing what they ask – and now they must ask themselves “do we respond by keeping on punishing them or rewarding them.” The enormous stresses that have been in play within the commercial sector, perhaps greater than any other, has taken its toll on the organizational coherency of the sector, and left in its wake intensely felt divisions in how best to respond to the forces of change that has beset them. The recreational sector is experiencing its own brand of dissonance, holding within its organizational house folks with a road on a river bank on an annual excursion, while others come from Chicago and New York, and everywhere else on luxury excursions to big lodges. Within the First Nations community of interest, there are those who are charged with championing political and legal causes, others who know only life on the water as a fisherman, and still others worrying about granny’s freezer. Each of these

groups in its own way is struggling to understand where its interest lie, and the organizational conundrums are a central reality in creating a culture of collaboration.

Rhetoric about collaboration has its own virtues, like a self fulfilling prophecy, but like prophecies that can take a very long time. That is not a luxury that building more effective governance structures within fisheries has. Turning rhetoric into reality is the challenge, and that involves taking on board the hard questions - like the organizational resistors and impediments that have to be wrestled to the ground if real change is to happen.

### ***Conundrum of Scale***

There is an imbalance between where decisions are currently made (ie. regionally - taking into account broader interests and considerations), with the reality of emerging local processes, and most importantly, the shift of power to local areas due to assertion and recognition of *Sec 35.1* (i.e. food, social and ceremonial) rights of First Nations (for more, see *Power* section in key drivers – earlier). This has been referred to as the “conundrum” of scale, and dealing with it cannot be avoided in an emerging framework. The importance of linkage across scales is discussed further below.

## **Developing an Emerging Framework - Directions Forward**

A “vision” of the fishery is required that is underpinned by understanding the concerns from each perspective. Identifying and building incentives will be key to motivate people to work with change, not try to resist it. Incentives need to be created to motivate people to act consistent with that vision. Fishermen and communities will “move” provided the incentives are made available. Efforts will need to mine for insights and approaches that are emerging among different groups as they struggle through them and find their own way. The challenge is to work through resistors that impede innovative approaches and build momentum on the strength of success among those that are ready to change.

What follows are a number of key directions forward that need to be part of evolving a governance framework.

“The future will require that everyone find a way to fit into the fisheries, not fit the fisheries around them. Harvesters will need to be open to new approaches. “All or none” will not work anymore, and if that is what people demand they are more likely to get nothing. But similarly, everything has to be on the table for discussion. It is no longer good enough to say ‘no’ without putting some other option on the table as to what might be an alternative.”

*ISDF Meeting, May 2010*

### ***Linkage Across Scales***

Developing a framework for making decisions and resolving differences for BC salmon fisheries will be an ongoing process if only for the simple fact that initiatives emerge in different places in different ways, and will continue to do so. Within First Nation’s communities, fish has been a cornerstone of Pacific West Coast indigenous life forever, and the energy to protect and steward this cultural icon, as an

expression of the culture and as a platform for building sustainable economies and communities, is constantly growing with increasing numbers of leadership voices and managerial capacity. Stewardship groups are built on the energy and ethic of kids working alongside their parents looking out for their local streams. Local community roundtables have a track record - like in the Cowichan, the Nicola or the Somass and elsewhere - and more are forming. Others, like the Fraser River Salmon Table or the West Coast of Vancouver Island Aquatic Management Board are sub-regional and different, but what they have in common is people who have come together with common interests trying to work to make a difference. Sector based organizations are struggling to adapt how they work in these new contexts. Governments, provincial and DFO, are pulled and pushed in different directions adjusting to demands by many to be part of decisions that affect them and their communities, while trying to maintain consistency and integration regionally and nationally.

**What is the path forward, recognizing this reality?** And even if we evolve to a point a view, as a testing proposition, that **“what can be done locally, should be done locally”, you have to ask the next question: what can’t be done locally?** That’s the challenge of scale. A clear first step required is to identify “Who does what, at what scale”, and develop the mechanisms and tools that will support linkages.

What is missing is an **overall structure to support, guide, or link** these various processes. That is the purpose of a governance framework. The tensions arising from the lack of integration are familiar to all of us, for example:

- “My community has invested a lot into protecting habitat, into salmon production... yet we see no return. We want more return for our investment!”
- “Your policies are hurting my community, we need more control”.

It is not an easy task to link across scales – the interests at one level may be more in line with seeking flexibility and the opportunity to develop solutions that work for them, while at other scales the objective may be for more certainty and predictability. Are these contradictory or complementary goals? **Can we work with these new “currents” in people’s expectations?** We need to move with the current of the way people work and the “culture” of their organizations and structures. Perhaps there are insights to be gleaned from how tribal interests work...

