

Chapter 4: Fraser River Sockeye and Pink Salmon

1. The provisions of this Chapter shall apply for the period 2014 through 2019.
2. The U.S. share of the annual Fraser River sockeye and pink salmon Total Allowable Catch (the "TAC"), as defined in paragraph 3 to be harvested in the waters of Washington State is as follows:
 - (a) for sockeye salmon, the U.S. catch in the Fraser Panel Area shall not exceed 16.5 percent of the TAC;
 - (b) for pink salmon, the U.S. catch in the Fraser Panel Area shall not exceed 25.7 percent of the TAC.
3. For the purpose of this Chapter, the TAC shall be defined as the remaining portion of the annual aggregate Fraser River sockeye and pink runs (excluding any catch of Fraser River sockeye identified in Alaskan waters) after the spawning escapement targets established, unless otherwise agreed, by application of Canada's pre-season escapement plan (subject to any adjustments made pursuant to paragraph 3(b), below), the agreed Fraser River Aboriginal Exemption, and the catch in Panel authorized test fisheries have been deducted. TAC shall be computed separately for Fraser River sockeye and pink salmon. The following definitions and procedures apply to TAC calculations:
 - (a) The annual U.S. share shall be computed based on the inseason run size estimates in effect at the time the Panel relinquishes control of the U.S. Panel waters, using the escapement targets established by application of Canada's preseason escapement plan as may be adjusted pursuant to paragraph 3(b), below, and taking into account any adjustments as provided in paragraph 8, below.
 - (b) For the purposes of in-season management by the Fraser River Panel, the spawning escapement objective is the target set by Canada, including any extra requirements that may be identified and agreed to by the Fraser River Panel, for natural, environmental, or stock assessment factors, to ensure the fish reach the spawning grounds at target levels. In the event the Fraser River Panel does not agree to additional escapement amounts, the PSC staff will make a recommendation which shall become effective upon agreement by at least one national section of the Panel. Any additional escapement amounts believed necessary by Canada above those determined pursuant to the foregoing will not affect the U.S. share.
 - (c) The agreed Fraser River Aboriginal Fishery Exemption (AFE) is that number of sockeye which is subtracted from the total run size in determining the TAC upon which the U.S. shares specified in paragraph 2 are calculated. Any Canadian harvests in excess of these amounts count against the TAC, and do not affect the U.S. share. The agreed Fraser River Aboriginal Fishery Exemption is the actual catch of Fraser River sockeye harvested in both the in-river and marine area Aboriginal Fisheries, up to 400,000 sockeye annually.

- (d) For computing TAC by stock management group, the AFE shall be allocated to management groups as follows: The Early Stuart sockeye exemption shall be up to 20% of the Fraser River Aboriginal Fishery Exemption (AFE), and the remaining balance of the latter exemption shall be based on the average proportional distribution for the most recent three cycles and modified annually as required to address concerns for Fraser River sockeye stocks and other species and as otherwise agreed by the Fraser River Panel. If either pre-season or in-season, there is insufficient harvestable surplus (defined as run size minus escapement goal, minus management adjustments made pursuant to paragraph 3(b), minus test fishing catches) in any stock management group to allow for the total AFE distribution to that stock management group as described above, the AFE for that stock management group will be the greater of: a) the catch, b) the projected catch by aboriginal fisheries or c) the available harvestable surplus. The remaining balance of AFE not distributed to that stock management group will be re-distributed to the other stock management groups in the same proportions as specified above, unless otherwise agreed by the Fraser River Panel. The Fraser River Panel shall develop agreed procedures for implementing potential AFE redistributions as part of its pre-season planning process. The harvest distribution of Early Stuart sockeye is expected to remain similar to that of recent years.
- (e) Each Fraser River sockeye stock is assigned to one of four stock management groups. The stock management groups are Early Stuart, Early Summer, Mid-Summer and Late Run. The annual U.S. share of sockeye available for harvest in the Panel Area is computed by applying the percentage share provided in paragraph 2(a) to the aggregate TAC, defined as the sum of the TACs computed for each of the four stock management groups. To the extent practicable, the Fraser River Panel shall develop and implement a fishing plan that provides the U.S. fishery with the opportunity to harvest its 16.5% aggregate share of the TAC of Fraser River sockeye. To accomplish this, the Panel to the extent practical, shall strive to concentrate the U.S. sockeye fishery on the most abundant management group (or groups), i.e., those that provide the largest percentage of the available TAC. It is understood that, despite concentrating the U.S. harvest in this manner, the overlapping of management groups may result in greater than 16.5% of the TAC for one or more of the less abundant management groups being taken by the U.S. fishery. A small but acceptable rate of incidental harvest may occur on one or more overlapping management groups that have little or no TAC as defined in this Chapter.
- (f) Notwithstanding paragraph 3(e), in order to address specific conservation and harvest objectives in any given year the Panel may by agreement assign Fraser River sockeye stocks to five or more management groups. In the event the Panel adopts more than four Fraser River sockeye stock management groups, the TAC calculation, overlapping stock harvest approach, and incidental harvest provisions would apply in a similar fashion as per the four stock management groupings as in paragraph 3(e). As part of the decision to adopt more than four stock management groups the Panel will agree on how the AFE would be apportioned amongst the stock management groups.

