

Forum on Conservation and Harvest Planning for Fraser Salmon

Day 2 – Tier 2 – First Nations and DFO
January 22, 2010 • Super 8 Hotel • Abbotsford, BC

ATTENDANCE:

Facilitator: Marcel Shepert, FRAFS
Susan Anderson-Behn, Vancouver Island FRAWG
Ken Malloway, FRAFS, Kwaw Kwaw Apilt First Nation
Tracy Sampson, Nicola Tribal Association
Ruth Kenny, Tsawwassen First Nation
Reg Seaweed, Quatsino First Nation
Barry Bennett, Kamloops Indian Band
Aaron Gillespie, Secwepemc Fisheries Commission
Pat Matthew, Secwepemc Fisheries Commission
Kevin Cook, Semiahmoo First Nation
Mark Duiven, Semiahmoo First Nation
Margaret Fletcher, Highbar First Nation
Bob McCuaig, Highbar First Nation
James Archie, Skowkale First Nation
Gord Sterritt, FRAFS
Mike Jimmie, Sto:lo Nation
Brian Toth, Carrier Sekani Tribal Council
Pete Nicklin, FRAFS
George Antone, Kwantlen First Nation
Murray Ned, Sto:lo Tribal Council, Sumas First Nation
Dominic Hope, Yale First Nation
Jeff Thomas, Snuneymuxw First Nation
John Savino, Kwantlen First Nation
Les Antone, Kwantlen First Nation
Mike Staley, FRAFS
Bernie Elkins, Alexandria First Nation
Dick Williams, Squamish First Nation
Dalton Silver, Sumas First Nation
Barry Rosenberger, DFO
Jeff Grout, DFO
Barry Huber, DFO
Adrian Wall, DFO
Janet Gagne, DFO
Brigid Payne, DFO
Steve Ratko, DFO
Corey Thomas, DFO
Dean Allan, DFO
David Norton, DFO
Merv Mochizuki, DFO
Terri Bonnet, DFO
Linda Stevens, DFO
Barbara Mueller, DFO
Gordon Curry, DFO
Sheldon Evers, DFO

Opening prayer: by Jeff Thomas, Snuneymuxw First Nation

Welcome: by Dalton Silver, Sumas First Nation

Difference between the Roadmap and Forum processes

- Some confusion was expressed about the difference Roadmap and Forum processes. The Forum is to discuss FSC issues, such as fisheries planning, building relationships, and sharing in times of low abundance. The Roadmap is to discuss working toward a formal watershed agreement between First Nations and DFO. The FRAWG has developed a tentative timeline for planning (the goal is to have a potential agreement in 2012). The agreement will lay out what co-management means to us in the Fraser.

Report from Tier 1 session (Marcel Shepert)

Letter from NTA:

- The group reviewed a letter sent by Chief Fred Sampson on behalf of the Nicola Tribal Association. The letter expressed concern about the forum process, highlighting various issues for discussion:
 - FRAWG/Forum is not a true process because no clear function/structure/TOR.
 - FRAWG has not responded in writing to previous correspondence.
 - FRAWG and the Forum are referred to as “collaborative”; however, this could be dangerous to title and rights because there is no protocol, mandated representation or TOR.
 - No opportunity provided for First Nations to contribute agenda items.
 - Unclear what First Nations are making recommendations on our behalf, and whether recommendations are from First Nations themselves or joint from First Nations and DFO.
 - Letters of invitation are addressed to Chief and Councils; however, a true consultation process is more involved and has accountability mechanisms built in.
 - The letter also provided a recommendation: *Declare the Forum meetings to be a first step in a consultation process with DFO. Establish that they are for information exchange only, which can then be utilized by First Nation communities or groups in their own consultation processes with DFO. It is good for political leadership to attend along with their technical people in order to gain an understanding of the potential fisheries issues for 2010; but there must be a clear understanding that the Forum meetings are for information exchange, clarification, and understanding only – NOT for making decisions in relation to our aboriginal rights.*
- FRAWG will respond to NTA and inform them that the group will meet February 2 to go over the TOR. A draft was created last year but was never ratified. Will also invite them to have someone from NTA participate in FRAWG.

