

# DESIGN POSSIBILITIES

FOR A REGIONAL RESOURCE MANAGEMENT BOARD  
FOR THE IMPLEMENTATION OF THE WILD SALMON POLICY  
WITHIN THE MTTC FIRST NATIONS' TERRITORIES:

## Discussion Paper



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THE WATERSHED WATCH SALMON SOCIETY  
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## **The Genesis of this Document**

Watershed Watch and others believe that Canada’s long-anticipated and still-evolving “Wild Salmon Policy”—the goal of which is to “restore and maintain healthy and diverse salmon populations and their habitats for the enjoyment of the people of Canada in perpetuity”—is progressive and worthy of support.

The “WSP” is being implemented through six strategies and specific objectives linked to conservation, planning, governance, and performance. One of these strategies seemed particularly worthy of our immediate attention: Strategy 4. The purpose of Strategy 4 is “to develop long-term strategic plans for CUs [Conservation Units] and groups of CUs and their habitat....” Strategy 4 specifically suggests that planning will be facilitated by the formation of several local “governance” or “management” boards, yet it is not prescriptive on what, how, who, or other details.

Watershed Watch thus decided to explore how we might collectively advance strategic planning as per the intent of Strategy 4 of the WSP. We wanted to learn more about what to consider prior to establishing, populating, and funding so-called ‘regional management boards.’ In essence, we hoped to offer suggestions for the most effective model.

Because we work with the Musgamagw Tsawataineuk Tribal Council (MTTC) on serious salmon conservation issues in the Broughton Archipelago, we chose to focus on WSP strategic planning needs in the territory of the First Nations who comprise the MTTC.

To that end—and through the support of the Gordon and Betty Moore Foundation—we approached long-time resident and governance specialist Dr. Marty Weinstein, a resident of Alert Bay, and asked him to write a discussion paper on this subject. Dr. Weinstein’s review is provided here as a contribution to the advancement of the Wild Salmon Policy.

— *Watershed Watch, Coquitlam and Alert Bay, June 2007*

## The Need

The territories of the Musgamagw Tsawataineuk Tribal Council (MTTC) First Nations – the ‘N̓amgis, the Kwicksutaineuk-Ah-'kwa'mish, and the Tsawataineuk – are often advertised as pristine wilderness areas brimming with wildlife viewing and recreational fishing opportunities. On the other hand, the Broughton Archipelago is a now-familiar name because of the regular media reports of conflicts over impacts of the salmon farming industry. On a national or global scale, the waterways might be regarded as pristine or, now, somewhat pristine. However, the perspective and the experience of the native people from the mainland fjords, Broughton Archipelago, and Vancouver Island’s Nimpkish-area watersheds are that there are very serious conservation needs for local salmon stocks and other key fisheries resource species within this region’s salmon ecosystem. There is broad agreement that there are serious needs to protect, rehabilitate and restore the ecology of this region and its fish, salmon in particular. This is not an area where urban settlement and factory development have transformed the landscape. But the last hundred or so years, a combination of industrial logging, intensive commercial fishing, salmon farming, and a mix of other types of regional resource developments have left significant scars in the landscape and to the local fish stocks. The most notable changes to the region’s resources have taken place in the last few decades, not a century ago. Salmon rivers are depleted throughout. Clams have blackened shells, the key commercial species (the little-neck clam) is regionally depleted, and some beaches are covered with dense algal mats, which may be blocking larval clams from reaching the beach sediments<sup>1</sup>. Eulachon spawning runs are sporadic, rarely in numbers that allow key ceremonial preparation of grease. The once abundant abalone is now officially listed as “a species at risk”.

The people of Gilford, Kingcome, and Alert Bay no longer regard the conditions and qualities of their territories as pristine. But they do retain their historical knowledge about the resource conditions of the recent past, and hold cultural standards for resource abundance and quality. These are sets of expectations that are tied to the enjoyment of constitutionally protected aboriginal rights in Canada. People from these communities expect to be able to fish and eat salmon, clams, abalone and eulachon with a good fit to traditional quality standards, and in sufficient quantities for their food, social, and ceremonial purposes. “Food, social and ceremonial”, or FSC, is the current “suite” of constitutionally protected aboriginal fishing rights. The notion of a right of access to sufficient fish for community livelihood purposes is not yet settled in BC, although one model for this has emerged on the Atlantic coast of Canada. Aboriginal communities on the Pacific coast believe it is just a matter of waiting for the Courts’ legal decisions to catch up to their own understandings about aboriginal rights to fish. These issues over salmon, other fish, and the health of salmon ecosystems on the Pacific fit within larger relational frameworks between First Nations and Canada that are being worked out through a combination of court cases, formal negotiations, and other efforts.

The MTTC First Nations believe that their rights include responsibilities to steward their historic salmon rivers and the broader salmon ecosystem. Although aboriginal rights and

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<sup>1</sup> Robinson, S.M.C., L.M. Auffrey, M.A. Barbeau. 2005. Far-field impacts of eutrophication on the intertidal zone in the Bay of Fundy, Canada with emphasis on the soft-shelled clam, *Mya arenaria*. In Barry Hargrave (ed.) Environmental Effects of Marine Finfish Aquaculture. Springer, Berlin.

responsibilities for stewardship<sup>2</sup> and management have not yet been through the courts in a direct way, some recent Supreme Court decisions have lent power to First Nations with regard to their stewardship responsibility beliefs. The *Haida* and *Taku River Tlingit* Decisions found that there is a legal obligation for governments to “consult and accommodate” with First Nations in the event that their decisions have a possibility of infringing on aboriginal rights and title. The decisions set a requirement and it has been left largely to government to work out how to apply this ruling. In some instances confrontation has emerged, but in others government parties and First Nations are attempting pro-active resource management governance experiments. Given the First Nation concerns, and the public controversy over salmon farming in the Broughton, as well as a variety of government measures – such as, the recent federal Wild Salmon Policy, the *Species at Risk Act*, and *Canada Oceans Act* and the Oceans Action Plan as well as a variety of federal and provincial impact assessment legislation and various regional planning initiatives – it would be timely to attempt such a regional resource management governance pilot in the MTTC First Nations’ Territories.

One of the complexities in thinking through how such an organization would work is the role of the First Nations themselves. This would have to be carefully considered at the start. The complexities emerge from the “place” of First Nations. They are resource users, they were historically resource managers, they are aboriginal title holders, they have governance rights and roles that are essentially governmental, and so on. They are not technicians or bureaucrats, although individual members are often hired by Band Councils for those roles, as are non-members. This important issue will be discussed further, especially when we focus on design details. However, this is an important point that needs to be kept in mind throughout. First Nations and their elected Councils are regional governments, even though individual Councillors may attend or be engaged in workshops or Board processes.

### **The Larger Issue and the Opportunity**

The First Nations (as well as other parties) recognize that resource development in the region has been very opportunistic, very much in a pioneering mode, lacking a broad caring or stewardship perspective. The developments have been largely sequential – planned, developed and then managed one at a time. Each has relied on a pristine environment and a virgin resource base.

During the late 1970s the local First Nations began looking for another form of management, one that takes the environment and its resources into account within an ecological mode. The term of choice used by the ‘Namgis First Nation (then, the Nimpkish Band Council) in their presentation to the 1982 Pearse Commission<sup>3</sup> was Integrated Management (IM). The need is still there, and with the regional development of industrial-scale salmon farming since that time, even more pressing.

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<sup>2</sup> Stewardship is a preferred term to conservation in many aboriginal communities, to avoid the human displacement implications in the way that the word conservation is frequently used. The words have a common intention, although *stewardship* is intended to imply responsibilities to resources that cannot be delegated to other parties. These responsibilities are regarded by First Nations as part of their aboriginal rights.

<sup>3</sup> Weinstein, M., M. Jackson, R. Kellerhals, and P. McCart. 1982. Submission of the Nimpkish Band Council to the Royal Commission on Pacific Fisheries Policy. Alert Bay, B.C.: Nimpkish Indian Band. 174 pp.

There are a number of other major changes that make the question of how to proceed with some form of IM timely. One of these changes is the awareness of and deep concern for environmental problems by the general public, and the emergence of skilled and committed conservation-focused Non-Government Organizations (NGOs). Another is the creation of a *Canada Oceans Act* and the subsequent Oceans Action Plan that includes “Integrated Management” as one of its three foundation principles. And of course, the recognition and still-unfolding legal understandings of aboriginal rights within Canada, and the obligations this recognition has placed on appropriate environmental and resource management so that First Nation members are not unduly infringed in their enjoyment of their rights. All of these are important tools that have positive consequences for resource conservation and stewardship, broadly, and in the present case the lands, waters and resources of the MTTC territories.