- (g) To the extent practicable, the Fraser River Panel shall develop and implement a fishing plan that provides the U.S. fishery with the opportunity to harvest its 25.7% share of the Fraser River pink salmon TAC. To accomplish this, the Panel shall take into consideration the availability of both the sockeye salmon TAC and pink salmon TAC, through the entire fishing season, while to the extent practical, minimizing the impacts on overlapping sockeye management groups with little or no TAC. It is understood that the overlapping of sockeye and pink salmon migrations may result in a small but acceptable rate of incidental harvest on one or more overlapping sockeye management groups that have little or no TAC as defined in this Chapter.
4. Pursuant to Article IV, paragraph 3, Canada shall annually establish the Fraser River sockeye and pink salmon spawning escapement targets for the purpose of calculating the annual TAC. For the purposes of pre-season planning, where possible, Canada shall provide forecasts of run size and spawning escapement requirements by stock management groupings to the Fraser River Panel no later than the annual meeting of the Commission. Forecasts of migration patterns, gross escapement needs, and any in-season adjustments in escapement requirements shall be provided to the Fraser River Panel by Canada as they become available in order to accommodate the management needs of the Panel in a timely manner. In addition, on a timely basis, the United States shall provide run size forecasts of U.S. origin sockeye and pink salmon stocks affected by Panel management.
 5. The Fraser River Panel shall develop fishing plans and in-season decision rules as may be necessary to implement the intent of this Chapter. The Parties shall establish and maintain data sharing principles and processes which ensure that the Parties, the Commission, and the Fraser River Panel are able to manage their fisheries in a timely manner consistent with this Chapter. With respect to management responsibilities, all activities of the Parties and the Fraser River Panel shall be consistent with the August 13, 1985, Memorandum of Understanding between the Parties.
 6. Fraser River Panel pre-season planning meetings that do not occur simultaneously with Commission meetings shall be held alternately in Canada and the United States. Scheduled in-season management meetings shall be held at Richmond, B.C. unless the Panel agrees otherwise. As agreed, Panel meetings may be held by telephone conference call.
 7. The Parties may agree to adjust the definition of the Fraser Panel Area as necessary to simplify domestic fishery management and ensure adequate consideration of the effect on other stocks and species harvested in the Area.
 8. Annually, the U.S. share shall be adjusted for harvest overages and underages based on post-season catch estimates as follows:
 - (a) The U.S. share shall be adjusted in the amount of any harvest overage or underage of the same species from the previous year or years as provided in subparagraphs (b) and (c), below. In making such adjustment, the U.S. current year share will not be reduced by more than 5 percent nor increased by more than 15 percent because of the adjustment, unless otherwise agreed. The Fraser River Panel shall attempt to fully implement any adjustments to the U.S. share by the expiration of this Chapter. Any remaining balance from the harvest overage or underage shall be incorporated in the

subsequent year's allocation. Any residual overage or underage remaining at the last year of this Chapter shall be carried forward into the next Chapter period.

- (b) The U.S. share will be adjusted to account for management imprecision in U.S. fisheries subject to the limitations prescribed in subparagraph (c). Additionally, the U.S. share will be adjusted for underages which occur as a result of Canada directly impeding the U.S. from pursuing its in-season share of the TAC. This latter circumstance will be noted in-season by the Panel including the effect Canada's catch had on impeding the U.S. pursuit of its in-season share, and will be compensated for as an underage pursuant to paragraph (a).
- (c) The U.S. share will not be adjusted:
 - (i) for underages which occur because the U.S. fishery failed to deploy sufficient effort;
 - (ii) for underages which occur because too few fish were available to the U.S. fishery due to migration patterns (e.g., diversion rates) or harvesting constraints for intermingled stocks or species; or
 - (iii) for that portion of an underage resulting from an increase in the estimated TAC identified after the year's fishery has ended but which would not have been available due to harvest constraints for intermingled stocks or species.
 - (iv) for an overage resulting from TAC reductions after the scheduling of the last Fraser River Panel approved U.S. fishery of the season.
 - (v) for any harvest of Fraser River sockeye that occurs in Alaska.
- (d) Fisheries that occur after the last U.S. Fraser River Panel approved fishery are expected to remain similar to those of recent years.

9. The Parties shall establish a Technical Committee for the Fraser River Panel:

- (a) the members shall coordinate the technical aspects of Fraser River Panel activities with and between the Commission staff and the national sections of the Fraser River Panel, and shall report, unless otherwise agreed, to their respective National Sections of the Panel. The Committee may receive assignments of a technical nature from the Fraser River Panel and will report results directly to the Panel.
- (b) membership of the Technical Committee shall consist of up to five such technical representatives as may be designated by each National Section of the Commission.

