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## Fraser Salmon Collaborative Management Agreement

2022 – 2023 Annual Review

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## Purpose of This Report

Section 7 of the Fraser Salmon Collaborative Management Agreement (Agreement) 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 Agreement, 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, 2022-March 31, 2023.

There were two new additions to the FSMB in 2022-23:

1. Al Magnan, DFO Fraser and Interior Area Director (replacing Terri Bonnet).
2. Jeff Grout, Director Salmon Management and Client Services (replacing Jennifer Nener).

2022-2023 can be viewed as a transition year as we transition back to a more “normal” operation, i.e. post COVID. There remains a real desire to start having face-to-face meetings with the board especially because the implementation of the Agreement has been done primarily via Zoom or MS Teams during the pandemic. There was only one face-to-face meeting conducted in 2022-2023.

In May 2022, after years of some pretty tough meetings, the FSMC went through a personnel restructuring which has greatly improved the working relationship between the parties. In some ways 2022-2023 felt like year one, after a lot of tension, the Agreement was finally ready to move forward. That being said, the annual review exposed significant capacity and process issues or weaknesses, e.g. technical, policy and communications support for the FSMC and FSMB. In October, the FSMB in order to assist the IC, formed an agenda planning committee to minimize the addition of new topics at the last minute being added to an existing agenda. This was a positive development which ensured more succinct agenda development with minimal last-minute additions. Another positive development for this fiscal period was the development of a joint DFO and FSMC communications protocol.

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:

### **Governance of the Agreement**

The FSMB conducted four governance workshops leading into the new fiscal year, i.e. 2022-2023. These workshops energized the FSMB with fresh new insights and hope, yet as discussions progressed more questions arose around mandate development, roles and responsibilities of the different aspects of the Agreement from the EC to the FSMB, to the Fraser Salmon Management Council Main Table (FSMC-MT) and the First Nations regional technical bodies or Indigenous Resource Management Agencies (IRMAs). This should not be surprising given the complexity of the parties and scale of the Agreement. In order to better understand the breadth and depth of the internal consultation required to seek mandates, both parties provided work flow diagrams to illustrate the time required to complete the internal exercise properly. It was not only the time requirements however, but also the expertise and technical capacity to effectively engage in a given topic or subject area. Funding levels have been increased by ~65% since signing; however, there are still on-going capacity challenges that the parties will have to work to address to support implementation. Another potential opportunity to address capacity challenges is to consider working differently within the existing budget, and through better use of available resources via strategic planning.

Just to refresh and put 2022-2023 into perspective with respect to governance of the Agreement, Brenda Gaertner developed a list of 10 recommendations. I am listing the ones that pertain directly or indirectly to the governance of the Agreement and as a reference for the 2022-2023 fiscal year.

1. Recommend a Tier 1 protocol be developed that covers the iterative process between the FSMC member delegates, FSMC MT, FSMC EC and First Nations caucus of the FSMB and approved by FSMC Delegates, FSMC Main Table and FSMC reps on FSMB.
2. Recommend FSMC develop protocol relationships with each of the First Nation fisheries regional bodies
3. Provide clarity with respect to the Executive and Parties role under the Agreement
4. Strategic FSMB Planning and Annual Work Plans
5. 2022/23 FSMB Deliverables – the representatives were charged with identifying two-three key areas where success could be achieved which lead to the focus on FSC Increases for Sockeye and a review of Chinook management approaches for 2022-23.
6. FSMB Consensus Building Process and the support required to make this happen
7. Fraser Watershed Forums From a governance perspective and a funding perspective, it is important to clarify how these Forums uphold (or do not uphold) the work under the Agreement

*“Ongoing Agreement implementation funding must respect and support the necessary and iterative work between the FSMC Delegates and the Main Table, and the Main Table and the First Nation reps on the FSMB, including ensuring sufficient meeting time at all levels (FSMC Delegates, Main Table, FSMB reps and JTC Reps). These processes are the back bone of the mandating process that is necessary to both identify priorities for the FSMB and also providing the First Nation FSMB reps with the required mandates to conduct the substantive management work of the FSMB. There needs to be sufficient time for FSMB reps and Main Table reps to be informed on the issues and possible solutions by the JTC, meet to discuss and provide required direction, guidance and mandates.” – Brenda Gaertner*

### **Development and prioritization of annual work plans for FSMB and JTC.**

The annual work planning process is an example of the complexity involved in implementing the Agreement. Even though both parties had already established an annual calendar to complete the work plan as follows; the board continues to struggle with timing to ensure the work is completed as follows:

- April-December both parties will collect their respective wish list items for consideration.
- January-February both parties develop, review, and refine annual work plan.
- March 31, 2023 annual work plan completed.

