



# Pacific Salmon Treaty (PST): Chapter 4 Renewal (Fraser River Sockeye & Pink Salmon)

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May/June 2018

# Outline

- Overview of the Pacific Salmon Treaty (PST) and Pacific Salmon Commission (PSC)
- Roles and Responsibilities
  - Fraser River Panel, Technical Committee, PSC staff
- Overview of Chapter 4 (objectives, implementation issues and considerations)
  - Key Elements of Chapter 4
  - Questions and discussion
- Chapter 4 Renewal
  - Changes in 2013
  - Objectives going forward?
- Questions and Discussion

# Overview of the PST

## Why a Pacific Salmon Treaty?

- Pacific salmon are highly migratory and salmon “produced” by one country are often intercepted in the fisheries of another
  - Juvenile and adult salmon cross international boundaries entering Alaska and Washington
- Interceptions can lead to overharvest, discourage investment in conservation and enhancement, and impact domestic management
- A high-level of bilateral cooperation is required between Canada and the U.S. to conserve and sustainably manage Pacific salmon stocks

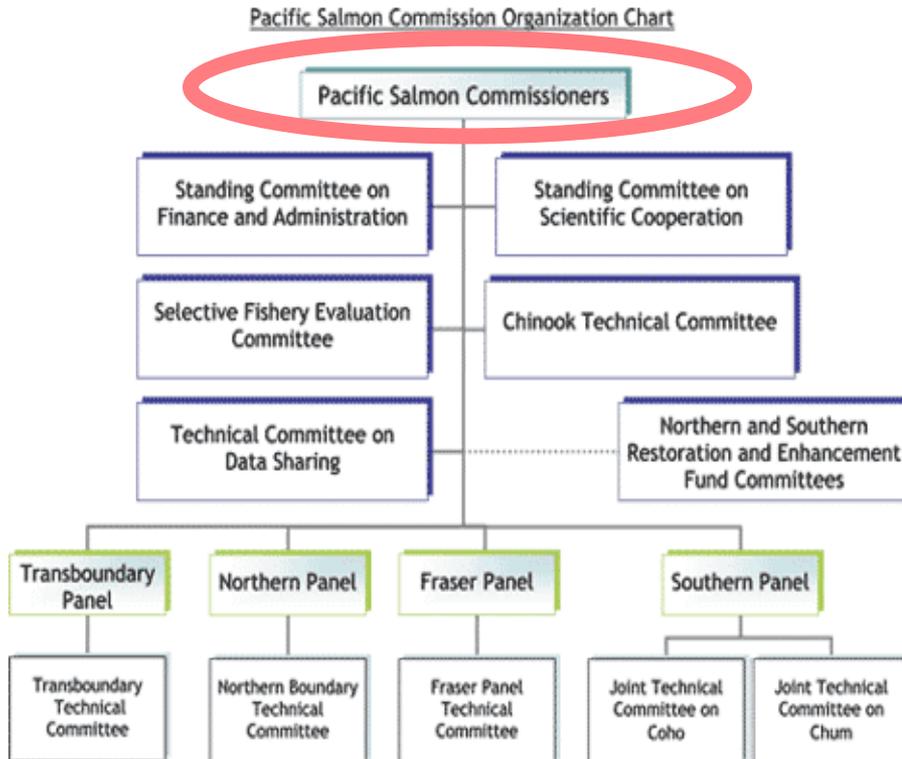
# Overview of the PST cont'd

- Originally ratified by Canada and the U.S. in 1985
- The Treaty commits the Parties to cooperate in the management, research and enhancement of Pacific salmon stocks
- Treaty was renewed in 1999 and again in 2009
  - 1999: Renewed focus on conservation; establishment of Northern and Southern Endowment Funds (\$140M USD); new dispute resolution methods (Commissioners now resolve Panel disagreements)
  - 2009: renewal of key fishing chapters in Annex IV; enhanced focus on collaboration
- Chapter 4 (Fraser River Sockeye and Pink) last revised in 2013 and is scheduled to expire in December of 2019 (delayed due to Cohen)

