

May 13, 2012

To: Sue Farlinger, Regional Director-General, Fisheries and Oceans Canada
Cc: Adrian Wall
Jeff Grout
Jennifer Nener
First Nations Fisheries Council

From: Ken Malloway – on behalf of the attendees at the Forum on Conservation and Harvest Planning, May 7-9, 2014 at Port Alberni, BC.

VIA EMAIL ATTACHMENT ONLY

The May 7-9, 2014 Forum on Conservation and Harvest Planning held in Port Alberni involved some 80 First Nation attendees. There was consensus among participants from the marine approach, lower Fraser, middle Fraser and upper Fraser areas on the following issues:

1. Interior Fraser (IF) Coho

2014 Interior Fraser coho Management Option 3

DFO's Management 'Option 3' for 2014 for IF coho is not acceptable for the following reasons:

- a) Interior Fraser coho populations have not yet recovered to meet the management goals. Allowing significantly higher impacts could jeopardize recovery, especially since DFO still does not yet account for all Canadian impacts nor does DFO currently have a method of conducting in-season assessment of the effects of significantly higher fishing effort.
- b) DFO does not have scientifically valid information to suggest that the status of coho can move from "low" to "moderate";
- c) In communications to the Forum and to the JTWG, DFO has acknowledged the uncertainty in the full Canadian Exploitation Rate (ER). Therefore DFO needs to adopt a precautionary ER for IF coho for 2014 until a complete analysis of the impacts of Canadian fisheries can be made (in collaboration with First Nations).

First Nations' priority aboriginal rights

1. If Option 2 is implemented in 2014, priority for the distribution of IF coho impacts must be afforded to First Nations (for targeted access to coho as well as incidental catch when harvesting other species of salmon).
2. First Nations recommend that an allocation procedure be developed for direct and indirect exploitation rate mortalities on Interior Fraser coho for First Nations and commercial and recreation sector.
3. A plan must be developed with First Nations to ensure that First Nations IF coho rights-based fishery (FSC) needs are met.

Coho Management

1. Any changes in management of Interior Fraser coho must be considered for 2014/15 only.
2. First Nations want to be involved in a post season evaluation of the 2014 Interior Coho management actions taken by DFO.
3. In the short term, the Nations recommend that DFO set out a work plan to meet with Fraser First Nations to:

- better understand all Canadian impacts including the key uncertainties and risks to IFC.
 - reconsider if the management goals for IF coho are appropriate with population fluctuations similar to what we have seen over the past few years.
 - describe changes in fishery monitoring associated with an increase in exploitation rates.
4. There needs to be a recovery planning process developed for Lower Fraser coho.

2. Spring/Summer 5/2 chinook management

Proposed changes to recreational fishery management

Information detailing the changed impact on spring and summer 5/2 chinook resulting from proposed changes to management of the recreational fishery in areas 19 and 20 was presented, for the first time, to the Joint Technical Working Group (JTWG) this week. There was no detailed presentation to the Forum itself. Nor has there been any detailed Consultation of these changes with any First Nation's participants at the Forum.

It appears that these new, less restrictive, regulations of the recreational fishery will change the distribution of impacts among the recreational, commercial and First Nations fisheries from those that were detailed in the letter from Rebecca Reid of May 2012. The First Nations continue their objection to the approach to implementing their constitutionally protected priority right to access to these stocks inherent in the distribution specified in the 2012 letter. Any change to this approach requires deep and meaningful Consultation prior to implementation.

The analysis presented this week at the JTWG indicates that the recreational impacts will increase by over 50%. Departmental staff have not discussed any commensurate increase in harvest opportunities or "flexibility" with First Nations to ensure that they are not bearing the brunt of conservation to accommodate changes in the regulation of the recreational fishery.

The analysis presented this week was focussed on spring 5/2's. There will also be a significant increase in the impacts, from these proposed recreational fishery regulation changes, on summer 5/2 chinook stocks. The spawning escapement of these stocks remains at very low levels and are still stocks of concern in the Outlook. There is almost no information on the level or distribution of marine fishing impacts on this stock group. ***This lack of information is demonstrated in the analysis presented at the JTWG where the "base period" exploitation rates are described as "virtual".***

The First Nation participants at the Forum are opposed to these proposed changes to the recreational fishery regulations. First Nations demand that deep and meaningful consultation be undertaken before any increased impacts from recreational or commercial fishing are implemented. Furthermore, there is a need for a deep and meaningful consultation on the approach used by DFO to implement the Sparrow Priority in situations like the spring/summer 5/2 chinook management. While the Supreme Court of Canada contemplated the concept of bearer of the brunt of conservation, the concept was applicable only to when the food needs had been met. While this may have been the usual case in the 1980's, when Mr. Sparrow was charged, it is not the usual case now. First Nations' food needs for these fish are not currently being met, therefore, this detailed and highly technical calculation of the "bearer of the brunt", based on weak and questionable information, is neither appropriate nor adequate.

3. Early Stuart sockeye management

The Early Stuart Sockeye run continues to be a conservation concern among Fraser First Nations. At the 50p level the run is forecast to return at approximately 299,000. First Nations hope to allow as much of these sockeye to return to the spawning beds as possible.

Under the Wild Salmon Policy, Early Stuart Sockeye are listed as “red zoned”, or a stock of concern. For this reason First Nations are maintaining a conservative approach to the management of this stock. The variances in escapement levels over the past few years show how fragile the Early Stuart Aggregate can be. With the snow packs in the Upper Fraser currently at 142% above normal for this time of year, we are concerned that a quick thaw could increase the en-route mortality of the Early Stuart.

In 2013 we achieved an increase in spawners relative to brood. This was attributed to the sockeye not reacting to environmental conditions according to the management adjustment and decreased fishing pressure along the Fraser.

In order to maximize juvenile production, we would need approximately 778,000 adult spawners to return to the spawning ground. One of the main principles that the Forum attendees agreed on for 2014 was to maximize the return over the brood year stock.

First Nations agree that in order to have spawning escapement numbers exceed those of the brood year there should be a 2 week rolling window closure in place to protect the peak of the migrating Early Stuart. First Nations agree to the following limited fishery opportunities at the forecast 50p return: a 7 day opening, prior to the closure, for the Sto'lo dry rack fisheries with a 5000 catch limit. Sto'lo also requested a one day a week fishery opening during the closure for limited directed fisheries. It is also recognized that other First Nations along the Fraser would like access to very limited or ceremonial fisheries. These fishery provisions are only in effect if in-season estimates confirm pre-season abundances as well as the pre-season management adjustment.

A teleconference among First Nations will be held after the first Fraser River Panel meeting that generates an in-season estimate to discuss the in-season estimate and to review the proposed fisheries.

4. Salmonid Enhancement Program (SEP)

This issue was not formally put to a consensus motion, as were the preceding three issues. However, when discussed, it was identified by the facilitator as an Action Item from the attendees to DFO:

- a) First Nations have little to no interaction with the program management decision-making processes that govern SEP hatcheries, and this must change; and
- b) SEP's “risk assessment framework” has not been shared outside of DFO, despite the major implications of SEP on the Chinook Strategic Planning Initiative as well as First Nations' fisheries. This information should be shared with the JTWG and the Forum participants as soon as possible.

Signed on behalf of the Forum on Conservation and Harvest Planning attendees:


for Ken Malloway,
Chair, FRAFS Executive Committee