To get the annual process started, the Independent chair did a full review of the prior year’s record of minutes to seek insight into other potential workplan items discussed throughout the year. The IC presented the FSMB and JTC with a “Wishlist” of potential workplan items to consider along with the ongoing and existing work plan items. The hope was to get an early start since the process for agreeing to the annual work plan is onerous requiring months to complete. Also, DFO was clear that it didn’t want to take the same approach as the previous year when FSMC developed a mandate to work on chinook and sockeye without first seeking agreement with DFO counterparts on the board. This approach put DFO on the spot and was not collaborative. Within a collaborative environment, the first step ought to be the FSMB agreeing to an annual work plan together, and then seek mandates from respective leadership, not the other way around.

An additional challenge to the annual work planning cycle was the amount of time spent, from January - March with Brenda Gaertner to complete the Governance workshops. This had the effect of delaying the work planning process by up to 3 months. While it was definitely necessary the consequence will be the

lack of detailed lead time to fully utilize the technical expertise at the JTC. It has been said on multiple occasions that the JTC requires the work plan be completed by April 1. This will allow time for the JTC to plan effectively the many different technical tasks and analysis required for the FSMB managers to do their job.

The iterative process for agreeing to an annual work plan is time consuming, requiring special technical writing skills, and a savvy communications plan to back it up. The FSMB and JTC have learned that developing work plans requires a significant time commitment to set goals, objectives and agree upon deliverables with supporting information, rationale for priorities, and budgets. This will require that both parties not only better align their respective annual work planning cycles to meet the tight time frames required to do this work, but also to pick 2-3 key priority items to focus on and not try and do too many things. **Success will be realized through an incremental implementation approach. The parties must strive to better align their internal consultation processes.** The FSMB must provide specific and detailed direction to the JTC , with as much lead time as possible, in order to maximize the technical capacity housed within.

Worth noting was the Joint Technical Working Group (JTWG) and the 2022-2023 Forum meetings. The JTWG discussions focused on the need for more tools to assist in the management of all fisheries and longer-term chinook rebuilding plans with clear objectives, in other words, beyond working on the tool for planning recreational fisheries. This may be achieved through development of additional funding proposals from other sources. Meanwhile, questions have been raised about what to do about other items in the work plan, there are many items left with no actions or plans. The FSMB members must manage the expectations of their members; this includes being clear about what happens with the other work plan items if they are deferred, e.g. communicating that they will continue to be handled through the regular IFMP process. Finally, given the amount of work required FSMB members are starting to consider starting the process with a sub-committee.

## **IFMP**

Fraser and approach First Nations want to be engaged in the 2021 post-season FMI analysis of the marine recreation fishery or pilot recreational fisheries. This analysis will be critical for planning future fisheries management measures. Unfortunately, recreational fisheries are scheduled to start April 01, 2022 and the 2021 data isn't ready until the fall of 2022. In other words, data analysis for these fisheries occurs after the 2022-23 SC IFMP deadline. This leaves no opportunity for First Nations to review the mortality outcomes to ensure conservation and FSC objectives are met, all of which is valuable for providing recommendations on the following years fishery. The results of the evaluation including the FMI table could lead to a fall Forum to make recommendations for the following year. The idea is to recommend to DFO, before the April 15 deadline, that the IFMP include a place marker to enable this process. DFO agreed and it the placeholder was added to the 2022-2023 SC IFMP.

