

# Forum on Conservation and Harvest Planning for Fraser Salmon

Tier 2 minutes • May 9-11, 2011 • Kamloops Convention Centre

## ATTENDANCE:

Pat Matthew, Secwepemc Fisheries Commission	Darren Haskell, Tl'azt'en First Nation
Barry Bennett, Kamloops Indian Band	Tina Donald, Simpcw First Nation
Aaron Gillespie, Secwepemc Fisheries Commission	Tom Hewitt, Skeetchestn First Nation
Pete Nicklin, FRAFS	Fred Fortier, Simpcw First Nation
Mike Staley, FRAFS	David Loewen, Takla Lake First Nation
Dave Antone, Bonaparte Band	Ian Bruce, IMAWG
Andy Wester, Ahousaht First Nation	Jordan Point, First Nations Fisheries Council
Errol Sam, Nuuchah-nulth Tribal Council	Brenda Morgan, Matsqui First Nation
Ernie Crey, FRAFS EC	Dominic Hope, Yale First Nation
Ken Malloway, FRAFS/Kwaw Kwaw Apilt	Kim Charlie, Chehalis Indian Band
Chris Cook, Namgis/Native Brotherhood	Louis Julian, Matsqui First Nation
Ernie Victor, Lower Fraser Fisheries Alliance	Allen Jimmie, Squiala First Nation
Rupert Wilson, Kwakiutl Band	Donald Sam, Nlaka'pamux Nation Tribal Council
Stuart Alex, Nazko First Nation	Tony Roberts Jr., A-Tlegay Fisheries/IMAWG
Aimee Arsenault, FRAFS	Greg Wadhams, IMAWG/Namgis First Nation
Richard Sparrow, Musqueam First Nation	Dolores Duncan, Canoe Creek Band
Lee Spahan, Coldwater First Nation	Shamus Curtis, UFFCA
Thomas Alexis, FRAFS	Hank Adam, Canoe Creek Band
Susan Anderson Behn, IMAWG	Charlie Andrew, Adams Lake Indian Band
Kristin Thomas, Halalt First Nation	Brian Matts, DFO
Sharolise Baker, Stellaten First Nation	Debra Sneddon, DFO
Cora McIntosh, Saikuz First Nation	Sheldon Evers, DFO
Ray Silvey, IMAWG	Colin Masson, DFO
Jerry Alfred, Namgis First Nation	Michelle Li, DFO
Tim Peters, Chawathil First Nation	Barry Rosenberger, DFO
Clint Tuttle, Sumas First Nation	Diana Trager, DFO
Dalton Silver, Sumas First Nation	Dean Allan, DFO
Mike Jimmie, Sto:lo Nation	Les Jantz, DFO
Darrell Williams, Skway First Nation	Steve Ratko, DFO
Penny White, FRAFS	Adrian Wall, DFO
Stuart Alec, Nazko First Nation	Jamie Scroggie, DFO
Kirby Johnnie, Tl'azt'en First Nation	Greg Thomas, DFO

## Day 1: May 9, 2011 (afternoon)

### Introductions and opening comments

- Opening comments by Marcel Shepert

### Review action items from the March 2011 Forum

- **DFO:** Provide a glossary of terms/acronyms that clearly explains terminology. (Completed)
- **FRAFS:** Circulate Mike Staley's FRSSI report that was produced for the Cohen Commission. (Aimee will post to the website)

- **DFO:** Communicate with the fisheries department at the Nicola Tribal Association about using Spius and Coldwater Chinook as CWT indicator stocks. (DFO has followed up and planned a meeting)
- **DFO:** South coast Chinook stock assessment presentation from the Forum meeting on March 29, 2011 – provide a more detailed breakdown of information (the presentation provided lumps together troll and recreational data). (Was provided in tabular form at the last Forum meeting)
- **Forum Planning Committee** – Arrange to have a presentation at the May Forum meeting to discuss the impact on Chinook by seals, sea lions and orcas (presentations on this topic were delivered at the PSC and IHPC). (Wasn't able to fit it into the May Forum agenda, but there are presentations available from DFO, and a SARA consultation process)

