

## Initial Meeting in Support of *Species at Risk Act* Listing Process for Lower Fraser River White Sturgeon

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### Meeting with Fisheries and Oceans Canada and Lower Fraser River First Nations (Tier 2)

**Date:** May 29, 2018

**Time:** 9:00AM-12:30PM

**Location:** Tzeachten Community Centre, 45855 Promontory Rd, Chilliwack, B.C.

#### Meeting Objectives:

- Outline the *Species at Risk Act* (SARA) listing recommendation process for White Sturgeon and provide progress update
- Introduce management scenario component of listing process and discuss where and how First Nations will be engaged to provide input
- Explore opportunities for incorporating further First Nations input into the SARA listing decision

#### Agenda:

Time	Activity
8:30 am	<b>Registration</b>
9:00 am	<b>Welcome</b> <ul style="list-style-type: none"> <li>➤ Elder Opening</li> </ul>
	<b>Introductions and review of meeting objectives and the agenda</b> <ul style="list-style-type: none"> <li>➤ Karen Leslie, Species at Risk Manager, DFO</li> <li>➤ Mike Staley, Facilitator, FRAFS</li> </ul>
9:15 am	<b>SARA listing process for White Sturgeon – brief overview</b> <ul style="list-style-type: none"> <li>➤ Erin Gertzen, A/Freshwater Species at Risk Team Lead, DFO</li> <li>➤ Question and answer period</li> </ul>
9:45 am	<b>Discuss White Sturgeon experiences and interests</b> <ul style="list-style-type: none"> <li>➤ Mike Staley, Facilitator, FRAFS</li> <li>➤ Group discussion</li> </ul>
10:15 am	<b>Health break</b>
10:30 am	<b>Management and recovery of Nechako River White Sturgeon</b> <ul style="list-style-type: none"> <li>➤ Christina Ciesielski, Carrier Sekani Tribal Council</li> <li>➤ Question and answer period</li> </ul>
11:00 am	<b>Introduction to management scenarios and review of current management measures for Lower Fraser River White Sturgeon</b> <ul style="list-style-type: none"> <li>➤ Herb Klassen, Freshwater Species at Risk Recovery Planner, DFO</li> <li>➤ Question and answer period</li> </ul>
11:30 am	<b>Next steps: discuss engagement on management scenarios and other opportunities for input</b> <ul style="list-style-type: none"> <li>➤ Karen Leslie, Species at Risk Manager, DFO</li> <li>➤ Mike Staley, Facilitator, FRAFS</li> <li>➤ Group discussion</li> </ul>
12:30 pm	[lunch provided by DFO]
1:00-3:00 pm	Optional – room booked for Tier 1 time if group interested

## MEETING MINUTES

Meeting summary prepared by Alyssa Gerick (DFO) and Erin Gertzen (DFO)

### 1. Welcome and Opening Remarks

- Opening by Ken Malloway (Tzeachten, Kwaw-Kway-Apilt)
- Karen Leslie (DFO) called the Tier 2 meeting to order at 9:15 AM and outlined the objectives of the meeting
- 18 First Nations participants, 5 DFO staff and 1 facilitator were in attendance. See Appendix A for List of Attendees.
- Refer to the PowerPoint presentations for an overview of technical information presented.
- The facilitator, Mike Staley (FRAFS), outlined the agenda and logistics for the day

### 2. SARA Listing Process for White Sturgeon – brief overview

Erin Gertzen (DFO) presented on the topic and Mike Staley (FRAFS) facilitated the discussion. Refer to the PowerPoint presentation for overview of the topic.

Questions or discussion on the topic:

- Having a finalized recovery potential assessment (RPA) is important to inform the management scenarios
  - *DFO response:* RPA is finished and we are working with the CSAS coordinator to expedite its publication over the next few months
- When do we expect an Eulachon listing decision?
  - *DFO response:* Regional piece has been completed – listing recommendation sent to Ottawa. It is still being considered.
- Catch and release White Sturgeon fishery: studies on Columbia River and Volga River in Russia show that catch and release causes harm and stress that reduces spawning; on one trip with Lower Fraser River fishing guide, saw 10 White Sturgeon and only 1 wasn't tagged; fishing over spawning ground
- Aboriginal rights to fish; voluntary moratorium in the 1990s when sturgeon were washing up on shore, but fish are still in peril today
- Sturgeon are medicine to First Nations; all parts of sturgeon were used; nothing went to waste; First Nations managed them
- Our people don't know what sturgeon, steelhead or eulachon taste like. One White Sturgeon caught (decades ago) was full of Eulachon. They're all connected. They matter to our people.
- Socioeconomic is part of process, but it should look at First Nations primarily and not just fishing guides jobs
- We asked respectfully to harvest a couple of small non-spawning sturgeon using a beach seine and governments turned us down; we don't want to catch the last sturgeon because something that happens to one part of the web impacts another
- Hoping not the last time we see you – we need to cooperate

### 3. Discuss White Sturgeon experiences and interests

This topic (aimed at hearing some experiences managing White Sturgeon and any specific interests in White Sturgeon recovery) was skipped as the previous discussion sufficiently addressed this item.

