



FRASER RIVER ABORIGINAL FISHERIES SECRETARIAT

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April 16, 2015

Ms Sue Farlinger
Regional Director-General
Fisheries and Oceans Canada
Vancouver BC

VIA E-MAIL ATTACHMENT ONLY

RE: Communication from the First Nation attendees at the Forum on Conservation and Harvest Planning April 13/14, 2015, Richmond BC.

Dear Ms Farlinger:

First Nations and staff from Fisheries and Oceans Canada (DFO) met at the Forum on Conservation and Harvest Planning on April 13 for further detailed discussions concerning the upcoming fishing season. In addition to topics/presentations discussed specifically by DFO staff, a report from the Joint Technical Working Group meeting of April 10 was presented. First Nations then met among themselves on April 14 to share and discuss a number of approaches to the management of the species/stocks during the 2015 Fraser salmon fishing season. Following are some notes and outcomes from the April 14 First Nations' discussions. Please note that the First Nation Forum attendees strongly request DFO's response to the interests expressed below re 2015 sockeye and chinook management be provided to them, including an opportunity to discuss DFO's proposed approach, prior to DFO's IFMP submission to the Minister.

Early Stuart sockeye

All attendees expressed concern about conserving the Early Stuart run and agreed that DFO should start the management season at the pre-season forecast p25 level. There was also agreement that if there were strong indications in-season that the p50 level was going to be surpassed, that flexibility was needed in order to allow for the possibility of a lower river dry-rack fishery and directed fisheries in the upper Fraser. Lower and up-river attendees agreed that in-season dialogue between the two areas would have to take place if it looked like such a fishery was being contemplated. Attendees agreed that it will be important to have some timing information available in-season, hence the Whonnock/Cottonwood test fisheries and the Qualark calibration fishery were supported.

Finally, the proposed window closure outlined in the draft IFMP was also fully supported.

Early Summer Run sockeye

All attendees agreed that the proposed extension of the Early Stuart window closure as outlined in the draft IFMP was necessary to provide at least some protection to the early timed Early Summer Run stocks. It was also noted that this would also help protect the “tail end” of the Early Stuart run. If assessment fisheries indicate a significant deviation (earlier or later) in expected timing for Early Stuart sockeye, adjustment to the window closure should be made.

Summer Run sockeye

Management of the Summer Run aggregate in 2015 in order to meet the priorities of both conservation and First Nations needs is going to be a challenge. This was a long discussion that included the following points:

1. Secwepemc do not support the 65% TAM rule with the Lower Fishery Reference Point (LFRP) of approximately 500,000; a LFRP of 1 million is required for this year given the uncertainties re contribution of 5 year old fish to the forecast returns, and potential impacts to the (co-migrating) Shuswap Early Summer Run stocks.
2. Lower river attendees are uncertain re management of their fisheries in 2015, given the experience in 2014 where “proportional sharing” kept them out of the water while an abundance of fish (while other fisheries proceeded) were evident.
3. Late Stuart sockeye: It was noted that 60% TAM and 65% TAM were not the critical parameters re concerns for meeting Late Stuart conservation needs – it is the LFRP that will determine if the priorities of conservation and First Nations’ needs can be properly considered. All agreed that the best chance of addressing these priorities is to set the LFRP at 1 million based on the p50 forecast. This is being put forward as an “Option 3” – 65% TAM with a LFRP of 1,000,000 at the 50p pre-season forecast.
4. If any commercial TAC materializes for the Summer Run aggregate, move it off the mainstem and into the Harrison and Chilcotin systems.
5. It is extremely important for work to continue on developing the means to separately identify Stellako from Late Stuart sockeye in-season in mixed stock assessment and fishery areas (analogous to the treatment of Chilko and Quesnel). Without that ability the two stocks must be treated as a sub-aggregate; management decisions must reflect the pre-season forecast of relative abundance of those two stocks in the interests of protecting the smaller of the two stocks for conservation and Sec 35(1) needs. If Late Stuarts are assessed in-season at less than the p50 forecast, attendees recommended that DFO default to the 60% Option 1 TAM rule for the Summer Run aggregate.

