

A New Commercial Salmon Allocation Framework (CSAF)

A First Nations (SCC) Proposal

*Potential for a major shift in how the
commercial salmon fishery is
shared/managed*

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Background

- CSAF only deals with commercial fleet and division of shares of salmon catch.
- Process does not include Section 35/Recreation/Use of Fish
- Last done in 1999 – Kelleher process
 - 40%SN - 38%GN - 22% TR (current **coastwide** allocation)
- Current sharing arrangements have not been working well for commercial sector and not well for First Nations.
- **FN's using CSAF process to:**
 - create an explicit FN commercial share (not just EO)
 - Provide means to expand share over time
 - be flexible and used in adjacent **FN only commercial salmon fisheries**
 - Provide longer term arrangements
 - Maximize value for PICFI/ATP licenses
 - FN manage own shares into future

CSAF Process

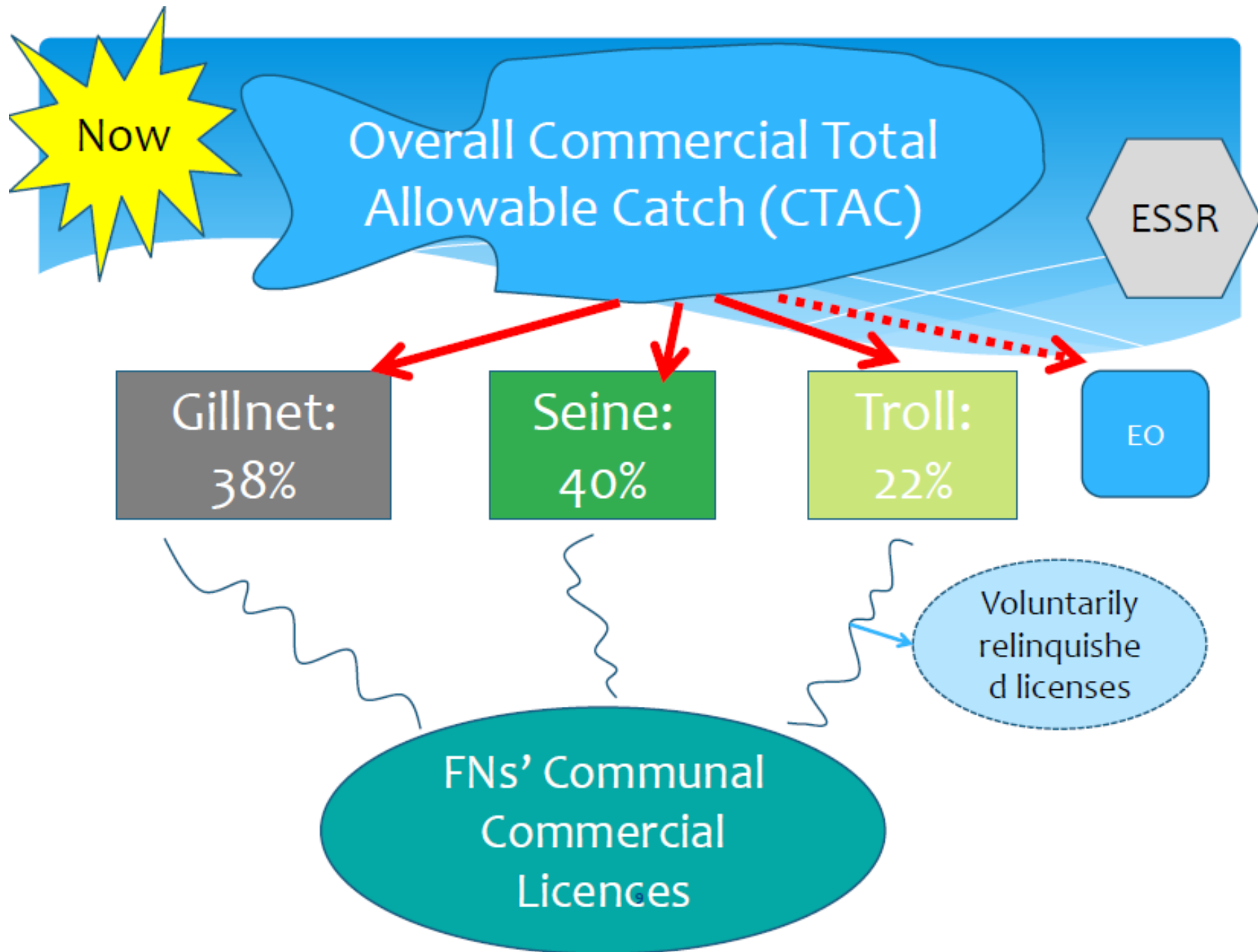
- DFO - facilitator lead (Pam Cowley)
 - Jeff Grout, Paul Sprout
- Approx. 20 SCC meetings with DFO since Oct. 2013
- Salmon Coordinating Committee (SCC) represents most First Nations in BC - 13 FNFC areas (**SCC not a decision making body**)
- Fraser reps: Marcel Shepert, Ken Malloway, Murray Ross, Murray Ned, Howie Wright, Pat Mathews
- Commercial Salmon Advisory Board (CSAB) also meeting with DFO in a separate CSAF process with DFO.
- SCC/DFO meetings includes Tier 1 and Tier 2 time
- SCC/CSAB have mixed small group that meet periodically to discuss agreement/differences. About 80+% agreement in SCC proposal.
- Focus has been on SCC proposal (No common CSAB proposal – 14)
- CSAF process concluded mid February, 2015 and DFO recommendations to Minister in mid April for potential implementation in 2015 IFMP.