#### **Catch monitoring framework (Colin Masson, DFO)**

- DFO's catch monitoring framework is a broad framework meant to foster good discussion at every level. It is not only a roadmap to identify gaps for improved monitoring, but also provides a common language and approach through which to conduct more informed discussions.
- Informed by work between DFO and harvesters and by the IDSF monitoring and compliance panel.
- Key objectives are to build trust in the catch monitoring numbers, improve understanding of reports on targeted catch, by-catch, fishing effort, biological and environmental factors, etc., and inform conservation efforts.
- The framework will help us to understand various components of the fishery in order to identify opportunities for FSC harvest.
- The framework will help to ensure that monitoring meets the specific requirements as outlined in treaties.
- 2 types of information: fisher dependent (from harvesters) and fisher independent (from cameras, independent observers, etc. – does not rely on harvesters. While fisher reported information is less expensive and relatively easy to collect, it could be hindered by non-compliance, lack of key information, unreliable data communication, etc. 2 types of monitoring programs: census programs (info collected from fishers to determine total catch), and survey programs (measures catch per unit of effort and total effort). The framework will help to strike a balance between the different types of information and monitoring programs in order to meet the requirements for cost and reliability.
- 5 guiding principles: conservation and sustainable use; consistency and transparency; tailored requirements; shared accountability and access; cost-effectiveness.
- The framework has a risk continuum component ) which helps to determine what level of monitoring is required in a certain area (generic standard = moderate risk, low = low risk, enhanced = high risk fishery). Risk assessment and objectives to address risk should take place at the consultation phase.
- Next steps: complete the consultation process on the catch monitoring framework; managers review fisheries and monitoring programs with harvesters; review input and finalize the framework; develop approaches and strategies to address gaps and issues; prioritization of fisheries and monitoring programs.
- DFO must also figure out how to effectively communicate out catch monitoring information, and how to communicate where improvements are being made to programs.
- DFO is seeking feedback on the draft framework and criteria by June 2011. The framework and consultation document are available online at:  
<http://www.pac.dfo-mpo.gc.ca/consultation/picfi-ipcip/monrep-survdecl.index-eng.html>.

**Discussion:**

- Commercial and FSC fisheries have very strict monitoring and reporting guidelines; however, this is lacking in recreational fisheries (voluntary reporting). This is an issue of concern for First Nations.
- Vancouver Island First Nations have many species in their territories, not just salmon. Many of these species have little to no monitoring.
- Concern was expressed about transparency issues – the ISDF is a useful process, but their reporting and communication needs to be improved.
- Island First Nations want to be involved in monitoring for FSC and recreational fisheries in their territories.
- First Nations want an overview of what recreational licenses can be used for (e.g. several different species can be accessed with a salt water license), and what gear can be used. Commercial and FSC communal licenses are very specific (species, mesh, hang ratio, etc.), but recreational licenses lack this level of specificity. Differential mortality with different gear types should be accounted for in management planning and information collection.
- Ken Malloway and Ernie Crey are involved with the ISDF monitoring and compliance panel. First Nations are encouraged to talk to them about their concerns with monitoring programs.

**2011 pre-season planning inputs to April (Barry Rosenberger)**

- Presented base case assumptions for 2011 for sockeye and pink salmon (shows p50 forecast, consultation is ongoing for escapement objectives, assumes average run timing).
- The Aboriginal Fisheries Exemption was adjusted to reflect a higher proportion of Early Stuart sockeye (90,400 to 91,800).
- Presented TAC tables by each stock grouping at the p25, p50 and p75 levels.
- Management adjustment will depend on weather and environmental conditions in season. Biggest snow pack since 1999, which should help with sustaining water levels in the summer; however, with cooler spring temperatures, the melt is expected to occur later (could impact Early Stuart).
- 2011 ocean conditions: La Nina conditions continue (colder conditions with below average sea surface temperatures), which usually benefits salmon runs (however, ocean indicators not reliable). Still need information about direction and magnitude of the current.
- Significant timing variations for some stocks (big differences in summer stocks).
- Guidelines for sharing arrangements: all planned harvest will remain within conservation constraints, and all TAC of constrained run timing groups will be harvested (if one area is constrained due to weak co-migrating stocks, TAC will be harvested by others further up the river). DFO is obligated to allocate TAC, so if First Nations do not provide a sharing plan for FSC, DFO will determine sharing rules.

**Discussion:**

- In theory, p50 and p25 runs sizes should be enough to meet the FSC allocation of 1 million fish. However, stocks do not necessarily return to all parts of the Fraser in convenient proportions, and co-migrating stocks of concern could constrain harvest in some areas. FSC options were presented at the March 2011 Forum. DFO is seeking advice from the Forum on how to share FSC.
- FSC sharing rules/principles are further complicated by issues such as strength of claim, adjacency policy, traditional First Nations trading protocols, etc.

