

Pacific Salmon Treaty Chapter 4 Renewal First Nations Session

June 5, 2018 | Kamloops, BC

Draft Meeting Summary

Annex 1: Participants List

Annex 2: DFO Presentations

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Highlights of Participant Input

- Concerns about the appointment process and representation of First Nations Commissioners and Panel members. Need to recognize what is outlined in UNDRIP (e.g. article 18 &19) and how we move forward with implementation.
- Need for more clarity on how individual First Nations interests along the Fraser River tributaries are represented by the Panel.
- Conservation is a priority and should be carried through in the negotiations. Need to protect weaker stocks in the mix and prevent overharvesting of these weaker stocks.
- Concern about state of the Fraser Sockeye stocks recently identified in the COSEWIC Assessment and what has contributed to these stocks being identified as Endangered, Threatened, and Special Concern.
- Need further clarity around Canada's Food, Social and Ceremonial (FSC) fisheries and the Treaty's Aboriginal Fisheries Exemption.
- Concerns about the Chinook exploitation rates and Mark Selective Fisheries.

Welcome and Introductions

Mike Staley, Fraser River Aboriginal Fisheries Secretariat (FRAFS) and Corey Jackson, Manager, Pacific Salmon Treaty team welcomed participants and walked through the agenda and format for the day. Mike and Corey noted that time could be set aside after lunch if participants wanted to hold a Tier 1 discussion that day. Corey also pointed to the upcoming webinar on Thursday, June 14th on Chapter 3 and noted that invitations have been sent out. A quick round of introductions took place. Evelyn Camille, provided a welcome from Tk'emplúps First Nation and acknowledged the traditional lands on which the workshop was being held.

Overview of Pacific Salmon Treaty Chapter 4 (Fraser River Sockeye and Pink Salmon)

Ken Malloway, Chief of Tzeachten First Nation provided some introductory remarks and background on the Hells Gate slide, the salmon in the Fraser River, and the international treaty between the U.S. and Canada. Ken noted the past and current First Nations representation on the Fraser River panel and the need for more First Nations participation.

Jennifer Nener, Director, Salmon Management and Client Services and Fraser River Panel Chair, provided an overview and background on the Pacific Salmon Treaty (PST) and Pacific Salmon Commission (PSC) from the presentation titled, "Pacific Salmon Treaty (PST): Chapter 4 Renewal (Fraser River Sockeye & Pink Salmon)." She pointed out that Chapter 4 will expire on December 31,

2019 and how a high-level of cooperation between Canada and the U.S. is necessary to conserve and sustainably manage stocks. Jennifer walked through key elements of the current chapter, the role of the Fraser River Panel and Technical Committee, and regional issues related to Fraser River Sockeye and Pink salmon for participants to have a common understanding of Canada's commitments and obligations. See Annex 1 for the presentation.

Comments and Questions

(DFO responses noted in italics)