First Nation Proposal

- **First Nation Shares through** conversion from SN/GN/TR licenses. (PICFI/ATP or regular)
- Salmon shares would be based on shares by **species and production areas** not coast wide sockeye equivalents.
- Fraser has 5 species/production areas
- FN's have option to maintain and fish licenses in regular fishery or retire license and convert to an explicit FN share.
- When a licence is converted to shares it is retired from fleet.
- FN owned licenses can be retired into shares anytime in future to increase FN share.

First Nations Proposal

- Shares are based on**each licence retired/total licenses** in each production area
- **Example: 166 total Area B seine.** Each B licence retired supports 1/166 share in each southern production areas for seine(WCVI, Fraser, Salish Sea, Queen Charlotte/Johnson straits). **splitting/sharing of species/production shares between FN's**
- **5 year agreements.** Process reviewed after 5 years
- FN fish allocations in their Territories subject to meeting **DFO operational framework** (standards)
- FN to establish **monitoring/enforcement agreements**(with DFO)
- FN to fish allocations using **preferred means** (GN/SN/Dip net/Mosquito fleet)
- Shares from regular SN/GN/TR can be **transferred** to FN fisheries based on pre-season agreement.
- Develop a **First Nations licensing authority** to track shares
- Develop **new salmon advisory pre-season and in-season process** in each area. (eg: central coast)



SCC
Proposal

Overall Commercial Total
Allowable Catch (CTAC)

