

INTEGRATED HERRING HARVEST PLANNING COMMITTEE (IHHPC): Terms of Reference

September 16, 2010

PURPOSE:

The Integrated Herring Harvest Planning Committee (IHHPC) has been established by Fisheries and Oceans Canada (DFO) Pacific Region to promote a more stream-lined, representative, cross sectoral advisory process related to Herring harvest planning, management and post-season review.

MANDATE:

The IHHPC is the venue for DFO for cross-sectoral communication and advice on issues related to Herring fisheries in the Pacific Region. This committee provides recommendations to DFO to enhance the coordinated approach to Herring use. Where there are differences they will be documented and communicated to the Department. This committee does not have an approval capacity. Recommendations of Food, Social and Ceremonial (FSC) harvest plans is not within the scope of the IHHPC; this remains within the scope of the bilateral relationship between First Nations and DFO.

THE GOAL:

The goal of the IHHPC is to support the development of fishing plans that are coordinated and integrated, to identify potential conflicts, and to make recommendations for resolving disputes.

GUIDING PRINCIPLES:

The following principles guide decisions on the structure and operations of the IHHPC:

Transparent:

There should be transparency throughout the process based on open lines of communication and the provision of timely, accurate, accessible, clear and objective information. This information should be available to all participants in the process on an equal basis. Organizers should provide access to agendas and information needed as a starting point for informed discussion well in advance of meetings. In addition, this information will be posted to a public website to ensure accountability to all Canadians.

Accountable:

Participants who are representatives of a constituency are expected to bring to the discussions the general views, knowledge and experience of those they represent, and bring back an awareness and understanding to their constituencies about deliberations of the consultation activity and reasons for decisions taken. All participants share accountability for the success of the process. The Department is accountable to participants for explaining how their advice/input was used and why and how decisions are taken.

Inclusive Representation:

Representation on advisory bodies should relate to the mandate and function of the committee. Participation in advisory processes has been designed to reflect a broad range of interests in fisheries and oceans issues in the Pacific Region, to the extent possible, so that a diversity of perspectives is involved.

Effective:

All participants should be satisfied that the process can achieve the goals of the mandate. This does not mean that participants will always agree with the final advice, outcome or recommendation. Processes must be cost-effective, and set and respect realistic timeframes.

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Efficient:

The size of the advisory committee must be kept to a number that facilitates consensus-based discussion. Wherever possible, links to other departmental consultative processes will be made to realize efficiencies in consultation.

STRUCTURE:

The IHHPC and associated structures/processes will be reviewed and evaluated by the Department and participants as required, or at a minimum every three years.

Members

- Five spawn on kelp representatives.
- Ten representatives from the Herring Industry Advisory Board (HIAB).
- One representative from the Special Use Herring Fishery.
- Five First Nations representatives, one for each major stock assessment area (Haida Gwaii (Queen Charlotte Islands), Prince Rupert District, Central Coast, Strait of Georgia, and West Coast of Vancouver Island).
- One representative from the Marine Conservation Caucus (MCC).
- One representative from the Sport Fish Advisory Board (SFAB).
- One ex-officio member from the Province of BC (MAFF).
- One ex-officio member from the DFO.

Alternates

- Each of the participating sectors, through their respective committees/boards, will nominate one alternate per person to represent their seat on the committee, as needed. In the interests of continuity, substitutions will be permitted with prior notification from a Sector or Organization official to the Chair or facilitator of the IHHPC.

Terms of Service

- Each organization/sector's representative will serve the term of three years. Should a vacancy arise before the completion of the three year term, the organization/sector will select a new representative as soon as possible.

Facilitation and documentation

- The IHHPC may use the services of a neutral facilitator, a skilled DFO employee or choose a member to lead the IHHPC proceedings.
- The role of a chair and/or facilitator will be discussed by the established committee and appointed by DFO. S/he will serve for a term of 2 years.
- DFO will provide the services of a note-taker to record general topics for discussion, consensus and action points, and recommendations of the committee. Where consensus is not reach, differing points of view will be captured in the notes.

MEMBERSHIP:

Selection of members from sector organizations should be open, fair and democratic.