- While pinks are abundant in many areas, pink stocks in the Simpcw First Nation territory are depleted and cannot withstand harvest. However, in some areas there could be a trade-off – catch pinks to conserve sockeye.
- Aside from agreement on Early Stuart conservation, First Nations have never put forward a clear consensus on FSC sharing. First Nations have expressed diverse/conflicting views. Forum participants have discussed sharing principles in the past; these will be further discussed at the Tier 1 session before providing advice to DFO.

## **Day 2: May 10, 2011 (morning)**

### **Concerns raised regarding the 2011 draft south coast integrated fisheries management plan and initial draft response (Jeff Grout)**

- Presented a table of concerns raised regarding the 2011 draft south coast IFMP and DFO responses (document is available on the FRAFS website). This was originally presented at the IHPC.
- Ongoing concerns about the FRSSI model (model was reviewed, paper should be released soon summarizing changes, upcoming workshops).
- The Fraser Panel will discuss stock groupings (no changes in 2011).
- Support from First Nations on a 3 week closure window to protect Early Stuart (Chinook fishing with appropriate mesh allowed), and extending the 3 week closure by 1 additional week to protect early summers.
- Interest in reviewing the dry rack fishery in season to provide opportunities.
- Interest in improving in-river test fisheries to prevent killing Chinook (fishwheels).
- Fraser recreational fisheries actions to protect spring 4<sub>2</sub> Chinook – similar to 2010, with earlier start dates in some areas; improvements to monitoring and CWT program; DFO is working on longer-term approach to south coast Chinook management.
- Looking at an effort-based model to manage Fraser coho release mortality in various fisheries.
- Many First Nations expressed concerns about FSC access, including the practice of fishing and related activities (Chinook and sockeye).

### **Discussion:**

- Continued support for the 3 week Early Stuart closure + 1 week early summer closure.
- First Nations want to see maps and dates (migration routes and timing) at future Forum meetings.
- First Nations want to know if DFO's management actions to protect spring 4<sub>2</sub> Chinook are working (CWT data from 2010 not yet available). CWT mortality distribution is a key piece of information, and last year it came out on April 11<sup>th</sup>.
- DFO is working on developing an indicator stock for summer 5<sub>2</sub> Chinook in the Chilko system.
- DFO indicated in Version 2 of the IFMP that they would work with First Nations to develop specific performance measures for FSC fisheries. FRAFS would be willing to provide recommendations for this process.
- There were issues with compliance for hot picking set nets in the past. First Nations want a commitment from DFO to work with communities who did comply with regulations.
- Run size assessment to the end of the run is needed. In the past, PSC staff has been unable to update the run size while significant catches were still occurring in test fisheries.
- The FRAFS EC and the JTWG would like to meet with the leads for DFO's south coast Chinook management framework as soon as possible (Mark Saunders).

- Need more work operationally on what “directed” and “incidental” harvest means, so it’s measurable and transparent.
- First Nations can email Jeff at any time with questions or concerns.
- IMAWG members would like to have Jeff attend an IMAWG meeting in June.

### **JTWG response to March 2011 Forum recommendations (Pete Nicklin, Mike Staley, Jamie Scroggie)**

- At the March 2011 Forum meeting, the JTWG was tasked with discussing some of the recommendations put forward by First Nations. They met on April 18<sup>th</sup> and discussed these recommendations. The detailed response is available on the FRAFS website.

#### **Review available management tools for Chinook:**

- Need guidance from the Forum on the discussion document of existing Chinook programs.
- Recreational fishery DNA analysis – preliminary info, needs full review and documentation.
- CWT total mortality distribution is not available yet. This is key information that is needed for Forum discussions. First Nations are disappointed that this has not yet been received from DFO.
- Increase head returns and sample rates to improve spring 4<sub>2</sub> management.
- Establish CWT indicators to improve spring/summer 5<sub>2</sub> management.
- Assessment options: Qualark, Albion, fish wheels, DNA sampling, or a combination of those methods.
- Next steps include creating a discussion document on existing Chinook programs (recommendation from the JTWG – need direction from the Forum on whether this is a priority).

#### **DNA sampling program for marine sport fisheries to determine stock composition (2011):**

- Need to determine what information we expect to get from DNA sampling – exploitation, stock composition?
- DNA results from 2009-10 marine fisheries currently being summarized. DFO is producing a DNA interpretation document that should help to identify uses and limitations of DNA programs.
- The JTWG plans to review the latest results in more detail, look at the utility of future programs.

#### **Explore the option of cameras at sport lodges/landing sites:**

- This is more of a policy question.
- Cameras might not be feasible, but could be piloted.
- Other options could be more valuable, e.g. successful guidebook pilot in Area 13. The proposed catch monitoring framework could help to identify needs and options.