ESSR

Gillnet

Seine

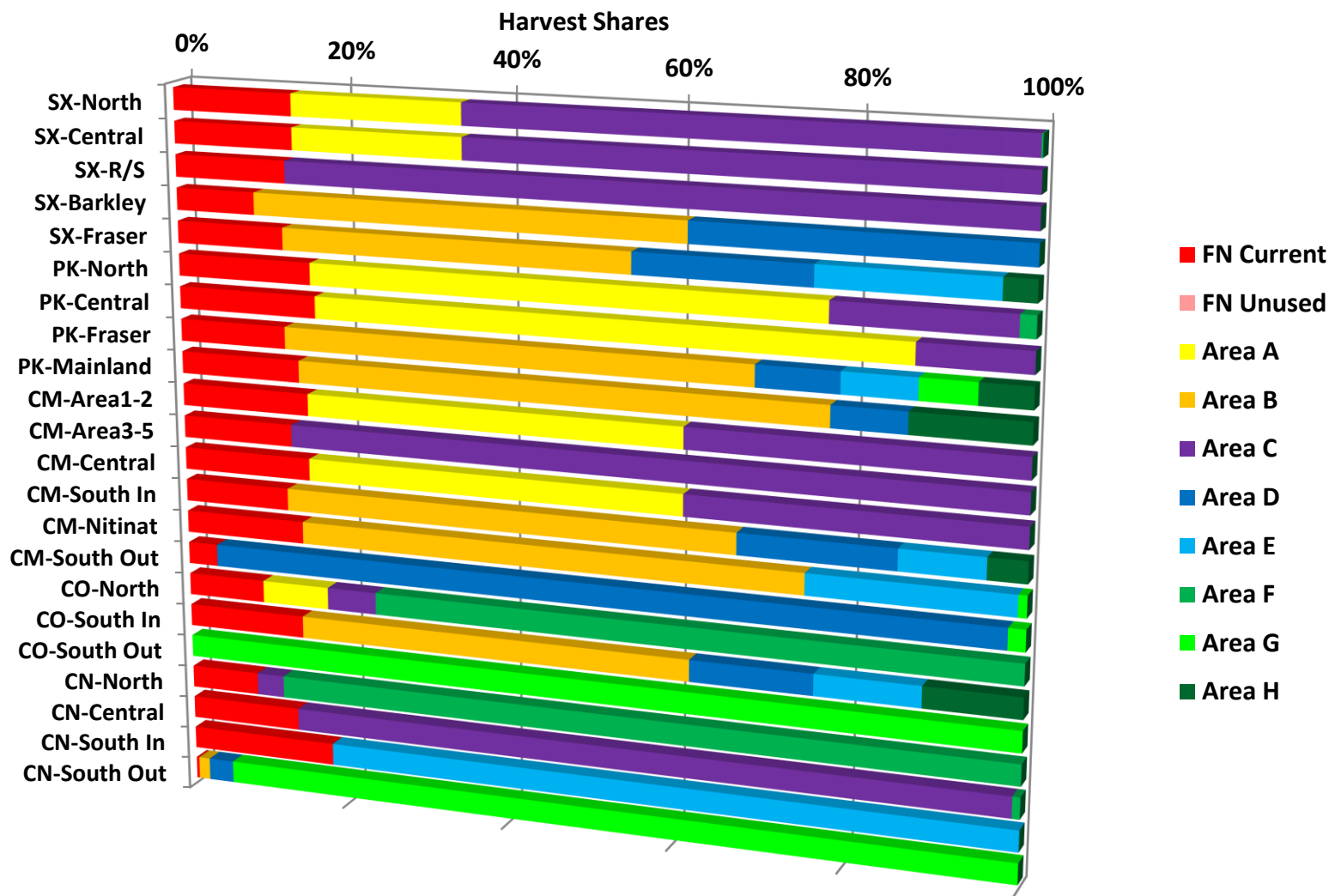
Troll

First Nations
Basket

Voluntary ATP,
PICFI, ESSR, EO,
Demo, Rights and
Indiv licences

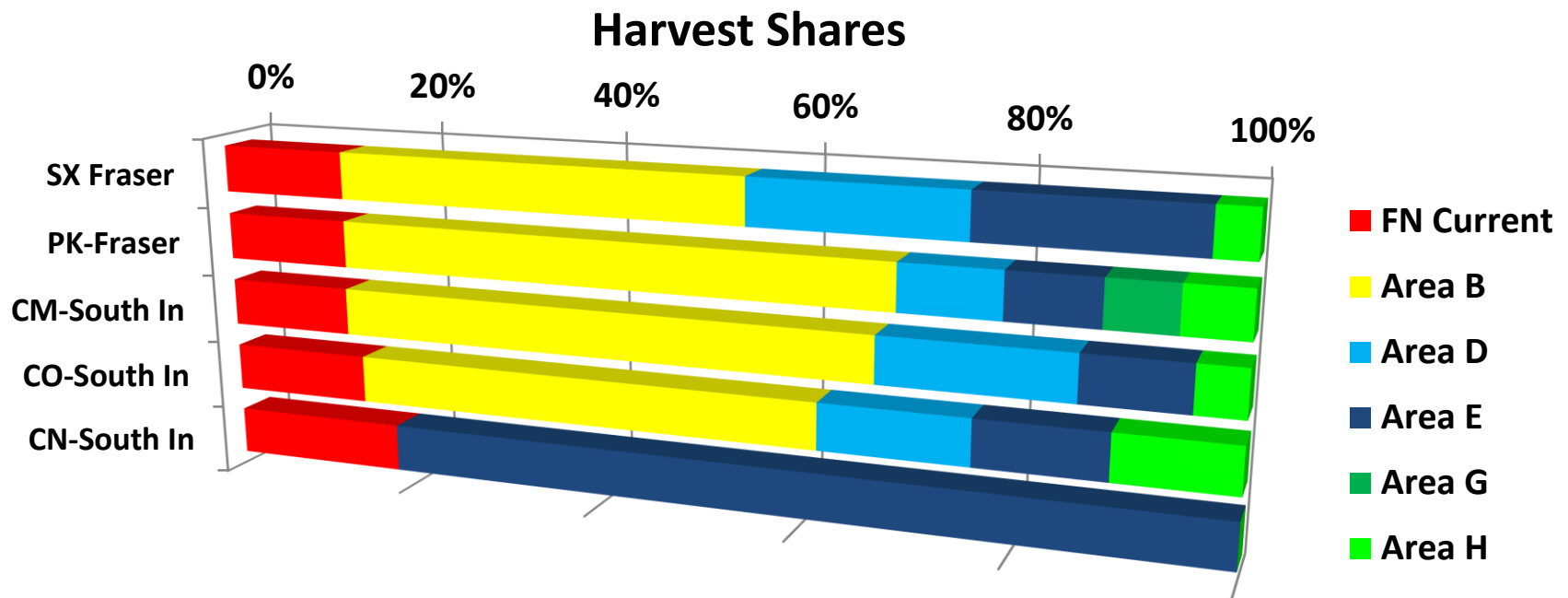
Harvest Shares by species + production area

