



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

February 19, 2018

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

VIA EMAIL ATTACHMENT ONLY

RE: January 23 – 25, 2018 FORUM ON CONSERVATION AND HARVEST PLANNING, RICHMOND, BC

Dear Rebecca Reid,

The first of three, 2018 Forums on Conservation and Harvest Planning events was held, January 23 – 25, 2018 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).

IFMP Monitoring, assessment, and program delivery:

First Nations and technical staff should be able to rely on transparent, timely, and accurate information sharing by the Department to build trust and a renewed, nation-to-nation relationship, with Indigenous Peoples based on recognition of rights, respect, collaboration and partnership. Unfortunately, there continues to be unnecessary instances where information is not effectively shared with First Nations. In the words of Prime Minister Trudeau “no relationship is more important to me and to Canada than the one with Indigenous Peoples”. Please address the following recommendations in order to improve transparency and information sharing:

- From 2016 forward, there were critical discrepancies between Fishing Areas the Department announced would be monitored pre-season and in-season, and those that were actually monitored. **To resolve this issue for 2018 and beyond: Use the stock assessment section in the IFMP to outline all anticipated catch monitoring and stock assessment programs for all fisheries. Changes to monitoring (creel and catch) and assessment programs which affect First Nations must be discussed prior to the post-season. Follow with a post-season report/discussion outlining what was actually carried out along with the rationale for any discrepancies.**
- **Provide First Nations technical staff with access to DFO data from recreational fisheries, especially those in marine areas. These data, coupled with a clear understanding of the methods used to**



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collect the data, and rationale for the creel designs and programs applied, should allow First Nations to more meaningfully participate in these processes in the future.

Several related requests from Forum participants included:

- If the Department is planning fisheries reductions due to conservation concern, all reductions must follow Aboriginal Priority. Commercial and Recreational fisheries impacts must be eliminated before any management action is put forward to reduce the Constitutionally protected First Nations FSC fisheries.
- Clear and implementable regulation of recreational fisheries must be in place. The current recreational fisheries regulations are contrived. The presentation from Conservation and Protection staff clarified that current regulations are difficult to enforce, and there is a large amount of recreational fishers that do not follow license regulations. DFO needs to implement clear area closures, closed seasons, and limit the entry to recreational salmon fishing.
- There is an on-going lack of trust in the recreational fishery catch monitoring methodologies. First Nations grudgingly endure the Departments excusing away violations of our FSC rights, while DFO allows the sport fishing industry to carry on in an unsustainable manner. Court cases like "Sparrow" are in place to protect our rights and DFO has the obligation to uphold these rights.

Precautionary Approach and Chinook:

The current management regime for Spring and Summer 5(2) Chinook was discussed in the context of changing environmental conditions and the overarching need for a complete understanding of the information available to help interpret the current situation. Dr. Kim Hyatt again outlined that one of the ways the Department can respond to the unusual environmental conditions observed in 2014-2017 is to have more precautionary management in place, especially in the absence of real-time monitoring data. The Department's current zoned approach for managing recreational Chinook fisheries is complex, and C&P noted the challenge of enforcing specific measures that vary by area.

Several related requests from Forum participants included:

- The opportunity has risen out of the recent AFS and Guardian program reviews to include more First Nations in filling the catch monitoring and compliance gaps, however the program needs to be more widely advertised by DFO.

Southern Resident Killer Whales (SRKW)

With the ongoing discussions regarding SRKW, the Forum recognizes the importance of conservation. Any management action to increase chinook access for SRKW must follow Aboriginal Priority. It is important for DFO to implement management actions consistent with Aboriginal Priority related to increasing Chinook access for SRKW. First Nations must be consulted on any proposed management action for increasing Chinook access for SRKW, or on any changes to the foraging area identified for



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SRKW. The Department should also investigate the effect of seal and sea lion predation on the foraging success of SRKW.

