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Your file Votre référence

Our file Notre référence

FEB 22 2011Chief Ken Malloway
Executive Committee Chairperson
Fraser River Aboriginal Fisheries Secretariat
<info@frafs.ca>

Dear Chief Malloway:

RE: ISSUES RAISED BY THE FIRST NATIONS FORUM PARTICIPANTS

Thank you for providing a consolidated account of specific priority issues and recommendations raised by participants attending the January 26, 2011 Forum on Conservation and Harvest Planning for Fraser Salmon.

First, I would like to acknowledge the work that is being done through this Forum to bring First Nations together to address the complex challenges of Fraser River salmon management. Given the interconnectedness of all fishing for Fraser River salmon stocks, such processes for collective dialogue and planning are critical to well-informed decision making.

On the subject of the Fraser Forum process, it is my understanding that a key focus of this Forum is to engage in collaborative planning discussions related to the annual, operational management of food, social and ceremonial (FSC) fisheries on Fraser River-bound salmon stocks. When recommendations for systemic changes in planning and management of Fraser salmon arise at the Forum, such recommendations do require significant analysis and addressing these issues will require consultation and collaboration with affected parties, both First Nations and non-First Nations. As well, an analysis of the Cohen Commission inquiry findings and recommendations will be important in formulating a longer term response to some of the broader issues raised in your letter.

In that context, I offer the following comments in response to your specific recommendations:

It is Fisheries and Oceans Canada's (DFO) view that one of the principle purposes of direct engagement in consultations with First Nations via community-level bilateral sessions and broader forums such as the Forum on Conservation and Harvest Planning is to provide opportunities for First Nations to better understand all relevant issues and

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provide informed input into fisheries management plans. Draft Integrated Fisheries Management Plans (IFMP) are distributed to all First Nations annually, and input may be provided to DFO through a variety of processes, including community-level discussions, the broader forums described above, through the web or e-mail, or in some cases, First Nations representatives on the Integrated Harvest Planning Committee (IHPC).

In response to your recommendation # 1, we welcome a focused dialogue with First Nations regarding what changes First Nations would consider to be required for "adequate consultation". For example, it may be helpful to make use of existing joint DFO - First Nations processes such as the Fraser Roadmap Planning Group or First Nation Fishery Council (FNFC) Co-management Working Group to propose a series of practical steps, with associated timelines, that could support the IFMP consultation and planning process. Though it may not be possible to accomplish all steps for this year's IFMP, incremental progress should be possible this year and into the future. DFO will continue to work with First Nations in a mutually agreeable way on the IFMP development process.

Recommendation # 2: Timing of DFO-First Nations consultations

IFMP timelines are difficult to adjust due to the time required to develop and analyze supporting technical information, to seek required approvals and to finalize IFMPs in advance of the fishing season. Recommendation #2 is directly related to recommendation #1 with respect to determining what is required for adequate consultation. As such, I will ask my staff to work with First Nations to deal with both recommendations.

Recreational fishing issues

The Department has heard a range of concerns expressed by First Nations about catch monitoring and reporting programs, licensing, and management of the recreational fishery in tidal and non-tidal areas of the province. Key themes expressed by First Nations have been uncertainty about how the Department controls and regulates the recreational fishery to achieve conservation objectives and FSC priority access, and uncertainty about how catch estimates are derived for large numbers of recreational licence holders.

Recreational fishing opportunities for salmon are closely regulated by the *British Columbia Sport Fishing Regulations, 1996* made under the *Fisheries Act*. These regulations are also generally summarized in the *2009 to 2011 British Columbia Tidal Waters Sport Fishing Guide* and the *2009 to 2011 British Columbia Freshwater Salmon Supplement* (www.pac.dfo-mpo.gc.ca/fm-gp/rec/SFG-GPS-eng.htm). Recreational salmon licences are subject to licence conditions, daily/possession limits (and annual limits for Chinook salmon), size restrictions, time and area closures, and gear restrictions. In addition, area specific regulations are also used to enact specific measures in tidal and non-tidal fishing areas to protect stocks of concern. These measures are identified in IFMPs and announced regularly by publicly available fishery notices.

The Department conducts numerous recreational fishery catch monitoring programs throughout marine and freshwater areas during key times of the year. As a result of a request from First Nations attending Forum on Conservation and Harvest Planning meetings, a workshop was held in the fall of 2010 with First Nations participants in order to review and discuss DFO's catch monitoring programs. Improving catch monitoring has been a key focus of the Department and a framework paper ("Strategic Framework for Fishery Monitoring and Catch Reporting in the Pacific Fisheries") has recently been released for comment. This paper is intended to provide the framework for establishing catch monitoring standards across all fisheries.

Recommendation # 3: Mandatory Head Recovery in Recreational Fisheries.