(FN Current = Licences in DFO Inventory)

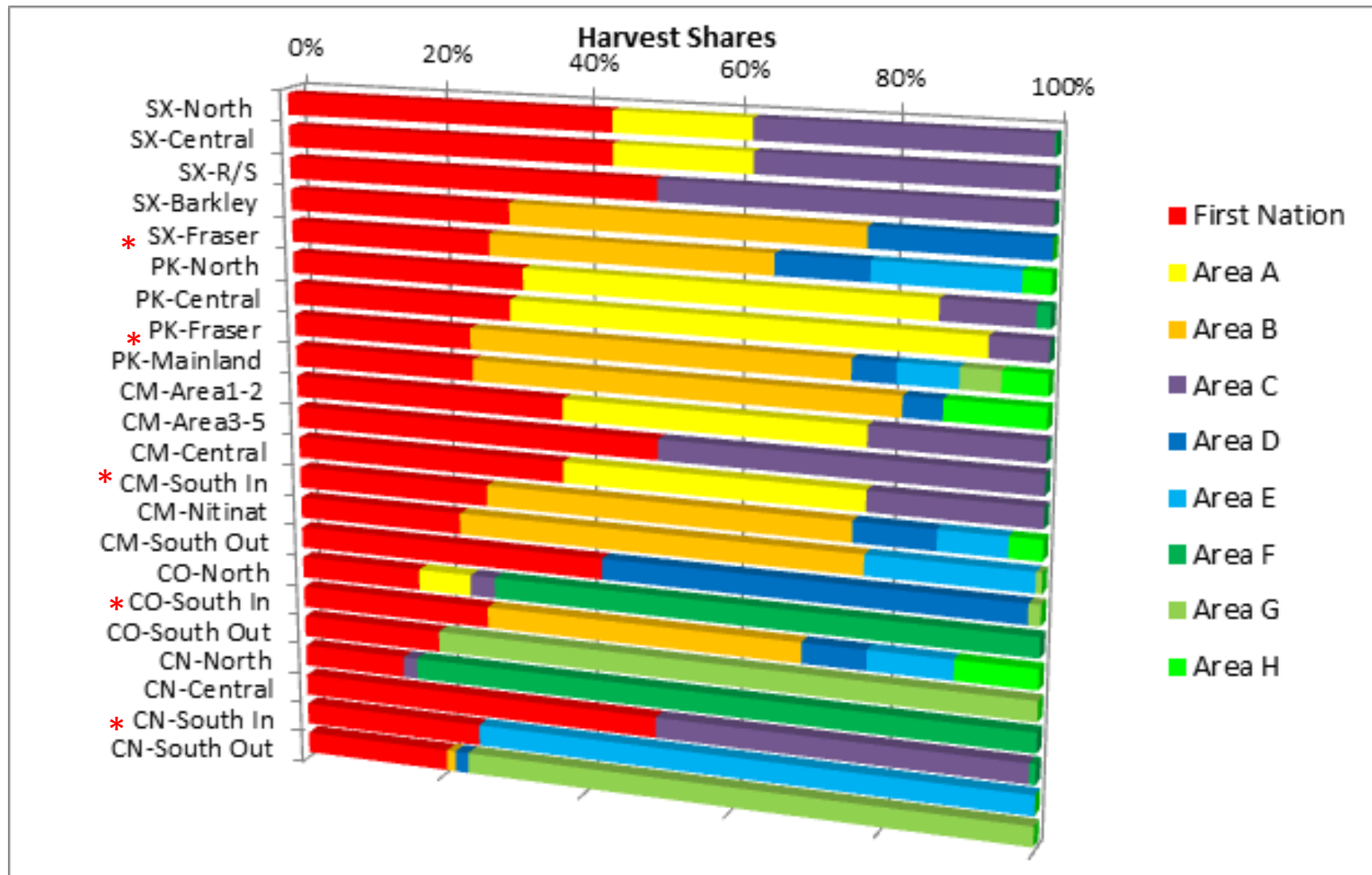


Harvest shares for species + production area associated with Fraser & South Coast fisheries

(FN Current = Licences in DFO Inventory)