#### **Measuring efficacy of DFO’s slot sizes for partial mark selective fisheries:**

- Policy question: at what level do we need to evaluate management measures?
- DFO has tools to approximate the protection achieved from management actions. The UFFCA/ONA methodology may help to determine the potential savings of a management action, data or sampling regime required to detect potential savings, and the possibility that savings from specific management actions cannot be detected with certainty.

#### **Method for evaluating efficacy of sockeye closure windows:**

- Closure windows do protect Early Stuart and early summer sockeye (exploitation rates were generally lower in years when the window is in place).
- Reports suggest that habitat, over fishing, egg incubation, pollution, temperature and discharge impacts are all factors impacting early Stuart, and could be hindering rebuilding efforts.
- The JTWG plans to do a literature search and make reports available to First Nations.

#### **Use Matsqui fish wheels to minimize test fishery impacts:**

- Impacts are expected to be low for Early Stuart, so full strength assessment is less important.
- Process issue – the Fraser Panel has already approved the Whonnock test fishery for 2011.
- Technical issues – fish wheel species composition and stock ID cannot be applied to Mission estimates; selectivity issues.

- Positive outcomes of running fish wheels in tandem with current assessments: development of time series data for fish wheels; assessment of stock and species composition to compare to existing assessments; potential for reduced mortality.

#### **Additional responses to March 2011 Forum recommendations from DFO (Les Jantz):**

- *All marine recreational fisheries where spring 4<sub>2</sub> Chinook stocks are known to occur should be closed until July 10<sup>th</sup>; all Fraser River recreational fisheries should be closed while spring 4<sub>2</sub> Chinook are present* – DFO plans to implement management actions similar to 2010, with earlier start times in some areas.
- *Island First Nations are also concerned about their declining Chinook stocks (means more pressure on Fraser stocks). DFO must commit to meeting with Island First Nations to discuss rebuilding* – DFO indicated that meeting with the Island will be part of the development process for the new Chinook management framework.
- *Implement catch monitoring programs beginning January 1; need catch monitoring for all fisheries at all times of the year; First Nations must be involved in the design and implementation* – Greg Thomas indicated that through AFS, Island First Nations groups might be able to get more involved in marine catch monitoring programs. Will consider this issue moving into 2012.
- *Increased monitoring and enforcement, and decreased fishing time and retention limits, are required in the Georgia Strait and Juan de Fuca recreational fisheries* – DFO reviews catch monitoring programs on an annual basis through an internal process with C&P and resource management. Programs are determined based on priorities and budget (if can't reprofile within the existing budget, need to trade off with other programs).
- *The management tool presented by Rishi Sharma should be reviewed through a peer review process with DFO and First Nations participation, and if required, reviewed by CSAP* – Can work on this internally at DFO and identify it as a future paper to be reviewed by CSAP.
- *Use local knowledge to address the seal issue at Albion (local knowledge may be applicable and should be considered)*. DFO is open to receiving local knowledge from First Nations to address the seal issue.

#### **Discussion:**

- A key question is how we ensure that DFO is respecting the allocation priority when the tools we have at our disposal are not adequate. The JTWG has been exploring this issue.
- At the end of last year, FRAFS had a budget surplus. \$20k was spent on analyzing DNA samples from the 2009-10 lower Georgia Strait recreational fisheries. Stocks of concern were found to be present in some fisheries (sometimes in measurable amounts).
- Killer whales are protected under SARA. There will be a paper released soon discussing their Chinook needs.
- A First Nations FRSSI workshop is tentatively scheduled for June 20.

#### **Day 3: May 11, 2011 (afternoon)**

*First Nations participated in Tier 1 discussions during the afternoon of May 10<sup>th</sup> and the morning of May 11<sup>th</sup>. The following recommendations were put forward to DFO:*

#### **All FN Forum participants:**

- Agreement on 3 week moving window closure to protect Early Stuart + 1 week closure to protect early summers.

- Support closure of Chinook marine recreational fishery to protect spring 4<sub>2</sub> Chinook.
- CWT data from 2010 not yet received. There has been some indication about exploitation as low as 10% on spring 4<sub>2</sub> (significant reduction). If First Nations had data confirming this low exploitation rate, along with information about the specific impacts of specific fisheries, First Nations might be able to support some FSC fisheries in the Lower Fraser (unable to provide full support without the 2010 Chinook data).

