



Fisheries and Oceans
Canada

Pêches et Océans
Canada

***PACIFIC INTEGRATED COMMERCIAL FISHERIES
INITIATIVE (PICFI)***

***FIRST NATIONS
PICFI DESIGN WORKING SESSION
FEBRUARY 4-5, 2008***

- SESSION NOTES -

February 4-5, 2008

Best Western Richmond Hotel and Convention Centre

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Session Participants

<i>Participants</i>	
<i>Name</i>	<i>Title/Organization</i>
Arnold Lampreau	NTA Fisheries Portfolio Holder, Nicola Tribal Association
Art Sterritt	Turning Point Initiative
Barb Snyder	Biologist, DFO-RHQ
Brigid Payne	Strategic Initiatives Analyst, DFO-RHQ
Chandra Clark	PICFI Capacity Building Lead
Chief Allan Claxton	First Nation Fisheries Council
Chief Don T. Roberts	Technical Advisor to the Tsimshian Stewardship Committee, Tsimshian First Nation
Chief Jim George	Sto:lo Nation
Chris Barnes	Skeena Fisheries Commission
Chris Picard	Marine Biologist/Planner, North Coast-Skeena First Nation Stewardship Society
Chris Wilson	Kitimat - Heilsa
Christine Scotnicki	Skeena Fisheries Commission
Colin Masson	PICFI Enhanced Accountability Manager
Dallas Smith	Kwakiutl, Namgis, Tlowitsis
Dan Claxton	Sawout First Nations
Dave Moore	LFARM
Dominic Hope	Fisheries, Yale First Nation
Don Hall	Nuu-chah-nulth Tribal Council Fisheries Program
Edwin Newman	Native Fishing Association
Elan Park	Consultation Officer, DFO-RHQ
Emily Pratt	Haisla Nation
Flavian Harry	First Nations Marine Society
Garry Reece	Laxkwalaams
Grand Chief Doug Kelly	Chairman, Fisheries Council
Jennifer Nener	TAPD - PICFI Manager, DFO-RHQ
Jim Archie	Sto:lo Nation
Jordan Point	Aboriginal Advisor, DFO-LFA
Josh Duncan	Native Brotherhood of BC
Larry Greba	Turning Point Initiative
Linda Stevens	DFO-BCI
Marcel Shepert	UFFCA
Mark Duiven	Skeena Fisheries Commission
Merv Montazuki	DFO-BCI
Michael Bonshor	Musgamugw Territorial Marine Mgt Society - MTMMS
Mike Staley	Fraser River Aboriginal Fisheries Secretariat (FRAFS)
Neil Todd	Fraser River Aboriginal Fisheries Secretariat (FRAFS)
Richard Alexander	Consultant LGL
Richard Harry	Aboriginal Aquaculture Association
Robert Hughes	Laxkwalaams
Robert Lamirande	Director, Special Projects, APG in DFO NHQ
Ron Frank	Co-Negotiator
Ron Kadowaki	Director, Pacific Fisheries Reform, DFO-RHQ
Stephen Geiger	Facilitator, Edge Consulting Ltd.
Stu Barnes	Administrator, Skeena Fisheries Commission
Susan Anderson-Behn	Sawout First Nations
Teresa Ryan	First Nation Fisheries Council
Tracy Sampson	NTA/NWSFA Dept Program Manager, Nicola Tribal Association
Violet Hill	Native Fishing Association
W.G. Duncan	Business Agent, Native Brotherhood of BC

Day 1 - Opening/Welcome/Introductions

Opening – Ron Kadowaki

Ron Kadowaki (Director, Pacific Fisheries Reform, DFO-RHQ) thanked all participants for making time to attend – there are a lot of processes and activities going on, expressed appreciation to all for making the effort to attend and hoped that they can participate fully in the dialogue and in providing on the PICFI design to date.

Full agenda for the 2 day session - the intent is to drill down into the details if possible on 2 of the 4 PICFI elements (FN Capacity Building and Access/Delivery) and to touch briefly on Enhanced Accountability and Co-Management (Note: these will be reviewed in greater depth during sessions to follow in coming months as these elements are developed – to be discussed as part of Next Steps at end of session).

Welcome – Chief Doug Kelly

Chief Doug Kelly thanked the Musqueam for allowing us to meet in their territory and sang a prayer song to welcome all participants to the session.

PICFI Update

Presentation Overview

Jennifer Nener (TAPD - PICFI Coordinator, DFO-RHQ) provided an overview of the PICFI process and the four PICFI elements (Access/Delivery, FN Capacity Building, Co-Management and Enhanced Accountability), as well as an update on the current status of PICFI implementation in order to provide context for the session dialogue and also focus in on what needs to be accomplished during the 2 day session. Refer to **Appendix A: PICFI Update** for the detailed presentation slides reviewed during this segment of the workshop.

Q&A/Group Discussion

Q: Concern that PICFI does not have enough flexibility to meet FN community needs. Concern about premise that all commercial harvesters fish under consistent and transparent licences. Want to see flexibility to do things in the future that are much different than how commercial fisheries are run today (e.g., maximize employment using non-powered boats – chose small boats, short nets, certain gear– need policy and framework to support directions that are not focused just on large commercial vessels/industrial approach). Question is really how do FNs receive access and then turn it into benefits for their communities – benefits that are not measured in current PICFI framework.

A: PICFI is aimed at promoting integrated commercial fisheries. DFO understands that First Nations are interested in more flexible fishing arrangements to improve benefits from commercial access, but this must be done in a balanced fashion across all commercial fisheries, in a manner consistent with the vision for Pacific Fisheries Reform. Collaboration among all commercial harvesters is critical in achieving mutually beneficial outcomes.

Q: Concern not enough FN involvement in meaningful management of PICFI Program. Concern about amount of funds going towards DFO administration and enforcement roles. When can we have the discussions with DFO about meaningful roles for FN in the management and enforcement of fisheries?

A: Received comments in fall dialogue sessions. FNs do have involvement in developing and rolling out and ongoing implementation of the PICFI program – have invited broad range of groups through AAROM process to get everyone in the room to dialogue. Need for FN involvement in ongoing governance makes sense and needs to be explored further.

PICFI Outcomes - What Does Success Look Like?

Presentation Overview

Ron Kadowaki provided an overview of the PICFI outcomes process and an update on the current status to provide context for the group discussion and outline what needs to be accomplished during the session. Refer to **Appendix B: PICFI Outcomes - What Do We Want from PICFI?** for the detailed presentation slides reviewed during this segment of the workshop.

