



## FRASER RIVER ABORIGINAL FISHERIES SECRETARIAT

c/o Nicola Tribal Association  
PO Box 188 • Merritt, BC • V1K 1B8  
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[www.frafs.ca](http://www.frafs.ca)

March 12, 2018

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

VIA EMAIL ATTACHMENT ONLY

**RE: February 27–March 1, 2018 FORUM ON CONSERVATION AND HARVEST PLANNING, NANAIMO, BC**

Dear Rebecca Reid,

The second of three, 2018 Forums on Conservation and Harvest Planning events was held, February 27–March 1, 2018 in Nanaimo, BC. Participants from over 50 First Nations organizations and Bands attended the Forum from the Marine Approach and Fraser River areas. This letter is in response to information presented by DFO at the Forum.

A summary of DFO's presentations and related discussion, can be found in the Tier 2 minutes (Appendix 1). After the Forum FRAFS EC and staff summarized requests for additional information, advice, recommendations, and actions from both the Tier 1 and Tier 2 minutes (Appendix 2).

At the Tier 1 meeting several general themes emerged. Forum process concerns including compressed timeline for review, the lack of a May Forum (preventing a Forum response letter to follow up with the comments made to the draft IFMP), and the late delivery of the draft IFMP, which meant there was not sufficient information to fulfill consultation with First Nations.

In addition, the following points were discussed:

- DFO needs to share a First Nations consultation engagement plan for the PST Chapter 4 renewal. Recently, three out of four years have had no commercial fishing on Fraser Sockeye and First Nations need to be deeply involved in the Chapter 4 renegotiations;
- Canada has committed to the implementation of UNDRIP principles and resources for that. DFO needs to recognize the commitment made and acknowledge and implement the relevant articles.
- Priority access and allocation of Interior Fraser Coho allowable exploitation rate (ER). IFC ER impacts must go through a rigorous planning and consultation process, and all planned and actual impacts should be transparent and available for discussion;



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- DFO needs to implement stronger marine recreational fishery restrictions in regards to Fraser salmon and Steelhead. The Forum has heard for multiple years (from DFO Conservation & Protection) that the complex Chinook management measures to protect Fraser Chinook stocks of concern are difficult to enforce. DFO needs to implement decisive area closures on marine recreational fisheries that encounter Fraser stocks of concern;
- Fraser Chinook objectives and impact of proposed 2018 measures;
- Cultus Sockeye rebuilding and questions about rebuilding other COSEWIC Endangered Designable Units;
- Importance of test fisheries and funding those and concerns about payment with use of fish;
- January Forum question about Area 29 access unanswered ecosystem concerns (fish farms, forest fires, Mt. Polley spill).

Additional suggestions & details are captured in the summary of action items noted in this letter.

First Nation participants identified that there are many on-going occurrences of outstanding issues and recommendations carrying over from Forum to Forum for many years without any being addressed by DFO. A recommendation was put forward by First Nations that the Forum Planning Committee draft a reporting and accountability mechanism for Forum meetings that meets the consultation obligations of both DFO and First Nations. It is not clear whether this mechanism will be available for the next Forum, but hopefully will be developed for next year's Forum process.

It was appreciated that DFO provided a response to action items from the January 2018 Forum, however there were several issues and recommendation from the FRAFS EC letter that were not addressed. A formal letter from DFO is still pending. Please review the attached Tier 2 minutes and summary of action items from this meeting and respond in writing before by March 19, 2018.

Respectfully,

Ken Malloway, FRAFS Chairperson,

*On behalf of First Nation participants at the Nanaimo Forum on Conservation and Harvest Planning  
February 27-March 1, 2018.*

**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*

*FRAFS Executive Committee, Biologists, Operations Manager, Communications Coordinator*



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### **Appendix 1:**

#### **Tier 2: Forum on Conservation Harvest Planning for Fraser Salmon**

Draft Minutes: Feb 27 - March 1, 2018 Nanaimo BC

#### **Action Items**

- DFO to share [IndigenousFisheries.ca](http://IndigenousFisheries.ca) link.
- DFO to share Hackai Institute study re effect of fish farms/sea lice on out-migrating wild smolts. Mike Hawkshaw to follow up with Chris Neville re details re where and when smolt surveys take place.
- Jennifer Nener to follow up re science on over-spawning risks.
- DFO follow up re why the US breakpoint for accessing chum is lower than the Canadian 1 million limit (PST presentation).

#### **Welcome, Introductions**

Following introductions, facilitator Marcel Shepert reviewed the Forum purpose and agenda:

**Overarching Purpose:** The FORUM is intended to provide an annual process for information sharing and discussion on Fraser salmon fisheries issues between DFO and First Nations (Tier 2) and First Nations with other First Nations (Tier 1). First Nation attendees have the opportunity to provide their advice and recommendations on management plans.

**February FORUM Purpose:** The intent of this meeting is to provide an overview of the contents of the draft 2018/2019 IFMP for southern BC salmon and to initiate thinking about fishery planning for 2018.

#### **Setting the Stage**

*Ken Malloway, Forum Planning Committee Chair*

Malloway thanked the host First Nation and reviewed current issues, including the draft IFMP; the Chinook Strategic Planning Initiative (concerns about inadequate budget restricting this important work); recreational fishery monitoring, especially at the mouth of the Fraser, including the need for more DNA analysis to assess impacts on Fraser chinook; and the desire to meet with the federal Standing Committee on Fisheries. Other issues include the recent FRSSI workshop and ongoing Pacific Salmon Treaty (PST) negotiations, with concerns about less effort to consult with First Nations this time. Malloway also stressed that First Nations consultations on the proposed emergency listing for Fraser steelhead should be led by FRAFS, not the Fraser Basin Council, and the importance of restoring the May meeting for this annual planning process.

