

## Forum on Conservation & Harvest Planning for Fraser Salmon

DRAFT Minutes TIER 2 | December 18-19, 2018 | Richmond, BC

## Welcome & introductions

Chief Thomas Alexis opened with a prayer, following which Ken Malloway welcomed Forum delegates on behalf of the Musqueam nation to their traditional territories.

Facilitator Marcel Shepert led a round of introductions, reviewed process guidelines, overall Forum mandate, December Forum purpose (2018 post-season review and initiate 2019 fishery planning) and the meeting agenda.

## Setting the Stage

*Linda Stevens and Ken Malloway, FRAFS Forum Co-chairs*

Joint opening presentation covered the following:

- Importance of this Forum as a mechanism for consultation; importance of meaningful (not drive-by) consultation.
- Numerous current fishery/conservation issues and significant complexity, imposing heavy demands on everyone to keep up.
- Many serious challenges are outside our control but make management more difficult.
- Causes for celebration in 2018 included sufficient sockeye to support fisheries; preliminary escape-ment data for Early Summer sockeye at 21% over brood, new engagement strategy based on FNFC (First Nations Fishery Council) recommendations, new senior DFO director position responsible for reconciliation, new provincial funding for salmon restoration and new federal Wild Salmon Policy (WSP) implementation plan.
- Introduction of Forum Planning Committee members.
- 2018 summary of recommendations heard and how DFO has responded.
- Moving forward: Issues will always be challenging, but having an effective process will help in dealing with them.

## Joint Technical Working Group Update

*Marla Maxwell and Aidan Fisher, FRAFS JTWG co-Chairs*

Joint presentation covered highlights of the December 17 JTWG meeting. Key topics included:

- JTWG terms of reference: Review of mandate, clarifying that the committee is not a peer review process; role of the WG in an FSMC (Fraser Salmon Management Council) future.
- Aboriginal Fisheries Exemption (AFE) for Fraser sockeye harvest in the renewed PST (Pacific Salmon Treaty): AFE background, PST negotiating context/considerations, “gaming” tool for assessing implications and its limitations, significant Alaska catch.

## Discussion

- The original AFE of 400,000 was a negotiated number, not based on science.
- We need firm numbers for Alaskan catch of Fraser sockeye.
  - DFO: Alaska does not target Fraser sockeye but it's taken as bycatch in other fisheries, with post season reporting numbers available. In some years it can be 20 - 30% of total Fraser sockeye harvest, so it has been discussed in the current PST negotiations, along with the

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AFE. In negotiations for the Northern Boundary treaty chapter, Alaska agreed to reduce fisheries in week 31, which should reduce their impacts on Fraser sockeye.

- It will be challenging for First Nations to inform their leadership on the PST issues in time to respond to DFO by the February deadline.

Presentation, continued:

- Chinook 5-year management review: Overview of 2-stage process (technical review of 2009 - 2017 management, followed by consultation) to answer whether management measures have achieved the desired harvest rate reductions. Complex data challenges include insufficient CWT (Coded Wire Tag) indicator stocks to assess outcomes, estimation methods required to fill these gaps, and whether such work can reliably detect results for individual fisheries. Other discussion points included peer review requirements for the proposed approach, hoped-for timing by spring 2019 and importance of including all the relevant questions even if they can't be answered..
- 2018 preliminary Fraser chinook escapement: generally poor preliminary return estimates, with evidence of continuing productivity declines (in some cases well below levels required for replacement). Fishing is unlikely to be the cause of these extreme and widespread declines. Additional questions include impact of wildfires on MUs (Management Units) of concern and interest in additional age, size and sex ratio data.
- 2019 JTWG priorities: Interest in more in-depth discussion of technical issues and Forum questions. Technical topics include chinook management, Interior Fraser steelhead measures, learning more about the SRKW research programs and the Recovery Potential Assessments (RPAs) developed to support proposed SARA (Species At Risk Act) listings.

### Discussion

- New proposals should be provided this spring, before the new IFMP is written.
- Q/A: The Science report (for IFR steelhead) is available but not the detailed working paper yet. It's missing detailed CWT data on fishery interceptions, so DFO will try to fill the gaps.

**ACTION:** Steelhead data provided by DFO should include CSAS RPA and specific information identified in the FRAFS letter outlining some of the data shortcomings.

- Q/A: DFO confirmed that retention of chinook was allowed for recreational and commercial fisheries in 2018.

