

# Fraser Salmon Collaborative Management Agreement 2021 - 2022 Annual Review

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## Purpose of This Report

Section 7 of the Collaborative Management Agreement (CMA) deals with the annual review process and is clear that the agreement will be reviewed annually for the first 3 years. The review process will include the Fraser Salmon Management Board (FSMB) and the Independent Chair (IC) and must include the following:

1. review and reporting on the activities of the FSMB;
2. review and reporting on the activities of the Joint Technical Committee (JTC);
3. an assessment of the challenges and effectiveness of the Executive Committee (EC), FSMB, and JTC and how these bodies might need to be changed, improved or replaced to meet the parties' intentions of effecting transformative change.

Within 60 days of the receipt of this report the parties agree to meet to review the progress and accomplishments of the collaborative management authorities and process relating to Fraser salmon, with emphasis on the following:

1. steps the parties will take to effect changes necessary for improvement of the Tier 2 decision-making processes;
2. specific or general delegation of authority by the Minister and/or Member Nations to the Fraser Salmon Management Board;
3. the effectiveness of section 6.1 appointments, strategies and positions;
4. legislative, operational or policies actions in support of nation-to-nation, Government-to-Government, collaborative governance and management.

## Annual Review Background and Context

According to the CMA, the IC along with the FSMB will prepare a report outlining the progress and accomplishments for the year. The report must review the activities of the FSMB, JTC, and the EC. It should examine the challenges and effectiveness and if required suggest changes, improvements, or replacement of any of the components.

The report covers the period April 1, 2021-March 31, 2022. This is the second annual report; it, along with the Annual Review Table, form the contents of the CMA Annual Review. There were two new additions to the FSMB in 2021-22:

1. DFO-Duncan Stephen replaced Corey Jackson.
2. FN-Pat Matthew replaced Tracy Wimbush.

In many ways it felt like the CMA did not make a lot of progress in its second full year of operations. However, upon closer inspection many products and outputs were created and summarized below. Still the year felt like it never fully recovered from not having an agreed to implementation plan at the outset of the agreement. Many of the operational and procedural issues that were not adequately dealt with in 2020-2021 continued to plague the FSMB and bog the board down, often leading to frustration. Many of the FSMB activities continued to focus on clarifying operational procedures and guidelines, often centred around budgetary issues which were beyond the scope of the FSMB because the negotiations for funding were being conducted between the parties, i.e. FSMC-Main Table and DFO. In addition much time was spent clarifying roles and responsibilities for the EC, FSMC-MT, FSMB, FSMC staff, and IC.

The following topics and associated processes and procedures occupied the majority of time. I will examine each of these areas as challenges or to the degree of effectiveness and what, if anything should be changed:

1. **Governance of the CMA** - From April 2021 - January 2022 there was very little progress in terms of understanding the overall governance of the CMA. Many questions were raised about the form and function of the CMA's various components. Also a lot of BTUs went into trying to understand the procedures for acquiring FSMB or EC mandates. Frustration was growing at the slow pace of implementation and what seemed like endless circular discussions about resources, budgets specifically. Recognizing that the lack of clarity was creating disruption and that no implementation plan was forthcoming, the FSMB passed a motion at the October 2021 meeting as follows:

***MOTION: Whereas FSMB has been recommending since February the need for a meeting/workshop with Brenda Gaertner to resolve governance questions; and***

***Whereas governance questions remain unresolved and are impeding the board's work;***

***Therefore be it resolved that FSMB wants a governance workshop planned collaboratively to have Brenda Gaertner meet and advise Main table reps, JTC co-chairs, EC and FSMB members before October 29; and Further that a joint Tier 1 / Tier 2 strategic planning exercise be planned after that.***

This set into motion the planning for a much needed series of governance workshops with Brenda Gaertner which ran January - March, 2022. There were a total of four workshops, both Tier 1 and Tier 2 with Brenda Gaertner which resulted in an immediate shift toward a common understanding about the various components of the CMA and how they ought to operate and some of the potential roles and responsibilities. A major breakthrough came when FSMC-MT and DFO started to gain clarity about the iterative nature of the mandating process. (Please see Brenda Gaertner Report and Recommendations for more details)