### **LEVEL 1 - The Pacific Coast**

This is the scale that we already build regional IFMPs, but a process at this level could also set standards, guide policy development, and shape a general direction for the salmon fishery overall, for example, in light of climate change and ecosystems in flux. Fisheries monitoring and catch reporting could be compiled for the region, and this and other local information, issues and ideas would be “rolled up” to some kind of cohesive review. We would set priorities and resolve disputes. We would work on international Treaties such as Pacific Salmon Treaty.

If we assume the IFMP (through the Integrated Harvest Planning Committee or a process like it) is a “roll up” of smaller scale management plans, with broader context added when needed, then we need to establish some common elements that all local plans (place holder term Localized Management Plans) take into account. An important function at the Level 1 scale is to resolve disputes and find cohesion among the local management plans developed along salmon migratory routes.

In this work let’s not forget about initiatives such as the Convention on Biological Diversity that identifies key principles around conservation and the benefits of sustainable use that need to be shared equitably among users of that resource, as well as ensuring the sustainability of that resource.

### **LEVEL 2 - Large scale ecosystems**

The configuration of these ecosystems geographically is not sharply defined, but is evolving and clearer shapes are starting to emerge such as Large Ocean Management Areas (LOMAs - being developed by the Oceans Branch). As we extend off the ocean into the province, taking into account some natural geographic and people boundaries, and areas under consideration by First Nations, a working list might look something like:

- Strait of Georgia
- West Coast Vancouver Island
- Pacific North Coast Integrated Management Area (includes regions of QCI, Central Coast, North Coast, North Vancouver Island)
- Skeena Watershed
- Fraser Watershed (likely includes regions such as lower Fraser, mid Fraser, upper Fraser, Thompson)
- plus other regions in northern BC interior and the eastern part of the province

At this level, we might work together with many governments and agencies to maintain ecosystem integrity and look after ecosystem “services” such as clean water and clean air. A critical challenge is how to connect ecosystem considerations with resource management. This will mean more than connecting harvest and production planning, because those “boxes” may not be sufficient. The importance of the Level 2 scale is made clear by the success of processes such as in the Fraser Basin Council and the WCVI Aquatic Management Board, and other emerging processes such as the Fraser River Salmon Table. Regional districts are also an important contributor at this level.

### **LEVEL 3 - Local Areas**

The Wild Salmon Policy requires that objectives, benchmarks and strategies be developed for salmon Conservation Units, including stock and fishery management strategies, but also habitat and ecosystem considerations. It is clear that WSP implementation and local fishery planning will require regional standards and methods, applied using local knowledge and information, insights and agreement. But

there are thousands of watersheds, over 400 salmon Conservation Units, and many local communities and interests. This context has confused attempts to define appropriate local processes.

**What we do know is that local processes “gurgles up” where a group of people, organizations, and governments are motivated by a sense of connectedness or place; where communities of interest see themselves as**

**“us”.** Sometimes it will be a clear collision of interests, or personalities, or a crisis that motivates a sense that “we need to talk”. This can be fostered, but not manufactured.

*Over the course of its activities, the ISDF explored the challenge of developing an overarching plan informed by local area considerations by taking on a specific management situation – in our case it was Southern BC Chinook. Many of the directions identified in this paper draw upon the lessons of that experience.*

### **Challenges**

**Developing the requirements to establish “legitimacy” as a Local Area**, and to demonstrate in some explicit way (e.g., “Local Area Understandings” as a placeholder term) coherency as a group, clear understandings among the participants that meets some standards related to inclusivity, how the participants are doing business together, resolving differences when they arise etc. Also important is clarity of expectations on the scope of work “expected” of the local area and the resources required to support it. While the outline of the local plans is still to be defined, we do know they will need to develop WSP benchmarks and indicators. Perhaps what is needed to operationalize the WSP is to legitimate Management Units or Decision Making Units (DMUs - as distinct from Conservation Units - CUs), and that the local areas “gurgling up” are these eventual DMUs. **Are CU's where salmon affiliate and connect and have a sense of place, while DMU's are where people affiliate and have a sense of place? The challenge is to reconcile people and salmon, and their different ways of working and connecting the spaces that separate them.** There are a few emerging processes which we can study such as Alberni/Somass, Cowichan, Skeena, Nicola, Horsefly etc.

**Developing capacity, which will require aligning existing capacities** within DFO and other possible organizations at all scales, particularly the local level. Budgets and people are already stretched. This is a sobering reality. A direction forward needs to include supporting government staff in the development of their capacity (time, skills, attitudes and tools) to see these local area processes as a way to help them deliver their mandate more effectively and efficiently and make their job easier. It also means support and “training” for non-governmental groups. The positive role that capacity building can play is discussed further below.