Key Questions for FNs

What Do We Want from PICFI?

- ❖ What do we measure, and how will we know when we have achieved desired outcomes?
- ❖ We need to complete RBAF & RMAF process for Treasury Board (TB).
 - ❖ How will we know if we met TB objectives?
 - ❖ How will we know if we have met community objectives?
- ❖ Planning and Evaluation Framework
 - ❖ Projects/Activities → Direct Outcomes → Intermediate Outcomes → Ultimate Outcomes
 - ❖ Intent: All 4 PICFI elements will flow together to produce a set of ultimate outcomes
 - ❖ Status: Have submitted a draft to TB (late December) and in the process of preparing final submission to TB

What are the PICFI Ultimate Outcomes?

- ❖ First Nations are active participants in the integrated commercial fisheries
- ❖ DFO, First Nations and other fish harvesters effectively and efficiently engage in co-management processes in the Pacific integrated commercial fisheries
- ❖ Confidence in the integrity of sustainable fisheries management systems

How should we evaluate performance?

- ❖ Should performance be measured by comparison with non-First Nations commercial harvesters?
- ❖ Should the % of First Nations that fish the access they receive through PICFI be an indicator?
- ❖ Should surveys be used to assess baseline and future levels of satisfaction with co-management processes and confidence in fisheries management systems?

What does success look like to FNs?

- ❖ In terms of outcomes, performance indicators and overall PICFI process
- ❖ Clarify how we can approach co-managing and working together to manage the process and outcomes
- ❖ Need to get this down to a framework that we can come to agreement on
 - ❖ Important we have some understanding and agreement about what the indicators are
 - ❖ Important because some of the FNs will be providing the data required to measure performance
 - ❖ Important that we also identify funding required

Q&A/Comments/Group Discussion

Q: Co-management means a lot of different things to different people – do you mean a substitute for advisory processes? What does it mean in this context?

A: No, this is not about replacing advisory processes, but about how to improve First Nations and stakeholder input into fisheries management decision making. This will involve carefully reviewing our current advisory processes to see what is working well and what needs improvement. It may include new processes where gaps are identified.

Q: Want to see more collaborative dialogue and true co-management and shared decision making – also concern that DFO does not have the resources/staff required to support the PICFI process in the field

A: Important point about capacity to support PICFI – both DFO and FNs. We have PICFI funding assigned for people to work on these programs, and capacity building and co-management approaches.

Q: Something fundamentally wrong with PICFI path - not dealing with govt to govt level so FNs won't be at the table. Must recognize that FNs operate on the terrestrial side at govt to govt but don't see it here in access or delivery –looks like PICFI is perpetuating status quo.

A: PICFI Co-Management divided into 2 streams: First Nations and Multi-Interest. First Nations: Bilateral relationship with FNs is important and PICFI is not just about improving multi-sectoral processes.

Q: Difficult to get DFO to consider changing the way it manages Fraser bound salmon resources. DFO has to be prepared to change in the way it works on fisheries if we are to talk co-mgmt. There has to be change within DFO: science, management, policy.

A: Through PICFI DFO wants to increase First Nations participation in commercial fishing, enhance fisheries accountability and improve co-management. PICFI cannot address all concerns but hopefully a more collaborative approach to fisheries management will support the changes needed.

Q: Overarching policy issues need to be addressed for PICFI to be a success.

A: Policy matters will be addressed in a manner consistent with the objective of integrated commercial fisheries and Pacific Fisheries Reform.

Q: PICFI Performance Indicators should have something to do with FN aspirations. Are we already tracking certain measures pre-PICFI?

A: We will be conducting surveys to act as pre-PICFI baselines.

Q: Stu Nelson does an annual report - is it sufficient to track PICFI inflationary impact?

A: An annual report on the current market in licences and quota will continue to be conducted. Other information from those knowledgeable in the commercial industry will also be collected.

Comment: Possible performance indicator could be ability to attract other non-PICFI funding to increase input into fishery.

Comment: FNs and non-FN stakeholders work together in self-supporting multilateral co-management structures" - "well-supported" is a more realistic outcome than self-supporting.

Comment: No indicators that address the design principle on conservation. Performance should be based on management of stocks of concern, exploitation rates, WSP benchmarks- there are ways to measure these

Comment: Concern that communal fishing enterprise process is completely wrong direction – want to see FNs CFEs succeed and will help the Native Brotherhood succeed in getting FNs to own licences. How will we know the right target for measuring success? Is it the number of individual fishermen in community, or on the water?

Comment: Co-Management – Bill C32 not addressed here - going to close down coastal communities in order to see fish come through in-river. Who signs and conducts agreements? How will fishery management orders be monitored? Throughout Bill C32 and WSP, DFO is segregating aboriginals by leaving out "I" licences. There is private industry who can afford to buy up licences – need to look at expanding into the independent entrepreneur segment – why are we going the opposite and wrong direction here.

A: PICFI is aimed at communal commercial fisheries access and is not aimed at the individual FN fisherman. Reduced fee salmon and herring licences were not eligible in the first round of PICFI licence retirements.

Nuu-chah-nulth Tribal Council Fisheries Program

Presentation Overview

Don Hall (representing Nuu-chah-nulth Tribal Council Fisheries Program) provided a brief presentation on what success looks like from NTC perspective, and provided specific feedback regarding the PICFI program and how the NTC and others see participating in the program. Refer to **Appendix C: Uu-a-thluk - What does PICFI Success Look Like?** for the detailed presentation slides reviewed during this segment of the workshop.

Q&A/Comments/Group Discussion

Q: Concern that these approaches of working together a bit naive given pace of change in FN communities and the fact that DFO is trying to roll out something by Spring 2008.

A by DFO: Reality is that we are not going to rewrite PICFI, but we can influence decisions and there are still opportunities for FNs to affect policy for PICFI Year 2/3 or within the PICFI timeframe. Establishing working committees with agreed-upon qualifications and expertise to review PICFI applications would be a start to getting FNs working together - it is difficult, but there is a willingness to make it work.

Q: Concern that notional distribution is not accounting for fact that we do not have any more local stocks. Commercial fishing plans show fewer stocks coming back to our local areas. Also concern that communal licence approach does not

always benefit communities - look at sardine fishery: 25 licences and not one aboriginal has benefitted. Commercial industry is trying desperately to take over communal licences.