2. **Development and prioritization of annual work plans for FSMB and JTC.** - The annual work planning process is supposed to be wrapped up by March 31. Discussion did not even begin until after the Governance workshops in 2022. This delayed the discussion substantially and led to a long delay in agreeing to the annual work plan.
3. **IFMP reform including input, follow-up, and review** – The IFMP discussions continue to challenge the board on many fronts. Fundamentally at issue is the minister's final decision-making authority in relation to the advice or recommendations coming from the FSMB. Adding further uncertainty is the UNDRIP and how it will likely change the relationship and the way the IFMP rolls out in the future. For some First Nations it feels like DFO continuing to make unilateral decisions and for DFO Pacific Region staff it is the policy by which they must manage. This remains a structural problem which is broader than Fraser River Salmon. The FSMB is working with the First Nations Fisheries Council (FNFC) to address the issue and begin looking for areas of immediate, intermediate, and long-term change to the current South Coast IFMP. The challenge will be agreeing to what can be changed incrementally.
4. **FSMB and FSMC – MT budget development, monitoring, tracking, and reporting.** - There was a lot of tension created when it came to the discussions about the overall

budgeting process. There were discussions about transparency and value of services being provided, also questions about staffing and allocations of budget in relation to the value or return. A lot of time was chewed up talking about something that should not have taken much time at all. By July the budget discussions were so off the rails that a message was sent from the FSMC ED to the IC, JTC, and FSMB that all activities were to stop immediately until the budget issues were resolved. There are other funding options available and the FSMC successfully received resources to begin the process of stitching together the technical Indigenous Resource Management Agencies (IRMAs) to share information, expertise, capacity to rebuild Southern BC Chinook. A large portion of the resources are directly linked to the ongoing work of the JTC.

5. **The roles and responsibilities of the FSMC-MT, FSMB, JTC, IC, and Executive Committee** - During April 2021 – January 2022, almost no progress was made clarifying these roles. It is my understanding that the former FSMC-ED was hired to develop an implementation plan that would lay out the roles and responsibilities and procedures of the different components of the CMA. But to date there had been no interaction between the MT and the FSMB and this was identified as a flaw in the system. Adding to the frustration between the FSMC-MT and DFO lack of interface was the fact that the only conduit between the parties at that time was the FSMC-ED.
6. **Communications and Outreach-** It was clear that both parties agreed on the need for a robust communications and outreach program. Communications was identified in the 2021-2022 work plan but did not raise to the level of priority. Furthermore the discussion seemed to indicate that this was not the role of the FSMB, but rather FSMC. Here too budget and capacity were major sticking points despite the FSMC having a full time communications coordinator. The FSMB did issue one letter in 2021 expressing concerns about “unsanctioned fisheries” that were being conducted during a fisheries closure to protect weak stocks. Here too concerns were expressed by the FSMC about the process even after it was agreed to by the FSMB.
7. **Mandate development** – Aspirational vs Prescriptive mandates was a question. There were real challenges understanding just how mandates are arrived at, especially for FSMC, and what steps would be required to make joint decisions and recommendations. More clarity began to emerge after the 2022 workshops with Brenda Gaertner who laid out the iterative nature of mandate making. In March 2022, at an FSMC Special Delegate Assembly and subsequent Main Table meeting, FSMC

developed two aspirational mandates for its FSMB members: to increase the 2022 FSC Fraser sockeye harvest targets by 25% and to potentially make recommendations on fisheries management and regulations with respect to managing mortalities for Fraser Chinook stocks of concern. While it was the first time either party came to the table with a clear, albeit aspirational mandate; it was not developed collaboratively and was thus not off to a great start. As it turned out DFO was able to develop a collaborative response.

## FSMB Activities and Outcomes

Although a lot of time was spent on many process and procedural issues especially as they pertain to governance of the CMA, progress was made with respect to information flow and interface between the different components of the CMA: FSMC-MT/staff, JTC, EC, and the FSMB. A significant amount of work went into trying to understand and articulate just how the exchange of information in relation to decision making would occur. Flow diagrams from DFO and FSMC were developed and discussed at length. Policies and procedures for agenda development, minute approval and storage, FSMB/FSMC operational aspects like appointment processes or meeting invites, etc. have been developed. That being said, focusing on these operational issues did not leave a lot of time for fisheries management issues, which led to frustration.