Input from the Fraser and Approach Salmon Forums continues to be an important piece of the overall consultation process and advice is taken into account, integrated into the decision-making process for The South Coast Fraser Salmon IFMPs. Having said that, more work is required to detail how the Forum outcome and outputs feed into the broader decision-making process. Finally, and somewhat related is the federal governments recently developed action plan. The Department informed the Government of Canada wide UND Action Plan and there are some measures specific to the Department that may have bearing on the work of the FSMB and implementation of the Agreement. Details of the Action Plan can be found here: <https://www.justice.gc.ca/eng/declaration/ap-pa/index.html>

## **Communications and Outreach**

The need for a robust communications and outreach program remains an interest to both parties. Even with a 65% budget increase, communications capacity remains an ongoing challenge. The parties were able to complete and agree to a communications protocol between the parties which was a positive step forward. The FSMC has a full-time communications coordinator/executive assistant position but this is different than having a communications and media expert who can develop effective outreach campaigns. Timeliness of product development and responsiveness were key challenges that were faced when developing materials this year. The parties discussed the difficulty of dealing with issues in “real time” given the internal process of each of the parties. Even with these constraints, the FSMB was able to develop a number of communications products and approaches over the course of the 2022-23 year, including:

- Development of joint presentations materials for delivery during Forums on key areas of work
- Implementation of joint panels at Forums to support engagement with participants
- A letter and package regarding increases for FSC Sockeye access for the 2022 season
- Messaging to support representatives engaging on 2023 Chinook management options
- A basic FSMB website was developed. Direction is required in terms of content and how this can be used.

## **Fraser and Approach Salmon Forums “REFORM”**

Planning for 2022/23 began with the Forum Planning Committee sending out surveys to member nations and DFO to help inform short-term improvements; longer-term reforms would be guided by strategic planning and the evolution of the collaborative management process and eventually with the assistance of West Coast Aquatics to work with the Forum Planning Committee to begin the longer-term process of overall reform. This work will continue in the 2023-24 fiscal year to support modification of Forum delivery in the 2024 pre-season period.

Some of the questions /issues the parties wanted to address were as follows:

- How does FSMB want to be involved in Forum reform process?
- How the Forum can support FSMC/B and the Agreement and also what aspects of the Forum are most important for DFO, both under the current IFMP and in a future shift to collaborative management?
- What is the role of the JTWG and how can it assist the JTC?
- The Forum’s Tier 1 process in 2022 was very useful for FSMC, in helping to ID key issues and consensus advice yet it remains clunky with no set Tier 1 agenda.
- There’s a big outstanding question of whether the Forum is consultation or something else and how it links into the Agreement if at all?

## **Executive Committee (EC) meeting outcome – September 22**

IC reviewed the 2021/22 Annual Report recommendations noting work already underway on implementing audit and governance review recommendations, plans underway for strategic planning, and plans to develop an LOU clarifying the authority that the parties delegate to the EC. Overall the meeting was very cordial and professional and the parties had no problem agreeing that these changes were in the interest of the parties.

## **Joint Technical Committee (JTC)**

The JTC continues to meet regularly and operated with a set meeting schedule 2X per month and more as budget permits. The JTC receives direction and guidance from the FSMB. When the FSMB has not provided any direction as to the work plan by March 31 it puts the JTC in a challenging position to provide effective support. The JTC should already know April 1 what work it is responsible for and should be reporting on the progress of that work at the monthly FSMB meetings. In the absence of an agreed to work plan the default is the last years work plan, i.e. chinook.

The JTC has completed most or all of the work it was initially tasked to complete but requires direction as soon as possible as to what it should be preparing for the remainder of the year. Finally, the two co-chairs of the JTC are in the process of fully retiring or on their way to it. This is a tenuous situation that will require a transition plan with a lot of detail. To the best of my knowledge this has not happened. The JTC also needs guidance, likely in the form of a protocol, regarding what can be shared and on what timelines and with whom.

