



## FRASER RIVER ABORIGINAL FISHERIES SECRETARIAT

c/o Nicola Tribal Association  
PO Box 188 • Merritt, BC • V1K 1B8  
Tel: 250-378-4235 • Fax: 250-378-9119  
www.frafs.ca

April 15, 2016

Rebecca Reid,  
Regional Director-General,  
Department of Fisheries, Oceans and the Canadian Coast Guard,  
Vancouver, B.C.

VIA EMAIL ATTACHMENT

**RE: APRIL 5 - 7 2016 FORUM ON CONSERVATION AND HARVEST PLANNING, KAMLOOPS, BC**

Dear Rebecca Reid,

The final of 3 Forum on Conservation and Harvest Planning events took place April 5 – 7th 2016 in Kamloops, BC. Forum attendees travelled from the Marine Approach and Fraser River areas to participate in, or observe the event.

The purpose of the Forum is to: 1) provide a venue for DFO to present to a wide range of First Nations post-season and pre-season information on Fraser salmon stocks, and potential management plans for the coming fishing season for those stocks, 2) provide a venue for a wide range of First Nation participants to discuss among themselves their perspectives on the information presented by DFO, and 3) provide an opportunity, if First Nation attendees wish, to provide their advice and recommendations (consensus where possible) on management plans for those stocks for the upcoming fishing season.

In line with this purpose, discussions mostly focused on questions posed by the Department in order to support salmon management. In some cases, discussions led to the development of clear consensus recommendations, though **the value of all discussions, regardless of whether they produced consensus recommendations, cannot be overstated.** The following summary outlines key points of discussion, requests for additional information, advice, consensus recommendations, and actions requested of the Department.

**Fraser Sockeye: Forum participants are not mandated to provide recommendations on FSC sockeye sharing arrangements and the Lower Fraser First Nations clearly expressed that they would not participate in the FRAFS Forum processes where consensus is being pursued on sharing agreements.**

Early Stuart Window Closure:

- DFO's Potential Early Stuart sockeye run Window Closure duration included in the Draft Salmon IFMP for Southern BC for 2016 – 2017 differs among the geographic areas. **Please provide clarification on the methods used to determine the dates and durations of the Window closure**



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by area, and explain why some areas are proposed by DFO to remain closed for longer than others.

- No consensus recommendation from Forum participants on extending the Early Stuart Window closure in order to provide protection to some of the earliest returning Early Summer sockeye, such as Bowron, Nadina and Taseko. Conservation concerns with these weak stocks were definitely raised: the example raised during the Forum session was Bowron, which had an Effective Female Spawner estimate of 30 in the brood year.

### Sockeye escapement options:

- The 2 Options were discussed and views were shared. Some Forum participants identified the need for more time to bring these Options back to their communities, and allow leadership to meet first, within and among Nations. There were also views expressed about concern for specific stocks within management groups, and the lack of clarity on how opportunities and conservation concerns could be addressed within the aggregate management construct.
- No consensus recommendation from Forum Participants on whether the Department should implement Option 1 or Option 2.

### Proposed Low Abundance Exploitation Rates (LAER)

- Proposed LAERs were discussed and views were shared.
- **Some participants are seeking clarification on the methods/rationale used to propose 20% as the lower value LAER for Lates, given the presence of weak Lates stocks such as Weaver Creek, Portage Creek, and Thompson Lates.**
- **The LAER is one means of protecting stocks, what are some other means that DFO is using to manage in river mortality caused by other cumulative impacts (such as effluent, mines etc)?**
- DFO's Aggregate based sockeye management regime, and lack of tools for stock-specific management will mean that impacts from FSC fisheries in the Lower Fraser and Marine will affect upstream FSC opportunities. As a result, the discussion of LAER's is fundamentally about sharing FSC fish and Forum participants are not mandated to provide consensus recommendations on FSC sharing decisions.
- No consensus recommendation on LAER's from forum participants

### Test Fishing: A consensus recommendation was made by forum participants:

- **In support of Area 12 and Area 13 First Nations Test Fishery proposal to Test Fish for food and Test Fishing purposes.**
- **In support of a holistic expansion and exploration of new, in-river Test Fisheries throughout the Fraser River watershed, managed by First Nations.**



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### Chinook:

Serious concerns regarding the implementation of Aboriginal Priority, Section 35(1) Rights, and the possibility that some First Nations may be bearing an unnecessary burden of conservation have been consistently expressed at previous Forums. In January 2016, it was stressed that low returns of sockeye result in increased access requirements for Chinook for FSC purposes. Priority access for FSC must be met prior to other fisheries occurring. **Based on the DNA data from Chinook caught in recreational fisheries in Area 19 and 20 received from the Department, there are likely to be substantial impacts to Chinook stocks of concern in the Juan de Fuca recreational fishery in May, June and July in particular. It is strongly recommended that the Department regulate Area 19 and 20 in May, June and July as 'no fishing for salmon'.**

### Participants then went on to make the following consensus recommendations:

- Remove the term "incidental" from the draft IFMP objective: "Conserve Fraser Spring 4<sub>2</sub> Chinook by minimizing ~~incidental~~ harvest in marine waters.
- The regulation of 'no retention' be replaced by 'no fishing for salmon' in the area known as "the banana", off the mouth of the Fraser through to August. It is unreasonable to propose that fisheries occur off the mouth of the Fraser River while there are stocks of concern in the mix.
- Support for the Council of Ha'wiih's recommendation of no fishing or retention of salmon in the West Coast Chinook Conservation rolling window closure.
- To accommodate First Nation access to Chinook, given the low expectations for sockeye returns, it was estimated that the exploitation rate for Chinook FSC will potentially need to be doubled or tripled. There will need to be a substantial decrease in other fisheries, on the order of magnitude of the Georgia Strait recreational fishery and/or in river sports fishery to accomplish this.
- Annual chinook limits in the recreational fishery need to be substantially reduced from 30.
- Area based licensing needs to be reviewed and additional enforcement and monitoring of the recreational fisheries are recommended.