A by DFO: Part of it is rebuilding communities and that is not PICFI's role. Part of it is access to fish: that is where PICFI can be a building block, agreed not the complete solution.

PICFI FN Capacity Building – Rob Lamirande

Presentation Overview

Rob Lamirande (Director, Special Projects, APG in DFO NHQ) provided an overview of the PICFI Capacity Building principles, feedback heard to date on the design, requirements to obtain access (Business Plan and Training Plan approaches), the 5 Step Process for establishing a FN CFE (shown below) and other potential considerations. Refer to **Appendix D: PICFI Capacity Building - Overview and Proposed Process for Delivery** for the detailed presentation slides reviewed during this segment of the workshop.

Steps	Process/Tools	Evaluation
Step 1 Expression of Interest (EOI)	<ul style="list-style-type: none"> Letter from interested groups Complete EOI template providing key information 	EOI Evaluation Team
Step 2 Business and Training Plan Development	<ul style="list-style-type: none"> Application for funding to support Business & Training Plan development (template) Business Plan/Training Plan templates/ checklists Contribution Agreement 	<ul style="list-style-type: none"> Business Plan Evaluation Team Training Plan Evaluation team
Step 3 Creation of Legal Entity (e.g. corporation)	<ul style="list-style-type: none"> Application for funding to support creation of legal entity consistent with Business Plan Contribution Agreement (amendment?) 	Business Plan Evaluation Team
Step 4 CFE Operational Support and Transfer of Access	<ul style="list-style-type: none"> Application for funding to support operations of CFE and training Contribution Agreement 	<ul style="list-style-type: none"> Business Plan Evaluation Team Training Plan Evaluation Team
Step 5 On-going reporting and monitoring	<ul style="list-style-type: none"> Tools will be provided to support reporting requirements for program management purposes 	Business & Training Plan Evaluation Team(s)

Q&A/Comments/Group Discussion

Business Planning/Training/Establishing a CFE

Q: Concern that if we start the process in April 2008, majority of funds will be spent in first year of program and this year is one of the poorest for salmon on the coast. If we go full scale next year, may miss out on PICFI opportunity.

A: PICFI program already in Year 1. Funding will be spread over 5 years of the program.

Q: PICFI is restrictive in a sense that commercial fisheries in the interior in the next few years are unlikely. Concern that PICFI is just focused on commercial fishing enterprises and not on building capacity in other areas (e.g., stock assessment, science, habitat, etc.). This could put people to work. As it stands, hard to bring back positive message or anything of value to Upper Fraser FNs.

A: On the monitoring side there is funding to support fishery related activities around monitoring and enforcement of fisheries - certainly we will need to do more monitoring of stocks, and will have to look to other sources of funding.

Q: On the coast our opportunities are unlimited. Many projects up and down the coast and wondering what would be eligible. We have shortfalls in terms of training; fighting to get people to be trained to run aquaculture farms so they can run businesses. Concern that PICFI is tied only to access silos - wondering if the business plan can be broader than just PICFI silos? Other species are underutilized on the Coast (e.g., Shellfish) – how do we become eligible for support to expand and go after these opportunities?

A: PICFI can't do all in terms of scope or quantity. Potential exists to create a comprehensive business plan that reflects all of your interests and PICFI can then fund certain elements that qualify/are within scope. First element is increasing First Nations participation in commercial fisheries through retirement of licences. Need to look at other funding sources for new and emerging fisheries.

Q: Concern regarding training – most is 4-5 days, it should be longer. We also need higher level kinds of training such as biologist and technical fields. Concern that costs for interior are higher than coast - this difference must be factored in to the business plan evaluation process.

A: DFO is aware of differences in costs for training between the coast and interior. Each community needs to determine training plans that work best for their business plan.

Q: Concern about only 4 years of flexibility with PICFI – not enough time for a comprehensive business plan.

A: Reality is that PICFI funding ends in 4 years - business plan has to identify long term strategy.

Q: Regarding makeup of Business Plan Evaluation Teams and implementation criteria – we need to take a step back to look at oversight and governance of the whole PICFI process first. NTC, Turning Point, North Coast First Nations discussion paper (distributed at session) refers to this – need equal representation by FN and DFO to ensure a transparent process and to appoint people with required expertise to look at business plans, training, evaluation criteria, buyback, distribution, etc. Need different levels of expertise.

A: All participants requested to look at the discussion paper overnight. Will set aside some time in the morning to discuss key elements of the paper.

Q: Can we retire reduced fee licences to a licence bank, so people can get out of the fishery? Have been having trouble with leasing out our licences every year because of restrictive DFO rules.

A: We are in the process of retiring regular commercial licences (by end of March). Also discussing business plan process. Need to know what to do with the licences in the meantime. NFA has talked about this rental idea (reduced fee licences that have reverted back to them): need to hear your views.

Q: Contribution agreements terms – will these be year to year or will they be longer term multi-year agreements until the end of PICFI?

A: Will be similar to AAROM where it has capacity building dollars - once established you have room for longer term agreement. Longer term is the intent.

Q: Not clear how this will work inland? If FN has a business plan to harvest 100,000 sockeye, where do they start? How does DFO get the fish to them? The trouble is they are being caught by someone else now.

A: DFO has asked Commercial Salmon Advisory Board (CSAB) for their advice on how to value a licence for transfer to inland First Nations,, but FNs need to be part of this discussion.

Q: Concerned about timelines for PICFI as well, and method of transferring shares inland – will take a lot more than 4 years to resolve this. If we use an aggregate of Fraser Canyon/Thompson, problems are still there. Unlikely in-river FNs will be able to produce a business plan that would be awarded funding. So for folks in-river, PICFI is likely not for them.

A: Not sure if they can or cannot produce a business plan - in river we have been delivering on a demonstration basis. On what scale does it make sense to move a fishery inland or does it mesh at all? We will need to look at more flexible ways of harvesting fish in a manner that is consistent with the Wild Salmon Policy.

Q: Is there other work we need to do to prove up that feasibility is there? Need some more details on what the CFE might look like, and steps required to prepare for this.

A: The 5 Step Process will address this and be reviewed after the break this afternoon.

Q: The community that I am from has a symbiotic relationship with the commercial fishery. Historically we could jig off the dock or paddle out but as boats began to spread out, we couldn't jig for halibut anymore. Now have to compete with longliners for halibut. Looking at how we monitor/account for the benefits to a community to be able to own a boat as it is essential to getting food. Will your long term benefits consider owning a boat? We are anxious to find a way to make vessels viable to support our communities. Viable for us doesn't mean putting \$100,000 in the bank each year. Viable is to be able to go out and get food. We need to measure this aspect.

