
3.0 Recommendation Process

3.1 Recommendation to the Minister of DFO Scope

The YSSC, acting in the public interest, consistent with Chapter 16 of the *Umbrella Framework Agreement* and taking into account all relevant factors including any recommendation from the Renewable Resources Councils, may make recommendations to the Minister of DFO and to Yukon First Nations on all matters related to Salmon, their habitats and management, including Legislation, research, policies and programs.

To that end, the YSSC may make recommendations to the Minister of DFO in respect of:

- policies for the management of Salmon and their habitats;
- the need for, and the content and timing of Salmon harvesting and management plans;
- the need for, and a position on, interjurisdictional agreements affecting the Use of Yukon Salmon resources;
- new opportunities and proposed management measures for commercial Use of Salmon, subject to Yukon First Nation Final Agreements;
- allocation, in amount and by area, of Salmon to users after Consultation with affected Yukon First Nations; and
- management measures required to best ensure that the basic needs allocation of Yukon First Nation is met, recognizing that resources available for fisheries management may be limited.

3.2 Recommendation to the Minister of DFO Process

Unless the Minister of DFO directs otherwise, the YSSC shall forward its recommendations and decisions made in accordance with its mandate to the Minister of DFO. Any recommendation and, or, decision sent to the Minister of DFO by the YSSC shall be accompanied by draft regulations where appropriate.

Within 60 days of the receipt of a recommendation or decision from the YSSC, the Minister of DFO may accept, vary, set aside or replace the recommendation or decision.

The Minister of DFO may consider information and matters of public interest not considered by the YSSC.

Any proposed variation, replacement or setting aside shall be sent back to the YSSC by the Minister of DFO with written reasons.

The Minister of DFO may extend the original 60 day period by an additional 30 days. In the case of an extension, within 90 days of the receipt of a recommendation or decision from the YSSC, the Minister of DFO may accept, vary, set aside or replace the recommendation or decision.

The YSSC, within 30 days of the receipt of a variation, replacement or setting aside by the Minister of DFO, shall make a final recommendation or decision and forward it to the Minister of DFO together with written reasons. The Minister of DFO may extend this 30 day period.

The Minister of DFO may accept, vary, set aside or replace the final recommendation or decision within 45 days of receipt.

The Minister of DFO shall provide the YSSC with notice of the Minister's final decision.

For greater certainty and unless the Minister of DFO directs otherwise, all recommendations and decisions of the YSSC shall be kept confidential until the recommendation process contemplated under sections 16.8.4 to 16.8.6 of the *Umbrella Final Agreement* has been completed or the time for the process has expired.

The YSSC shall communicate its recommendations and, or, decisions to the Yukon Fish and Wildlife Management Board after the recommendation process contemplated under sections 16.8.4 to 16.8.6 of the *Umbrella Final Agreement* has been completed or the time for the process has expired.

3.3 Recommendation to Yukon First Nations Scope

For the purposes of this *Consultation and Recommendation Framework*, the YSSC may make any recommendation to Yukon First Nations that is consistent with any recommendation contemplated to be made to the Minister of DFO in accordance with Chapter 16 of the *Umbrella Final Agreement*.

For greater certain, the YSSC may make recommendations to Yukon First Nations on all matters related to Salmon, their habitats and management, including legislation, research, policies and programs.

3.4 Recommendation to Yukon First Nations Process

For the purposes of this *Consultation and Recommendation Framework*, the process outlined in section 3.2 above shall have equal application as the recommendation process to Yukon First Nations.

3.5 Recommendations from the Renewable Resources Council

In accordance with the *Umbrella Final Agreement*, each Renewable Resources Council, acting in the public interest, may make a recommendation to the YSSC on any matter related to:

- the conservation of fish;
- the allocation of commercial and other uses of Salmon; and
- the need for and the content and timing of Salmon management plans.

Within 30 days of the receipt of a recommendation from a Renewable Resources Council, the YSSC may accept, vary or set aside the recommendation.

Any proposed variation, replacement or setting aside shall be sent back to the Renewable Resources Council by the YSSC with written reasons.

The YSSC may extend the original 30 day period by an additional 30 days. In the case of an extension, within 60 days of the receipt of a recommendation or decision from a Renewable Resources Council, the YSSC may accept, vary, or set aside the recommendation.

A Renewable Resources Council, within 30 days of the receipt of a variation, replacement or setting aside by the YSSC, may make a final recommendation and forward it to the YSSC together with written reasons. The YSSC may extend this 30 day period.

The YSSC may accept, vary or set aside the final recommendation within 45 days of receipt.

The YSSC shall provide the Renewable Resources Council with notice of the YSSC's final decision.

For greater certainty and unless the YSSC directs otherwise, all recommendations of a Renewable Resources Council shall be kept confidential until the recommendation process contemplated under sections 16.8.4 to 16.8.6 of the *Umbrella Final Agreement* has been completed or the time for the process has expired.

4.0 Relevant Provisions of the Umbrella Final Agreement

This *Consultation Framework* must be read and applied in accordance with the provisions of the *Umbrella Final Agreement*. The following list includes UFA provisions for the YSSC that illustrate the consultation requirements.

Umbrella Final Agreement

Chapter 1 - Definitions

- means to provide:
- a) to the party to be consulted, notice of a matter to be decided in sufficient form and detail to allow that party to prepare its views on the matter;
 - b) a reasonable period of time in which the party to be consulted may prepare its views on the matter, and an opportunity to present such views to the party obliged to consult; and
 - c) full and fair consideration by the party obliged to consult of any views presented.
- “Consult” or
“Consultation”

Chapter 16

16.7.17.12

- Without restricting 16.7.17.11, the Sub-Committee:
- a) may recommend to the Minister policies for the management of Salmon and their habitats;
 - b) may make recommendations to the Minister on the need for, and on the content and timing of Salmon Harvesting and management plans in accordance with the terms of this chapter;
 - c) may make recommendations to the Minister on the need for, and on a position on, interjurisdictional agreements affecting the Use of Yukon Salmon resources;
 - d) may seek, from a Council or the public, input on specific aspects of a Salmon management plan;
 - e) subject to Yukon First Nation Final Agreements, may make recommendations to the Minister on new opportunities and proposed management measures for commercial Uses of Salmon;
 - f) **after Consultation with affected Yukon First Nations, shall make recommendations to the Minister on allocation, in amount and by area, of Salmon to users, in accordance with this chapter; and**
 - g) may make recommendations on management measures required to best ensure that the basic needs allocation of a Yukon First Nation is met,

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Section 4:

Effective: November 21, 2012

recognizing that resources available for fisheries management may be limited.