*Linda Stevens, DFO*

Stevens thanked the Snuneymuxw First Nations for hosting this meeting and welcomed participants. She reviewed handouts, including DFO's response to the last meeting's action items and a draft list of IFMP questions, to be updated when the draft IFMP comes out. She also thanked the Forum for its letter,



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noting a response was pending. She noted that an upcoming consultation round would look at the Fishery Guardian program and AFS, with info posted online at [IndigenousFisheries.ca](http://IndigenousFisheries.ca)

**ACTION:** DFO to share [IndigenousFisheries.ca](http://IndigenousFisheries.ca) link.

Stevens noted lots of recent announcements/change underway, with the hope that it will bring us to a better place and concluded by welcoming participant feedback to the Forum Planning Committee to help ongoing efforts to improve this process.

### **Fraser Salmon Joint Technical Working Group Update**

*Marla Maxwell, Aidan Fisher, JTWG*

Presentation covered the following key points discussed at the group's Feb. 26 meeting (*See PowerPoint for details*)

- Administrative updates: Review of JTWG terms of reference and membership (participation, info sharing)
- Ongoing technical updates & activities:
  - Fraser Chinook run reconstruction: Preliminary run results (very poor 2017 returns) to be distributed shortly.
  - CWT (Coded Wire Tag) mortality distribution for chinook, with new tables examining impacts in mark-selective fisheries (DFO presentation planned when some additional questions have been answered).
  - Chinook 5-year review: Concerns about delays (process and data sharing) and whether the work has shifted from the initial plan envisioned. Request for an update summarizing work done and providing a better understanding of obstacles, for communication to interested First Nations. This work is unlikely to inform 2018 fishery planning.
  - CSPI (Chinook Strategic Planning Initiative): Due to problems with the proposed model for management strategy evaluation, a new evaluation model is being built, with an update proposed to the Forum once it is ready.
  - CSAS (Canadian Science Advisory Secretariat) participation list: Update re list of technical staff interested in participating in CSAS reviews.
- SRKW (Southern Resident Killer Whales): JTWG reviewed SRKW discussion document, including proposed fishery closures, noting the need to evaluate any actions and for more clarity on impacts to different fisheries.
- Coho PST exploitation rates (ER) and breakpoints: workshop planned for early May, with DFO to distribute a discussion paper in advance.



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- Review of Forum presentations:
  - 2018 sockeye forecasts, escapement plans and key issues: discussion about rationale for recommending using p10 (10% probability level) forecast in planning, recent poor performance of forecast models, and challenges accessing late-run harvestable surplus.
  - Fraser River Sockeye Spawning Initiative (FRSSI): Discussed preliminary outputs of new modelling of alternate LAER (Low Abundance Exploitation Rates) and ERs, how to interpret new graphs and adequacy of FRSSI's engagement and consultation approach.

### Discussion

- Concerns about recreational fishing mortality and higher mortality of using bait. For coho, the higher ER allowed in 2014 produced disastrous results. First Nations were offered only two seats for the entire Fraser/approach areas on this new committee, which is a concern.
- Will marine fishery impacts be included in the run reconstruction? What is the timeline for the 5-year review?
  - DFO: DFO is working on a plan and hopes to provide more clarity but doesn't have an answer right now. Fraser run reconstruction is a useful tool for in-season management. Part of the reason for the 5-year review was how to address marine impacts.
  - Q/A: Re concern about rec impacts in Georgia Strait, DFO said the IFMP will propose additional 2018 measures for all chinook stocks of concern, not just Fraser.
  - Concern that proposed Area 20 closure will just shift recreational effort elsewhere.
    - DFO: Proposed actions, developed with advice from whale scientists, are to create areas where whales can forage without disturbance, not to increase the amount of prey. DFO is also considering broader actions to address chinook stocks of concern.
  - (Q/A: Cultus sockeye question to be addressed in sockeye presentation.)
  - CSPI has been underway for five years, with delivery problems. The 5-year review was to be completed in a year and is now in Year 2. How will DFO address these challenges and involve First Nations, considering the indigenous program review currently underway. We need to implement it now and First Nations should be involved in reviewing funding allocations.
    - DFO: We don't disagree that securing annual funding for CSPI has been challenging. We have a draft document and are looking at how to get it out more broadly for review and feedback. We understand that a letter to DFO is being drafted about these concerns. For the 5-year review, our challenges relate more to technical capacity/ staffing.



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### Fraser Sockeye Science Integration: 2018 Returns

*Mike Hawkshaw, DFO*

DFO presentation covered the following key points (see PowerPoint for details):

- Environmental conditions: Continued impacts of warm conditions, which affect all stages of sockeye salmon life cycle.
- 2014 migration conditions experienced by parents of 2018 cycle, 2016 river out-migration conditions and ocean rearing conditions in 2016-17.
- 2016 smolt outmigration sampling and survey gaps (SoG = Strait of Georgia)
- Recent Fraser sockeye forecast and jack forecast.
  - Q/A: Chilko/Quesnel jack counts are part of the stock assessment.
  - Q/A: Impacts of the 2014 Mount Polley spill are not covered in this presentation.
  - Q/A: Sockeye are not a significant part of SRKW diets (they prefer chinook).
- Where do smolt surveys occur relative to fish farm locations? It's important to capture effects of sea lice from farms.
  - **ACTION:** DFO to share Hackai Institute study re effect of fish farms/sea lice on out-migrating wild smolts. Mike Hawkshaw to follow up with Chris Neville re details re where and when smolt surveys take place.

### 2018 Fraser River Sockeye Forecast

DFO presentation covered the following key points (see PowerPoint for details):

- Historical returns (very low in recent years).
- Annual forecast expressed as a range of probabilities. Long-term returns average out at the 50p forecast level, but they have been at the lowest end of the range in recent years.
- 2018 forecasts for each of the 4 management groups and component stocks, with 50% of the forecast 2018 return being Late Shuswap.
- Comparison of WSP (Wild Salmon Policy) and COSEWIC (Committee on the Status of Endangered Wildlife in Canada) status.
- Details of 2018 forecast by population.