## 2018 Fraser Stock Assessment & Fishery Summary

DFO presentation covered 2018 post-season review for Fraser chinook, coho & chum:

- Fraser Chinook overview, 2018 management plan and in season measures.
  - Preliminary escapement estimates for Fraser Chinook MUs: Spring 4<sub>2</sub>s, Spring 5<sub>2</sub>s, Summer 5<sub>2</sub>s, Summer 4<sub>1</sub>s (all escapements below S<sub>MSY</sub>) and Fall 4<sub>1</sub>s (below escapement goals). All were below long-term averages.
- Interior Fraser coho: Background, preliminary 2018 escapement not yet available. Continued long-term trend of reduced abundance since the late 1990s.
- Fraser Chum: Background; comparison of in-season model estimates, escapement and post-season results for recent years.
  - 2018 management, post-season assessment still underway.

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- Reconstructed Fraser Chum pre-terminal run size. Escapement targets were not met in 2017 and it's looking to be the same for 2018.

### Discussion

- Preliminary post-season assessment for Chinook Spring 4<sub>2</sub> 5<sub>2</sub> & Summer 5<sub>2</sub> indicates numbers that are about half of what the in-season model suggested based on Albion data. Are there plans to expand the assessment model to include data from multi-panel nets?
  - DFO: Work is underway to do that, but more needs to be done and thorough review is needed before using it for in-season estimates (Unlikely to be ready for 2019).
  - DFO: Further required data adjustments are expected to close the gap between in-season and post-season Chinook estimates.
- Q/A: Chum hatchery enhancement objective is to produce fish for harvest.
- Sedimentation is happening in chum streams below Stave due to upriver logging. Is any collaborative work being done to address such issues affecting chum streams?

**ACTION:** DFO to follow up and report back on any collaborative work being done to address spawning habitat concerns for all species.

- Since we didn't meet the escapement objectives for chum, it was odd that DFO allowed catch and release recreational fishing for spawning chum in 2018.
  - There were hundreds of recreational boats and no monitoring of them in our area (Sts'ailes), but a helicopter was hovering over us as we tended our smokers. It was not a good thing.
  - DFO: We will flag the concerns for 2019 management. The Fraser main-stem and some tributaries were closed. Some enhanced tributaries were left open.
- Q/A: Average weight for chum is collected in spawning ground assessments by DFO and First Nations partners.

**ACTION:** Linda Stevens to follow up re providing size data for all salmon species from assessments and whether that has changed over time.

Presentation, continued:

- 2018 IFR Steelhead window closures for the Lower, Mid and Upper Fraser.
- Commercial chum fishery: JST (Johnston Strait) commercial mixed stock fishery openings and preliminary catch estimates for the Fraser chum component of harvest.

### Discussion

- Were any steelhead encounters recorded in JST commercial fisheries? Given the serious impact of steelhead conservation measures, it's important to provide firm data.
  - DFO: A couple were caught in the test fishery. No commercial fisheries took place during the window closures, but DFO can provide data on encounters recorded in fisheries outside that period.

**ACTION:** DFO to provide steelhead encounter data for 2018 commercial fisheries.

- It would help if we had chum stock composition data in season.

**ACTION:** DFO/JTWG to discuss priorities for in-season DNA analysis if chum stock composition data is important.

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- DFO: It's important to ensure that such data is linked to the required management framework and decision rules to implement them.
  - Q/A: Scale samples are used first for age analysis. Depending on priorities, samples can be sent for DNA analysis, which takes an additional few days.

Presentation, continued:

- 2018 Recreational Fraser River fisheries:
  - Management measures by region for chinook, coho, chum and preliminary catch.
- First Nations FSC (Food, Social & Ceremonial) and economic fisheries:
  - Management measures and catch summary by region for chinook, coho and chum.

### Discussion

- The presentation includes detailed numbers for First Nations harvest but very limited data for recreational fishery harvests.
  - DFO: More detailed creel survey data is provided in handouts.
- Proposed that DFO summarize and share Zone 1 - 3 actions in a table.

**ACTION:** Request that Wilf Luedke and Beth Pechter be present for the next Forum meeting to address repeated requests to address data gaps.

- Extensive recreational fishing continues on Fraser tributaries such as the Chilliwack, including on the spawning grounds/in spawning season. The recreational harvest numbers DFO provided are misleading because they exclude extensive catch on these tributaries. Provincial licensing allows recreational fishing to continue during DFO closures. Traditional First Nations fishing practices required a pause in fishing while fish were spawning.
- DFO's management priority is supposed to be about meeting targets for conservation and First Nations before allowing other fishing. We're not meeting conservation targets, so when does DFO shift to a zone zero to stop fishing and protect stocks and FSC access rights?
  - DFO: In 2018, we implemented measures to reduce recreational harvest, and we can discuss proposals for 2019, including no fishing scenarios.
  - DFO's management measures do not reflect our priority access rights.
  - The fishery referenced above is for a productive hatchery-enhanced population. We can discuss measures needed to protect at-risk stocks like Fraser chinook.
- Q/A: No DNA samples were taken to provide catch composition breakdown for steelhead encounters in the Lower Fraser.