These are the larger goals – environmental protection, rehabilitation and restoration and, as well, a meaningful and effective form of marine environmental planning to govern how development proceeds and is managed in the region. These are serious and challenging needs that are presently being considered by First Nations and by the federal and provincial governments.

All of the processes mentioned above, and particularly Fisheries and Oceans’ Wild Salmon Policy (WSP) fit within this larger picture. There are, however, significant questions about how to proceed, how to focus all of the good words that make up the names of government planning programs, legislation, and policies. Resource management science knows well about how to manage single resources, even if the success record of many of the models has left numerous rural resource-dependent communities without an economic foundation. Renewable resource management is based on models about how to crop the resource and leave the “biological principal” behind to rebuild over time. The notion makes intuitive sense, but become risky and thin when driven by a combination of financial need, political pressure, and hubris. The edge is pushed too closely when the risks are hidden by limited understandings and environmental complexity combined with rare/surprise events; these are often characterized as the realm of “uncertainty”. We now have very good words about how to avoid the problems of single resource management – Integrated Management, Coastal Zone Planning, Ecosystem-based Management, among others. Except when the planning calls for removing the critical pieces of the productive environment, for example land and fresh water, we lack management models at this point. We know that allocating water within a river beyond a certain point will reduce the carrying capacity of the river for salmon. We know that there is a trade-off between farm land and urban expansion. We have a positive, even if at times deeply conflicted, experience in designating wilderness forests as parks. On the other hand, with regard to trying to balance the impacts of habitat change on the production of resources whose life depends on a given habitat, we are still very limited. There are even some notable and very public science duels, such as over farmed salmon, about whether effects on resource production are meaningful at all. We do not understand how *good and routine* logging operations effect the carrying capacity of rivers for salmon enough to make quantitative estimates of trade-offs. Similarly, we are engaged in the development of salmon farming on the BC coast without any working model for the carrying capacity of the marine environment for routine salmon farm operations.

These are issues that government agencies think about. Governments have the difficult and unenviable task of trying to find useful balances between competing and conflicting

interests. For example, Strategy 4 of DFO's WSP, *Integrated Strategic Planning*, is the policy step intended to establish:

“an effective planning process that fully addresses the conservation of Pacific salmon, meets the federal government's obligations to First Nations, considers the needs of other Canadians, and involves those affected by decisions. ... The purpose of Strategy 4 is to develop long-term strategic plans for CUs [Conservation Units] and groups of CUs and their habitat...” [emphasis added]

The policy sees this step proceeding with broad public engagement, on both provincial and local scales, but fulfilling, at the same time, the Federal Government's legal obligations to consult and accommodate local First Nations.

Each type of resource management – especially deciding on tradeoffs when habitat subtraction reduces carrying capacity or the more complex work of monitoring for and evaluating the significance of effects of one type of resource development on other resources – requires public input about values. Strategy 4 of the WSP is a rare and forward-looking invitation to First Nations and the public-at-large to engage in a meaningful way in setting up the parameters to effect a balance based on values.

The key question is how to characterize such a balance – a meaningful, a significant, an ecological, a sustainable, a conservation-focused, a pre-cautionary-focused, a local economy-focused, a population and economic growth-focused balance and so on. We are constantly in public debates over different kinds of emphasis or values. However, in the MTTC First Nations Territory the First Nation communities are the dominant parties demographically and, as well, with regard to the significance of their rights and interests. To choose a word that is meaningful to these communities (and as well to social scientists) we would have to use the word “culture” – and then regard the issue as how to find a “culture-focused balance” within regional resource management.<sup>4</sup> The salmon are at the very heart of Kwakwaka'wakw culture and, notably, the metaphors used to indicate wealth and success of all sorts are often based on the abundance of salmon in local waters.

Other than migrating Fraser River stocks, and, of course, farmed Atlantic salmon, the MTTC Territory waters are currently empty of salmon. That was never the case until recently. The mainland inlets produced harvestable surpluses of millions of pink salmon in the not-too-distant past, as well as a notable abundance of chum salmon. The Nimpkish River on Vancouver Island suffered a less recent decline. Until the late 1970s, the Nimpkish was one of the more notable smaller salmon streams in British Columbia for sockeye, chum, coho, Chinook and steelhead. The primary need from a First Nation point of view is the restoration of local and historical salmon abundance. The Wild Salmon Policy and its implementation represents an opportunity to take a first, key step along the path of Integrated Management and, of critical importance, *Restoration* – re-establishing or restoring a regional and First Nation keystone resource and caring for the other resource species, the habitat and the ecosystem that is the basis for the local salmon within the MTTC territory.

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<sup>4</sup> This notion requires some elaboration, especially for readers with a limited experience in how social scientists understand the word *culture*. I will leave this discussion to a later time, other than to mention that the Court also uses this concept and frames it as “Indianness”, that is, the qualities that are the basis for particular aboriginal identities.

## **Cooperation and Priorities**

This paper is about a number of issues. It is about the potential of Regional Management Boards in fisheries management and rehabilitation. It is about differing ideas or priorities for conservation. It is about Canadian aboriginal rights to fisheries and to fish and their habitat. It is about the possible roles of conservation-focused environmental non-government organizations (E-NGOs), local non-aboriginal residents, and other “stakeholders” as partners for First Nations in salmon rehabilitation joint-efforts. It is about the very complicated roles that the Canadian federal government fisheries management agency (DFO) has in trying to balance competing interests and priorities. And, of course, it is about the salmon in one small part of British Columbia.

Wrapped within all of these is a very key question which might be phrased as:

How do we – all of us who have a deep interest in keeping an ecology-at-risk alive – cooperate, and indeed, how do we succeed in this important goal, within conflicting spatial-scale priorities – global, national, provincial, and local?

The salmon are local, although they spend significant amounts of time beyond the local, indeed beyond Canadian waters. The salmon that are the focus of this paper spawn in a few streams of the mainland coast and adjacent areas of North Vancouver Island. They migrate out to the Pacific through the fjords and channels of the Broughton Archipelago and Queen Charlotte Strait, the region designated by DFO fisheries managers as Statistical Area 12, and is known to some people as the Kwakwaka’wakw Sea – the historical home waters of the dozen or so First Nations that currently make up the Kwak’wala speaking peoples.

The core or home territories of the MTTC First Nations are the portion of the Kwakwaka’wakw territories that span some of mainland fjords (including Kingcome, Wakeman, lower Knight Inlets, Tribune, Fife, Bond and Thompson Sounds and so on), the Broughton Archipelago, and deep into the centre of Vancouver Island. All of the Kwakwaka’wakw share designated fishing and resource use within the others’ territories. Consequently, all of the Kwakwaka’wakw share a deep interest in the ecological health of the salmon throughout the Sea. But historically, each of the Nations has a primary responsibility for the “stewardship and welfare” of the fisheries resources within their own home or core territory.

### **First Nation Ideas of Conservation and the Recognition of a Regional Salmon Collapse**

Outside of the region, it is not widely appreciated that there has been a regional salmon collapse throughout the Kwakwaka’wakw Sea. In recent years the collapse within the MTTC portion of the Sea deepened with the steep declines of the Mainland Pink Salmon runs. Some discussion is needed to clarify the statement about “a regional salmon collapse”. The local First Nation communities have been deeply concerned that the once productive 100+ salmon streams in Statistical Area 12 are no longer fishable. In their view, according to First Nation conservation standards, when systems or stocks cannot be fished because spawning escapements are too low for the salmon’s own spawning requirement, there is a conservation need. This is a very different way than conservation is viewed by government and many non-aboriginal parties. For example, the bar set by the Species at Risk Act focuses on the survival of genetically distinct salmon stocks. That notion is certainly of concern to First Nations. However, until given runs can be once

again safely harvested and eaten, First Nation standards' declare that a significant problem remains. These differences are a very important part of the issue. And when the decision-making parties sit down to discuss "choices" this key issue will be front and centre on the First Nation side of the table.<sup>5</sup>

## **Balancing Local Salmon**

The issue at hand is finding a bridge between the local peoples' engagement and responsibilities to care for salmon and the engagement of agencies that have broader geographic priorities, and people who live elsewhere but are genuinely concerned and eager to help. These are not easy issues in a democracy, with foundations of human equality; they pose important challenges to commonly held values. And they are often emotionally charged, particularly in fisheries issues. Within Canada we have been struggling with these matters for several decades – how to honour and appropriately recognize the descendents of the people who lived here before European colonization and non-aboriginal settlement. Much of how to reconcile differing interests, and differing rights, has been left to the courts, the Supreme Court of Canada (SCC), in particular.