# Role of the Pacific Salmon Commission

- The PSC was created to oversee implementation of the PST
  - “first, to conserve the Pacific Salmon in order to achieve optimum production”
  - “second, to allow for each Party to receive benefits equivalent to the production of salmon originating in its waters.”
- Independent organization, jointly funded by the Parties
- Consists of eight commissioners from each country, supported by four Panels and associated Technical Committees
  - Each Panel/Technical committee comprised of Canadian and U.S. representatives
- PSC Secretariat based in Vancouver, provides administrative support, etc.
- For Fraser Panel, PSC staff provide technical support & in-season assessment information to inform Sockeye & Pink salmon management

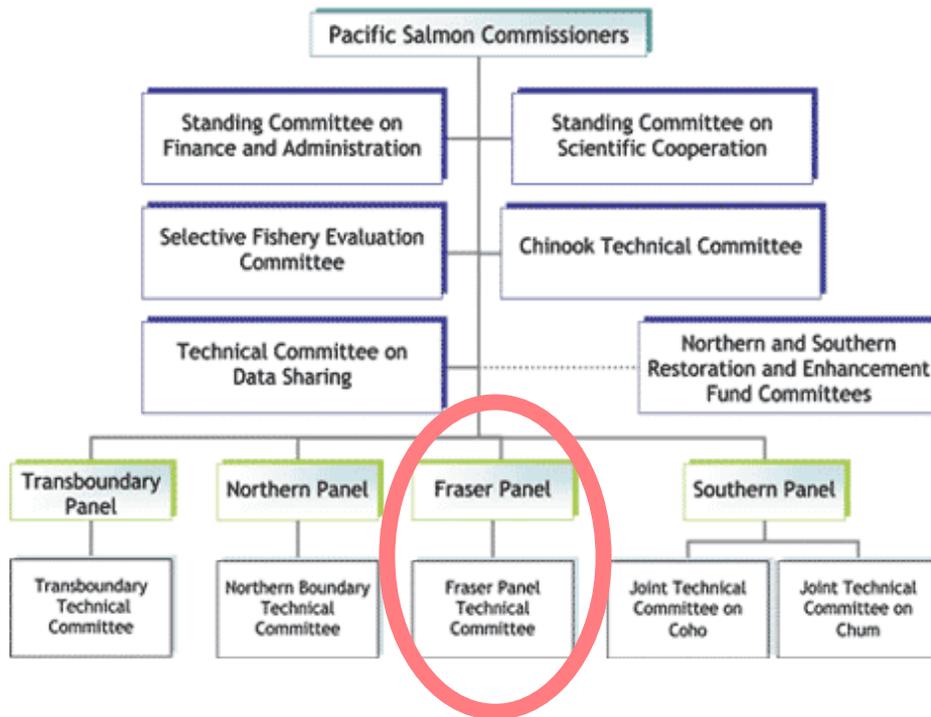
# Pacific Salmon Commission Structure



- Commissioners are appointed by Canada and the U.S.
- Four Commissioners and four Alternates from each country
  - Canadian Commissioners appointed by the Minister of Fisheries and Oceans
- Each country gets one vote & both must agree for items to be passed

# Fraser River Panel

Pacific Salmon Commission Organization Chart



- Members are appointed by the Regional Director General, DFO (new for 2008 – used to be Ministerial appointments)
- Current representation in the Canadian section\*:
  - First Nations (3 reps)
  - Commercial (6 reps)
  - Recreational (1 rep)
  - DFO (2 reps)
- Initial appointment is for a one-year term with re-appointments for two additional years
- US Section – Federal, State and Tribes representatives

\*see Annex for membership list

# Fraser Panel Technical Committee

- Joint Canada-US technical committee
- Current membership\*:
  - 5 Canadian (4 DFO, 1 First Nation) 3 U.S. (1 Federal, 1 State, 1 Tribal)
- PSC staff coordinate and participate in the process providing assessment information
- Reports to the Fraser River Panel
- Provides “timely scientific data and information needed in order to make effective decisions”

