



FRASER RIVER ABORIGINAL FISHERIES SECRETARIAT

c/o Nicola Tribal Association
PO Box 188 • Merritt, BC • V1K 1B8
Tel: 250-378-4235 • Fax: 250-378-9119
www.frafs.ca

January 14, 2019

Rebecca Reid,
Pacific Regional Director-General,
Department of Fisheries, Oceans and the Canadian Coast Guard, Vancouver.

VIA EMAIL ATTACHMENT ONLY

RE: December 18 – 20, 2019 FORUM ON CONSERVATION AND HARVEST PLANNING, RICHMOND, BC

Dear Rebecca Reid,

The first of three, 2019 Forums on Conservation and Harvest Planning events was recently held on December 18 – 20, 2019 in Richmond, BC. Forum attendees travelled from the Marine Approach and Fraser River areas to participate. The following summary outlines key points of discussion, requests for additional information, advice, recommendations and actions required of the Department. A common theme throughout, is the need for increased transparency, timely information sharing and a reporting accountability mechanism from DFO (i.e. report card). The Tier 2 minutes are attached to this letter for your reference.

1. **Chinook Management**

Considering preliminary escapements from the 2018 Fraser chinook are extremely low, DFO must be prepared to take additional management actions on all fisheries that intercept the Fraser Chinook. Management measures must be consistent with the decision in *R. v Sparrow* [1990], specifically when there is insufficient abundance of chinook to meet conservation goals. All fisheries impacts and fisheries induced mortality must be eliminated from commercial and recreational fisheries before First Nations fisheries are reduced.

It is strongly recommended to have more precautionary management measures in place, especially in the absence of real-time monitoring data. The Department's current approach for managing recreational Chinook fisheries is complex, and the Departments C&P noted continued challenges of enforcing specific measures that vary by area. Standardized and consistent management in marine recreational chinook fisheries should be implemented. Chinook must be identified as the top priority concern in 2019 and the Departments management regime needs to be drastically transformed.

First Nations constitutionally protected s.35 rights are constantly being infringed upon by DFO's mis-management plans that deceptively give priority access to the recreational sector over that of First Nations FSC rights. Since the Sparrow decision numerous court cases have affirmed these rights yet



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DFO continues to interpret them erroneously at the detriment of the first peoples from this land, as well as to the balance of nature.

Related requests from Forum participants included:

- Given the rapid downward trend for Chinook it's not acceptable to have any targeted commercial or recreational fisheries, while First Nations do not meet FSC needs for chinook.
- All recreational salmon fisheries be managed in a closed until open regime. Opposed to the current system of open until closed. This shifts the recreational salmon fisheries management approach to be consistent with precautionary management.
- All recreational fisheries must be closed until open and DFO must warrant the openings with sufficient justification that there is an appropriate plan to support re-opening
- Implement a Zone "0" management approach, such that the only impacts to chinook are from First Nations FSC fisheries.
- DFO should review past Forum recommendations with regards to the recreational Chinook fisheries when considering management measures for the 2019/20 IFMP.

2. Sockeye Management

There is ongoing concern for escapement goals that were not met in 2018. Many Fraser First Nations are also concerned with a sockeye FSC deficit in 2018 due to management constraints. It's a poor management result given the abundance of the on-cycle year. It's very concerning when the commercial and recreational fishery is allocated large Sockeye harvests, meanwhile First Nations are not seeing abundance in the spawning grounds and are unable to harvest their allocated FSC harvest.

DFO has reported potential concern for limited fisheries in 2019 based on preliminary outlook information for Fraser sockeye. With issues around catch allocations not being met by some Lower Fraser First Nations and conservation concern for some sockeye stocks reaching the spawning grounds in 2018 it is suggested that the Department review past Forum recommendations when considering aggregate management measures for 2019/20.

Related requests from Forum participants included:

- Harvest plans should account for unexpected migration timing. Preseason management plans should be prepared to adapt in order to provide priority access for First Nations FSC fisheries by their preferred access methods.
- The recreational fishery should also be subject to aggregate Fraser Sockeye management. There is a fundamental inconsistency between the management of the recreational sockeye fishery and all other Fraser sockeye fisheries.



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- DFO needs to move the recreational fishery to an area based management approach to help avoid confrontation over traditional First Nations FSC fishing sites.

The Salmon Allocation Policy needs to include a review of the commercial and recreational sectors as well as First Nation's priority access consistent with *R. v Sparrow* [1990].

Related requests from Forum participants included:

- DFO will need to actively seek consent from First Nations on an appropriate scope for the allocation review.

3. Steelhead:

At previous Forums, participants have expressed the need for First Nation engagement with both Provincial and Federal Interior Fraser Steelhead planning processes. Habitat issues need to be addressed.

Related requests from Forum participants included:

- DFO needs to provide Steelhead encounter data for 2018.
- In-person follow up is needed with the Province specific to protecting Steelhead.

4. Interior Fraser Coho

DFO did meet the overall capped exploitation rate objective in 2018 but Aboriginal priority issues continue in the management of Interior Fraser Coho impacts. The exploitation available for Interior Fraser Coho are taken in predominantly in commercial and recreational fisheries, while First Nations fisheries are heavily constrained.

Related requests from Forum participants included:

- DFO needs to provide an update at the next Forum on work to date and work expected to be completed in 2019 on Interior Fraser Coho.

5. PST Chapter 4

DFO provided an update on the re-negotiations and their response to key issues identified by First Nations. The keys points from FN are UNDRIP, duty to consult & capacity to participate, 50% FN representation on the FP, aggregate management alterations, changes to the AFE, US shares, conservation, revised PST language, test fishery & pay fish, underage/overage provisions and Alaskan bycatch.



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Related requests from Forum participants included:

- DFO needs to better explain the process to which First Nations input was considered into the re-negotiations and to what extent did that advice get reflected.

Respectfully,

Ken Malloway, FRAFS Chairperson,

On behalf of First Nation participants at the December 17 – 20, 2019 Forum on Conservation and Harvest Planning

CC:

Fraser River and Approach First Nations

First Nation Fisheries Council

Honourable Johnathon Wilkinson

Angela Bate

Jeff Grout

Jennifer Nener

FRAFS Executive Committee, Biologists, Operations Manager, Communications Coordinator