**ACTION:** DFO to report breakdown of Lower Fraser steelhead encounters by gear type. (DFO later provided monthly breakdown of steelhead encounters in the Lower Fraser.)

- Some steelhead encounters were in spring fisheries, so likely Lower Fraser populations.
- It's essential that we know which steelhead are being caught and released in Lower Fraser gillnet fisheries, which have high release mortality. We need to collect DNA samples and SFC offered to fund that but there is still no sampling regime in place.
- *(See Day 2 Action Item re follow up re feasibility of DNA analysis for steelhead encounters in Lower Fraser fisheries.)*

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- We have a chum CU in dire need. Is there any way to do DNA sampling in marine fisheries? At what point is there a rationale to shift funding towards investing in chum, and not just sockeye-centric programs. We need more political will to pursue this, given the growing economic importance of chum fisheries.
- How can DFO continue allowing sport fishermen to catch 4 chinook salmon/day? We should allow perhaps one/year. DFO should fund First Nations to monitor these fisheries. This is about protecting our way of life, which is tied to our land, resources and language. We need actions to be taken today. We should not allow fishing on spawning grounds.
- Monitoring of recreational fisheries is inadequate. We have helicopters watching our fisheries while recreational harvest reporting relies on the word of anglers.
- Better in-season DNA data from the JST fisheries would be helpful for all of us (not just First Nations, but commercial and recreational as well). Lower Fraser First Nations have also been asking DFO to do DNA analysis of their steelhead encounters. Our monitoring staff have now been instructed to DNA sample them all and we will continue to seek funding to ensure this analysis is done in 2019.
- It's disturbing to see the shift towards SARA measures and management that tolerates the extinction of individual runs. Conservation alarms should be going off earlier, not when we're down to our last sockeye. It's also a concern that there is not enough funding for assessment and conservation measures. We also want DFO to report on what percentage of First Nations recommendations it adopts. It's very hard for us to participate here and to have to report back to our communities on this because when there is no salmon, we don't have other economic activities to fall back upon. This is about our very survival.
- Urgent action is needed to address the cumulative effects around Cache Creek due to fire and floods, including the collapse of the fishway, given the impact on steelhead trying to get back to the Bonaparte.

## 2018 Fraser Sockeye Post-Season Review

*Jamie Scroggie, DFO*

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

- Pre-season planning: 2018 Run-size forecasts, sources of uncertainty/risk, conservation concerns, management model and harvest decision rules and how those shape pre-season fishery planning to meet fishery harvest objectives while avoiding stocks of concern.
- In-season management: Final in-season stock status (estimated between p25 and p50 forecast levels, except Early Stuarts, which were higher than p50 forecast). Challenges included timing issues (MU overlaps, significant migration delays) and diversion rates.
  - Environmental conditions and management adjustments.
- 2018 sockeye fisheries.

### Discussion

- Q/A: The difference between reconstructed marine abundance estimates and marine test fishery estimates were partly due to the unexpected diversion rate and adjustment to expansion factors.
  - Q/A: On whether this affected US fishing, because the estimates were close to the p50 forecast, the Fraser Panel did not feel the need to adopt anything. In-season management is quite precautionary, because it's necessary to reserve some of the allowed Early Summer impacts

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to support access to the Summer and Late MUs, where we expected the bulk of fishing opportunities to be.

- DFO: We expected South Thompson to be the dominant Early Summer stock but it was the weaker Early Summer stocks that were quite strong in 2018. It was challenging to determine all this in real time, so it was fortunate to have Qualark estimates to support the good returns indicated at Mission.
- DFO should share the numbers of sockeye used for “Use of Fish” to fund test fisheries.
  - DFO: DFO heard concerns about “Use of Fish” to fund test fisheries. In years of low abundance, DFO has found other funding sources for test fisheries. This year, there were enough fish to avoid impacts on FSC fisheries. These “Pay Fish” were taken from the commercial allocation, with numbers provided in the post-season information package.
- Q/A: Less than 1,000 Early Stuart sockeye are caught in test fisheries. Salmon sold in supermarkets in the spring are likely caught in Alaska or Barclay Sound.
- Request for large-font in reporting tables for readability.
- What data is available on the impacts of pathogens and parasites in warmer water?
  - DFO: We know returns were lower than expected in previous warm years, which is why we planned based on more conservative forecasts this year. Future Forums will have more discussion of these issues. DFO is doing work to sample stressed or diseased fish found in marine and freshwater to improve our understanding and adjust our management models as needed to account for such factors.
- How is the expansion factor decided in this process? If there is a discrepancy, how is this resolved to avoid over-harvesting in years with more limited returns?
  - DFO: At the start of test fishing, we use historical “catchability” rates to estimate abundance. That “catchability” rate is adjusted in season as more data is collected. PSC (Pacific Salmon Commission) staff provide this information, which is discussed by the Fraser Panel to ensure risks and uncertainty are understood before adopting run size estimates that drive fishery opening decisions.