Evaluation of Forum process:

- Pat Matthew presented a table outlining issues and outcomes from the Forum process. It serves as a report card, facilitates the process of tracking issues, and provides a mechanism for accountability.

2009 Sockeye and Chinook:

- Mike Staley provided an overview of the 2009 sockeye and chinook season, and looked at the outlook for 2010. First Nations discussed various concerns. Jeff Grout will present on chinook from DFO's perspective today.

Discussion:

- DFO has an obligation to consult, and First Nations have an obligation to be consulted. The Forum process is helping us to make progress in the consultation relationship. People are working together to find solutions, learning together, and building understanding. The level of progress is encouraging.
- One complication is that everyone is at a different stage in their own fisheries management.
- Need to determine how we will evaluate and continue to build the Forum process.
- DFO wants to know where First Nations want to see changes after the 2009 season. The report card will help to guide those discussions; however, at this time First Nations need more time to discuss the 2009 season before making recommendations to DFO.
- DFO wants feedback on their management approach for 2009; they were faced with a unique they did not expect to be managing in, as the returns were much lower than expected. According to TAM

(total allowable mortality) rules there would have been no fishing on sockeye. Need to look at whether we want to implement floor exploitation rates (e.g. 20%). Protecting 100% doesn't only mean no directed fisheries, it means no fishing of overlapping stocks.

- Need to discuss how First Nations and DFO define priority access, and come to an understanding on that issue. Brenda Gaertner discussed priority access at Visions in 2008 and the Fisheries Council Assembly in fall 2009.
- It was expressed that fisheries are in a state of emergency, and emergency measures need to be taken, such as shutting down recreational fisheries. The general public should also be made aware of the situation with declining stocks.
- Need to improve our understanding of catch and release mortality. Some information will be available in the draft IFMP.
- Post-season technical analysis shows less than one recruit per spawner for various chinook stocks; therefore, chinook are not replacing themselves even before fishing takes place. Yet recreational fisheries continue on chinook, and take up to 35%. First Nations want to know how DFO will deal with this conservation concern.

DFO response to concerns and questions raised by First Nations during the 2009 Forum meetings (Adrian Wall, DFO)

Early timed Chinook:

- Requested a joint technical working group (JTWG) to discuss the 2008 Fraser chinook post-season document. The JTWG was formed, and met 4 times since June 2009. They evaluated the methods used to assess impacts from 2008 chinook management actions. Updates were provided at FWJTF meetings. There is a need to improve our understanding of chinook biology, and our understanding of management actions and approaches being considered and implemented. DFO and First Nations will continue to work together on chinook issues. The following statement was added to the IFMP re: early timed chinook: "Revisions to management approach may be considered in April 2010 based on the 2009 post-season review for both early timed and spring/summer chinook.

Spring/summer Chinook:

- Request for a study with demonstration fisheries – sampling protocols, management actions to reduce impacts to weak stocks, sample analysis to confirm fisheries are targeting stocks as proposed. We need to ensure that targeted stocks are the stocks being impacted in order to protect weaker stocks.
- Requested a process to share technical information and work through data calculation methods used to develop management measures for spring/summer chinook. So far the focus of the JTWG has been the 2008 post-season document, but they will continue to work through technical issues. The work of this group will influence the future management actions on spring/summer chinook.
- Requested to include CWT information into the 2008 analysis regarding the effect of early timed chinook management measures. The JTWG has reviewed the model used to assess fishery exploitation rates with data updates, and will soon get a chance to review the final report once it is complete. A section on limitations and assumptions will be included in the report, as well as data corrections and updates. The former evaluation method for early timed chinook management actions will be discontinued. Will be changing to a new evaluation method for management measures for spring 42, spring 52 and summer 52 chinook.
- Requested language in the IFMP stating that the management of spring and summer chinook is subject to ongoing analysis and discussions through 2009-2010. Management actions for 2010 for commercial and recreational fisheries in marine areas will likely be required beginning in March 2010 consistent with the conservation objective and allocation priorities. Revisions to the management approach may be considered in April 2010 based on the 2009 post-season review. Additional consultations will occur in 2010 for First Nation fishery plans.
- Requested a workshop to reconcile the interpretation and implementation of priority access for First Nations. The First Nations Fisheries Council has recommended that this issue be addressed at the regional level. Hugh MacAulay and Brenda Gaertner discussed legal perspectives on this issue at the Fisheries Council assembly in 2009. It was suggested that this issue is even larger than just the