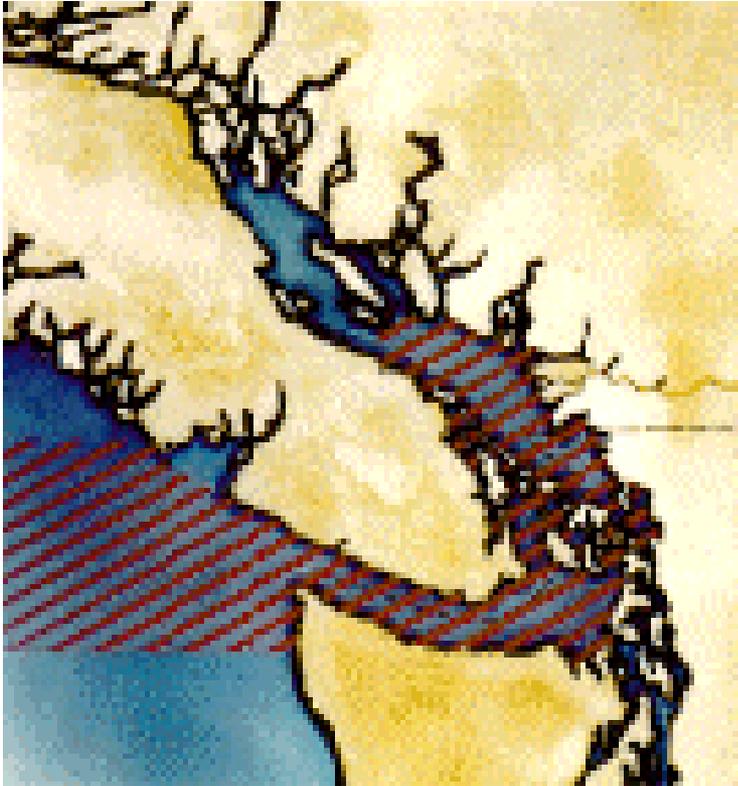
*\*see Annex for membership list*

# FRASER RIVER PANEL OBJECTIVES, IMPLEMENTATION ISSUES, AND CONSIDERATIONS

# Fraser River Panel Objectives

- Long standing management objectives include:
  - obtain spawning escapement goals established for each management unit (conservation);
  - meet international allocation defined in the Pacific Salmon Treaty; and
  - achieve domestic objectives.
- Fraser Panel has also committed to managing fisheries to ensure conservation needs and management requirements for other salmon species, other sockeye and pink salmon stocks, are taken into account

# Fraser Panel Waters



- The Fraser River Panel is responsible for the management of Fraser River sockeye & pink commercial fisheries in the waters indicated:
  - between the 48° & 49° parallels on the West Coast (except Barkley Sound & Nitinat in CDN);
  - CDN Areas affected: 17, 18, 19, 20, 121,123, part of 124, and 29); and
  - Fraser River
- The Panel does NOT have regulatory control of any Canadian First Nations FSC fisheries or Johnstone Strait fisheries

# OVERVIEW OF CHAPTER 4

# Key Elements of Chapter 4

- Defines US share of Fraser Sockeye in the Fraser Panel (FRP) area – shall not exceed 16.5% of TAC (P. 2a)
- Defines US share of Fraser Pink salmon in the FRP area – shall not exceed 25.7% of TAC (P. 2b)
- Defines TAC (~ balance remaining once escapement, Management adjustment, Aboriginal Fisheries Exemption (AFE) and test fishing catches are deducted) (P. 3)

# Key Elements of Chapter 4 cont'd

- Establishes AFE of 400,000 Sockeye and how it is applied across Management Units (P. 3 c, d)
- Establishes four Sockeye Management Units (Early Stuart, Early Summer, Summer and Late Run) and guidance on how U.S. share is to be applied across the units (P. 3e)
- Provides flexibility for a different number of Management Units
- Provides guidance on harvest of Pink salmon TAC (P. 3g)

# Key Elements of Chapter 4 cont'd

- Sets out responsibilities:
  - Canada to provide forecast, establish Sockeye and Pink escapement targets (P. 4)
  - Fraser River Panel to develop fishing plans (P. 5)
  - Provides basis for establishing Fraser Panel Area (P. 7)
  - Basis for overages/underages (P. 8)
- Decision-making process (P. 13 a, b, c, d) – with the Parties, and role for PSC
- Provisions regarding Alaskan incidental catch of Fraser Sockeye (P. 14)

# Chapter 4 Implementation

- Since we began implementing the revised chapter there has only been one year with Sockeye TAC available for international sharing; however, some Pink harvest opportunity for US in 2015 and 2017
- Chapter has performed well from conservation perspective
- Main issue has been addressing costs of test fisheries
- Panel has undertaken reviews of hydroacoustics and test fishing programs with aim of ensuring best possible performance and with consideration of opportunities to reduce costs

Questions?