### Discussion



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- Q/A: The last year we had commercial fisheries targeting Fraser sockeye was in 2014. Regardless of the forecast, any decision to open commercial fisheries depends on in-season assessment. The pre-season forecast is shared to seek advice on pre-season planning via the IFMP process.
- Early Stuart has been a concern for 30 years and it hasn't rebuilt at all. We're frustrated hearing the same story every year, while generations don't get to catch or eat fish. Management must change so that stocks can actually rebuild, because what actually returns is not consistent with the plan.
- Q/A: The 8th sockeye stock in the COSEWIC listing is Taseko.
- We stop fishing when coho hit our system. There was fishing right through October in 2010 and 2014. We're seeing 300-400 coho return and we should support the coho conservation concerns even if there is a big sockeye return, given the recent low productivity.
  - DFO: The JTWG discussed that forecast models for some stocks include environmental conditions, so some of that information is considered in the forecast. The Quesnel forecast includes environmental conditions and it was one that performed relatively well last year. But inclusion of environmental factors only improved the forecast performance for a handful of Fraser stocks.
- Who fished coho in 2010 and where was most of that run?
  - DFO: In 2014, we had a large sockeye return and there were large coho impacts. In 2010 and 2014, coho impacts would have come from a range of fisheries (larger impacts in 2014 because rules were a bit different that year).
  - Inside troll aren't allowed to keep coho. The recreational fishery has large impacts.
  - DFO: For 2018, DFO is proposing more conservative rules similar to 2010 for coho.
- Increased sockeye generally means more coho impacts. On seine boats, more advanced methods (e.g. sorting trays) do a better job sorting and reducing coho bycatch mortality.
- We have had very big declines in our rivers at the top of Vancouver Island. Fish farms are having a big effect on smolts. We see them go into the farms to feed. We're not taking into account the many things that are hurting Fraser sockeye, including large sea lion populations. I'm also concerned about cuts to test fisheries and testing on fish farms.
  - DFO: It would be useful to have someone from DFO Science address these questions at a future meeting.
  - The 4-2 sockeye migrate out through Johnston Strait. If fish farms are killing them, why did they come back in very high numbers in 2010 and 2014?
  - I'm glad to see fish farm questions getting attention.



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- We share concerns about the lack of resources for the Wild Salmon Policy and fish farm impacts. Wild salmon should be the priority. We haven't had fisheries for many years. DFO must fund the WSP if we want to address that.
- We should broaden the Forum's mandate to include fish health. The missing piece is the vulnerability of salmon at different life cycle stages.
- What is DFO thinking re planning based on p10 instead of p50? We've been recommending a more conservative level but it hasn't happened. How do we change that? We want to protect and rebuild for future generations and this graph doesn't show that.
  - DFO: The forecast supports pre-season planning for both Canada and the US. It's just a planning tool and actual fisheries are based on in-season information. There have been no directed commercial fisheries in recent years.
- Categorizing Fraser sockeye returns in four management groups disrespects this process and this discussion, and the importance of individual stocks to us. It's set up to enable ocean fisheries. We're turning a blind eye to the voices at this table describing the serious impacts when local returns fail.

### FRSSI Update

*Ann Marie Huang, DFO*

DFO presentation covered the following key points (see PowerPoint for details):

- FRSSI is both a planning process and a simulation model
- All models are wrong, some are useful: key is to determine which are useful and for what purpose.
- FRSSI modelling is about trying to ID "safe fail" management zones, not "a fail-safe." It's about identifying a set of management rules that keep you within zones where failure (since it's inevitable at some point) is at least not catastrophic, similar to mapping the mostly safe path through a minefield.
- Overview of priority work identified for recent years; management options tested using FRSSI modelling for 2018: (20% LAER, minimum ER of 30%, additional stock-specific harvest (ASH)).

### Discussion

- Q/A: Socioeconomic aspects are not something that we model, but these may be important considerations for managers and stakeholders.
- Q/A: Current management with the 3-week window closure allows 10% total ER at either end of the run, and that impact is what is modelled.
- Q/A: ER and LAER includes all fishery impacts.



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- We're very interested in the breakdown of those impacts and who is catching the fish, given priority access.
  - DFO: This model is used for forecasting future stock and fishery impacts. It's not the right tool for determining who is catching the fish (that's the Fraser Panel pre-season model).
- There have been questions about how LAER is applied. Who decides LAER?
  - DFO: The LAER is to account for the fact that regardless of run size, you would still have a certain impact on a low stock in order to fish on more abundant stocks. That rate is set by policy staff. The FRSSI model is used to evaluate/test effects of those policies. It should be clarified that these are things that we were asked to explore the impacts of, they are not recommendations.
- Our concern is not just the impact on aggregates but on individual stocks of allowing 30% or 10% when returns are very low.
  - DFO: Yes, so we look at the effect on individual stocks and aggregates.
- Q/A: The LAER does not include MA (management adjustment). We add the impact for MA on top of that. FRSSI modelling is not about evaluating or forecasting the 2018 effects of management proposals. It's about trying to understand the long-term predicted effect of using one particular management rule vs. another.
  - DFO: Regarding the reasons for exploring impacts of different LAERs, in 2015 we ended up exceeding the LAER for Summers because we had really strong returns for Chilko. This has happened on other occasions, so we want to better understand the impacts of doing that and whether they fall within that relatively safe zone, in order to inform management decisions for the future.

Presentation, continued:

- Modelling ASH: This would be a new management approach and could involve one of two basic MPs (management procedures) — either using a multi-step checklist or else a stock-specific trigger with a harvest rate for that stock once the trigger is met.

