

QUESTIONS FROM THE PARTICIPANT
THE SOUTHERN AREA E GILLNETTERS ASSOCIATION
AND THE BC FISHERIES SURVIVAL COALITION
ON TECHNICAL REPORT 7

April 20, 2011

I. CATCH REPORTING

1. At p. 23 of your report you state that aboriginal fisheries use “extensive efforts to verify catch rates using independent surveys instead of reports from fishers” (emphasis added) which raises the following questions:
 - a. How are verbal reports from fishermen to observers without any actual verification of the catches not “reports from fishers”?
 - c. Pearse also noted at p. 36 that it was a problem for guardians to fish while having enforcement duties:
 - i. Do aboriginal monitors or observers fish in fisheries for their aboriginal organizations?
 - d. Can an observer or monitor who is a member of the same aboriginal organization whose members are doing the fishing be classified as “independent”?
2. Which DFO or other documents contain the standards on real or perceived conflicts of interest and the requirements for independence of fishery monitors, observers and guardians for observer and dockside monitoring programs in the public commercial fishery?
3. Would the aboriginal monitoring programs you reviewed in your report meet the standards of independence, conflicts of interest and other such standards as set out in these documents?

II. FISHING-INDUCED MORTALITY

i. Drop-Out Rates in Set Nets

4. In the 2004 report of the Parliamentary Standing Committee on Fisheries and Oceans entitled *Here We Go Again . . . Or the 2004 Fraser River Salmon Fishery* (Exhibit #605) the Committee concluded at p. 33 that:

Another significant factor associated with increased fishing pressure is the in-river use of gillnets, and particularly the impact of the amount of time nets are left in the water... The issue of net entanglement and its impact was raised by Mr. Bob Gould who performed independent research in this field for several years. Mr. Gould's research shows that because of a "drop-out" phenomenon, a set net left unattended in the water for 24 hours will land only one sixth of what would have been landed if the net had been checked every two hours. Mr. Gould assumed that the remaining five-sixth of the catch dies, falls from the net, is swept downstream, and is unaccounted for. Mr. Gould argued that set nets are extremely destructive and their use was a major contributing factor to the missing fish in 2004.

- a. Did you review the observations and recommendations of the Standing Committee on this issue during the preparation of your report? If so, what significance did you give these observations and findings?
- b. Did you review the analysis by Robert Gould concerning drop-out rates in the setnet fishery in the Stikine River during the preparation of your report? If so, what significance did you give his observations and findings?
- c. Are you aware of any further research since the 2004 Standing Committee Report? If so, what significance did you give any observations and findings?

[REDACTED]

- e. With respect to your Recommendation No. 7 at p. 174 of your report, can your recommendation for better modeling including location and magnitude of en-route loss and exploitation rate estimates be fulfilled without a proper analysis of the drop-out rate in setnet fisheries?

ii. The Blockage and Altered Migration Effects

5. In its 2004 report, the Standing Committee pointed to a second potential problem caused by setnets in the Fraser Canyon and further stated at p. 33:

Another significant factor associated with increased fishing pressure is the inriver use of gillnets... In a study released in 2000, DFO concluded that "in-river gillnet fisheries caused delays in migration and likely force

fish into river locations that are suboptimal migration habitats.” (emphasis added)

The Committee cited the research paper *The Influence of Extreme Water Temperatures On Migrating Fraser River Sockeye Salmon (Oncorhynchus Nerka) During the 1998 Spawning Season* as a source of evidence for this problem. Given the possible negative impacts of blockages or altered migration paths due to the presence of hundreds of setnets:

[REDACTED]

- b. Are you aware of any additional DFO or other research into blockages and migration path effects caused by setnets? If so, what significance did you give it in your paper?

[REDACTED]

- d. Are the twin effects of blockage and altered migration exacerbated:

- i. in conditions of high water temperature?
- ii. in narrow waters where the current is swift such as the waters of the Fraser Canyon?

[REDACTED]

- f. Prior to the completion of any such research and in keeping with your Recommendation No. 2 at p. 173, do principles of effective fisheries management and the need to minimize enroute losses require:

- i. the permanent elimination of setnets in the Fraser Canyon or other dangerous waters?
- ii. a substantial reduction in the number of days per week that setnets can be fished in the Fraser Canyon or other dangerous waters?
- iii. the elimination of setnets in the Fraser Canyon and other dangerous waters at least during adverse migration conditions such as during periods of high water temperatures or poor water flows?