Presentation, continued:

- Post-season (some final data still pending): Escapement targets for the 4 Fraser sockeye MUs and projected escapement.
- Preliminary (near-final projected) exploitation rates (ER) relative to goals for each MU.
- Preliminary catch and allocation by group (Canada and US)
- Cultus sockeye: pre-season plan and outcomes.
- 2018 Sockeye run-size summary: Preliminary results were close to escapement goals but it was the lowest return for this cycle since 1978.
- Next steps and 2018/19 planning timelines.

### Discussion

- Q/A: Review of Mission estimate, total catch and total spawning ground escapements for Early and Late Stuarts.
  - Even with Upper Fraser First Nations not fishing, escapement goals are still not being met.

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- This year we still ended up with a sockeye deficit. That's a poor result given this was an abundant year. How are recreational fisheries managed? I find it hard to believe they only caught 150,000 sockeye. Their fishery is superseding our FSC access.
  - DFO: We open recreational at the same time as commercial. We manage to provide a proportional share for each group, but that's not how it works in practice. Different groups have access to different stocks, so they may catch more early or late. There is no concrete method to assign constraints to different groups. There is no perfect fishery management decision, but we are open to following up on lessons learned.
  - There needs to be in-season management for recreational fishing. They are open until closed in our territory. They need to be subject to the same kind of in-season management as we are.
- FSC access was difficult in marine areas. We had to line up and wait behind commercial boats. We only got about 15,000 and we had to fight for that and pay \$5 for every fish.
  - DFO: We acknowledge that it's a challenge to get FSC fisheries in once commercial fisheries are opened. There was a high diversion rate on the outside and low catchability.
  - We didn't get our allocation. The result was only 29 fish per household. In the Nimpkish, sport anglers are getting 2 fish/day and we got total returns of less than 400, which is way down.
  - DFO: Agreed to discuss this. The same issue was raised on the Fraser.
- I get concerned when I hear that FSC targets were met and hear our fisheries being compared to recreational fisheries. We are not the same. They get access every day while we can't fish. Our fisheries access is not permitting us to harvest enough to meet our families' and our communities' food needs, especially since we now have to fish for the 3 low years.

## Open Discussion

- It's not right that recreational anglers are out at the same time as the FSC is open and that they are allowed 4 chinook per day if we have priority access.
  - DFO: In the Interior, it would be challenging to find times to open the fisheries separately. Size limits mean those 4/day mostly allow them to catch jacks.
  - We want fishery rules that are simple and fair
- The Nimpkish hatchery is not getting the funding it needs to operate at a time when we're trying to rebuild stocks. Recreational catch should be limited to 1 fish per year.
- Given the rapid downward trend for chinook, it's not acceptable to have recreational catch of 160,000 plus 200,000 releases with 30% mortality, compared to much smaller harvests for First Nations and commercial. It's a lobby-driven trophy fishery. We need to take dramatic action to reverse this or we will face the same situation as Interior steelhead. The management approach is not meeting DFO's legal requirement to provide priority access. Other sectors should not be fishing as long as we're not meeting conservation and First Nations FSC targets. We need to discuss this and have serious measures to protect these stocks.
  - DFO: Chinook will be one of our 2019 fishery planning priorities, so if First Nations have suggested management approaches that they want us to evaluate, we want to hear those.
- Can we get the Province to these tables to address the cross-jurisdiction issues, like DFO closing the Fraser to steelhead while the Province keeps it open for recreational trout fishing. There are also

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competing federal and provincial wild salmon initiatives (no Provincial engagement with the Lower Fraser on this yet). **ACTION**