A: There is some funding for vessels and gear, but most is for licences and quota.

Q: Looking at the CFE schedule, and if you are a community that doesn't have a lot of capacity now, how do we get at this? There is a huge amount of community based work to get even to Step 2. It could take two years before you were ready to look at step 3, and then more time dealing with funding. It will be a long time before we get to fishing. PICFI is administrative heavy - will there still be something to access when we finally get ready? We are interested in access and opportunity. Opportunity for profit on south island is unlikely, particularly with this kind of licence.

A: We acknowledge different stages of readiness. It will take time and there needs to be a core of people to work on this. When we speak of a long term sustainable process this is what it will take. Note that AAROM also supports these processes, and AAROM & ATP are long term programs beyond PICFI.

The Evaluation Process:

Q: What type of evaluation process will occur, and who is on the Evaluation team? Someone on the team is going to have to say whether fish will be available. Need to address governance, who is involved, availability of resource and business expertise, etc.

A: Feasibility and deliverability of the plan are important aspects. Likelihood of success is dependent on returns, and what happens with poor returns in next few years will factor into success.

Comment: The words "business plan" and "evaluation" don't fit with what the community sees as being needed. Need to deal with 2 different types of groups here: 1) Communities that are ready and able to develop a CFE and 2) smaller communities and communal type groups that do not have capacity and will likely be dealing on a smaller scale

Comment: Concern that the likelihood of a business plan being viable under PICFI is low. No way to build a successful business plan unless DFO can give certainty around allocations. DFO delivered agreed allocations only once out of 10 years when agreements in place. If you are telling us we have to build a business plan without certainty, how can it be successful? Belief that when you retire a licence you retire catch capacity is a flawed approach. If less boats out there, the ones fishing become more viable, but overall it does nothing for us upstream. This will only work if the current management regime changes, Forecasting, assumptions about # fish returning fluctuate wildly. Commercial catches all fish and then FNs are left with nothing. GN, SN, Sport and FNs argue for openings, who stands up for the fish? Need marine conservation caucus involved, need a change to Fraser Panel. Need fishers to move closer to the river, and understand what is coming back to the river. Comment about separating politics and business - Fraser panel is a huge political process. There are opportunities here, but requires more creative approaches. Talking about communal rights, and we need to also be talking about communal benefits.

Q: It will still require a lot of work for a community to put Expression of Interest (EOI) together - is there some funding allocated for this? What level of community support is required for EOI? Would there have to be a sign off?

A: Expression of interest is not expected to be very onerous. Funding will be made available for the next phase of developing the business plan.

Q: Under geographic location are there any provisions for overlap? Wondering because we are in conflict with 5 other FNs.

A: We are not looking at constraining commercial opportunities to claimed traditional territories. Looking for FNs to come together via aggregates to address this in their plan.

Q: Will the PICFI process be consistent with Treaty process? Could a CFE locate anywhere? Nothing here states that FNs cannot cooperate and enter into agreements from different geographic areas.

A: PICFI will be consistent with Treaty. There is an expectation as well that CFEs will seek licences in fisheries that are local to the First Nations involved in the CFE.

Comment: Huge salmon runs on Central coast and north coast are gone. Huge pink run to Bella Coola is gone. How can we develop a business plan when creeks have been neglected? Have to include a component of rebuilding of the streams.

Q: Could a coastal FN partner with an interior FN to train, and conduct a business on the coast? Regarding overlaps, the court said that BC Treaty process is not tied to the area. You have not proved that you have rights and title there. Fundamental issue: BC Treaty says you do not have to prove it, but if you go to court, they say you do. So a caution here that an EOI submitted by one FN may not be accepted/supported by the neighbouring FN – may be contentious.

A: We can't solve rights and title issue here. We just want to provide access with principles consistent to Treaty to avoid issues down the line.

Q: Presentation slide stated that "should an enterprise fail, access would revert back to DFO" – would DFO control access then? Opportunity to inherit licences and pass down to grandchildren for future generations no longer exists under PICFI – that is a concern. Comment that DFO is trying to lump us together, and we are not all there. We do not have the opportunity inland. We are looking at conservation: getting fish to spawning grounds.

A: Licences under PICFI are communal and would be provided to a FN CFE through an agreement. Since they must be held by a First Nations organization, they cannot be transferred to an individual.

Q: A lot of the talk here today is around the implementation of titles and rights. Consultation will be the #1 issue. Did you consider other ways such as partnerships to come together to share stocks economically? Is there an alternative to this?

Don't want to waste time building a business plan that won't work for us. Our neighbours up and down the river are not here today. I wonder what their thoughts are.

A: We have been mindful of this and worked with FNs extensively to design PICFI. Harvest sharing among inland First Nations will be an important factor in developing business plans. Interested First Nations will need to communicate with their neighbours in developing proposals. The structure of PICFI encourages First Nations to come together in aggregate groups for a variety of reasons.

Q: Does DFO know what species/licences will be bought back yet?

A: Through requests received by the existing ATP there is awareness and knowledge of what species First Nations are interested in and this information will be used as a starting point. As the process evolves, it will be about retiring what is identified in approved business plans.

Comment: DFO says it is aware of First Nations interests through the AFS program, but not everyone (particularly on the Fraser) talks with DFO, especially North of Yale where DFO does not talk to bands.

Q: Can a community apply for a halibut licence and lease the quota to generate revenue until dust on salmon settles? This would help these communities while they wait for salmon to recover.

A: It would have to be assessed with respect to Treaty consistency.

Q: A lot of FN assets are not recognized as loan collateral – are there any loan guarantee mechanisms in PICFI? If not need Minister to lean on other Ministers re: support from other government processes, recalling that this did not happen for AAROM.

A: No loan guarantee mechanism in PICFI. We could explore options with Western Economic Diversification.

Q: Would the contribution agreement be with the tribal council or with the CFE? It makes a huge difference - NTC Seafood group could be our CFE.

A: Contribution agreements are with councils.

DAY 2

Agenda Revision Review

The agenda was re-arranged prior to Day 2 to increase the level of participant involvement in the forum. This included breaking into smaller discussion groups.

