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*Your file* *Votre référence*

*Our file* *Notre référence*  
2016-501-00028

**MAR 16 2016**

Ken Malloway  
FRAFS Chairperson  
Fraser River Aboriginal Fisheries Secretariat  
c/o Nicola Tribal Association  
PO Box 188  
Merritt, BC V1K 1B8  
<lgomez@nicolatribal.org >

Dear Mr. Malloway:

Thank you for your February 7, 2016 correspondence, summarizing the key points raised by First Nations participants at the January 26 to 28 2016 Forum on Conservation and Harvest Planning in Richmond B.C. I regret the delay in responding.

I note from your letter that Forum participants discussed a wide range of topics, raised a number of issues, and identified a number of actions. Fisheries and Oceans Canada (DFO) commends you for the breadth and thoroughness of your efforts. Following is DFO's initial response on the subjects you raise, but I also acknowledge that a number of these issues are substantive and will likely require additional discussion at upcoming meetings and/or planning to provide for the information requested over time.

**Chinook:**

I note that First Nations request "a full review of the calculations used by the Department to support current chinook management measures" to provide for greater transparency and accountability on impacts by sector. As you know, the Department has taken substantive actions to reduce fishery impacts on a number of southern BC chinook stocks of concern. The Department continues to provide information to support post-season reviews of fisheries but acknowledges that challenges remain for assessing impacts by sector given a combination of limited or lack of data from coded wire tags (CWT) to assess fisheries and uncertainties associated with model estimates.

It may be timely to do a review of our management approach in recent years (e.g., over the last five years) to understand the effectiveness of management actions that have been implemented. To this end, Departmental staff are willing to work with First Nations Forum participants, Joint Technical Working Group (JTWG) members and others, to develop a work plan that identifies the key questions from First Nations and others to

support a review of our management approach, including impacts of all fisheries on southern BC chinook, using the best available information. I expect that this work could be advanced as part of the post-season review process. In the interim, the Department will continue to provide information to the JTWG to support ongoing discussions.

The DNA analysis results from the Juan de Fuca recreational fishery has been provided to the JTWG participants to facilitate discussion at the upcoming Forum meeting. The analysis will include sample data and DNA results applied to catch estimates.

In terms of the technical review of Fraser Summer 4<sub>1</sub> chinook, I am informed that much of the information that could be considered in a technical review has been provided at recent JTWG and Forum meetings, including spawning escapement trends, brood year escapement, outlook status, and Pacific Salmon Treaty objectives (e.g. base period doubling goals). The Department will continue to work with the JTWG to identify and provide additional information as required.

Regarding CWT data for Dome Creek, I understand this technical item was discussed at the January 25, 2016 JTWG meeting. I am informed that analysis is underway and that specific questions for DFO's consideration may be provided at a later date. As you know, the discontinuation of the Dome Creek CWT indicator has created uncertainties about fisheries impacts for Spring and Summer 5<sub>2</sub> chinook; work is ongoing to assess the feasibility of developing a CWT indicator for Chilko chinook.

#### **Proportional Management Adjustment (pMA):**

The Fraser River Panel applies management adjustments (i.e., additional fish are allowed to migrate past Mission) for each of the four run timing groups based on models that incorporate run timing and environmental variables to improve the likelihood of meeting spawning escapement objectives. It is currently anticipated that a similar implementation approach to 2015 will be in place for 2016. The Fraser River Panel will evaluate the outcomes from the various pMA models for the different run timing groups and combine that with information provided in-season from observations throughout the Fraser watershed relating to fish condition. Regular updates on management adjustments and other relevant information are provided in-season.

#### **Test Fisheries / Assessment Fisheries:**

DFO is working on 2016 plans for Fraser sockeye test fisheries in conjunction with the Fraser River Panel. As you are aware, the Department is implementing its test fishing programs under Section 10 of the *Fisheries Act*, which grants the Minister authority to allocate fish for the purposes of financing a scientific or fisheries management activity. The Department is aware of concerns from First Nations on potential numbers of fish required to support test fishing programs and will discuss required amounts of fish, including options for a reduced 2016 Fraser sockeye and pink test fishing program with First Nations. For the longer term, funding is being sought to support a review of the test

fishing program, which would include a review of current and potential new methodologies. In terms of your suggestion to structure marine food, social and ceremonial (FSC) fisheries to provide assessment information, the Department would be interested in further understanding what is contemplated and agrees substantive discussion would be required to assess the feasibility.

**Steelhead:**

With respect to steelhead, DFO has provided documentation of the Provincial fisheries impact model and informed Provincial government officials of your request. We are advised that Provincial staff are not currently available for the JTWG meeting in March, but they have agreed to participate in a future session depending on availability. Our Provincial contact has been Mike Ramsay ([Mike.Ramsay@gov.bc.ca](mailto:Mike.Ramsay@gov.bc.ca)) with the Ministry of Forests, Lands and Natural Resource Operations.