- DFO: We are trying to improve collaboration with the province and have flagged concerns such as the one just raised. We will relay the concern and encourage First Nations to also convey it directly.
- What are the contingency plans to deal with forest fires, since we can expect a whole new paradigm in future. How do we avoid stocks of concern getting to the level of dealing with SARA. What is the thinking on climate change. We need current numbers to take back to our nation for 2019 planning vs. having DFO come back with reduced numbers (chinook) later. What lessons are we learning? Things have gone too far and we need to pick up the pace in responding to these challenges. We need to fix the wheels that are broken and get people in who can get the work done.
- We've been making the same recommendations for 20 years on how to manage and reduce recreational fishery impacts until stocks recover. We've recommended area licensing and annual limits to manage impacts. Recreational fisheries should be managed to harvest what's left over once our needs are met. Every species they touch is declining towards extinction. UNDRIP says we should be managing resources in our own territories. We don't want to shut them down, we want to manage them to ensure our needs are met consistent with our rights to priority access. Everyone knows it has to happen, and yet it doesn't happen because of their economic influence.
- The same questions and recommendations keep coming up in these Forums. How many has DFO adopted over the years? Nicola chiefs have requested meetings with the Ministers of Fisheries and Environment to discuss steelhead. We started passing our own laws to keep people and bio-solids out of the Coldwater River because no one else would take action. We need action because we don't want to be the chiefs in charge when steelhead goes extinct. But there is no action because everything is driven by economics.
- We have to negotiate every chinook opening that we get and we only fish about 5% of the time. Yet the Fraser is open for sport fishing for 4 fish/day. The bag limit for coho is 4 - 8/day. That's a food fishery and there is almost no monitoring in many places. Some anglers repeat their limit several times a day. We're working with DFO to re-establish some of our old spawning grounds, e.g. restoring sloughs like Nicomen. We also want to establish hatcheries like the US did to rebuild populations, except locating them upriver to benefit First Nations. Global warming is here and we can't turn it back, so these are the kinds of actions we need to start taking, using funding from measures like the carbon tax.

## PST Chapter 4 renewal/response

*Jennifer Nener, DFO*

DFO presentation provided an update on negotiations to renew the Sockeye and Pink chapter and DFO's response to feedback/key issues identified by First Nations:

- Appreciation for the feedback provided by First Nations at four Tier 2 meetings to discuss Chapter 4 issues; next steps/follow up on treaty and other issues.
- Key points identified in the FRAFS letter and DFO's initial response to those include:
  - UNDRIP (we need to address implementation more broadly than PST);
  - Duty to Consult & capacity to participate;
  - First Nations representation on Fraser Panel: Follow up proposed outside the PST negotiations to ensure effective representation.

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- Aggregate management: Current PST language allows changes.
- AFE (Aboriginal Fisheries Exemption): Further discussion proposed on expected trade-offs, pros and cons of such a change, gaming tool to evaluate impacts.
- US shares and overall benefits vs production.
- Conservation and weak stock management: Follow up discussion as domestic issue.
- Revising PST language to support stock-specific terminal harvest.
- Climate change: Overarching issue captured as part of conservation in the PST.
- Future of FRSSI: Domestic program that informs implementation of Chapter 4.
- Test fishing: Pay fish and First Nations' interest in a greater role: Need for a clear process on funding.
- Underage/overage provisions
- Alaska bycatch: Canada raised this issue in Chapter 2 negotiations and made small progress but it's very sensitive for the US.
- Next steps: DFO welcomes advice on how and where to move forward on the domestic issues. Propose follow-up discussion after technical review of AFE issues.

### Discussion

- These issues were identified at a full Tier 1 session and communicated by FRAFS EC. Concerns remain about the share of First Nations representation on the Panel relative to the commercial sector. First Nations should also provide guidance on distribution of the AFE.
  - DFO: In practice, we don't make a distinction between regular and alternate Panel members. We can also discuss ways to improve communications between communities and Panel reps.
- Q/A: The JTWG can revisit numbers for the years that US didn't have fishery access.
  - The issue is that Alaska gets access to Fraser sockeye before we even know what the abundance is. Notwithstanding the Chapter 2 discussion, that's an unresolved concern and we do not want to see it dropped from the list.
  - DFO: It's an important issue that should be followed. Changes were made to Chapter 2 that will benefit Fraser sockeye and we want to be realistic about the potential for further changes.
- Further discussion proposed for Day 2 if needed.

*Adjourned: 4:30 pm*

## Day 2 Opening: What DFO heard on Day 1

Facilitator Marcel Shepert summed up key action items heard from Day 1.

- Proposal to engage the Province in these discussions: Is this Forum the right place?

### Discussion

- Propose inviting the Province to the January Forum meeting (March is too late):

**ACTION:** FRAFS EC to invite Jenn Davis from the Province to an EC meeting

- Chum length information (Has there been a change over time?): May not be available from spawning ground assessments

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- Linda Stevens to follow up this item (See Day 1 Action Item).
- Chum DNA testing for in-season management:
  - 2 related action items DFO/JTWG to discuss how to follow up

**ACTION:** LFFA following up with DFO (Matt P) re proposed Lower Fraser sampling DNA program to ID steelhead encounters

- Proposed that this be followed up at LFFA to flesh out technically what can be done.
- Also request to look at doing this more broadly (e.g. to better understand marine fishery encounters)
- DFO pursuing new funding for DNA work.
- Alaska catch data: Info was provided as part of info package to JTWG.
- Stave sedimentation and the need for collaborative habitat stream restoration.
  - Link to Provincial discussion: Include Habitat protection and C&P.
- Chinook: DFO to compile and share past First Nations recommendations, including Day 1 recommendations. (Mandatory landing sites, area licensing, annual limits).
- Request to have VI staff present re data requests & steelhead listing data (see Day 1 Action Items)