DFO needs to provide more information regarding the proposed SRKW subcommittee. This will be an important process for potential management actions related to SRKW, and the implications to First Nations needs to be communicated clearly and effectively before participants are put forward or identified.

Sockeye

The Forum is interested in the process of how DFO Science provides recommendations to DFO Resource Management. Given the uncertainty in forecasts this year, it is important to understand how DFO Resource management makes decisions. The recommendations from Science branch should be made public and transparent. If DFO makes a decision contrary to Science advice, a clear communication of why the decision was made needs to be provided.

Interior Fraser Coho:

The lack of headway in restoring Interior Fraser Coho for at least the last 20 years since the Coho-crisis of the 1990's continues to have substantial negative impacts on First Nations. Forum participants shared on-going concerns, many of which have been raised before, but not competently addressed by the Department. These include: the lack of information on Lower Fraser Coho; the need for a clearer explanation of DFO's stock assessment plan; the necessity to remain below the 3% exploitation rate cap in a Fraser Sockeye Late run year and limit Coho by-catch while managing those fisheries for priority access; and First Nations' desire to avoid DFO's Coho management actions implemented in 2014. Improperly managed and timed harvesting can have severe negative consequences for First Nations, but most importantly the salmon resource itself.

DFO needs to acknowledge that there are planned and implemented fisheries on Interior Fraser Coho that are contrary to Aboriginal Priority. In previous iterations of the Southern Salmon IFMP, IFC impacts were not allocated to First Nations, despite Aboriginal Priority. DFO's rationale is that IFC impacts are derived from inadvertent interactions as bycatch in other salmon fisheries. It is clear that all fisheries that intercept IFC are meticulously planned. DFO needs to acknowledge Aboriginal Priority, and provide all impacts on IFC for First Nations' FSC fisheries.

Chum:

There was a request to seek clarification of DFO policy on moving allocations between Commercial and FSC fisheries, related to the Lower Fraser Chum fishery. The extreme Steelhead conservation concern this season is a key issue. It's unclear how it will affect access to Chum salmon.



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Steelhead:

At previous Forums, participants have expressed the need for First Nation engagement with Provincial and Federal Interior Fraser Steelhead planning processes. Despite these requests, DFO outlined the Federal and Provincial plan to work together, and without First Nations, on MSC Condition 14. **First Nation objectives must be included in all aspects, including ToR development, of this process. First Nations want to see the results of this season's emergency assessment as soon as possible.**

Chinook 5-year review:

DFO has committed to carry out a review of Chinook management, and recently completed their consultation on the draft terms of reference for the “Review of Fraser River Chinook Management Approach”. Forum participants considered several options proposed by the Department for moving forward with the review. Participants valued the need to act quickly, and as a result, initial support was shown for First Nations /stakeholder involvement at the technical level (similar to the CSPI process).

Given the current state of the Chinook 5-year review, DFO resource management needs to identify a process to expedite management actions derived from the Chinook 5-year review. DFO should be prepared to take additional management actions on fisheries that intercept the Fraser Spring 4₂, Spring 5₂ and Summer 5₂ Chinook if warranted by the Chinook 5-year review.

The Forum on Conservation and Harvest Planning series is a first step in what should be a multi-step consultation process about DFO’s stock and harvest management plans that could potentially affect the exercise of aboriginal fishing rights. Thank you for incorporating the recommendations and advice provided by Forum participants into this year’s management planning process, and we look forward to a written response from the Department in the very near future.

Respectfully,

Ken Malloway, FRAFS Chairperson,

On behalf of First Nation participants at the January 23 – 25, 2018 Forum on Conservation and Harvest Planning

CC:



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Fraser River and Approach First Nations

First Nation Fisheries Council

Honourable Dominic LeBlanc

Catherine Blewett

Angela Bate

Jeff Grout

Jennifer Nener

Stu Cartwright

FRAFS Executive Committee, Biologists, Operations Manager, Communications Coordinator