Relevant to this discussion, the SCC recognized that aboriginal rights are in their essence communal rights: they are shared by a First Nation. A large set of these communal rights has to do with the territory and its resources, including (or maybe even, especially) fish. The legal details of these relationships have yet to be worked out through further court cases or at the treaty negotiation tables. Within all of this, however, there has been an implicit recognition between people and place that is very different from other people in Canada. This relationship is part of identity, including legal identity. It is not exchangeable or even available to intentional loss from generation to generation. This is rare, perhaps unique, within urban and even much of rural Canada or North America, where many families expect their children to seek their futures and have their families some distance from where their grandparents live or lived.

The relevance of this to salmon conservation is enormous. It potentially shapes legal priorities on such issues as the implementation at local levels of DFO's Wild Salmon Policy. There are significant benefits to the conservation of resources entailed within this unique type of recognition. It is easy to lose local priorities within very simple administrative arithmetic. One common experience is a loss of administrative priorities through such common activities as creating averages, and then using the averages to set standards in social programs or environmental regulations. The *Species at Risk Act* is one such program; the No Net Loss Habitat Policy is another. Neither has focused on First Nation standards, nor how potential impacts to aboriginal identity may emerge over time. And again, the issue is national or provincial implementation versus local consequences. To its credit, the Wild Salmon Policy, during the early phase of its implementation, is attempting to engage with First Nations with regard to local definitions of "Conservation Units", in recognition of these problems. For First Nations a salmon stream is not "just another pink salmon stream with the same genotype as other adjacent streams in the area". Biologists and local aboriginal people have differing views about these issues,

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<sup>5</sup> This concept and sense of priorities has been very poorly appreciated by other parties. It is revealing that the notion of a regional salmon collapse has not been picked up in publications by government organizations or by such watch-dog agencies as the Pacific Fisheries Resource Conservation Council (PRFCC), set up by government to monitor the state of salmon. Within the PFRCC's very important reviews of the state of salmon stocks, the Kwakwaka'wakw Sea/Statistical Area 12 seems to have fallen into the cracks between the Central Coast and the South Coast. And this is particularly relevant to the entire issue at hand.



albeit both parties are in agreement that stock size/annual salmon runs in the stream are meaningful measures.<sup>6</sup>

## Regional Resource Management Boards

The engagement of DFO with First Nations in the design and now the implementation of the Wild Salmon Policy is notable in the degree that a federal government program is attempting to accommodate aboriginal rights and interests. There has been an important start, but a mechanism is now needed for meaningful discussions and the development of creative ideas to find common ground among all parties, with the objective of healing environmental damage and rehabilitating depleted salmon stocks. One step being considered is the creation of a Regional Salmon Management Board focused on the MTTC territories. The experience of a locally based and locally focused management board arrangement might offer valuable solutions to other First Nations and to general public involvement in the implementation of Canada's Wild Salmon Policy.

The notion of resource management boards has been widely discussed as a possible solution for governance in fisheries and other types of often-contentious resource and environmental management. Boards of various types are widely used in Canada for different management and governance purposes, from senior corporate decision-making to the policy-governance of universities and other types of public institutions. Within coastal British Columbia there has already been a variety of experiences with resource management boards. The most widely known is the West Coast Vancouver Island Aquatic Management Board, characterized by the local Minister of Parliament, James Lunney, as

“a representative group from local communities, regional governments, First Nations and from various fishing sectors...providing input to DFO...to manage aquatic resources based on transparency, coordination, accountability and a broader ecosystem.”<sup>7</sup>

It is not widely known that within the MTTC region, the Nimpkish Resource Management Board (NRMB) has been operating since the late 1970s. The NRMB activities have focused around 'Namgis First Nation efforts to “bring-back” the Nimpkish River salmon through the Gwa'ni Hatchery operation, out-planting sockeye and lake fertilization, and restoration of logging habitat damages. During the past 5 years, several senior salmon ecologists helped the Board develop a restoration plan, which is currently operating. Since the early implementation of the plan, however, efforts are now much

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<sup>6</sup> The 'Namgis, in conjunction with Ecotrust Canada, used some well-tested methodologies to analyze the current status of salmon stocks in the MTTC Territories and the rest of Statistical Area 12. The experience was revealing about differing notions of conservation. When the maps that were prepared from different treatments of Area 12 salmon escapement records were shown to First Nation representatives, they identified that something was wrong; that the maps did not represent how First Nation viewed change and conservation threats to salmon. Discussion led the technical people involved in this work to try and come up with another definition of salmon conservation and degree of threat. That experience was the origin of the notion described above that when a stream has been closed to fishing due to low escapements that that identifies a potential conservation problem, and when this has been going on for a number of cycles that that should be a trigger for conservation action. That, of course, is not the way that policy and programs shaped around provincial and national scales operate. However, the argument here is that aboriginal rights provide opportunities to engage with First Nations' notions of resource stewardship and conservation; and that there are potential benefits to the resources from the shifts in balance required for government policy and programs to accommodate aboriginal rights.

<sup>7</sup> [http://www.jameslunneymp.ca/news\\_detail.php?recordID=285](http://www.jameslunneymp.ca/news_detail.php?recordID=285)

reduced because of the loss of major provincial and federal government salmon rehabilitation programs. In the past few years, the Board and its technical committee have had a very limited focus deciding on the best use of progressively declining dollars.

The NRMB governance arrangements are not as finely-toothed, or detailed, as some of the Boards that have a wider mandate. There is a tri-partite voting (or consensus) arrangement, with votes held by the 'Namgis First Nation, the Department of Fisheries and Oceans, and the holder of the TFL 37 forest tenure<sup>8</sup>. Technical representatives of the 'Namgis administrative staff and the Gwa'ni hatchery, federal and provincial agencies, and some public fisheries organizations sit on a Technical Advisory Committee. The Committee brings recommendations about detailed annual operations forward to the "Board". The arrangement allows for strategic thinking about how to use available resources for the common goal of local salmon stock rehabilitation. Aquatic habitat restoration and a variety of monitoring efforts are carried out by the Gwa'ni Hatchery crew, contractors and government agencies as part of the primary objective of salmon restoration. There have been notable improvements over the years, but numbers have consistently remained below escapement goals. Since the drying-up of federal and provincial government funding sources for salmon rehabilitation, increasing Board attention has turned to identifying alternative funding sources for the principal objective of having large enough runs to once again fish the Nimpkish salmon stocks for food and for commercial harvests.

That indeed is the primary salmon conservation problem throughout the entire MTTC territory. Funding sources for rehabilitating wild salmon and repairing damages to salmon habitat – largely from other types of resource development – that have been around as formal government programs since the 1970s are absent or rare, depending on how one defines these programs. Many of the public criticisms of the WSP have to do with the lack of meaningful levels of funding for the program's implementation. Many people appreciate the words and intentions, but see the lack of funding as a low level of political commitment. That may change and that may not. The fund-raising focus of the NRMB may indeed be the way of the future as governments attempt to reduce their own budgets and place the burden of carrying out policies on the private sector, in this instance First Nations and Charitable Foundations.

#### **Looking at meaningful Regional Management Board opportunities linked to the WSP**

The scope of regional governance linked to the Wild Salmon Policy is both limited and expansive. Although the focus is on salmon, the Policy recognizes that salmon are situated within an ecosystem that includes physical, chemical and biological dimensions. Consequently, depending on how broad or narrow the definition, other key regional resources would be included under the ecosystem attention of the WSP. Given the discussion above about the "Integrated Management" perspective of the MTTC First Nations, the First Nation choice would clearly favour the broad approach to looking at the salmon ecosystem. This may also be true of the E-NGOs and local non-aboriginal stakeholders. It also appears from discussions with DFO staff who drafted and are engaged in the early stages of implementing the Policy that the ecosystem approach they expect would include other "keystone" resource species. Nonetheless, this is a key question dealing with WSP governance and collaboration. This kind of issue could be a valuable point for a Regional Resource Management Board to begin its discussions. In

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<sup>8</sup> For most of the history of the NRMB this was Canadian Forest Products (CANFOR); and presently, since the recent exchange of forest tenures, Western Forest Products.

addition, Strategies 2 and 3 of the WSP discuss habitat and ecosystem indicators. This too would be a very useful point of first engagement for a regional management board process.

