



The British Columbia Commercial Sockeye Salmon Fisheries

PUBLIC CERTIFICATION REPORT

VOLUME 3 – Team Response Appendices

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APPENDIX 7	RESPONSE TO COMMENTS ON DRAFT REPORT
APPENDIX 7A	RESPONSE TO COMMENTS RECEIVED ON SKEENA SOCKEYE FISHERY
APPENDIX 7B	RESPONSE TO COMMENTS RECEIVED ON NASS SOCKEYE FISHERY
APPENDIX 7C	RESPONSE TO COMMENTS RECEIVED ON FRASER RIVER SOCKEYE FISHERY
APPENDIX 7D	RESPONSE TO COMMENTS RECEIVED ON BARKLEY SOUND SOCKEYE FISHERY
APPENDIX 7E	RESPONSE TO COMMENTS FROM GOVERNMENT STAKEHOLDERS
APPENDIX 8	RESPONSE TO COMMENTS ON DFO ACTION PLAN
APPENDIX 9	RESPONSE TO COMMENTS RECEIVED FROM FIRST NATION STAKEHOLDERS
APPENDIX 10	RESPONSE TO COMMENTS RECEIVED FROM THE CLIENTS
APPENDIX 11	OBJECTION PROCESS DETAILS

Appendix 7

– Response to Comments on Draft Report

In the cover letter for the submissions from Watershed Watch Salmon Society (WWSS), Skeena Wild Conservation Trust and the David Suzuki Foundation received on 21 August 2009, these groups express concerns about the “transparency of the MSC assessment process” because their previous comments/submissions had not been acknowledged or incorporated by the Assessment Team. The Team wishes to assure these groups that we considered all comments received prior to June 2009 in preparing the July 2009 version of the report but did not respond to specific comments until after receiving the all the comments on the Public Draft Certification Report. This appendix provides the Team’s response to the most substantive comments received for each of the fisheries.

Appendix 7a Response to comments received on Skeena Sockeye Fishery

The Assessment Team has received a number of submissions containing comments and critical reviews of the scoring for the Skeena sockeye fishery since the release of the first draft report on BC Commercial Sockeye Salmon Fisheries in August 2007. The most detailed of these documents were submitted by the Watershed Watch Salmon Society (Hill 2007; Hill 2009a) and Skeena Wild Conservation Trust (SWCT 2009a; 2009b; Hill 2009b). Many of the issues and concerns identified in the first WWSS submission (Hill 2007) were repeated in subsequent submissions, therefore, our first series of responses will address the address the “major problems in the management of the Skeena sockeye fishery” provided in Hill (2007). Subsequent responses will be provided for additional concerns identified in subsequent submissions. The document title for each submission proceeds our responses.

Critical Review of the Marine Stewardship Council Draft Assessment of Skeena and Nass River Sockeye Fisheries, prepared by Aaron Hill for Watershed Watch Salmon Society, November 2007. 49 p. (Hill 2007).

The following scoring elements list the “major problems in the management of the Skeena sockeye fishery” as provided on page 3 of this report.

- Numerous sockeye stocks are fluctuating at low levels of abundance, and are being considered for “endangered” or “critically endangered” listings by the IUCN.

TAVEL Skeena Response 1: See response to IUCN assessment

- Non-target stocks subject to bycatch in the sockeye fishery are fluctuating at low levels of abundance.

TAVEL Skeena Response 2: The definition of a non-target stock is a stock of salmon that is not the focus of the fishery but is caught in a fishery that is attempting to

harvest other salmon stocks. The observation that some non-target stocks caught in the Skeena fishery have been fluctuating at low levels of abundance is neither unusual nor surprising for a salmon fishery. This does not make the fishery unsustainable. With regard to MSC criteria, the issue is whether “management strategies include provisions for restriction to the fishery to enable recovery of non-target stocks to levels above established LRPs.” The recent management strategy to reduce harvest rate in the mixed-stock sockeye fisheries has been implemented to protect non-target stocks. The lack of defined LRPs for non-target sockeye stocks has been identified as a deficiency that must be addressed along with the need to develop and implement recovery plans for stocks harvested in Skeena sockeye fisheries that are below their LRPs (see Condition 21b). Skeena chum is another non-target stock subject to bycatch in the Skeena sockeye fishery. Concerns regarding the effect of sockeye fisheries on Skeena chum salmon stocks resulted in Condition 22, where “*certification of the Skeena sockeye salmon fishery is contingent upon developing and implementing a recovery plan for chum salmon stocks harvested in Skeena sockeye fisheries that are below their LRP.*”

- Insufficient status data and assessment procedures for several target and non-target stocks.

TAVEL Skeena Response 3: The assessment team found the available data and assessment procedures to be sufficient to assess the status of the target stock. We agree that the available data and assessment procedures are not sufficient to assess the status of some non-target stocks. Specific data deficiencies regarding fishery independent indicators of abundance and productivity for non-target sockeye stocks have been identified and are the focus for Conditions 13b and 13c.

- Interceptions of weak target and non-target stocks in the mixed-stock marine fishery are continuing at rates too high to allow for the recovery of those stocks.

TAVEL Skeena Response 4: We are not aware of any evidence that mixed-stock marine fishery interception rates are too high to allow for the recovery of the target stock. In the initial August 2007 review, we clearly indicated that “Given that Babine Lake sockeye is the only target stock, there are no depleted target stocks. In these few years when returns to Babine Lake were small, appropriate management actions were taken to reduce harvest pressure and escapements have been consistently above LRP since 1982 despite large variations in annual returns.” The ISRP report specifically addressed the need to reduce mixed-stock marine harvest rates to allow for the recovery of non-target stocks:

“Analysis of stock-recruitment relationships for the non-Babine sockeye stocks, based on escapement data from DFO’s Salmon Escapement Data System (SEDS) and estimates of overall exploitation rates based on run reconstructions for 1950 to 2006, indicates that these stocks will remain at severely depressed levels unless total exploitation rates in the ocean fisheries (Alaskan plus Canadian) are reduced to around 30%-40%, i.e., by reducing

Canadian ocean fisheries exploitation rates from 40-50% down to 20-30%, or about half of what they have been over the last 20 yrs.”

As indicated in Response 2 above, the recent (post ISRP) management strategy to reduce harvest rate in the mixed-stock sockeye fisheries has been implemented to protect non-target stocks. The lack of defined LRPs for non-target sockeye stocks has been identified as a deficiency that must be addressed along with the need to develop and implement recovery plans for stocks harvested in Skeena sockeye fisheries that are below their LRPs (see Condition 21b).

- Limit reference points are not defined or effectively implemented for the majority of stocks exploited in the fishery.

TAVEL Skeena Response 5: see Response 2 above and Condition 21b.

- Management model is not robust to increasing ecological variability as a result of climate change.

TAVEL Skeena Response 6: The current management model adjusts harvest rates for marine sockeye fisheries based on the returning abundance of Skeena sockeye monitored using the Skeena Tyee Test Fishery. This management model has resulted in greatly restricted fisheries in years of poor returns. It is recognized that increasing ecological variability resulting from climate change or any other factor, will present challenges for any management system. However, management systems that are heavily influenced by in-season estimates of abundance will be far more robust than those based on pre-season forecasts or a fixed harvest rate policy.

- Narrow and un-precautionary approach to ecosystem-based management and failure to implement ecosystem-based management provisions of the Wild Salmon Policy in a timely or meaningful manner.

TAVEL Skeena Response 7: The Assessment Team agrees that the ecosystem-based management provisions of the Wild Salmon Policy should be implemented in a timely and meaningful manner. We recognize that there have been instances (e.g. 2006) when the management system failed to implement a precautionary approach, however, in most years since 1993 the management system has implemented measures to reduce the harvest pressure on non-target stocks and harvest surpluses for abundant stocks in known stock areas.

- Inability to enforce fleet compliance with selective fishing measures, bycatch reporting requirements, and other conditions of license.

TAVEL Skeena Response 8: As acknowledged above, there have been instances where the management agency has failed to enforce fleet compliance with regards to some fishery regulations (e.g. 2006) and there have been ongoing reporting issues related to the catch and discards of steelhead and some other non-target species. These concerns have resulted in the conditional requirement for fishers to commit to

the implementation of selective fishing techniques (Condition 36b) and provide sufficient information for managers to derive reliable estimates of catch and discards of steelhead and some other non-target species (Condition 36c).

- General lack of management control in the marine component of the fishery due to derby-style fishery openings.

TAVEL Skeena Response 9: The fact that all commercial salmon fisheries are closed until opened, ensures that managers have full control over the opportunities to harvest Skeena sockeye. Derby-style fishery openings can result in unexpected levels of fishing effort but gear counts are usually conducted early in each fishery so managers have the information needed to reduce or extend the fishing period.

- Disintegrating relationships with numerous First Nations, as evidenced by active lawsuits.

TAVEL Skeena Response 10: Many lawsuits involving First Nations in Canada are related to the much broader issue of land claim agreements, which, while obviously including fishery access concerns, also includes other issues beyond fisheries and fish resource access. The relationship between First Nations and the management agency is constantly been tested through the courts and changes in the leadership of federal and provincial government. Court decisions and the on going negotiations of comprehensive treaties have had both positive and negative effects on First Nation fisheries and the fisheries management process. Condition 36a identifies the need to resolve First Nation issues regarding aboriginal and treaty rights while recognizing that these are challenging and multidimensional tasks that will take time and continue to involve the courts and treaty negotiations processes.

Key Deficiencies in the MSC Re-Assessments of Skeena and Nass Commercial Sockeye Fisheries, prepared by Aaron Hill, Watershed Watch Salmon Society, August 2009. 5 p. (Hill 2009a).

Hill (2009a) contends that the two criteria at the 60SG for Indicator 1.1.1.5 are only partially met:

Indicator 1.1.1.5: Where stock units are composed of significant numbers of fish from enhancement activities, the management system provides for identification of the enhanced fish and their harvest without adversely impacting the diversity, ecological function or viability of unenhanced stocks.

- There is general scientific agreement within the management agency regarding the impacts of enhanced fish on the resultant harvest rates or escapements of unenhanced fish stocks.

- Managers have some scientific basis for assuring that harvest rates for enhanced stocks are not adversely affecting the majority of un-enhanced stocks within each stock unit.

TAVEL Response:

Hill contends that “If there is general agreement among Department scientists on this matter it likely does not have an empirical basis.” DFO has used a number of analytical models to estimate the impact of Skeena sockeye fisheries on the resultant harvest rates of un-enhanced sockeye stock and other non-target species. While there may be different views regarding the specific parameters for these models, we are not aware of any significant disagreement on the resultant harvest rate estimates.

Hill contends that “The majority of weak sockeye stocks often are fished at exploitation rates above their estimated MSY during the peak of the run timing; yet reliable stock status information does not exist for approximately 1/3 of them”. The MSC evaluation criteria do not require all stocks to be fished at or below their MSY exploitation rate. The Team is aware the analysis of historical exploitation rates for Skeena sockeye presented in Walters et al. (2008), and the fact that harvest rates have been substantially reduced from historic levels in recent years. The Team was concerned about the lack of LRPs for un-enhanced sockeye stocks. Condition 13 addresses the need to define these LRPs and determine the impact of the enhanced stocks on wild sockeye stocks.

Hill’s issues regarding the definition of target stocks for the Skeena sockeye fishery have been addressed above.

Hill (2009a) contends that the two criteria at the 60SG for Indicator 2.3.1 have not been met:

Indicator 2.3.1 Management strategies include provision for restrictions to the fishery to enable recovery of non-target stocks to levels above established LRPs (Limit Reference Points)

- The management system attempts to prevent extirpation of non-target stocks and does have rebuilding strategies for the majority of the stocks.
- The management system has at least a 50% probability of achieving long-term recovery of depleted non-target stocks.

TAVEL Response:

Hill asks “what constitutes an attempt to prevent extirpation?” The Species at Risk Act defines an extirpated species as “a wildlife species that no longer exists in the wild in Canada, but exists elsewhere in the wild.” The Team found that efforts to reduce harvest rates in mixed-stock fishery, the development recovery plans for several non-target sockeye stocks and annual monitoring programs for 2/3 of the Skeena sockeye stocks are actions that are consistent with attempts to prevent extirpation. The Team has already

acknowledged the difficulty of distinguishing between a 50% and 60% probability of achieving the long-term recovery of depleted non-target stocks. We have a difference in opinion with Mr. Hill regarding the best approach for achieving this goal.

Hill (2009a) contends that the single criteria at the 60SG for Indicator 3.4.2.1 has not been met:

Indicator 3.4.2.1: The management system includes compliance provisions.

- The management system includes compliance provisions that are effective for the majority of the fisheries.

TAVEL Response:

The Team was aware of the compliance and enforcement issues associated with the 2006 fishing season. After a detailed examination of the 2006 fishery and other years, the Team was convinced that 2006 was the exception not the rule. We accept the criticism regarding the discrepancy between the scoring for this indicator and Indicator 3.7.4. The Team's view was that concerns regarding fishers providing data on catch and discards of non-target species were more appropriately addressed under Indicator 3.7.4.

Hill (2009a) contends that the single criteria at the 60SG for Indicator 3.6.3 was only partially met because the management system has allowed "overfishing to occur on weak stocks that individual First Nations depend on". The Team is aware that First Nations fisheries often focus their harvesting efforts on stocks originating from or migrating through their traditional territories. However, most Skeena First Nations harvest sockeye originating from a variety of stocks. Given the diversity of stocks accessible to most Skeena First Nations, there are few if any instances where a First Nation has not been able to exercise their legal right to harvest sockeye for FSC purposes.

Hill (2009a) contends that the single criteria at the 60SG for Indicator 3.7.4 was not met because bycatch data for the Skeena fishery are considered unreliable. The Team recognized this concern and has made certification conditional on addressing this issue. The Team found that the catch and discard data collected from the fishing industry and harvest rate estimates derived for co-migrating non-target species were sufficient to manage the harvests for these species.

Testing Whether the Draft Public Report and DFO's Action Plan Meets MSC's Principles and Criteria for Sustainability in Regards to the Skeena River Sockeye Fishery. Submitted by Skeena Wild Conservation Trust. 19p. (SWCT 2009a).

"The following four measures were developed – in consultation with conservation biologists, other ENGOs and fisheries managers – to test whether the Public Draft Report and associated action plan for the Skeena River sockeye fishery meets the standards set out by MSC's Principles and Criteria for Sustainable Fishing."

The four measures are:

1. Each genetically distinct population harvested within a Unit of Certification should be categorized as an exploited or “target” population for purposes of certification. It is contrary to the intent of principle 1 to aggregate genetically distinct populations of a single species and manage them in a manner that intentionally overfishes one or more of the populations.
2. The status of each genetically distinct population should be assessed relative to its potential biological production and associated ecological community.
3. A rebuilding target should be established for each genetically distinct population that provides for the conservation of the population, ecological resilience and subsistence use
4. A rebuilding or recovery plan with specified targets and time lines should be established for each genetically distinct population that is below its rebuilding target.

TAVEL Response:

Measure 1 – Target Stocks

In response to questions and requests from several reviewers, we have included a new section in the report that defines the target and non-target stocks for each fishery and provides the rationale for these classifications. Target and non-target stocks have been defined for three of the four sockeye fisheries and the methods used to define the target and non-target stocks for the Skeena sockeye fishery are consistent with those for the other BC sockeye fisheries.

Measures 2 and 3 – Potential Biological Production and Rebuilding Targets

The concerns related to these measures are focused on the adequacy of Condition 14:

Condition 14 - Certification will be conditional until the management agency provides direct evidence that the productivity of non-target stocks has been taken into account when setting the TRP for the target Babine stock. (**Skeena Condition #1.2**).

The reviewer contends that “*Condition 14 provides insufficient guidance for ensuring that unenhanced stocks are accounted for in developing the TRP for enhanced Babine sockeye and mixed stock fisheries are sufficiently limited to protect less productive unenhanced stocks. It fails to define what productivity means: must non-target stocks be above their Limit Reference Point, around their Target Reference Point or simply persisting? And what does “take into account” mean?*”

This condition is not intended to define the recovery goal for non-target stocks. This requirement is explicitly addresses in Condition 21b under Indicator 2.3.1. The phrase “taken into account” means that information on the productivity of non-target stocks must be compared with information on the target Babine stock and managers must indicate how this information was used in the definition of the TRP for the Babine stock and how fisheries will be implemented to achieve the TRP without negatively impacting the non-target stocks.

Measure 4 – Recovery Plans for Depleted Stocks

The concerns related to these measures are focused on the adequacy of Condition 21b:

Condition 21b - Skeena Sockeye Salmon Condition #1. Certification will be conditional until Limit Reference Points or their equivalent have been defined for Skeena sockeye salmon stocks, and recovery plans have been developed and implemented for stocks harvested in Skeena sockeye fisheries that are below their LRP. The proposed recovery plans must provide information regarding the probability of recovery and the timing for recovery. **(Skeena Condition 2.1b)**

Most of the reviewers’ concerns appear to be related to the DFO response in their Action Plan. The Team agrees with the reviewers’ statement that “*Condition 21b is the key element in translating stock assessment into management action through the development and implementation of recovery plans.*” The Team’s response to the DFO Action Plan is provided in Appendix 8.

MSC Certification of British Columbia Sockeye Fisheries – Core Issues and Recommendations for the Skeena Unit of Certification. Submitted by Skeena Wild Conservation Trust August 2009. 4 p. (SWCT 2009b).

TAVEL Response

All of the issues identified in this submission have been address in our new section on the definition of target and non-target stocks; the responses to the same issues provided above; and the Team’s response to the DFO Action Plan.

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RE: Skeena sockeye fishery certification

Dear Mr Devitt,
Please find below our comments on the latest phase of the Skeena sockeye certification process.

We would first like to comment on how poorly presented and convoluted the paperwork in this process is. In terms of readability for the general public or stakeholder groups the documentation is exceedingly complex. Your presentation of the scoring system, criteria used, and overall rationales are poorly presented and overly complex. In fact, we feel the overly lengthy documentation and unclear wording could almost appear to be a tool purposefully utilised to cloud the debate of the issue. We certainly did not find reading the document easy or the information presented in a readily digestible form.

Steelhead Bycatch:

It appears to us that there have been no changes with regard to DFO addressing the steelhead bycatch issue since the last phase of public input.

With this fact in mind, we find both the DFO Action Plan and the reviewing team's treatment of this issue to be completely inadequate to deal with the steelhead bycatch problem in the Skeena sockeye fishery.

It appears that DFO and your Assessment team are more interested in counting the dead steelhead bycatch than finding or ensuring ways to eliminate it.

Both the Assessment Team's Conditions and DFO's Action Plan focus only on efforts to enumerate steelhead killed in the commercial fishery and completely ignores any remedies to the problem.

TAVEL Response: Conditions 35d and 36b require DFO and the client to identify solutions to reduce steelhead (and other) bycatch.

Condition 35d - Certification will be conditional until the management agency provides a research plan that addresses identified concerns related to the impact of the fishery on the ecosystem, with emphasis on non-target stocks (e.g. Skeena summer-run steelhead), and takes into consideration socioeconomic factors and anticipated changes to fisheries. This task should be completed within two years (**Skeena Condition #3.1d**).

Condition 36b – Certification will be conditional until there is a clear commitment from the management agency and fishers to identify and implement selective fishing techniques that are consistent with the goal of reducing the catch of non-target species, especially steelhead. These tasks should be completed within two years (**Skeena Condition #3.2b**).