**Developing the tools and approaches to integrate the local, large ecosystem and regional**, for example linking local area management plans to the IFMP, and other potential ecosystem plans. But this is not just about planning, it's about people. For example, internally within DFO people at different levels with different responsibilities, also have different points of emphasis and priorities (i.e. “*what you see depends on where you stand*”). Local managers are usually more directly aware of and responsive to local interests and drivers, while those higher up the management structure have a wider field of vision

and are concerned about consistency across areas, and integration within regional plans. Priorities and commitments made at the upper levels often aren't translated "to the field". Managers, wherever they are within the structure, have common interests in developing clear expectations around how this tension is to be managed, and to be able to communicate this to others for whom this has implications sooner rather than later.

Even though we need to find a way to link across scales and between ecosystem and harvest planning, this is not to say that all groups need to be involved in all processes. It is not practical or advisable, for example, for ranchers to be involved in decisions about what the TAC to the commercial troll fleet should be, or for fishermen to direct decisions on irrigation practices, but clearly the interests of both parties in the practices of the other are linked.

### ***Information is a Key Tool for Linkage***

A key lesson learned is that information is the practical tool for linkage and integration. As increasing numbers of local, ecosystem or regional planning processes are developed or emerge on their own, the challenge is to facilitate connections among them, including linkages between efforts that have traditionally been described as habitat/production planning and those directed at fisheries/harvest planning.

Building an understanding of the information relevant at each scale is a crucial part of each level relating to the others. Further, since differences exist within and among the levels, it is usually the case that **building an understanding of the information base is a tool to bring perspectives together**. Developing a common information base is a foundational step in PDC processes.

Perhaps the best way to illustrate this point is to take a specific example related to fisheries planning. Better fisheries monitoring and catch reporting numbers will make a better system for developing in season metrics possible to optimize the benefits between competing interests at a local area scale. Although uncertainty will still exist, as this evolves there will be greater certainty/predictability in the fishery and with that will come greater stability for all parties to manage the interests of the fish and the people connected to them at a more regional scale. Creating a solid platform of monitoring and compliance standards which are and are seen as credible across the sectors will be central to achieving a fully integrated fishery, and the foundation of confidence that what may be agreed will be respected. Greater stability is becoming all the more critical if the fishery is to survive in the face of ever increasing environmental risks and uncertainties.

### ***Technical and Management Processes, but Distinct***

A common source of conflict and process inefficiency relates to improper design around how information is used and communicated. Many shared with us the experience of being in a fisheries meeting when the information presented was "over their head", not shared in a timely way, or off the mark in terms of what they were expecting was going to be discussed. While a number of situations



exist where technical discussions are separated and distinct from more management/decision making discussions, more often than not those discussions are mixed and when that happens usually frustration reigns. Further, **building common ground around an information base and what it is telling us is probably the most important precursor to building agreement on what to do about it.** This concept is what drove the establishment of a multi-interest Monitoring and Compliance Panel, because **if we can't get past fighting over numbers, we're never going to be able to tackle the real issues.** Ensuring expectations are clear around a technical mandate vs. a management one is critical, and most likely much can be learned from those areas (such as the Skeena) where the distinction has been made and there is diverse experience in what works and what doesn't. We need to learn from this experience and widen its application.

However, that some people from some sectors are not "qualified scientists" should not be the defining threshold for participation in a technical process (although clearly everyone needs to have technical comprehension). The key is a commitment to and reinforcing of the technical mandate, because this is not an easy line as "politics slides into science and science slips into politics" - when it serves their interests. This is as much more a question of integrity than qualifications. Just as important is for all participants to frame the important questions that need to be answered. Perhaps the scientists will be the ones doing the hands on analyses, but they shouldn't be the only ones framing the questions.

### ***Developing a Common Language (especially on tough issues)***

Developing a common language and understanding why we are agreeing or fighting is key, for without a common language we may be fighting over words or agreeing to things we should not agree to – and with that come consequences. A prime example is the perennially contentious issue of "allocation" – which is a word that invokes strong perspectives in most. Linked to this is the word "conservation", because conservation to one sounds like allocation to another, which should not necessarily be the case, but perception is reality. The ISDF "grew" the word into "access" instead because it provides a much bigger platform from which to start a constructive conversation. When the ISDF developed its "Access Discussion Paper"<sup>6</sup>, everyone shared the view that not enough people in any of the sectors had a sufficient knowledge to ground an effective discussion, whether across the sectors or within them. For example, within the commercial sector the intricacies of the intra-sectoral allocation policy worked out across the different gear types and areas was not well understood – much less how decisions taken in one fishery in one area had rebound effects across the system. And if it was not understood within the commercial sector, there was clearly a lesser understanding within all the other sectors.