Before setting up a Board, other and more operational-types of key questions need to be dealt with. The basic questions include such things as:

- Who are the parties that should be represented on the Board?
- What is the relationship of the parties to each other? In particular are the parties all equal? How to acknowledge the difference between the political side and the technical side?
- How are members selected and to whom do they report?
- What are the operating procedures?
- How are decisions made?
- How will conflicts be dealt with?
- How are the decisions expected to be used?
- What is the overall objective?

If there is going to be a Regional Management Board linked to the WSP, a key question at the start is what will it do? Initial choices are needed about how to delimit the scope of such a Board – what are the priorities? Given the primary focus of the WSP, one objective will obviously be the determination of local/regional salmon conservation units (CUs).<sup>9</sup> This is clear and relatively simple as an objective, and likely not as an outcome. There are very different views on priorities of salmon conservation. MTTC First Nations will want to have productive and harvestable runs of salmon once again in their home rivers. There is a language difference over the word “conservation”. The objectives of CU maintenance and within the *Species at Risk Act*, in the words of philosophers, are necessary but they are not sufficient. One good thing about these types of issues is the great potential they have for developing Board capacity.

The question of engagement in the choices over ecosystem-based management issues is fundamental, and a very important opportunity for Board collective learning. It is essentially about shaping and delimiting the Board process. There are two basic ways to approach this question: the DFO WSP implementation-staff make the decision. Or the decision is left to be “negotiated” among all parties within the Board. Indeed, this may be an interesting way to start the process. One of the principal challenges for a Board is commitment. First Nation and other public representatives tend to be very busy people who are often over-extended in their commitments. Battling over definitions of local CUs may not be perceived as sufficient for the level of engagement that Management Board processes require for success. Incorporating some level of ecosystem or Integrated Management-focus choice may give the Board the necessary inducement for people to invest the time. On the other hand, a problem with IM and ecosystem-based management

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<sup>9</sup> Additional clarity about CUs will be needed in the MTTC Territory to engage with aboriginal values, especially dealing with local pink and other salmon. This is needed to ensure that appropriate values in CUs are delineated, and that the local First Nations are engaged in this before tabling recommendations to internal DFO organizations such as PSARC. Again, a Board process would be ideally situated to deal with these kinds of aboriginal rights and values questions.

(EBM) is their vagueness.<sup>10</sup> They can easily be left with a scope well beyond meaningful engagement. They need to be defined/delimited in a form that is meaningful to participants and do-able at some scale. The delimiting and definitions and rules for operational or information engagement might be a very useful task for the Board to start with.

Some of the other Board challenges have to do with trust building, communication, and building collaborating skills. A process starting with choices about an ecosystem approach would require very skilled facilitation. It would be a challenge and also a risk. Given the degree of distrust among the likely principal parties, however, there already is a considerable risk. Certainly, if the First Nation representatives feel that they are simply engaging in the implementation of decisions made by senior government bureaucrats, they may read the process as not worth an investment of their time. The converse is that to attract participation and keep a process going, there needs to be a perception at both leadership and community levels that there are potentially meaningful benefits to salmon and the environment, and that it is necessary for First Nation representatives to be engaged to help shape the outcomes.

### **Some examples of Regional Resource Management Board Designs**

We have already very briefly discussed the Nimpkish Resource Management Board and the basics of its operation. This section will look at some Vancouver Island Management Boards that have a broader mandate, with a greater focus on balancing conflicting values.<sup>11</sup>

#### **West Coast Vancouver Island Aquatic Management Board<sup>12</sup>**

The West Coast Vancouver Island Aquatic Management Board (AMB) is the broadest focused and most experienced regional resource management board in coastal British Columbia. As such, there is much of relevance to learn from their experience. At the same time the AMB is a much larger and broader focused board process than what is currently envisioned for the MTTC territory. In particular, the membership focus of the AMB includes local municipal and regional governments, as well as First Nations and a wide variety of stakeholders, representing many sectors.

The Terms of Reference of the AMB were ratified in February 2001. These included a vision statement (1) and a statement of the Board's purpose (2), which are quoted in full below:

1. "The aquatic resources of the Nuu-chah-nulth Ha-Houlthee (a defined area on the West Coast of Vancouver Island) are managed by people working together for the benefit of current and future generations of aquatic resources, people, and communities."

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<sup>10</sup> This may be a point where habitat and ecosystem indicators that can be monitored by the board are enormously helpful.

<sup>11</sup> There was also an intention to include a discussion of a Copper River Alaska Management Board and its operation, but as of this writing, we are lacking an adequate level of information about this Board – we hope to add a review at some point in the future.

<sup>12</sup> This section is based on a review of two documents available on the AMB webpage:

- AMB. 2001. West Coast Vancouver Island Aquatic Management Board Terms of Reference. <http://www.westcoastaquatic.ca/PDF/WCVI%20AMB%20Terms%20of%20Reference.pdf>
- Pinkerton, Evelyn, Anita Bedo, and Arthur Hansen. 2005. Final Evaluation Report: West Coast Vancouver Island Aquatic Management Board. <http://www.westcoastaquatic.ca/AMBFinalEvaluation22March05.pdf>

2. “The West Coast Vancouver Island Aquatic Management Board (the “Board”) is a forum for the coastal communities and other persons and bodies affected by aquatic resource management to participate more fully with governments in all aspects of the integrated management of aquatic resources in the management area.”

The vision statement indicates that people work together to benefit three entities – natural resource, people – presumably as individuals, but perhaps in other capacities, and communities. That is the purpose of the process, working together for the benefit of the three entities, over time. The Board, then, is intended as a process for parties affected by resource decision-making to work with government agencies in an integrated management mode. The principles for carrying out this process include ecosystem-based management in a way that is consistent with Nuu-chah-nulth values about connectedness, distribution of benefits, and waste. The principles also include a conservation prescription, the precautionary approach, adaptive management, sustainability, shared responsibility, inclusivity, the distribution of benefits, and flexibility.<sup>13</sup>

#### **AMB Design**

The Terms of Reference also include sections on objectives, structure and membership, process, decision-making rules, empowerment, responsibilities, the geographic scope, rules of operation, administration/organization, funding, aboriginal rights, ministers’ responsibilities, links to external processes, and monitoring and evaluation.

The foundation of the objectives is to “lead and facilitate” a process for integrated management of aquatic ecosystems according to standards defined within the Objective statement. Among these are:

- the protection, maintenance and rehabilitation of aquatic resources;
- management on an ecosystem basis;
- respect and protection of First Nation food, social and ceremonial requirements and any treaty obligations;
- supporting a precautionary approach;
- using information to develop a “holistic picture” of local ecosystem health;
- integrating science, traditional and local knowledge and expertise;
- ensuring that there are opportunities for communities and other parties to engage in all aspects of their activities; and
- helping local communities’ resource economies within a balance of benefits to other citizens of BC and Canada.

The Board consists of 16 people, with 2 each appointed by the governments of Canada, British Columbia, the Nuu-chah-nulth Tribal Council, and the regional district. The other eight members are jointly appointed by the governments to represent a variety of interests

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<sup>13</sup> All of this and the definitions that are available in the document may be of interest and of direct value for a MTTC Board process. In particular, the definition of conservation should be considered in possible drafting an MTB definition:

Conservation is “[t]he protection, maintenance, and rehabilitation of aquatic resources, their habitats, and interconnected life support systems, should take precedence in managing aquatic resources, to ensure ecosystem sustainability and biodiversity. A conservation-first approach will help assure that aquatic resource use is conducted in an environmentally sustainable manner.”

and expertise. The Board also appoints management committees for particular tasks. The objective of the process is cooperative and shared decision-making. Shared decision-making is defined as:

“on a certain set of issues, for a defined period of time, those with authority to make a decision and those who will be affected by that decision will jointly seek an outcome that accommodates the interests of all concerned.”