- **I don't see a place for Fraser Panel First Nations members to account to Mid-Fraser and Upper Fraser First Nations, not at the Fraser Forum or individually to the Nations. They represent Canada but how they represent First Nation's interests in the negotiations annually is not clear. We can listen in on the Fraser Panel calls for updates on the fishing plans, information about stocks in area, and technical information for establishing in season run sizes, but we cannot listen in on Fraser Panel Canadian caucus discussions at the Pacific Salmon Commission meetings. Representation is an issue. First Nations panel members are not accountable to any First Nation group or body other than their own. It's not about the person, it's about accountability. There needs to be some First Nations structure or body for these negotiations. What is the impact to the negotiations if we set up an accountability structure? With the potential of a 10 year treaty, are we happy with just listening in on calls and communicating by text message? We need to have a more meaningful role. Is membership a Canada / U.S. issue? There are 4 DFO spots on technical committee, but not 4 attending on a regular basis.**
 - *We understand the issues around representation. It is challenging in season due to the limited amount of time. We seek nominations through the First Nations Fisheries Council (FNFC). First Nations Panel members to bring forth perspectives from their areas. They are very active about bringing these perspectives including conservation of the mid and upper river. First Nation involvement in the Treaty has grown and the First Nation Caucus meets actively with people participating in each chapter, technical committee, and in the room, including interaction between the US and Canadian First Nations at a Tier 1 level.*
- **Where are the 3 representatives on the Fraser Panel from? Should we have representatives from each Nation and bring them all together? How many tributaries come from the U.S. and come from Canada? There are 4 Commissioners and 4 Alternates. I cannot see too much First Nation involvement. First Nations are the largest fisheries in the waters and we should have representatives from all the way up the Fraser and the coast.**
 - *The whole Fraser watershed is in Canada and the reason the U.S. has an interest is that the fish stray into U.S. waters where they can be subject to U.S fisheries. The U.S. has a Tribal Caucus who participates in the U.S. Caucus meetings. The purpose the panel decisions are to define total allowable catch. Decisions made about the First Nations share are domestic.*
- **Who controls the Johnstone Strait fisheries?**
 - *We/DFO manage the fisheries in Johnstone Straits based on the information from the Fraser Panel meetings.*

- **Who makes the decisions regarding Hells Gate?**
 - *Those decisions are considered domestic management decisions. Firstly, is there enough allowable catch to have a fishery? Then DFO convenes discussions with First Nations to determine what fisheries can be supported. The Panel decides the amount of TAC, Canada decides how much TAC is used. Fisheries are closed about 50 meters above and below to protect fish and allow fish the ability to get through the fishways.*
- **What is the Panel's regulatory control of First Nations in the BC Treaty process? Does the Panel have regulatory control over these in terms of conservation and allocation?**
 - *FSC and Treaty decisions are not made by the Fraser River Panel. We have Canadian Caucus meetings (internal only) available for technical committee & Panel members. Bilateral calls and meetings are open to the public as observers. We receive advice from the PSC based on the test fisheries. If we decide to downgrade the run it can have a direct impact on First Nations fisheries.*
- **Who makes a decision on Diversion Rates? How do you know how much fish go into the States or up the coast and how are runs monitored?**
 - *Test fisheries are conducted in Johnstone Strait and Southern Vancouver Island. The U.S. has test fisheries on their side of border. There are hydro acoustics in Mission (models for calculations). They take DNA samples from the test fisheries to determine the stocks and Management Unit at the time.*
- **On the slide of the Map of Fraser Panel waters. What is ECVI? The treaty is between the U.S. and Canada so why does the Fraser Panel have regulatory control of that area?**
 - *Any fisheries we deploy in these areas could directly impact the U.S. ability to fish (Area G West Coast Troll used to harvest a fair amount of Fraser). Most years currently they do not have an allocation. The 1985 Sharing arrangement was "wherever caught" and this was rolled over prior to 1985. Canada was to manage the fisheries so the U.S. could get their share.*
- **Are there reports on overharvesting? Fisheries are shut down without any explanation. Was it due to the U.S.? Food fishery is impacted and we don't know why.**
 - *Need for better communication on the Canadian side. The U.S. hasn't had fisheries to speak of since 2010. The U.S. likes to track the diversion rate. Typically later stocks migrate inside, earlier stock migrate outside.*
- **Is there a history on the diversion aggregates?**
 - *The pattern is that historically the fish migrating outside was greater but in recent times a more northerly inside diversion has been the norm.*
- **Early Stuart allotment is 20%. In our area we were never allowed to fish Early Stuarts. This is really good sockeye.**
 - *If there is no TAC we are not authorizing fisheries in the U.S or in Canada other than in terminal areas due to conservation. Escapement goal is 108K. This year's forecast for Early Stuarts is lower than that so we wouldn't have TAC.*