We need to start with some basic questions. Do people understand the policies? Do they know how they are applied, and given effect? Do they understand how things work operationally? Do they understand the opportunities and the challenges? Can we think of ways of responding to both? Only then we can start drilling down.

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<sup>6</sup> For more refer to the ISDF Access Discussion Paper, January 2010 and ensuing WTCII dialogue

## ***Building Ways to Resolve Tensions and Conflict***

We need to define processes for resolving disputes as they arise, because we know they will arise and usually evoke strong feelings. This is true “within a scale” or process, as it is among them. For example, many local areas can have different views of the “legitimacy” of distant mixed stock fisheries. How can local and regional plans be cohesive with these types of differences? How can we resolve them? In the face of strongly held views, perhaps there is a need to develop “process responses” to augment the existing operational responses (ie. no fishing, fishing within explicit parameters and practices, fishing if have high standard of monitoring and compliance, etc). One such process response might be “fishing if the respective coastal and inland areas engage in a process to reach agreement and resolve differences as they arise”. Any dispute resolution process developed will need to have a clear “backstop” of the power of the Minister to act (within his/her mandate and consistent with the constitutional rights of Aboriginal people) so that if resolution is not possible it is clear that a decision will still be made. Are there other cross-scale management situations that have resulted in creative solutions we could adapt and test, such as provincial and local implementation of the Canada Health Act?

### Decision Rules and Scenario Planning:

Clear decision rules informed by preseason scenario planning are an important tool to anticipate and manage difficult decisions in season, and reduce the potential for conflict arising because there are fewer surprises. Planning processes need to be more pragmatically interconnected to anticipating in season issues and establishing buy in for potential “tough calls” through increased transparency. Decision rules exist in some places for some species, but are not in place yet for others, such as Chinook.

### Inseason Processes:

**A lot of fisheries management, like most resource management, is built on annual or longer term plans.** But Eisenhower said it best, “Plans are nothing, planning is everything.” We know that a fundamental challenge of many plans is that they **can’t anticipate everything** and often aren’t developed in a way that allows them to identify **alternate scenarios** and what will happen under each. Expectations are built up and when situations planned for don’t materialize, we have conflict. A better approach is to **develop a range of different scenarios that could play out and the responses, and build a mechanism to resolve disputes when they arise in-season.**

## ***Collaboration and Capacity Building***

The increasing complexity of the environment in which fisheries organizations exist is paralleled by the growing complexity and interdependence in **relationships** among the players and organizations. Investing in developing a relationship, and directing the continuing attention necessary to preserve and enhance it is to both **build an asset and manage a risk**. Managing a relationship is a dynamic process that involves looking behind organizational charts to the people which are the conduits through which an organization is energized. However, collaboration is not about “good table manners”. Building and enhancing relationships that endure involves developing, and making explicit, **mutual expectations as to**

**roles and responsibilities, activities, and outcomes.** Getting clear on how to work together is a first step towards getting the business done.

Relationships – among individuals and organizations - are at the root of collaboration, but getting going in a good way can be tricky. Capacity building (aka training) can be a safe way for groups to get started, while also building a common foundation of understanding on important topics such as:

- Understanding responsibility and relationships
- Recognizing power and values
- Turning differences into assets
- Turning conflict into opportunity
- Creating clear expectations as a foundation for effective working relationships
- Developing capacity to anticipate issues
- Implement proactive processes to prevent and respond to conflict
- Recognizing and valuing relationships as assets
- How and when to use participant driven collaboration effectively within organizations and with external interests
- Creating sustainable outcomes through sustainable relationships
- Creating a space to continue the conversations across sectors

The best programs are usually those that are “hands on” and based on “real life” teachings, where participants explore together some of the most challenging decisions faced by all parties in the fishery-challenges which arise out of conflicts which arise out of intensely felt values, and which reveal, test, and shape the internal tensions and responsibilities of individuals and organizations.

The ISDF implemented a pilot capacity building program in 2011, designed to deepen our understanding of how we can work more effectively together in making peace and decisions that affect salmon<sup>7</sup>.

## Conclusion

This paper has been written in the first instance to inform discussions at the Widening the Circle III Symposium. How it will be concluded is yet to be determined, but we anticipate comments and suggestions - all of which will be considered and incorporated after the event. While we have authored this draft, many have imprinted what was said and for this we are very grateful.

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<sup>7</sup> For more information see\*\*\*