- BC region; therefore, the Minister and Chiefs from across the country need to be involved.
- Request to improve stock assessment in order to understand where stocks are being harvested. DFO has met with Upper Fraser groups to discuss the possibility of a sentinel stock program for summer 52s. A SEP (salmonid enhancement program) review will be occurring soon. A comprehensive approach is needed to overall chinook status.
- Requested creel surveys for all recreational fisheries including CWT head collection, reporting and size sampling, particularly on stocks of concern. Catch monitoring standards are being developed for all fisheries. DFO continues to encourage the return of heads from marked chinook in all fisheries.
- Mark selective fisheries for chinook: Limited fishery occurred in the Victoria area in March-May. An IHPC sub-committee has been formed to develop an MSF framework to inform future decisions. Currently working on an MSF discussion document.
- Requested an FSC sharing process for Fraser chinook. Most discussions to date have focused on sockeye. DFO is committed to working with First Nations to discuss sharing plans and options. The Forum provides a good opportunity to do that.

Discussion:

- First Nations continue to express concern about DFO's interpretation of priority, and the use of the phrase "bearing the brunt of conservation".
- First Nations continue to express concern about recreational harvest of chinook. Catch data shows that in recent years, recreational fisheries have been harvesting up to 35% of chinook, while First Nations have failed to meet FSC targets. Insufficient monitoring remains a serious issue for recreational fisheries.
- More data is needed from commercial and recreational fisheries, but in addition to data collection, data needs to be analyzed in real time to make real time decisions.
- Hatchery programs don't appear to be improving stocks. DFO needs to work with First Nations to determine goals for enhancement. A comprehensive/integrative approach is needed.
- Fish farms create obstacles for migrating juvenile salmon, as well as other species. Impacts on wild stocks need to be considered.

ACTION #1 – FRAWG: *Discuss the possibility of including presentations about SEP, monitoring methodologies, hatcheries, and the efficacy of the CWT program on future Forum agendas (many of these issues are technical in nature, but need to be discussed at the Forum level).*

ACTION #2 – Marcel Shepert and Pat Matthew: *Get presentations from the IHPC to circulate to Forum participants.*

- First Nations Fisheries Council status update on the priority issue: This issue has been around since 2008. No meeting has taken place to follow up on the legal perspectives presented by Brenda Gaertner and Hugh MacAulay at the Fisheries Council assembly. The council is setting up a working group on Section 35 (1) access, but the process is very slow. A priority schema has been presented and articulated by DFO, but that model is still being discussed. It was expressed that we need to have that issue brought forward into a broader forum for First Nations to discuss, as it requires immediate attention. However, DFO expressed that it would be more appropriate to deal with it at the regional level.
- Aboriginal interests are laid out in the IFMP, but accommodation needs to be articulated.

ACTION #3 – FRAWG: *Include interpretation of priority access on the agenda for the next Forum meeting.*

Pre-season planning for Chinook salmon and stocks of concern (Jeff Grout)

Fraser Chinook:

- South coast chinook overview: A number of populations are in decline. DFO will be consulting with First Nations and other groups on a recovery plan for south coast chinook. A range of management measures have been taken in recent years to reduce impacts; will discuss additional measures to

be taken in 2010.

- Challenges facing these populations include declining spawner abundance, variable marine and freshwater survival, uncertain marine production regimes, habitat pressure, predation, ecosystem effects from climate changes, etc.
- Spring 42, spring 52 and summer 52 all have a stock status outlook of 1 (stock of concern). These management units contain 13 of 17 chinook CUs. Very low returns are projected for 2010 for various stocks (management reference of 40,000 not likely to be met).
- Sustainable exploitation rates for spring 42s estimated between 8-11% range for low survival period.
- Cowichan had the lowest rate of natural spawners on record in 2009; marine survival of Cowichan hatchery is <1%. WCVI wild chinook had the lowest rate of natural spawners since 1995. Both have a stock status outlook of 1.

