

May 20, 2013

TO: Les Jantz, acting Area Director, BC Interior, DFO
Cc: Sue Farlinger, Regional Director-General, DFO Pacific Region
Adrian Wall, AAA, DFO BC Interior
Jeff Grout, DFO, RHQ

VIA E-MAIL ATTACHMENT

RE: Forum on Conservation and Harvest Planning May 7-9 2013, Lillooet BC

First Nation attendees – discussion summary May 8 (afternoon) and May 9 (morning)

1. Catch Monitoring FSC presentation

The presentation was well done, but serious concerns were raised by some of the attendees:

- Inconsistencies regarding DFO management and monitoring: for example, lower Fraser eulachon allocation was 800 lb. and it took three DFO and one RCMP officer to monitor the fishery which was conducted from a small boat – yet the marine shrimp trawl fishery is barely monitored at all (less than 1%, up to 3-4%) despite being allowed to kill eight tons of eulachons as bycatch. There is no assurance that the allowable mortality limit is being adhered to because of the relative lack of monitoring.
- Certification of monitoring: third party certifiers is an insult to the First Nations' monitors who have been monitoring their fishery, in collaboration with DFO staff, for many years.
- Mandatory third party certification of monitoring is going in the opposite direction from First Nation self-governance.
- Inconsistencies between fresh and salt water sport fishery licensing re mandatory reporting – DFO needs to convince the Province to adopt mandatory reporting.

2. Sockeye fishery 2013

2.1 Early Stuart/Early Summer Run

a) attendees expressed support for the proposed study in the lower river regarding release mortality of Early Stuart sockeye when using 8 inch mesh Chinook gill nets. It is understood that 65 Early Stuart sockeye will be sacrificed as part of the study. These fish should be regarded as having the same priority as the PSC test fisheries that are forecast to kill approximately 4,717 Early Stuart sockeye at the p50 level of return.

Many First Nations are very much looking forward to the information generated through this study.

b) sharing: if the TAC for Early Stuart is less than 24,500 the shares will be lower river 0%, mid-river 0%, upper Fraser 0%, Nechako/Stuart system (includes Lheidli T'enneh) 100% -- not counting up to 10% incidental mortality in Chinook-directed fisheries. Note that discussions will take place between the upper Fraser (Nechako/Stuart) and those downriver groups who may wish to implement a tightly controlled minimal ceremonial harvest, resulting in the "return" of a minimal amount of TAC from Stuart/Nechako to designated group(s) downriver.

If the TAC is greater than 24,500, the following arrangement was discussed, to be applied to the increment above the 24,500: Nechako/Stuart – 25%; Upper Fraser – 23.3%; mid-Fraser – 23.3%; lower Fraser – 23.3%; and marine – 5%.

The above sharing arrangement proposal is based largely on the formula proposed in 2012 by the upper river First Nations, and put forward again this year. The sharing arrangement that DFO has proposed over the years – based on the “one time only” 1996 arrangement among Fraser First Nations – was also presented to the group. Discussion on this latter arrangement was minimal.

c) fishing plan: should the early test fishing results indicate a potential TAC, fishing will take place on the first part of the run. The timing of the window closure “window” will be implemented one week later than that indicated in Draft 2 of the IFMP. This will last for three weeks to provide protection for the main and late parts of the Early Stuart run, and Early Summer Run stocks such as Bowron, Taseko, and Nadina. DFO’s projected p50 Bowron sockeye spawning escapement number (3900) is lower than the range of the Lower Benchmark (4,000-5,000) highlighted in the CSAS paper from Grant et al (2011). The exploitation rate must be as close to zero as practicable, and Bowron sockeye cannot be exposed to a 16.5% exploitation rate as proposed by DFO in the IFMP.

Note: this fishing plan is based on a p50 or less return for Early Stuart and the median MA. If the indications are that the return is in greater numbers, i.e. approx 250,000 or more, and the median MA is in effect, fishing effort may be increased in accordance with the sharing plan – but allowing for a minimum of 132,000 spawner escapement. When the first in-season escapement estimate is generated, DFO must provide for the necessity of detailed discussion with First Nations in order to confirm the actual fishing plan for Early Stuart sockeye.

2.2 Late Run

- a) The key management requirement is to detect early entry in-season, as this significantly increases the MA. If detection of early entry is not possible, DFO must start the season on the assumption that entry will be early and en route/pre-spawn mortality will be very high.
- b) If the return is less than the p50 level, exploitation rate must be a maximum of 10%.
- c) If the return is more than the p50, DFO must manage fisheries such that Cultus sockeye are not exposed to the higher ER (e.g. 30%). There is no evidence that Cultus productivity increases even if Weaver, Adams, etc. increase.
- d) Terminal harvest of a productive stock is a conservation measure. A higher ER in a terminal area may be appropriate, but it should not cause a matching ER where small/vulnerable stocks are present. Note that DFO manages Interior Fraser coho (IFC) by capping exploitation at 3% (mixed stock areas) – yet allows that cap to be exceeded through controlled harvests in terminal areas where a stock or population has a healthy return. DFO can and should adapt this management strategy to sockeye stocks in similar circumstances.

3. Interior Fraser Coho

DFO’s proposed 25% increase in the exploitation/mortality rate for Interior Fraser coho (IFC) is precipitous and should not be implemented this year:

- a) adding it to Draft 2 of the IFMP – it was not in Draft 1 – and putting it forward in May just prior to IFMP finalization does NOT constitute adequate consultation with First Nations.
- b) the Joint Technical Working Group was denied the technical information (model inputs) by DFO when it was requested. This is contrary to the Terms of Reference of the Joint Technical Group.

More to the immediate point, however, there is no way for First Nations to assess or evaluate potential impacts of a 25% increase in mortality of IFC.

- c) if the technical information supports an increase in mortality or exploitation rates on IFC, First Nations have yet to see that information, have time to consider it, and respond to it as per consultation requirements.
- d) DFO has not explained how that 25% increase will be allocated. First Nations' rights in regard to IFC fisheries have been greatly infringed for years, in the cause of conservation. Any relaxation of the conservation constraints must be accompanied by a corresponding reversal of the infringement to those rights.

4. Chinook

First Nation attendees at the May 7-9 Forum expressed the following:

- a) There has been an inordinate delay in the receipt of critical information that is necessary for both DFO and First Nations to come to grips with early timed Chinook (four year old and five year old) management decision-making. The spring run management groups have been here for many months, but there is major delay in making decisions regarding the implementation of First Nation rights-based fisheries. Meanwhile, non-aboriginal fisheries have been allowed to continue un-interrupted since January with no delay in their implementation. There is a lack of transparency from DFO regarding its Chinook management practices.
- b) In a government organization the size of DFO Pacific Region, with its stated mandate of "conservation", it is incomprehensible that critical Chinook management data and information is not accessible in a timely manner because there is complete dependence on one and one only DFO staff member for the provision of that information. And that the one staff member is subject to competing work plan priorities.

Grand Chief Ken Malloway
On behalf of the May 7-9 Forum attendees