III. SEPARATION OF FISHERIES

6. At p. 23 of your report you state that the “separation of FSC and EO fisheries” has substantially improved the reliability of aboriginal catch data since 2004:
 - a. How does the separation of aboriginal FSC and commercial fisheries improve the reporting of catch data in aboriginal fisheries?
 - b. What is the optimal method of separating aboriginal FSC and commercial fisheries in time and space?
 - c. How many days are required to effectively separate aboriginal FSC from aboriginal commercial fisheries?
 - d. During the preparation of your report did you examine the degree of separation between each fishery in terms of hours or days between aboriginal FSC and aboriginal commercial fisheries in the Lower Fraser River prior to 2004 as compared to 2004-2009?
 - i. If no, on what basis did you conclude that the fisheries in question have been separated?
 - ii. If yes, what was the extent of the separation in hours or days?
 - e. Is this period sufficient to allow an average fish buyer to distinguish between a sockeye caught in one fishery, but being sold in another?
 - f. From the perspective of accurate catch reporting how do fish buyers currently distinguish between a sockeye salmon caught in an aboriginal FSC or aboriginal trade and barter fishery or an aboriginal commercial or public commercial fishery?
 - g. What is the effect on catch reporting if a fisherman fishing in an aboriginal FSC or commercial fishery delivers their catch into the public commercial fishery?
 - h. Your report does not discuss the separation of aboriginal fisheries (FSC and commercial) and public commercial fisheries. Is the separation of public commercial fisheries from aboriginal fisheries at least as important as the separation of aboriginal FSC and commercial fisheries?
 - i. If you did consider this question in the preparation of your report what did is the degree of separation in terms of hours or days between aboriginal FSC and commercial fisheries and the public commercial fishery in the Lower Fraser River prior to 2004 as compared to 2004-2009?

7. Are you aware that in some FSC fisheries in the Lower Fraser River DFO allows the trade and barter of fish caught under FSC licences?

[REDACTED]

- b. If yes, does the trade and barter of FSC fish have any impact on harvests or catch reporting of FSC fish?

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

IV. TSAWWASSEN FISHERIES

12. You state in your report at p. 30 that the “implementation of the Tsawwassen First Nation Treaty in 2009 resulted in further improvements in the coverage accuracy and reliability of the Tsawwassen catch estimates,” yet in her Witness Summary (Exhibit 281) Chief Kim Baird states that:

...prior to the treaty, the prohibition on FSC sales was generally not complied with. She is uncertain as to whether anything has changed post-treaty; it is hard to gauge because there was no FSC fishery in 2009 and commercial sales were higher in 2010.

Chief Baird finds the restriction paternalistic, and her personal view is that it is nobody's business what people do with their own fish. Clearly fishermen need to invest in gear, and therefore need a way to raise capital.

13. How do you reconcile your conclusion with Chief Baird's statement?

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

V. AREA E GILLNET FISHERY

16. Were you aware when you drafted your report that the Area E Gillnetters Association had made numerous suggestions and proposals to DFO to improve the quality of catch reporting in Area E?
17. Were you aware, for example, that Area E has proposed for several years that DFO collect catch data for the Area E fishery by the use of website so fishermen can report from their vessels during a fishery with smart-phones and computers at no or little cost, but DFO has refused to endorse the project even though Area E offered to pay for the website?

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
22. Is there any fisheries management incentive for an Area E gillnetter not to report their catch?
- [REDACTED]

VI. COST OF MONITORING PROGRAM

24. Do aboriginal organizations or DFO pay for the cost of the fisheries monitoring and catch reporting programs in:
- a. aboriginal FSC or trade and barter fisheries?
 - b. aboriginal commercial fisheries?
25. Does DFO pay for the cost of the fisheries monitoring and catch reporting programs in the public commercial fishery?
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

30. Based on your experience, how can DFO increase the compliance of catch reporting in Area E?

VII. ALLOCATIONS

[REDACTED]

[REDACTED]

[REDACTED]

VIII. EFFECTIVENESS OF DOCKSIDE MONITORING PROGRAMS

34. Would you agree that the effectiveness of a dockside monitoring program depends upon:
- a. effective enforcement to ensure that fishermen are reporting to the landing station?
 - b. effective penalties to act as a deterrent to those contemplating not reporting to the landing station?
 - c. independent third-party counting of fish?
35. Did you examine the level of compliance with the mandatory landing program in the aboriginal commercial fishery?
36. Are you aware of any audits conducted by DFO or an independent third party into the level of compliance with mandatory landing stations in the aboriginal commercial fishery? If yes, what were those studies and results?

[REDACTED]

IX. BRISTOL BAY FISHERY

[REDACTED]

39. Are Alaskan fishery managers required to undertake in-depth consultation with subsistence fishermen similar to that in the FSC fishery in British Columbia?

[REDACTED]

41. Did you do any analysis of the level of fines and other penalties for:

- a. fishermen who abuse the subsistence fishery by selling fish caught in the subsistence fishery?
 - b. fish buyers who buy fish caught in the subsistence fishery?
42. If yes, did you compare the level of fines and other penalties for abuse of the subsistence fishery in Alaska with abuse of the FSC fishery in British Columbia?