The general outcome of the process is to make a recommendation to the appropriate statutory authority, rather than replacing the legal authority. The process is based on finding integrated balances to accommodate competing or conflicting interests, rather than simply making positions and demands. Decision-making operates by a form of consensus that satisfies major interests and concerns to the point that all can agree. Agreements are taken back to constituents before the Board submits its consensus to the appropriate statutory authority. Members are expected to carry authority, interests, and resources of their particular constituency to the Board or Committee process. That is, they act as vested representatives of their constituencies.

The Board carries a complex set of responsibilities or roles in “developing and implementing the IM strategy”, including:

- policy development;
- planning;
- capacity building;
- program coordination and delivery;
- program development;
- program monitoring and evaluation;
- integrated aquatic resource management;
- dispute resolution; and
- communication.

With regard to administration and funding, the Board is supported by an administrative secretariat, may appoint a facilitator to help with the shared decision-making process, and requires a budget from the governments for administrative costs and Board operation. Additional funding is sought as needed and to operate specific programs.

#### **Outcome in brief**

A report written in 2005 provides a review of the AMB activities over the 3-year pilot period of its first operations. Among the many benefits from the Board’s operations, the reviewers felt that the contributions to “policy development and modelling how to link local or watershed processes with larger-scale coastal and ocean processes” deserved special recognition as a notable and important accomplishment. Indeed, given the intentions of the MTTC project in its scale and ties to DFO’s WSP and perhaps other, more regionally focused initiatives, these are good reasons to pay particular attention the AMB experience.

However, the scale and scope of the AMB is far larger and broader than the specific needs of the MTTC Territory process. Geographically the AMB region covers about 360

kilometres of coastline and nearly 30,000 square kilometre territory. The very broad inclusivity goals of the AMB results in representation from aboriginal, recreational, commercial fishing, aquaculture, fish processing, tourism, labour, and environmental sectors; and four governments (federal, provincial, regional district, and First Nation regional governments). The goals are equally large – using the Board engagement in a collaborative governance mode “to develop a sustainable and integrated approach to marine and coastal aquatic resource use” within this large region. There is a ‘sub-text’ within the goals, which is to build capacity regionally for collaborative governance among all parties.

Among the most substantial achievements were;

- The creation of an internet-based marine-oriented atlas, as an integrated geographic database;
- An experimental fishery for a previously, largely ignored resource – gooseneck barnacles;
- Contributions to the local economy through job creation; and
- A variety of applied ecological and social research projects, resulting in data development and restoration projects

The reviewers provide comments that, in addition to a sharp-learning curve that should be expected for such an innovative collaborative governance integrated management process, the continuing problems of funding uncertainty took a significant toll on the Board’s outcomes. Among other problems was the poor definition of roles within the governance network. That is, there are many differing, uncoordinated voices from government and sectors negotiating priorities and providing advice. As well, there is a lack of clarity about “who is listening to [and anticipating] its advice”. These are very relevant issues for any MTTC Territory process. Indeed, the more limited and focused nature of the MTTC process, centred on the implementation of the WSP, may provide the opportunity for a governance model with a built-in and an anticipating audience, so to speak.

The reviewers suggest that there are important focused learning opportunities about Integrated Coastal or Oceans Management from a watershed (or watershed-complex) salmon focus – which is one way of regarding the MTTC Territory project. Inherently, we are all pieces in a variety of larger “wholes”. We are that way as human beings and we live in environments that are structured in this form. One Japanese philosopher’s way of stating this reality was “not one, not two”. This is, indeed, how we all live both locally and globally, together and separately; but putting it into effect that does not result in one or the other alone is a key challenge on many fronts, not the least being the management and governance of the ocean/marine/coastal environment. Scale issues are frequently a barrier for moving forward in marine management. One of the values of the AMB experience is its efforts to act with both regional and local scales in mind.

Some advice the reviewers provided may be a useful framework for planning the MTTC Territory process:

“What the AMB needs to consider is its role in developing an understanding of how to conduct integrated management of ocean use in the WCVI region in which more specific management interventions can be undertaken more effectively by a wide range of agencies.”

## **Particular Relevance of the AMB Experience to a MTTC Territory Board (MTB)**

### **1. A collaborative Integrated Management focus**

Even though the scale of a MTB and the AMB are very different, the last comment is very helpful. The Integrated Management language is useful in a variety of ways, not the least being its use in recent marine environmental legislation, the *Canada Oceans Act*. In addition, it resonates with long-standing concerns of MTTC region First Nations, and it points to a critical gap in resource management. All parties are in agreement about this.

In terms of a design and a starting focus for a MTB, a number of issues and questions emerge from this analysis of the AMB experience. These include coming to agreement on the management role of a MTTC Territory Board. The process could reasonably start with the effort to arrive at a useful or useable agreement on just what Integrated Management of the salmon ecosystem in the region would properly entail. A first step might be in evaluating what is presently in place, in a variety of forms and from various sources; and, then, evaluating what is currently lacking.

Resource management requires more than an information foundation and management goals. It requires monitoring programs, processes for intervention to make corrections to identified problems, and an ability to self-evaluate and make changes to the process, methods and administration/regulation. These are process requirements for putting IM in place, into action for resource management. Inherently, this requires engagement with government agencies and with resource industries. A second useful IM step might be to forge linkages to existing resource management administrative steps, in government agencies and resource industries. Each party then would emerge with a better understanding of what is currently in place, and conversely what is lacking with regard to their own notions of IM. Emerging from this would be collaboration on questions of what is currently lacking, what is currently inadequate, what would have to be added, what redesigned, and, hopefully, what might be done to move to IM.

### **2. Funding Uncertainty and Drain on Opportunity to Move Forward**

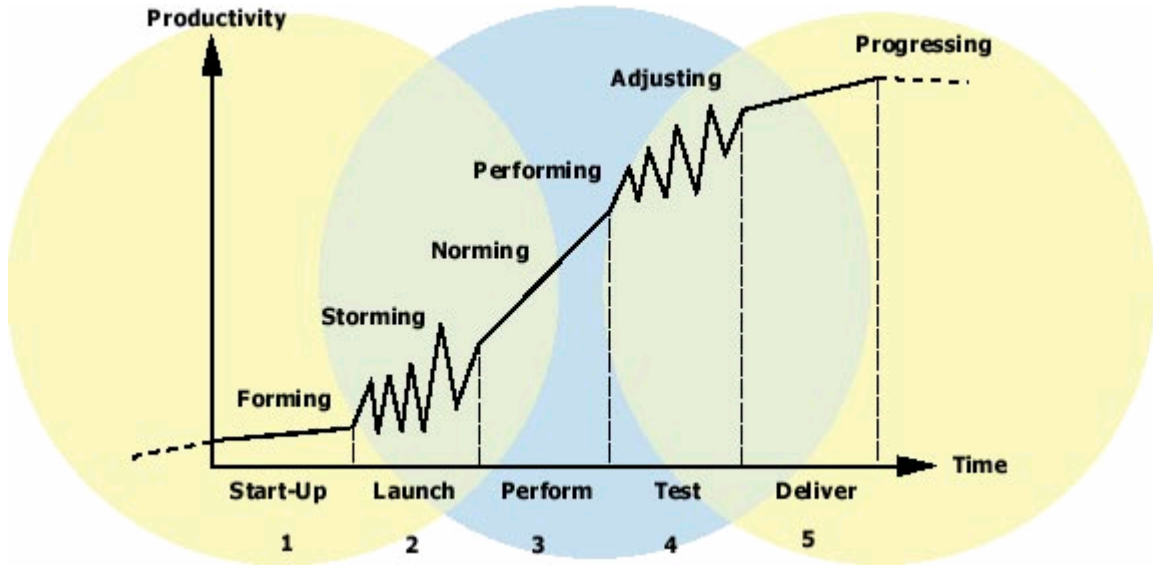
The report found that the funding uncertainty drained much of the energy of the Board and its staff. Benefits to all of the key efforts toward Integrated Management and collaborative governance, and especially the critical adaptive learning loop, were reduced by the concentrated effort to find enough resources for the organization just to stay afloat.