NTC/Turning Point/NC FNs Discussion Paper Discussion

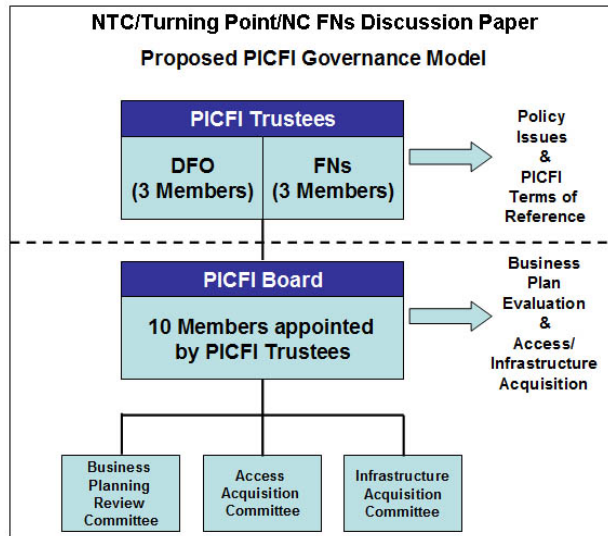
On Day 1 a discussion document prepared by NTC/Turning Point/NC FNs was distributed for review by participants. Thirty minutes was allocated at start of Day 2 to discuss any questions from participant about the discussion paper as well as specific ideas around PICFI governance structures.

Broad agreement that First Nations need to be very closely involved in PICFI implementation. Some key questions include:

- ❖ How are we going to provide oversight and governance for the PICFI program (i.e., program outcomes and direction, not the specific decisions about business plans and licences)?
- ❖ How do we start to work together more effectively on things like setting up of committees?

Proposed Governance Model outlined in discussion paper:

- ❖ PICFI Trustees: 6 Trustees (3 DFO & 3 FN at high level – a cross section of FNs would be represented here. Primary focus is on policy issues and PICFI terms of reference.
- ❖ Trustees appoint a 10 member PICFI Board comprised of individuals who understand various aspects of the access, vessels, licences, business operations, etc. Could be DFO, industry, NFA, Native Brotherhood, etc. representation. Primary focus is on Review of Business Plans, Access Acquisition, and Infrastructure Acquisition.



Q&A/Comments/Group Discussion

Comment: Paper characterizes PICFI within a broader set of challenges – trying to resolve these in next 5 years is setting everyone up for failure. Need to set up as a study to work together, establish tools, expertise. Concern that capacity differences around province would make some aspects of the paper hard to achieve

Comment: It will be difficult for 200 FNs to decide who should be appointed to 3 spots as Trustees. New tool or vehicle that is there is the Fisheries Council that came into effect a few weeks ago (although some may have reservations about this). Need province wide representation from all FNs, and the Fisheries Council is to be able to pull together appropriate people for the issue. If an ad hoc FN group calls a meeting, attendance will not be province wide. Fisheries Council could create a subcommittee to address PICFI specifically. Fisheries Council would be the place where appointments would come from for a Board and DFO will do its assigning of people.

Comment: Need to understand that many FNs want licences to come right down to the community level in order to lease out to viable business enterprises. The licences that DFO has now do not meet anyone's needs - licences are year to year and you keep them only if you meet certain conditions – no way to successfully business plan for current licences. Have to have equity and ability to make deals to do a business plan.

Comment: Concern that a buy back run by one office/agency will immediately run up the price. Would like an area to be able to decide when and how to buy licences. Option would be for major corporations to pay part of licence up front, fish them and overtime pay back. We could triple our ability to purchase licences in this way.

Comment: Concern regarding dealing with bands as opposed to nations (national level). There is a move on to start talking less at the tribal level and more at the Nation level. This could solve issues that this paper raises. But still see a lot of challenges in this document. Could become an administrative quagmire in the long run – internal First Nations issue re: representation on any committee.

Q: Concerned about who will represent the many people who the Fisheries Council does not represent? Who is going to speak for the aboriginal commercial fisherman? We need a longer term plan, not another 5 yr plan - need a 200 year plan. Who is going to evaluate the business plan? Fisheries Council? An appointed committee? Who? Is it infringing title and rights? Is it impacting treaty process? Are these licences going to be protected? Forever? None of this is clear yet. We need to implement fisheries reform first. Serious concerns about the direction we are going with PICFI.

A: Fair to be cautious – but FNs need to tell us how to design it for the 5 yr period and beyond. It requires us to work together: DFO and FNs and FNs with other FNs. DFO will help where we can in bringing people together as we have done here today.

Comment: Concern expressed that paper positions PICFI as one solution amongst many other pieces - idea of governance structure is good, notional regional allocations is really important. Governance body could be tasked with herding cats around PICFI.

Comment: Invite key people who have been involved in doing this in other parts of the world to provide their experiences and identify potential obstacles/barriers that will require addressing (e.g., Sir Tipene O'Regan (NZ), Waitangi Tribunal/Ngai Tahu Settlement in 1998)

PICFI Access/Delivery - Acquiring Access

Presentation Overview

Jennifer Nener provided an overview of the Access Acquisition component of PICFI outlining core objectives, proposed design principles, feedback received to date, the current access acquisition process and some considerations for retiring commercial fisheries access. Refer to **Appendix E: PICFI Access Acquisition** for the detailed presentation slides reviewed during this segment of the workshop.

Q&A/Comments/Group Discussion

Q: How much will be spent on administration of the access acquisition process?

A: Very small compared to the whole pot that is available for retirement (<1%)

Q: Is there a plan to front end load PICFI acquisition?

A: Acquisition will peak in middle of PICFI program - amount per year is \$10-11M this fiscal, increases year 2, peaks year 3, year 5 lowest, within \$20-25 per year on average.

Q: Have we thought of what the composition of licences would be?

A: Year one will be informed by requests that have been made to ATP. Following year one want to match what we see in business plans.

Q: Will information about the licences that government has bought back be available on the website?

A: Yes, it is available on the website.

Comment: Concerned that DFO will not be able to negotiate licence prices down if they act alone here – DFO is the only game in town for PICFI, everyone knows that and it drives the prices up. NFA knows the value of licences and can often negotiate the prices to bring it down.

Q: Concern that diversification is seen too much here as a solution to all our troubles - lots of failures linked to diversification. Some countries look at this fishery as an example of failure. Concerned reduced fees will be left off table under PICFI.

A: DFO has sought input from FNs on the eligibility of reduced fee licences as part of our consultations on PICFI. Final design will reflect full consideration of the input received.

