



## FRASER RIVER ABORIGINAL FISHERIES SECRETARIAT

c/o Nicola Tribal Association  
PO Box 188 • Merritt, BC • V1K 1B8  
Tel: 250-378-4235 • Fax: 250-378-9119  
[www.frafs.ca](http://www.frafs.ca)

March 29, 2019

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

VIA EMAIL ATTACHMENT ONLY

RE: March 12-14, 2019 FORUM ON CONSERVATION AND HARVEST PLANNING, Kamloops, BC

Dear Rebecca Reid,

The last of three scheduled 2018/2019 Forums on Conservation and Harvest Planning events was recently held on March 12-14, 2019 in Kamloops, 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 management actions demanded of the Department. A common theme throughout is the need for sound scientific data, increased transparency, timely information sharing, legal standard consultation and accountable management decisions. The Tier 2 minutes are attached to this letter for your reference.

In the absence of the Departments actions to previous Forum recommendations First Nations once again doubt the Federal Government's commitment to their claim that no relationship is more important to Canada than that with the Indigenous People. First Nations fisheries management concerns are continually ignored by DFO from Forum to Forum for many years, while Fraser salmon numbers plummet. First Nations at the Kamloops Forum voiced their disapproval for the lack of true consultative engagement by DFO to their recommendations and advice. Some Forum participants are ready to take direct action if needed, including litigation, to protect Fraser River salmon if DFO continues to discount the concerns listed below.

### **Chinook**

The majority of Forum Tier 1 time was dedicated to Fraser Chinook management concerns. 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, DFO has allowed commercial and recreational fishing activity when there is insufficient Chinook to meet conservation goals and First Nations' rights-based fishery needs.

Based on technical information presented at the past two Forums even in the absence of all fisheries Chinook are unlikely to rebound anytime soon. DFO presented data 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. This aligns with the recommendations that First Nations presented to DFO at Forums as early as 10 years ago. First Nations have recommended management options designed to relieve fishing pressure on Chinook while respecting First Nations fishing rights, such as a zone 0 management approach and other

recommendations that eliminate recreational impacts. However, DFO adopted management options that exacerbated Chinook declines. DFO's unwillingness to limit recreational and commercial impacts creates the distinct impression that DFO is defending the investments of the commercial and recreational fisheries, rather than prioritizing conservation and FSC access.

At the JTWG meeting before the Forum, a large amount of recreational fishery data was provided with insufficient time for complete technical review. The JTWG meetings cover many complex technical topics and the time required for a complete data review is not possible. First Nations technical staff should be provided the information in advance of the meetings in order to familiarize themselves with the data and topic. The focus of the JTWG meetings is intended to be meaningful technical discussions. The technical review of the Chinook management scenarios spreadsheet is of serious concern to First Nations because their technical staff were not provided the opportunity for dedicated analysis to properly synthesize and communicate to their organizations and First Nations. DFO should be aware that First Nations and their technical staff have not been provided adequate time or information to provide an informed recommendation on the Chinook management scenario analysis spreadsheet tool.

The recreational fishery data shared with the JTWG were part of DFO's analysis of the two options for Chinook management. However, the approach used to analyze the impacts of the two options disregarded Aboriginal priority access. The analytical approach to evaluating the two Chinook management options do not apply the principles of priority access for First Nations FSC fisheries. This is prominent in the identification of required reductions for First Nations FSC fisheries, as the remainder of the Exploitation Rate after reductions to recreational and commercial are accounted for under the two management scenarios. The spreadsheet tool presented to the JTWG by DFO staff identified exploitation impacts for recreational and commercial fisheries to Fraser Chinook stocks of conservation concern where First Nations FSC fisheries are heavily restricted.