### **3. Understanding the Experience of Management Boards**

There appear to be common patterns in the development of multi-party resource management institutions. The lesson from this is that the development of these types of organizations takes time, and that there is a building process required before organizations of this type can perform. The importance of this falls within the problem of undue and untimely expectation. The patterns identified in the so-called Tuckman Team Development Model (see diagram below) is that it typically takes years of time for the organizations to adequately “find-their-ways” by setting up appropriate structures, to define their tasks, and to diversify their funding to an extent that their existence is not dependent on political currents. The model characterizes stages of Board evolution as “forming, storming and norming”, which precedes a performing. stage “characterized by high levels of trust, motivation, cooperation, efficiency, and superior performance that enable them to make a significant contribution.”



Tuckman's Team Development Model (from <http://www.newciv.org/c4c/cox.html#model> )



From: [ucce.ucdavis.edu/files/filelibrary/5605/25753.doc](http://ucce.ucdavis.edu/files/filelibrary/5605/25753.doc)

Tuckman's Team Development Model		
Stage	Tasks	Behaviors
<b>Forming</b> <i>Polite, but little achieved</i>	<ul style="list-style-type: none"> <li>Establish base expectations</li> <li>Identify similarities</li> <li>Agree on common goals</li> <li>Begin to develop trust</li> </ul>	<ul style="list-style-type: none"> <li>Get to know one another &amp; bond</li> <li>Dependency</li> <li>Processes often ignored</li> <li>Rely on leaders for structure, but not full engagement</li> </ul>
<b>Storming</b> <i>Testing others</i>	<ul style="list-style-type: none"> <li>Identify power &amp; control issues</li> <li>Gain communication skills</li> <li>Identify resources/balance participation</li> <li>Begin to build unity</li> </ul>	<ul style="list-style-type: none"> <li>Express differences of ideas, feelings &amp; opinions</li> <li>React emotionally to leadership</li> <li>Independency or counter dependency</li> <li>Leader under pressure – needs to be supportive, listen, manage conflict &amp; explain decisions</li> </ul>
<b>Norming</b> <i>Valuing differences</i>	<ul style="list-style-type: none"> <li>Mutual acceptance</li> <li>Develop cohesion, commitment &amp; unity</li> <li>Team norms, roles &amp; processes clear &amp; accepted</li> </ul>	<ul style="list-style-type: none"> <li>Decisions made through negotiation &amp; consensus building</li> <li>Trust &amp; relationship building</li> <li>Leader respected &amp; acts as team member – shares leadership, helps build consensus &amp; enables others</li> </ul>
<b>Performing</b> <i>Flexibility &amp; productivity from trust</i>	<ul style="list-style-type: none"> <li>Achieve challenging, effective &amp; satisfying results</li> <li>Find solutions to problems using appropriate controls</li> <li>Establish autonomy &amp; interdependency</li> </ul>	<ul style="list-style-type: none"> <li>Collaborative work</li> <li>Team members care about each other</li> <li>Team establishes unique identity &amp; more strategic</li> <li>Leader gives projects, tasks &amp; support – team operates on own</li> </ul>

#### 4. Looking at a Salmon-focus for Building a Collaborative Board

The reviewers note that, “The AMB has yet to adapt a common project which directly engages a majority of its members” (the type of activity which often builds trust and capacity). This is also important guidance for setting up a MTB. A salmon-emphasis and an ecosystem-emphasis, such as the more focused goals around the implementation of the WSP implementations, might also act as the critical step in building a functional, useful institution, and collaborative organization. This has certainly proved useful for forging collaboration in the Nimpkish RMB.

##### **AMB Wild Salmon Strategy DRAFT, January 2007<sup>14</sup>**

The recent AMB Wild Salmon Strategy might provide a very practical possibility to explore how “local watershed planning can be integrated into the larger Coastal Management Area” for such keystone resources as salmon. The report was based on a collaborative process, including a public meeting (WCVI Wild Salmon Summit) and several dozen interviews with people involved in WCVI “salmon renewal” activities, DFO’s Wild Salmon Policy, and Board discussions over a several year period about salmon priorities and strategies.

The report is being distributed in a draft form for feedback about adequacy of the Board’s understanding of the needs, priorities, and strategies for their region’s salmon, the willingness or the participation of different parties, the timelines, and implementation activities and/or partners. The report is an interesting and valuable document well beyond the West Coast of Vancouver Island, and should be considered for its potential value on the Northeast Coast salmon as well.

The AMB understanding of the topics needed for meaningful engagement in salmon management is of particular value at a beginning point for a discussion of something similar in the MTTC territory:

1. Salmon inventory/stock assessment;
2. Protection of salmon and salmon habitat;
3. Salmon production;
4. Habitat restoration;
5. Harvesting;
6. Information;
7. Capacity, participation and integration;
8. Education and awareness;
9. Ecosystem approach;
10. Funding;
11. Strategies.

In the report, each of the topics includes a list of needs, with each needs-list prioritized. Within the section on Salmon protection there are two additional topics – “Salmon Habitat on Private Lands” and “Finfish Aquaculture and Wild Salmon Stocks” – giving these concerns in this region a greater emphasis. While the private lands issue may not be

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<sup>14</sup> <http://www.westcoastaquatic.ca/Draft%20WCVI%20Wild%20Salmon%20Strategy%2001%20Feb%2006.pdf>

of significant concern within the MTTC Territory at this point, the Finfish Aquaculture certainly is.

The topic about Capacity, participation and integration also was further expanded to include Cooperation and Integration needs and priorities. Similarly, the direction for the section on ecosystem approach was clarified in a useful way by the addition of **Habitat and Ecosystem Indicators and Monitoring**.

Two primary strategies are listed:

1. Continue to Develop Wild Salmon Technical Frameworks; and
2. Engage in Pilot Processes for Key Stocks of Concern.

Technical Frameworks include definitions/determinations for such practical measures or methods for monitoring and evaluation of salmon health as:

- Conservation Units;
- Benchmarks;
- Habitat and ecosystem indicators;
- Stock Assessment Approaches.

The details of this paper are of great significance to any MTTC territory effort to manage, protect and rehabilitate local salmon. Consequently, it should be examined in more detail for what it may contribute. Hopefully, there should be some response to the AMB about points that are relevant to the MTTC region and other thoughts that might be helpful in developing the Strategy further as a BC coastal regional salmon planning document. With regard to the current discussion paper and a possible Board process for the MTTC Territory, it provides a starting point for discussions about another set of possible Board start-up activities and approaches.

#### **Clayoquot Sound Central Region Board<sup>15</sup>**

Another board process that might be relevant for the MTB is the Clayoquot Sound Central Region Board (CRB). The CRB emerged from the conflict during the 1990s over the industrial-scale logging in Clayoquot Sound, which probably received a larger amount of global attention than any other environmental issue in British Columbia. The CRB was part of the solution that emerged. Very simply stated, its mandate was to manage resources in a way that would find answers for the conflict between government, environmental groups, First Nations and industry, and as well local communities whose economies largely depended both on logging and eco-tourism. Two principal parties were involved in the Board – the area’s First Nations and the BC government. The Board, however, also included a variety of stakeholders, most notably local resource dependent non-aboriginal communities. Peter Abrams wrote his SFU Master’s thesis as a study that examines the obstacles faced during the six years of the Board’s existence, with a focus

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<sup>15</sup> Abrams, Peter. 2000. Overcoming Obstacles to Implementing Community-based Collaborative Governance of Natural Resources: The case of the Clayoquot Sound Central Region Board. MRM Thesis, SFU School of Resource and Environmental Management.

on the strategies used by the Board, with varying degrees of success, in its attempt to overcome the contentious problems.

The CRB was established as “the joint decision-making process for the management of all land and resources in the region”. The Board mandate prioritized “the conservation of ecological values, the diversification of the local economy and the protection of Nuu-chah-nulth socio-economic and cultural interests”. The focus of Board activities was the provincial natural resource development review process – the so-called referral system. They soon found this operational management-based mandate too limiting, and lacking in the critical policy review and development area. The Board also deliberated over the “respective roles of government, First Nations, community groups and other parties in shaping and attaining overall social and economic goals” for resource development in the region. Essentially, the Board was set up as an administrative organization, but quickly found itself engaged in governance issues, as the need for policy level decision-making to accomplish the larger questions emerged.

The key findings from this study are that challenges to Board operations lie in 5 areas:

1. power sharing;
2. capacity – organizational and technical;
3. communications;
4. monitoring/accountability; and
5. planning for sustainability, (both resource and, presumably, organizational sustainability).

The largest problem in this instance was in power sharing with BC and with the “line” resource administrative agencies.