The following list is of the FSMB activities, outputs and outcomes either in draft or completed form. Such process and procedure documents are to be uploaded into the FSMC IYOOQ system:

1. IYOOQ file storage program for FSMB and JTC file sharing.
2. FSMB Code of conduct and qualities of a good chairperson document.
3. Fraser & Approach Salmon (FAS) Forum - *The forum process is the bastard child of the parties and neither know what to do with it (tongue and cheek)*. The FSMC and DFO developed a discussion document with a new Terms of Reference (TOR) for the Forum Planning Committee (FPC) but it has not gone anywhere to date. In order to provide continuity and alignment, 4 regional FSMC MT members, and 2 staff were added to the Forum Planning Committee. There is still uncertainty around regional Indigenous organizations' input and advice into agenda planning and disseminating information. Also, the FAS Forum is a process designed to be open to all Indigenous organizations and communities outside of the signatories to the Fraser Salmon Collaborative Management Agreement (FSCMA). How their input and advice is dealt with in the larger forums remains unclear. A Joint Technical Working Group (JTWG) will continue as previously and meet one day prior to the main Forum to prepare technical updates and report on any prior commitments or developments. The JTWG is an important collaborative technical focal point for all to share information and technical expertise in order to assist in the decision making process. Finally, any future work on this file will

have to be reconciled with the FSMB/FSMC-MT since it was removed from an earlier iteration of FSMB's annual work plan.

4. The FSMB came to a consensus decision on 2021-2022 Fraser Sockeye escapement options to inform the RDG's decision.
5. Round Table discussion template developed
6. Communications protocols developed
7. Action Item tracking mechanism in Excel developed
8. Regional check-in process document developed
9. FSMB-JTC budget allocation workbook Excel and Word documents
10. Briefing note template developed
11. DFO-FSMC- FSCMA mandate flow approval process diagrams
12. IFMP planning schedule submitted annually by DFO
13. FSMB code of conduct and Qualities of a good Chairperson documents developed
14. Participated in Governance workshops

## Independent Chair (IC)

**The role of the IC** - The Chair is responsible for acting as a neutral party to support the FSMB in making consensus decisions and recommendations to the FSMC and DFO on the collaborative management of Fraser Salmon at the migratory route scale, as further laid out in the FSCMA and the annual work plan developed by the FSMB (the “Work Plan”). The Chair has the following duties and responsibilities:

- working with the FSMB to establish an appropriate process that supports a constructive and respectful meeting environment;
- attending all meetings of the FSMB, which are expected to, but may not always, take place in the Lower Mainland of British Columbia;
- soliciting agenda items prior to each meeting of the FSMB, preparing the meeting agenda, and distributing it with any supporting materials to each member of the FSMB;
- facilitating and mediating discussions of the FSMB with the aim of achieving consensus;
- assisting the FSMB in identifying when it may be appropriate to rely upon any of the options set out in the FSMCA for dispute resolution;
- documenting areas of agreement and disagreement and providing the FSMB and the Executive, upon a matter being referred to the Executive, with a summary of those areas of agreement and disagreement;
- preparing notes from each meeting of the FSMB, circulating them to the members of the FSMB for review within 7 days of the meeting, and finalizing them for the record;
- assisting the FSMB with preparation of a detailed annual report by May 31 of each year as further set out in section 7.1 of the FSCMA;
- those further duties and responsibilities set out in the terms of reference for the Chair required by the FSMCA and contemplated in the 30 Day Tasks (the “Terms of Reference”), as amended from time to time;
- providing written monthly progress reports on FSMB activities to FSMC (with copy to DFO) suitable for sharing with the Signatory Nations;

- such other duties to support the FSMC in providing required administration and support for the FSMB, as set out in the FSCMA and as agreed by the FSMB; and
- such other duties as established by the FSMB from time to time.

The IC position remains without a proper job description which was supposed to be developed and agreed to by the parties. In the absence of a proper job description the IC was invited to participate in all aspects of operational procedure document development with the FSMC-ED and the DFO administrative support person. Together we were able to complete a lot of drafting and editing of these documents. Some tension was created because the IC was asked to assist in the development of a BCSRIF proposal which was seen as a role for the FSMC staff not the IC. That being said the proposal was accepted.

