PST Chapter 4 Renewal Discussion

January 3, 2019

Regional Headquarters, 401 Burrard Street Douglas Jung Building, Vancouver BC

Participants:	First Nations	DFO
In-Person	Allison James, Mike Staley, Ken Malloway, Bernerd John, Ernie Crey.	Les Jantz, Jennifer Nener (Chair), Mellissa Warnock.
Via WebEx	Pat Matthew, Murray Ned, Greg Witzky, Kelsey Campbell, Pete Nicklin, Murray Ned, Gord Sterritt, Marcel Shepert	Jamie Scroggie

1. Introductions, review the agenda, discussion on time constraints.
2. FRAFS Forum message from Tier 1:
    a. From Gord: All participants from the July 9th, 2018 should be participating in the PST renewal discussions not just the FRAFS EC. DFO response: The Next meeting on Jan 25 we hope to have broad participation and today will be a working session.
    b. Pat provides comments on Chapter 4 issues from Forum – will AFE stay the same if productivity goes down? From 2001- 2017 average FN catch was 600,000 but a lot upper Fraser FN did not get their FSC needs met. DFO response: in season management of weaker stocks/aggregates often results in total FSC catches that are below the available TAC. Also not all of the stocks are available to be fished in all interior areas. One needs to be aware of these issues when using the AFE tool to assess impacts.
    c. Address FR Panel and or Canadian Caucus composition ?Action:This is a domestic issue and needs to be worked out outside of Chapter 4 renewal.
3. Review Ch 4 issues presented by FRAFS
    a. AFE amount –
        i. From Mike, Aidan Fisher did make some adjustments to the AFE tool but had challenges with variability of cycles and consequences of reduced productivity. Also, AFE aggregate management may not be helpful. Will there be compensation for when First Nations do not fish? DFO Response: this tool is to help us ball park numbers for negotiating with the US. Their ask for more fish will impact the earlier timed stocks the most. US approach is focused on TAC and they will want to increase their share if we increase our AFE to 1.1 million. DFO thinks US will ask for about 25% along with a continuation of the small but acceptable clause.

            Murray Ned wants to know if US catch numbers when they go over, are compiled and made available to First Nations, and if this will mostly impact earlier timed fish. DFO response: We will have to update this information which is available from PSC reports. US is more likely to go over when run sizes go down, in-season.
            Murray Ned: wants to learn more about USA catch distribution relative to their 16.5 share by each stock grouping. What are Alaskan catches of Fraser sockeye? What does adding Alaskan catches when added to the USA 16.5 share?

Action Item: (check with Jamie to clarify) develop table that includes Alaskan catch combined with USA 16.5% share – to be presented on January 25.18
Action Item: DFO(Jamie) to provide a table with US catch info of 16.5% TAC by management stock, from the last 10 years at the Jan 25 meeting.

ii. From Ken, Folks from upper Fraser are worried about the US TAC on the earlier timed Salmon and impacts on FSC. UNDRIP will have an impact on this treaty if fully implemented. DFO response: we anticipate US will ask for no less than 25% TAC that will impact earlier timed fish.

iii. Marcel wants a table to show percentages of catch data from last 10 years showing what are chances of achieving 1.1million when asking for tradeoffs, before the Jan 25 session.(Action:?) this will be part of the data that Jamie is working on.

iv. Jamie's AFE tool does not show impacts on individual stocks with an increase in AFE from 400,000 – 1.1 Million. An increase in US TAC would impact commercial and EO/Demo fisheries the most. Low returns and small stock issues add complexity. Jamie wants to answer the question that is actually being asked and thinks the question is will FSC opportunities go up if AFE goes up?
Action: Mike Staley and Aiden to prepare a table projecting what difference changing the AFE to 1.1million will make during high and low productive years. i.e if productivity increases/decreases by 50% over the next X# cycles(mike Staley to clarify?)

v. Jennifer provides a quick calculation to see what years FSC actually went up.

vi. Pat asks, what if the US accessed a greater share of Chum instead of Sockeye? DFO response: Chum chapter has already been negotiated so cannot be changed. If chapter renewals were aligned, maybe.