Selection

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The following selection method will be used to appoint participants to the IHHP process:

- Participants nominated by their respective sectors/organization
- Nominations forwarded to the Department
- Department appoints nominees to committee (This is not an approval process)

Participation should be based on some of the following criteria:

- Knowledge of policies related to management of Pacific Herring
- Knowledge of the elements of Herring harvest management, including: gear options and interactions, data management and potential allocation issues
- Level of scientific, technical, ecological or traditional expertise/knowledge that contributes to the discussion
- Willingness to contribute constructively to the discussion
- Ability to represent the perspectives of their constituency
- Capacity to work in a consensus-based environment
- Willingness to adopt and respect a committee charter

FIRST NATIONS PARTICIPATION:

First Nations participation on the IHHP is intended to inform other users of the resource of the fishing plans and other intended activities of First Nations. DFO recognizes that some issues are best addressed in bilateral processes. The results of these bilateral processes may subsequently lead to improved effectiveness of multi-sectoral processes. With the complexity and large number of First Nations in each geographic area, it is understood that to represent all FSC interests fully would be difficult. The expectation is that First Nations representatives would possess a general perspective and understanding of FSC and harvest management issues in their areas.

ROLES AND RESPONSIBILITIES:

Integrated Herring Harvest Planning Committee:

General:

- Act as the DFO's primary contact for an integrated perspective on the Herring harvest planning (see mandate above).
- Provide recommendations to develop coordinated fishing plans, identify potential conflicts, and advise DFO on potential approaches for resolving issues and disputes.
- Establish ad hoc IHHP subcommittees, as needed.

Pre-season

- Receive from and review information from DFO, on pre-season forecasts and stock assessments.
- Review enforcement plans, identify problems and provide recommendations on the management or enforcement of the fishery, and makes recommendations for improvement.
- Provide input on stock assessment programs, as required for management purposes.
- Provide advice on changes to escapement strategies or policies.
- Provide advice on IFMPs (i.e. decision guidelines, fishing plans).
- Provide advice on measures and mechanisms for timely and accurate catch/effort information.
- Provide advice on selective fishing practices.

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Post-season

- Review conduct of fisheries to determine if conservation goals were met.
- Provide advice on problems encountered regarding management, enforcement and consultation.
- Provide advice on management, enforcement or other actions that will improve the fishery.
- Provide advice on unexpected events during the year not covered in the fishing plan.
- Provide input to DFO into next season forecast.

All Fisheries and Oceans Canada employees:

- The Department will refer stakeholders and other outside parties who offer unsolicited recommendations and advice outside of the established process to the appropriate advisory body contact.

Fisheries and Oceans Canada (DFO) will support the IHHPC process by:

- Distributing notice of meetings, agendas and materials well in advance of meetings.
- Providing support for services of recorder.
- Providing support for meeting venues.
- Providing support for a facilitator.
- Providing assessments and forecasts regarding the herring stocks.
- Responding to recommendations of committee in a timely manner, explaining how recommendations were incorporated into decision-making process and, if applicable, the reason(s) why recommendations were not adopted or followed and how that advice might be changed to become acceptable.
- Ensuring that all agendas and records of meetings are provided to the Consultation Secretariat within four weeks of the meeting and posted to the Department's consultation website.
- DFO's participation being limited to those that are directly responsible for the business of the committee. For example: technical and managerial expertise, as needed. This will require the department's representative to communicate committee discussions with all other affected staff, and bring forward any information from the Department that is relevant to the committee's discussions.

Chair/Facilitator:

- Calls/convenes meetings
- Develops the agenda with input from members
- Coordinates attendance of participants
- Ensures that the committee charter is respected
- Encourages active participation of all members
- Mitigates conflict
- Helps to summarize and focus discussion
- Ensures that files/issues are being followed up on
- Ensures every meeting is productive

IHHPC Participants:

- Communicates with their sectors/organizations, represent information accurately and appropriately and keep their sectors/organizations informed of the information and issues discussed at IHHPC meetings.
- Seek the support of their sectors/organizations for issues discussed.

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- Promotes the IHHP process within their sectors/organizations, and bring forward issues of concern or interest, as it pertains to the mandate of the IHHP.
- Shares responsibility for the success of the IHHP.
- Respects the Committee Charter by developing guidelines for enforcing the charter.
- Reviews records of meetings for accuracy and provide feedback within two weeks before those records are posted on the public website by the Department's Consultation Secretariat.