**The IC activities and outcomes were as follows:**

1. Developed briefing notes for the FSMB prior to meetings
2. Developed agendas with agenda planning sub-committee
3. Developed monthly reports after each meetings
4. Worked with Brenda G to plan governance agendas and provide feedback on issues facing the CMA as background
5. Developed CMA annual review framework
6. Worked with FN FSMB members to conduct the annual review of the CMA and document their input
7. Developed meeting conduct and role of a good chair document
8. Developed finance committee TOR
9. Participated in Governance workshops

## Joint Technical Committee (JTC)

The Joint Technical Committee (JTC) is comprised of a minimum of two co-chairs, one from DFO and one from FN. Responsibilities include: chairing meetings, setting agendas, and recording of each meeting. The larger JTC will be comprised of a total of 10 at any time, 5 from each of the parties. The invitation to join the committee shall be extended by the FSMB. Members of the Committee may be removed or replaced by the Board.

The primary purpose of the Committee is to assist the Board in fulfilling its oversight and decision making responsibilities on specific technical matters which are beyond the scope or expertise of non-technical Board members. The JTC shall inform and advise the FSMB in relation to the development and advancement of advice or recommendations for fisheries management for salmon.

In general (in addition to the responsibilities below), the Committee shall discharge its responsibilities by conducting investigations, analysis and diligence to validate and test the technical aspects of the FSMB opportunities, risks and threats to any technical work being considered.

The Committee has been meeting 2 X per month, ½ day prior and ½ day post FSMB meetings. In addition to the general statement of responsibilities above, the JTC is responsible for:

- overseeing and reviewing the technical aspects and making recommendations to the Board for consideration;
- periodic consideration of reports on specific salmon related areas of interest, e.g. conservation or hatcheries;
- periodic consideration of technical issues, challenges and risks facing fisheries operations, with a view to giving Management advice about appropriate solutions, actions and risk mitigations;
- reviewing on an annual basis the challenges and opportunities, risks and mitigations required to be effective and bringing any serious salmon management issues to the attention of the Board;
- on behalf of the Board (but not in replacement of its jurisdiction to review and approve), overseeing the detailed technical aspects of any technical projects, as well as obtaining regular updates from management and science regarding progress and performance;

**The JTC activities and outcomes were as follows:**

1. Wilf Luedke of DFO South Coast Area Stock Assessment presented the Chinook Management Impacts Assessment Tool to the JTC at a special JTC meeting held on April 12, 2021. A number of aspects of the modelling approach were discussed in detail, many of which would benefit from additional discussion and/or follow-up work.
2. The effectiveness and challenge with the Chinook Impact Assessment Management Tool - The DFO Excel spreadsheet tool that the JTC reviewed has been developed and modified regularly for the past two decades and has been modified to the extent where there may be a need to move it into a new platform. Documentation of the tool is underway with some uncertainty as to when it will be completed. However, time is of the essence given the state of many of the Fraser Chinook population included in this analysis. A key issue raised during discussions was the lack of clear documentation, which would be required for a comprehensive review of the methods to be carried out.
3. The bilateral Joint Technical Committee recommends completion of the FSMB work plan items identifying 1) the comparison of the 2020 forecast and the post-season results, and 2) Review 2019, 2020 data and 2021 projected impacts, which may assist in identifying areas where the assessment tool could be improved.
4. Chum 101 powerpoint presentation developed to inform First Nations about the current approaches to southern BC Chum Salmon.
5. JTC-FN Co-chair developed two briefing notes to guide future work plans. DFO responded with more detailed “supplemental document”
6. Participated in Governance workshops

## The Executive

The purpose of the Executive is to work on a Government-to-government, Nation-to-Nation basis to find solutions and make consensus decisions that support the collaborative governance and management of Fraser salmon as per section 3.3. In the event of a dispute and referred to under section 4.3 the role of the Executive is to meet and engage in good faith discussions and negotiations to reach a mutually acceptable resolution including options for consideration.