PICFI Access/Delivery - Delivery of Access

Presentation Overview

Ron Kadowaki provided an overview of the Delivery of Access component of PICFI, outlining guiding principles, feedback received to date, issues and design considerations and rationale for the aggregate delivery of access for PICFI program. The presentation also provided some initial parameters, analysis and questions for consideration by participants regarding which criteria and factors should guide decisions around determining the notional distribution of PICFI funds and which licences will be delivered to whom once business plans are approved and legal entities established. These were intended as a discussion piece to elicit feedback and input from session participants on these two topics. Refer to **Appendix E: PICFI Delivery of Access - Factors to Consider** for the detailed presentation slides reviewed during this segment of workshop.

Q&A/Comments/Group Discussion

Comment: Concern expressed that Georgia Strait will be an issue for this aggregate and notional allocation approach

Comment: Concern about some of the data presented here. Would like to see landed value over time by species, as well as a more detailed geographic breakdown of the data.

Q: Concerns regarding administration required on planning side with First Nations trying to break out notional distribution of PICFI funds if they want to try to capitalize on the available funding. Will have to work together to do business plans – this will be a cumbersome process - how do we identify seed money to start the conversations required to do this?

A: The 5 Step Capacity Building process addresses this with stages of development and funding availability.

Factors & Criteria for Notional Distribution of PICFI Funds and Delivery of Access

Small Group Discussion Results

Participants broke into three small groups to discuss ideas and possible criteria and factors that should be considered for determining the notional distribution of PICFI funds and delivery of licences once business plans are approved and legal entities established. Participants were requested to discuss and respond to a series of questions regarding the above two topics as follows:

TOPIC 1: Notional Distribution of Funds for Planning

- ❖ What factors should be considered when determining notional distribution of funds for planning?
- ❖ Are some factors more important than others? If so, which ones are most important?
- ❖ What scale/size of planning unit should we be using? And what should these be (provide specifics)?

TOPIC 2: Decision Criteria for Delivery of Licences

- ❖ What criteria should be used for guiding the decisions around which licences are delivered to whom once business plans are approved and legal entities established?
- ❖ Are some criteria more important than others? If so, which ones are most important?
- ❖ What should be done with very high value licences if only one or two are available?

The results of this activity are presented in the tables provided in the following pages.

TOPIC 1: Notional Distribution of Funds for Planning – Small Group Discussion Results

Group 1	Group 2	Group 3
<p>Key Factors:</p> <ul style="list-style-type: none"> ❖ Traditional territory ❖ Population ❖ Isolation ❖ Consider development of an index for weighting made up of following criteria: <ul style="list-style-type: none"> ❖ Landed Values/Revenue Potential ❖ Amount required to reflect a viable enterprise ❖ Previous experience/track record for success ❖ Existing aggregate groups <p>Ideas:</p> <ul style="list-style-type: none"> ❖ Access issue should consider salmon separate from other species ❖ Focusing on salmon would make it much easier – deal with this first then look at other species afterwards ❖ Consider a lump sum for salmon \$30 million for WSP/Conservation Units/Benchmarks/SARA ❖ FSC – more fish in the river for FSC ❖ Note: Many of these will greatly narrow down what you can realistically do (difficult to do PICFI business planning when we are not even meeting Conservation/FSC targets) <p>Policy/Overarching issues:</p> <ul style="list-style-type: none"> ❖ Nations and geographic areas ❖ Hereditary systems vs band councils ❖ How would you work in larger aggregates while still respecting the autonomy of respective groups ❖ Major overlap/transboundary issues ❖ Business Plan instability and complications due to band councils turnover every couple of years – will start right back at the beginning ❖ Existing aggregate groups 	<p>Key Factors:</p> <ul style="list-style-type: none"> ❖ Equal share: Some notion of fairness required ❖ Scale and size of units: <ul style="list-style-type: none"> ❖ Political unit size – geography doesn't necessarily translate to political size ❖ Allows FN's not ready to take their time to enter into PICFI process ❖ Let FN's decide scale and size with some broader geographic unit (e.g., some well defined such as NTC, others less clear in Georgia Strait) - business plan should drive distribution within those units ❖ Population: must be tempered by other factors <ul style="list-style-type: none"> ❖ Some Interior FN's do not have access to migratory salmon, even though their population may be large ❖ No link between population and a good business plan and opportunity ❖ Fisheries resource availability in the territory: <ul style="list-style-type: none"> ❖ Major concerns about implications for adjacency ❖ Must be balanced against that is need to take care of people in local areas (do not be too formulaic) ❖ In-river: Need to consider upstream implications ❖ Need for fish: Need abundances that will support viable fisheries ❖ Viable and sustainable fisheries: linkage to boats in communities, otherwise no viable capacity in the community to make use of the PICFI licences 	<p>Key Factors:</p> <ul style="list-style-type: none"> ❖ Base share divided equally among First Nations, remainder based on population. ❖ Other possible factors: <ul style="list-style-type: none"> ❖ Remoteness ❖ Economic dependence/other opportunities ❖ Resource availability ❖ Socioeconomic factors ❖ Landed value by area & species ❖ Population ❖ Upriver priority & dependence on Fraser stocks ❖ Resources availability/abundances ❖ Recommend looking at other federal departments (e.g., Health Canada have formulas to distribute program benefits to FN's)] ❖ Census information that could help quantify different factors? ❖ Need to provide special recognition to need to move fisheries access to the interior ❖ Scale and size of units: Smaller scale supported <ul style="list-style-type: none"> ❖ Use boundaries that correspond to appropriate language, cultural, and political affiliations (works for NCN/Haida, difficult for other FN's) <p>Policy/Overarching issues:</p> <ul style="list-style-type: none"> ❖ Interior considerations <ul style="list-style-type: none"> ❖ Don't need vessels and gear, need access and capacity ❖ Industrial model will not work in interior ❖ Ability for DFO to change its management system to deliver PICFI access upriver & coastwide ❖ Need a management system that will reverse the problem of being "last in line". ❖ Stock abundance – PICFI won't work without access to harvestable stocks (salmon and other species). Need habitat and stock restoration to improve abundance. ❖ Coastwide over-reliance on few stocks has been created by existing fisheries & magmt systems. ❖ Is approval of the Province required ? They will assert that they have authority in Fraser Watershed. ❖ What about short term use of licences? Banking, etc.? ❖ Outcome: Deliver access, not licenses and quotas

TOPIC 2: Decision Criteria for Delivery of Licences - Small Group Discussion Results