Regarding a Canadian Science Advisory Secretariat (CSAS) review of the Provincial steelhead model, a review is not currently in the CSAS schedule. However, DFO annually considers CSAS priorities, and after further discussion on the tools used to assess the impacts of salmon fisheries on steelhead, a role for CSAS could be further discussed.

In terms of the Department's chum management models and plans, I understand my staff have provided a memo with the analysis of impacts of the 2015 commercial chum fishery and are willing to discuss this further. As for 2016 plans, I expect DFO staff will be discussing planning considerations with you at an upcoming meeting.

**Allocation and Access Request:**

Concerning FSC access requests and allocation, please note that DFO has not received any new proposals for increases in Fraser River sockeye allocations. When any increases in allocation are evaluated, potential stock-specific management impacts are one of several considerations in decision-making.

Regarding current active requests for increased access in the mouth of the Fraser River, a letter is being prepared that will be forwarded to First Nations in the Fraser River watershed and approach area, who could potentially be adversely impacted, with more details of the Department's 2016 consultation process. The Department welcomes your suggestions on how this process can be improved.

With respect to your suggestion that DFO share access and allocation change request proposals with potentially affected First Nations sooner in the process, consultation plans are developed that are specific to each request, and information is shared as soon as possible, consistent with these plans.

Regarding your request that DFO clarify the number of FSC Fraser sockeye salmon allocated and harvested among the areas, DFO provides the communal licence target amounts by area in the Integrated Fisheries Management Plan (IFMP) each year. Harvest amounts are provided for South Coast, Lower Fraser and BC Interior areas, and fishing opportunities are provided in-season with an effort to balance the harvest opportunities across the three broad geographic areas.

There were no access increases provided last year; however, temporary access to in-river fishing areas was provided to a small number of First Nations based on their FSC area change requests, subject to the groups demonstrating they could meet defined operational requirements. DFO's July 31, 2015 letter to Fraser River and approach area First Nations organizations provided details of how this access was managed (copy attached).

Regarding your suggestion that DFO commit to fund the consultation process, significant funding is already provided to First Nations organizations for Fraser River salmon management, planning, and consultation. DFO's Aboriginal Programs are fully subscribed, so it would be difficult at this time to find additional funds. If you have recommendations for a specific consultation process, the Department would consider them in the context of FRAFS current work plan and budget.

**Other issues raised:**

With respect to the *Policy for Conservation of Wild Salmon*, the Department is currently preparing a *Wild Salmon Policy Implementation Plan*, which will allow alignment with changes to legislation and programs since the policy was released in 2005. The Department intends to start consulting with First Nations and stakeholders on this work in the near future.

Regarding how the Department is managing Pacific salmon populations, work is underway to update the salmon IFMP to more clearly document management approaches and decision guidelines by salmon species, management units, and major fishery areas. The organization of conservation units for management purposes will also be included. For 2016, you will see these changes reflected in the draft IFMP that was released at the start of March, and we expect to have further discussions with First Nations and others on areas where further work is required in the future.

Regarding late Shuswap sockeye conservation, I expect this issue may be discussed at upcoming meetings and I look forward to further advice on this matter.

Finally, thank you for your point regarding non-compliance measures in times of low abundance.

I hope this information has been helpful. Thank you for taking the time to write.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Rebecca Reid', written in a cursive style.

Rebecca Reid  
Regional Director General  
Pacific Region

Attachment: July 31, 2015 letter

cc First Nation Fisheries Council  
FRAFS Executive Committee  
Jeff Grout  
Jennifer Nener  
Stu Cartwright



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**JUL 31 2015**

Via Email

**To: Participants in the DFO – First Nation Area 29 session**

**Subject: Continuation of Consultation related to FSC Area Change Requests and Consolidated FSC Fisheries Management Approaches in the Lower Fraser River – Area 29 – 2015 Interim Decision**

I would like to provide you with an update regarding the 2015 Access approach for Fraser River Sockeye, specifically the Food, Social and Ceremonial fishing Area change requests put forward by Squamish, Snuneymuxw and Cowichan Nation Alliance members (Cowichan Tribes, Halalt, Penelakut, Stz'uminus).

As you are aware, we have been engaging in consultations with other First Nations that may be affected by additional entrants to the Fraser River FSC fisheries. An important consideration for DFO is management concerns that have arisen in light of the areas where you are seeking expanded FSC access. We are encouraged to learn that there has been First Nation to First Nation discussions as a follow-up to the DFO and First Nation meeting in Vancouver on June 8<sup>th</sup> and understand that these discussions are continuing.