- **Do we have understanding of the Alaska catch of Fraser sockeye?**
 - *DNA work is done by Alaska. They do DNA tests that don't provide a level of resolution that determines Fraser stocks. It distinguishes southern vs northern bound sockeye. Canada receives the samples after and it takes time for us to study and determine DNA data. It costs 1 million per year for test fisheries. Some costs are recovered through the sale of fish. The U.S. would like Canada to place priority on harvesting more fish to pay for test fishery.*
- **What does Canada anticipate the perspective of pink salmon will be from the U.S.? Has any work been done on pink escapement and TAC?**
 - *The US could raise issues around Pink or Sockeye, however to date we have only heard concerns about test fishing. Approach for determining available catch for Pink is quite different from sockeye. In the Treaty it is Canada's responsibility to determine pink escapement goals. It is domestic but could have implications for the U.S. and we would need to be careful how we approach this.*
- **What is the decision making process?**
 - *The Pacific Salmon Commission (PSC) staff led by Mike Lapointe will come to the meetings with recommendations around run size for Management Units (MU), diversion rate, timing issues (area 20), and management adjustments to deal with adverse migration conditions. The PSC staff will make recommendations on Total Allowable Catch; the countries consider the information and may put forward proposed fisheries which the other country will either agree or don't agree. Canada takes a measured approach to decision and considers all factors prior. Once a decision is made it is recorded. If there is TAC we go through the regulatory process. The Panel does not deliberate FSC fisheries in Canada. If we expect FSC fisheries to occur we will mention it as a courtesy.*
- **If the panel is mostly represented by commercial, recreational, and DFO with no voice of neutral parties like ENGO's how can you be assured you will be making the right decision?**
 - *This is part of the reason we do have a balance in the panel. We rely on technical information with the whole technical committee evaluating that information. These are technical / analytical folks, no industry representatives. We get good advice from the technical committee. The Panel is accountable to the Commission and the Fraser Panel Chair is accountable to DFO with respect to conservation. We do not have a history of overharvest. Within Canada we have stock assessment (hydroacoustics) where First Nations are increasingly involved.*
- **How long do we have until treaty is final? It would be nice to have a session like the harvest planning group. It would be nice to have another session where all the groups could come together.**
 - *We are looking to have the renewal discussion wrapped up by end of December 2018 to allow time for review and ratification process by the time the chapter is due to expire in December 2019.*

- Overharvesting may have been an issue for individual stocks or populations. We've only had commercial fisheries in the past few years. For example, exploitation rates on the summer run have had an impact on the late Shuswap. Late Shuswap over time has decreased to the point where we are down to 40 - 100 fish on off-cycles where we had 30,000 a few years ago. Now we are in a situation where we've driven down late Shuswap where they are almost unrecoverable. For this new chapter we need to look to the future.
 - *The driver for the Fraser River Sockeye Spawning Initiative (FRISSI) process modelling exercise is to sort out a process that would protect weak stocks in the mix. Domestic management and escapement plans are geared around trying to protect all the stocks. For example, Early Stuart closures. We cap Total Allowable mortalities that include incidental harvest all to protect the weaker stocks in mix.*

Fraser River Sockeye and Pink Chapter Renewal

Les Jantz, DFO Fraser River Panel member, focused on the renewal of Chapter 4 from the presentation titled, "Pacific Salmon Treaty (PST): Chapter 4 Renewal (Fraser River Sockeye & Pink Salmon)." Les pointed to comments and concerns that were raised during the negotiations in 2009 and 2013 to help explain the current version of the chapter as well as what Canada's objectives are with this round of negotiations. See Annex 1 for the presentation.