# CHAPTER 4 RENEWAL

# Recent Renewals of Chapter 4

- 1999
  - Revised sharing arrangement of Fraser sockeye and pink
  - US now has smaller percent of allowable catch
- 2014
  - Incorporation of Commissioners Guidance (provided in 2002), which provided direction on managing US TAC across the four (4) management units, into chapter language
  - New wording on Alaskan harvest

# Context for Current Chapter Renewal

- Annex IV, Chapter 4 (Fraser River Sockeye and Pink Salmon) is scheduled to expire on December 31, 2019 (other chapters expire at the end of 2018)
- Was last re-negotiated 2012-13, with new chapter in place since January 2014
- Chapter expires December 31, 2019
- Government approval process takes 10-12 months
- Revised draft chapter needs to be concluded by end of December 2018 to meet approval timelines
- The goal is to conclude negotiations at the Panel level and provide recommendations to the Commissioners
- DFO is seeking First Nations and others input

# Consultation Process

- May/June meetings:
  - DFO will provide background, set the context of current arrangements and review key issues from recent Chapter 4 re-negotiations in 2013, as well as identify the list of items that have been raised to date in informal discussions with the US and PSC
  - Working with the First Nations Caucus members of the Fraser Panel and the Fraser River Aboriginal Fisheries Secretariat to support Tier 1 and 2 discussions
- For fall of 2018, webinars are planned to follow up on feedback received from the May/June meetings and other issues that may have arisen over the fishing season
- DFO prepared to meet bilaterally with First Nations upon request

# Background: Issues reviewed as part of 2009 Renewal\*

- Distribution of Fraser River Aboriginal Fishery Exemption (AFE)
- Stock Management Groupings
- Proportional Sharing across management groupings
- Test Fishing Policy
- Treatment of Alaska catch in TAC calculations

\*more detail provided in the Annex

# Background: Issues identified by Canada during 2013 renewal

- DFO and FRP generally considered the Chapter working well and meeting our objectives, with the inclusion of Commissioner Guidance language and drafting language on Alaskan fishery
- Why was it working?
  - Conservation-based, reasonable allocation split, priority to First Nations through current aboriginal exemption (AFE), good relations with US
  - Chapter reflected future expected variable and uncertain returns, continue focus on responsiveness to climate changes and conservation (Canada sets spawning objectives)

# Background: Issues identified by First Nations during 2013 Renewal

- In a letter from FRAFS to DFO, the following four items highlighted as key issues for First Nations:
  - Aboriginal Fisheries Exemption (AFE) apportionment amongst management groups
  - Proportionate sharing of US catch across management groups
  - Incorporating Commission Guidance
  - Test fishing policy

# Potential Issues for 2019 Renewal

- To date informal discussions with the US and the PSC have identified the following issues:
  - Reconciling the definition of Panel Area Waters in Annex II (includes Fraser River and all tributaries) with current practice under Chapter 4
  - Confirming the definition of “catch” in Panel authorized Test Fisheries as per Chapter 4, paragraph 3 – Test Fishery Policy issue
  - Clarifying the roles and responsibilities of the Fraser River Panel, Technical committee, Parties and Secretariat currently listed in Chapter 4 and the August 13, 1985 diplomatic notes exchanged by the Parties
  - Duration of the new Chapter

# Going Forward

- Need to be clear on areas where we could make trade offs – what are we willing to give up to achieve something else
- Need to understand if issue can be addressed domestically or requires work at international level

# Discussion Questions

- What are your views on the current Chapter 4 regime?
- What key issues would you like to see considered as part of the upcoming Canada-U.S. negotiations?
- What other interests, information or considerations should inform the Canadian Section of the Fraser Panel in discussions with the U.S.?