I understand that Musquem hosted a First nation meeting the week of July 6<sup>th</sup> to discuss considerations and planning for the fisheries in the Lower Fraser River. I strongly encourage continuation of First Nations participation in these collaborative processes and the development of a joint fisheries plan to ensure orderly, well managed fisheries in the Lower Fraser River.

There are a variety of important considerations that DFO has considered in reviewing the requests, including but not limited to:

- o Impacts on conservation and stock management
- o Impacts on other First Nations and other users of the resource
- o Information provided, and
- o Manageability of the request (fisheries monitoring, catch reporting, enforcement, safety, etc.)

In addition, DFO has taken into account the unique and complex nature of fisheries in the Lower Fraser, in particular,

- the vulnerability of all Fraser salmon stocks to harvest in this constrained area including, but not limited to, weak stock management issues and associated narrow windows of time for fishing,
- the requirement to separate fisheries (e.g. in location, time, etc.),
- the requirement to allow sufficient fish up-river for the FSC fisheries of nearly 100 upstream First Nations,
- the relative ease of entry into this fishery and associated concerns about expansion of Lower Fraser FSC fishing capacity and cumulative fishing impacts.

For 2015, as an interim decision, DFO is willing to issue amendments to the annual communal licenses of requesting groups to provide an opportunity for in-river access to a portion of their allocations of Fraser Sockeye, for FSC purposes, in the Lower Fraser River, subject to the following requirements:

- The area for the amendment will be those waters of the Fraser River downstream from a line drawn due north and due south from the QR marker on the easterly point of Kirkland Island, to a line from Garry Point to the northwest tip of Reifel Island. This includes all of Subarea 29-14, and portion of Subareas 29-9 and 29-13.
- Fishing plans will be similar to Lower Fraser First Nations such as short-duration openings and limited participation (may be from as short as several hours to a maximum of 48 hours, to be determined in-season) considering the multiple First Nations and other fisheries that must be coordinated in the Lower Fraser, while still allowing passage of fish to the multiple up-river FSC fisheries and spawning areas.
- Licence conditions will be similar to Lower Fraser First Nations and be consistent with the conservation and management requirements of various stocks present during the proposed fishery (provisions regarding by-catch, gear and timing restrictions, monitoring etc) as identified through consultations by DFO with your First Nation and other Fraser First Nations in the area.
- There is available Canadian allocation on the management unit of Fraser Sockeye that would be expected to be present during the proposed fishery.
- DFO is provided with a fishing plan on behalf of the First Nation that identifies the following :
  - A specific contact person with whom DFO staff can interact in-season to make decisions about the timing and details of any opening, and who is accountable for managing the fishery in accordance with licence conditions and an approved plan.
  - The portion of the allocation that the group wishes to target in-river (recognising that achieving this amount cannot be guaranteed).
  - A description of the measures that will be taken to clearly designate participants and a clear description of the vessels and gear to be used. For manageability and for determining timing and duration of fisheries,

- DFO needs to know the number of vessels participating, who the fishers are, and the nature of gear to be used.
- The measures that will be taken to monitor harvest (including target and non-target catch) as well as a description of roles, responsibilities and accountability for ensuring that harvest amounts authorised by in-river licence amendments will not be exceeded. Mandatory landing sites have been an effective tool for monitoring and tracking of FSC allocations in in the Lower Fraser and the Department will look to having equivalent measures in licence amendments.
  - Fishing in the Lower Fraser poses some unique safety challenges, including, for example, shipping traffic, snag areas and unusual tidal flows. The plan should include a description of measures that will be taken to ensure the safety of harvesters (e.g. designated harvesters need to be familiar with Lower Fraser fishing areas or develop and implement a plan to acquire relevant knowledge in time for the fishery)
  - Description of meaningful efforts taken to engage with those First Nations who currently access their FSC in this area in an effort to address inter-tribal concerns related to accessing this fishing area for 2015.

I would like to re-iterate that the access decisions for 2015 is interim and conservative in nature, and subject to First Nations achieving acceptable standards of manageability in the First Nation fisheries. Further evaluation of the requests and consideration of the concerns others in the lower Fraser have raised about long-term impacts to current fisheries, is required. It is hoped that the experiences of the 2015 fishery will inform longer-term solutions.

Thank you for your continued engagement on this important issue.

Sincerely,



Sue Farlinger  
Regional Director General

c.c.: Jennifer Nener, Area Director, Lower Fraser Area  
Andrew Thomson, Area Director, South Coast Area  
Terri Bonnet, Aboriginal Affairs Advisor, Lower Fraser Area  
Kent Spencer, Aboriginal Affairs Advisor, South Coast Area  
Sarah Murdoch, Director, Treaty and Aboriginal Policy Directorate  
Rebecca Reid, Regional Director, Fisheries Management