



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

February 7, 2016

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

VIA EMAIL ATTACHMENT

RE: JANUARY 26 – 28 2016 FORUM ON CONSERVATION AND HARVEST PLANNING, RICHMOND, BC

Dear Rebecca Reid,

The first of 3 yearly Forum on Conservation and Harvest Planning events took place January 26-28 2016 in Richmond. Forum attendees travelled from the Marine Approach and Fraser River areas to participate in and/or observe the event. The following summary outlines the key points of discussion raised by the First Nation participants and associated actions requested of the Department.

CHINOOK

First Nations have a constitutional right to access Chinook salmon for Food Social and Ceremonial fisheries. Serious concerns regarding the implementation of the Aboriginal Priority and the possibility that some First Nations may be bearing an unnecessary burden of conservation were raised, and have been clearly expressed at previous Forums. Given the preliminary outlook projections for low abundance of many returning sockeye stocks this season, the importance of access to Chinook FSC fisheries cannot be overstated. In light of this responsibility, First Nations participants specifically requested **a full review of the calculations used by the Department to support current Chinook management measures**. There is an urgent need for transparency, and accountability on impacts by sector. Participants were aware that the “comprehensive” Southern BC Chinook Strategic Planning Initiative (CSPI) will still be in development for the 2016 season, and look forward seeing it implemented upon completion. However it is unlikely that the CSPI will have any detailed recommendations for Spring and Summer 5(2) management.

ACTION REQUIRED FOR 2016 FISHING SEASON: Please provide the Joint Technical Working Group with the information (data and associated uncertainties) they need in time to review and prepare for the March and April 2016 Forums. This should include DNA analysis results from the 2014 Juan de Fuca recreational fishery, an opportunity to assess Coded Wire Tag data for Dome creek, as well as a technical review of the summer 4(1) group. Please note that participants will likely need 3-5 days at least to review and interpret the results before the Forum.



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PROPORTIONAL MANAGEMENT ADJUSTMENT (PMA)

The purpose, strengths and weaknesses of the PMA were briefly discussed. A review of how the PMA is being implemented was supported by some Forum participants, along with a request for more information on stress levels of return migrants throughout the Fraser River and Tributaries (ex. Nechako).

ACTION REQUIRED: Please provide a clear and complete explanation of how the pMA will be implemented in 2016, which should include details of any methods (current and planned) used to include stress levels of return migrants in the pMA.

TEST FISHERIES / ASSESSMENT FISHERIES

ACTION REQUIRED: Forum participants requested that the Department dedicate resources and fully involve First Nations in pursuing the feasibility (funding, study design and scientific defensibility) of using marine area FSC fisheries as part of the current test fishery program.

There is also a need for a full deep meaningful and transparent consultation on the mortalities of Fraser sockeye that will result from test fishing in 2016 and beyond.

STEELHEAD

Concerns about low levels of steelhead abundance were raised, have been raised repeatedly in the past, and will likely continue to be raised until the Department is able to **secure a Peer-review of the Provincial Steelhead model, which will include First Nations involvement, possibly through the JTWG, or CSAS.** Another step will be securing a date for a meeting among Federal and Provincial staff and the FRAFS to begin to address these long-standing concerns at the Fraser scale. Forum participants generally supported the prospect of including an update from the Thompson steelhead working group on their framework for a recovery plan at the April 2016 Forum and several participants agreed to share steelhead impact data and/or test fishery model at the forum in March.

ACTION REQUIRED FOR 2016 FISHING SEASON: Please provide the information needed by the JTWG to participate in a Peer-review of the Provincial Steelhead model as well as the Department's impact assessment model for chum in advance of the March forum. As well, please clearly describe the Departments chum management plan actions and how they relate to Steelhead impacts at the upcoming March Forum.

ALLOCATION AND ACCESS REQUEST

Nearly one year ago, Forum attendees recommended that a process be developed, perhaps with the assistance of the First Nations Fisheries Council, to deal with FSC access requests in an open, transparent



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and inclusive manner. This is a sensitive topic with far-reaching legal implications.

This year, the Department made an effort to start the discussion about FSC access as well as FSC allocation requests on day 2 of the Forum. The challenges associated with increases to FSC allocation, as well as FSC access request changes were discussed during the Tier 1 meeting and it was clear that there was not enough time in the forum agenda to fully address this topic, nor are all of the required people engaged in the discussion. It was recommended by some to devote more Forum time to reviewing fishing plans and developing protocols in the future, while others do not see this as a topic for DFO consultation at all. The current 'consultative approach' is not adequate, and more time and information is needed to inform future discussions, at the Tier 1 and/or Tier 2 level.

ACTION REQUIRED to help inform future discussions about operational components of the issues:

- **Provide the methods used to determine FSC allocation and sharing arrangements**
 - **This would include the methods used to identify and project which stocks would be impacted by the proposed increased allocations**
- **Provide a clear and complete explanation of the consultation process that the Department is currently engaged in**
- **Share access and allocation change request proposals with potentially affected Nations sooner in the process**
- **Clarify the number of FSC Fraser sockeye salmon allocated and harvested (kept and release) among the areas (South Coast, Lower Fraser and BC Interior) in 2015. If actual data/formulas are provided via Excel spreadsheets, it might help make future PowerPoint presentations more clear.**
- **Share the information on the increased access request from 2015, including how it was executed and when and where the ~2000 salmon were harvested.**
- **Commit to fund the process required to fully address the FSC access and FSC allocation topics, as well as the sharing Principles, once they are developed.**

In response to an underlying issue that, in many areas, **there are fewer returning sockeye, and conservation units continue to be in the Wild Salmon Policy "red zones"**, please include a clear and informative presentation on the Wild Salmon Policy, and the actions that the Department is taking to address these concerns at an upcoming forum.

Other important issues were discussed during the Tier 1 session, and will likely lead to further discussion and actions requested at upcoming Forums. These included:



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LATE SHUSWAP SOCKEYE CONSERVATION

Very few late Shuswap sockeye (~ 4000 sockeye salmon) are forecast to return in 2016 and recommendations on how to protect this stock were discussed at the Tier 1 session. The operational feasibility of an in-season management strategy, such as a window closure, to reduce impacts on these fish was briefly discussed. More discussion will be needed at the March Forum to fully assess the options available for in-season management.

AFS ALLOCATION: Tier 1 discussion

FNFC: Tier 1 discussion

NON-COMPLIANCE MEASURES IN TIMES OF LOW ABUNDANCE

There was discussion about how First Nations can collectively deal with this issue. Some participants requested an increased level of protection from DFO during times of low abundance. It was also stated that an entire Nation or an entire community should not be held accountable to the actions of a few individuals.

We look forward to the Department of Fisheries, Oceans and the Canadian Coast Guard's timely response on these issues. A clear and concise response will support planning for the next Forum on Conservation and Harvest Planning, March 8-10 2016, and should also support follow-up steps by the Department to engage directly with the rights holders. As outlined in the Terms of Reference, the Forum meetings 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.

Sincerely,

Ken Malloway,

FRAFS Chairperson

On behalf of the First Nation participants at the January 26-28th 2016 Forum on Conservation and Harvest Planning



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