vii. Jamie asks about the importance of proportional sharing? Gord asks who makes the decisions on Proportional Sharing? DFO response: There are two issues here with the first being the distribution of the 400,000 AFE across the management groups. The approach to do this is captured in the Chapter 4 language and is modified as the run sizes change in-season which adjusts the available TAC. This is done by the panel and is provided to First Nations both pre-season in the FORUM process and in-season in the data tables provided by the PSC once the panel has agreed to the changes. The second proportional sharing question is in relation to sharing the available TAC amongst First Nations which is domestic and is discussed annually in the FORUM process. Gord suggests this could be an area to implement UNDRIP. Mike says formulas are in the Management Guidelines. Sharing of catch amongst First Nations is a domestic issue and not affected by the Chapter language. Jamie suggests that distribution of AFE does impact early summer TAC for US but will not have that much of a difference because of the small but acceptable clause.
Jamie: Concerned that he shouldn't be the only one working on the AFE analysis tool and that the AFE file is open and transparent so that:
    - the analytical question being asked is clear and agreed to,
    - outputs are clear and agreed to

- there is agreement on the conclusions that are made.

Jamie: Would like FRAFS EC FN technical staff and others to take the AFE projections spreadsheet and ensure outputs clearly answer questions put forward by FN

Action: Jamie, Mike Staley. Aiden (Kelsey) meet in Vancouver to review/discuss the AFE analytical tool to review the question FN want answered:

"does increasing the AFE afford more opportunity for FN to access the FSC goal of 1.1million"

b. Alaskan bycatch
    i. How does Alaskan Bycatch effect AFE - Does not play into our in-season management because we do not get the numbers until the post-season? This is a DFO/Alaska issue and they will work to get better in-season data. This chapter (2) has already been renewed. No substantive management changes suggested until the 5-year review is completed.
    Les: DFO will *"keep an eye on Fraser catch in Alaskan pink fisheries"*
    -in 2017 there were 98,000 sockeye caught in Alaskan pink fisheries but don't know how many are Fraser -2.3% are Fraser stocks on average – this catch not accounted for in southern BC sockeye harvest catch estimates as they are not available until well after the year is over.
    ii. Pat wants to know what the process is, if there are significant impacts from changes in Chapter 2.
    Jennifer: Chapter 2 language includes a requirement for Alaska to collect better bycatch data during pink fisheries – this will be beneficial as it will include data on Fraser sockeye bycatch
    Pat: What process is DFO going to use to "*keep an eye"* on increases of Fraser bound sockeye bycatch in Alaskan pink fisheries?
    Action: Jennifer to ensure language is put into Chapter 2 to reflect the need for reviewing Fraser bycatch as part of the 5 year review - flag in the Chapter 4 language - to be clarified by Jennifer

    Action: DFO will follow up and include in the slides for Jan 25 that articulates how Fraser bycatch fits in to Ch. 2, use bycatch as a negotiating tool because it should be included in US TAC, and consider UNDRIP implications.
    Gord suggests bycatch numbers could be averaged on 3 cycles, like AFE.

c. Number of Management Units
    i. Pete asks what is Canada's position on MU language in the chapter? Current language states 4 MU's, or more if agreed to by the parties. Pete suggests that current language is not clear on how we would expand to more MU's. All sockeye assigned to 1 of 4 MU but section F says Fraser Panel may assign to 5 or more. Pete's concern is how US harvest impacts access to Fraser Salmon for Upper Fraser FN and this should be discussed at Jan 25.

ii. Pete provides feedback: Feedback collected from FN during DFO consultation seems to elicit the same response of "thanks for the feedback, but we like the way things are". Communications has reached an impasse. Upper Fraser FN have said they are not happy with conservation, escapement and FSC needs, and provided input for the IFMP. He provides an example of a DFO response related to Sockeye Management Units and being referred to PST Ch. 4 language but then told the issues are domestic.

iii. Ken provides context: A few years ago, in Portland we were asked to organize stocks into groups (4) based on timing and that's how it has stayed. DFO responds that more MU's has data limited issues and that US will likely not agree to more MU's without a tradeoff. Canada has its own discretion to use the remaining TAC 83.5% regardless of # of MU's in domestic management decisions.