Moreover, the process ignores the socio-economic importance of steelhead to the Skeena region. There is an entire industry and economy based on steelhead fishing tourism in the Skeena region that contributes significantly to the regional economy. In fact, sportfishing for salmon and steelhead contributed more than commercial fishing in 2007 according to a survey (Counterpoint; Economic Dimensions of Skeena Salmonid Fisheries).

For the sportfishing tourism industry in Skeena, all steelhead are important with any loss to commercial fishing bycatch being an extremely wasteful use of resources. Moreover, this bycatch impact is focused on the early run component of the steelhead return. These early run steelhead arrive the earliest and stay the longest, thus providing the most access for the sportfishery. The recent compression of the commercial fishery timing has further exacerbated this problem with most, if not all, of the commercial impacts now falling on the peak run timing of the early steelhead. This early run component could be described as

chronically depressed due to long term over-exploitation by the commercial fishery.

Furthermore, your Assessment Team appears to be guessing at measuring the bycatch impact on steelhead when it states “...*the steelhead harvest rates are believed to be relatively low...*” Yet the previous sentence quotes the ISRP as saying “...we have no idea how reliable DFO’s estimates of steelhead exploitation rates are...” So, what new information is the Review Team using to make this assessment that the ISR Panel did not have? In 2008 and 2009 the Skeena Management Model was not used by DFO to estimate steelhead harvest rates and there has been no public mention of them...so what information is the Review team using to enable it to come up with such statements about relatively low steelhead exploitation rates?

TAVEL Response: The reliability of exploitation rates (ER) estimates is an issue for many fisheries. The Team used the information provided from DFO. The only available ERs for Skeena steelhead are the relative ERs derived from the Skeena Model and reported in the IFMP documents.

Having the management agency (D.F.O) present anecdotal evidence or ‘guesses’ about steelhead harvest is completely unacceptable to the sportfishing tourism industry that relies on these important steelhead. The manner in which this bycatch issue is handled again reflects a general lack of specifics in this process: DFO has no idea what the harvest rates are on steelhead, yet they freely guess that they are ‘relatively low’. What about the other impacts on steelhead such as; Alaskan commercial bycatch, First Nations food fishery both, marine and inriver, the Tyee Test Fishery, the sportfishing mortalities, and natural predators. It appears DFO and the Review Team are looking at commercial fishing steelhead impacts in isolation of other mortalities and not looking at the cumulative impacts on the stock. This isolated, narrow view is another flaw in the Review process.

TAVEL Response: The Assessment team was not provide any documents that clearly demonstrated that Skeena steelhead are below their LRP and thus require the development and implementation of a recovery plan. We have identified the need for recovery plans for non-target sockeye and chum stocks and the ER reductions recommended for these stocks will likely reduce commercial fishery harvest pressure on Skeena steelhead.

As we’ve mentioned, all steelhead are important to the sportfishing industry and the stock’s biodiversity in general. To have D.F.O and the commercial industry ‘guess’ that the impacts of their industry are low is unacceptable to our group and should be cause for major concern for MSC. Continued erosion of the early run component isn’t even mentioned in any of this process, yet historical data shows the steelhead run timing has shifted by several weeks from the 1950’s onwards. The fish haven’t started coming later, those early arriving steelhead have been extirpated due to over-exploitation by the commercial fishery.

After a detail review of all the methods used to estimate catch or exploitation rates for Skeena steelhead stocks, the Skeena ISRP concluded that “The state of affairs today is that we actually have no idea how reliable DFO’s estimates of steelhead exploitation rates are.” While the steelhead bycatch in fisheries targeting Skeena sockeye can represent a significant portion of the harvest of Skeena steelhead, the steelhead harvest rates are believed to be relatively low, and thus a much less significant component of the steelhead stock in most years. However, there is a an urgent need to improve the procedures used to estimate the catch for these non-target steelhead stocks.

Condition 13a - Certification is conditional until the management agencies implement a scientifically defensible program for estimating steelhead catch in the Skeena sockeye fisheries. (**Skeena Condition #1.1a**).

More worrisome is the lack of any Condition requiring the elimination of bycatch in the commercial sockeye fishery. The Selective Fishing Policy of D.F.O is supposed to provide direction on working towards the use of selective fishing methods by commercial fishermen, yet no movement on this is presented in their Action Plan. Worse yet, your Assessment team neglects to mention this also. If this MSC Certification process is really about ensuring a sustainable fishery, then surely mention of moving away from the mixed stock fishery and towards selective fishing is required.

TAVEL Response: The MSC sustainable fishing standard does not require certified fisheries eliminate bycatch. The MSC standard does require that a target fishery should not impact a non-target stock to the point of being the cause of recruitment impairment of that non-target stock.

Another bycatch issue not properly addressed is the bycatch of chum salmon. Chum salmon are a stock of concern on the north coast and have been for a few years now. In 2008, over 23,000 chum salmon were caught as bycatch with more being recorded as ‘released’ in seine fisheries that incurred significant mortalities.

In response to Nass sockeye Condition 23, DFO mentions a chum salmon rebuilding plan. Yet in 2009, we have almost 48,000 chum killed in Areas 3 and 4 as bycatch. In all northern fishing Areas the number is over 75,000 chums killed with more mortalities from seine release not included. And this is for a species of concern with supposedly no directed fisheries to target them. Yet, DFO finds it acceptable to allow such high bycatch on a depressed species while at the same time saying it is developing rebuilding or recovery plans. How can the Review Team not find fault with the discrepancy between what DFO promises and what they actually deliver in fishery management in light of these facts?

TAVEL Response: It is important to point out that not all northern BC chum stocks are depleted. There are some very healthy chum stocks in northern BC and Alaska, and occasionally strong returns to some parts for Area 3. We need to have information on the

stock composition for chum fisheries and better escapement estimates for Area 3 chum outside the Nass River. Much of this information is being sought under the Pink and Chum MSC certification process which is also underway.

This situation with chum salmon is an example of the lack of accountability in this whole process. DFO can promise anything at all, yet there is no outside monitoring of whether the promises were indeed implemented or to the effectiveness of any measures that might be promised by DFO to be implemented. Just saying they will do something or 'look into it' is not an acceptable response to a Condition.

TAVEL Response: DFO's progress on all action plan items will be monitored during the annual surveillance audit process. The results of the annual audit will be reported to all stakeholders annually.

The chum bycatch figures alone should alert MSC to the fact sockeye fishing on the north coast is not sustainable, certainly not for the chum salmon, and should not be certified even conditionally until changes are implemented.

Sockeye Concerns:

Our Steelhead Alliance wholeheartedly endorses the Skeena Wild document titled "Testing Whether the Draft Public Report and DFO's Action Plan Meets MSC's Principles and Criteria for Sustainability in Regards to the Skeena River Sockeye Fishery" submitted to Tavel for this phase of public input. Our group does not have the resources to examine the extensive paperwork of this process to the detail Skeena Wild has done, but we have read their paper and heartily agree with all the questions it raises with regard to the certification process of Skeena sockeye.

TAVEL Response: The Assessment team has reviewed and responded to this document as part of the stakeholder comment response process.

Other Issues:

Skeena Watershed Initiative:

The DFO Action Plan makes reference to the stakeholder process called the Skeena Watershed Initiative. Being the representative of our organization in this process, I can state that we feel there are significant shortcomings in it.

This Initiative started with grandiose ideas of co-managing the Skeena fishery or at least providing the main direction for the management of the fishery. Yet, through a process of attrition the Initiative has been downgraded now to what has been described by some members as a 'discussion group'. There is no mandate

nor is there is any commitment on behalf of DFO to implement any of the Initiative's recommendations if it indeed ever gets to that stage.

After spending the first year of its existence working on a Terms of Reference, the Initiative still has no formal Terms of Reference. This is because the commercial sector representatives would not sign off on any. The commercial fishing sector wanted as broad and vague a document to avoid any commitment to change. I still don't think there is any signed off Terms of Reference for this Initiative.

Moreover, as of late the actual attendance at Planning Committee conference calls and interest in this Initiative in general, has waned severely.

For DFO to reference this currently ineffective forum as the main contributor in deciding important fishery management decisions, such as which stocks will be allowed to remain depressed or at risk of extinction, appears to us to be overly optimistic. It is another example of DFO not using specifics when answering to the Conditions. By saying, a Condition will be dealt with by a yet unproven or even workable process this does not directly answer the Condition.

Compliance:

These sections on Compliance we also find lacking. It is a well known fact, both publicly and within the management agencies DFO and MOE that commercial reporting of bycatch such as steelhead are notoriously unreliable. So much so, that they were never included as inputs in the Skeena Management Model.

As far as Compliance provisions being effective this is another area of great concern for our group. We would seriously question how this section received a passing grade in scoring? Would the Review Team call DFO Enforcement checking 3 gillnetters on opening day in 2008 as 'effective' when over 300 gillnetters participated in the opening?

Moreover, on opening day in 2008 all three of those gillnetters checked were found to be out of compliance with several regulations and Conditions of License. It is these obvious types of scoring errors that erode our confidence in this process and makes us question what information the reviewers are using to come up with their scoring judgements.

TAVEL Response: On going enforcement efforts and compliance of a certified fishery is reviewed on an annual basis as part of the Annual Surveillance Audit requirements.

Indicator 3.4.2.1: The management system includes compliance provisions

SG 60.1 ☐ *The management system includes compliance provisions that are effective for the majority of the fisheries.*

Indicator 3.7.4: The management system solicits the cooperation of the fishing industry and other relevant stakeholders in the collection of data on the catch and discard of non-target species and undersized individuals of target species.

SG 60.1 □ Catch and discard data provided by the fishing industry and other relevant stakeholders are sufficient to manage the harvests from the majority of the non-target species and undersized individuals from the majority of the target species.

As mentioned previously, our group does not have the resources to critique the entire Skeena section but we feel the conservation group Skeena Wild has done more than an adequate job of presenting clear, referenced, credible arguments that seriously question the conditional certification of the Skeena sockeye fishery.

Thank you very much for the opportunity to again have input into this certification process.

Yours truly,

K. Douglas

Chairperson

North Coast Steelhead Alliance

**MSC Certification of British Columbia Sockeye Fisheries – Fred Hawkshaw
Comments, August 24, 2009).**

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V8j-1w6

Dear Sir;

To say we could be approaching an important point in Canada's history of commercial salmon fishing, fails to deliver the full level of significance this certification *could* provide. I should use the word "achieve" rather than provide because as yet, regardless the time spent and degree of frustration seen as wasted by certain entities trying to "get it right" and "git 'er done", nothing can be or will be more important, more significant than getting it done RIGHT, ACCOUNTABLE IN A PRO-ACTIVE MANNER and for all equally. However, having said that, I must raise a concern that defies both logic and management credibility. DFO has just announced they cannot allow a gillnet pink fishery because they are very concerned with weak chum and sockeye stocks. I would point out the gillnet fishery is entitled to 25% of the pink harvest. An Independent Science Review was conducted recently and high-lighted DFO's failure to implement and enforce non-target compliance. The focus was on the gillnet fishery but a DFO Notice posted this spring makes it clear neither the seine or gillnet fishery has met compliance. When a stock or species is noted to be in need of heightened management actions or Conservation concerns are the top priority, it would seem prudent to apply the same level of concerns to all user groups and/or gear types. DFO has chosen to isolate one user group, the gillnet fishery from any access yet has provided full-on access to the seine fleet and full-on access for the Skeena sports fishery. While the seine fleet is on non-retention of sockeye, DFO has done nothing to stop the sport harvest on Skeena sockeye.

Far be it for fishers like my wife and I to want to be part of any fishery that knowingly rejects compliance concerns and Conservation concerns. The bad news is, in the case of the gillnet fishery DFO lumps all fishers into one majority but makes no consideration for the minority. When DFO states there is a majority non-compliance concern, sufficient to shut access down, by default there is a minority segment that they are ignoring completely, denying us a future. In its effort to Certify DFO as a credible management system, is the MSC prepared to certify a management system that defines "responsible", "compliant" or "selective" fishing behaviour, gear formatting as something to punish the minority for even trying to uphold those values or rather, use as an incentive to encourage a viable and sustainable fishery, providing benefit to those individuals who choose to uphold those values? As it stands right now, even after a full review of DFO's Management and enforcement practices only those who have either political backing or the wealth to "persuade" management to direct who will fish and who won't are allowed to- in the face of acknowledged management concerns with non-target compliance, shockingly poor sockeye returns and irresponsible non-target mortality.

Under section 2.3.1.:

DFO has stated there is no opportunity to fish an Ocean fishery without risk to non-target stocks? First we need clarification as to what DFO considers to be an "Ocean fishery"? Is the estuarine fishery or that portion of Area 4 known better as 4-12 & 4-15 or the "River-Gap-Slough" included in an "Ocean" fishery? I could easily accept DFO's concerns as valid in any part of our fishery that occurs seaward of or beyond the limits of the river mouth or those portions of Area 4 excluding 4-12 and 4-15 but hardly one that is constrained within the area of the actual mouth of the river in question known as Area 4-12 and 4-15. The river-mouth fishery offers largely no more risk to stock or species selective fishing than many of the upriver areas now given to Native commercial harvesting – were the same level of compliance management and enforcement applied to our small-boat net fishery as is applied upriver.

To date, our North Coast net fisheries have not fished one hour on Skeena sockeye, neither estuarine or outside the river mouth and will not at all this year. In fact, the Dept has announced there is unlikely to be any further opportunities for the Area "C" gillnet fleet in both Area 4 and 3 for the remainder of the year, "remainder" that started July 21. Haven't we qualified as being fully stock selective enough this year? As I type, this 20th day of August 2009, DFO has chosen to exclude the North Coast gillnet fishery from any access to Coho while giving full-on retention of all Coho for the seine fishery in Area 3. As I write the Dept has also given the seine fleet 100% of the Skeena pinks. Is the MSC in the habit of certifying such prejudiced management, knowing Management created the problem in the gillnet fishery by failing to implement the, original "selective fishing" program than ran from 1998- 2001, plus the recommendations of the PSF- ISR in 2008? Why did one of the industry leaders state in his presentation to the 2003 World Summit on Salmon, all was well, all was good with the gillnet fleet, compliance was 100%, when not even DFO in it's own review of the effort would agree anything of the sort had been attained? Who authorized this person to represent my wife and I? Had we been given the opportunity to represent ourselves, we most certainly would have told a very different story and who knows, had the whole truth come out back then perhaps DFO would have had no choice but to tackle these concerns head-on half a decade ago before so many innocent people and lives have needlessly been hurt? The inherent problem remains-without enforcement, we cannot expect change to occur regardless who said what when.

If weak stock management is the modern agenda, the same must be applied equally to all users. Following the link-up between seine openings in the Skeena and the daily escapement, one cannot help but believe DFO is overlooking seine sockeye by-catch kill? Is a threatened sockeye any less dead if it's killed by a seine or sports fisher than by gillnet? When is a dead weak stock by-caught chum any better off killed and discarded by seine than sold through gillnet non-compliance? Where is our enforcement to protect honest fishers from the ongoing abuse of non-compliant fishers? Where is management to protect compliant fishers from abuse by other user groups such as the commercial upriver sports fishery using the Dept's "majority" clause to target the entire fishery?

Having said all that I must raise the issue of where avoidance begins and where interception breaks down our best efforts to rebuild the Skeena stocks. While DFO appears to be willing to sacrifice our small-boat net fishery for upriver interests which are documented to have generally little better ability to avoid non-target stocks or species than

our fishery with the exception of the Babine Lake terminal fisheries, http://www.skeenawild.org/uploads/reports/recreating_sust_fisheries_feb09.pdf nothing is mentioned by the Dept regarding Alaskan interception which is well documented to intercept considerable numbers of our BC sockeye with little regard to which stock they might be harvesting? I've questioned it before and I must question it again: how does the MSC justify qualifying the south-east Alaskan seine fishery and the Alaskan southeast gillnet fishery as being sustainable when there is always the threat of limited or no fishery allowed in BC on the same stocks? Is an endangered, weak or threatened BC sockeye better off killed in Alaska where it can be sold with an Alaskan MSC Certification than spawning here in our BC river systems? Maybe it doesn't matter because a sport fisher might kill it anyway?

Avoidance is avoidance and if our BC small-boat sockeye net fishery is to be punished for issues only an accountable management system and Canada/US Treaty can address equally for all parties alike, Certification is not in our best interests' period based on what we're getting from the Alaskan Certification.

Alaskan interception of our sockeye is predicated on the numbers DFO predicts will return- *before* anyone knows how many *will* return. In the Canada/US Treaty Alaska is supposed to make up excesses in future years. If our Skeena sockeye are facing an exceptionally uncertain future as it appears they could well be, on what will Alaska make up excess interception? When did too late become acceptable to the MSC? I could be wrong but I believe if I went to the bank and tried to get them to extend my credit based on what I told them I would earn fishing – *next year*, with what is going on with our sockeye today, they would enjoy a good laugh- at our expense. I say the same for the Canada/US Treaty- it's little more than a joke, just like their MSC Certification or DFO's credibility.

When a stock goes into severe decline such as we're seeing in too many of our BC sockeye and chum stocks, there can be no "oops sorry, we'll make it up somewhere in future". If our regular commercial gillnet fishery is held to account on a daily escapement basis, how are other groups different? When the very future of our salmon stocks is in question, no one, regardless Treaties or user group has any right to supersede any other user group or stakeholder of Canadian Citizenship. *Commercial* access is *commercial access*, exclusive of no one, and the rules regarding weak stock management must be applied equally across the board but that's not what's going on today so how does MSC Certification fit into this sort of management system?.

Isn't the issue of upriver demands for control really more a case of political greed: <http://skeenafisheriesblog.blogspot.com/>

There is one example of an upriver fishery, a Native fishery that does have the ability to harvest Pinkut/Fulton sockeye stocks selectively without impacting Kitwanga sockeye. However, because our river mouth fishery is no longer allowed to fish when that stock passes there can be no issue- with our fishery either. That leaves DFO/Ottawa to do provide the Public with some credibility issues, but not "selectively" as they are doing now removing our small-boat net fishery from access altogether to please partisan upriver

commercial sport politics. In 1906 Ottawa made a decision to provide protection for Skeena salmon stocks which restricted upriver native fisheries that used weirs across the river to block passage while they took their food fish. Government felt the commercial harvest would occur downriver where fish quality was at its peak but they need to ensure the fish that passed the commercial fishery were able to spawn. How that affected upriver Native food harvest I cannot pretend to know but there needs to be clearer heads prevailing today rather than the rush to pay back a 100 year debt no one alive today had a thing to do with. To fight over what little is left now is nothing short of foolish, especially on a special stock of BC sockeye that when harvested at it's prime once held the esteemed and prestigious title of "Queen's Pack, the only salmon fit for the Queen of England.

As for stock specific or selective fisheries, were the target stocks of issue, (Pinkut and Fulton sockeye stocks) marked upon immergence, <http://www.nmt-inc.com/> (Northwest Marine Technology™) and the fishery encouraged to embrace a live harvest fishery – (such as my wife and I {and other jurisdictions} have practiced for the last 17 years), not only would there be an immediate correction on non-target species mortality but also the ability to harvest marked stocks with little risk to unmarked stocks of the same species. This would then qualify DFO for a transparent and credible management Certification- if we can get the MSC to bring the Alaskan net fisheries in southeast, the BC seine and sports fisheries to the table of honest sustainability and non-target compliance. When such technology is capable of benign computerized marking technology so fine they can nose tag and mark even pink fry, BC has missed an awful lot of opportunity. How many Skeena enhanced sockeye have been lost due to non-compliance- lost to the need to protect weak stocks? How many healthy Fraser stocks could have been harvested without risk had such tagging been employed- in concert with industry accepting a live harvest fishery?