Board membership included five aboriginal representatives, one from each of the regional First Nations, and five representatives appointed by the province, drawn from local municipal and regional district governments, with priority to the local government within Clayoquot Sound area, Tofino in particular. There were two co-chairs, from the Nuu-chah-nulth Tribal Council and from the province. At the early stage there were two full-time staff. This changed to a three member secretariat, including a director, secretary, and research coordinator/analyst.

The key objective was diversifying the local economy, with major benefits to locals, especially to First Nations – unemployment levels was a key part of their concerns – within a context of ecological sustainability and the preservation of cultural values. The conservation mandate was strengthened at a later date, with the incorporation of the Science Panel Recommendations – which emphasized Ecosystem-Based planning and First Nation perspectives.

The history of evolution, over the short period shows an initial political phase, followed by an easing of tensions and the building of a knowledge base. Then there was a period of primary concern about economic diversification, followed by a shift to strategic, longer-term focus on building larger structures: dealing with treaty and regional governance.

The operational procedures used a double majority rule, requiring a majority of First Nation representatives and a majority of all Board members. This was changed, however,

for a consensus based decision making, since consensus provides all parties with a veto of a sort. This, of course, depends on how consensus operates. In the event of a consent-based “consensus”, agreement is taken as a given, unless opposition is voiced by other parties. The Board reviewed plans, applications, decisions, reports, or recommendations relating to resource management or land use. There was a 30 day period to reach a consensus on either acceptance, a proposal of modifications, or rejection. The Sponsor had 30 days to implement the Board decision. If the Board’s decision was not followed, the Board had an ability to appeal to the BC Cabinet. The Board had key rights to information, based on the Agreements including access to “sufficient information to make informed decisions”. The Board enjoyed key contacts at senior levels within the BC government administration.

Abrams interviewed Board members and other key players about their understandings of the process. He found that although opinions about the Board mandate differed, understanding about their activities were in agreement, and were linked to the mandate. There was common ground about the obstacles, and agreement about strategies being used to get around obstacles.

The Board lacked regulatory powers, but used what powers it had to influence both government policy making and management decisions. Tools available were rights to information and the Board’s role in permit reviews, combined with its moral authority built into the regional collaborative process. These resulted in engagement in governance matters that are typically ignored by elected governments – “the setting and attainment of broad social and economic objectives and the structuring of roles”.

Abrams’ analysis provides a discussion of obstacles for collaborative governance. For our purposes, the inverse of each of the obstacles provides a set of conditions to consider in designing Boards. These include:

1. Balancing power distribution;
2. Government buy-in to the process at meaningful levels;
3. Cutting through any adversarial history – focus on building trust;
4. Defining a clear purpose for the organization, buy-in to the purpose by key players, so that in the end there is a clear and shared purpose;
5. Adequate time allowed for establishing and then maintaining collaborations;  
*(It takes time for participants to feel their way through roles and responsibilities – especially important when there is no track record or established game plan – when all parties are feeling their way through.)*
  - a. Need for training:
    - i. in identifying the “scope of issues” and how they may be connected
    - ii. Consensus building skills
    - iii. Organizational capacity – *(how do you train for this??)*
    - iv. Cultural differences, - values, knowledge, respect, communication, procedures
6. Stability/continuity of participants – especially line-agency government representative;

7. Clear criteria and standards to guide research and analysis for problem solving;
8. Stable funding;
9. Clear procedures and structures for accountability;
  - a. Helps adaptive learning opportunities move from opportunities to learning
10. Clear communication to avoid fragmentation, frustration by participants, and duplication of efforts.

### **MTB Board Design Alternatives and Strategy 4 of the WSP**

Strategy 4 of the Wild Salmon Policy addresses “Integrated Strategic Planning” within the context of consultations that balance differing kinds of public interest, from the broad provincial and perhaps national to the local. Within these intentions, conservation and First Nations’ interests stand out. Among other objectives, the planning process is expected to “meet [...] the federal government’s obligations to First Nations”. This clearly raises a wide variety of questions, both in terms of what the obligations are and how this end might be accomplished. Local interests in resource management have often been submerged within broader regional, provincial and national directions. Many social scientists who study resource management have concluded that unlinking the voice and decision-making of local communities from local resources is a formula that works against the sustainability of renewable resources. Strategy 4 and the apparently central place of local First Nations may empower local communities with regard to such goals as the sustainability, protection and even the healing of damages to salmon and the local salmonid ecosystem. There is an important opportunity available to combine these critical interests within the framework of the Wild Salmon Policy as a start and then to add the linked government objectives and programs as the effort proceeds. The goal of implementing some form of regional ecosystem-based management would equally fit with the objectives of local First Nations, local non-aboriginal residents, conservation-based NGOs, and many others. We have been discussing possibilities of locally-based regional resource management boards accomplishing the goals of an Integrated Management Planning process above. This section explores design alternatives for a regional management board pilot-project within the MTTC territory.

One innovative analysis of community-based management (CBM) found that successful and long-standing cases of CBM included 8 attributes, which Elinor Ostrom<sup>16</sup> called Design Principles. First and foremost is what Ostrom calls “clearly defined boundaries”. These boundaries are not simply geographic, but include who the parties are, and the nature of the resources. Boundaries can also be extended to include the goals and the rules that set the relationships between the parties – the full who, where, what and how of design. That is a necessary starting point for success, defining clear boundaries. Added to this, of course, would be the ability for “institutional” learning – the ability to make some changes as time passes and important lessons are learned about why problems arise.

There are also important lessons to be learned from the case studies explored above. One very important lesson from the CRB is the importance of engagement with “policy”.

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<sup>16</sup> Ostrom, E. (1990) *Governing the Commons. The Evolution of Institutions for Collective Action*. Cambridge: Cambridge University Press

Inherently that seems to be a major role for Boards – their very value is in “defining the undefined”. Government agencies are very skilled in operational management – DFO manages fisheries, the Ministry of Forests manages forestry, and the Ministry of Agriculture and Lands manages aquaculture. Problems arise from these agencies having very limited mandates that have no way to deal with the “edges”. Inherently, we all live in an integrated world. Until recently, it was possible to limit how resource management agencies engaged with their tasks. Now we are well aware of the salmon impacts of forestry and so on. Collective management processes such as Boards are called on specifically to focus on the edges, in order to achieve meaningful balances. That is an important change – having an organization charged in a meaningful way with the edges that fall between singularly focused resource management organizations. There is some science involved in those questions, especially when approaching such things as ecologically limiting conditions, but the larger questions are human choices, also known as values. This is the realm of policy development. Boards that govern colleges are termed Policy Governance Boards. They set the course for the senior administrators to follow. This would be the way for a resource management Board to operate if it were not for the complexity of managing common property resources and, in British Columbia, the importance of these resources to the economies and welfare of the province. That is what makes these issues more contentious than managing a company or a community college. These issues that have been successfully ignored during the course of post-colonial BC history are now at the forefront due to a combination of public environmental concerns and the recognition of aboriginal rights and title.

### **So Policy it Is**

In the context of this Board, I take policy to mean setting directions for the key questions whose answers are needed to effect meaningful balances within the region. These are not science questions; they are questions about human values. At this point in time, we are all in agreement that sustainability is a meaningful term, even though there are often heated debates about what needs to be balanced to arrive at sustainability. Science certainly plays a role, but cannot speak to the priorities of choice – other than to warn about approaching ecological “cliff edges”. Public direction is needed in order to affect choice and give guidance to managers. This is a much needed role and the appropriate task for Boards.

A starting point in Board process is “Forming”.<sup>17</sup> It would be useful to begin with a discussion of the key balance questions. For a buy-in to a board process, particularly for First Nations representatives, who are continuously engaged and frequently over-stretched in a wide reach of processes, commitment will only result from meaningful questions and a perception of empowerment. At the point that a Board is seen to be an academic or tentative exercise, the very people who are the most needed will walk away.

The ideal experience according to Grey (1989)<sup>18</sup> is a “process through which parties who see different aspects of a problem can constructively explore their differences and search for solutions that go beyond their own limited vision of what is possible”. That indeed is Grey’s definition of collaboration. Given the nature of “power” issues in this instance there is a requirement of government staying in a meaningful way at the table and helping in their fair share of both stable participants and financial resources. The former may be

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<sup>17</sup> Based on Tuckman’s Team Development Model.