### Discussion

- How does the COSEWIC listing relate to this?
  - DFO: Considering WSP or COSEWIC status could be one of the steps you look at as part of a multi-step checklist.
- But we would need 8 - 12 years to see results (2-3 cycles)



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- DFO: New approaches like ASH would require additional analysis before we would consider trying them.
- Question... about COSEWIC/allowable cultural use?
  - DFO: Because FRSSI modelling looks at effects over a long time frame, we can consider what happens to a particular stock: e.g. What is the trajectory? How long does it take to recover to the WSP benchmark if we adopt a specific management procedure? If the model indicates the stock doesn't perform as desired, we can try testing (modelling) different management procedures. If we can quantify stakeholder values and add them to the model, we can evaluate how well different management procedures do in meeting those objectives.
- I don't see the First Nations human factors and traditional knowledge reflected in the modelling. We see all these alarm bells going off and yet these indicators are not considered. This is not a discussion because all we see is a one-way tidal wave of information that doesn't consider us.
  - DFO: We have been trying to consider First Nations factors, but in many cases, they are hard to quantify.
  - FRAFS pushed hard for modelling additional stock-specific harvest and that is now part of the model.

Presentation, continued:

- Discussion: Stock recruit (S/R) models: The FRSSI model has used the Larkin S/R model since 2006, because it performs better for cyclic stocks than the Ricker model, but there are other issues with it relating to the long-run forecast patterns that it produces.
- Background of FRSSI process/model development, including 2015 workshop that identified work priorities that are still guiding current FRSSI technical work.
- 2018 technical work plan includes pausing model development, addressing model bugs and preparing for a CSAS review in 2-3 years.

### Discussion

- How does FRSSI play into management? Since 2006, we've had 8 stocks go from good to endangered. How is it helping us?
  - DFO: The other question is what would have happened during this period if we weren't using TAM rules (the MP developed via FRSSI). If not TAM rules, what else should we use?
  - Can we see who is speaking for us in FRSSI and what they are saying? How is our TEK being implemented?



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### 2018 Fraser Sockeye Draft Escapement Options

*Jamie Scroggie, DFO*

DFO presentation covered the following key points (see PowerPoint for details):

- Explanation of Total Allowable Mortality (TAM) Rule.
- The levels where you set the Upper and Lower Fishery Reference Points define the shape of the TAM rule and that's what DFO is seeking feedback on.
- DFO has presented two escapement plan options to show how changing the points changes the impacts, but stakeholders can recommend a hybrid approach that differs from these options.
- Explanation of LAER: It's not a target, it describes the cap on incidental impacts that would be allowed on low-return stocks to permit fisheries on more abundant overlapping stocks.
- Early Stuart: No forecast scenario that would permit directed harvest.
- Early Summers: Comparison of results of the 2 escapement plan options under different forecast levels. High snowpack may require higher management adjustment
- Summers - considerations:
- Lates: All forecast levels project returns above the upper reference point. But even at higher run sizes, it's unlikely that Cultus recovery objectives will be met, so this will be a limiting factor.
- Key questions for escapement options.

### Discussion

- How can we expect Cultus to recover without a plan for the lake? This has constrained fisheries for a long time.
  - DFO: The former program was cut and there are major issues with the lake. COSEWIC has re-listed it as endangered, so we can expect further discussion.
- The "red" indicators dominating the SARA listing conflict with the predominance of green in this presentation.
  - DFO: This chart looks at just one year, and it's the strongest cycle. The COSEWIC assessment takes a lot more information into account.
- We don't see the risks to endangered stocks reflected in this. At some point, the management actions have to reflect the risks to these stocks. It's frustrating to have to keep standing up and saying the same thing.



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- We're now facing the potential for 8 - 9 stocks being protected under SARA. With Cultus, the minister recommended not listing it the last time, noting they had tools to support rebuilding. Whatever happens this year will be closely watched, since Cultus is essentially the poster child for how to manage or not manage these other stocks.
- The last time there was a big sockeye return, the target for Interior Fraser coho was overshoot, with something like 26% ER for Canada. If you increase the sockeye TAM cap and upper fishery reference point, how will DFO manage impacts on coho and steelhead?
  - DFO: Recent work confirms that we are still in a low productivity period, so we expect the IFMP to maintain the pre-2013 conservative coho management approach. DFO is working with the province and others on the 2018 approach to managing steelhead but it is a concern.
- I don't understand technical and I rely heavily on conversations with others at these meetings. I feel the meeting is cutting off that kind of discussion. I don't know how this will impact me, so I need more of those conversations. I don't want to arrive in Kamloops and find those questions answered by a select few of my colleagues. I saw a presentation that we need \$10 million for sewage lines before Cultus lake can be cleaned up to allow fish to survive. This feels like a process of elimination, not inclusion. I don't like this meeting format.
  - DFO: Planning Committee reps welcome feedback and suggestions.
  - FRAFS: Maybe more breakout sessions would be useful for future forums.
  - DFO: The intent of the presentation is not to confuse people but to support having these difficult questions come up, so it's good that these issues are raised.

### **2018/2019 Fraser Sockeye Fishery Planning**

*Jennifer Nener, DFO*

DFO presentation covered the following key points (see PowerPoint for details):

- 2018 Fraser sockeye forecast summary
- Recent trends comparing actual returns to model forecasts, with recent lower returns indicating the need for a more precautionary approach for 2018.
- Current snowpack and implications for migration conditions.
- Ocean and freshwater conditions
- Run timing overlap/considerations.
- Closures/management constraints and harvest opportunities.



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- Cultus: Status was better in 2014 than currently, so this will require discussion, along with potential over-spawning impacts with very large late-run returns.
- Also considerations for other species (chinook, coho and steelhead).
- Test fisheries: 2018 program considerations, including costs and reducing impacts on stocks of concern; list of major 2018 test fisheries.
- PST renegotiation.
- Additional terminal harvest: Considerations include biological requirements, risk-based harvest targets and stock-specific considerations, including balancing competing priorities.