Harvest Shares by species + production area (All Communal (F) licenses and NNFC)



Summary potential benefits

- Greater certainty for all fisheries
 - The commercial fishery will not change much as its still up to the fleets if they go to ITQ/Pool/derby etc.
- Greater utilization of licences available for FNs
 - licences in DFO Inventory (PICFI & ATP)
 - licences assigned to FN CFEs
 - NNFC licences
- Commercial fisheries that work for FNs
 - Flexible fishing opportunities (marine and in-river fisheries)
 - clear mechanism for increasing FNs share over time
- Greater incentive for investment
 - improvements to stock assessment & fisheries mgt

Next steps

- All regions (3-Fraser) to identify support/non-support of FN proposal in letter to minister by April 17.
- Try to sort out outstanding issues with industry (uncaught allocations, by-catch).
- Appendix in draft IFMP – March 2
- Comments on draft IFMP back to DFO by early April
- DFO Briefing note to Minister for approval in April.
- Possible approval for 2015 IFMP
- New Fisheries developed and submitted for evaluation?

DRAFT DECLARATION FOR FN SUPPORT FOR CSAF

SCC Proposal Key Decision Point Summary

We need to identify what each SCC representative needs to communicate about the SCC Proposal to their respective groups and communities so that we can provide DFO with a clear indication of the extent to which First Nations support the changes to the CSAF defined in the SCC Proposal.

What is needed ASAP is a clear indication of the level of support from SCC members for the following objectives and key elements for the SCC Proposal.

- **A – Healthy growth of salmon populations**
 - The CSAF is meaningless without healthy salmon populations
 - Clearly defined commercial harvest shares and more viable fisheries will create an incentive for investment in better stock assessment and fisheries management programs.
- **B – Greater certainty, access and multi-year agreements**
 - Defined harvest shares for First Nation communal commercial fishery ("First Nation economic fishery") and each Area A-H licence group for each production area/species combination. (e.g. Skeena Sockeye, North Coast pink salmon);
 - Harvest shares will be defined for multiple years with periodic reviews of these shares;
 - The initial determination of harvest shares under the new CSAF will be based on the total number of commercial Area A-H licences, excluding only those 23 licences currently classified as FN "treaty related" licences.
- **C – Flexibility in commercial fishing options**
 - Any First Nation individual, group or governing body, including any First Nation owned company or First Nation who owns an Area A-H licence may continue to fish that licence in a DFO authorized Area A-H fishery; or they could transfer the harvest shares associated with their licence to an approved First Nation economic fishery.
 - Any First Nation may propose to implement a new First Nations economic fishery where their members can harvest a defined share of the total commercial catch (within TAC and non-TAC fisheries) from each production area/species using methods, times and locations that may be similar to, or may be very different from, the methods, times and locations for Area A-H fisheries.
 - Any proposal for a new First Nations economic fishery would need to identify how this fishery would be coordinated with other fisheries in the proposed area and how commercial fishery standards for catch monitoring, compliance and enforcement will be met.
 - These monitoring, compliance and enforcement systems will evolve over time. Costs in the first year(s) will likely be greater than in subsequent years.

In short, if First Nations wish to achieve greater certainty regarding their share of the commercial harvest of salmon and improve their options for obtaining and increasing their harvest share, the SCC Proposal provides an excellent opportunity to achieve these goals.

Draft Declaration or content for a Letter of Support: The ____ First Nation [or First Nation organization] supports the Salmon Coordinating Committee (SCC) proposal as change that is intended to facilitate: 1) improved First Nation access to and implementation of existing DFO authorized commercial fisheries; and 2) improved opportunities for First Nations to obtain an increased communal commercial harvest share and support new ____ First Nation economic fisheries conducted within the ____ First Nation fishing area.

The following are conditions of our support for the SCC proposal:

- a) the implementation of the SCC Proposal will not negatively affect or restrict First Nations ability to harvest and manage their Section 35 fisheries;
- b) the SCC Proposal does not create, define, evidence, amend, recognize, affirm or deny any Aboriginal rights, Aboriginal title and or treaty rights, and is not evidence of the nature, scope or extent of Aboriginal rights or Aboriginal title or treaty rights;
- c) the SCC Proposal does not limit or prejudice the positions First Nations may take in any negotiations or legal or administrative proceedings;
- d) the SCC Proposal does not alter, define, fetter or limit or shall be deemed to alter, define, fetter or limit the jurisdiction, authority, obligations or responsibilities of the First Nation; and
- e) The SCC Proposal does not create, define, evidence, amend, recognize or affirm Crown title, rights or jurisdiction.