<sup>18</sup> Quoted in Abrams 2000.

even more difficult than the latter. To some extent government representatives change due to personal decisions. However, the turn-over of government agency representatives needs to be mentioned as a risk or cost for these kinds of processes. The time and effort needed to build understanding and relationships is significant; these are at the very heart of the process. They cannot be replaced by a course or a set of briefing papers.

A challenge for all parties is to define the Board role in governance – at what level should it operate? What kind of decisions should it be making? And what level of decision-making power does it require to fulfil its mandate? These are “constituency” questions where recommendations from the Board need to be brought back home for confirmation, or not.

### **Board Design Alternatives**

The shared values of potential partners in this process might be characterized as healthy MTTC territorial salmon, their ecosystems, the people who have historically relied on their health and productivity. The issues of how to achieve balances with these goals in mind is the challenge. The human-made competing or conflicting influences on salmon, other local fish resources, and habitat in the region are fairly limited compared to other regions. They include logging, commercial fisheries, and salmon farms. The effects of human residence, both spatially and even in terms of pollution, are very limited. For IM there are two needs to improve the health of salmon and their ecosystem. One is to bring the effects of potentially conflicting industries under better, or in a more appropriate state of, control. The other is to identify and remediate problems. Decisions have to be made about time and money – a large part of the balance question is deciding how rapidly money should be invested for remediation. This type of question, giving a time guideline to objectives, is often left out of management/remediation discussions. It is, however, a key way to approach the question of balance. Are we looking for change in 5 years, in a human generation (30 years) or in some longer or shorter time?

The AMB experience points to two approaches toward funding. One of these is a need for a combination of core funding, likely from government sources, supplemented by more-diversified sources of funding. A collaborative venture with such a direct link to governance might be very attractive to foundations. Indeed, this would be a very constructive role for public foundations to play. Other alternatives include earning possibilities from economic ventures or some kind of “compensation-in-kind” royalty arrangement, whereby money that might be made available as compensation from resource or habitat damages by an industry is “ploughed back” into remediation or enhancement. In any event, the AMB experience points to a need for on-going and multi-year funding, such as would be available for any line resource management agency. At the start, with a pilot effort in which all parties are unsure if the degree of commitment required will be sustained, that may not be possible. However, for the invitees to take this kind of effort seriously, adequate start-up funding should be in place for a 5-year trial. And there should be a plan for review, leading to renewal, with the conditions for renewal specified at the outset.

### **Spatial Boundaries**

The geography is fairly straight forward, given the MTTC Territory. There also needs to be a discussion about whether the Nimpkish and other ‘Namgis Rivers on Vancouver Island should be part of the Board focus; or whether this process would be better off left to the Broughton Archipelago and the Mainland Inlet Rivers. This could be left to a



discussion between the 'Namgis and DFO. There are advantages and disadvantages for both, although the eventual management scale that bridges local and large-ocean-management-area (LOMA) is surely the Kwakwaka'wakw Sea.

### **Participants**

Clearly, there are two levels of participants. The first are the groups who hold sovereignty, or in another way, who hold foundation title to land (and presumably water) – Canada, British Columbia and the First Nations. The second are parties who hold a variety of interests – from public or citizen interests, to designated economic interests who hold differing types of resource tenures, to local residents some of whom may be represented by any of the other parties. The Nimpkish Resource Management Board deals with this problem of different levels of representation through a Management Council in which only the 'Namgis, DFO, and the TFL 37 tenure holder sit; and a technical committee which brings recommendations forward to the Management Council. This is a workable process when decisions are limited to the implementation of a workplan or to technical discussions about priorities and efficiencies.

It may equally work, however, in dealing with questions of how to find effective balances over resource management conflicts. A technical committee could be struck of representatives with mixed interests, but who share a commitment to the health of local salmon and their ecosystem, to deal with the policy matters, the implementation choices for the WSP and the design of Integrated Management. They would then bring their consensus-based decisions forward to some kind of joint government board, consisting of senior resource agency representatives from Canada, British Columbia, and the 3 MTTC First Nations for implementation. The Joint Government Board could also be charged with bringing forward agenda items to the Technical Committee for discussion and advice. This would give each party an ability to have their priorities recognized, discussed, and addressed.

### **The Technical Committee**

As discussed above, the Technical Committee members could be chosen to represent different constituencies in the same way as for the AMB. A Technical Committee might be a misnomer, since the work of the committee would also involve finding choices to balance conflicting issues in order to find a solution for healthy local salmon ecosystems. Nonetheless, the task and the solutions would focus on the implementation of the WSP and the IM of all of the resource industries. The committee could be chosen by representatives of each First Nation, Canada (DFO and Environment Canada, Canadian Environmental Assessment Agency – or Min. of Transport), British Columbia (Min. Forests, Min. Agriculture and Lands, Min. Environment), Municipal and/or Regional District Governments, the logging sector, the eco-tourism sector, the commercial fishing sector, the aquaculture sector, environmental NGO representatives, and people representing regional or national conservation interests.

The process would require a secretariat, which at the start might be limited to a coordinator, but which would be expected to increase to include a combination analyst and convener. Ideally, the coordinator would act as chair at the Joint Government Board meetings. A facilitator would be needed for the Technical Committee meetings. The agendas would be set by the Joint Government Board. Until basic decisions are made about process and key policy questions, the Committee should meet once a month. The Board should review the results and set modified agendas as may be needed, until a basic

consensus is reached about the details of the process – how the Committee and the Board should operate – and about the key policy, WSP, and IM questions. The objectives would then move to more operational matters, such as how to implement Integrated Management – that is, how to account for damages between sectors and how to make corrections. There might also be discussions about how to use creative tools such as ecological economics to charge environmental costs to industry in order to have funding to plough back into ecosystem and resource rehabilitation.

The start of the process requires hiring two staff members and setting up a small, local office. The initial activities require a substantial degree of planning and communication. It would also require putting together a body of information about current levels of knowledge about MTTC Territory resources, environment, community, industries, and resource management. Some of this has already been compiled by the First Nations, NGOs, government, and industry. But the information needs to be prepared in a form that is usable by a collective group charged with making critical and creative decisions about redesigning resource management for a healthier and more sustainable salmon ecosystem. Levels of funding are difficult to guess – other than there is a need for funding in excess of \$100,000 per year at the start, largely for the office, salaries for staff and a consulting facilitator, and for hosting the meetings, and assorted travel and, as may be needed, bringing in some outside expertise. The various participants would each be expected to use their own agency resources and funding.

## **Conclusions**

In the last few decades, some large scale developments have come to the Broughton Archipelago and other parts of the territories of the MTTC First Nations - most notably, industrial-scale logging and salmon farming. The MTTC First Nations people, the historical residents of this region, have witnessed an unprecedented regional salmon collapse throughout the region. The precipitous decline of millions of pink salmon spawners to a few thousand fish returning to Broughton rivers has been the subject of many newspaper and television reports, as has the on-going controversy over the role of sea lice and the regional development of salmon farms.

As well as a change to local resources and regional development, there has been a change in the legal framework of aboriginal rights. The Courts have found that there is a legal obligation for governments to consult with and accommodate First Nations in the event that their decisions have a possibility of infringing on aboriginal rights and title. Issues over salmon and the health of salmon ecosystems on the Pacific fit within larger relational frameworks between First Nations and Canada. It is therefore timely to consider a regional resource management governance pilot in the MTTC First Nations' Territories. However, as outlined in this discussion paper, the place of First Nations in any such structure must be carefully considered, since the First Nations carry a complex set of governance roles; among other interests the MTTC First Nations have constitutionally protected rights, they are the traditional stewards of the area, and they are regional governments. These roles have been appropriately acknowledged within Strategy 4 (Integrated Strategic Planning) of the Department of Fisheries and Ocean's Wild Salmon Policy. This recognition and the WSP provide an important opportunity with potential benefits to the local salmon resources and their habitat, as well as all parties who have an interest in rebuilding and rehabilitating this salmon ecosystem.

Another key event that fits into this opportunity is the experimentation, over the last few decades, with the devolution of resource management through regional resource management boards. There are important learning opportunities available from these processes. Some of the Board development has taken place on Vancouver Island, albeit on the West Coast of the Island. In this paper we have also examined the experience of two of these Boards to learn about the conditions for success in designing a regional resource management board for implementing the Wild Salmon Policy in the MTTC First Nations' Territories.