ACTION #4 – Jeff Grout: *Send the stock status outlook document to Aimee for circulation.*

- Management actions: Renegotiated PST chapters with a specific focus on chinook conservation (reductions of 15% for southeast Alaska and 30% for WCVI), in addition to domestic conservation objectives that may constrain harvest (effects of 2009 PST reductions will not be assessed until April 2010). Stock-specific management actions have also been implemented. Early timed chinook measures in 2008-09 – First Nations: reduced FSC opportunities, delayed fishing times, voluntary closures; recreational: size restrictions, partial mark-selective fisheries, non-retention of chinook off the mouth and in the Fraser; area G troll: 2 month closure in SWVI and cap on effort levels in SWVI and NWVI. In-season abundance estimates of spring/summer 52s with management actions to maintain spawner abundance above 30,000. Additional measures for WCVI and Cowichan.
- No post-season information is available for 2009 yet.
- There is currently no indicator stock for spring/summer 52s; this is an area that is flagged at the PSC, to fill in the assessment gap.
- The proportion of First Nations' FSC harvest increased a great deal in 2008.
- South coast chinook recovery planning: Harvest reductions alone are likely to be insufficient to rebuild if poor survival rates persist. DFO is developing a longer-term recovery plan to rebuild depressed Fraser and other south coast populations. Actions have been primarily harvest restrictions to date. Recovery planning will need to address conservation objectives and harvest measures consistent with WSP, habitat status, enhancement activities, assessment and research. DFO will consult with First Nations and other stakeholders on the development of the recovery plan.
- 2010 fishery planning: Priority will be given to FSC fisheries, with recreational and commercial bearing the brunt of conservation measures. Will conduct additional consultation with First Nations on 2010 fishing plans. Spring 42 chinook populations could start coming back as early as March.

Fraser sockeye:

- Pre-season forecast will be released after the March PSARC meeting. Escapement plan options will be developed for each management unit through the FRSSI process. 2010 is historically the dominant cycle year, but need to consider various abundance scenarios given recent survival rates. Fishing opportunities will depend on in-season assessment.
- FRSSI and WSP benchmarks will be reviewed by FRSSI in May 2010.
- The Cohen Commission is currently conducting a Judicial Inquiry into the 2009 sockeye crisis. More information is available on their website (cohencommission.ca).

ACTION #5 – Aimee Arsenault: *Put the link to the Cohen Commission website on the FRAFS website.*

- MSC certification for BC Salmon: The certification process has been in process for almost a decade. The objection period will end on February 10, 2010. Objections can be sent to the Marine Stewardship Council.

South Coast Coho:

- Interior Fraser, Georgia Strait and Lower Fraser coho continue to be stocks of concern/low abundance (Outlook Status 1/2). Planning for a similar management approach to recent years –

Canadian fishery exploitation rates not to exceed 3%. Window closures to protect coho will start in September; selective fishing techniques will be required.

Next Steps:

- Post-season reviews: DFO plans to finalize the 2008 early timed chinook post-season review soon. Will incorporate CWT data for 2007 and 2008, document model assumptions and limitations, and discontinue the current method for evaluating management actions (based on work done by the JTWG). In future post-season reviews of chinook, PSC aggregates will be used (e.g. spring 42, spring 52, summer 52, etc.). The post-season review schedule means there is a 2 year lag for assessing any new management actions, and adjusting fishing plans (e.g. analysis of 2009 CWT data will be available in April 2010, plans adjusted for 2011).
- 2010 fisheries planning: Develop fisheries management actions Jan-Feb 2010 for Spring 42s, and March 2010 for other chinook; circulation of Fraser chinook information document Feb 2010; begin implementation of spring 42 management approach March 2010; implement management approaches for other chinook beginning May 2010.
- IFMP timeline: First draft released March 17, 2010; comments until April 20, 2010; second draft released April 30, 2010; IHPC meeting May 6-7, 2010.

Discussion:

- Size restrictions allow recreational fisheries to target Nicola chinook; this is a serious concern for First Nations in the Nicola Watershed.

ACTION #6 – Jeff Grout: *Follow up with DFO Science and report back to the Forum on the issue of size restrictions for recreational fishing and impacts to Nicola chinook.*

- Albion is an in-season tool that allows adjustments to be made downstream, but any fisheries occurring above Albion can do damage before DFO is aware of what's in the run.
- Recreational mortalities are listed by DFO as zero when there are no fisheries, but release mortality and illegal catch might not be adequately covered. The run reconstruction model does account for release mortality. More consistent reporting on catch mortality is also needed.
- Recreational fishing derbies are unregulated; they could be significantly impacting chinook at the mouth of the Fraser.