The Forum agreed that the analytical framework should begin by providing all access for Approach and Fraser First Nations to meet their FSC needs. In the draft 2019/20 IFMP DFO has identified an FSC harvest target for Approach and Fraser First Nations. DFO needs to prioritize fisheries impacts such that the identified harvest targets for the Lower and Mid/Upper First Nations can access Chinook for FSC. For example, 18,000 Chinook are required as a minimum for FSC fisheries by Mid/Upper Fraser First Nations. If DFO does not expect to allow for harvest of 18,000 Chinook for FSC fisheries in the Mid/Upper Fraser First Nations and 25,300 Chinook for Lower Fraser First Nations then no other impacts should be allowed. This approach should be applied for both the 5% and 10% ER cap scenarios for Chinook management. This approach to fisheries management is also consistent with Fraser Sockeye fisheries where First Nations have an identified FSC harvest target of 1.1 million Sockeye. In years where there is insufficient TAC for Fraser Sockeye harvest above 1.1 million Sockeye, then the only fisheries licensed are for First Nations FSC.

In the recent Richmond and Nanaimo Forum letters, First Nations describe a number of changes to Chinook management that would alleviate 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, 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.

Recommendations below from Forum participants include previous and new advice:

- The needs of the fish come first and there is no disagreement among this group about that. Escapements are worst on record and COSEWIC has listed most stocks as endangered. 5%-10% is not acceptable. We should be going for 0% harvest rate across all sectors.
- DFO commits to timely information sharing by ensuring recreational fishery data is provided to First Nations technical staff with a sufficient timeline for meaningful review before JTWG meetings to prioritize meaningful technical discussion.
- Substantive action needs to take place to ensure the abundant returns of Fraser River Chinook stocks. The chosen management scenario needs to reflect DFO's commitment to priority access for First Nations rights-based fisheries, the decision in *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 these Chinook.
- All fisheries that may impact Fraser Chinook must be managed in a closed-until-open regime, specifically the marine recreational fishery. DFO should prove that there is sufficient abundance for spawning and to allow for First Nations FSC fisheries to meet their needs. Only after conservation and First Nations requirements are met should DFO support a sustainable recreational fishery. This change would put the burden of proof on identifying abundance of Chinook and meeting conservation and FSC requirements in advance of allowing additional impacts to Fraser Chinook. This is consistent with the precautionary approach to fisheries management.
- 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.

## **Sockeye / Pink**

DFO presented two options for each management group with a TAM cap, lower reference point and a LAER. DFO asked for specific advice on Sockeye and Pink in the IFMP. Many First Nation participants support Option 2. There is also support for a 3-week window closure to protect Early Stuart Sockeye and 1-week to protect Early Summer Sockeye.

## **IFR Steelhead**

Tier 1 time ran out before Steelhead could be thoroughly discussed.

## **IFR Coho**

There was limited dialogue on Coho due to the amount of time spent on Chinook issues, but direction from the First Nations participants is that Canada must not exceed a 3 – 5 % ER on IFR. All the allowable ER should be provided to impacts from First Nations FSC fisheries consistent with Aboriginal priority, as First Nations do not expect to meet their FSC needs for IFC.

## **UNDRIP / Reconciliation**

It was a note of serious concern that the new Director of Negotiations and Reconciliation was not in attendance. Canada's commitment to reconciliation with Indigenous People must include the fact that Fraser salmon management is of grave concern for First Nations Forum participants. Salmon is the

backbone of Indigenous culture and tradition in most of BC, so if the Government truly wants reconciliation then they should at least have the courtesy to send the appropriate representatives to discuss the issues.

If UNDRIP and Reconciliation are truly government priorities then we would have more deep meaningful engagement, not less. Before the Harper government cutbacks there were four 3-day C&H Forums now there are three 2.5-day Forums. The reduction from 12 days of meetings per year to 7.5 days per year presently does not provide for the required time to properly consult with First Nations.

Respectfully,

A handwritten signature in black ink, appearing to read "Ken Malloway".

Ken Malloway, FRAFS Chairperson,

On behalf of First Nation participants at the March 12-14, 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 Didluck

Angela Bate

Jeff Grout

Jennifer Nener

FRAFS Executive Committee, Biologists, Operations Manager, Communications Coordinator