## New and Emerging Issues

### **Increase in sockeye FSC allocations for 2022**

One of the success stories emerging from 2022 was the handling of the request for an additional 25% increase in sockeye allocation to meet First Nations FSC requirements. [Microsoft PowerPoint - 2022 FSC SK Increase - FSMB \(2022-11-16\).pptx \(frasersalmon.ca\)](#)

That being said, the process for requesting, then planning, and finally prosecuting such a fishery highlighted the following challenges:

- First Nations mandating process was late off the start with no decision made until August 2
- DFO's own internal and external consultations time to plan and prepare was challenged
- First Nations don't understand baseline FSC numbers and their origins, i.e. where do these allocations come from and how were they derived. At the current time, the path for Nations to seek additional access is through an FSC Access and Allocation change request. Groups could undertake an FSC Access and Allocation change request. This would likely take some significant work, but can provide an opportunity for a review and updating of allocations.
- The increased FSC request did not result in equitable outcomes for sharing and created a wind-fall for some and none for others. This is not workable into the future.
- There was no formal communications plan to inform those most affected or even the general public. The amount of communication required to effectively inform the general public as well as First Nations cannot be understated.

### **Mass Marking (MM) and Mark Selective Fisheries (MSF)**

I would characterize these as emerging issues that are heating up and taking up more and more time on the FSMB agenda. They are also two separate activities. One being mass marking of fish which could be implemented for various reasons, the second being mark selective fisheries which facilitates hatchery-specific harvest. There are a number of issues pertaining to MM and MSF:

1. JTC has not been directed to work on MM/MSF and has not discussed DFO's MM/MSF discussion paper.
2. It's unclear what FSMC's expected role is; perhaps FSMB's role is to review the public responses with DFO, in which case it should be added to a work plan.
3. Fraser and approach FN want a say in any mass marking program proposed for their territories and on any MSFs that affect stocks in their territories.



4. FSMB's work plan includes work to rebuild weak Fraser chinook stocks and to understand fishery impacts on those stocks, DFO proposes this as a tool to help protect and rebuild weak stocks.
5. Recognizing that there are a multitude of technical issues, all with various levels of importance, and technical capacity limitations, In other words, the Agreement cannot engage in everything. MM MSF is currently not in the work plan or even a priority. For First Nations the roll out has ruffled some feathers because they feel that such programs are directly under the scope of the Agreement. As MSF and MM programs are broader than the Fraser River, there is a question of scope at play that must be considered.
6. DFO was seeking feedback on their discussion paper by September 30, 2022 followed by technical workshops to address some of the technical issues, including:
  - impacts on the CWT program (how to address bias introduced into the data)
  - How to assess impacts on wild stocks.
  - Implementation, DFO expects to discuss internally the feedback from the consultation and from this technical work.
  - The role of PSSI and SEP in the process.

### **Pacific Salmon Strategy Initiative (PSSI)**

It was requested that the PSSI be added as a standing agenda item since the implementation needs to be more forthcoming. PSSI is a broad change initiative across the department and not a single program. It will be important to ensure the FSMB is clear on which aspects are of priority interests to make sure updates, discussions, etc., meet expectations. FSMC expressed concerns about an increasingly uneven playing field with PSSI funding adding DFO capacity to undertake new work without matching funding to support FN engagement. That being said PSSI has contributed significant resources to the FSMC and will likely continue into the new fiscal. A request was made that the FSMB discuss how FN can access funding to support a stronger role in order to develop more capacity. It is recognized that the majority of funding currently supporting implementation of the Agreement is from the PSSI.

The JTC received presentations about PSSI work on habitat and hatcheries/SEP planning relating to Fraser chinook rebuilding. SEP indicated that many decisions were already made on significant initial infrastructure and production investments, using PSSI funding. This raised concerns that this had been done with very limited FN consultation, either at the local level or more broadly. There is no clear link to this program at this time. First Nations feel like investments relating to Fraser chinook rebuilding should come to the FSMB, or DFO should at least report on them there. DFO explains it this way: PSSI funding was linked to doing certain things under the 4 pillars, so DFO needs to get out more specific information about those and how they may or may not relate to the work of the FSMB.

The FSMB learned that the PSSI identified a range of tools to improve fishery management, including Mark Selective Fisheries (MSF) which came as a surprise to the First Nations. DFO maintained that the overall PSSI program design was informed by extensive prior discussion with First Nations and others over the years and includes a lot of focus on collaboration and partnerships, which offers new opportunities for collaboration with First Nation organizations. SEP was very interested in discussing plans with FSMB and others. Connecting the many parts of DFO will be an important part of the work.