Comments and Questions

(DFO responses noted in italics)

- **Who do we direct requests to for our members to go on the test fishery?**
 - *Talk to Kelsey Campbell, from A-Tlegay Fisheries regarding the Johnstone Strait fishery who is managing the test fisheries there. For gillnets in the river, special arrangements would need to be made with PSC staff.*
- **The AFE is 400,000 taken out of the 4 management groups. It shifts to summer and lates. How is AFE shared amongst the Fraser First Nations?**
 - *In recent years small amounts of the AFE is taken out of Early Stuart. It is primarily Early Summers/Summers and Lates in Adams dominant years. Distribution is normally based on the average composition in FSC harvests over the last 3 cycles. The FSC allotments are more than the 400,000 (1.1 mil) 1/3 of the total amount. The current sharing approach is identified in the IFMP, whatever TAC is available if it's less for the 1.1 million. It is a proportional sharing arrangement based on licence amounts for the 3 different geographical areas (South Coast/Lower Fraser/ BC Interior). Those shares are then apportioned out based on what the available harvest may be, if some of those stocks are not present in your area there are some modifications.*
- **Who came up with the FSC license amounts?**
 - *It goes back to the early 1990's (1992) when senior management developed these license targets for the amounts. They changed somewhat over time but that was the initiation of it. That's when the Aboriginal Fishing Strategy (AFS) came out.*
- **By having more aggregate management we could potentially save some of these weaker stocks that are part of these groups.**
 - *In some years we have managed Harrison separately. The management is linked even if it's a different stock. We can perhaps deal with this domestically.*

After Lunch Discussion

Tier 1 facilitated by Mike Staley, Fraser River Aboriginal Fisheries Secretariat (FRAFS).

- No report out from Tier 1.

Update on Renewal of other Pacific Salmon Treaty Chapters (including Chapter 3)

Sue Farlinger, Lead Negotiator and Commissioner of the PSC, provided a brief presentation titled, "Pacific Salmon Treaty Renewal Update June 2018." The presentation included an update on the status of Chapters 1, 2, 3, 5 and 6 and next steps (see Annex 1). Sue focused on Chapter 3 (Chinook) and provided an overview of elements agreed to in principle. She also described Canada's domestic ratification process and the PCS's goal to have all chapters in force by January 2019. Chuck Parken, Joint Technical Committee on Chinook participated in the question and answer period.

Comments and Questions

(DFO responses noted in *italics*)

- **How representative are those Chilcotin stocks to spring and summer returns in the Thompson in other parts of the watershed?**
 - *Birkenhead, very far north only seemed to be caught in Alaska. Chilcotin River, we think is probably a mix including lower river. Early timing far north migrating vs. middle fraser stocks. The ones in the north Thompson seem to have more of a distribution in northern BC and south east Alaska. The Spring 5-2 group is the most difficult to come up with a representative indicator. The new agreement identifies a 10 year Coded Wire Tag and Recovery Program which has an objective to examine the representativeness of exploitation rate indicator stocks for escapement indicator stocks and CTC model stocks.*
- **The presentation that you just gave is not the same. Also what are some of the Acronyms (NWVI, CYER,)? Linda Stevens includes a list of acronyms with the agenda.**
 - *The presentation has been updated and is not the same one printed in your materials package. The updated presentation will be emailed to you. We will note the suggestion to include a list of acronyms.*
- **In the science review of how the last chapter performed, issues were pointed out that Canada did not meet its obligations. Example, Coded Wire Tag (CWT) and 10 year chinook catch and escapement improvement.**
 - *We heard the messages in that Chapter 3 review. This will take funding to implement.*
- **What will the reduction mean to the exploitation rates?**
 - *The exploitation rates are on all of these individual stocks. Stocks in Puget Sound, Nooksack spring fingerlings, of the fish harvested from that stock over the last 10 years 65% of the harvest was Canadian and 35% was U.S. Canada's year exploitation rate is for an average of those stocks. 12.5% reduction for U.S. stocks. We look at each of those stocks and where they occur in our fisheries and we have to reduce.*
 - *Nicola uses CWT information to calculate average, 5% reduction in Canada and U.S. (Washington south).*