The issues and interests surrounding management of the Summer Run aggregate are complex, given the high probability of serious conservation concerns for at least 2 of the upper river stocks. Individual First Nations and groups will provide DFO with their feedback, likely taking into consideration much of the agreed-to concerns expressed at the meeting. But there was a general theme of agreement: DFO’s final management decision must clearly demonstrate that they are meeting the two priorities: conservation

on a stock-specific basis, and the priority of First Nations needs over that of the commercial/sport sectors.

Late Run sockeye

Time did not permit detailed discussion on management of the Late Run aggregate. The principle of managing to a LAER of maximum 20% was agreed to.

Chinook

There was consensus agreement on the following: **The SFAB proposal to change management measures that would allow for an increase in ER while in Zone 1 management must be rejected.**

Attendees noted the following reasons for their consensus position:

1. Many First Nations' rights to fish that return to their areas are being infringed as sufficient numbers to support both a harvest and an adequate spawning escapement are not allowed to return.
2. DFO cannot adequately assess the effects of current management practices in marine waters; to introduce new changes will confound the ability to evaluate results of those changes. This will detrimentally affect the deliberations of the CSPI initiative.
3. While the CSPI initiative is underway and making progress there should not be contemplation of any new fishery proposals other than closures in the marine sport and commercial industries.
4. First Nations' rights as expressed in the Sparrow decision are being infringed, and the SFAB proposal is a bid to exacerbate that infringement. First Nations are bearing the brunt of conservation and DFO is advised to take this issue seriously and adjust its chinook management practices accordingly:
 - The sport fishing industry maintains its objective is to provide opportunity and expectations. Regarding opportunity, it is measured by the number of days/months/complete year that the opportunity exists for the sports industry as opposed to the relatively few days and hours that exist for the aboriginal rights-based fishery. Regarding expectations, as long as there is a bag limit associated with a sports fishery the expectation is not diminished. For the aboriginal fishery, the expectation is diminished by the lack of opportunity and the effects of other fisheries on their rights. By these measures it is very obvious that it is not the sports fishery that is bearing the brunt of conservation.

Coho

There was consensus agreement on the following: **DFO's proposal to allow an ER on Interior Fraser coho of up to 10% is rejected.** Attendees noted the following:

1. When putting forward the management options for 2014, DFO repeatedly stated that they were deviating from the practice of managing to a 3% ER in Canada for 2014 only.
2. DFO's failure to meet spawner escapement objectives for 2014 (incorrect 2014 pre-season forecast combined with higher than expected levels of mortality from other fisheries) should provide DFO with reason enough to revert to pre-2014 management practices.

3. DFO domestic management is inconsistent with their Pacific Salmon Treaty obligations. This must be rectified.
4. DFO must reinstate the conservation measures that were in place prior to 2014, to meet the objective of a 40,000 coho return above Hells Gate to provide for the objective of having 1,000 or more spawners per natal stream.
5. The anticipated pink salmon sport fishery (marine and fresh water) must be monitored and independently assessed for coho bycatch (independent observers), and impacts determined and provided in a post-season review.

Pink

Concern was expressed, and agreed to by all attendees (consensus), that the in-river sport fishery for pink salmon must meet the assessment requirements from First Nations (see Point 5 in “coho” above). Contrary to DFO’s assertion, pink salmon sport fisheries employ methods and gear that do catch coho. Further, the sport fishery regulations provide for a 2 fish per day limit which can be increased to 4 if abundance allows. DFO’s intentions to provide a 4 fish per day limit must therefore be matched by providing First Nations with a significant increase to their allocation as compared to 2013.

Allocation Transfer Committee

It was noted that time is passing without action being taken on the First Nation recommendation (September 29, 2014) to the RDG that a First Nation/DFO committee be formed in order to facilitate and expedite in-season transfer of allocations within the Fraser when opportunities are presented. This should be a bi-lateral, truly collaborative effort. A small team (First Nations and DFO) should be assembled to develop the Terms of Reference, which would include membership (both DFO and First Nations), purpose, decision-making procedures, etc.

Finally, attendees acknowledged the hard work of DFO (and First Nations) technical staff in providing the information that made this extraordinary session of the Forum a productive and useful exercise.

Sincerely,

Ken Malloway,
On behalf of the Forum attendees

Cc:
FRAFS Executive Committee
First Nations Fisheries Council
Neil Todd
Walter Quinlan
Jeff Grout
Rebecca Reid
Mike Staley
Pete Nicklin & Jamie Scroggie