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September 12, 2000

The Institute for Dispute Resolution at the University of Victoria has been appointed by Fisheries and Oceans Canada to conduct an independent review of salmon consultation processes in the Pacific region. We invite all interested parties to participate in the review process.

We are aware that Fisheries and Oceans Canada has engaged in many Pacific fishery commissions and studies over the past few decades, some of which have made recommendations for improved decision making. An examination of the recommendations and consultation issues and problems arising out of these past processes has been conducted. Consideration of these problems together with the processes that have been successful is an integral part of this review process. It is essential that the review process focus on what will work in the future.

The specific areas of focus for the review are:

- Annual salmon harvest management planning;
- Implementation issues associated with the Pacific Allocation and Licensing Board; and
- The policy development process for issues related to salmon fisheries management.

These areas of focus are described in more detail in the Fisheries and Oceans Canada discussion paper "A Framework for Improved Decision-Making in the Pacific Salmon Fishery." This paper is available on the Fisheries and Oceans Canada website at <http://www.comm.pac.dfo-mpo.gc.ca/english/consult/decision.htm>. (Note: For individuals that do not have access to the internet, hard copies of all of the process documents referred to in this letter can be obtained by contacting the Institute).

The proposals outlined in the Improved Decision-Making discussion paper are primarily targeted at non-native fishermen and specifically exclude issues associated with First Nations food, social and ceremonial (FSC) and Treaty based fisheries. The Institute for Dispute Resolution's meetings with First Nations are not meant to be construed as consultations with First Nations in the legal sense, rather they are "an exchange of information" and an opportunity for First Nations to consider their involvement with other stakeholders in a multi-stakeholder environment. Fisheries and Oceans Canada will fulfill its legal obligations to formally consult with First Nations through a process agreed to by both parties.

The independent review process will be conducted in three main phases:

**Phase One** – July and August, 2000

Phase One consisted of pre-consultation, preparation of the design of the review process, and review of background information.

**Phase Two** – September to October, 2000

Phase Two will focus on developing a detailed understanding of the range of perspectives on the specific

areas of focus outlined in the Improved Decision-Making discussion paper, including the consideration of alternative proposals where appropriate. We will hold meetings with a wide range of government and stakeholder groups, including Fisheries and Oceans Canada, the provincial government, local governments, First Nations, commercial fishers and processors, recreational fishers, community associations, environmental organizations, and academics. We will be contacting key organizations representing these government and stakeholder groups to set up meetings over the next few weeks. Joint meetings among groups are encouraged and will be held at the request of the groups involved. We will also hold public meetings in several communities where fisheries issues are important. These public meetings are intended to provide an opportunity for participation by individuals that are not represented by the government and stakeholder groups that we are meeting with directly. A schedule of public meetings will be posted on the Consultation Review website over the next few weeks.

In addition to meetings, a variety of other participation options are available to you. We encourage you to provide a written submission and welcome written submissions from everyone. These submissions can be mailed to the Institute at the address above or emailed to the Institute at [review@uvic.ca](mailto:review@uvic.ca). Emailed submissions are preferred. Written submissions must be received no later than October 20, 2000. All written submissions will be posted to the Consultation Review website, <http://www.comm.pac.dfo-mpo.gc.ca/english/consult/decision.htm>. You can also provide comments by phoning the **Review phone line at (250) 472-4982**, or sending a message to the Review email address above.

To guide our meetings with you and assist in preparation of your written submissions, we have developed a set of questions that we would like to address in the review process. These questions are attached to this letter and they will be posted on the website.

It is important to us to ensure the effective participation of all interested parties in the review process. Thus, if you or your group would like to discuss your participation options in Phase Two, please contact Jennifer Ellis at (250) 472-0832.

At the end of Phase Two, a preliminary report will be prepared by the Review Team based on the information gathered in Phases One and Two. This preliminary report will be made available to all concerned through the Consultation Review website. Hard copies will also be available.

### **Phase Three** – November to December, 2000

In Phase Three, we will seek your response to the preliminary report. The specific format in which we will seek your participation in Phase Three will be announced in October 2000.

Through your participation in the review, we plan to develop conclusions and recommendations that can be practically implemented and are based on principles of good governance. These recommendations will be submitted to the Minister of Fisheries and Oceans in a public report that will be distributed in January 2001.

We look forward to meeting with you to discuss these important matters. If you have any questions regarding the review process, please contact Jennifer Ellis at (250) 472-0832. A Question and Answer sheet is being developed by Fisheries and Oceans Canada to address your commonly asked questions with regard to their discussion paper and other related matters. A copy of this Question and Answer sheet, including some of the initial questions that have been raised, will be distributed by Fisheries and Oceans Canada and posted to the Consultation Review website. This Question and Answer sheet will be updated regularly. Additional questions for the Question and Answer sheet can be submitted to the Institute.

Yours sincerely,

*Original Signed by Stephen Owen*

Stephen Owen

# Independent Review of Improved Decision Making for Fisheries and Oceans Canada

## Institute for Dispute Resolution University of Victoria

### *QUESTIONS*

Please consider the questions outlined below for meetings and when developing written submissions. Additional questions that you feel to be relevant to the consultation review can also be discussed through the meeting process and in your written submissions. A Question and Answer sheet is being developed by Fisheries and Oceans Canada to address your commonly asked questions regarding their discussion paper and other related matters.

- What are the principles (e.g., fairness, inclusiveness, democratic representation, accountability, etc.) that should underlie improved salmon consultation processes in the Pacific region and that can be utilized to evaluate proposals for improved consultation and decision making?  
(Note: A summary of common principles of effective consultation and decision making will be distributed in advance of meetings and posted on the Consultation Review website for your consideration. Please feel free to comment on the principles that we have compiled, or propose additional principles that you believe to be important.)
- What is your response to the initiatives outlined in the Fisheries and Oceans *Improved Decision-Making* discussion paper (specifically, the proposed salmon harvest management planning process, implementation issues associated with the Allocation and Licensing Board and the proposed Policy Forums)?
  - How do the principles for improved participation and decision making that you feel to be important compare to the principles outlined on pages 8, 9 and 13 of the *Improved Decision-Making* discussion paper?
  - What is your response to the specific implementation questions posed by Fisheries and Oceans Canada in the discussion paper? Do you have any other suggestions for the implementation of the initiatives?
  - How do the initiatives proposed in the discussion paper relate to the principles of improved consultation and decision making that you feel to be important?
- Recognizing that Fisheries and Oceans Canada is committed to the Allocation and Licensing Board, are there any alternative approaches to salmon consultation that would fulfill the principles of improved consultation and decision making that you feel to be important?