## C&P 2018 Salmon Program Results

Conservation & protection presentation covered the following (See PowerPoint for details):

- South Coast Area priority was contaminated shellfish, with increased patrols of closures, including marine protected areas.
  - Overview of commercial, First Nations and recreational fisheries coverage and compliance stats
  - Marine patrol program
- Lower Fraser program priorities included contaminated shellfish, stocks of concern, inspections, SRKW (Southern Resident Killer Whale) measures and community outreach.
  - Issues include high non-compliance in recreational fishery; 19 charges for commercial vessels with no revival tanks, seizure of illegal gillnets & illegal sales.
  - Lower Fraser violations summary.
- BC Interior focus included stocks of concern/closures, habitat.
  - BCI violations summary.
- Regional C&P rebuilding staff capacity to deal with SRKW/SARA, new Fisheries Act.

### Discussion

- Q/A: The BCI SARA tickets likely relate to White Sturgeon.
  - Clarity is needed to reconcile FSC access rights, which include fishing for salmon with gill-nets, and SARA prohibitions on capturing, harassing, etc. which makes it illegal to encounter species like White Sturgeon.
  - DFO: It's a challenging question and work is being done to clarify what actions are permissible if a species is listed.

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- It's good to see C&P targeting forestry habitat violations.
- Q/A: C&P already collaborates with other agencies and will be conducting joint patrols with First Nations guardians.
- Invitation for C&P to attend a future LFFA Forum. A storm is brewing between First Nations and the recreational fishery in the Lower Fraser and DFO should expect a major incident before long if no action is taken. Sturgeon guides are on the river 365 days a year now. First Nations are not on the water as frequently as in the past and we're being harassed by anglers (on the water and via social media) when we do get out fishing. Our fishery is a right and our time on the water is important to us. Neither C&P nor the RCMP is helping us enforce our right to be on the water. We've heard there will be new guardians on the river, but no one has consulted with us on that. DFO is responsible for ensuring orderly and responsible fisheries.
- Our elders and community (Lytton) are increasingly frustrated about reductions in our access to early chinook, especially. Sadly, this is eroding support for conservation efforts.
- Our people harvested clams from these beaches forever. We think charges should be laid against those who are polluting them.
  - DFO: Closures are due to the build-up of pollutants in run-off.
- As the chinook and steelhead conservation issues get worse, recreational anglers are increasingly looking at us as the problem. We need DFO to be our champion, to refuse to tolerate racism and to do more to educate the recreational sector about aboriginal rights and reconciliation commitments.
- It's helpful to see the C&P enforcement reports. We have our own laws to regulate fishing in our community, which DFO respects. We are very frustrated about the lack of outcomes in the Mount Polley mine case so it's helpful to hear what work is ongoing. We appreciate C&P efforts in our territory but it sounds like you need more enforcement in the Lower Fraser.
  - DFO: We expect an announcement soon on the Mount Polley investigation.
- We have similar problems as the Lower Fraser in our marine fisheries. We also need ways to resolve conflicts with front-line DFO staff whose approach is inconsistent
  - DFO: A potential solution is to enact bylaws and community officers to enforce them. More face-to-face discussion with local staff is helpful to work through issues.
- Q/A: On the feasibility of mandatory reporting, it would need to be established in legislation.
- We're experiencing conflicts with guide boats in the Lower Lillooet River destroying nets and with the theft of fish from our nets. Provincial signage does not recognize our rights to access non-public lands to hunt and fish.
  - DFO: The province licences guide boats in non-tidal waters (we would like to see federal licensing in non-tidal waters). Theft should be referred to RCMP.
- Q/A: The Mount Polley case has included many thousands of man-hours and documents and it all needs careful review before charges are laid.

## Fraser Salmon Management Council

*Brenda Gaertner*

Update on collaborative management agreement currently being negotiated & review of draft:

- Gaertner is lead negotiator for First Nations, with Angela Bate representing DFO.