Unfortunately the EC did not meet between April 1, 2021, and March 31, 2022. The FN members of the EC were busy with other issues and could not find the time to meet. This is understandable but does raise issues about immediacy capacity and commitment. The EC was informed throughout the year and began participating in the governance workshops beginning back in January – March 2022. The CMA EC role will be critical in the coming years while the agreement starts to achieve success and demonstrate a truly collaborative process. The following were areas where there remained uncertainty, unresolved issues, or topics that needed to be clarified:

1. The issue of mandated authority was challenging to both DFO and First Nations. The primary issue was how mandates are developed between the parties and eventually given to the FSMB for formal discussions and negotiations. The board needs to know when and how they can engage or not. Both DFO and FSMC/FSMB Members need clarity as to their respective mandates and what is their authority and how they receive it.
2. Clarification is required on the process for seeking authority and mandating the FSMB to undertake their work. The parties need to provide direction to the FSMB on how to handle any “joint communication, or media.” it should be clear, and able to be responsive for reviewing, editing, and submitting to the greater public including non-signatories.
3. Signatory FNs need a clear understanding of where and how the different conversations happen and at what scale, e.g. local, regional, sub-regional, watershed wide. More importantly how their issues are eventually brought to the FSMB for deliberation and action.

## Challenges and Effectiveness

**Mandate process** – Clarity provided vis-a-vis governance workshops with Brenda Gaertner. *(Please refer to Tier 1 and Tier 2 guidance report from Mandell Pinder).*

**Fraser & Approach Salmon Forum** - The Forum purpose seems straight forward enough i.e. DFO to present information and management plans for the upcoming season and receive advice and recommendations in return. The forum also has demonstrated its ability to act as both a barometer of the general state of the fishery, and an incubator for new ideas and a place to share ideas, have local voices heard, and explore joint solutions. However; the elephant in the room has become lack of clarity around how this process fits into the broader management and planning processes including FSMB and IFMP. Participants did not have a common understanding of what to expect next or what products if any should be produced or by whom.

While most Indigenous participants seem to support continued inter-tribal dialogue questions were raised about the overall utility of the Tier 1 process and whether it even makes sense any longer. Much of the information exchange is duplicated or triplicated out in the regions depending on your local Indigenous affiliation, i.e. AFS, AAROM, PICFI, Treaties etc. It is a legitimate question to ask: does it make sense to continue engaging in these large forums 3 X per year for 3 days at a time?

**IFMP Reform** - Both DFO and First Nations agree that the current IFMP process is a significant source of concern requiring some kind of reform. DFO continues to express interest in reforming the IFMP but is clear that there are many aspects to the document that do not pertain to Fraser salmon. DFO continues to suggest a starting point might be focused on the Food Social and Ceremonial fisheries section of the IFMP. Issues remain with respect to how input is received and processed for inclusion, i.e. the regional input process including the non-signatories. Because the process is larger than Fraser salmon, the FSMC will work with the FNFC to tackle IFMP reform moving forward.

**Annual Work Planning** - The FSMB has agreed to an annual work plan, which includes the work of the Joint Technical Committee (JTC). The process of establishing the annual work plan has exposed some process challenges and has created some confusion and frustration among the FSMB, JTC, DFO staff, FSMC staff, and representatives. The FSMB and JTC had to develop their own operational budgets and work plans and then these were sent to the FSMC for consideration and eventual approval but the time and resources to get there were substantial. Due to the Governance workshops held between January and March, not a lot of

work was done on annual work plans so the FSMB found itself without a work plan March 31, 2022.

**Signatory and Non-signatory Nations** - Signatory and non-signatory Nations need a clear understanding of where and how the different conversations happen and at what scale, e.g. local, regional, sub-regional, watershed wide. More importantly how their issues are eventually brought to the FSMB for deliberation and action.

**Communication and Outreach** – It has already been identified that Indigenous community members of the CMA have been disappointed at the pace of implementation and the lack of meaningful and transformative change. Communications planning is vital for long-term success and requires a collaborative approach as demonstrated with the 2021 sockeye escapement crisis and First Nations (FN) fisheries during Fraser River closures. There have been many opportunities to communicate out about Fraser salmon issues but to date there has been no communication out.

**FSMB FSMC joint Strategic Planning** – The ongoing uncertainty about roles and responsibilities, mandates and terms of references between the parties and FSMB seems to indicate the need a collaborative and all-inclusive strategic planning session with a professional firm that specializes in structural and collaborative board governance. Also with strategic communication and outreach. In addition to or simultaneously, run a “refresher” workshop for both FSMB and FSMC MT to empower and steer the ship in a clear direction.