Group 1	Group 2	Group 3
<p>Potential Criteria/Ideas/Discussion:</p> <ul style="list-style-type: none"> ❖ Outcomes of court cases: pay attention to what is going on right now <ul style="list-style-type: none"> ❖ Those outcomes and the language within those outcomes needs to be respected within PICFI) ❖ Enumeration of Section 35.1 across all species – this needs to be done before we get started as it will impact PICFI immensely ❖ Build on existing Fraser demonstration projects (e.g., Siska, Chehalis) ❖ Opportunity driven ❖ Viability of access linked to geography and availability ❖ Aboriginal exemption (1985 – 400K) – should be cast out and renegotiated – would be a hindrance to making calculations now ❖ Policy changes in how fisheries are conducted <ul style="list-style-type: none"> ❖ More terminal fisheries are wave of future: allow passage to upriver groups ❖ Address coastal/interior access to FSC ❖ Viability and Sustainability of fisheries – define social, environmental and economics ❖ Diversification of business plans ❖ Environmental conservation ❖ Monitoring - who is monitoring who <p>How to best deal with high value licences:</p> <ul style="list-style-type: none"> ❖ Split quota amongst groups –break licences into constituent parts to spread value around ❖ Needs to be a strategy to deal with high value species. Put a caveat on them so if they are ever retired, flag them for FNs ❖ Licences that don't come into the buyback now: need policy to deal with. 	<p>Potential Criteria/Ideas/Discussion:</p> <ul style="list-style-type: none"> ❖ Look at current economic opportunities in community <ul style="list-style-type: none"> ❖ Those groups with less should have early access ❖ Those groups with existing fishing capacity should have early access ❖ Those groups that need a licence to extend fishery or make more viable should get early access ❖ Need to address bycatch problems <p>How to best deal with high value licences:</p> <ul style="list-style-type: none"> ❖ Split licences up to distribue to smaller CFEs 	<p>Potential Criteria/Ideas/Discussion:</p> <ul style="list-style-type: none"> ❖ Conservation and protecting stocks at risk (including escapement) ❖ Benefit as many communities as possible ❖ Domestic needs ❖ Operational fit of business plan ❖ SCIENCE CAPACITY DEVELOPMENT WITHIN DFO. POLICY CONFLICT OF COASTAL/INTERIOR. ❖ Plan may be in conflict with operational process. <p>How to best deal with high value licences:</p> <ul style="list-style-type: none"> ❖ Already in quota, so split licence up <ul style="list-style-type: none"> ❖ If you have one high value, need to prioritise. ❖ Providing smaller scale diversity of access to create viable fishing operations may require smaller portions of high-value quota fisheries to create viability

Full Group Discussion on Notional Distribution of PICFI Funds

Comment: DFO has its work to do to decide how to ensure it can deliver salmon to communities. How will DFO ensure resources make it into these areas? When the Sto:lo have not received their quota in 9 out of 10 years, do not how business plans can be developed. Request that salmon be put on hold for 2-3 years while DFO answers the questions regarding licences/quota/model that will deliver salmon to match access. Deep concern about PICFI not succeeding unless this happens – and people will look back at this group around the table and say we are responsible for that failure.

Comment: There is a common desire to make good use of funds available through PICFI. If we do a good job, could be a potential springboard to greater funding to tackle other issues. Suggest we look at other government department such as HRDC and Health Canada as a rationale for notional allocation. No one wants to hold anyone back. There are complex and serious issues outstanding with salmon. Need a fixed deadline such as a two year moratorium on salmon. Strategy would be to then move in the first few years on opportunities where defined share understanding is already in place. FNs are prepared to move: and we have ideas. FN fishing Council meets next week: will discuss this session and will invite folks to participate. We have to deal with salmon coastwide, and institutional change at DFO needs to accompany PICFI program implementation.

Comment: Notional allocation is a reasonable starting point, but should be split into two pieces by Salmon/Non-Salmon. Salmon are the common element for coastal and interior. Salmon move around, other species do not. Salmon are reasonably discreet and relatively simple to deal with relative to other licences; other species that must be stacked are quite expensive. Distribute based on access to the resource and deal by species.

DFO - Comment: Definition of sharing not established, however, there are a number of FNs interested in salmon on the coast. No resounding opposition or support for DFO building some proposed models around distribution. We are trying to move towards these fairly soon. Co-management will be critical to how we will manage salmon. All of these various elements we have discussed to day are at play. We do know that we want to move towards more flexible harvest and more terminal harvest. We know that FNs want shares in the Treaty processes. May have to go slower in some areas as requested - FNs will have to decide and continue inform DFO to what level.

PICFI Enhanced Accountability

Presentation Overview

Colin Masson from DFO provided a brief overview of the PICFI Enhanced Accountability element, outlining the objectives and principles, which approaches PICFI will support for improving the quality of fisheries information, feedback heard to date and some ongoing considerations regarding design and implementation. Refer to **Appendix G: PICFI Enhanced Accountability** for the detailed presentation slides reviewed during this segment of the workshop.

Two additional presentations related to enhanced accountability and traceability were provided during this component of the session as follows:

- ❖ Kim Duncan from the A'Tlegay Fisheries Society provided an overview of the A'Tlegay Food, Social & Ceremonial (FSC) Data Reporting System, an ongoing co-management project between FNs and DFO focusing on First Nations Catch Monitoring that is providing improved management of FSC Fisheries by First Nations and improved working relationships between First Nations and DFO staff. The system is currently in use by 6 FNs and during 2007/2008 will be expanded to be used by another 14 FNs. Refer to **Appendix H: A'Tlegay FSC Data Reporting System** for the detailed presentation slides reviewed during this segment of the workshop.
- ❖ Dave Moore of LFARM (Lower Fraser Aquatic Resource Management) provided a presentation on a proposed Quality Management Program (QMP) for the in-river Fraser Salmon fisheries focusing on increasing value of fish products for FN businesses by developing local landing and sales programs, employing traceability systems and quality controls in the fishery and using technology and processes to enhance the quality and value of all fish products while capturing untapped markets. Refer to **Appendix I: A Vision for Reforming Commercial Trade of River-caught Fraser River Salmon** for the detailed presentation slides reviewed during this segment of the workshop.

Q&A/Comments/Group Discussion

Q: Big issue around trust around how information will be utilized by DFO (e.g., concern that data and information used against FNs at the Treaty table). How do we address this going forward?

A: No real easy answer to this. Approach would be to clearly identify what the information is required and how it can be used as part of the information management needs for the fishery.. If we can reach consensus on what information is needed for what purposes, may address deeper trust issue described.