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- Good progress is being made, with strong commitment by both parties to move forward by end of January 2019.
- There are now 75 First Nations in the FSCMC, with a strong foundation for collaborative decision-making.
- Ground-breaking work is being done in this forum/FRAFS process to prepare the parties to implement this initiative.
  - Intent is not to start over but to take the current work being done and to formalize it.
- This is a transformative change towards a collaborative board for all aspects of annual fishery planning.
- Proposed mandate (draft) includes development and implementation of fisheries management and conservation plans; in-season fisheries management.
- Key questions include what issues are addressed at this level, and which ones at the local or regional level.
- Schedule B: Overview of governance and management structures, role of technical bodies, structured decision-making process, role of executive body and transparency requirements when decisions are made without consensus.
- Agreement addresses Tier 3 processes and the value of direct links between First Nations and DFO's stakeholder groups.
- Also links to Pacific Salmon Commission/Fraser Panel and First Nations Fishery Council, including shift to ensure 50% First Nations representation in the Canadian caucus of the Fraser Panel.
- Next steps: Propose to have the final draft agreement presented by end of January at a FSCMC assembly for delegates to take home to their nations for ratification.

### Discussion

- This was brought to the attention of the national chiefs recently, with unanimous support expressed through an AFN (Assembly of First Nations) resolution.
- Thanks to all working on this. Does this just cover PST Chapter 4 or the whole treaty? Good to see it's not replacing the JTWG. What about the sub-regional bodies?
  - PST is not addressed by Chapter, but as it fits in the overall governance structure. Fraser First Nations members to the PSC, Fraser Panel and Southern Panel will be appointed with mandates through this process. The expectation is that bodies like the JTWG would evolve to a new role under this process. The Tier 1 process strongly depends on capacity at the sub-regional levels (board and technical).

## 2019 IFMP Planning Considerations

*Jeff Grout, DFO*

DFO presentation highlighted the following key issues (See Powerpoint & letter for details):

- DFO letter flags key planning issues from DFO's perspective, including chinook management, IFR steelhead & coho, WCVI 5 Nations fishery plan and others. (Input welcomed on additional First Nations issues to add to the list)
- Expected upcoming SARA listing timelines for salmon populations. Two Southern BC chinook groups recently added to the list.

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- Context: New SARA listing service standard and overview/flowchart of regular SARA process (longer than the current “emergency” steelhead listing process).
- Chinook management: 2018 objective to reduce fishery impacts — CWT data to evaluate effectiveness won’t be ready until March 2019.
  - Very poor returns with recruitment less than replacement rates, so continued declines expected even without fishery impacts (also smaller size/ fewer females). It could relate to freshwater or marine environment, but lower productivity for chinook populations is being seen coast-wide.
  - Reduction of fishery impacts required to protect these stocks, including new management actions for fisheries that impact them. Proposed options so far include new closures, ways to reduce effort, mark-selective fisheries.
  - Structured process will be required to reach decisions in March & DFO could revisit the current 2018/19 IFMP measures before May 2019, given the severity of conservation issues.
- Southern Resident Killer Whale (SRKW) measures: Early discussion required to implement 2019 fishery measures by May 1. DFO committed to enhanced monitoring and evaluation and measures to support recovery, including addressing availability of chinook for food needs. Several working groups are working on measures, and potential new measures for 2019 include a review of the effectiveness of 2018 foraging areas.
- Thompson Chilcotin steelhead: Next steps in the emergency listing, with a Cabinet decision expected potentially in late spring. This will require DFO to prepare two options for the 2019 IFMP to comply with list/do not list requirements.
  - Automatic prohibitions would be in effect under a SARA listing (i.e. zero allowable harm), with window closures affecting all First Nations, recreational and commercial fisheries where steelhead may be encountered (pink, sockeye and chum).
- Fraser pink and sockeye management: potential for a low 2019 pink return and the need to plan for a range of returns in 2019. Key questions include escapement planning, allowed exploitation rates and measures to protect stocks of concern.

**ACTION:** DFO to share link to new Cultus sockeye document.

- IFR coho remains stuck in a low-productivity regime, with Canada/US PST sharing rules based on stock status.
- WCVI Ahousat et al (5 nations) fishery: Background, DFO response based on recent court order to develop a new fishing plan that complies with multi-multi-species fishing rights (includes access to Fraser salmon), timeline and consultation.
- PST Update: Canada and the US have reached agreement on changes to 5 treaty chapters that expire December 2018. Overview of key changes, including further reductions in AABM (offshore) and ISBM (inshore) chinook fisheries; creation of a single SoG management unit for Southern coho and additional breakpoints for managing Fraser chum.
- CSAF Demonstration Fisheries update.
- 2019 salmon outlook and oceans update.

**ACTION:** FRAFS to distribute link to DFO Webex on 2019 salmon outlook and oceans update.

- 2019 IFMP timelines.