#### **4. Management and Recovery of Nechako River White Sturgeon**

Christina Ciesielski (Carrier Sekani Tribal Council) presented on the topic and Mike Staley (FRAFS) facilitated the discussion. Refer to the PowerPoint presentation for overview of the topic.

Questions or discussion on the topic:

- Is there a recreational fishery and tagging in the Nechako River?
  - *Christina Ciesielski's response:* fishing has been closed for year; all hatchery fish are PIT tagged and there is a radio and acoustic tag array along the river
- Why have there been not impacts of listing on lands and resource use?
  - *Christina Ciesielski's response:* this includes agriculture, effluents released, chemicals
  - *DFO response:* SARA protections are effective in that identifying critical habitat includes features, functions and attributes required by sturgeon; *Fisheries Act* still applies
- Today's session isn't adequate for consultations; socioeconomic analysis needs to be bigger; need to meet with community Elders (in person, not through PowerPoints), hear traditional knowledge; our people go back thousands of years
  - *DFO response:* this is a first meeting; an opening conversation for this chapter
- Need provincial representatives involved in consultations; need to better understand the roles and responsibilities of DFO and the province for sturgeon
  - *DFO response:* BC wasn't invited because today's session is meant to be start of conversation between DFO Species at Risk Program (SARP) and First Nations. We are approaching sectors bilaterally initially but do not want to preclude developing those forums for trilateral discussion at a later date

#### **5. Introduction to management scenarios and review of current management regime for Lower Fraser River White Sturgeon**

Herb Klassen (DFO) presented on the topic and Mike Staley (FRAFS) facilitated the discussion. Refer to the PowerPoint presentation for an overview of the topic.

Questions or discussion on the topic:

- *DFO:* developing management scenarios has to be done in collaboration with First Nations. DFO SARP doesn't manage or use the resource; we need input and we need to work together. DFO SARP is policy-driven and must go through a process to implement legislation.
- First Nations have mandatory monitoring (e.g., 40/63 fishers; timing, type of fish, bycatch); but monitoring is voluntary for sport fishers
- Mortality in beach seines is <1%; beach seining is a good option for sturgeon
- If SARA comes in, would the sport fishery be shut down? It contravenes SARA prohibitions against harming and harassing.
  - *DFO response:* we can contravene via permitting with specific considerations but a targeted fishery cannot be permitted. There is potential for exempting a targeting fishery by identifying it in a recovery strategy but exemptions still require SARA

pre-conditions including no jeopardy to survival and recovery to be met. SARA is not discretionary.

- Would like to see more monitoring of sturgeon near the canyon
- Need to work together; need to reduce burden on First Nations if we work together
- How many species have been recovered to a point that they can be removed from SARA? Governments are not doing a good job of recovering species
- Will the management scenarios include any management measures for larger industry or effluents?
- It's not only the Fraser but the forest too. Look after Mother Nature, like how we used to.
- *DFO re: socioeconomic analysis questions and comments*: policy analysts do a cost benefit analysis. We recognize the limitations of this kind of socioeconomic analysis. The tool, however, is set forward by the Treasury Board for any regulatory change. It looks at impacts broadly in scope for Canadians at large and works less well for local impacts. This is why we look to you to message the cultural significance to Cabinet other than what's in the SEA. In the past we explored statements in communities' own words – directly in regulatory documents. Other options: stories, art, artifacts. At present, haven't found a good mechanism to collect info, because relevant on case by case basis. We would like to work with you on this.

## 6. Next steps: discuss engagement on management scenarios and other opportunities for input

Karen Leslie (DFO) presented on the topic. No discussion. Refer to the PowerPoint presentation for an overview of the topic.

What's next: we're having this conversation within DFO, and with First Nations, BC and stakeholders.

## 7. Closing Comments

See section 6. The meeting adjourned at approximately 12:20 PM.

## Other discussion and parking lot items

None.

## Action Items

None.

## Appendix A: List of Attendees

Name	Affiliation <i>Name of Organization</i>
Clarence Pennier	Stó:lō Tribal Council, Scowlitz
Gary Sellars	Soda Creek
Aidan Fisher	LFFA
Janson Wong	LFFA
Chad Edwards	Spuzzum

Les Antone	Kwantlen, LFFA
Ron John	Chawathil
Bobbi Peters	Chawathil
Rick Bailey	Katzie
Don Sam	Nlaka'pamux Nation Tribal Council
Debbie Abbott	Nlaka'pamux Nation Tribal Council
Mike Campbell	Boothroyd
Christina Ciesielski	Carrier Sekani Tribal Council
Taylor Starr	Seabird Island
Carrie Milsop	Sumas
Ken Malloway	Tzeachten, Kwaw-Kway-Apilt
Don Simpson	Haida Gwaii, LFFA
Kim Charlie	Sts'ailes
Mike Staley (facilitator)	Facilitator, FRAFS

**DFO Staff**

Name	DFO Branch
Erin Gertzen	Species at Risk Program
Herb Klassen	Species at Risk Program
Karen Leslie	Species at Risk Program
Alyssa Gerick	Species at Risk Program
Sheldon Evers	Resource Management