



FRASER RIVER ABORIGINAL FISHERIES SECRETARIAT

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March 18, 2015

Ms Sue Farlinger
Regional Director-General
Fisheries and Oceans Canada
Vancouver BC

VIA E-MAIL ATTACHMENT ONLY

RE: Communication from the First Nation attendees at the Forum on Conservation and Harvest Planning, March 10-12, Vancouver BC.

Dear Ms Farlinger:

The First Nation attendees at the March 10-12 2015 Forum in Vancouver ended their meeting with a large number of issues of concern that they wish to see addressed by DFO:

Process Issues

1. DFO staff heard loud and clear that the lack of available information/data that was necessary to fuel the discussions at this Forum was a problem. First Nations and Dept. staff agreed that meaningful input to the draft IFMP was impossible without convening another Forum, prior to the IFMP comment deadline, and that the requisite data would be supplied. Dates were set: April 10 for a JTWG meeting to first look at and discuss the information that needs to be provided by DFO; and April 13-14 for a two day Forum to properly review and inform the First Nation attendees. DFO agreed to extend the IFMP input deadline to April 17.
2. Data delivery: DFO has still not delivered the information required for First Nations to carry out analyses related to chinook and coho management decisions/actions. DFO is aware of its consultation obligations but DFO cannot just go through the motions – DFO must provide to First Nations the information required by its own consultation processes.

3. In-season allocation transfers: DFO has not yet responded to the recommendation that a bi-lateral “in-season allocation transfer committee” be formed well in advance of the fishing season to decide on a methodology/procedure for responding to and expediting in-season proposals for transfer of allocations. This very important and sometimes-complex issue cannot be left to the whims of an isolated, unilateral ad hoc decision making process in the middle of the fishing season.

4. Sec 35(1) fishing area change requests: a process must be developed, perhaps with the assistance of the First Nations Fisheries Council, to deal with such requests in an open, transparent, and inclusive manner.

5. FRSSI Performance Review: some of the questions that continue to be asked: This modelling process has been in use since 2006: is it still useful? Is it doing what it is supposed to do? How have the outcomes influenced sockeye management? Has management been precise enough to enable evaluation of the plan? Have there been occasions when the plan was developed through FRSSI but not implemented? Why?

6. Chinook sport fishery: the Dept. is considering “flexibility” particularly for the marine chinook sports fishing industry, while at the same time holding First Nations to strict management objectives even in the face of infringements. The proposed “blending” of Zones 1 and 2 – put forth by the sport fishing industry – is unacceptable. As noted in the communication from the January Forum, First Nations require DFO to immediately commit to a full and transparent consultation process on the management of Fraser River chinook.

Fishery Management Issues

1. Sockeye test fisheries (1): The Area 20 test fishery must not start until mid-late July. First Nations support the Whonnock and Qualark test fisheries being implemented per normal timing, as their impact on Early Stuart and the early timed stocks of the Early Summer Run management group will be minimal while still providing some basic timing information important for management of window closures.

2. Sockeye test fisheries (2): The Pacific Salmon Commission (or DFO) must not engage in (commercial) fishing of sockeye in 2015 for the purpose of amassing funds to pay for test fisheries. The PSC has stated in the past that they implemented this practice when sockeye were very plentiful in order to obtain sufficient funds to pay for the operation of test fisheries in years of expected low returns. 2015 is such a year.

3. Sockeye (general):

- Returning four year old forecasts are inherently uncertain. Several stocks are forecast to contain a large proportion of returning five year olds – these forecasts contain a much higher level of uncertainty. First Nations state that precautionary management principles must be applied in 2015.
- The Early Stuart sockeye mortality study results have not been provided for discussion in relation to pre-season planning. This study must be provided to

First Nations as part of an open and transparent data-sharing exercise that is the underpinning of a legitimate consultation process in regard to fishery management decisions.

4. Early Stuart sockeye: Forum attendees agreed that for planning purposes the p25 forecast run size of 16,000 must be adopted, and that there be a fishing closure to protect the 2015 Early Stuart sockeye run. They further agreed that if the MA is “normal” they could accept a maximum of incidental harvest mortality of 10% (1,600 fish), with the objective of putting at least 10,000 spawners on the spawning grounds.