## Discussion

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- Q/A: Re SARA timelines, COSEWIC does assessments on a 10-year cycle. Guidelines for SARA assessments were recently updated to specify a 3-year timeline for listing reviews.
- Q/A: The 5 Nations fishing plan was noted in the DFO issues list because it includes a Fraser salmon allocation (share of Canadian TAC). Timelines for responding were set by the court ruling.
- If we are required to respond by Jan. 11, it does not permit us to consult with our communities on all these issues.
  - DFO: The letter seeks to be transparent about work that DFO currently plans for the coming year. What we are doing is providing an opportunity for First Nations to comment on what are the appropriate priorities for work needed to support 2019 planning.
- We need to urgently develop a collaborative chinook recovery plan to avoid SARA listing.
  - DFO: We agree on the need for proactive measures starting in 2019.
  - Q/A: Presentation on Fraser chinook declines was shared with SFAB and others.
  - Why would DFO consider mark-selective fishery as a solution? It's a dangerous option. We need to discuss collaboration to secure funding and address habitat.
  - DFO: We expect to have several options for scenarios that get more chinook to the spawning grounds and will need to ensure these are all clearly laid out for decision makers in Ottawa. It will require us to work quickly in the new year to develop the scenarios and expected outcomes.
  - Q/A: The Forum and IHPC are two of the places to discuss this. Discussion is needed with the JTWG to ensure we have an early opportunity to discuss this (i.e. schedule 1 extra JTWG meeting and use the January/March Forums to discuss options). DFO welcomes input if process changes are needed.
- Salmon allocation policy is just one of the many items facing us and we need to review the whole policy (including commercial and recreational allocations), not just the First Nations share, especially since we now have to save FSC fish for 3 extra years. Such consultation requirements are outside our mandate as a sub-regional group so we need the necessary resources and capacity to do this work.
  - DFO: DFO will seek feedback from First Nations on an appropriate scope for the allocation review. We're also struggling with all the requirements but we see it as a once in a generation opportunity to address the resources needed for salmon.
  - DFO: FSC access and allocation is a separate discussion but is happening at the same time as the salmon allocation policy review.
- Under Canada's UNDRIP commitment, DFO needs our prior and informed consent to have recreational fisheries in our territory and to establish what resources can be extracted from our territory. We want to ensure that our people have priority access, including in the commercial fishery. We need to prepare for this, and we want to work with fellow First Nations on it.
- We want DFO to address seal and sea lion predation. What is the science on catch and release fisheries, especially given proposals for mark-selective fisheries? I understand the Ahousat case is still in the courts.
  - DFO: The 5 Nations have appealed the fall court decision. DFO and the PSC have estimates of release mortality (though there are questions about their accuracy). Mark rates are an important consideration in evaluating mark-selective fishery proposals. Seal predation has come up a lot, with proposals for a cull. DFO Science staff are pulling together information on this, but DFO wants to understand and avoid unintended consequences before making any decision.

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- Has DFO breached its fiduciary duty in consulting here with regard to the 5 Nations case?
  - DFO: Staff can't answer that question without the necessary legal expertise.

*Adjourned: 12:30 pm*

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FRAFS Delegates	DFO
Ken Malloway, Forum Co-Chair	Linda Stevens, DFO Forum Co-Chair
Pat Matthews, Secwepemc Fisheries	Marla Maxwell, DFO JTWG Co-Chair
Pete Erickson	Jennifer Nener
Tony Roberts Jr, Campbell River Band	Jamie Scroggie
Bobbi Peters, Chawathil	Les Jantz
Pauline Peters	Jeff Grout
Janice Billy	Brittany Jenewein
Victor Isaac, Namgis	Karen Rickards
Murray Ned, LFFA	Kevin Connelly
Gord Sterrit, UFFCA	Matthew Parslow
James Hobart	Sheldon Evers
Thomas Alexis	Brian Matts
Dean Joseph	Angela Bate
Sonora Thompson, IMAWG	Art Demsky, C&P
Daryn Scotchman	Ge Li
Bernard John	
Neil Herron	<b>Guest Presenter:</b> Brenda Gaertner
Darren George	
Lee Spahan	<b>Staff, Consultants</b>
Andrew Meshue	Marcel Shepert, Facilitator
Pete Nicklin	Aidan Fisher, JTWG Co-Chair
Kelsey Campbell	Mike Staley
Nicole Fredrickson	Greg Witzky
Ray Harris	Allison James
Andy Webster	Mark Labelle
Melanie Anthony	Dawn Steele
Yvonne	
Kevin Duncan	
John Haugen	

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Sherry Macintyre	
Chad Edwards	
Don Sam	
Kevin Duncan	
Christina Ciesielski	
Dominic Hope, Yale	
Kim Charlie, Sts'ailes	
Kelsey Charlie, Sts'ailes	
Brenda Morgan, Matsqui	
Robert Leech	
Darren George	
John Statlet	
Dalton Silver, Sumas	
Janson Wong, FNFC	
James Nelson	
Jasmine Thomas	
Joan Hooper	

## Attendance