Q: Concern around the quality and completeness of monitoring for the recreational fishery - how will DFO be moving on recreational fishery enhanced accountability through catch reporting and monitoring?

A: Sport fishery reporting and monitoring may not be as bad as everyone perceives – what is missing is the verification component and trust that the data and information is of a certain precision.

Comment: Comment that some FNs (e.g., Nisga'a) have begun developing survey based monitoring – difficult to see how these survey-based models could integrate with the approach outlined here. It may require a change in how data is collected for creel (e.g., CPUE). Would be good to do collaborative work around this – there is work ongoing for developing broad based creel surveys that can be used for FSC and recreational and other fisheries.

Comment: Thanks to Kim Duncan for presenting an excellent example of young people taking an interest in fisheries and demonstrating an application for co-management. See potential for aquaculture industry.

PICFI Enhanced Accountability Summary Points

- ❖ Need to identify what information is required for what purposes – information management lens
- ❖ Need to clarify roles and responsibilities, both internally within DFO as well as working with stakeholders.
- ❖ Design processes and systems to benefit FNs and meet DFO needs for getting accurate, reliable data in a timely manner
- ❖ Ongoing processes looking at enhanced accountability such as Sigurdson–Stuart Process and are addressing compliance, monitoring and trust amongst all harvesters.
- ❖ Need representatives and input from all areas
- ❖ Have begun a traceability working group with Province, FNs, Industry, NGOs representation
- ❖ Draft Commercial Salmon Catch Reporting and Monitoring Standards Document to be circulated soon
- ❖ Need Working Groups for working with FNs & Recreational communities

Co - Management

Ron Kadowaki provided a quick update on the Next Steps for PICFI Co-Management element as follows:

- ❖ Develop a more detailed implementation plan, including process and criteria, for funding projects that are consistent with the strategic approach and the stated PICFI outcomes.
- ❖ Conduct preliminary analysis of strengths, weaknesses, opportunities and threats (SWOT Analysis) of the current co-management system.
- ❖ Support initiatives that promote greater collaboration and integrated fisheries management, e.g. AAROM, discussions with the Fisheries Council on implementing the FN Fisheries Action Plan, local multi-interest processes.
- ❖ Advance the dialogue on developing a share based approach to managing commercial salmon fisheries and the co-management structure needed to support this approach.

Refer to **Appendix J: PICFI Co-Management** for the detailed presentation made available to participant as part of the session.

Next Steps

Summary of Themes from Session

- ❖ Support for the need for notional allocations of access and capacity building funding for planning purposes. Population, resources in the territory, maximizing community benefit were cited most often as key factors. No consensus on a collaborative process to develop notional allocations, but agreement that it is a priority.
- ❖ Strong interest in developing a share based management approach for salmon, particularly related to inland fishing opportunities.
- ❖ Wide range in state of readiness of FNs for PICFI. Some very uncertain of how PICFI could benefit them, others are ready to get started. PICFI process has been designed to be responsive and flexible to accommodate these differences in readiness, but FNs stressed a need to ensure fairness in the overall approach and process.
- ❖ Number of concerns were conveyed throughout the session tied to the following themes:
 - ❖ **PICFI Governance Structure:** Separate Policy from the Operational issues so that PICFI can make progress
 - ❖ **PICFI Outcomes and Performance Measures:** Differentiate between what we measure for Treasury Board and what and how we measure FN success on the ground (e.g., broad benefits to FN communities).
 - ❖ **DFO Capacity to Deliver PICFI:** Concern that DFO does not have enough resources to support the work that will be required to coordinate and deliver PICFI.
 - ❖ **Need for DFO Institutional Change:** DFO has to be prepared to change in the way it works on fisheries if we are to talk about real FN co-management. There has to be institutional change within DFO management, science, policy, etc. alongside of PICFI.
 - ❖ **Co-Management:** Lack of clarity around FN/Multi-Interest Co-management and what this will look like.
 - ❖ **Linkages with Treaty and Other Ongoing Processes:** PICFI must be linked to and reflect ongoing and pending Treaty processes, as well as with other ongoing process (e.g., CSAB, Sigurdson-Stuart).

Next Steps Discussion by Participants

- ❖ First Nations Fisheries Council to assemble a working group in order to discuss the NTC/Turning Point/North Coast FNs document.
- ❖ Suggested that as each geographic area has disparate issues, should consider shift to area-based focus sooner than later to allow people to get into the specifics and hard details and start developing solutions that will be workable.
- ❖ Opportunity: Hold a PICFI Workshop with Fraser FNs in late March in association with annual visions conference – agreement from DFO that this would be valuable and should be discussed further
- ❖ Role of CSAB and defined shares: they are discussing how to value licences. Need to ensure that First Nations and PICFI review work completed via CSAB process.
- ❖ Need to start conducting all inclusive meetings for FNs (no DFO) to discuss these issues - and not just on the Fraser. Regional meetings via FRAFs have DFO involved for first hours to deliver context/updates and then FNs spend rest of day discussing alone – these are very effective meetings.

Noted that Native Fishing Association and Native Brotherhood of BC have long established track record and capacity – DFO is obligated to take input and advice from many varied sources, not just from a single PICFI Working Group or Governance structure. Concerned that a new process will result in political spin at the local level – risk to PICFI success

Milestones and Deadlines for PICFI Design Input

PICFI Element	Target Deadline/Planning Milestone
PICFI Outcomes	Input by Feb 22nd
FN Capacity Building & Proposed 5 Step Process	Input by Feb 29th
Access - Access Acquisition	Input by Feb 29 th
Access - Delivery of Licences	Input by May 31 st
Co-Management	Input on process for FN involvement in defining shares in commercial salmon fishery – March 14 th Working session on PICFI Co-Mgmt targeted for mid April
Enhanced Accountability	Working sessions planned for Spring 2008

Appendix A: PICFI Update

Appendix B: PICFI Outcomes - What Do We Want from PICFI?

Appendix C: Uu-a-thluk - What does PICFI Success Look Like?

Appendix D: PICFI Capacity Building - Overview and Proposed Process for Delivery

Appendix E: PICFI Access Acquisition

Appendix F: PICFI Delivery of Access - Factors to Consider

Appendix G: PICFI Enhanced Accountability

Appendix H: A'Tlegay FSC Data Reporting System

Appendix I: A Vision for Reforming Commercial Trade of River-caught Fraser River Salmon

Appendix J: PICFI Co-Management