### Discussion

- Will anything be done about predation to support Sakinaw recovery? Who does COSEWIC consult with re listing decisions?
  - DFO: This is a frequent question but there is no predation control program. COSEWIC consults with experts and then government must decide, following a consultation process. Either way, conservation measures will be required.
- Most of the Cultus recovery team agreed on a 6% ER cap. It makes sense to keep the ER low to protect these other sockeye stocks, so why aren't they subject to a cap like coho?
  - DFO: It's easier to have a selective sockeye fishery that releases coho than to release Cultus sockeye. We try to provide balance, and if people disagree that it's "balanced" we should have that discussion.
- What science is there to support the over-spawning theory?

**ACTION:** Jennifer Nener to follow up re science on over-spawning risks.

- Q/A: Harvest opportunities are expected, even at lower run sizes. FSC fisheries would have first priority for available TAC. Depending on in-season migration conditions, there could be enough for commercial fisheries.
- Request that DFO include locations in the test fishery list. How much fish is required for Use of Fish payments?
  - DFO: The amount can vary but 15,000-20,000 or up to 60,000 in an Adams year, for sampling, and up to 140,000 if you include payment fish.
- Lake capacity was studied in our area and we found it was 10 times higher than DFO estimated. We would need 22,000 fish just to eat fish on Fridays. We haven't fished since 1980, on DFO's recommendation. It feels like DFO doesn't care about the human impacts of our not being able to



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access fish. The devastating impact of DFO's management on our community doesn't feel balanced at all. You're talking about an abundance of fish but you need 10 times the abundance of fish in the river before any commercial fishery should be allowed.

- DFO: This is why we meet with First Nations and actively seek your input to assist in our planning.
- In all these years, despite our feedback, there has been no change in your active planning structures. And every year our access to fish goes down. DFO's management is backwards. You don't manage from the top down. If there is a surplus in one system, instead of reallocating it to other First Nations, you allow commercial fisheries on the coast.
- DFO: We look forward to a conversation to develop a better path forward.
- Are you considering a window closure to protect steelhead like for Early Stuart?
  - DFO: We will discuss that.
  - Q/A: DFO's discussion can include whether to permit catch/release recreational fishing.
- We always request terminal fisheries on the Pitt and the Harrison, so hopefully we can include those this year.
  - DFO: We have supported those terminal fisheries when a surplus permits.
  - With aggregate management, by the time we are allowed, it's too late, because we always try to avoid Weaver and Birkenhead.
- Q/A: Funding has just been confirmed for Qualark this year.
- DFO and Canada have not done the socioeconomic work to assess impacts and that's something that we need to do together. We want to access terminal surpluses, but the aggregate management regime does not allow us to do that. We are also required to get approval from every First Nation, so it's impossible. We need reform and we need DFO to work towards that.
  - DFO: We need further dialogue on these issues.
- We will be pushing to go back to fishing in our traditional territories and more terminal fisheries because of steelhead. Re paying fish for test fisheries, we have to say no. Anything beyond science, management and conservation belongs to First Nations. If you want fish to pay for test fisheries, we want compensation for not meeting our FSC targets. How does DFO make decisions with a Use of Fish policy that has not been endorsed by government?
- Regarding PST Chapter 4 renewal, my concern is Canada's inability to engage First Nations before these chapters are concluded. Engaging First Nations after reaching agreement in principle with the US is not acceptable.



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- We presented a Namgis revitalization project to the minister last year. Nimpkish sockeye used to be a large fishery. We had six chum return last year. These things are happening in rivers all over and it's sad. DFO should have a budget for test fisheries.
- DFO: Thanks for the input. We are hopeful for a good season

*Adjourned: 4:38 pm*

### **Day 2: Opening remarks**

*Marcel Shepert, facilitator*

Summing up key themes from Day 1, the Forum is seen as too technical and compressed. The technical info works for some but not all. It feels too rushed, and there is frustration with the "circular conversation of wash/rinse/repeat." There was also frustration that the draft fishing plan was not ready for discussion, as planned. This is all useful feedback to help guide future meeting planning. The former roundtable meeting format seems to be preferable to the u-shaped meeting room format, as it allowed more informal dialogue. It's also important as we confront difficult issues to be hard on the issues, not on the people, and to appreciate how much this process has grown, matured and developed. The FSMC was born here and it's an important process that we are working towards. The JTWG is an excellent resource. Accomplishments have included securing window closures to protect chinook, and engagement of Vancouver Island First Nations. Progress is not always a straight line but we are moving forward.

Proposed agenda format for future meetings: Presentations, 4 regional/mixed caucus breakouts, plenary discussion, followed by Tier 1 time.

### **Draft 2018 Salmon IFMP - Key Changes**

*Jeff Grout, DFO*

DFO presentation covered the following key points (see PowerPoint for details):

- Delay in planned release of draft IFMP is due to the need for additional technical information to explain proposed 2018 management changes.
- Southern Resident Killer Whales (SRKW) proposed management measures:
  - To increase prey availability in key foraging areas by reducing competition for chinook salmon and minimizing vessel/acoustic disturbance.
  - Overview of key US and Canadian foraging areas, including proposed expansion.
  - Preferred prey (large, older chinook), shifting seasonal populations.
  - Key proposed dates for SRKW measures are from May 1 - September 30



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- Overview of proposed finfish area/sub-area closures in Juan de Fuca, Southern Gulf Islands and mouth of the Fraser (Area 29).
- Further details of monitoring and evaluation are available online.
- Feedback questions to consider.