ACTION #7 – DFO: *Send the draft IFMP to Aimee for distribution to First Nations when available.*

- A specific recommendation was made for DFO to stop using the phrase "bearing the brunt of conservation", as it is not a legal term.
- Several First Nations present expressed their concern about the MSC certification of sockeye.

Chinook Options (Barry Rosenberger, DFO)

- Looking at building a chinook plan for 2010. The status quo will change, at least for early timed stocks.
- Changes have been made over the past couple of years to implement management actions for conservation purposes.
- There is currently a 2 year data lag; hoping to improve that to 1 year.
- DFO is looking at presenting a range of scenarios for discussion by First Nations (similar to early Stuart model last year).
- A chinook information document is coming out in February, which will help guide discussions at the March Forum.
- Any changes made to springs need to be discussed in March (tight timeline).

Discussion:

- Productivity is decreasing, so the current rate of reduction is not enough to sustain weaker stocks. We need to take serious precautions to protect the run.
- First Nations can't offer any input on chinook planning before the data is available, implications

- have been analyzed, etc.
- First Nations want to see the breakdown of chinook catch (break out early timed, etc.).
- Concern was expressed about CWT information, and whether enough fish are tagged to get a realistic picture of the fishery (i.e. one CWT can change the numbers significantly).
- The current state of chinook from a technical standpoint needs to be discussed after First Nations have had a change to digest the serious conservation information that was presented this week. Need to discuss how to evaluate what management options might mean in terms of conservation and harvest. First Nations technical people need a list of specific tasks and a timeline from now until March when changes will be implemented.

PST Fraser Annex Update (Barry Rosenberger, DFO)

- Canada and the US have been meeting to discuss PST issues.
- A week ago, Canada informed the US that Canada will not be negotiating a long-term Fraser Chapter agreement while the sockeye Judicial Inquiry is underway. The US has suggested allowing the Chapter to expire, and having no formal agreement until such a time that the Fraser Panel can reconvene following the inquiry. Another option would be to roll over the current agreement for a certain period of time.
- A major issue is proportionate sharing; the wording in the current agreement is ambiguous, so this issue needs to be clarified for both parties. The US originally interpreted the wording to mean that they can take up to 100% of the available TAC for any stock in order to harvest their full share. Canada interpreted the wording to mean the US can harvest a proportional share of the TAC. After some discussions and analysis, the US changed their position to reflect a harvest of up to 50% of the available TAC for any stock. They also want to establish minimum exploitation rates for stocks with no TAC.
- It is in everyone's best interest to put Birkenhead back into late sockeye group (4 management groups).
- If an agreement can't be reached by April, won't have anything in place before the Fraser Chapter expires.
- Working on expanding the FRSSI model to evaluate different levels of productivity and implications, move stocks between stock groupings, define behaviour factors, etc.

Closing comments: by Murray Ned and Dalton Silver, Sumas First Nation

Closing prayer: by Jeff Thomas, Snuneymuxw First Nation

SUMMARY OF ACTION ITEMS:

ACTION #1 – FRAWG: *Discuss the possibility of including presentations about SEP, monitoring methodologies, hatcheries, and the efficacy of the CWT program on future Forum agendas (many of these issues are technical in nature, but need to be discussed at the Forum level).*

ACTION #2 – Marcel Shepert and Pat Matthew: *Get presentations from the IHPC to circulate to Forum participants.*

ACTION #3 – FRAWG: *Include interpretation of priority access on the agenda for the next Forum meeting.*

ACTION #4 – Jeff Grout: *Send the stock status outlook document to Aimee for circulation.*

ACTION #5 – Aimee Arsenault: *Put the link to the Cohen Commission website on the FRAFS website.*

ACTION #6 – Jeff Grout: *Follow up with DFO Science and report back to the Forum on the issue of size restrictions for recreational fishing and impacts to Nicola chinook.*

ACTION #7 – DFO: *Send the draft IFMP to Aimee for distribution to First Nations when available.*