- **How can we comment on them if we are not provided with some graphics? For the broader audience what will that Nicola reduction mean to the overall exploitation rate?**
 - *A 5% reduction is a relatively small amount. We will note the suggestion to include more specific information about the expected reductions in exploitation rates will be for the indicator stocks.*
- **What is a “bilateral PSC Panels Transboundary Northern and Southern”? Who is in charge of those and who is in charge of the negotiations? Why are those 2 different sections led by 2 different people? What is the difference in #1, #3?**
 - *When the treaty was set up for each chapter there were local panels. Bilateral panel includes an equal # on both sides working with technical committees to negotiate the chapter. When all else fails it goes to the Commissioners. All the chapters have panels with the exception of the Chinook because it's so broad and covers all the interests and Chinook are caught in every fishery.*
- **The letter from DFO said they are planning on reducing Chinook exploitation 25 – 30%. From 2009 – 2015 and this past year some of the Chinook stocks in the Fraser were the worst on record. How are some of those last couple years reflected in the treaty period? Will you be looking at changing the base period? How was that decided upon?**
 - *The 25 - 35 % reduction target in 2018 is domestic. When we negotiate with U.S. we can negotiate with something that aligns with what we are already reducing domestically. Some of this is Chinook stock concern and some is Southern Resident Killer Whale (SRKW). Southern U.S. is taking action as a result of Southern Resident Killer Whale (SRKW). We were not talking about Southern Resident Killer Whale (SRKW) at the Treaty but we knew we would be taking reductions.*
- **Who monitors the die off of the Chinook once they enter the Nicola? In particular in drought conditions.**
 - *DFO does not have monitoring program designed to measure the die-off of Chinook that enter the Nicola. When these warm water events occur and there is communication to the DFO office, then there is some additional monitoring. Some in the community will call Nicola Tribal Association and DFO and then efforts are made estimate the number of prespawn mortalities. The regular monitoring program on the Nicola begins around August 10th. We can estimate how many pre spawn mortalities occur during the program, which has ranged from 20 - 25%. In some years, prespawn mortality has occurred prior to the beginning of spawner escapement estimation field program.*
- **On Slide 27 what is the Canadian ISBM management objectives?**
 - *This is the escapement based management objectives that have been used in the past Agreements. In Canada, 2 indicator stocks have escapement objectives (Cowichan and Harrison). We now have identified 2 other locations with escapement objectives Atnarko River (central coast) and lower Shuswap River.*
- **I didn't realize there was a management in lower Shuswap. The Chinook Technical Committee (CTC) used a management based objective. If the stock is above the management objective or is it not. Is there a plan to develop other escapement objectives?**
 - *Yes there are plans (e.g. Nass). We have domestic management objectives that are not approved bilaterally. We are looking at assessing those situations that are data limited.*

- **With all of these changes how well will these fish be protected and recovered?**
 - *This agreement includes regular monitoring of the stocks and reporting back to the Commission each year. We have the opportunity to be more responsive from a conservation perspective. There are 2 mid-term reviews after 4 years to provide another opportunity for technical information to be collected and summarized. This agreement has the elements to make it more responsive. The countries have the responsibility and accountability to take the domestic action. The treaty is only one element. We are responsible for going beyond the treaty if we need to.*
- **Mark Selective Fisheries?**
 - *Southern U.S. Mark Selective fisheries have an impact on us because of sampling. There has been a new Mark Selective fishery (Coho) and Chinook are released in that fishery and they have been put on the books. Mark Selective fisheries are becoming more important. A fund was established in the chapter that either party can apply to the fund for improvements to Mark Selective Fishing (MSF), sampling, or analytical tools. But there are problems with escapements not separated into natural stocks or hatchery. We can also apply to that fund to do double index tagging. This is a whole other issue (reductions in southern Canadian Individual Stock Based Management (ISBM) fishery. One of the options is to extend the Mark Selective fishery in the Strait of Georgia or Juan de Fuca Strait, we will need to increase monitoring and sampling. There are a number of benefits, as it takes pressure off some of our stocks. There is better monitoring than has been in place in the past. We think that the incidental mortality cap will protect stocks in the AABM fisheries.*
- **Where are we at on the Chinook chapter?**
 - *We fundamentally have the body of the agreement but we are working on language. We are within days. Once this is done it goes through the legal review process then ratification.*