Jennifer refers to chapter language that allows for flexibility on conservation and escapement and she wants to parse out what should be renegotiated and what should be dealt with outside the negotiations. The Fraser Panel chooses the # of MU's but that was not expressed in the DFO response letter. # of MU's can be analyzed through FRSSI. Pete would like to add that the world has changed dramatically since MU's were established, and requests that Canada take a stronger stance against the US. These are fish that spawn in Canada. Look at the Chum situation as an example. If a stock is strong with no TAC, how will Canada tell US we are going to fish a strong stock with no TAC? Jennifer says we have fished out of LAER before and had no consequence from the US.

iv. Pat asks: FRSSI process explored terminal harvesting options before under the MU's, what was the analysis there? DFO responds that there is no analysis to support a request for more MU's from the US at this time. Mike responds that there is an analytic tool being developed to support up to 8 Management Units at the FRSSI table. The major obstacle now is to figure out how to explain it to people. Anticipating changes to productivity within the model takes the analysis away from existing data. DFO: we have flexibility to do this within FRSSI under the current chapter language.

v. Bernard asks what the US provides for habitat restoration and other conservation efforts, and what effect do international fishers have on Fraser stocks? DFO response: salmon swim in US waters and having an agreement prevents US from taking even more than 16.5%. Furthermore, the US provided millions into the northern and southern endowment funds that can be used for restoration. Jennifer says that C&P is responsible for stopping international fishermen from fishing our stocks.

vi. Ken provides context for challenges with aggregate management and asks why US has small but acceptable clause but First Nations don't.

d. Other

i. Russ Jones no longer on Pacific Salmon Commission.

ii. Pat asks when we can discuss alignment of Chapter renewals? DFO says there is less resistance now to aligning the chapters. The Commissioners will ultimately decide.
iii. Fraser Panel and Canadian caucus composition and FSMC

4. Status of discussions with the US changes to date/ Proposed languages changes to date
    a. Tracking table from November 6th meeting from PSC Sharepoint:
        i. Reconciling definition of panel waters (from Fraser River, lakes and tributaries to approach areas) and mandate of panel in managing the panel waters using regulatory control letters.
        ii. Clarifying roles and responsibilities of the Fraser Panel Technical Group
        iii. AFE language on redistribution for pre-season to be inclusive of pre and in-season.
        iv. Test fisheries definition of "catch" and how it is a function of TAC, and which test fisheries are in and which are out (not a negotiation issue); Defining in-season triggers of pay fish; role of secretariat for kickback. Pat asks about size of these fisheries – answer is they are small for example 10 days, 1000 fish but its more about principle.
        v. Duration of chapters

        Pat: recommends change sockeye Ch 4 duration to align with Chapter 2 to provide more flexibility to negotiate USA access between sockeye and chum. i.e. USA generally cannot access late run Fraser sockeye and therefore focus their harvest on early summer sockeye perhaps they can access more chum to make up for inability to access late run sockeye

    b. US has concerns about test fisheries and how to pay for them under conservation measures. Interim arrangements have been made around who would pay what cost. If there is no TAC for either country the cost is split 50/50; if TAC exists and AFE is met, Canada will pay. Beyond that US will pay with test fish. It is Canada's view that pay fish is not priority over FSC. This will be decided by the commission and is not chapter language but being discussed by the US.

5. Next steps
    a. Slides on overview of AFE across management units. Alternate approaches need to be clearly set out and tradeoffs proposed.
    b. Slides on Chapter 2 achievements and how Fraser Salmon are impacted. Overview of changes to chapter language as they pertain to Fraser Sockeye and what options are for moving forward.
    c. Report out from meeting with US on Jan 17
    d. Profile current language to say what we can do, and develop tools to do it, what we cannot do and come up with alternate solutions.
    e. There is a call on January 9th, meeting with US on Jan 17, next First Nations meeting on Jan 25.
    f. Jointly develop the agenda for Jan 25 (Melissa can send to Marcel, Les).
    g. Gord asks how and when FN feedback, guidance and advice is going to be incorporated into chapter language, specific to paragraph 10 from UFFCA. **Action Item: Jennifer will**

follow-up with the commissioners on this piece and how to incorporate this advice, and how to incorporate other advice provided from First Nations, and report out on Jan 25.

Adjourned: 3:15