- (c) members of the Technical Committee shall analyze proposed management regimes, provide technical assistance in the development of proposals for management plans, explain technical reports and provide information and technical advice to their respective National Sections of the Panel.
 - (d) the Technical Committee shall work with the Commission staff during pre-season development of the fishery regime and management plan and during in-season consideration of regulatory options for the sockeye and pink salmon fisheries of Fraser Panel Area waters and during post-season evaluations of the season to ensure that:
 - (i) domestic allocation objectives of both Parties are given full consideration;
 - (ii) conservation requirements and management objectives of the Parties for species and stocks other than Fraser River sockeye and pink salmon in the Fraser Panel Area during periods of Panel regulatory control are given full consideration; and
 - (iii) the Commission staff is informed in a timely manner of management actions being taken by the Parties in fisheries outside of the Fraser Panel Area that may harvest sockeye and pink salmon of Fraser River origin.
 - (e) the staff of the Commission shall consult regularly in-season with the Technical Committee to ensure that its members are fully informed in a timely manner on the status of Fraser River sockeye and pink salmon stocks, and the expectations of abundance, migration routes and proposed regulatory options, so the members of the Technical Committee can brief their respective National Sections prior to each in-season Panel meeting.
10. The Parties agree that Panel management actions should meet the following objectives, listed in order of priority:
- (a) obtain spawning escapement goals by stock or stock grouping;
 - (b) meet Treaty defined international allocation; and
 - (c) achieve domestic objectives.
11. The Fraser River Panel shall manage its fisheries consistent with the provisions of the other chapters of Annex IV to ensure that the conservation needs and management requirements for other salmon species and other sockeye and pink salmon stocks are taken into account.
12. The Parties agree to develop regulations to give effect to the provisions of the preceding paragraphs. Upon approval of the pre-season plan and during the period of Panel regulatory control, all sockeye and pink fisheries under the Panel's jurisdiction are closed unless opened for fishing by in-season order of the Panel.

13. Pursuant to the Parties' obligations under Article VI the Panel will use the following in-season decision process:

- (a) The mid-point forecast provided by Canada shall be used for management purposes until in-season updates of run size become available. Based upon advice from the Fraser River Panel Technical Committee and PSC staff, the Panel may adopt a more precautionary or optimistic applications of the forecast information until in-season updates of run size are available. PSC staff shall provide the Fraser River Panel with recommendations for in-season run size and other factors relevant to sound fisheries management decisions. Based on information such as, but not limited to, in-season estimates of run timing and diversion rate, the PSC staff shall make recommendations to the Fraser River Panel regarding in-season decision making.
- (b) PSC staff shall provide the Fraser River Panel with projected harvestable surpluses and status of harvest from fisheries under Panel management. These projections will incorporate any Fraser River Panel agreement on management adjustments that deal with environmental conditions during in-river migration that could significantly impact the Fraser River Panel's ability to achieve spawning escapement objectives and other considerations agreed to by the Panel.
- (c) Any changes from PSC staff recommendations for points 13(a) and 13(b) above shall be based on bilateral agreement between the National Sections of the Fraser Panel. Acceptance of the PSC staff recommendation requires approval of at least one of the National Sections.
- (d) The respective National Sections of the Panel will develop proposed regulations for their domestic Panel Area fisheries consistent with recommendations and projections provided by the PSC staff as described in 13(a) and 13(b) as may be modified pursuant to 13(c). Either National Section may ask PSC staff for advice in designing its fisheries proposals. PSC staff shall assess and provide advice as to whether proposed fishery regulations for Panel Area fisheries are consistent with recommendations and projections described in 13(a) and 13(b) and Panel objectives. Subsequently, after full discussion of a Panel Area fishery proposal, the following may occur: (i) the Panel may adopt the proposal based on bilateral agreement or; (ii) the proposing National Section may modify and re-submit its proposal in response to advice from staff and/or concern(s) raised by the other National Section; or (iii) while acknowledging objection(s) of the other National Section, the Panel shall approve the fishery proposal. In the event that the Panel approves a fishery under the provisions of the latter circumstance (13(d)(iii)), prior to the commencement of the proposed fishery, the proposing National Section must provide a written rationale for the fishery as submitted.
- (e) If post-season a Party believes that it has been adversely affected by a fishery that had been objected to pursuant to paragraph 13(d)(iii) above or paragraph 13 (f) below; the PSC staff shall prepare an objective report on the circumstances of the fishery and its consequences for the January PSC meeting following the season in question. The Panel shall review the staff report and determine what action is required. If the Panel

cannot come to agreement on the appropriate action, the issue shall be referred to the Commission for resolution during its February annual meeting.

- (f) Pursuant with Article VI, paragraph 7 of the treaty, the Parties shall communicate and consult with one another in a timely manner regarding their fishing plans for Fraser River sockeye outside of the Panel's regulatory control. In the event that a party has an objection to the other party's fishing plans as they relate to achievement of Panel objective, the implementing party will provide the rational for such plans.

14 The Parties agree that:

- (a) Fraser River sockeye are caught incidental to fisheries in Alaska District 104 directed at pink salmon;
- (b) Fraser River sockeye comprise a minor portion of the catch in that fishery and are not the target stock in that fishery;
- (c) the extent of these incidental catches is unpredictable from year to year; and
- (d) paragraph 8(c)(v) is premised along with other considerations between the Parties, on these circumstances continuing.