### Discussion

- Why are US chinook doing so much better than Fraser chinook? Leaving adjacent areas open in Area 20/29 will allow recreational fishers to move a bit and still target chinook.
  - DFO: The chart referenced reflects proportion in catch, not overall abundance. The proposed measures would cover the full area/subarea to avoid confusion and support compliance.
- It's been suggested that the areas closed are not those with the higher recreational effort. Wouldn't it be better to close areas with greater effort? Also what about shellfish/groundfish effort?
  - DFO: Other DFO managers are aware of our planning efforts to reduce vessel traffic. DFO's research vessel will be collecting data this year to compare angler and SRKW foraging activity in the strait.
- DFO should target the areas of heaviest recreational activity instead of accommodating users who have no rights to access those fish.
  - DFO: We have a detailed plan to collect information, in collaboration with other research groups, based on discussion with the UBC research group.
- This is a good start and it's about time, so kudos. Is the US participating in closures? Area 29 closures will affect access to other species, such as crab. Will it affect seine (Area 29 closure)?
  - DFO: The US has been discussing measures along the San Juan Islands. We know the mouth of the Fraser is a busy area and welcome feedback on impacts. Salmon fisheries that happen for a limited time might be acceptable. We will follow up re crab impacts.
- Has there been any discussion with the whale watching industry from Steveston?
  - DFO: There is discussion about regulations re keeping distance and compliance.
- FRAFS was asked to provide 2 reps to speak for about 100 First Nations in the Fraser watershed. That is not acceptable. The same happened on the Aquaculture Committee, where First Nations only got one seat and I was not permitted to talk. A recent excellent report on consultation requirements refers to the need for deep, meaningful (not "drive-by") consultation. Our people used to hunt killer whales (blackfish). They used to chase seals and sea lions all the way up to Chilliwack. They were and still are very important in our culture and they are highly intelligent.



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- DFO: We welcome advice from this group on representation. The proposal is to have 6 First Nations reps (2 from WCVI, 2 from inside and 2 from the Fraser, plus 2 each from the other sectors).
- Can you clarify the term “prey availability”. What’s the reason for finfish or salmon closures? How will DFO account for a shift in effort from closed to open areas? Has DFO modelled how much more prey will be available?
  - DFO: 1) Availability means abundance and accessibility (protection from vessel disturbance). A recreational finfish closure would have more impact than a salmon closure (these are the two tools we have available). Anglers can move so we will use overflights to monitor how much of that is going on. Modelling prey quantum is very difficult to do in practice, but monitoring can help track hunting behaviour. We are still working on the experimental design questions and can follow up with JTWG.
- Closing those areas will just shift recreational effort inside, putting more pressure on Fraser chinook, including 41s. It’s just a band-aid solution. What measures are planned for inside?
  - DFO: That will be addressed in the presentation.
- It feels like DFO is giving them an allocation before First Nations. Maybe that’s important but it feels like DFO is taking action without considering First Nations impacts. We have an allocation for chinook that we have yet to take in Campbell River. The impacts are primarily from a recreational industry that reaches around the world. We are managing our fish to extinction. If there are not enough to go around, you have to stop something. Is it commercial, recreational or First Nations fisheries? Our rivers and streams in Northern Vancouver Island are being lost in all this.
- DFO indicated yesterday that the only feedback is what is written in the Forum letter. What about feedback here? What feedback is considered?
  - DFO: We welcome letters, and also the direct feedback that we hear at this table and that is captured in meeting notes.
- We are hearing about more involvement and consultation with First Nations and consent-based decision-making, but we’re frustrated that DFO’s actions are not consistent with those commitments, while our fundamental right to the fish is being destroyed. There has been no mention of dollars. If we’re protecting chinook, what’s the bottom line? It will require major investments if Canada is serious about restoring our rivers and the rights of First Nations.

Presentation, continued:

- Significant chinook conservation concerns coast-wide, from SE Alaska to Oregon, with measures to date being insufficient to rebuild populations, with some exceptions.



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- 2018 measures proposed throughout BC waters to reduce ER for chinook stocks of concern and support conservation and rebuilding. Measures for future years to be informed by the re-negotiated PST.
- DFO is seeking input from First Nations and others to design measures to achieve the required reductions, guided by allocation policies, and principles that support effective implementation and compliance.
- Fraser chinook: overview of status/outlook, current measures, proposed changes and planning questions.
  - Fraser Spring 42s and Spring/Summer 52s: DFO proposes maintaining existing measures, with additional actions to rebuild stocks. Questions include whether to continue with current Zone 1/2 approach.
  - Summer 41s: Fishery opportunities subject to co-migrating stocks
  - Fall 41s: Escapement below lower PST benchmark for 2013-16 and ER averaging 25%, so further measures proposed.
- Other Southern Chinook: Lower Georgia Strait Fall, LGS Spring/Summer, Johnstone Strait chinook and AABM (offshore chinook fishery).
- Proposed measures and technical information to be included in draft IFMP, with advice welcomed, particularly with regard to management/impacts on FSC fisheries.
- Southern BC coho: DFO proposes continuing precautionary approach with ER of 3-5%.
  - Work underway to develop status-based management approach for PST renewal.
- Interior Fraser steelhead: COSEWIC assessment (Feb 13) as endangered. Comprehensive precautionary approach to manage all fisheries that potentially encounter steelhead, with measures that could include a window closure and use of selective fishing techniques.
- Southern & Fraser Chum: Stock outlooks, current management and proposed new measures to protect steelhead.
- 2018 IFMP timelines.

### Discussion

- We need to have the province at the table. We need to start talking about logging and all the other impacts on our salmon, not just those of us who fish them. We are allowing these industries to destroy our way of life.