In Principle 7.3.1- MSC principle 2:

There appears to be a concern expressed that management give top priority to ensuring specific aspects of species and stock integrity are met, not the least of which is genetic. Genetic integrity takes us to areas possibly left out of the certification process such as size-selective fishing gear and practices? When the genetic structure of a naturally evolving species/stock is driven awry by virtue of size-selective fishing gear, we do harm to spawning habitat (**see attachment**) and, I would suggest, future generations of that stock? Not being a scientist by any stretch of the imagination, but trusting in sound science to find cause to be concerned, I find it disheartening if not disingenuous that management refuses to recognize or acknowledge size selective fishing and gear is an issue that must be addressed. (**Attached as URL**):

<http://66.102.1.104/scholar?q=cache:hcQfVIqm-jcJ:scholar.google.com/&hl=en> –
 “Evolutionary consequences of fishing and their implications for salmon”

Why the concern? (I'm so grateful you asked.) Rather than provide responsible guidance and direction for our fishers going forward, DFO has chosen the "easy" way out- reduce access to one segment of what's left of Canada's wild salmon fishery to limits so small Canada's last great fishery now faces total socio-economic collapse. Had DFO accepted the findings of science decades ago, perhaps there would be no need to destroy our small-

boat net fishery as is the case today? I ask you, how can DFO justify faulting our small-boat net fishery for issues only DFO knew about and has the exclusive ability to affect changes on? In 2004 DFO found size-selective fishing played a role in sex selection. (**attached**) That can't be good but they know there are solutions that won't require deleting our small-boat net fishery they continue to reject. DFO has known since at least the 1930's size-selective fishing/gear has a genetic affect on salmon. (**Attached**) Science needs to be given the credibility it deserves. Under MSC Certification would it remain Management's right to reject the findings of sound science in the face of what our deliberately size-selected sockeye are facing today? Does Management have any right to reject anything from sound science that would prove proactive today? Does DFO have any right to reject change, the very issue we've seen a desperate need for many years now?

In Principle 3.0; DFO gives the impression habitat is a priority concern? Apparently the Auditor General didn't get the same impression, releasing a scathing report on DFO's failure to manage salmon/fish habitat as they claim:
<http://www.vancouversun.com/technology/Ottawa+fails+protect+fish+habitat+Fraser+River/1606961/story.html> Now I don't claim to be the brightest bulb in the room but, if this is what DFO Management and sooner than later the MSC is basing their management credibility on ...? To date the Dept has used every excuse in the book to avoid accountability as to why BC's wild salmon stocks continue to decline and the fishery the MSC has been asked to qualify as being sustainably managed facing certain viability extirpation. I could be wrong but with viability in the BC salmon net fishery about as far removed as the moon, DFO has nothing on which the MSC could base any degree of Certification much less something of any tangible credibility- today or tomorrow and who knows for how much longer into the distant future. (While I'm on the subject of viability, with pinks now commanding a shocking \$0.10 per pound, there isn't enough salmon of other species that will be caught as by-catch to justify a pink fishery, yet the Dept will provide seine access regardless because that's how the corporate/Union politics of the fishery work. I think if we looked back to the destruction of the east coast cod and fishery we'd be looking at a repeat of essentially the same players? We see a small glimpse into the Dept's address to these concerns I raise through this years announcement a seine fishery will occur in Area 3-1 **provided** seines are equipped with camera monitoring and access to a fishing/landing monitoring agency qualified by the Dept to provide assurance of honest data.

“Category(s): COMMERCIAL - Salmon: Seine

**Subject: FN0640-COMMERCIAL - Salmon: Seine - Area A Seine - Areas 3, 4, 5, & 6
Opening - August 23**

Area 3

Seines open 16 hours 06:00 hours to 22:00 hours Sunday August 23 in Subareas 3-1, 3-2, 3-3, 3-4, 3-7 & 3-9. Min bunt mesh 70 mm. V.O.# 2009-NCSAL-070

Special note: Subarea 3-1 is only open to seine vessels that have operating cameras installed and are subscribed to an electronic monitoring program, in accordance with the Area A conditions of licence.

Note: Coho retention is now allowed in Area 3. This is a pink directed fishery, with coho retention. Sockeye, chinook, chum, and steelhead mandatory release.

In the announcement the Dept states to date no seine has been able to afford and meet such criteria so the area and any special access remain closed. That wasn't quite true, the Dept did have one seine vessel fishing in Area 3-1 but I believe he was equipped with a camera but don't know if it was provided by the fisher or through a study. Did he take any Skeena sockeye? Were they all from the enhanced stocks and how will we know- **2.3.1 Skeena Sockeye Fisheries**

Skeena and Nass sockeye are currently harvested in marine portions of Areas 3, 4 and 5 and fresh water areas within Area 4 (Skeena watershed).

From experience I can safely state if he was allowed to retain "sockeye" during that operation, without a doubt Skeena sockeye were harvested. Was it the fishers fault? Was it up to the fisher to know the Skeena was not going to attain its sockeye escapement needs this year? By the time this particular fishery was allowed, the Dept had already shut the gillnet fleet out of Area 3 altogether due to low escapement numbers into the Nass, low compliance with releasing weak chum stocks and terrible sockeye escapement into the Skeena. Whose fault is it that the gillnet "majority" have not accepted full compliance with regard to non-target or weak stock management – *Management* being the key word? Why has enforcement not been allowed to do its job as the Public Trust expects or responsible fishers are due? In the Dept's August 21 release to the gillnet fishery we see clearly there still is no trust compliance has been accepted by the majority. Why is the Dept blaming honest fishers, punishing them for issues they have no control over, never have and won't be allowed to until Ottawa and DFO does the job Canadians pay them to do! (PSF - ISR attached)

My concern is, if any seine were able to provide the criteria, they will be intercepting Area 4 or Skeena sockeye. The Area 4 gillnet fishery has 75% access to any Skeena sockeye harvest, the seines 25%. With zero Skeena gillnet access this year management cannot justify giving the seine fleet any Skeena sockeye regardless the number of pinks available for harvest. Having said that- prior to Aug 10th, we see the Dept has done just that- given the seines full access to Skeena pinks, even though each day they fish the escapement numbers of sockeye take a hit.

DFO claims seines can produce minimal non-target mortality; yet they cannot qualify a seine fishery that produces live by-catch sufficient to provide assurance non-target species will be released alive – and then do they survive long-term to actually spawn?

So what you ask? When any by-catch stock or species has disqualified any fishery or gear type from access because of a perceived or qualified non-compliance level by gear type, we must assume there is either a serious issue with lack of enforcement or a conservation issue not being addressed as expected by management from the fishers? That said, management cannot justify enabling another user group/gear type to fish when there

remains any doubt as to level of assured compliance within either group/gear type, yet that issue remains within all our net fisheries still! (Attached) The problem is, not even proof bothers DFO Management, they “select” who they want to survive and who they don’t want in the fishery without ever giving all individually accountable fishers equal opportunity on documented and proven accountable data. Don’t ask me why, DFO doesn’t provide answers to questions that they don’t want to answer or might expose political bias.

Credibility is based on earned Public Trust, pro-active management and sound science, not the direction partisan politics would drive Ottawa to take. Only recently we saw Environment Canada accepting proposals from the two canneries here on the North Coast to dump fish waste, aka- salmon offal into our waters. This wasn't just BC salmon waste but a majority of Alaskan salmon waste produced from processing Alaskan salmon brought here for processing. To the immediate North of this proposed site lies a Rockfish Conservation area and to the immediate south lies some of our best rockfish/lingcod spawning grounds, both within a stone's throw from the proposed 7,000 Metric tonnes of putrid, high nutrient waste dumping. Such high nutrient waste would be considered a threat to water quality by responsible management systems. That such a proposal was even accepted for review smacks of Government indifference to our water and fish habitat quality. Will it be approved? We have no idea as yet but if it is, the MSC has no business sanctioning certification of any of our BC fisheries regardless species because there is no assurance or Public Trust DFO has the willingness or ability to change it’s own attitude towards it’s responsibilities as managers of these resources and our fish, their habitats and water quality for ALL Canadians alike, to benefit equally, today or tomorrow.

I must include a very transparent concern- DFO and Ottawa must be stopped from using the abused phrase “Selective” (as in which harvesting method is preferred or vested heavily in by the canneries, thereby deleting independent fishers and any hope of a high value, low risk honestly accountable fishery in which trust has more credibility than camera’s), “Integrated Fisheries” (DFO’s intent to cover up the loss of our small-boat salmon gillnet fishery) or “Majority” (DFO’s excuse to deny independent and/or accountable fishers from leading the way to change forward) to delete individual honest, accountable *Canadian* (all races) salmon net fishers from the BC commercial Area “C” salmon small-boat net fishery.

Add-in: 14:14/03. SMALL SCALE FISHERIES >> LARGE SCALE FISHERIES:

The University of British Columbia completed a study comparing small scale to large scale fisheries, determining that the small scale, coastal fisheries are “our best hope for sustainable fisheries.” The study was published in the science journal *Conservation Biology*.

Smaller fisheries, defined as fishermen operating boats 50 feet and smaller, were shown to produce as much annual catch for human consumption as the large industrial versions, yet used less than one eighth as much fuel. Other advantages to the smaller operations were the use of selective gear that minimizes bycatch and has less destructive impact on sea environments.

Unfortunately, the study points out, small scale fisheries are not given as much support as their industrial counterparts. Many governments subsidize the fuel for large scale fisheries in order to make them economically viable (worldwide, about \$25-27 billion in subsidies goes towards large scale operations out of \$30-34 billion in total subsidies) and **market-based “sustainable” seafood systems tend to discriminate against small operations**. The papers co-authors believe that the solution to reducing pressure on vital fish

stocks and allowing global fish stocks to rebound is to eliminate these government subsidies, allowing small scale fishermen to thrive in their local markets.

The study can be read in the August 2008 issue of *Conservation Biology*, but a non-subscriber version can be found at <http://scienceblogs.com/shiftingbaselines/JacquetPaulyConBio.pdf>. The graphic going with it, providing a very nice-and-neat visual comparing small and large fisheries, can be viewed at www.seaaroundus.org/News/Fig1ConBio.pdf. Both the study and the graphic require Adobe Acrobat Reader. A summary of the study, with links to the graphic, a video interview with the authors, and the study itself can be read at www.publicaffairs.ubc.ca/media/releases/2008/mr-08-109.html.

Rather than delay any longer, rather than continue trying to fruitlessly (against corporate demands) to protect our rights as Canadian Citizens, rather than try and convince the powers that be too much corporate influence has been used to pick and choose who wins and who will lose – in a game no one will win if this abuse of power and wealth isn't stopped, I feel it is better said by a writer from back east, from someone who can speak from first-hand knowledge as to what happens when corporations, unions and politicians of all stripes are allowed to over-ride sound science and the health and well-being of our Canadian Public Natural Resource Treasures.

<http://www.flmnh.ufl.edu/fish/InNews/fishstocks2008.html>

Fishing The Fish Stocks To Extinction

November 26, 2008

Release from: Jeffrey Simpson
Globe and Mail (UK)

HALIFAX - Earlier this year, scientists in the Department of Fisheries and Oceans again told minister Loyola Hearn that cod were disappearing fast in the southern Gulf of St. Lawrence.

Their findings were posted on the department's website. "The stock is headed to extinction," they warned. If the minister allowed a catch of 2,000 tonnes a year, the stock would be gone in 20 years.

As a result, the fishery was closed. But not for long. The fishery was reopened for a 2,000-tonne catch, exactly the size of catch that the scientists had warned would extinguish the stock.

We have seen this movie before. It's called the tragedy of the commons, wherein a common resource gets fished to extinction because no one owns it except the Crown, whose minister is pushed and pulled by vested interests and individual fishermen, and who is, therefore, prone to put short-term employment first and conservation second.

The northern cod stock off Newfoundland produced 800,000 tonnes of fish a year in the 1960s. Today, it produces next to nothing, and should actually produce nothing at all.

The only reason fishing is allowed stems from political pressure to let some fishermen have at the dilapidated remains of a once-great stock. A moratorium was imposed on commercial fishing in 1992. Ever since, various groups have agitated for this or that part of the fishery to be reopened, especially close to shore.

Scientists consistently warned that any cod caught inshore might jeopardize recovery farther away from the coast. They also warned that the inshore fishery was fragile in the extreme. When the minister reopened a small inshore fishery in 1998, it had to be closed again in 2003, because catch rates were so small. A food and recreational fishery, opened in response to political pressures, had to be closed. And now, another fishery has been reopened for a 7,000-tonne catch, without any target for rebuilding the stock.

Why does this happen? Why do fisheries ministers make decisions directly contrary to the scientific advice they receive? Why do they take decisions that imperil stocks, even to the point of extinction?

There are many answers, but one stands out: We use a common property resource ownership for many fisheries, a system over which the minister has considerable discretion and who is thus constantly pressed to put access to fish first and conservation second.

Fishermen, fishing companies and, quite often, provincial governments advocate for greater access to the stock. They want income, jobs, tax revenues. Provinces have licensed too many fish-processing plants. Those plants desperately need fish to process, so employees can get enough work to qualify for unemployment insurance.

Two fundamental changes would help. The country could accept the emerging international evidence that the common property regime actually imperils conservation and switch to individually owned quota shares, as in the United States, Australia, New Zealand and Iceland. More important, Canada needs to overhaul the legislation that gives so much discretion to the minister.

Jeff Hutchings of Dalhousie University recently delivered a wonderful overview of Canada's fisheries failures in a lecture titled Lament for a Nation's Oceans. "The Fisheries Act has failed to provide for and protect fisheries," he argued. "It's been under the auspices of the Fisheries Act that fishery declines took place."

Under the act, he continued, the fisheries minister has "arguably the greatest discretionary power of any minister of the Crown." The department exists both to promote the industry and to conserve the resource. The objectives are often in conflict.

Prof. Hutchings and many other fisheries scientists prefer the U.S. approach. There, under the Magnuson-Stevens Act, the government must establish targets and reference points to rebuild stocks. There's no discretion, no caving in to local interests. Conserving and rebuilding the stocks come first, last and always.

Unless conservation becomes the basis of Canadian legislation, so ministers are always obligated to put the long-term health of the fish stocks ahead of the short-term gains of local interests, stocks will remain fragile, and some of them, as has happened and is happening, will be fished to extinction.

MSC Principle 1

A fishery must be conducted in a manner that does not lead to over-fishing or depletion of the exploited populations and, for those populations that are depleted, the fishery must be conducted in a manner that demonstrably leads to their recovery.

Very poorly worded. Instead of “the fishery must ...” this must be changed to read: “All fisheries regardless their: intent or priority, location, gear type, license category or gear format criteria must be conducted in a non-partisan, unbiased manner and all parties/stakeholders integral to the whole being fully included in a manner that ...”

MSC Criterion 1.1

The fishery shall be conducted at catch levels that continually maintain the high productivity of the target population(s) and associated ecological community relative to its potential productivity.

Until DFO marks the Babine Lake enhanced sockeye stocks; until all user groups choose to accept harvesting methods and gear formats that will effectively provide for successful elimination of non-target mortality and long-term survival to spawn of non-target fish released after capture beyond acceptable rates, no one can or will know proactively where a break-down in harvest rates begins or where it will end. Reactive data is nothing more than the perfect loophole for access, by-catch and interception abuse.

Indicator 1.1.1.4: Where indicator stocks are used as the primary source of information for making management decisions on a larger group of stocks in a region, the status of the indicator stocks reflects the status of other stocks within the management unit.

Management certainly gave no indication regarding this issue on their decisions this year for Skeena sockeye stocks with regard to seine and sport fisheries! The only thing of note this year was DFO’s “admittance” they’ve abused Public Trust on non-target compliance in the gillnet fishery by shutting it down completely. Seine compliance has been nothing to be proud of so why weren’t they shut down? Were my wife and I and others who did fully comply at fault because DFO refused to apply or enable sufficient enforcement to correct majority non-compliance?

Indicator 1.1.1.5: Where stock units are composed of significant numbers of fish from enhancement activities, the management system provides for identification of the enhanced fish and their harvest without adversely impacting the diversity, ecological function or viability of unenhanced stocks.

Here we have the perfect opportunity to achieve a number of essential things. 1) protect what's left of our small-boat open access net fishery; 2) provide security for non-target stocks and species; and 3, possibly the single most important issue to address as access overall is reduced- provide tangible support mechanisms to build a live harvest fishery in our Area "C" 4-12 & 4-15 small-boat net fishery. How will this be achieved- with a little education and a lot of care for the future and viability of this and all our other fishery resource users. The only two sockeye stocks presumed to have the ability to sustain our commercial net fishery are the Pinkut and Fulton spawning channel enhancement facilities. We have the technology to mark all emerging sockeye fry before they leave the channels, but it would be of no use without a live harvest fishery. Clearly, going on what DFO has posted this week for the gillnet fishery, even with change to behaviour, that will still not be enough to protect non-target stocks and species from net trauma and damage or to provide for a live harvest fishery that will maximize it's values. Sockeye caviar, a product so special and unique when it's harvested from Ocean-bright fish, is so valuable it's true worth and potential have never been considered. Given we can no longer kill what industry demands; and given the canneries have no interest in encouraging maximum value recovery to create a viable small-boat net fishery in today's world of heightened ecological concerns, their sole focus apparent being on their seines and upriver commercial Native access, with no other alternatives immediate or on the horizon, it is too hard to argue marking these two important stocks isn't the only way forward for all. Were there a credible sport fishery, any sockeye not marked would have to be released; any unmarked sockeye caught by seine as target or by-catch would have to be released; and in the small-boat net fishery, and unmarked sockeye would also have to be released. The good news is, management actions such as are being imposed on us today would no longer be necessary, the only concern being enforcement of behaviour. Instead of the current common gillnet format, a small-mesh material would have to be enforced in concert with education on its application and format. I note the Alaskan gillnet weight on Nass sockeye this year is 6.2 pounds average. Do we have the average weights for BC catch?

Last year it was noted the Skeena upriver Native commercial fishery average was 4.2 pounds (sockeye) while the gillnet average was 5.2 pounds. My wife and I, fishing in the exact same areas and time frames as the regular gillnet fishery averaged 3.9 – 4.2 pounds on average. Those weights are all round weight. I don't have the data on Alaskan seine interception on Skeena sockeye weight averages but would suggest it's a good thing it isn't gillnets that intercept our Skeena sockeye because we would see an even lower average weight here in our fishery as they would filter out the largest fish before they cross the border. A seine fishery has a significant advantage when it comes to size-selective fishing- they do not discriminate by size. The upriver beach-seine fishery does not select for size but the net my wife and I use and have used since 1996 is given zero credit because DFO has refused to accept the role size-selective gear has played in the decline of our salmon. If DFO does choose to implement quota in the salmon net fisheries a very real concern exists- the issue of selecting for the largest fish- salmon are bought by the pound and the buyers choose to pay more for the largest fish. If discarding is a concern now Will the seine fishery release the larger sockeye? Will the upriver fisheries release the larger sockeye? If no one is willing to stop selecting for the largest fish, DFO will have no choice but to chop the percentage of total fish harvested. What

would be gained from a smaller fishery if more “fish” could be harvested while using gear or behaviour that reduces the take on the larger fish without further risk to the resource? Even from enhanced stocks, is there a point at which constantly selecting for the larger fish for harvest will eventually lead to that stocks downfall? If a stock can be weakened by genetic degradation, is it not more vulnerable to disease and predation? Would said stock not be less able to compete effectively for food?