DFO has recognized the need to improve head recovery rates in both recreational and FSC fisheries, and has been active in working with this sector and First Nations to effect improvements in recovery rates. You will note that stock assessment does not require recovery of every head that contains a coded wire tag to generate stock estimates, and such a mandatory recovery program would have significant costs with significant logistical, planning and consultation implications. Preliminary results from 2010 recreational fisheries head recovery program suggest improvements over 2009 recovery rates (see Appendix 1), approaching and some times exceeding program targets. Given this, and recent improvements in the Sport Head Recovery Program, DFO is not planning to implement any mandatory requirements in sports fisheries in 2011. DFO will continue to monitor recovery rates in both FSC and recreational fisheries, and is open to working together to improve head recovery into the future. The results from DFO's monitoring of recovery rates will be available to the public and can be provided for review at future sessions of the Forum on Conservation and Harvest Planning for Fraser Salmon.

Recommendation # 4: First Nations to monitor recreational fisheries in traditional territories.

In a number of situations, First Nations do participate in local recreational fisheries monitoring programs. Throughout the interior of British Columbia, for example, the majority of recreational monitoring programs involve local First Nations, and First Nations are involved in certain creel programs on the West Coast of Vancouver Island. The introduction of DFO's *Strategic Framework for Fisheries Monitoring and Catch Reporting* is an opportunity to work together to examine fisheries monitoring programs and consider improved collaboration in delivery of these programs. Introduction of clearer standards for catch programs and cost effectiveness will be of particular interest to DFO during these discussions.

Recommendation # 5: Species-specific area licensing; licence fees into stock rehabilitation

Under this recommendation, DFO is exploring what options are feasible to allow recreational harvesters to contribute to the management and conservation of fish stocks.

Regarding the broader recommendation on species-specific area licensing for recreational fisheries, as noted above, a range of area and species-specific management measures are applied to recreational fisheries to allow for the achievement of specific conservation and management objectives. At this time, therefore, DFO does not consider a species-area licensing regime as providing significant additional benefits. Where specific elements of recreational fishing plans are of concern to First Nations, DFO will continue to work with First Nations in the area of concern to address the concerns and to inform fisheries management decisions.

Priority access for First Nations


Recommendation # 6 & 7: First Nations' food needs must be met before other sectors; tool for measuring DFO's success in meeting priority.

DFO confirms its commitment to managing all fisheries such that Aboriginal fishing for food, social and ceremonial fisheries has priority over other fisheries.

DFO agrees that there would be value in developing an approach to better quantify FSC food needs and clarify FSC management objectives for both management planning purposes, and for evaluating the success of management plans. This should be developed in collaboration with First Nations, through avenues such as the Fraser Roadmap process or the joint DFO - First Nations FSC working group associated with the FNFC.

Thank you for taking the time to compile feedback and recommendations from First Nations in the Fraser Forum process. I hope that I have provided some useful suggestions for how First Nations and DFO can move forward in collaborative resolution of these important issues.

Sincerely,


for Susan Farlinger
Regional Director General
Pacific Region

cc: Sarah Murdoch, A/RD Treaty and Aboriginal Policy
Hon. Gail Shea, Minister of Fisheries and Oceans
Claire Danscreau, Deputy Minister of Fisheries and Oceans

Appendix 1 - 2009/2010 Average Chinook Head Recovery Rates (%)

APPENDIX 1**2009/2010 Average Chinook Head Recovery Rates (%)**

Region	Areas	2009	2010 (preliminary)
Juan de Fuca	19, 20	13	12 (Apr/May 21.5)
West Coast Vancouver Isl.	21-27, 121, 123(outside)-127	18	35
Alberni Canal	23 Terminal	21	28
Georgia Strait South	17-19, 28, 29	19	26
Georgia Strait North	13	22	11
Georgia Strait North	14-16	22	38
Central Sport	11/111	42	9
	12	58	24
Freshwater	Lower Fraser	11	12.5
	Chilliwack/Vedder	8	n/a
	Lower Shuswap River	26	31
	Mabel Lake	3	30
	Lower Thompson River	100	n/a
	Other	14	33

NOTE: DFO calculates submission rates on monthly basis

2009/2010 Average Coho Head Recovery Rates (%)

Region	Areas	2009	2010 (preliminary)
Juan de Fuca	19, 20	6	10
West Coast Vancouver Isl.	21-27, 121, 123(outside)-127	9	22
Alberni Canal	23 Terminal	12	50
Georgia Strait South	17-19, 28, 29	29	9
Georgia Strait North	13	24	21
Georgia Strait North	14-16	24	40
Central Sport	11/111	8	16
	12	8	16
Freshwater	Lower Fraser	10	16
	Chilliwack/Vedder	10	16
	Lower Shuswap River	n/a	n/a
	Mabel Lake	n/a	n/a
	Lower Thompson River	n/a	n/a
	Other	10	16

NOTE: DFO calculates submission rates on monthly basis