PROCEDURES:

The IHHP committee will meet two or three times per year (IHHP will determine the frequency and length of meetings at first official meeting):

- The IHHP will be encouraged to develop recommendations based on consensus¹. Where consensus is not possible the differing views will be summarized and documented.
- Meetings will be scheduled well in advance (minimum two months) to allow participants time for adequate preparation. However, under exceptional circumstances, short-notice meetings may be called.
- All meetings will be recorded and summarized in a record of meeting. This record of meeting will be provided to the Department's Consultation Secretariat within six weeks of the meeting to be posted to the public website.
- The chair/facilitator may provide limited time in the agendas for formal presentations from interested parties not represented by the membership of the committee. The chair/facilitator will require a written submission prior to the personal presentation, in the interest of understanding the issue and dealing with it in a timely manner.

The IHHP Terms of Reference will be reviewed and revised as needed once every three years, or on a more frequent basis if required.

FUNDING:

DFO will provide funding to cover administration and logistical costs (such as document distribution, conference calling, meeting rooms). DFO will not cover travel expenses for participants.

COMMITTEE CHARTER: (see Appendix A)

¹ Consensus is a process for making decisions, in this case decisions on what recommendations to put forward to the Department. Its main feature is that no action is taken unless all members of the group can support the action, or agree not to obstruct it. Consensus does not require that everyone be in complete agreement, but only that all will be willing to accept – consent to – a decision.

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APPENDIX A

Committee Charter

The purpose of a Committee Charter is to promote productive discussion and provide a positive and supportive environment for that discussion. The Charter defines the expectations members have for themselves and each other regarding how they will work together.

The code below is meant to be a starting point for discussion. Ground rules need to be developed and agreed upon jointly by the group and must be reviewed regularly. As new participants become involved with the committee, they should familiarize themselves with the charter code.

- Code should include:
 - Clarifying objectives of the meeting
 - How the information will be used

Individuals' rights to participate in consultation processes are accompanied by responsibilities. Parties that participate in consultation processes should do so in good faith and with the public interest as well as their own interest in mind. Participants also have a responsibility to engage in effective, balanced and civil communication. All representatives have a responsibility to ensure that they are accountable to their constituents, that the government gets the information it needs to make a well-informed and balanced decisions, and that consultation processes operate as efficiently as possible.

Participants in consultation processes should:

1. Maximize the exchange of information among parties and minimize misunderstandings by:

- speaking clearly, listening carefully and asking for clarification if a point is not understood;
- sharing information related to the issues at hand;
- stating concerns about other participants or the process openly and directly;
- clearly explaining what is important to them and why;
- stating their perspective as concisely and briefly as possible; and
- ensuring proper opportunity to clarify the agenda prior to the commencement of meetings.

2. Ensure that all participants have the opportunity to speak and all perspectives are taken into account by:

- seeking the participation of all interests; and
- providing opportunities for affected parties to be heard before making a decision.

3. Maintain a respectful atmosphere by:

- respecting each others' values and interests;
- avoiding accusatory language, rude behaviour and stereotyping;
- listening to what others have to say without interrupting;
- beginning meetings on time;
- seeking a better understanding of other perspectives with an open mind; and
- leave personal views on a particular issue "at the door".

4. Ensure accountability to constituencies by:

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- making every effort to attend all important consultation meetings, or sending an alternate as agreed upon by constituents;
- establishing clear lines of accountability with those they represent, and with other representatives;
- communicating pertinent information to their constituencies regularly and seeking support for negotiated agreements;
- acting quickly to raise and resolve any concerns regarding the accountability of the process or any of the representatives to protect the integrity and trust of the group.

5. When negotiating in a consultation process, facilitate agreements across the full spectrum of interests by:

- negotiating in good faith, building as much agreement as possible;
- avoiding participation in activities that may undermine the negotiation;
- focusing on underlying interests or objectives rather than positions and seek to understand the interests of others;
- recognizing the legitimacy of all interests;
- treating issues as problems to be solved not as personal or sectoral conflicts;
- allowing representatives the freedom to test ideas without prejudice to future discussion or negotiations — do not hold tentative suggestions or agreements against those who made them; and
- seeking creative solutions that accommodate all interests; and
- positively supporting consensus agreements once they have been reached.

6. Engaging in appropriate external communication by:

- ensuring that descriptions of the process and the views of other representatives are accurate and acceptable to all representatives before communicating them to the general public or the media;
- ensuring that contact with the media is respectful of others.