Unless the gillnet fishery is altered to correct these issues, there can be no doubt it's future is very close to being extinct- and us along with it, something we would not choose to do voluntarily. Until now DFO has refused to recognize individual rights, regardless degree of compliance and acceptance for change. Will MSC Certification cause DFO to recognize our rights as being equal to all others, that change is our right, a collective right and that fishing, commercial or sport by any manner or degree is nothing more than a privilege accorded those so licensed by Public Trust other than the one exception- Native FSC rights.

Indicator 1.1.2.3: The age and size of catch and escapement have been considered, especially for the target stocks.

*In 2005 my wife reported to DFO Management that we were seeing very few 4 year class fish in our catch, and what few there were, were mainly males and very small males. We were told this year a repeat of that scenario has occurred, with a difference- there were also no/very few 3 year males (jacks) In 2004 DFO undertook a study to learn why there was a large disparity in sex ratio on certain Fraser stocks. (Attached) Not only are we seeing what we believe are disturbing events occurring here on the Skeena, was there any conclusive studies done leading up to and as the Smith's Inlet sockeye were collapsing that might provide us with clues as to what we might be headed for up to here on the Skeena? Just because Ottawa and DFO refuse to accept the issues with size-selective harvesting, aka poor or “re”active management, gives no one any right to avoid giving this issue the deepest and earliest conclusion possible. We **MUST** have a starting point regardless how nervous it will make DFO and Ottawa Politicians. What is the starting point - SURVIVAL OF THE FITTEST!*

Indicator 1.1.2.4: The information collected from catch monitoring and stock assessment programs is used to compute productivity estimates for the target stocks and management guidelines for both target and non-target stocks.

Doesn't it seem a bit ridiculous to pretend DFO can provide any credible data when Alaska is taking our sockeye before anyone knows what will return and which stock may have hit bottom even before they come into contact with Alaskan fisheries? It takes a minimum of 4 years before the impact from one year's mistakes are known. How many generations beyond that will also be affected when all parties, from Alaska to the PSC, the MSC and DFO play a game of reactive Russian roulette with our fisheries future and that of Canadians sockeye salmon stocks? How do we change the order from reactive to proactive? Easy, take away the power of the Fisheries Council of Canada, aka the cannery organizations to control the politicization of the advisory and management

process and give science it's rightful place that must go beyond the realm of probability in the face of our very harsh and undeserved reality!

Subcriterion 1.1.3 Management goals have been set and are appropriate to protect the stocks from decline to their Limit Reference Point or operationally equivalent undesirable low level of abundance.

Indicator 1.1.3.1: Limit Reference Points or operational equivalents have been set and are appropriate to protect the stocks harvested in the fishery.

The Limit Reference Point (LRP) or operational equivalent set by the management agency has been defined above as “the state of a fishery and/or a resource, which is not considered desirable. Fishery harvests should be stopped before reaching it. If a LRP is inadvertently reached, management action should severely curtail or stop fishery development, as appropriate, and corrective action should be taken. Stock rehabilitation programs should consider an LRP as a very minimum rebuilding target to be reached before the rebuilding measures are relaxed or the fishery is re-opened.”

Management established priorities for access, the top being Conservation, second came Native FSC concerns followed by commercial access. Sport access is at the bottom of the list. Now our Skeena sockeye have entered a dangerous world of unknowns, DFO has completely ignored the risks by reversing these established priorities to give 100% control over the fate of our commercial small-boat net fishers and Canada's commercial sockeye net fishery and Skeena sockeye stocks to the upriver commercial sport fishery. Instead of using fancy words to avoid addressing Canada's Constitutional obligations to the BC at-sea commercial sockeye net fishery as the priority second only to FSC concerns and Conservation, is it possible the MSC could turn a blind eye to its “seemingly” credible goals? Again, I remind the MSC, when a stock is known to be in trouble or known to be on the verge of serious concerns, how can a commercial sport/sport fishery be allowed any access much less priority when said stock/stocks may well be down to 10's or 100's of fish that already may be so genetically decimated that tolerance for any deliberate kill will be too serious to risk?

MSC Criterion 1.2

Where the exploited populations are depleted, the fishery will be executed such that recovery and rebuilding is allowed to occur to a specified level consistent with the precautionary approach and the ability of the populations to produce long-term potential yields within a specified time frame.

Refer to comment on indicator 1-2-1

Indicator 1.2.1: There is a well-defined and effective strategy, and a specific recovery plan in place, to promote recovery of the target stock within reasonable time frames.

Until Management stops unfettered sport target on Skeena sockeye stocks before there is sufficient fish for a commercial harvest, we can rest assured the above will not be dealt with. Commercial sport and sport fishing on the Skeena has become the most serious

threat to both our salmon stocks and commercial small-boat net fishery because DFO Management has decided it is the fishery of priority regardless the state of our sockeye stocks. This is a very dangerous precedent, even superseding Native future concerns. The upriver Skeena sockeye sport fishery is essentially an illegal fishery in that the method for taking a sockeye is a response to that species general unwillingness to actually bite a lure in-river so the practice is actually snagging, bouncing a weight and hook that might have some wool or other such thing to look like a legal lure, at the end of a line along the bottom until a sockeye happens to get the line between it's jaws and when this is felt, the fisher simply jerks the line and with "luck" the fish is snagged at the mouth, giving the false impression it bit. Were there no concerns for our commercial at-sea fishery or our sockeye, so what, who cares but this is no longer the case- we care and so too many other people who's lives and families well-being depend on the responsible management of these resources.

MSC Criterion 1.3

Fishing is conducted in a manner that does not alter the age or genet

(Attached) Again, in this DFO study we see Management still has not come to terms with accepting the impact size-selective fishing intent and gear imposes on our salmon – or is it there just is no concern for our North Coast sockeye stocks and commercial small-boat net fishery?

Indicator 1.3.1: Information on biological characteristics such as the age, size, sex and genetic structure of the target stocks is considered prior to making management decisions and management actions are consistent with maintaining healthy age, size, sex and genetic structure of the target stocks.

100 Scoring Guidepost

- There is comprehensive knowledge of the effect of fishing on biological characteristics such as the age, size, sex and genetic structure of the target stocks and the impact of changes in these factors on the reproductive capacity of the target stocks.
- Management actions are consistent with maintaining healthy target stocks relative to biological characteristics such as age, size, sex and genetic structure of all target stocks.
- Enhanced fish are identified and managed as separate target stocks.

I rest my case regarding the desperate need for DFO Management to acknowledge, accept and implement corrections to size-selective gear and harvesting practices- without destroying our Public access small-boat net fishery as is being done today in order to fulfill the above commitment. (Attached). We have been excluded from the Skeena and Nass pink fishery this year and have been excluded 100% from Coho retention while the seines and likely the Nisga'a gillnet fishers have and/or will have full access to take Coho. DFO has provided solid evidence they have failed, after over 10 years since the "selective Fishing" era, to either enforce or implement sufficient non-target compliance to enable either the minority or the majority within the gillnet fishery to take advantage of these precious opportunities. How DFO can justify either the seine or sport fishery to fish under essentially the same concerns uncorrected is a mystery that can have only one possible

answer- instead of providing the necessary enforcement and management to correct or encourage majority compliance to fulfill the intent behind the “selective fishing” era, DFO has chosen to switch the word to “selectively” choose who will fish and who won’t, who will survive and whose efforts, careers and dreams will be destroyed based seemingly on nothing more than who has the most money and political influence to determine the outcome.

Indicator 2.1.1: The management plan for the prosecution of the marine fisheries provides a high confidence that direct impacts on non-target species are identified.

“The intent of this measure is to ensure that the management plans for the fisheries require collection of adequate data to address direct impacts of fishing on non-target species.”

Question: How is it we are unable to acquire up to date seine by-catch – non-target salmonid species and stocks kill, knowing there is a by-catch kill? What has justified a seine pink fishery that couldn’t have included a gillnet pink fishery along with Coho retention the same as has been given exclusively to the seine fleet this year? Is the wording “collection of adequate data” nothing more than a clever way to disguise the need for providing the full truth for all to know and see but won’t be allowed because of potential political ramifications?

Indicator 2.1.3 Research efforts are ongoing to identify new problems and define the magnitude of existing problems, and fisheries managers have a process to incorporate this understanding into their management decisions.

No doubt there are new problems yet to be discovered but wouldn’t it be appropriate to correct the known issues first so science has a credible starting point with which to go from? DFO Management has and continues to deny and reject any suggestion size-selective fishing is a concern or has had an impact- completely contrary to decades of Global science. At this juncture I believe it’s more than fair to state Management gave up any right to credible management Certification the first time they allowed corporate and/or Union influence to provide harvest direction and fishery behaviour direction. That this issue remains unchanged today, will either be changed or certification failed. No one should be further subjected to a repeat of the east coast cod destruction, especially in the face of this massive collapse of our sockeye salmon stocks in the Skeena and Fraser Rivers this year. In the event next year should return unexpectedly large returns to these two vital systems, while management can not be let off the hook of accountability, the MSC, should it choose to certify the BC sockeye fishery, must determine why such variations could occur- ie: interception concerns more real than ADFG data suggests? Does the MSC, DFO, the PSC or ADFG know how many of our Skeena/Fraser sockeye are killed as by-catch to the huge Alaskan Pollock fishery? We already know that fishery kills enormous numbers of Chinook, and so too other species of salmon, but do we have the factual data as to the origin of the other salmon species?

MSC Principle 2

Fishing operations should allow for the maintenance of the structure, productivity, function and diversity of the ecosystem (including habitat and associated dependent and ecologically related species) on which the fishery depends.

Intent: The intent of this principle is to encourage the management of fisheries from an ecosystem perspective under a system designed to assess and restrain the impacts of the fishery on the ecosystem. The criteria and indicators developed are limited to the impacts of fishing operations and the response and effectiveness of the regulatory system to impacts external to the commercial fishing operations, such as other harvests, climate change, and habitat degradation.

We acknowledge that forces other than commercial fishing may result in a fishery being unsustainable, and that these may be anthropogenic or natural forces. This certification process addresses the impact of commercial fishing on the harvested stocks and the ecosystem, and the response of fishers and managers to changes in external environmental factors.

Given we can provide evidence DFO has ignored its own science on the issue of habitat (Attached) what would suggest we can trust DFO will address these concerns before another year goes by given the desperate state of our Skeena and Fraser sockeye salmon?

MSC Criterion 2.1

The fishery is conducted in a way that maintains natural functional relationships among species and should not lead to trophic cascades or ecosystem state changes.

Until the issue of size-selective gear and harvesting practices is addressed – WITHOUT FURTHER DESTROYING THE RIGHT'S AND EXPECTATIONS OF INDEPENDENT AND RESPONSIBLE "ALL CANADIANS CITIZENS EQUAL" LICENSED COMMERCIAL FISHERS SMALL-BOAT NET FISHERY, we can look forward to fulfilling the above concerns in the worst way possible. Smith's Inlet sockeye collapsed in what can only be described as a "Precipitous Decline". DFO maintains evolutionary events only occur over centuries; sound non-Ottawa gagged science tells us unless DFO Management changes it's attitude and provides responsible correction - that we know doesn't have to involve the destruction of our small-boat net fishery, such events can occur in a few generations or what was not so long ago felt to be in decades can now be described as in less than a handful of decades. Does Ottawa or DFO management have any right to question such demonstrated logic – in the face of possible MSC Certification?

MSC Criterion 2.2

The fishery is conducted in a manner that does not threaten biological diversity at the genetic, species or population levels and avoids or minimizes mortality of, or injuries to endangered, threatened or protected species.

My goodness, even before we begin DFO has gone backwards – still. What harm has the Alaskan interception fisheries done to the above criteria stocks including this year? How many Skeena sockeye has the Area "A" seine fishery killed this year, and do we have any idea from which stocks? How many of the above criteria Skeena sockeye has the Skeena

sports fishery killed this year, another year in which not even Conservation escapement numbers will not be fully subscribed?

Could it be none of these very egregious issues will be addressed until the MSC gives the BCSA their DFO Certification? Wouldn't that be like a threat- that if the BCSA doesn't get its certification, DFO won't have to bother correcting its management practices? We have already discussed the issue of implementation of the WSP and the fact that regulations such as the WSP in one country have no meaning or impact on another country or foreign jurisdiction. Knowing the Alaskan fisheries can not be held accountable for an "oops" during the year in which the "oops" occurs, who would be so foolish as to believe catch-up-make-up in subsequent years will bring back damage already done? No, don't question me; ask DFO or the PFRCC how many hours the Johnston Strait seine fishery came within of completely wiping out the Fraser River sockeye a few years back? Today we're not talking about the possibility for wiping out 10's of millions of sockeye in 12 – 24 hours or so, we're down to perhaps as few as 100's or maybe a couple of thousand sockeye from any particular Skeena/ Fraser stock, numbers any one seine either in BC or Alaska can scoop up in one set.

Indicator 3.1.3: The management system includes a mechanism to identify and manage the impact of fishing on the ecosystem.

We already have data, dating back to over 70 years ago but the breakdown in the system is, DFO Management refuses to allow the data to be referenced against visible genetic and habitat declines- how will MSC Certification change this? How can decades of sound Global science be called "anecdotal" by a management system that cannot be held accountable- at the very least until after the fact? Who authorized Ottawa to work in complete isolation of Public Trust? Why are Canadians being forced once again to accept the decimation of now two of our most important commercial fisheries, our BC commercial salmon at-sea commercial net fisheries being Constitutionally protected at least until the river's all run dry?

Indicator 3.1.5: Management response to new information on the fishery and the fish populations is timely and adaptive.

Who dreamed this up? Management won't accept size-selective fishing has been an issue for decades- what would cause this attitude to change now? Could it be the NSC defines "timely and adaptive" as being one in which centuries fulfills this reference point? How is the MSC defining "adaptive"? With upriver sport and cannery interests controlling our at-sea fisheries future, is "adaptive" defined as the right of non-participating, non-licensed user groups (canneries are not licensed fishers) to eradicate Canada's commercial at-sea net fisheries entirely, paving the way for nothing other than upriver, Native exclusive commercial fisheries? Did not "Laroche" state and legally define once and for all time, a Canadian commercial fishing license is to provide benefit for the fisher, the person or persons doing the fishing, the only priority? Any other beneficiary is secondary and cannot be defined as a cannery; its shoreworker's or used to create jobs for shoreworker's. Unless "adaptive" is attached with a specific definition and fully disclosed intent, I would suggest this is a dangerously untrustworthy statement in so far

as the future of our regular, all-Canadian citizen inclusive, at-sea commercial gillnet fishery goes.

Indicator 3.1.6: The management system provides a process for considering the social and economic impacts of the fishery.

100 Scoring Guidepost

- There exists a formal and well-defined process to consider, over the short and long term, the views, customs, and interests of indigenous peoples who depend on fishing for their food or livelihood.

While Ottawa believes Native People have special rights, and the courts have agreed, in particular as it concerns FSC rights, when it comes to “commercial fishing” as defined in the Canadian Constitution regarding the BC commercial salmon at-sea net fisher, Ottawa also has an obligation to all Canadian citizens to maintain our commercial at-sea fishery for all those holding a license to legally fish for salmon for commercial purposes. Judging by what we’ve seen lately from DFO, it could well be that Ottawa is no longer interested in providing opportunity or access for non-Native Canadian citizens period?

If that’s the case most commercial salmon net fishers are heavily vested in vessels and gear specifically designed for the purpose of harvesting salmon in the marine environment, namely the area defined as our at-sea fishery areas. Our license has no value without our vessels and gear and conversely neither has our investments in boats and gear without a license. Canadian citizens like my wife and I bought our license in good faith, that by also buying our vessel and gear we would be assured a right to fish commercially to earn a living to support our families, issues no less important and equally as significant as they are to any person of Canadian Citizenship- regardless race. If the rights of non-Native citizens of Canada are to be stripped away because Ottawa has no respect for the rest of its citizens, the trust we invested when we bought into this fishery 32 years ago must include the buyout of our gear and boats. Taking away our right to fish by stripping us of our licenses to satisfy political agenda’s, leaving us burdened with vessels and gear unsuited for other purposes is not only uncouth, it is anti-Canadian, unconstitutional and leaves our non-Native fishers with a totally irresponsible and expensive burden we could never have anticipated or trusted would be dumped on us by our Government.

- There is a formal and well-defined process to consider, over the short and long term, the impact of the fishery on coastal communities that are closely tied to the fishery.

This has already been betrayed and in the process of being destroyed. In 1906 Ottawa decided the at-sea commercial fishery would be the site for harvesting BC’s salmon for commercial purposes. As the processing sector began to consolidate its holdings and chop processing facilities, coastal communities, in particular Native communities were the first to be hurt. After the big bailout in the 1990’s the canneries grip on the industry became profound and exclusionary. By that I mean they could control the prices paid for our salmon and begin the process of controlling who fished, when, where and how. With little or no competition for buying sources, especially here on the North Coast, and

shipping/trucking a very expensive and constant concern for anyone fishing- marketing outside the circle of cannery dependence, and no support for changes within the fishery in response to declining stocks and access, changes in how our salmon are harvested to maximize overall benefit sharing, coastal communities outside Prince Rupert are now down to welfare and dreaming of what could have been. This has lead to Native peoples crying foul at what has happened to our salmon, our fishery that used to be our collective coastal everything. Sadly this has lead to most of our salmon access shifted upriver into upriver sport and Native hands, leaving coastal communities with not even the ability to dream. There is one issue no one speaks of, especially in this document; the issue of access being completely equal to all person of Canadian citizenship regardless where they live. For example, my wife and I chose to move to Terrace, a community upriver from Prince Rupert. There are a considerable number of people who also live here and from surrounding Native communities who also fish in our at-sea commercial fishery. Our fishery is open to any and all Native persons regardless where they choose to live. Lately DFO has chosen to shift much of the at-sea fisheries access to upriver interests but the fish still go down to the canneries. There are 257 "N" or Native only licenses available, many now unused because of the state of the fishery. While I understand the need to share the wealth, with so little wealth left as our salmon are driven over the edge, would it not make sense to enable upriver Natives to share in access to these licenses and be provided with a vessel and better gear so what little worth is left from what little salmon we have left isn't lost in lower upriver quality? On the Fraser I understand upriver licensed Bands are looking into recovering the caviar. That would help shift the loss in flesh value. What it doesn't do is generate increased benefit overall. If all we achieve by pushing the harvest upriver is to downgrade the flesh value and try to balance it with caviar recovery we've achieved nothing other than to provide certain families with a different lifestyle other than logging or mining and taken those values away from the area the entire values could all be increased. If a person of native decent would rather fish than log to earn money, would they not be better off being assisted to be involved in the at-sea or downstream fishery where both values, flesh quality and caviar recovery would be magnified considerably? I would not be so bold as to suggest anyone should change where he/she chooses to fish, but when all we're achieving is robbing "Peter to pay Paul" in a lose-lose shift, what do we as a society gain? There could soon be many fishing vessels with no value after this season that could be bought up by Ottawa and we gain two ways- those who can no longer afford to remain in the fishery will not be left with the burden of costly vessels they cannot fish but must maintain and insure and upriver fishers could be given these vessels to be part of our Canadian heritage, our tradition in harvesting the most priceless and best recognized quality sockeye salmon in the world, the BC commercial Skeena sockeye salmon fishery? Maybe they wouldn't feel comfortable fishing off a boat, that's why DFO is compromising our regular sockeye fishery, to assist those who'd rather be allowed to participate where they live. However, don't we also have to include those Canadians who live outside the City of Prince Rupert in having the choice to earn a living participating in this fishery where they live? DFO is trying to provide fishers who live in Kitkatla with access to a fishery close to their community, too far for other fishers to consider viable today when other areas are also open closer to where they live.