5. Early Summer Run stocks: The Forum attendees agreed in principle with the IFMP proposal to maintain an extended window closure to protect the earlier timed stocks, i.e. Taseko, Bowron, and Nadina during the period June 28 to July 29. **However, the attendees request that DFO provide timing information for the Early Stuart, and those Early Summer Run stocks, to support further discussion on window closure timing details at the April Forum.**

6. Summer Run stocks: Discussion centred around the issue of another year of strong Chilko returns along with weak returns of the co-migrating Late Stuart, Stellako, and Quesnel stocks. Further discussion will be needed at the April Forum. However, some outcomes from the March 12 discussion:

- Late Stuart must be protected. This will likely mean transfer of more TAC (Chilko) away from the mixed stock fisheries and into the Chilcotin system than would otherwise be the case.
- Marine commercial mixed-stock fisheries must not be implemented in 2015 in order for First Nations to meet their constitutionally protected needs with a minimum of impact on Late Stuart in particular, but also on Stellako and Quesnel stocks.
- To better inform in season management and post-season analysis, DNA sampling is used to differentiate Chilko from Quesnel stocks, and this must be continued. There should be equal effort put into separately identifying in-season the relative abundances of Stellako and Late Stuart stocks.
- The two fishing plan options provided by DFO are a “winners-losers” scenario. A third potential option was briefly discussed, and may be explored in more detail at the April Forum.

7. Late Run stocks: there seemed to be general agreement with the Lower Fraser’s position of a maximum ER of 20%. However, more discussion will have to occur in April.

8. Interior Fraser Coho: First Nation Forum attendees note that DFO staff are/have been working on a data/information package related to 2014 post-season analysis of impacts. FN participants on the JTWG have not been provided any opportunity for involvement or input to the development of the package. This is not how “collaborative management” is supposed to work. Therefore, action required from DFO:

- **A draft of the IFC package must be shared with the JTWG no later than the end of business Friday March 20 in order to provide time for the JTWG to address points for clarification and consider alternative methods of analysis.**
- Clarify the 2015 draft IFC objectives, i.e. define “Canadian Fisheries” and references to pre 2014 IFC management impacts and calculations.
- Distribute the IFC 2015 forecast as part of the package for consideration in IFC planning for 2015.
- Include information related to IFC fisheries specific to 2011 and 2013 management (Fraser pink years).

9. Fraser Chinook As noted very strongly by FN Forum attendees in January, DFO continues to manage Fraser chinook largely for the benefit of the marine sport industry and a comprehensive management consultation process must be implemented. Before considering any changes to the marine sport fishery in the 2015 IFMP, DFO must:

- Assess and peer review the existing management measures and evaluate the existing fishery regime with respect to conservation objectives and exploitation rate assumptions;
- Distribute and describe the data/inputs/information/tools associated with the 2015 marine sport fishery and provide an evaluation of the implications to First Nations rights-based fisheries;
- The 2015 salmon outlook for spring 4sub2 Fraser chinook went from 1 to 2. DFO must describe any subsequent changes to the approach for 2015 fisheries (compare with 2014 etc when the outlook was 1), and describe the distribution of impacts and conservation objectives, including methods and calculations. The draft IFMP management objective appears to be unchanged from the previous year (outlook 1) – but it is written such that changes to impacts on these stocks by sport fisheries may be allowed while still “meeting the objective”. The potential for further infringements on First Nations rights to these stocks may be increased. Clarification is required.
- As noted over the last two years, FN technical personnel are not able to replicate the methods, results, and conclusions associated with the management information provided in the 2012 DFO Rebecca Reid letter. To date, DFO has not responded to requests for detailed discussion with DFO technical staff responsible for the information in that letter that outlines the spring/summer 5sub2 impacts and reductions. Furthermore, First Nations also request a full discussion regarding an evaluation of the objectives outlined in the 2012 letter based on independent data. Complete transparency is expected in regard to all sectors.

10. Fraser Pink Salmon

More information is required to meaningfully discuss proposed Fraser Pink salmon fisheries with First Nations:

- Potential constraints on pink salmon fisheries from protected steelhead, Late run sockeye, and Interior Fraser coho;
- The proposed increases to pink salmon allocation and opportunities for sport fisheries as outlined in the draft IFMP;
- Catch monitoring plans (including encounter rates and bycatch of other species) for pink salmon sport fisheries.

Summary

The Forum on Conservation and Harvest Planning meetings provide a positive process for review and discussion of DFO's proposed fishery management plans. However, the process has its limitations in regard to amount of time necessary for meaningful consultation, and in regard to the timing itself in relation to IFMP input deadlines. Further, the Forum process does not satisfy the need and obligation to implement deep and meaningful consultation processes on issues such as the Pacific Salmon Treaty Chapter negotiations, Fraser chinook (particularly spring 4sub2 and 5sub2 chinook) management, and changes to the management regimes that affect Interior Fraser coho.

Sincerely,



for Ken Malloway
on behalf of the First Nation Forum attendees

cc's:

First Nation Fisheries Council
FRAFS Executive Committee
Neil Todd
Walter Quinlan
Jeff Grout
Rebecca Reid
Mike Staley
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