# ANNEX

# Canadian PSC Commissioners

- Ms. Rebecca Reid (Vice-Chair)
- Mr. John McCulloch
- Mr. Murray Ned
- Mr. Bob Rezansoff

Alternate:

- Mr. Brian Assu
- Ms. Susan Farlinger
- Dr. Brian E. Riddell
- Mr. Paul Sprout

# Fraser Panel and Tech Committee Membership

## Fraser Panel Members:

- Jennifer Nener (Co-Chair)
- Grand Chief Ken Malloway
- Mr. Tony Roberts Jr.
- Mr. Marcel Shepert
- Mr. Chris Ashton
- Mr. Mike Griswold
- Mr. Rob Morley
- Mr. John Murray
- Mr. Les Jantz
- Mr. Brent McCallum
- Mr. Les Rombough
- Mr. Peter Sakich

## Fraser River Tech Committee

- Mr. Jamie Scroggie (Co-Chair)
- Ms. Sue Grant
- Mr. Mike Hawkshaw
- Mr. Mike Staley

# Historical Changes to Chapter 4

- The “1999 Agreement”
  - Priority on conservation, reflected throughout the agreement
  - Establishment of Salmon Endowment Fund (\$140M USD)
  - New dispute resolution rules & methods
  - Commissioners now resolve Panel disagreements
- Revised sharing arrangement for Fraser sockeye & pink
  - CDN now gets larger percent of allowable catch
  - Climate change. Reflected in Management Adjustment used to assist in achieving spawning objectives
  - How AFE is calculated was modified to address interests in Early Stuart and apportion across Management Units
  - How and when US catch is calculated relative to TAC for payback provisions

# More Recent Issues and Changes

- Proportion of US catch across management groups
- Responding to management groups with little or no TAC
- Additional management unit used in 2003- 2009 (Birkenhead) and in 2011 (Harrison). Recent Chapter has been managed to 4 management groups

# Issues raised by U.S. (2013 Renewal)

- Concerned about not having a share included in their TAC of any allowable catch for stocks with no TAC. These are situations where Canada has set an ER ceiling (LAER)
- In 2011 there was agreement if the ceiling was over 20% then the US would get a share
- Term of new agreement
- If Canada re-opens discussion on proportionate harvesting their view is they cannot be held to harvest TAC of stocks that do not swim in US waters
- If US was pushed on this issue response would be proportionate to stocks that swim in their waters and to include all stocks (e.g. Early Stuart)
- If Canada raises a number of issues should expect US to raise more issues

# Issues reviewed in 2009

- **Item #1) Distribution of Fraser River Aboriginal Fishery Exemption (AFE)** – exemption is actual catch up to 400,000; allocated across management groups as follows: up to 20% from Early Stuart and the remaining balance based on average proportional distribution for the three most recent cycles across remaining stock groups
- Recent changes allow for updating to actual catches by stock group in season and reappportioning across remaining groups. Also reflecting available surpluses by stock group

# Issues reviewed in 2009

- **Item #2) Stock Management Groupings** – re-alignment of stocks included in current management groups, changes to the number of groups, flexibility in the longer term to respond to changes
- Canada has developed a process to guide when stocks could be realigned and used this process in 2012 supported by the Panel. The number of management groups is currently at 4 but the Panel has demonstrated flexibility to increase this number when conditions warrant (e.g. 2003-2009 Birkenhead and 2011 Harrison)

# Issues reviewed in 2009

- **Item #3) Proportional Sharing across management groupings** – Issue is US is expected to spread harvest across management groups in alignment with TAC to the extent practicable. US had not achieved it's Treaty share of 16.5% in some recent years prior to 2009. US did achieve its share in years 2009-2012. US made this a key principle that they maximize their share after conservation
- Extensive review of past harvests by management grouping showed US had never harvested proportionate to management groupings' TAC as the early stocks tend to migrate more via southern route, Harrison migrates almost exclusively via southern route. Some stocks have had little southern migration in some years

# Issues reviewed in 2009

- **Item #3 cont.)** – issue was resolved in current 2013 Chapter language with acknowledging US may exceed 16.5% of some management groups despite its best efforts to focus harvest to those groups with TAC
- Agreed that a “small but acceptable” rate of incidental harvest may occur on one or more overlapping management groups that have little or no TAC

# Issues reviewed in 2009

- **Item #7) Test Fishing Policy** – A policy was developed but was not included in the Chapter
- Will be a separate document to guide the Panel in making decisions on which test fisheries are required each year for management and how they will operate
- Key issues for Canada are having a review process for each test fishery and criteria for confirming any test fishery

# Issues reviewed in 2009

- **Item #9) Treatment of Alaska catch in TAC calculations** – Alaskan catch has not been included in in-season TAC calculations since 1999. Since 2005 the Alaskan catch has not been included in determining the US share
- Canada wants the wording to change to reflect the current practice. This issue was moved to the Commissioners to resolve as there is no Alaskan representative at the Panel negotiation table