However, this is not sustainable because with so few salmon to share and so many places where individuals want to be allowed to fish, Ottawa has no choice but to buy out at least

75% of the small-boat net fishers. If we do the math we can see why. If the average earnings this year were \$5,000- before expenses for 658 licensed fishers but only 250 fished, and in today's world it requires exceeding \$30,000.00 just to get above the poverty line- after expenses of maintaining a vessel we need to remove sufficient licenses altogether forever – period regardless classification to enable each fisher/license to earn a minimum \$30,000 after boat expenses. If boat expenses range around \$10,000.00 per year we need to increase harvest shares to \$40,000.00 per license. Given we've fallen \$5,000.00 beneath vessel maintenance costs this year on average and only 250 boats fished, up front 400 licenses must be removed forever from ever fishing again. Next we need to provide each license holder with sufficient salmon to earn \$40,000.00 before expenses- minimum but with our salmon in such a poor state that's a good start. For upriver Natives they have access to alternate jobs in the logging and mining sectors, coastal folks don't; alternate jobs are extremely limited and access to alternate fisheries is no longer an option or viable option unless one is already a millionaire. To earn \$40,000.00 at today's cannery prices each fisher will have to catch 4,000 sockeye or equivalent chum which are facing serious issues themselves, or pinks which at \$0.10/lb would require – $4\text{lbs} \times \$0.10 = \0.40 per one $\times 100,000$ pinks- never going to happen for the small boat fishery- ever. If all the sockeye that's to be available much longer, with Alaskan interception at first base, Nisga'a Treaty access at second base in the Nass, and who knows maybe no Skeena sockeye for access for years to come if things don't turn around or if they do already 50% of that gone upriver and 25% of the remainder to the seines; if that's the future of the small-boat at-sea net fishery including the seines, would 50 small-boat net fishers still be too many, and one seine? I don't have to make this up, this is our reality today- how can the MSC justify certifying anything in BC?

- There are no direct subsidies to the fishing industry.

First the fuel subsidy now provided by the canneries to their “loyal” fishers would have to stop. Securing fish through fuel subsidies is unconscionable today. All that achieves is give the canneries another excuse to pay as little as possible for our salmon which only hurts independent fishers who seek better ways to harvest their salmon and better paying markets that respect honestly sustainably harvested BC salmon. I could be wrong but would UIC or EI be considered a direct subsidy? These benefits are available to all shore workers and fishers who have earned enough to qualify. In these deeply troubling times no one should doubt it's value, especially in outlying Native coastal communities but ... The bad news is we've all been hurt by this collapse in our salmon and fishery so who can claim Government benefits and who can't if in doing so it could be seen as a direct subsidy to supplement what some would suggest is an issue largely brought on by industry itself? What exactly is a “direct subsidy”? Whenever outside money can be shown to carry an industry over that has done nothing to better itself with Public resources, knowing modifications to how that industry conducts its business are available, modifications that would extend the sharing benefit far and wide, would said industry not be better off from a resource sustainable perspective if that subsidy were not available except under severe duress such as the industry is now experiencing? Would the industry as a whole not be far better off if a time-line were put on how much longer UIC would be made available to the industry as a whole, shoreworker's included? The BCSA suggests the MSC accept timelines for DFO to accept and implement the WSP. The longer

Government provides the disincentive to reject change, the longer more people will continue to be hurt. The longer Government continues to provide the perfect reason to reject accepting the findings in the WSP, the longer we'll all be stuck with far, far, far too many nets chasing far, far, far too few salmon.

- The management system regularly seeks and considers input from stakeholders in an effort to understand and address socio-economic issues related to the fishery.

What's this- joke of the century? My God, I've never heard of anything so ridiculous. Were such a thing true; were such a thing even possible, we would not be in this position today! I have a letter from Ottawa stating clearly, DFO, under no circumstances, for no reason will get involved in the socio-economic issues related to industry, those are issues left entirely to the responsibility of the Province! Ottawa made it very clear their only role is management of the resource and fishery.

I have repeatedly asked, repeatedly requested please, support for all the above and time after time we're told the Dept can do nothing, anything to do with those issues is entirely up to the advisory process, (CSAB on down) the union and the fishery majority. Somehow, a fear built around the canneries has gripped the net fisheries like an iron cage and the majority of fishers fear even considering much less supporting anything that is outside that cage. It's as if the canneries have even managed to can the majority, breaking the whole up into pieces to fit their cans alone so anyone with the determination, the will and innovation to be successful by being fully accountable, totally committed to responsible fishing, anyone who is seen as being independent will fail. Seines, gillnets, upriver fisheries, Native Treaty fisheries, Alaskan access, all cannery pieces tied together to protect one entity and one alone- and one bottom line, the canneries. Our coastal communities- what communities, look around the coast and see what has been left before blindly assigning MSC Certification to a very, very few select individuals. Consider what was left to the east coast after this steamroller was finished.

TAVEL Response:

Mr. Hawkshaw has been an active, passionate participant in the MSC Sockeye certification process since the inception of the project. Mr. Hawkshaw's submissions tend to be long and often ramble however, his concerns have always been related to DFO's history of not providing encouragement, incentives and rewards for fishers that comply with regulations, provide accurate data and use selective fishing techniques.

In response to those concerns, TAVEL would respond that Condition 13a, 21a, 35a, 35b, 35c, 36b and 36c all address the issue of reliable catch reporting and the need to implement selective fishing techniques. The MSC certification process does not provide any guarantees that DFO's approach to managing the Skeena gillnet fishery will change or that fishers will provide accurate catch data and use selective fishing techniques. However, MSC certification does create an incentive for change and provide the clear requirement that these conditions must be met within 2 years for the fishery to retain MSC certification.

Appendix 7B - Response to comments received on Nass Sockeye Fishery

The Assessment Team has received a number of submissions containing comments and critical reviews of the scoring for the Nass sockeye fishery since the release of the first draft report on BC Commercial Sockeye Salmon Fisheries in 2007. The most detailed of these documents were submitted by the Watershed Watch Salmon Society (Hill 2007; Hill 2009a). Many of the issues and concerns identified in the first WWSS submission (Hill 2007) have been repeated in subsequent submissions; therefore, our first series of responses will address the address the “major problems in the management of the Nass sockeye fishery” provided in Hill (2007). Subsequent responses will be provided for additional concerns identified in subsequent submissions. The document title for each submission will proceed our responses.

Critical Review of the Marine Stewardship Council Draft Assessment of Skeena and Nass River Sockeye Fisheries, prepared by Aaron Hill for Watershed Watch Salmon Society, November 2007. 49 p.

The major problems identified in the Watershed Watch Salmon Society review regarding the management of the Nass sockeye fishery are similar to those identified for the Skeena fisheries. Consequently, many of our responses are similar to those provided for the Skeena fishery. The following scoring elements list the “major problems in the management of the Nass sockeye fishery” as provided on page 3 of this report.

- Numerous sockeye stocks are fluctuating at low levels of abundance or declining and the Nass sockeye aggregate is being considered for a “vulnerable” listing by the IUCN..

TAVEL Nass Response 1: See new section in the report regarding the IUCN assessment

- Non-target stocks subject to bycatch in the sockeye fishery are fluctuating at low levels of abundance.

TAVEL Nass Response 2: For Nass sockeye fisheries, all Nass sockeye stocks were considered to be target stocks. Therefore, any bycatch issues associated with Nass sockeye fisheries must be species other than sockeye. Chum salmon is the only species subject to bycatch in the Nass sockeye fishery that has been fluctuating at low levels of abundance in recent years. Concerns regarding the effect on sockeye fisheries on Nass chum salmon stocks resulted in Condition 23, where “*certification of the Nass sockeye salmon fishery is contingent upon developing and implementing a recovery plan for chum salmon stocks that are below their LRP and that spawn in the Nass or its tributaries.*”

- Insufficient status data and assessment procedures for several target and non-target stocks.

TAVEL Nass Response 3: The Team found the available data and assessment procedures to be sufficient to assess the status of most target and non-target stocks. Reliable escapement estimates are computed for the aggregate sockeye return to the Nass River and the Meziadin sockeye stock. However, annual estimates are not available in recent years for most of the smaller sockeye stocks (e.g. Bowser, Damdochax, Kwinageese). The escapement of these stocks could be readily estimated using DNA samples obtained from the Lower Nass fishwheels. Consequently, the *certification of the Nass sockeye fishery is conditional until annual escapement estimates be computed for each of the Nass sockeye stocks targeted in the fisheries for Nass sockeye* (Condition 15).

- Interceptions of weak target and non-target stocks in the mixed-stock marine fishery are continuing at rates too high to allow for the recovery of those stocks.

TAVEL Nass Response 4: We are not aware of any evidence that mixed-stock marine fishery interception rates are too high to allow for the recovery of the target stocks. Nass chum salmon is the only stock harvested as a bycatch in Nass sockeye fisheries that is currently classified as depleted. However, uncertainty regarding the impact of sockeye fisheries on the recovery of Nass chum resulted in the second sentence being included in Condition 23: *“Certification of the Nass sockeye salmon fishery is contingent upon developing and implementing a recovery plan for chum salmon stocks that are below the LRP and that spawn in the Nass or its tributaries. Such a plan must have clear procedures to determine the impact of the existing fishery management system on these stocks and provide for decreasing incidental harvest rates on chum salmon, if harvest pressure is found to have significant risks to chum recovery.”*

- Limit reference points are not defined or effectively implemented for the majority of stocks exploited in the fishery.

TAVEL Nass Response 5: as indicated in the draft report, LRP's have been defined for the aggregate sockeye return to the Nass River and the Meziadin sockeye stock. However, LRP's have not been defined for any of the smaller sockeye stocks (e.g. Bowser, Damdochax, Kwinageese). It is anticipated that implementation of the WSP will include the definition of LRP's or their operational equivalent, in the near future. Therefore, certification will be conditional until LRP's have been defined for each of the Nass sockeye stocks targeted in the fisheries for Nass sockeye (Condition 16).

- Management model is not robust to increasing ecological variability as a result of climate change.

TAVEL Nass Response 6: The current management model adjusts harvest opportunities for all fisheries in Canadian waters based on the returning abundance of Nass sockeye monitored using the Nisga'a fishwheel and mark-recapture program. This management model has resulted in greatly restricted fisheries in years of poor returns. It is recognized that increasing ecological variability resulting from climate change or any other factor, will present challenges for any management system.

However, management systems that are heavily influenced by in-season estimates of abundance will be far more robust than those based on pre-season forecasts or a fixed harvest rate policy.

- Narrow and unprecautionary approach to ecosystem-based management and failure to implement ecosystem-based management provisions of the Wild Salmon Policy in a timely or meaningful manner.

TAVEL Nass Response 7: The Team agrees that the ecosystem-based management provisions of the Wild Salmon Policy should be implemented in a timely and meaningful manner. In most years since 1992 the management system has implemented measures to reduce the harvest pressure on non-target stocks through the use of selective fishing techniques (fishwheels) and time-area closures.

- Inability to enforce fleet compliance with selective fishing measures, bycatch reporting requirements, and other conditions of license.

TAVEL Nass Response 8: As acknowledged above, there have been instances where the management agency did not enforce fleet compliance with regarding to some fishery regulations (e.g. 2006) and there have been reporting issues related to the catch and discards of steelhead for some components of the Nass sockeye fishery. However, these concerns are less significant in Area 3 than Area 4 due to the reliable data collected on all species harvested in Nisga'a fisheries. No conditions related to these issues were included for the Nass sockeye fishery.

- General lack of management control in the marine component of the fishery due to derby-style fishery openings.

TAVEL Nass Response 9: As indicated in Skeena Response 9, the fact that all commercial salmon fisheries are closed until opened, ensures that managers have full control over the opportunities to harvest sockeye. Derby-style fishery openings can result in unexpected levels of fishing effort but gear counts are usually conducted early in each fishery so managers have the information need to reduce or extend the fishing period.

Key Deficiencies in the MSC Re-Assessments of Skeena and Nass Commercial Sockeye Fisheries, prepared by Aaron Hill, Watershed Watch Salmon Society, August 2009. 5 p.

TAVEL Response

Hill (2009a) expressed concerns that Condition 23 does not explicitly require that the impact of non-fishing related human activity (specifically industrial forestry) be considered in the Nass chum recovery plan and deficiencies in the DFO Action Plan response to this Condition. The Team's response to the DFO Action Plan is provided in Appendix 8 .

Hill (2009a) requested additional explanations for the difference between the Skeena and Nass sockeye fishery scoring for Indicator 3.7.1 and 3.7.4. These explanations are provided in the new section under Principle 3 entitled “Performance Indicators scoring <80”.

Appendix 7C - Response to comments received on Fraser River Sockeye Fishery

Review of the July 2009 Marine Stewardship Council draft assessment of British Columbia Fraser River sockeye salmon fisheries. Prepared by Jeffery Young, David Suzuki Foundation, and Ken Wilson, Watershed Watch Conservation Society. August 2009. 10 p.

The issues raised in this review were:

Issue 1: Most sockeye salmon populations not monitored or protected

Issue 2: Fishing continues on target populations below any reasonable LRP

Issue 3: Bycatch of non-salmon species is not considered

Issue 4: Ability of responsible government agency to make necessary fisheries reforms

Issue 5: Inconsistency between assessments

TAVEL Response

Issue 1: Most sockeye salmon populations not monitored or protected

DFO routinely obtains escapement estimates for more 100 sockeye spawning areas within the Fraser watershed and these are used to produce annual estimates of escapement for 25 of the 36 CUs. Seven of the eleven remaining CUs without indicator streams are classified as “non-persistent populations” by Fraser sockeye biologists. For these CUs, spawners have only been observed in years when: 1) the escapements to nearby streams were very high (e.g. Stuart-Estu, Fraser-Es, Nadina-ES, Indian/Kruger Es, and Francois-S); or 2) migratory conditions were poor and the sockeye were not able to complete the migration to their natal stream (e.g. Fraser Canyon-S, Kawkawa-L).

There are three river-type CUs (Middle Fraser, Upper Fraser and Thompson River) where a few sockeye spawners have been more consistently observed but the available estimates are not reliable and these estimates represent fewer fish than the rounding error on the escapement estimates for adjacent lake-type CUs. The Chilko-Es CU is the early timing component of the Chilko run that spawn in streams at the south end of Chilko Lake. For assessment purposes, this CU has been combined with the Chilko-S CU because escapements to both CU are enumerated as the fish migrate upstream through the Chilko River (K. Benner, DFO Kamloops, pers. comm.).

The Team acknowledges that the monitoring data is not adequate to assess the status of all sockeye stocks that spawn in South Coast streams outside the Fraser watershed. However, escapements to many of these stocks are monitored annually (e.g. Heydon, Mackenzie, Sakinaw, Nimpkish, Quatse) and others are monitored on a periodic basis. All of the non-Fraser sockeye CUs were classified as non-target stocks for our assessment

of the Fraser sockeye fishery and information on the status of “inside sockeye stocks” (Dobson and Wood 2004) was taken into consideration in our scoring under Principle 2.

Issue 2: Fishing continues on target populations below any reasonable LRP

The reviewers contend that the following criterion at the 60SG for Indicator 1.2.1 has not been met for Fraser sockeye:

- Stocks are allowed to recover to more than 125% of the LRP for abundance before any fisheries are permitted that target these stocks.

Since the implementation of fishing restrictions to reduce harvest pressure on Cultus sockeye in 1998, no fisheries have been permitted to target these stocks. DFO has defined the Low Escapement Benchmark (LEB) for Cultus and 18 other Fraser sockeye indicator stocks. These LEBs are currently the operational equivalent for the LRPs but are likely to be found to be higher than the LRPs that have yet to be defined for Fraser sockeye stocks. While we can not be certain what fisheries managers will do in the future, the Team believed that the fishery has met this criterion to date and managers will likely require that the Cultus sockeye stock recovers to more than 125% of the LRP (LEB or higher) before any fisheries are permitted to target this stock.

Issue 3: Bycatch of non-salmon species is not considered

The reviewers contend that the bycatch of seabirds in Fraser sockeye fisheries could be very high and significant for some species. Prior to receiving this review, the issue of bycatch of seabirds in salmon fisheries was never raised as a serious concern. Smith and Morgan (2005) used seabird bycatch rates from the Area 21 chum gillnet test fishery (1995-2001), the Johnstone Strait gillnet experimental fishery (1997) and the Area D sockeye gillnet selective fisheries (2000) to estimate the total annual bycatch of over 12,000 seabirds for all BC commercial gillnet fisheries, 285 of which could be marbled murrelets. It is important to note that the results of these types of bycatch analyses are very sensitive to temporal and spatial variability in the distribution of bycatch species. For example: six of the nine marbled murrelets observed in the gillnet catches were from the Area 21 gillnet test fisheries conducted to assess chum returns to Nitinat Lake in late September and early October. None of the fisheries for Fraser sockeye operate in these areas during these time periods. Data from the Area D sockeye gillnet selective fisheries were too limited to derive a reliable estimate of the seabird bycatch for the Fraser sockeye fishery but it is useful to note that no marbled murrelets were caught in these sockeye fisheries. While the report by Smith and Morgan (2005) has identified the potential for significant bycatch of seabirds in gillnet fisheries, their report has not demonstrated that the Fraser sockeye fishery has a significant bycatch issue for any bird species. Therefore, Team found that this new information was not sufficient to justify an adjustment to the scoring for any Principle 2 indicator.

Issue 4: Ability of responsible government agency to make necessary fisheries reforms

The reviewers have raised concerns about the ability of the management agency (DFO) to implement the Wild Salmon Policy and meet all the conditions required for the

certification of the Fraser sockeye fishery. The Team has similar concerns but our job is to define what needs to be done and not to prejudge whether or not it will be done. The later is the responsibility of the team which conducts the annual surveillance audits .

The reviewers have also contended that the “changes required to bring Fraser River sockeye salmon fisheries into compliance with MSC criteria, and meet the current draft conditions, would require changes to the management objectives of the Pacific Salmon Treaty.”

It is well understood that the Pacific Salmon Treaty, the PSC Fraser Panel and its supporting technical committee play key roles in the management of fisheries for Fraser sockeye. The management actions needed to protect and rebuild Fraser sockeye stocks have been and will continue to be discussed under this international agreement. However, DFO has the ultimate responsibility for setting the escapement goals for Fraser sockeye stocks, thereby determining the Total Allowable Catch (TAC) available for both Canadian and US fisheries. All of the conditions associated with our assessment of the Fraser sockeye fishery apply only to Canadian fisheries just as conditions associated the MSC certification of Alaskan commercial salmon apply only to Alaskan fisheries. The draft report did not mention the need for any reforms to the Pacific Salmon Treaty because we do not believe that any reforms are necessary to meet the conditions required for certification of the Fraser sockeye fishery.