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- DFO: We are not discussing that today, but those questions are part of the consultation on implementing the Wild Salmon Policy.
- Proposed chinook management actions will allow recreational anglers to move around and continue taking our fish. If DFO is unwilling to shut them down entirely, reduce their limits. The current measures create inequitable access to chinook, with anglers allowed to catch far more relative to our communities. Question... about CWTs. The Province was still allowing recreational catch and release fisheries last fall despite the extreme conservation concerns. These fish are being managed into extinction. DFO needs to shut down all catch and release fishing for steelhead. It's politics, colonialism and another form of genocide.
  - DFO: We will be looking at all fisheries and we can look at reducing recreational catch limits, among other tools, to achieve reductions. CWT recoveries for some populations such as Nicola are limited, which creates some uncertainties. Re steelhead, we are discussing proposed measures with the province.
- Does DFO propose time and area closures, reduced limits or restricting the number of licences sold? DFO tells us to reduce the number of vessels fishing when there is not enough fish. The Avid Angler program shows large numbers of fish being caught and there are far more rec licences than Aboriginal.
  - DFO: We will be looking at inside waters, using available management tools, and at all fisheries, including northern fisheries. DFO is looking for feedback on the draft IFMP and those fisheries will be considered for proposed reductions.
- At a Victoria meeting, anglers discussed moving their boats up the coast if local fishing was closed, whereas we can't move our fisheries. It's a concern that many of the fish they're catching are the ones, like chinook 42s, that we are trying to conserve. I'm also concerned about reports of livestock wandering through salmon spawning grounds so I hope DFO makes a serious effort to stop this. Additional concerns include recreational anglers being allowed to fish for steelhead and having their fisheries open by default, unlike ours.
  - DFO: It will be important to craft measures that allow us to track their effectiveness.
- An important question in the chinook and coho reductions is how DFO will implement Aboriginal priority and questions about whether catch and release mortality is really incidental mortality. This kind of joint First Nations consultation is essential to meet the test set by the courts in earlier cases, which would require having another meeting like this one before the end of March.
  - DFO: We can look at how best to address that and how to share technical information.
- Matsqui has a protected right that is second to conservation, and it's very difficult to watch recreational fishers chasing our fish. It hurts to hear that killer whales may get more fish than my



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grandchildren. We need recreational closures until we rebuild these stocks, not more band-aids. It's easy for DFO to just shut us down and there is a conflict of interest regarding recreational fishers.

- We are at the gates so we can see what's happening to the fish as they return, including hundreds of sea lions taking our fish. We can't compete with them, especially in low years. We need to do something about both sea lions and sport fishermen.
- I want to commend DFO for considering reductions (Slide 14). This, along with changes to the Fishery Act, provide a glimmer of hope. When you consider allocation priorities, DFO should reference industry first when referencing cuts. We need a unified approach with DFO to secure the funding needed to implement the necessary actions. The IFMP should include a section about values relating to Aboriginal rights vs access privileges for other sectors.
- We need to start regulating the sports sector like the US does. They catch their limits and then come up here and fish some more. Recreational access needs to be capped. First Nations should also be allowed limited harvest for seals and sea lions. DFO should also address high-grading in the recreational fishery by anglers looking for trophy fish.
  - DFO: Tools include daily and possession limits, gear restrictions, etc. We will review options and make recommendations as we proceed.

### **PST Update**

*Jennifer Nener, DFO*

DFO provided a brief update on PST Chapter 4 (sockeye) re-negotiations and DFO's proposed consultation approach for 2018, with a series of meetings in southern BC proposed beginning in the spring and discussion following up in the fall, aligned with other planned meetings wherever possible.

### **Pacific Salmon Treaty Renewal**

*Sue Farlinger, Laura Brown, DFO*

DFO presentation provided updates on PST Chapter 2 (Northern Boundary), along with Chapter 3 (chinook), Chapter 5 (coho) and Chapter 6 (chum) (see Powerpoint for details):

- Overview of First Nations involvement and consultation in Canadian negotiations to date.
- Overview of the PST and PSC (Pacific Salmon Commission)
- Context of 5 Chapters expiring December 2018.
- Chapter 2: Overview of key issues, including unresolved efforts to limit Skeena sockeye interceptions in Alaskan pink fisheries due to conservation concerns.
- Chapter 3: US initially struggled to find agreement between its various interests and there has been no progress on resolving sharing questions. Canada is emphasizing that range-wide chinook



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productivity declines require a coast-wide solution. Time is running out and Canada must start considering domestic reductions consistent with proposed US cuts.

- Chapter 5: Continued bilateral commitment to conservation-based coho management approach; work underway to develop status-based approach for Canadian coho MUs.
- Chapter 6: Proposed changes include higher cut-off/lower catch ceiling for US fisheries at low run sizes; and higher ceiling/new upper benchmark (more harvest) at high run sizes.
- Appreciation for the support of technical staff and First Nations reps
- Next steps: More engagement/consultation, further negotiations and hopefully ratification by December for implementation in 2019. DFO has proactively emphasized the importance of new federal resources for stock assessment to support treaty implementation and domestic fisheries, with consideration of growing First Nations capacity and a greater role for First Nations in doing this work.

### Discussion

- Why is the US breakpoint for accessing chum lower than Canadian 1 million limit? **ACTION**
- What is the definition of conservation? Is it just maintaining the status quo because all of our stocks are in decline and we aren't getting the food fish we require. Why isn't there a mid-Fraser rep at these tables?
  - DFO: Canada's approach has focussed on low productivity and stock declines. We have also emphasized FSC access as a domestic priority after conservation in any sharing arrangements. The treaty is set up to highlight conservation and weak stock impacts of outside mixed stock fisheries. The last treaty focussed on addressing a number of conservation concerns. While the PST is a harvest sharing treaty, it contains language on rebuilding and restoring stocks, so we are trying to negotiate terms that allow stocks to rebuild. US is doing the same re Puget Sound stocks.
- We need to include restoration. Hundreds of our rivers have been devastated, our fish aren't surviving and current efforts aren't enough.
- This was a good summary. One gap was the lack of First Nations consultation before agreement in principle for Chapter 1, so we hope DFO can do better going forward.
  - DFO: Consultations with First Nations on the chinook issues have been very valuable in helping us document the issues. The points on restoration and enhancement are very well taken.

*Adjourned: 12:35 pm*



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### **Appendix 2:** Summary of requests for additional information, advice, recommendations, and actions:

February 27 - March 01

#### **Agenda:**

##### **1/ Setting the Stage:**

Action: DFO to respond to FRAFS EC letter re January 2018 Forum

Action: DFO to share consultation information on the Indigenous Fisheries Guardian program review and AFS - info to be posted online [IndigenousFisheries.ca](http://IndigenousFisheries.ca) link

##### **2/ Joint Technical Working Group Update:**

Chinook 5-year review:

Action: DFO to provide a timeline for the 5-year review.

