

Canada - British Columbia Agreement
on the Management of Pacific Salmon Fishery Issues

1. PREAMBLE:

Whereas the Government of Canada and the Government of British Columbia signed a Memorandum of Understanding (MOU) on Fisheries Issues on July 15, 1996 and approved terms of reference on August 15, 1996 for a study of roles and responsibilities in the management of the Pacific salmon fishery.

Whereas the Government of Canada and the Government of British Columbia:

- share a mutual interest in conserving, enhancing and protecting the salmon resource, its habitat and the marine environment, that will help ensure a sustainable and viable fishery for the future;
- agree to provide a cooperative basis for a sustainable fishery resource, sustainable jobs in the fishery sector, and sustainable communities involved in the fishing industry;
- recognize that changes are necessary to the structure and management of the fisheries sector in order to achieve conservation objectives and ensure a sustainable fishery for the future; and
- recognize that the Government of British Columbia will assume an enhanced role in the management of fisheries issues.

Whereas both Governments continue to support the principles set out in the *1996 Memorandum of Understanding between Canada and British Columbia on Fisheries Issues* and the Terms of Reference for the bilateral review of federal and provincial roles and responsibilities in the management of the Pacific Salmon Fishery, which include:

- maintaining and enhancing the conservation and long-term sustainability of the resource;
- providing for the long-term viability of the industry;
- bringing decision-making closer to clients and stakeholders;
- creating effective partnerships to better manage the fishery; and
- recognizing the Constitutional protection provided to Aboriginal peoples and treaty rights.

Therefore, Canada and British Columbia agree to the following:

2. POLICY DEVELOPMENT AND IMPLEMENTATION

2.1 Canada-British Columbia Council of Fisheries Ministers:

1. Establishment of the Council

A Canada-British Columbia Council of Fisheries Ministers shall be established with one Minister from each Government to review and coordinate policy initiatives related to the management of the salmon resource and its habitat. Each Government will participate in a fashion consistent with its respective jurisdictional responsibilities. The Council will meet at least twice a year and may meet more frequently, as required. It will be supported by a committee of senior officials from both Governments.

2. Responsibilities of the Council

The responsibilities of the Council will include:

- acting as the primary forum for reviewing policy activities relating to the salmon resource that are being pursued by Governments, as well as ensuring the coordination of agreed salmon-related initiatives that are undertaken by each Government individually;
- considering the results of the stakeholder consultation process on licensing and allocation policy;
- approving, after joint stakeholder consultation, the design for the Pacific Resource Conservation Council, including the appointment process;
- receiving and considering reports by the Pacific Resource Conservation Council;
- approving the design and mandate for the Fisheries Renewal Advisory Board;
- approving the plans for stakeholder discussions on the establishment of improved consultation processes and structures, reviewing the results and deciding on the next steps with respect to implementation;
- reviewing future "Fisheries Management Agreements" entered into by Canada with respect to the Pacific Fishery (as envisaged under the proposed changes to the federal Fisheries Act under Bill C-62);
- considering the results of continued work by both Governments on development and diversification programs serving all segments of the fishing industry and related communities, including the approval of a process for consulting with stakeholders on the recommendations;
- considering any issues arising from the "Other Areas of Cooperation"; and
- considering any other matters that the Council may wish to address or that either Government may wish to refer to it.

2.2 Allocation Policy Development

The Government of British Columbia will play a significant role in the Canada-led process of reviewing and implementing recommendations by Dr. A. May on a salmon allocation framework among the Aboriginal, commercial and recreational sectors. Canada and British Columbia will cooperatively:

- design and implement a stakeholder consultation process with respect to the implementation of the recommendations of the report of Dr. May; and
- help define the range of issues that would be put forward for stakeholder discussion.

The main steps in this process are expected to include:

- initial discussions in the spring/summer of 1997 with the Aboriginal, commercial and recreational sectors, as well as communities and other stakeholders, to identify the range of issues that need to be resolved with respect to Dr. May's recommendations;
- preparation of an issues paper, incorporating views expressed during the initial discussions, for dissemination to the stakeholders in the summer of 1997;
- the concept of a licensing, allocation and sanctions mechanism would be explored in the stakeholder consultations; and
- consultations with stakeholders after the 1997 salmon fishing season ends, with recommendations to the Council of Fisheries Ministers and subsequently to the Government of Canada, for approval by the end of December 1997.

2.3 Feedback Mechanism to Address Differences of View on Major Policy Issues

1. Establishment of the Feedback mechanism

Both Governments agree that every attempt will be made to achieve agreement on major policy initiatives.

2. Involvement of Stakeholder Groups

Major new policy initiatives will be developed in consultation with stakeholders, through a jointly agreed stakeholder group. Each stakeholder group so formed shall nominate as a first order of business, from its own members, a Steering Committee of representative individuals for the purpose of liaising with or providing advice to the Council of Ministers, should differences of view arise within the Council.