### **Strategic Planning – Tier 1 & 2**

Both parties were committed to completing a strategic planning exercise before the end of the fiscal which was recommended by Brenda Gaertner and approved by the EC. The FSMB and the FSMC MT conducted

a two-day strategic planning session March 29-30. The results will be shared in the new fiscal and should further assist in moving the Agreement along.

### **Chinook Recovery and Rebuilding Strategy (CRRI)**

As a brief reminder the CRRI is a new First Nations-led collaborative project of the Fraser Salmon Management Council (FSMC), funded by the BC Salmon Restoration & Innovation Fund (BC SRIF), to support the urgent restoration of depressed Fraser chinook salmon populations. The project will promote and support a strong First Nations leadership role at levels — provincial, regional, watershed and local — in shaping and delivering the work of rebuilding depressed Fraser chinook stocks and driving on-the-ground and policy reforms to ensure their long-term health through sustainable and collaborative management. This will include supporting the work of the FSMB and new or existing projects led by signatory First Nations and others at the local, regional and provincial levels. A foundational premise of CRRI is that more technical collaboration and inclusion of Indigenous interests is required to reverse the current declines and to protect and enhance salmon biodiversity going forward.

CRRI's strengths-based approach will bring together and build on the substantial existing body of science research, indigenous knowledge and capacity, while supporting knowledge exchange and promoting new partnerships, innovation and collaboration opportunities. CRRI will serve as a convener and intermediary to support and leverage existing efforts, bringing people together to explore new opportunities and solutions, and harness the power of collective action to tackle the complex challenges facing these populations and the fishing communities whose lives, culture and welfare have been so intimately connected to them for generations.

Longer term, CRRI's intended legacy is to provide the foundation of new and lasting collaborative structures that will persist once the project is complete, ensuring a strong future leadership role for First Nations in supporting and coordinating the work of many parties at many levels to ensure strong, healthy fish populations and sustainable management.

### **FSMB Activities and Outcomes**

As I stated earlier, this year felt in many ways like year one, due to the fact that the two years prior were a bit of a tumultuous period with a lot of tension and confusion due mostly to a certain Director who has since moved on. Representatives were increasingly frustrated with the pace of change and not a whole lot of accomplishments. FSMB members even expressed the desire to move on since this took a lot of time with not too much to show for it in the 3 years since the agreement had come into effect. To illustrate, all but one of the DFO representatives have changed over that same period. The past year since the staff shuffle there has been a real change in the overall tone and tempo of the discussions with a real collaborative tone overall. This year was by far the most productive.

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. The completion of an action tracking mechanism which will be a helpful tool for completion of the annual review moving forward.
2. The completion of the Tier 1&2 Governance workshop back in March 2022 set the stage for further follow up starting April 1, 2022. I will only list and briefly comment on the Tier 2 components. The Tier 1 components are beyond the scope of this report. The recommendation in italics and comment on the follow up or not in 2022-2023.