Issue 5: Inconsistency between assessments

The reviewers contend that the “lack of re-scoring of Fraser unit in 2008 makes this assessment out-of-date and inconsistent with other units assessments and conditions”.

The fact that we did not re-score the Fraser sockeye fishery, does not mean that recent information on stock status, trends, IUCN findings and annual management actions were not considered in the decision not to re-score this fishery. We recognize that our draft report did not provide details regarding stock status and trends that were considered during the various stages of our review, but not presented in detail in an attempt to control the volume of the report. We hope we have adequately addressed these deficiencies by the addition of new sections on “Stock Status and Trends” and “IUCN Listing of Fraser and Skeena sockeye stocks”. The Fraser and Barkley Sound fisheries were not ignored in the re-scoring process. The Team’s conclusion was that our original scoring was consistent with current status of these stocks and fisheries.

Appendix 7D - Response to comments received on Barkley Sound Sockeye Fishery

Review of the Marine Stewardship Council Draft Assessment of the Barkley Sound Sockeye Fisheries. Prepared by Jeffery Young, David Suzuki Foundation. August 2007. 8 p.

TAVEL Response

The issues raised in this review were:

- Designation of “stock management units” (Indicator 1.1.1.1)
- Reliable estimates of escapement (Indicator 1.1.2.2)
- Limit reference points (Indicator 1.1.3.1)
- Recovery of target and non-target units (Indicators 1.2.1, 2.3.1)
- Availability and use of information on biodiversity (Indicator 2.2.1)
- Clear and defensible set of objectives (Indicator 3.1.1)

Unlike the previous reviews, this review identified specific indicators where the explanations for our scoring rationale in the draft report were clearly not adequate. We have added several new sections to the report that endeavor to explain the rationale for our scoring for all indicators that passed the 80SG scoring guidepost. We have also expanded our explanations for each of the indicators listed in this review that scored less than 80 in our assessment (Indicators 1.1.2.2., 1.1.3.1, 2.3.1) and attempted to address this reviewer’s concerns.

Appendix 7E - Response to comments received from Government Stakeholders



Fisheries
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et Océans

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Your file Votre référence

Our file Notre référence

OCT 24 2007

Mr. Chet Chaffee
Project Manager
Scientific Certification Systems Inc
Marine Fisheries Conservation Program
2200 Powell St., Ste 725
Emeryville, CA 94608, USA

Dear Mr. Chaffee:

INDEPENDENT ASSESSMENT OF BC COMMERCIAL SALMON FISHERIES

This is in response to your request for comments on the Independent Assessment of British Columbia (Canada) Commercial Salmon Fisheries dated August 27, 2007. As you are aware, as the managing agency, Fisheries and Oceans Canada (DFO) has worked with the Client and the Assessment Team throughout this evaluation. We are of the view you and the team has captured many of the most important elements in demonstrating the sustainability of the management system for the subject stocks.

As noted in the assessment, we are continuing to make improvements to the management system (e.g. Wild Salmon Policy implementation, Fraser sockeye stock assessment frameworks and ongoing enhancements to catch monitoring and escapement monitoring protocols). Given the delay between review of the sockeye fishery assessment submission July 14, 2004 and completion of the MSC Evaluation Team's report on August 27, 2007 we think that we have already met 16 of the proposed conditions.

I would therefore ask you to reconsider the application of the conditions contained in your August 27, 2007 report. We have grouped our concerns in the remainder of this letter into five categories. In addition we are attaching an appendix that provides further detail for each of the proposed 36 conditions.

1. Additional analysis of Sakinaw sockeye (Conditions 1, 3, 4, 17 and 18)

Some of the proposed conditions relate to undertaking further analysis to make improvements of the stock status of Sakinaw sockeye. This sockeye system has limited data and current returns are now in the range of only a few fish returning annually. The analysis that has been done has been inferred from this limited data set. Other analysis, like Sakinaw

Canada

sockeye harvest rates, is based on an inferred run timing curve and associated harvest rates based on other co-migrating sockeye stocks.

The available data has been extensively analyzed and there is little to be gained from either further analysis of this data set or trying to undertake any meaningful analysis given current stock levels. While DFO will continue to monitor this system for salmon status and any habitat perturbations, it is felt that further analysis would be fruitless. It is recommended that sections of Conditions 1, 3, 4, and 18 that provide for further analysis of Sakinaw sockeye be deleted.

TAVEL> The conditions mentioned above are appropriate for the performance indicators and final scores. Conditions will not be changed or deleted. In the final report “References to Sakinaw sockeye include other inside south coast non-Fraser sockeye stocks with similar marine distributions and run timing.” This clarification was added because the Team agreed with several reviewers that Sakinaw was not the only depleted non-Fraser sockeye stock caught in fisheries that target Fraser sockeye stocks and the conditions defined for Sakinaw sockeye also apply to these other inside south coast non-Fraser sockeye stocks.

As well, regarding Condition 17, the supplementation program for Sakinaw is intended to be fully integrated with natural spawners and is a planned element of recovery. Given the status of the stock, supplementation is seen a necessary part of recovery; at this stage, efforts to undertake studies to detect impacts of supplementation on natural spawning produced returning adults would be costly and in our view, unnecessary given the low returns.

2. Prescriptive Conditions (Condition 9)

There are some conditions where in our view, the condition provided is unnecessarily confined or restricted in order to meet the indicator. For example, in the example of Barkley sockeye, Indicator 1.1.1.5 provides for ensuring that in those situations where enhanced and wild stocks are being fished together, measures are taken to ensure the (presumably more vulnerable) wild stocks are not impacted while fishing for the enhanced stocks. However Condition 9 refers to the need to assess the adequacy of the strontium marking approach to identify the impact on the enhanced Henderson Lake stock. While the low status of this stock is understood and other conditions do reflect on this, in our view this condition is too prescriptive and therefore is inappropriate for this indicator.

TAVEL> We understand that the hatchery operations for Henderson sockeye ceased in 2007. The intention is to confirm the status of the hatchery during the first surveillance audit visit. Once we can confirm that production is eliminated, then we will rescore as necessary. The condition would remain in effect if in the future the hatchery production is resumed.

3. Conditions that do not reflect the Indicator (Condition 28)

Indicator 3.4.1.2 provides for restoring depleted target stocks to specified levels within specified time frames while Condition 28 references actions related to Cultus sockeye. While DFO acknowledges many responsibilities related to Cultus sockeye (including recovering the stock) throughout the document, this indicator references target stocks; Cultus sockeye is not a target stock and many management measures are taken to avoid or minimize the mortality to these stocks. We believe this indicator should be dropped.

TAVEL> In the early part of the assessment, for which DFO's comments applied, Cultus was identified as an example of a depleted target stock but the team recognized that some may argue that over the past 10 years it has become a non-target stock. We have indicated that our condition related to the recovery of the Cultus stocks would be the same regardless of its classification.

4. Conditions have already been achieved (Conditions 10, 12, 25, 26, 29, 32, 34 and 36)

There are other circumstances where we believe the conditions have been achieved. For example, Condition 10 was based on information provided to the MSC in 2005. Since then, several upgrades have been made to the Henderson Lake sockeye assessment program. The counting fence structure was upgraded in the summer of 2005: panels were improved and a floating structure was put in place to reduce breach events. The mechanical counters were upgraded to pulsar counters and observer calibrations have been conducted regularly to validate the pulsar counts. In addition, swim surveys of Clemens Creek are conducted to estimate spawner abundance through Area Under-the-Curve methods as a back-up to the fence operation in the event of breaching. Through these efforts, we feel that we are generating reliable escapement estimates for Henderson sockeye.

Condition 12 indicates certification is conditional until there is evidence of the productivity of non-target stocks being considered when the interim Target Reference Point for Somass sockeye was defined. There is a TRP for Henderson sockeye (the only non-target stock of consideration) that was developed using stock-recruit data for that population separate from similar analysis for the target stocks. Therefore this condition should be dropped.

TAVEL> We are aware that there have been several attempts to improve the escapement information for Henderson Lake sockeye through upgrades to the counting fence. We are also aware that these efforts were not successful, the fence is no longer operated and recent escapement estimates are based on visual surveys. The status of these and all other conditions will be verified during the annual surveillance audit process. Completion of conditions will be confirmed and performance indicators will be rescored in accordance to the defined timeline and delivery schedule identified in the conditions and DFO Action Plan.

Regarding Condition 25, for Indicator 3.1.4, the only "Yellow" statement in the 100 benchmark references "the management system always evaluating the effect of implementation uncertainty on the effectiveness of the proposed management action" (presumably marked yellow because the Assessment Team did not feel DFO did this adequately). We are of the view that these impacts are measured in season and then as part of the post season review. As well, Condition 25 is unnecessarily restrictive (is the only way the management agency can meet this indicator is to commit to implementing recovery action plans?). Therefore this condition should be dropped.

TAVEL> Condition 25 is based on the second scoring element under the SG 80, "In situations when precautionary measures are necessary to manage the fishery, the management system calls for increasing research efforts in order to fill data and information gaps." The Team agreed with stakeholders that DFO has not always managed in a precautionary manner and has not shown a clear commitment to define and implement action plans for two sockeye stocks (Cultus and Sakinaw) where precautionary measures are necessary to manage Fraser sockeye fisheries. The condition remains in effect.

Finally, regarding Conditions 26 and 32, measures are in place to provide incentives for sustainable fishing. The department undertook a major program to study and implement selective fishing practices in order to reduce by-catch and focus harvest on target stocks. A variety of techniques has been utilized and is now widely adopted by the Pacific fleet. In addition in recent years we have increased enforcement efforts on the Fraser River in particular and hired additional Fishery Officers for the Pacific Region. Catch monitoring improvements, which were not underway at the time of our submission, is an other area where we have increased efforts in recent years. Consequently we don't think that this condition is necessary with these changes, and should be dropped.

TAVEL> The status of these and all other conditions will be verified during the annual surveillance audit process. Completion of conditions will be confirmed and performance indicators will be rescored in accordance to the defined timeline and delivery schedule identified in the conditions and DFO Action Plan.

There is some uncertainty regarding the evaluation Criteria might be used to evaluate DFO's progress towards addressing Conditions 29, 34 and 36 (dealing with evidence about First Nations issues regarding aboriginal and treaty rights being identified and being addressed through an effective consultation or negotiation process) beyond which is already occurring. While there are a wide range of views on this indicator in BC, and letters from First Nations sent to you reflect some of these feelings, what you are hearing about is disagreements about decisions that are taken and are not necessarily reflective of the indicator which states "The management system provides for the observation of legal and customary rights of First Nations peoples". Accordingly we believe the noted conditions should be removed.

TAVEL> The assessment team disagrees, there was sufficient evidence presented by First Nations to demonstrate that DFO did not meet the first scoring element of the 80SG, "The management system is found to be in compliance with all legal and most of the customary rights of First Nation peoples that are impacted by the fishery." The conditions will stand until the condition has been met.

5. Evaluation Uncertainty (Conditions 19)

There is some uncertainty about Condition 19; it is the intent to identify LRPs for Fraser sockeye stocks but the last portion of the condition references developing recovery plans for CU's below the LRP impacted by fisheries targeting on Fraser sockeye. These are 2 quite different tasks. Clarification of this condition is requested.

TAVEL> Both tasks have been assigned as part of the condition.

Appendix 1: Response to August 27, 2007 MSC Report and draft conditions

In Appendix 1: Response to August 27, 2007 MSC Report and draft conditions, DFO provides an update on the status of performance indicators for which conditions were imposed. The majority of the DFO comments in Appendix 1 are either for informational purposes or provide commentary indicating that DFO considers many of the conditions already fulfilled or exceeded. The team acknowledges these comments and states categorically that completion of certification conditions will be confirmed post-certification of the fishery, as part of the annual surveillance audit process.

There were no comments in relation to Principle 1 related conditions for any of the fisheries which the team felt was necessary to provide a response.

Under comments for Principle 2, the following indicator required a team response.

Indicator 2.3.1 Management strategies include provision for restrictions to the fishery to enable recovery of non-target stocks to levels above established LRPs (Limit Reference Points)

Condition 18 - Fraser Sockeye Salmon Condition #2. Certification of the Fraser sockeye salmon fishery is contingent upon developing and implementing a risk assessment of the Sakinaw Lake recovery strategy that will include the following items: 1) examination of the risk of differing temporal harvest rates on returning run and its implication on the probability of the recovery of the stock; and 2) refinement and peer review of run reconstruction analysis for Sakinaw sockeye. **(Fraser Condition 2.2)**

Generic run reconstruction techniques are well developed and have been peer review by DFO's Pacific Scientific Advice Review Committee (PSARC). Uncertainty in the output of run reconstruction depends on the quality of input data and parameters. Refinement of key data inputs in the run reconstruction of Sakinaw sockeye have been completed (see Condition 1). The WSP also requires monitoring systems of CUs to assess status. Annual monitoring of the spawning escapements to Sakinaw sockeye is continuing to assess current recovery progress. Recovery has been severely impacted by prevailing low marine survival rates.

Condition 19 - Fraser Sockeye Salmon Condition #3. Certification will be conditional until Limit Reference Points or their equivalent have been defined for Fraser sockeye salmon stocks and recovery plans have been developed and implemented for stocks harvested in Fraser sockeye fisheries that are below their LRP. The proposed recovery plans must provide information regarding the probability of recovery and the timing of recover. **(Fraser Condition 2.3)**

We request clarification of this condition. We are not certain whether this condition relates only to sockeye populations within the Fraser River basin, or does it include any CU below there LRP that are impacted by fisheries targeting Fraser River sockeye?

TAVEL> Condition 19 is focused on all CUs which were considered as part of the Fraser River unit of certification, which includes those Fraser CUs below their LRP as well as non-Fraser south coast sockeye CUs which are below their LRP.

Under comments for Principle 3, the following indicator required a team response.

Indicator 3.2.1: **The research plan covers the scope of the fishery, includes all target species, accounts for the non-target species captured in association with, or as a consequence of fishing for target species, and considers the impact of fishing on the ecosystem and socioeconomic factors affected by the management program.**

Condition 33 - Certification will be conditional until the management agency provides a research plan that addresses identified concerns related to the impact of the fishery on the ecosystem, with emphasis on non-target stocks and takes into consideration socioeconomic factors and anticipated changes to fisheries. (**Barkley Sound Sockeye Condition #3.3**).

This guidepost was scored at 73. It is not clear how the management system is failing at this guidepost. Through other indicators that deal with ecosystem impacts, such as Indicators 2.1.1 to 2.1.4 and Indicators 3.7.1 to 3.7.5, the management system was scored at or near 100 for almost every Indicator. While there is no specific research plan to cover the issues addressed in Indicator 3.2.1, the scoring on the other relevant guidepost seems to suggest there are no serious concerns.

TAVEL> The Team found that the lack of any research plan for Barkley Sound sockeye makes it difficult to assess whether the plan addresses concerns related to the impact of the fishery on the ecosystem, socioeconomic issues that result from the implementation of management plans, or if the research plan is responsive to changes in the fishery.



Reference: 95549

DEC 10 2007

Dr. Chet Chaffee
Scientific Certification Systems, Inc.
2200 Powell Street
Suite 725
Emeryville, CA, USA 94608

Dear Dr. Chet Chaffee:

RE: Comments on the draft "British Columbia (Canada) Commercial Salmon Fisheries Managed by the Department of Fisheries and Oceans – An Independent Assessment Report"

Thank you for the opportunity to provide comments on the draft assessment report prepared by Scientific Certification Systems, Inc. in response to the BC Salmon Marketing Council's proposal to certify four British Columbia commercial sockeye fisheries under the Marine Stewardship Council's (MSC) program for sustainable fisheries management.

The Government of British Columbia places a priority on high quality fisheries management in its coastal waters. In turn, the British Columbia Ministry of Environment views MSC certification of commercial fisheries as a way to demonstrate the sustainability of these fisheries, and to identify opportunities for further management improvement. The Ministry has provided technical and financial support to the assessment process, and has worked to ensure First Nations, stakeholders and the public were involved.

There is an issue with summer run steelhead interception in the Skeena River commercial sockeye fishery which emerged in 2006 and 2007 that is not reflected in the draft assessment report. The issue of Skeena River summer run steelhead interception needs to be explicitly identified in the MSC conditions and in an Action Plan that will be developed by the Ministry and Fisheries and Oceans Canada.

TAVEL>> The status of summer-run Skeena steelhead stocks and harvest issues related to these stocks were addressed in detail by the Independent Science Review Panel in 2008 (Walters et al. 2008). We have taken into consideration the detailed work and recommendations of the panel in our rescoring and formulating conditions for the Skeena sockeye fishery. Condition 13a was

imposed specifically to require management agencies implement a scientifically defensible program for estimating steelhead catch in the Skeena sockeye fisheries

Sockeye salmon are present in the Skeena River approach waters at the same time as summer run steelhead. During the course of the commercial sockeye and pink salmon gill net and seine net fisheries, a portion of the steelhead run is also intercepted. While there is a non-retention regulation for steelhead, survival after gill net release is generally poor. The current BC Salmon North Coast Integrated Fisheries Management Plan specifies a harvest rate ceiling of 37% for early returning summer steelhead and 24% for the aggregate summer run, regardless of the overall run size. These ceilings had not been approached since 1993, however, in 2006 the ceilings were reached, and although the harvest rates were below the ceilings in 2007, both 2006 and 2007 steelhead returns were depressed from recent levels. The Ministry's concern is that these ceilings are too high, are not responsive to low escapement, and have contributed to inadequate numbers of fish reaching the spawning grounds. This in turn has given rise to concerns about the sustainability of Skeena summer run steelhead and the associated economic value of the recreational fishery. Consequently the Ministry and Fisheries and Oceans Canada have agreed to undertake a collaborative post-season review of the appropriateness of these harvest ceilings in meeting the collective management and conservation concerns for steelhead.

TAVEL> Again, Condition 13a has addressed this concern.

The MSC assessment report on British Columbia's sockeye salmon fisheries does not clearly identify a specific issue or condition pertaining to the interception of Skeena River summer run steelhead. The recent low steelhead escapements highlight the need to review and establish, at a minimum, biologically defensible management measures that are sensitive to variations in escapement combined with a stock assessment program sufficiently robust to evaluate the effectiveness of these measures.

TAVEL> In June 2008, the assessment team evaluated the report of the ISRP and rescored the fishery performance for the Skeena and Nass. As a result of the re-evaluation, six new conditions were imposed, including performance indicators 3.1.1, 3.1.4, 3.1.7, 3.2.1, 3.7.1 and 3.7.4.

With this in mind the Ministry requests the following addition (in italics) to Condition 35: "Certification will be conditional until the management agency provides a research plan that addresses identified concerns related to the impact of the fishery on the ecosystem, with emphasis on non-target stocks, *particularly Skeena summer run steelhead interception*, and takes into consideration socioeconomic factors and anticipated changes to fisheries."

TAVEL> The assessment team is satisfied that condition is worded appropriately in accordance with the 80 scoring guidepost elements.

The Ministry of Environment and Fisheries and Oceans Canada both agree that a sustainable population of Skeena River steelhead is a high priority in the exchange of correspondence between Minister Barry Penner, Minister of Environment and Loyola Hearn, Federal Minister of Fisheries and Oceans. The time frame for developing and implementing an Action Plan to address conditions associated with MSC certification is not yet defined. However, the Ministry and Fisheries and Oceans Canada have agreed to establish a process that will incorporate an independent science review and stakeholder consultation. The outcome of this process will identify interim measures for steelhead management and short and long-term requirements for steelhead research and monitoring that will be incorporated in the Action Plan.