Summary and Next Steps

Mike Staley, Fraser River Aboriginal Fisheries Secretariat (FRAFS) and Corey Jackson, Manager, Pacific Salmon Treaty Team thanked participants for their feedback during the workshop. Participants were reminded that one additional session was scheduled in Prince George. Mike also pointed to FRAFS' upcoming Tier 1 sessions as an opportunity for participants to discuss technical issues and establish First Nations positions. Corey noted that a WebEx on Chapter 3 is scheduled for June 14th and that an invitation has been sent. A draft summary of all these meetings would go out to the participants and soon after the Prince George meeting. How we go forward will depend on what the U.S. brings to us and what First Nations brings to us. Participants were encouraged to continue to provide feedback on interests and perspectives to inform the negotiations.

Annex 1**Pacific Salmon Treaty Chapter 4, First Nations Session
June 5, 2018 (Kamloops, BC) Participant List**

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|----------------------|--|
| Chief Ken Malloway | Tzeachten First Nation, Fraser River Panel |
| Mike Staley | Fraser River Aboriginal Fisheries Secretariat |
| Kelsey Campbell | Fraser River Aboriginal Fisheries Secretariat |
| Greg Witzky | Fraser River Aboriginal Fisheries Secretariat |
| Pat Matthews | Fraser River Aboriginal Fisheries Secretariat |
| Alison James | Fraser River Aboriginal Fisheries Secretariat |
| Evelyn Camille | Tk'emlúps te Secwepemc |
| Janice Billy | Lillooet Tribal Council |
| Christina Ciesielski | Carrier Sekani Tribal Council |
| Michelle Edwards | Cayoose Creek Band |
| Daryn Scotchman | Cayoose Creek Band & Splitrock Environmental |
| Cheryl Blair | Cayoose Creek Band & Splitrock Environmental |
| T. Lee Spahan | Coldwater Band |
| Judy Wilson | Neskonlith Band |
| Richard Wimbush | Nicola Watershed Stewardship and Fisheries Authority (NWSFA) |
| Robyn Laubman | Yucwménlúcwu |
| Yvonne Scotchman | T'it'q'et Band |
| Daryl Sulin | Ulkatcho First Nation |
| Oliver Peters | Xa'xtsa Douglas First Nation |
| Angie Kane | High Bar First Nation |
| John Bernard | Xaxli'p |
| John Haugen | Nlaka'pamux Nation Tribal Council |
| Kevin Duncan | Nlaka'pamux Nation Tribal Council |

| | |
|-----------------|--|
| Doug McIntyre | Skuppah, Nlaka'pamux Nation Tribal Council |
| Michelle Walsh | Secwepemc Fisheries Commission (SFC) |
| Yvonne Andrew | Nlaka'pamux Nation Tribal Council |
| Chad Edwards | Nlaka'pamux Nation Tribal Council |
| Donald Sam | Nlaka'pamux Nation Tribal Council |
| Mike Campbell | Boothroyd |
| Debbie Abbot | Nlaka'pamux Nation Tribal Council |
| Harold Froste | Oregon Jack Creek Band |
| Sue Farlinger | DFO |
| Jennifer Nener | DFO |
| Lester Jantz | DFO |
| Melissa Warnock | DFO |
| Corey Jackson | DFO |
| Chuck Parken | DFO |
| Jamie Scroggie | DFO |



Annex 2

Pacific Salmon Treaty Chapter 4, First Nations Session
June 5, 2018 (Kamloops, BC) DFO Presentations

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Annex 3

Pacific Salmon Treaty Chapter 4, First Nations Session
June 5, 2018 (Kamloops, BC) Agenda

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