



FRASER RIVER ABORIGINAL FISHERIES SECRETARIAT

c/o Nicola Tribal Association
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February 21, 2019

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

VIA EMAIL ATTACHMENT ONLY

RE: January 29-31, 2019 FORUM ON CONSERVATION AND HARVEST PLANNING, Nanaimo, BC

Dear Rebecca Reid,

The second of three scheduled 2018/2019 Forums on Conservation and Harvest Planning events was recently held on January 29–31, 2019 in Nanaimo, BC. Forum attendees travelled from the Marine Approach and Fraser River areas to participate. The following summary outlines key points of discussion, advice, recommendations and actions expected of the Department. A common theme throughout is the need for increased transparency, timely information sharing, sufficient consultation and management decisions accountability. The Tier 2 minutes are attached to this letter for your reference.

Thank you for your response letter dated January 31, 2019 regarding the Richmond Forum letter sent to you from FRAFS on January 14, 2019. Many serious fisheries issues were brought forward by First Nations at the December 18-20, 2018 Forum. All of those issues, plus others, were raised again at the recent Nanaimo Forum. First Nations at the Forum indicated general disappointment in the lack of substantive response to these concerns. Forum participants indicated readiness to take whatever action needed to protect Fraser River salmon if DFO does not take immediate steps to address the concerns listed below, and in the attached meeting minutes.

1. Chinook Management

The majority of Forum Tier 1 time was dedicated to Fraser Chinook management. First Nations Forum participants asserted that DFO's salmon management measures continue to be at odds with the court's decision in *R. v Sparrow* [1990], specifically by allowing commercial and recreational fishing activity when there is insufficient Chinook to meet conservation goals and First Nations' rights-based fishery needs.

At the Forum, DFO presented evidence that all Fraser Chinook stocks are producing less than one recruit per spawner and indicated that substantial changes to fishery management are required to prevent lasting harm to Chinook populations. In the Richmond Forum letter (listed again here for your reference), First Nations describe a number of changes to Chinook management that would alleviate



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both conservation concerns and FSC access and allocation concerns. First Nations at the Forum insist that DFO act on this advice. If DFO does not take decisive action to protect Chinook stocks of serious conservation concern, some First Nations participants of the Forum are exploring options for Emergency Assessment through the COSEWIC and SARA processes in order to protect Spring 4₂, Spring 5₂ and Summer 5₂ Chinook stocks.

Recommendations from Forum participants included:

- Substantive action needs to take place to ensure the persistence of Fraser River Chinook stocks, and the chosen management action needs to reflect DFO's doctrine of priority, the decision of *R. v Sparrow* [1990], and the conclusions of UNDRIP. As long as there are conservation concerns, and until First Nations food, social, and ceremonial needs are met, no other fisheries should be allowed to impact the stocks or runs of concern.
- All recreational salmon fisheries that may impact Fraser Chinook must be managed in a closed-until-open regime like other salmon harvest sectors. DFO should prove that there is sufficient abundance to support a sustainable recreational fishery prior to opening the fishery. This change would put the burden of proof on those who argue for a fishery opening. The current system places the burden of proof on those who advocate for measures that facilitate conservation and FSC access.
- The Fraser Chinook Zoned Approach Framework should include a Zone "0", a management scenario that closes all fisheries except for the rights-based fisheries that would be invoked in situations of serious conservation concern. 2019 is an extreme example of a conservation concern, and DFO should implement a Zone "0" management scenario in the 2019 season.

2. IFR Steelhead:

The Steelhead presentation scheduled during the Tier 2 agenda was postponed until a later date due to the importance of the Fraser Chinook agenda items tabled at the Forum. In order for First Nations to provide advice on the 2019 IFMP options, DFO needs to report on the effectiveness of their 2018 Interior Fraser Steelhead management measures. However, IFR Steelhead management remains a concern to First Nations participants of the Forum, and all expect that further issues will be raised at the March 12 Forum in Kamloops.

3. Interior Fraser Coho

Discussion on this topic was limited due to the amount of time spent discussing Chinook management. However, concerns remain about the management of Interior Fraser Coho, and will be discussed at a subsequent Forum.



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4. PST Chapter 4

Due to the sensitive nature of the proceedings between Canada and the US governments, there was agreement that the PST chapter 4 renewal negotiations discussions would be kept confidential. There is understanding that the process for renegotiation is near completion, and no issues raised by Approach and Fraser First Nations have been tabled internationally. There are concerns that Chapter 4 constrains the ability of Approach and Fraser First Nations to practice rights-based fisheries. We expect Canada to learn from the mistakes in this round of consultations for renegotiation processes of the PST into the future.

Respectfully,

Ken Malloway, FRAFS Chairperson,

On behalf of First Nation participants at the January 29 – 31, 2019 Forum on Conservation and Harvest Planning

CC:

Fraser River and Approach First Nations

First Nation Fisheries Council

Honourable Johnathon Wilkinson

Honourable Catherine McKenna

David Diduck

Angela Bate

Jeff Grout

Jennifer Nener

FRAFS Executive Committee, Biologists, Operations Manager, Communications Coordinator