**Lower Fraser:**

- Recognizes conservation concern for spring 4<sub>2</sub> and spring/summer 5<sub>2</sub> Chinook.
- Agreed to delay fishing until early June.
- Requesting special access in July for Elders Gathering in July.
- Selective 8" mesh Chinook fishery will take place similar to previous years.
- Open communal sockeye fishing to begin July 29<sup>th</sup> weekend (through to labour day weekend) – depending on run size, arrangements in CFAs, etc.
- Selective fishing for pink and chum in September and October.

**IMAWG:**

- Support conservation of spring 4<sub>2</sub> Chinook; agreement not to fish while these stocks are present.

**Secwepemc Fisheries Commission:**

- Disagreement with the Lower Fraser plan to fish in early June-July (peak migration for spring 4<sub>2</sub> Chinook) or any other fisheries in the lower Fraser during this period.
- Support option 2 for early summers.
- Support option 2 for lates.
- Defer to NSTC groups on summers (support their conservation concerns).

**Upper Fraser:**

- Do not support the methodology for the options proposed by DFO, which is based on aggregate management, and long term consequences of the options are not clear. Better understanding is needed before these options can be considered. Free, prior and informed consent, as discussed in the *UN Declaration on the Rights of Indigenous Peoples*, is not possible in this instance, as the program is not well understood.
- Conservation concerns for Nadina, Bowron, Stellako and late Stuart.
- Numbers given by DFO about Early Stuart are not as accurate as they should be (spawning enumeration done by helicopter).

**Misc statements:**

- Letters will be sent to DFO by First Nations to provide input independent of this process.
- Lack of funding has created gaps in participation (late funding, not enough funding to attend all important fisheries meetings, etc.). First Nations want DFO to address late/inadequate funding issues.
- FRSSI model and the aggregate based management system are still not accepted or well understood by First Nations. Don't understand methodology and long-term effects on their fisheries.
- Concern about the May 30<sup>th</sup> deadline for input on the catch monitoring framework (inadequate consultation – should have also been mailed directly to Chiefs/band offices). Note: This was completed in April. DFO Resource Managers sent a letter along with the consultation package to all Fraser River and Vancouver Island/Central Coast First Nations Chiefs and Councils in April

2011. Also, the Catch Monitoring Framework consultation package was available at the January Forum and was put onto the FRAFS website. It was mentioned that the agenda didn't allow enough time for a presentation and the planning committee would look at having it presented at a Forum in the spring of 2011, which was followed up on.

- Lack of CWT indicator stocks for 2 management groups (spring/summer 5<sub>2</sub>); increased assessment is needed for these stocks.
- *FRAFS EC and JTWG would like to meet with DFO regarding the Chinook management framework. (ACTION #1 - DFO)*

#### **Discussion:**

- It is not clear why the CWT information has not yet been received from the US. Last year Canada made a preliminary estimate, and then had to adjust it. DFO indicated that the current information suggests an exploitation of around 10% for spring 4<sub>2</sub> Chinook. Once the data is vetted through the JTWG, it will be distributed through FRAFS (**ACTION #2 – DFO/JTWG**).
- The Forum Planning Committee (FPC) will meet to discuss some problems identified with the Forum process, and how to improve it for future meetings. Suggestions: DFO presentations given to JTWG first, in advance of the Forum; possibly separate technical information and decision-making (different audiences); webinar in advance of Forum meetings to provide clarification and answer questions. Pete will provide some input to the FPC from a technical perspective.
- In-season communications: Thursday in-season technical conference calls with Mike Staley, Fraser Panel conference calls (First Nations can call in and observe).
- First Nations would like to see a specific document from DFO that describes how DFO makes in-season decisions related to proportioning or managing shares to individual First Nations or to geographic areas (**ACTION #3 – Barry Rosenberger**).
- At the end of the season, First Nations would like to see a summary of decision points that DFO goes through (a breakdown of how DFO makes in-season management decisions). This has been provided in past years, but is not clearly stated in the meeting documentation. First Nations would like to see a specific document from DFO that describes how DFO makes in season decisions related to proportioning or managing shares to individual First Nations or to geographic areas.

#### **SUMMARY OF ACTION ITEMS:**

**ACTION #1 – DFO:** FRAFS EC and JTWG would like to meet with DFO regarding the Chinook management framework.

**ACTION #2 – DFO/JTWG:** Once the final CWT data is available for the 2010 season, it should be vetted through the JTWG for review and agreement on the final ER, then distributed to First Nations by FRAFS.

**ACTION #3 – Barry Rosenberger:** First Nations would like to see a specific document from DFO that describes how DFO makes in-season decisions related to proportioning or managing shares to individual First Nations or to geographic areas.