- **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. **(To my knowledge this work remains outstanding)**
  - **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 **(The FSMC hosted a two-day strategic planning workshop March 29-30 follow up in new fiscal 2023-2024)**
  - **Recommend** that the FSMB develop a common understanding of consensus, how it is built, and how reasons for such consensus decisions are explained, documented, and finally implemented. Similarly, when there is no consensus or dispute resolution. Also, the parties need to understand the distinction between recommendations and decision-making in the agreement, as well as what it means to collaborate while also leaving space for the parties to exercise their own authorities. These understandings and this process be identified as a Priority within the FSMB workplan 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. Additional resources were provided to complete this work.
  - **Recommend** that the Main Table and the FSMB identify a process and funding for governance assistance on whether and if so how the Fraser & Approach Salmon Forum could be used to support Agreement implementation, including how it can be used to support the work of the FSMB. **(The FSMC has hired West Coast Aquatics (WCA) to assist with the reform process. WCA has attended two Fraser Forums and the work is ongoing)**
  - **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 Agreement implementation, including a multiyear funding proposal that addresses short- and medium-term work. **(no comment)**
3. The FSMB removed budget discussions from the agenda which began to free up time for operational and management discussions. This was a positive development.
  4. Briefing notes and iterative mandate development, according to board members was hard work, time consuming, requiring specific skill sets, all with a snappy communications plan and no track record to run on. After Brenda Gaertner's governance workshop the FSMB was anxious to get started and so the FSMC FN reps went back to their general assembly to seek mandates for chinook and sockeye. Just to be clear these two topics were not collaboratively developed in 2021-2022, but they were a good starting point and DFO quickly went away and added a lot more details to the two work plan items. Initially, FN reps were reluctant but eventually agreed to the additional details. In fact, the additional details were a positive development since they had specific goals, objectives, and a set of tasks associated with them. This process took over 5 months to complete which is a challenge for both parties. It may have been less time consuming had the parties had jointly developed the two items instead of responding to them and then consulting internally.
  5. The FSMB conducted two meetings in May one was an in-camera session to deal with an individual who was becoming problematic to the successful implementation of the agreement. The person was removed and the agreement has run much smoother since. This was not an easy decision but once made was the right one. This demonstrated the resolve of all to see this agreement work effectively.
  6. The FSMB at the last minute was able to agree by consensus to a 25% increase in FSC allocations for Fraser and Approach FNs. This was a success and demonstrated what could be achieved when the Parties want to make something happen. Waiting until the last minute was a challenge and

demonstrated the amount of time an exercise like this takes to do properly, i.e. equitable distribution amongst the entire watershed and approach. A lessons learned document was created.

7. The parties were able to agree to a joint Communications Protocol
8. An agenda planning sub-committee formed to assist the IC and to avoid any last minute additions with prep time ( Matt P, Tony R, Les J, and Mike S, Pat M and Jeff G)
9. Attend all of the Fraser and Approach Salmon Forums ( Prince George, Richmond, and Victoria)

## Independent Chair (IC)

### The role of the IC

The Independent 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 Agreement and the annual work plan developed by the FSMB (the “Work Plan”). The IC has been supported by a top-notch communications expert with over 25 years of working in fisheries. The support role has proven to be instrumental for crafting highly technical motions and tracking meeting minutes. 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 Agreement;
- 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 Agreement and as agreed by the FSMB; and
- such other duties as established by the FSMB from time to time.

After three years in the position with the above job description the parties should consider whether further development is required based on the last three years of learning. As it stands the IC was invited to participate in all aspects of operational procedure document development with the FSMC-ED and the DFO administrative support person. Without these supports the Agreement would have most likely faltered. The team approach was able to accomplish a lot in a collaborative manner. 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 and coordinate calendar invites and meeting materials
3. Developed Agreement annual review report
4. Participated in Strategic Planning workshops
5. Develop EC meeting materials and agenda as well as conduct EC meeting, September 22

## 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. The JTC spent most of their time with the Chinook Impact Assessment Management Tool and Fisheries Mortality Index (FMI) data review which was primarily due to the FN requests.
  - Mortality index
  - 2021 data review
  - 2 X meetings with the JTWG
  - Work with DFO South Coast Stock Assessment Staff on the rec tool X 3
  - FSMC-JTC members met with DFO South Coast Stock Assessment Staff
  - DFO technical staff created an evaluation tool to evaluate all fisheries all sectors to get from 15.4 % down to 10%, 12.5%, 15% and what FMI reductions this would require amongst the sectors

2. Beginning in June 2022 the JTC was tasked to evaluate an increase in FSC sockeye. Used the preseason planning model from the PSC to evaluate options.
3. DFO invited JTC members to MM & MSF workshops
4. Attendance at 3X Fraser and Approach fisheries forums including the JTWG.
5. Attended the 2-day Strategic Planning Workshop.