CSPI (Chinook Strategic Planning Initiative):

Action: DFO to present an update on the model for management strategy evaluation the Forum once it is ready

Action: DFO and First Nations to work on an engagement plan to implement the CSPI document with consideration given to the Indigenous Program Review.

Coho PST Exploitation Rates and Breakpoints:

Comment: The higher ER in the resulting from Canadian commercial marine fisheries in 2014 produced disastrous results(Canada exceeded their IFC ER cap of 10% during late run sockeye fisheries)

Action: DFO to describe how 3-5% IFC ER will be implemented in 2018.

##### **3/ Fraser River Sockeye Forecast:**

##### **Fraser River Sockeye Science Integration:**

Action: DFO to share Hackai Institute study re effect of fish farms/sea lice on out-migrating wild smolts.  
Mike Hawkshaw to follow up with Chris Neville re details re where and when smolt surveys take place.

Concern with sealion predating upon Fraser and other sockeye in Johnson Strait

Action: Have DFO Science address these at a future Forum meeting.



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### 4/ Fraser River Sockeye Spawning Process(FRSSI):

The FRSSI presentation was too technical for many First Nations participants to readily understand and comment on at this Forum. First Nations biologists and technical representatives in attendance support the FRSSI process and will continue to participate if there is sufficient support from the Department to do so.

Action: The Department needs to provide a more easily understandable presentation targeting those First Nations participants with less technical capacity to completely diagnose the scientific process.

Request for additional information:

Question(s): How does FRSSI incorporate COSEWIC status or allowable cultural use/TEK in the modelling?

Can we see who is speaking for us(FN) and what are they saying.

How does FRSSI play into management? Since 2006, we've had 8 stocks go from good to endangered. How is it helping us?

Question(s) from DFO:

For 2018 FRSSI process:

- Keep workshops, use focus groups more?
- FRSSI technical direction – continue with bilateral IFMP FRP + expanded working group?
- Future FRSSI participation?

### 5/ Proposed Sockeye Escapement Options:

Request for additional information:

What's the status of the recovery plan for Cultus?

COSEWIC has re-listed Cultus as endangered –

Action: DFO to provide information on COSEWIC/ SARA relisting process on Cultus back to the Forum.

Advice: IFMP info shared by DFO lacked sufficient technical details but issues worth considering include:



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Cultus and everything that's resulted from over 10 years from a COSEWIC (Committee on the Status of Endangered Wildlife in Canada) endangered listing. The same level of funding and attention should be going to the eight new Fraser sockeye CUs (conservation units), even if this is a big Adam's year.

### **6/ Sockeye Management Issues for 2018:**

Request for additional information: In a past Forum DFO Dan Selbie and at a recent FRSSI meeting the theory that too many spawners in the Quesnel system caused a collapse in sockeye productivity due to disruptions in lake ecology and fry production. What science is there to support the over-spawning theory? Has there been work conducted in Shuswap Lake to collect evidence of similar impacts to juvenile sockeye. Secwepemc fisheries would like to be involved in any assessments for Shuswap Lake.

Action: Jennifer Nener to follow up with science on over-spawning risks and related science assessments and plans for late run Shuswap Lake sockeye.

Request for additional information:

- Request that DFO include locations in the test fishery list. How much fish is required for Use of Fish payments?
- How does DFO make decisions with a Use of Fish policy that has not been endorsed by government?
- Are you considering a window closure to protect steelhead during sockeye fisheries?

Advice: Paying fish for test fisheries, we have to say no. Anything beyond science, management and conservation belongs to First Nations. If you want fish to pay for test fisheries, we want compensation for not meeting our FSC targets.

### **7/ Draft IFMP - Key changes**

Southern Resident Killer Whale committee:

Action: DFO is seeking advice from Forum group on representation

Request for additional information: Related to chinook and coho reductions - how DFO will implement Aboriginal priority and is catch and release mortality is really incidental mortality.

Action: DFO - We can look at how best to address that and how to share technical information.

Request for additional information: The need for hard DFO numbers on proposed measures for SRKW (southern resident killer whales) and chinook conservation. This could have huge implications for fisheries and priorities, and we need time to review the information and impacts and discuss responses.

Action: DFO needs to provide hard numbers on proposed measures for SRKW and chinook conservation to and allow First Nations time to review the information and impacts and discuss responses



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Advice: First Nations emphasize the need for stronger and more consistent recreational chinook measures to support enforcement.

Advice: First Nations should be involved in setting the SRKW objectives related to chinook management as well as distribution of fishery reduction impacts to fisheries

Request for additional information: A DFO letter cites 2018 budget cuts of 49% - 62% for creel surveys, including for Port Renfrew and Vancouver

Question - How will this reduction impact DFOs ability to monitoring the recreational fishery in these areas and measure management changes to protect SRKW prey availability

Question: how DFO will implement UNDRIP Articles 18, 19 and 20 in the SRKW process?

DFO proposes a conservative pre-2014 management approach, with 3-5% domestic ER (which amounts to 13-15% ER in total if the US takes their full 10%).

Question: How will DFO allocates domestic coho impacts as bycatch to in other directed fisheries, DFO explaining how they are doing that.

Question: If the US doesn't plan to access their entire 10% allocation, Canada could potentially plan to utilize any excess ER for domestic purposes – First Nations want any excess for FSC.

### **8/ PST update**

Request for additional information: Why is the US breakpoint for accessing chum lower than Canadian 1 million limit?

Advice: One gap was the lack of First Nations consultation before agreement in principle for Chapter 1, so we hope DFO can do better going forward.

Question: How do any of the Canada's proposed for any of the PST chapter negotiations meets the test of prior informed consent, as outlined in documents like UNDRIP?