### Zoned management approach for Spring and Summer 5<sub>2</sub> Chinook:

- Participants would also like to remind the Department that while the Chinook Strategic Planning Initiative (CSPI) process is underway, the Department should not be entertaining any new Chinook recreational fishery proposals. Dedicated support to complete and implement the CSPI is needed, in the meantime, beginning the season in Zone 1 makes sense.



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### **Adverse Environmental conditions:**

- Participants suggested that DFO take steps to ensure that water withdrawals cease for the entire duration of these conditions in order to protect sensitive fish values.
- A Chinook in season management adjustment similar to that used to manage sockeye is needed in order to respond to variables such as low water levels, and high water temperature.
- During adverse environmental conditions and low abundance, management actions to limit recreational and commercial impacts (harvest, exploitation rate, and releases- since releases mortality rate may be much higher than assumed and deemed in recent IFMP's), would be required throughout Vancouver Island and Northern BC to provide adequate protection for Cowichan River Chinook. Additional efforts are needed by the Department to ensure Provincially-regulated recreational fisheries that result in Chinook catch in the Cowichan River be closed.

### **Coho:**

- Many participants identified **general support for the “management like pre - 2014 approach”**, though it's still unclear which fisheries will be included in the “overall” 3%-5% exploitation rate range. Non retention for wild Coho in all areas was also recommended, and it was stressed that released Coho become easy prey to mammal predators.
- **Overall, stock rebuilding doesn't seem to be occurring under the “precautionary management measures” and the impacts to Section 35 (1) rights have been clearly expressed at past Forums. Ongoing frustration at the inability to recover these stocks led to a suggestion that a Recovery Plan be developed and implemented.** Because the Decision was made not to add Coho Salmon (Interior Fraser Population) to the List of Endangered Species due to socio-economic implications, Recovery Plans are not legally required under SARA. It was suggested that a First Nation/DFO led process, similar to the Chinook Strategic Planning Initiative (CSPI) could be one way of reconciling the integrated planning aspect required (WSP Strategy 4)-Resources for planning processes as well as for implementation are urgently needed.
- Lack of defensible data on Lower Fraser Coho has been raised consistently during Forum events, and 2 years ago, at the May 2014 Forum, it was recommended that there be a “recovery planning process” for Lower Fraser Coho. It was unfortunate the Department did not address ongoing concerns specific to the Lower Fraser Coho at this event.
- **As previously recommended at the March 2016 forum, it is clear that a focused, well resourced, collaborative, bilateral assessment of Coho data and models must occur.** On-going coho CSAS initiatives are recognized as the beginning of this overall assessment, but do not address serious assessment and data gaps.



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### **Steelhead:**

*As a result of extensive connections with fisheries that long preceded non-aboriginal settlement in North America, First Nations in Canada have a different legal relationship to fisheries than non-aboriginal Canadians. Aboriginal rights are entrenched in Canadian law in Section 35(1) of the Constitution Act, which states “The existing Aboriginal and Treaty Rights of the aboriginal peoples of Canada are hereby recognized and affirmed.” In 1990, the Supreme Court of Canada issued a landmark ruling in the Sparrow decision, which stated that First Nations have an aboriginal right to fish for food, social and ceremonial (FSC) purposes, and that this right takes priority, after conservation, over all other uses of the resource. The Sparrow decision also stated the importance of consulting with First Nations when their rights may be affected (from: First Nations Fisheries Council, Charting a Course Forward, FNFC Strategic Plan 2015-2018)*

The Department asked forum participants whether the current management approach for Interior Fraser River Steelhead outlined in the Draft IFMP was appropriate. In order to meaningfully consider this question, the following processes and information are needed:

- Higher level, First Nation engagement with Provincial and Federal planning processes that are currently underway. This could be at the scale of the Province (ex FNFC), and/or at a Fraser/Marine approach scale (ex FRAFS, or a Fraser River and Marine Approach Steelhead Working group).
- Commitment from the Province to regularly participate in Joint Technical Working Group (JTWG) meetings. Only through regular interactions and detailed discussions can a common technical understanding of the management tools and analyses that support current Steelhead management be realized.
- Dedicated support and commitment from Federal and Provincial participants for the Thompson Steelhead Technical Working Group. Deliverables from this process such as the Planning Framework, once developed, will likely provide valuable insights to support effective management and recovery of Steelhead at a larger scale.

### **Chum:**

There is interest from First Nation participants at finding a way to collaborate on collecting Chum data. There needs to be a better connect between DFO, PSC, and First Nations in terms of collection of basic Chum data.

It is understood that the Forum process comprise the first steps in what should be a multi-step consultation process about DFO’s stock and harvest management plans that could potentially affect the exercise of aboriginal fishing rights. Thank you for incorporating the recommendations and advice



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provided by Forum participants into this year's management plans, and we look forward to a written response from the Department in the near future.

Sincerely,

Ken Malloway,

FRAFS Chairperson

*On behalf of First Nation participants at the April 5 - 7 2016 Forum on Conservation and Harvest Planning*

**CC:**

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