With inclusion of explicit references to address Skeena steelhead interception as a condition to MSC certification, and moving forward with an agreed joint federal / provincial Action Plan to address this issue the Province will be able to fully endorse this report.

We look forward to working with you and Fisheries and Oceans Canada to address steelhead interception issues in Skeena River commercial fisheries and appreciate the opportunity to provide comment on the MSC draft assessment report. Please contact me if you have any questions or concerns regarding these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Joan Hesketh". The signature is fluid and cursive, with the first name "Joan" and last name "Hesketh" clearly distinguishable.

Joan Hesketh
Deputy Minister

pc: Loyola Hearn, Federal Minister of Fisheries and Oceans
C.C. (Bud) Graham, ADM, Ministry of Environment

Appendix 8 - Response to Comments on DFO Action Plan

The Team found that the 26 June 2009 version of the Action Plan for BC sockeye salmon fisheries has addressed most of the concerns identified by the Team regarding previous versions of the Action Plan.

Aaron Hill reviewed the DFO Action Plan and identified a few areas where the plan could be improved for the Skeena fishery (Hill 2009b). The Team agrees with Hill (2009b, p.2) that LRPs and TRPs need to be defined for all Skeena sockeye CUs, as soon as possible. DFO's commitment for Condition 13 implies the TRPs and LRPs will be defined for Skeena sockeye CUs by December 2011. The Team believes this is a reasonable time frame for achieving this goal.

Hill (2009b, p.2) also expressed concerns regarding the DFO statement on page 2 that the "action plan assumes there will be no requirement for additional departmental resources". The Team is also concerned that the commitments made in the Action Plan may not be achievable without additional resources. However, it is the Team's understanding that the annual surveillance audit process will determine whether or not management agencies are providing the necessary resources to fulfill the commitments made in the Action Plan.

Hill (2009b, p.4-6) has identified specific concerns related to several of the P1 Conditions defined for the Skeena sockeye fishery (Skeena Condition 1.1, 1.1a, 1.1b, 1.1c, and 1.2). Team agrees with Hill's concerns regarding the proposed steps and time frame for addressing Condition 1.1b (the implementation of escapement and fry monitoring plans for Skeena sockeye). The monitoring program has already been defined, discussed and approved through the Core Stock Assessment Review (CSAR) process, all that is needed is the necessary resources for implementation. The action plan should include a clear commitment to implement the CSAR monitoring plans for sockeye within one year. The Team found the DFO Action Plan to provide adequate commitments for the other P1 Conditions.

Hill (2009b, p.7-8) identified concerns related to the two P2 Conditions for the Skeena sockeye fishery. The Team agrees with Hill that the DFO Action Plan has not adequately addressed Skeena Condition 2.1b. DFO has already committed to defining the LRPs for Skeena sockeye CUs by December 2011 so all that is needed is a clear commitment to developing and implementing recovery plans, in a timely manner, for CUs that are found to be below their LRP. With regard to Skeena Condition 2.2, DFO has only committed to defining the LRPs for Skeena chum populations and working with First Nations to develop a chum rebuilding plan for Area 4 chum. As for the previous condition, DFO needs make a clear commitment to develop and implement recovery plans, in a timely manner, for chum CUs that are found to be below their LRP.

Hill (2009b, p. 8-10) identified concerns related to most of the P3 Conditions for the Skeena sockeye fishery. The Team found that the most important of these concerns were related to the Action Plan response to Skeena Conditions 3.1c, 3.2b and 3.2.c. The first two conditions require a commitment to implementing selective fishing techniques. DFO's response is essentially identical for these conditions and only refers to alternative

gillnet configurations. As identified in Hill (2009, p. 10): “DFO must broaden its commitment under this response to identify and implement selective fishing techniques that are the most effective at reducing the catch of non-target species” (e.g. tangle-tooth nets, fishwheels, beach seines, fish traps). With regard to Skeena Condition 3.2c, the Team will confirm through the annual surveillance audit process that DFO has created incentives for fishers to provide sufficient information for managers to derive reliable estimates of the catch and discards of steelhead and other non-target species.

Appendix 9 Response to Comments Received from First Nation Stakeholders

FIRST NATIONS FISHERIES COUNCIL

P.O. Box 2606, Port Hardy, B.C., V0N 2P0

Telephone: 250-902-8380 E-Mail: fishcouncil@bcafn.ca



FIRST NATIONS
FISHERIES COUNCIL

Dan Averill
Marine Stewardship Council
2110 N. Pacific Street,
Suite 102
Seattle, WA 98103
USA

Steven Devitt
Tavel Certification Inc.
Suite 815, 99 Wyse Road
Dartmouth, Nova Scotia, B3A 4S5

July 14, 2009

Dear Mr. Averill and Mr. Devitt;

The First Nations Fisheries Council works with and on behalf of B.C. First Nations to protect First Nations rights and title and to advance First Nations interests as they relate to fisheries and aquatic resources.

We write today to express our concern about the Marine Stewardship Council (MSC) certification assessment for Pacific fisheries and aquatic resources. In general, the First Nations Fisheries Council shares the MSC's commitment to sustainable fishing practices, however we are concerned that in some cases Canada's proposed management plans do not demonstrate sustainable management and do not meet the MSC standards for sustainability. As well, we are concerned that the MSC has not adopted a stronger policy or position with regard to protecting Indigenous interests, particularly with respect to fisheries and aquatic resources and or biodiversity overall.

In our view these failures have the potential to infringe upon B.C. First Nations' Aboriginal rights and treaty rights, as well as international laws and conventions respecting the rights of Indigenous Peoples and biological diversity.

To illustrate our point, we wish to follow the example of the MSC fishery certification process for B.C. Sockeye salmon; we note, however, that our concerns have applicability beyond salmon fisheries and extend to many of the Pacific fisheries and aquatic resources currently within the MSC certification process.

Recently Fisheries and Oceans Canada released its Action Plan to Address Conditions for MSC Certification of British Columbia Sockeye Fisheries (Fraser River, Barkley Sound, Nass River and Skeena River). In response to conditions requiring evidence that First Nation issues regarding Aboriginal and treaty rights be identified and addressed through an effective consultation or negotiation process, Fisheries and Oceans Canada committed to provide a summary report detailing how its management system addresses issues regarding Aboriginal and treaty rights related to the sockeye salmon fisheries by June 2010.

This response presents two key difficulties for First Nations. The first difficulty is procedural in nature and pertains to the timing of DFO's commitment to respond to certification conditions, which is after the proposed date of certification of the fishery. The second difficulty is substantive in scope and pertains to DFO's proposal to discharge a certification condition requiring it to put forward evidence that Aboriginal and treaty rights have been addressed through an effective consultation and or negotiation process by a developing a summary report of its current practices, rather than through an effective consultation or negotiation process with B.C. First Nations.

TAVEL Response: All MSC certifications to date have been issued with “corrective action requirements” or “conditions” which require that the clients contractually agree to undertake the action plans they propose including meeting the accepted schedule for deliverables and milestone actions. It is accepted policy of the MSC to issue certifications with conditions which require improvement of the fishery performance during the five year certification validity period.

The performance indicator which refers to observation of legal and customary rights of First Nation peoples is indicator 3.6.3, which reads:

Indicator 3.6.3: The management system provides for the observation of legal and customary rights of First Nation peoples.

Three units of certification, including the Fraser, Barkley Sound and Skeena were all determined to not have partially met the first scoring component of the 80 scoring guidepost, which reads:

- The management system is found to be in compliance with all legal and most of the customary rights of First Nation peoples that are impacted by the fishery.

In each case, the condition imposed on the client is:

“Certification will be conditional until the management agency provides evidence that First Nation issues regarding aboriginal and treaty rights have been identified and these issues are being addressed through an effective consultation or negotiation process, within three years.”

It is the team's opinion that the identified condition requires both the identification of and addressing of aboriginal and treaty rights issues through an effective consultation or negotiation process.

To expand on our concerns, we understand that the assessment process for B.C. sockeye salmon is scheduled for completion on or around July 2009. Further, we understand that the MSC program allows, in certain circumstances and within strict traceability requirements, the MSC logo to be applied following certification to product caught before the actual date of certification. It is also our understanding that the MSC intends to determine a target eligibility date that will allow the logo to be applied following certification to a B.C. sockeye salmon product caught from up to six months prior to the issuance of the Public Certification Draft Report, which has not yet been released. Accordingly, it would appear that the MSC is prepared to certify B.C. Sockeye Salmon prior to DFO discharging certification conditions pertaining to Aboriginal rights and title and or prior to B.C. First Nations having opportunity to review a Public Certification Draft Report. This presents serious procedural issues which the First Nations Fisheries Council cannot support as they have the potential to infringe upon Aboriginal and treaty rights.

TAVEL Response: The target eligibility date will be set 6 months prior to the release of the Public Draft Report. As mentioned above, issuance of certification with conditions is standard policy for the MSC, all certifications to date have been issued with conditions which require management performance improvement over the course of the certificate validity period.

However, it should be noted that certification is not granted until the certification process is complete. The Public Draft Report was released on July 17, 2009 and comments were accepted until August 24, 2009. As a result of those comments, the team conducted a significant edit of the document and responded to numerous comments from stakeholders. The report is now ready to be released into the public domain as a Final Certification Report with a recommendation for certification with conditions. Stakeholders will still have a 15 day period in which they can lodge an objection against the report.

Indeed, we believe it would be a serious mistake to proceed with the MSC certification assessment until B.C. First Nations' concerns regarding Aboriginal and treaty rights have been addressed through an effective consultation or negotiation process, as identified in Certification Conditions 29, 34 and 36a. We should also point out that we have serious concerns with the proposed report; in particular, we question how a summary report prepared without input from affected First Nations will discharge the condition to develop an effective consultation or negotiation process.

TAVEL Response: As mentioned above, the condition requires that DFO prove to the Assessment team within three years that it is in compliance with all legal and most of the customary rights of First Nation peoples that are impacted by the fishery. Once

received from DFO, the Assessment Team will verify that the information provided in that report is accurate. If the report is lacking, additional conditions can be imposed on the certification.

We understand that the MSC is intended to operate in a manner that is consistent with the Code of Conduct for Responsible Fishing, which provides an acknowledgement of Indigenous interests:

Code of Conduct for Responsible Fisheries Sub-article 7.6.6

When deciding on the use, conservation and management of fisheries resources, due recognition should be given, as appropriate, in accordance with national laws and regulations, to the traditional practices, needs and interests of indigenous people and local fishing communities which are highly dependent on fishery resources for their livelihood.

Yet, international standards respecting Indigenous interests do not appear to factor into or guide MSC operations in British Columbia. Certainly, we have yet to see the application of the above international standard result in concrete protection for the interests of B.C. First Nations in relation to sockeye fisheries. To our knowledge, although there have been significant concerns expressed with respect to the health of sockeye stocks and the inability of First Nations in many parts of B.C. to obtain adequate access to sockeye for food fish, for which they have a constitutional priority in Canada, there has been no contact with First Nations in terms of any assessment or review of the adequacy of the management plan for sockeye (or any other fishery) in meeting the basic food fish requirements of Indigenous peoples.

TAVEL Response: First Nations have been contacted and have provided input in relation to this assessment, please see details within the report which explains the consultations undertaken. However, it is important to reiterate that the MSC is a voluntary process and stakeholders must indicate that they wish to participate in the process.

Given the above, we fail to see how the MSC can state that its fishery certification assessment process is fair, transparent and/or accountable to Indigenous interests and or the concept of sustainability. Indeed, reliance on a summary report of current consultation practices as demonstrating evidence that B.C. First Nations Aboriginal and treaty rights have been identified and addressed through effective consultation and negotiation process calls into question the legitimacy of MSC standards.

We believe it would be a serious mistake to allow the MSC logo to be applied to B.C. sockeye salmon caught before the actual date of certification. The determination of a target eligibility date prior to the issuance of the Public Certification Draft Report and/or prior to B.C. First Nations having opportunity for meaningful consultation or negotiation on the assessment has the potential to serious infringe upon B.C. First

Nations constitutionally protected Aboriginal and treaty rights. The strict traceability requirements purportedly attached to such circumstances do not, in our opinion, demonstrate a commitment to sustainability and or accountability to Canadian or international law regarding First Nations Aboriginal and treaty in fishery resources.

Accordingly, we urge the MSC to take a more proactive approach to upholding international standards respecting Indigenous Peoples. Further, we recommend that the United Nations Declaration on the Rights of Indigenous Peoples and the Convention on Biological Diversity be added to the form part of the MSC standards and practices.

By separate correspondence we have communicated our concerns regarding the lack of meaningful consultation to the Honourable Gail Shea, Minister of Fisheries and Oceans Canada. You were copied on this correspondence for your records. In that correspondence we draw attention to the lack of meaningful consultation and accommodation of B.C. First Nations Aboriginal and treaty rights and indicate that the First Nations Fisheries Council can play a facilitative role in initiating this dialogue with B.C. First Nations. We extend this offer to your organizations in the hope that we can initiate a dialogue on how to move forward in full recognition of B.C. First Nations' Aboriginal rights and treaty rights.

We look forward to an MSC fishery certification and eco-labelling program that is more respectful and accommodating to B.C. First Nations Aboriginal and treaty rights. In the meantime, we remain available to discuss the matters raised in this letter with you and your staff.

Yours truly,



Grand Chief Doug Kelly
Co-chair, First Nations Fisheries Council

cc:

Marine Stewardship Council, Americas
BC First Nations Fisheries Organizations
Assembly of First Nations
Minister Gail Shea, Fisheries and Oceans Canada
Claire Dansereau, Deputy Minister, Pacific Region
Paul Sprout, Regional Director General, Pacific Region



Gitanyow Fisheries Authority

P.O. Box 148 Kitwanga, B.C. VOJ 2A0
Tel: (250) 849-5373 Fax: (250) 849-5375



August 24, 2009

Mr. Steve Devitt
TAVEL Certification
Inc. Suite 815 - 99
Wyse Road
Dartmouth, NS
B3A 4S5
Canada

**RE: Public Comment Draft Report for the British Columbia Sockeye Salmon
Fishery**

Dear Mr. Devitt,

It has come to our attention that TAVEL Certification Inc. are seeking comments on the recently released draft report for the Skeena River sockeye fishery and Fisheries and Oceans Canada (DFO) action plan to meet MSC principles and criteria for sustainable fisheries. We understand that DFO has drafted an action plan to demonstrate that the department intends on meeting all of the MSC standards within 5 years, starting with changes for the 2009 fishing season. Because of this we feel obligated to inform you that we have reviewed DFO's proposed action plan and we believe that it does not warrants certification because it fails to address many issues of stock conservation for non-Babine Skeena sockeye stocks. Therefore, we hope you will withhold any conditional certification of the fishery until DFO truly commits to protecting and rebuilding weaker sockeye stocks in the Skeena Watershed, such as Kitwanga sockeye.

TAVEL Response: The Assessment team has requested that DFO change some issues within the Proposed Action Plan and have requested a stonger commitment from DFO in relation to their proposed actions.


Specifically, we feel that Principles 1 and Principles 2 (criteria 2) are violated because the action plan does not take into account each genetically distinct population being harvested in the Skeena sockeye fishery. We also feel that Principle 1 (criteria 1) and Principle 3 (criteria 8 & 9) have not been met because the status of each genetically distinct population should be assessed relative to its biological potential. Principles 2 (criteria 3) and Principles 3

(criteria 4) have also not been met because each genetically unique Skeena sockeye population, such as Kitwanga sockeye, should have their own target escapement to ensure that individual populations are conserved over the long term and to allow for subsistence use. Finally, the action plan does not commit to the rebuilding and or the recovery of Skeena sockeye stocks, such as Kitwanga sockeye, to set targets to ensure their long-term survival, contrary to Principles 2 (criteria 3) and Principles 3 (criteria 10 — C).

Furthermore, we are requesting that the MSC Certification process currently underway be halted until adequate consultation has taken place with the Gitanyow. To date DFO has not contacted the Gitanyow on the MSC certification issue and the Gitanyow do not feel that they have been given enough time or the resources to fully review the issue to ensure that their rights will not be infringed by the certification of the Skeena and Nass fisheries.

TAVEL Response: The MSC certification process has been ongoing for more than 8 years and there have been numerous requests for input from BC First Nations. The Assessment Team has received inputs from other First Nations and was aware that many First Nations were consulted during the ISRP process.

Change is needed to ensure that the weaker Skeena salmon stocks such as Kitwanga sockeye are not allowed to be fished to extinction but rather rebuilt for the benefit of the Gitanyow, Canadians and the markets that enjoy the benefits of the resource. We hope that you will take our concerns seriously and we look forward to your response on this matter. If you have any questions, I can be contacted at (250) 849-5373.

 Sincerely,

Glen Williams,
Gitanyow Chief Negotiator

cc. Chris Barnes, Skeena Fisheries Commission, Hazelton,
BC Paul Sprout, DFO, Vancouver, BC
Honorable Gail Shea, Ottawa, Ontario

Background

The Gitanyow are aboriginal people as defined under the Constitution of Canada (1982). With a current membership of almost 2,000 people they hold aboriginal rights and title to parts of both the Skeena and Nass Watersheds of northern British Columbia, Canada. A system of particular importance is the Kitwanga Watershed where the main community of Gitanyow is located. The Gitanyow have inhabited the banks of the Kitwanga River for thousands of years where they have harvested salmon on a yearly basis to satisfy their basic needs. Of all the species of salmon that were harvested from the Kitwanga River, sockeye have always been the most important because of their spiritual and nutritional value. Historically, sockeye returns to the Kitwanga River were thought to be in the tens of thousands, where Gitanyow would harvest up to 20% of the run in some years. Up until recently the stock was fished for food, social and ceremonial (FSC) purposes through well-established T'ins (weirs) spread throughout the Kitwanga River. However, in the last 40 years this traditional fishery has been abandoned because of low sockeye salmon returns to the system.

In the last 10 years the Gitanyow have partnered with many government and non-government organizations to study Kitwanga sockeye. To date approximately \$1 million dollars (CDN) in capital investments (adult / smolt fences) and another \$1.5 million (CND) has been spent to assess stock status, determine bottlenecks to production and to help rebuild the stock. Recent findings have determined that the main reason for the stock decline and its current low escapement status is due to over fishing in downstream fisheries where exploitations have been consistently higher than the stock could sustain. Recent adult escapements have only averaged 1,500 adults (2000-2008), with escapements of less than 260 fish in three of the last nine years. Although DFO has not set a Limit Reference Point (LRP) for the Kitwanga stock, Gitanyow Fisheries Authority (GFA) in-house biologists indicate that the current LRP for the Kitwanga sockeye stock would be an escapement of approximately 3,500 adults on a yearly basis. Therefore, the DFO management of the Skeena sockeye fishery has failed to meet the Kitwanga sockeye LRP in 8 of the last 9 years.

The Gitanyow have met with DFO on numerous occasions over the last ten years in an attempt to have them implement a fishing plan that is sustainable and takes into account weak and vulnerable stocks such as Kitwanga sockeye. Our recommendations to the DFO have been clear, the Skeena sockeye commercial fishery should not be given priority over the conservation of individual salmon stocks and aboriginal rights to access salmon for FSC purposes.