**Linkages to other processes** - There is a need to begin drawing linkages to the following organizations: FNFC, PST, IRMA's, FRIMPT, CSAS, AFS, BC etc

## Recommendations

1. Review and implement the following Tier 2 recommendations for governance improvements from the Brenda Gaertner report:
  - **Executive and Parties role under the CMA:** Recommend a draft letter of understanding (LOU) be developed by the current Executive, and then reviewed and finalized by the FSMC and DFO. Also recommend regular meetings of the Executive to complete and implement this LOU and funding identified in the FSMC Budget for such work.
  - **Strategic FSMB Planning and Annual Work Plans:** Recommend an independent facilitator conduct a 2 - 3 day strategic planning session on Tier 1 and Tier 2 basis in the coming fiscal (2022/23) and once every 3- 5 years thereafter. Recommend that all FSMC MT, FSMB and JTC representatives participate in these planning sessions. Encourage FSMC and DFO Executive to attend the first session, and after that determine going forward their role in future sessions.
  - **Workshop next steps** Recommend the “homework” from Workshop #3 be completed internally so that the last Workshop could focus on next steps for the FSMB, FSMB and DFO to reach these key deliverables and that a process be agreed upon now for how possible solutions on these issues will be co developed and mandates on these issues and solutions will be sought.
  - **FSMB Consensus Building Process:** Recommend that developing these understandings and this process be identified as a Priority within the FSMB work plan for this current fiscal, and that adequate time and funding be allocated for this work by the FSMB, their Independent Chair and additional facilitation capacity where required.
  - **Fraser Watershed Forums** Recommend that the Main Table and the FSMB identify a process and funding for governance assistance on whether and if so how the Forum could be used to support CMA implementation, including how it can be used to support the work of the FSMB. Given the work identified in Recommendations 1-6, the earliest this recommendation might be implemented could be 2023/24. A more precise timing for when and how this could be done

could be identified as part of the strategic planning work described in Recommendation #6.

- **Annual and Multi year Funding Commitments:** Recommend: The current FSMC audit be given high priority and the issues resolved as soon as possible. In addition, the Executive needs to work together to clarify reasonable funding requirements for FSMC Tier 1 and FSMB Tier 2 processes and the substantive work required to support the CMA implementation, including a multi year funding proposal that addresses short and medium term work. If the Executive doesn't have the time to do this work themselves, they should identify 2 key people who will collaboratively work to create an annual and projected multi year funding proposal that they and the Executive will champion. As identified in the CMA, multi year funding for both the FSMC Tier 1 and Tier 2/FSMB are required. When concluding the CMA no one expected to rely on existing FSMC funding to successfully implement the CMA. The path forward to securing multi year funding needs to be identified, and implemented, including:
    - FSMB 2022/23 Priorities;
    - Developing and implementing these Recommendations, including required budgets for completing and implementing these Recommendations; and
    - 2022/23 Work plan, identifying what can be done within core funding and what requires additional funding
2. Review and implement 2022 audit report results.
  3. Consider joint FSMC-MT (including JTC and FSMB Members) and DFO 5 year strategic planning exercise with a professional neutral facilitation company specializing in Organizational development
  4. Create an FSMB board summary binder or special file storage place in IYOOQ
  5. The FSMC Executive has its own areas/jurisdiction and its specific TORS spelled out in the FSCMA but the processes for engaging are not known or documented.

## Closing Reflections

Finally, back in June 2021 things were not improving so I asked the board the following question and I thought some of the answers were interesting. They were as follows:

### **“Success will be realized when...”**

- 1.The FSMB is able to set and achieve its goals (e.g., via completion of work plan items).
- 2.The FSMB is able to jointly make recommendations regarding management of Fraser salmon.
- 3.The FSMB is able to recognize its challenges and implement meaningful change (i.e., reflect on and implement lessons learned).
4. FSMB members are able to come to Board meetings with clear direction to make decisions on behalf of their organization or region (i.e., FSMB functions as a representative body).
5. Roles and responsibilities of FSMB members are clearly articulated and understood by the Parties.
- 6.FSMB relationships are advanced enough for members to trust one another and their respective viewpoints.