## 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.

The EC met only once during the last fiscal, September 22, 2022. The purpose of the meeting was as follows:

1. **Review and provide feedback to the annual work plan.** Briefly reviewed the 2022/23 work plan, which focuses on the sockeye and chinook topics. Highlights on progress included FSMB's agreement to recommend an increase of up to 25% for the 2022 FSC Fraser sockeye allocations. Key lesson was that such advice should come earlier in the annual planning process. For chinook, JTC's work continued to focus on updating/evaluating the planning tool for evaluating Fraser chinook fishery impacts. Noted that FSMC needs to further discuss proposed DFO work plan revisions were agreed in principle to the draft plan.
2. **Audit response and upcoming strategic planning.** The Executive agreed to all of the recommendations in both reports.
3. **Development of a Letter of Understanding.** Agree to draft an LOU, as per the governance workshop recommendations, using the established bi-weekly collaborative team meetings to work on this.

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.

## Administrative Support

Key to the on-going success of the FSMB and JTC is the administrative and operational support provided by the FSMC and DFO. For the FSMB meetings in specific, the note-taker's role has been key in developing records of meetings and decisions as well as supporting the Independent Chair in their role. In addition to

this, DFO and FSMC staff have provided key support to complete work assigned by the FSMB and to ensure on-going communication through regularized engagements.

## 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 is to bring DFO and the FSMB 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 the 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? There is work currently underway to assess the current Forum operations and consider how best to shape the process going forward.

### **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 consider this work with the FNFC to tackle IFMP reform moving forward recognizing that it is presently not ID'd as a priority work plan item.

### **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. A significant gap appears to be outreach and communication to non-signatory Nations in order to encourage further participation/membership.

## Communication and Outreach

It has already been identified that Indigenous community members of the Agreement 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 demonstrated for the following initiatives:

- 2021 sockeye escapement crisis and First Nations (FN) fisheries during Fraser River closures.
- First Nations request for a 25% increase in Sockeye allocation.
- Further chinook management measures including ER reductions.
- Request to allow passage of sockeye in 2022 also dealing with the unsanctioned catches.

As noted above, there have been both letters and presentations by the FSMB or representatives this year, but improved communication plans and protocols would be valuable moving forward.

## 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 for a collaborative and all-inclusive strategic planning session with a professional firm that specializes in structural and collaborative board governance. Work is underway now to conduct strategic planning both within the FSMC organization and between the Parties. Looking ahead, there may be value in running 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, AAROM's, FRIMT, 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 Agreement:** 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.

- **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 Agreement implementation, including how it can be used to support the work of the FSMB.
2. Communications expertise in the form of outreach and copy writing as well as media relations and training for board members
  3. Begin implementing the action tracker to assist in the annual reporting process
  4. Immediate implementation of recommendations coming from the strategic planning process.
  5. Develop regular updates on the IFMP reform process under the FNFC
  6. Develop closer working relation to the Fraser Panel process and seek clarity with respect to the roles and responsibilities of the FN Caucus of the PSC. Also the JTC and FRIMPT process require attention.
  7. Create an FSMB board summary binder or special file storage place in IYOOQ
  8. The Executive has its own areas/jurisdiction and its specific TORS spelled out in the Agreement but the processes for engaging are not known or documented.
  9. The JTC requires a detailed succession plan as soon as possible given the two co-chairs are about to retire or are close to full retirement and processes need to be developed to ensure they are receiving the direction required from the FSMB. Protocols should also be worked on to guide how the JTC shares information.
  10. FSMB to consider what their role is in relation to discussions of rebuilding plans, initially related to the Chinook work being undertaken.
  11. The IC position requires further consideration and details, it feels underutilized at present. There is a current contract with IC duties as follows:
    - Duties. 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 Agreement and the annual work plan developed by the FSMB (the “Work Plan”).
    - 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 Agreement;

- once developed and approved by the FSMB, 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 Agreement and as agreed by the FSMB; and
  - such other duties as established by the FSMB from time to time.
12. While not required under the Agreement, it is recommended that the FSMB develop a report for the 2023-24 fiscal to reflect on the work undertaken and lessons learned given the shifts observed in the process. As per the Agreement, the Executive will have to request this report is developed.
13. The FSMB and JTC should work to ensure their workplan is better aligned with the annual cycles to allow for key engagement to occur and input to be developed to inform the work and recommendations or decisions in a timely manner.