3. Feedback Process

In the event of a difference of view on a major policy proposal, the Council, at the initiation of either Minister, shall seek the views of and may meet with the appropriate Steering Committee to seek further input with a view to resolving issues in the best interest of the British Columbia salmon fishery.

The Steering Committee shall promptly review the matter, including any information provided by either Government. As a general rule, this further review shall be completed within 45 days unless otherwise agreed.

4. Consideration of Input

The Council shall make every effort to resolve the matter in light of input from the feedback process.

Following the meeting with the Steering Committee and in the event that the Council is unable to resolve the disagreement after reviewing the advice received from the feedback process, the pre-eminent jurisdiction responsible for the matter under consideration will prevail.

5. Referrals to the Process

Referrals to the feedback process shall comprise major matters of policy development and coordination including those affecting:

- licensing and allocation
- habitat restoration and salmonid enhancement
- revenue generation
- coordination of habitat protection
- industry viability and potential diversification

6. Areas Beyond the Scope of the Feedback Process

For the purpose of greater certainty in the scope of the feedback process, conservation of the resource is paramount. The pre-eminent jurisdiction retains full authority to make final and timely decisions in this regard.

Issues pertaining to fiduciary obligations to First Nations, international agreements and in season management related decisions will not be subject to this feedback process.

The components of the Pacific Salmon Revitalization Plan (PSRP) which have been reviewed by the PSRP Review Panel and on which recommendations were made shall not be subject to the feedback process.

The long term allocation regime for the commercial harvest of salmon, as recommended by Stephen Kelleher and CFIC, will be implemented by the Minister of Fisheries and Oceans and will not be subject to the feedback process.

For greater certainty, either Minister retains the capacity to bring forward and discuss within the Council any question pertaining to areas referenced above that are beyond the scope of the feedback process.

3.0 NEW STRUCTURES

3.1 Pacific Fisheries Resource Conservation Council

Both Governments agree to establish a Pacific Fisheries Resource Conservation Council which would advise the Council of Fisheries Ministers on conservation and long-term sustainable use of salmon resources and habitat. Reports would be released to the public at the same time as they will be submitted to the Council of Fisheries Ministers. Both Governments would appoint the members of the Pacific Resource Conservation Council and operating costs will be shared equally.

To help support this decision, consultations will be held with stakeholders in the fall of 1997 to develop detailed terms of reference, the appointment process and linkages with other institutional arrangements in the salmon fishery. The Council of Fisheries Ministers would approve the design of the Pacific Fisheries Resource Conservation Council following the consultations.

3.2 Fisheries Renewal Advisory Board

Both Governments agree to establish a joint Fisheries Renewal Advisory Board, including stakeholder and community representation, to coordinate each government's respective development and delivery of programs in the areas of habitat restoration and salmonid enhancement. The overall approach will be approved by the Council of Fisheries Ministers. Both Governments would appoint the members and operating costs would be shared equally.

The Board would have a mandate to directly involve stakeholders and communities in restoration and enhancement priority setting and in program delivery.

Each Government agrees to provide:

- funding of \$15 million each over three years toward habitat and enhancement initiatives.

With respect to industry and community development, following the completion of the work set out in Section 5.0 below, the Council of Fisheries Ministers will consider the involvement of the Fisheries Renewal Advisory Board in the development and delivery of government programs in the areas of industry and community development.

4.0 PROTECTING THE RESOURCE AND ITS HABITAT

4.1 Habitat Protection

Given the complementary activities of Canada and British Columbia in habitat protection, governments would improve coordination of their activities. Accordingly, governments would:

- develop joint objectives for habitat protection and commit to better program coordination;
- coordinate referral workloads and avoid overlaps;

4.4 Other Areas of Cooperation

Both Governments agree to proceed with implementation in the following areas, including appropriate stakeholder consultation during more detailed planning stages:

- the development of joint steelhead management protocols for key stocks and watersheds;
- enhanced opportunities for communities and First Nations in compliance and monitoring, particularly with regard to habitat and resource protection, and improved coordination between enforcement activities by both Governments; and
- assessment of ways to improve provincial and stakeholder input toward fish plan development, including the exploration of ways to elicit stakeholder advice on a local and cross-sectoral basis.

It is expected that, over time, both Governments through the Council of Fisheries Ministers may identify other areas in which their activities can be better coordinated.

5.0 INDUSTRY AND COMMUNITY DEVELOPMENT

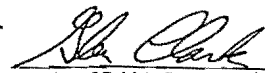
Canada and British Columbia would continue work on a previously-initiated review of industry and community development and diversification programs. A range of options would be formulated for new ways to:

- improve awareness of opportunities and programs;
- improve program access, delivery and funding;
- work with communities to define strategic visions/plans for their economic future including a sustainable fishery;
- promote effective and sustainable community development; and
- encourage investment and employment.

The review, which is expected to provide input to the Fisheries Renewal concept, will be completed by September 1, 1997. The results will be considered by the Council after consultation with stakeholders.

Dated this 16th day of April, 1997 at Ottawa, Ontario


Prime Minister of Canada


Premier of British Columbia