In May of 2009, the GFA wrote to the Marine Stewardship Council (Ref: Letter to Dan Hoggarth, May 25, 2009 the MSC Fisheries Assessment Director), where the Gitanyow first raised concerns with the certification of the Skeena sockeye fishery. Following that letter Mr. Hoggarth requested background information specifically relating to the Kitwanga sockeye issue. GFA fisheries biologist Mark C. Cleveland followed up by

provided a total of 11 digital pdf reports to demonstrate that the Skeena sockeye fishery has had a significant impact on the Kitwanga sockeye stock and that current bottlenecks to production are believed to be linked to exploitation rather than freshwater production. A summary of what was provided to Mr. Hoggarth is presented below.

Kitwanga Sockeye Summary

Kitwanga Sockeye Stock Status - Most recent adult escapement information summarized in "*GFA KSEF 2008 Annual Final Report.pdf*" (specifically page 15) — demonstrates that the average escapement has only been approximately 1,500 fish (2000-2008). GFA can provide a report for every year if necessary (8 other reports produced on a yearly basis by our in-house staff). The most important part to take away is that we have accurate adult escapement information for the stock for at least 2 generations (Kitwanga sockeye 90% - 4-years olds).

Production Potential — Several sockeye lake productivity estimates for Gitanyow Lake (Kitwanga sockeye nursery lake) have been generated by DFO over the years. General results are that the lake shows the capacity to house 10,000's of adult sockeye per year. Initial DFO assessments in 1995 set the sockeye capacity of Gitanyow Lake at 75,000 adults spawners per year (page 44 - *Shortreed et al, 1998*). This was followed-up by another DFO assessment in 2003 that down graded the lake capacity to 18,000 adults /year and set an MSY equilibrium Point exploitation for the stock at 34% (page 38- Cox-Rogers et al, 2004). The most recent prediction of lake production capacity sets the optimum escapement at 56,500, with no mention of a MSY equilibrium point (page 33 - *Shortreed et al 2007*).

Freshwater Production Bottlenecks — In the original Kitwanga Sockeye Recovery Plan (May, 2006) a number of potential freshwater production bottlenecks were identified as potential limiting factors to production. Among the largest was a prediction that spawning grounds were inadequate to support egg to fry survival because the watershed had been impacted by logging and spawning beds had degraded. Egg to fry survival studies were initiated in 2006/07 and again in 2007/08 and results showed that survivals rates were high, 73% and 89% respectively (Kingston 2007, Kingston 2009) indicating that egg to fry survival did not appear to be limiting production.

Current Freshwater Production — GFA has collected sockeye smolt production information on Gitanyow Lake since 2001. Earlier assessment programs were not able to accurately determine yearly smolt production because of funding shortfalls and technical logistics. However, starting in 2006 reliable smolt production estimates for the system were collected demonstrating high smolt production - 2006 = 138 smolts/female, 2007 = 140 smolts/female (*Smolt final report 2006 2007.pdf*). In 2008 the construction of a permanent smolt fence was completed to further improve upon the program (*Kitwanga Smolt Fence Completion 2008_final .pdf*) and once again the production was found to be high - 2008 = 84 smolts/female, 2009 = 275 smolts/female (*unpublished GFA technical*

data). Results show that the smolt production from the lake is high, among the highest in BC.

Fishery Impacts - Kitwanga sockeye are intercepted in Alaskan, Canadian commercial (ocean and in-river), recreational and Food, Social and Ceremonial (FSC) fisheries, where impacts from each fishery can vary from year to year based on the effort allowed in each of the fisheries. DFO has estimated fishery exploitation impacts on Kitwanga sockeye for over 50 years using the Skeena Model. Kitwanga sockeye are known to be mid to late timed fish (tag recovery and DNA sampling - can provide references in required) where they enter the various commercial fisheries with the bulk of the enhanced Babine sockeye resulting in high exploitation rates (ER) in most years. Decadal mean ER on the stock in the 1970's has been estimated at 53%, in the 1980's at 52%, and 53% in the 1990's (pages 23-26 - *Kitwanga Sockeye Recovery Plan May 2006 .pdj*). Recent ER have averaged 42% since 2000, with ER's above 50% in 5 of the last 9 years (DFO unpublished data). Recent findings by an independent scientist panel have indicated that DFO would have to reduce the Skeena fishery ER by half if DFO were to meet their commitment to the Wild Salmon Policy (ISRP Final.pdf).

Appendix 10 Response to Comments Received from the Client



British Columbia Salmon Marketing Council Comments on the Marine Stewardship Council Assessment of BC Sockeye Fisheries August 2009

Background

Marine Stewardship Council (MSC) assessment of BC sockeye fisheries for ecocertification began in 2000. It has been troubled from the start, raising a number of issues about the MSC process, certifier accountability, management agency engagement, and quality and consistency in relation to other salmon assessments. In addition, the management of the fishery has evolved and continues to evolve based on the introduction of the Wild Salmon Policy (WSP) in 2005 (DFO 2005), and its gradual implementation since then.

When we began this assessment, we looked for an equitable approach, comparable to the existing Alaskan certification (SCS 2000) - based on a unit of certification that included all salmon species coastwide. As we worked through the pre-assessment and early stages of full assessment, it became clear that conservation groups would not accept a “blanket” unit of certification comparable to the Alaskan unit. We therefore accepted a species by species approach with regional units of certification. In the case of BC sockeye, there are four units of certification: Fraser River, Barkley Sound, Nass and Skeena Rivers. A somewhat similar approach was then applied in the Alaskan recertification (SCS 2007).

BC certification/Alaska recertification

However, there were several important differences between the BC certification and the Alaska recertification. For various reasons, small/weak sockeye stocks garnered far more scrutiny, and as a result conditions (eg. seven conditions for Sakinaw and Cultus Lakes sockeye alone (Tavel 2009, Section 8)) in the BC assessment, in spite of their being minor bycatch in fisheries targeted on strong sockeye stocks. Some BC stakeholders went so far as to press the MSC assessment team to hold all such stocks to the same standards as the target stocks (eg. May 25, 2009 letter from Skeena Wild Conservation Trust to The Honourable Gail Shea, Minister of Fisheries and Oceans) [see further comment below].

The MSC has indicated that the new guidance (MSC 2008) should inform old and ongoing assessments. We believe the way the team has interpreted the distinctions between target stock, non-target stock and CU is quite different from the Alaskan certification. For example, in Alaska within each certification unit under Principle 2 (SCS 2007, starting page 186), minor stocks of the same salmon species were generally ignored; not so in BC. In our view, if the MSC in effect requires a workable rebuilding plan for every single genetically or otherwise distinct salmon population, no salmon fishery, including Alaska's, will ever be able to pass.

In terms of the MSC certification process, early on the BC certifier was approached by the conservation sector to allow “stakeholders to both question and comment on each step of the

process - even where such consultation was not specifically required under the MSC program.” (Tavel 2009, page 12). We agreed to allow for the additional involvement requested by stakeholders; Alaska did not. In the end this added significantly to the duration, complexity and cost of the BC process. Not surprisingly, Alaska achieved certification, then recertification for five species in 16 fisheries with five gear types (SCS 2007) in less time (8 years) than it has taken BC to move to the final stages of initial certification (Tavel 2009) for only four fisheries, three gear types and one species (9 years). Hopefully, final BC certification will benefit from the additional stakeholder involvement.

Sockeye stock issues

From the start, one of the key issues has been where on the continuum from deme to species the MSC process should draw the line. In the client’s view, the target stock is the unit of certification and the MSC standard does not require that every single population within that target stock be at or rebuilt to BMSY (MSC 2008, page 45). This is consistent with both the Wild Salmon Policy (DFO 2005, frontispiece, pages 10, 14 and 29), the recent Independent Science Review Panel’s assessment of Skeena salmon management (Walters *et al.* 2008, page 91), and the views of the peer reviewers of the Public Draft Report on BC sockeye fisheries (Tavel 2009, Appendix 5).

The WSP clearly states that the status of Conservation Units (CUs) will be monitored, assessed and reported on (DFO 2005, page 16). Where monitoring indicates low levels of abundance or deterioration, a full range of actions to reverse declines will be considered and implemented (DFO 2005, page 17). While the policy aims to maintain CUs, the Minister of Fisheries may, however, in an open and transparent way, limit the range of measures taken where it is not feasible or reasonable to fully address all risks to depressed CUs⁷

Similarly, the ISRP makes the strong point of the need to “confront” the major trade off decisions involved by the WSP and the impacts of mixed-stock ocean fisheries on the Skeena (Walters *et al.* 2008, Recommendation 1). The ISRP does not assume that the WSP means that overharvesting will not be permitted for any Skeena salmon CU.

We provided comments on the development of the MSC’s new standardized assessment tree to this effect - that in BC there are many stocks/CUs in mixed stock fisheries that have persisted at low abundance/escapement levels for many years (Walters *et al.* 2008, page 36). To bring them up to BMSY would mean virtually no fisheries, even at the current very low levels. The LRPs and TRPs required by both the MSC process and the WSP give managers the flexibility to choose exploitation rates and abundance/escapement levels within a LRP-TRP range determined by biological, social and economic policies (DFO 2005, page 17). We don’t believe that this sensible approach has been adequately reflected in the BC assessment.

Target stock/ Non-target stock confusion

Our fundamental problem with the assessment team’s report is that it redefines or confuses target stock, non-target stock and individual CUs. In our view, the new assessment tree and associated

⁷ For example, in 2006 the Federal Fisheries Minister chose not to close all fisheries harvesting any Cultus or Sakinaw sockeye by listing them under the Species at Risk Act because the additional harvest controls SARA would be unlikely to significantly improve survival of these stocks. Rather, he used the Fisheries Act to implement less draconian but arguably more effective measures including habitat and enhancement as well as fisheries management measures to rebuild Sakinaw and Cultus sockeye.

guidance (MSC 2008) permit social and economic tradeoffs within a well-defined management framework (such as that provided for in the implementation of the WSP). In a number of instances, particularly Cultus and Sakinaw, the team treats small populations as both target (P1) species and non-target (P2) species with conditions under both. The new MSC scoring guidance (MSC 2008, pages 17 and 32) deals with fisheries targeting stock aggregates and clearly distinguishes between a P1 target stock, which must be above the level at which recruitment is impaired and a P2 non-target stock, which may be below that level for reasons outside the control of the fishery.

TAVEL Response: We have also distinguished between target stocks and non-target stocks (see Section 2.4 above). Sakinaw is clearly a depleted non-target sockeye stock and certification conditions related to Sakinaw are all related to requirements for non-target stocks. In contrast, Cultus is clearly defined in this Report (Fraser Performance Indicator 1.2.1) as “a clear example of a severely depleted target Fraser sockeye stock”. As such, the only conditions related to Cultus sockeye are those related to target stocks. Cultus sockeye are referred to in the P2 section but only as an example of a depleted stock. All the P2 conditions for depleted sockeye stocks associated with Fraser sockeye fishery refer to Sakinaw sockeye. The primary area of confusion related to target and non-target stocks within the Fraser sockeye fishery appears to be due to the substantial changes between the cycle years. Target stocks in one cycle year are non-target stocks in different cycle year (e.g. late-Shuswap dominant and sub-dominant cycles versus off-cycle years). We have attempted to remove this confusion in this version of our report.

In the case of Sakinaw, for instance, there is no evidence that current patterns in the Fraser fishery have any impact whatsoever on that CU (Bill Gazey, W.J. Gazey and Associates, pers. comm., July 10, 2006; Murray and Wood 2002). Similarly, the evidence suggests that even with no commercial fisheries whatsoever the Kitwanga CU on the Skeena would likely never be rebuilt. In brief, we understand the new MSC standard to require, under P2, that impacts on non-target “species” simply not impede these species achieving MSY, or rebuilding to MSY, or to some other agreed reference point, in order to benefit the fisheries where they are the target species.

To sum up, MSC certification is about whether a fishery is sustainably managed not whether a particular population is at a certain level. The 2009 sockeye season in BC clearly demonstrates the management agency’s commitment to conservative and precautionary management. When in-season estimates from test fisheries showed that pre-season forecasts of strong runs on both the Fraser and the Skeena were incorrect, DFO did not authorize commercial fisheries. Escapement is adequate to preserve to sustainable populations. To claim as Watershed Watch and Skeena Wild did in their July 2009 press release that the BC fishery “targets endangered salmon” and call it a “harmful” fishery is simply specious. DFO took the correct action in the cycle year of 2005 and the correct action again this year.

Specific concerns

In addition to the more general points raised above, we have some specific concerns relating to the rescoring of the Skeena fishery.

- 1.1.2.2 We believe that the requirement for independent abundance estimates for 15 of the 32 sockeye CUs that don’t currently have estimates should be reevaluated in the light of our comments above to the effect that the MSC standard does not preclude leaving some stocks in a low abundance state for socio-economic reasons.

TAVEL Response: Managers still need to have some type of fishery independent abundance estimate to determine whether or not they have a conservation concern. The decisions regarding what to do if a conservation concern is identified is a separate matter.

1.1.2.4 According to the ISRP, it follows that the estimates of relative productivity for the 15 non-target stocks cannot be completed due to inadequate catch and escapement data for these stocks. But this PI only requires sufficient information to develop management guidelines for non-target stocks. We previously scored 95 on this and don't think that sufficient rationale has been provided to reduce the score below 80.

TAVEL Response: The second criteria at the 80 SG required that: "There is adequate information to estimate the relative productivity of the non-target stocks where the fishery harvests may represent a significant component of those non-target stocks." The lack of escapement and productivity data for half of the Skeena sockeye CU's is sufficient to partially fail this indicator.

3.1.7 The rescoring appears to be based on the ISRP's conclusion that a single controversial year (2006) constitutes a "record of decisions going against the information provided." One year, especially a year in which the ISRP notes the increased ER as a result of unexpectedly high sockeye abundance in season need not have "substantial deleterious effects on future production" of multi-aged bycatch stocks/species, does not constitute a record.

TAVEL Response: The 2006 fishing season is not the only year when there have been concerns related to the post-release survival of non-target species and DFO has not required the use of selective fishing and handling techniques. The team believes it would be more productive to secure the commitment from DFO and gillnet fishers to implement selective fishing and handling techniques than document more specific examples of fisher compliance issues related to the Skeena gillnet fishery.

3.6.2 No rationale is provided. If the ISRP is saying that in 2006 "violations" resulted in failure to achieve the objectives of the management plan, where is the evidence? Clients have to provide evidence, assessment teams should also have to do so. And again, one year does not a "record" make.

TAVEL Response: The Skeena sockeye fishery scored 90 for this indicator in the July 2009 version of the Public Draft Report so no rationale was provided as per all other indicators that achieved the 80 level. The Final Certification Report will include scoring rationales for all indicators.

3.7.1 The team seems again to have concluded that there are too many violations of selective fishing regulations and logbook data records to assess trends in bycatch and whether harvesters are proactively reducing bycatch. Where is the evidence for this? Assertions from other user groups do not constitute evidence

3.7.4 A similar point. Where is the evidence that too few harvesters are complying with DFO requirements for providing data on retention and discards of bycatch to the point where data collected are completely unreliable? The drop in score from 95 to 60 cannot be justified without evidence.

TAVEL Response: The criteria that was failed is: "Sufficient numbers of fish harvesters and processors comply with requests for data on catches and discards of non-target species and undersized individuals of target species to ensure that reliable estimates of total catches and discards for the fishery can be obtained." We have been told by DFO, commercial fishers and port samplers that many Area 4 gillnet fishers do not report their steelhead catches and this has been the reason for on-board observer programs and other assessment efforts conducted since 1993. Thomas (1991, 1992, 1993) are a few of the initial documents that indicated that fishers under-reported steelhead catches after 1986 in response to the imposition of unpopular conservation measures (Labelle et al. 2005). The Skeena ISRP also recognized the deficiencies in steelhead catch estimates and recommended that "either a large observer sampling program or mandatory video surveillance of gear retrieval on all vessels" be implemented each year (Walters et al. 2008).

Generally, on Skeena steelhead, the results of the independent science review should reduce or even eliminate the conditions with respect to steelhead. The ISRP found that there was "no indication of recruitment overfishing in the historical data trend (mainly Tyee index) for the stock complex as a whole ..." (Walters *et al.* 2008, page 8). Dr. Walters expressed this view in public at a meeting in Terrace when he was speaking on behalf of the ISRP. In brief, he said that there were no steelhead conservation issues that resulted from the sockeye fishery.

We think therefore that these conditions are redundant and not evidence-based. At the very least they should not be required unless and until a problem is identified.

References

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- Walters, C.J., J.A. Lichatowich, R.M. Peterman and J.D. Reynolds. 2008. Report of the Skeena Independent Science Review Panel. A report to the Canadian Department of Fisheries and Oceans and the British Columbia Ministry of the Environment. May 15, 2008. 144 pp.

APPENDIX 11 OBJECTION PROCESS DETAILS

Skeena and Nass Objection

The following hyperlinks will direct readers to the full record of documentation associated with the Objection Process for the Skeena and Nass unit of certifications.

Notice of Objection

[Notice of Objection from Gitksan Watershed Authorities](#) - 1st March 2010

[Stakeholder Notification: Further clarification provided by the Gitksan Watershed Authorities](#) - 1st March 2010

[Stakeholder Notification: Decision of the independent adjudicator](#) - 1st March 2010 (revised on the 5th March 2010)

Stakeholder submissions

[Comments submitted by the BC Salmon Marketing council in regards to the Gitksan Watershed Authorities objection](#) - 23rd March 2010

[Comments submitted by the Department of Fisheries and Oceans \(DFO\) in regards to the Gitksan Watershed Authorities objection](#) - 23rd March 2010

[Email Notifications included with DFO submission regards to the Gitksan Watershed Authorities objection](#) - 23rd March 2010

[IHPC meeting notes May 2009 referred to in DFO submission on the Gitksan Watershed Authorities objection](#) - 23rd March 2010

[IHPC meeting notes November 2008 referred to in DFO submission on the Gitksan Watershed Authorities objection](#) - 23rd March 2010

Certification Body's response to Objections

[Response to objections from the Gitksan Watershed Authorities](#) - 30th March 2010

Withdrawal of Objection by Objecting Party

[Independent Adjudicator response to the withdrawal of for the objection by the Gitksan Watershed Authorities in regards to the Skeena and Nass fisheries units](#) - 22nd April 2010

Fraser Objection

The following hyperlinks will direct readers to the full record of documentation associated with the Objection Process for the Fraser unit of certification.

Notice of Objection

[Notice of Objection from Watershed Watch Salmon Society, David Suzuki Foundation and SkeenaWild Conservation Trust](#) - 1st March 2010

[Stakeholder Notification: Decision of the independent adjudicator](#) - 1st March 2010 (revised on the 5th March 2010)

Stakeholder submissions

[Comments submitted by the BC Salmon Marketing council in regards to the Watershed Watch Salmon Society, David Suzuki Foundation & SkeenaWild Conservation Trust objection](#) - 23rd March 2010

Certification Body's response to Objections

[Response to objections from the Watershed Watch Salmon Society, the David Suzuki Foundation and SkeenaWild Conservation Trust](#) - 30th March 2010

Proceed to Confirmation of intent to enter adjudication for the Fraser River unit

[Independent Adjudicator response for the Watershed Watch Salmon Society et al in regards to the Fraser River fishery unit](#) - 22nd April 2010

Independent objections process

Oral Hearing Documentation: http://www.msc.org/track-a-fishery/in-assessment/pacific/british-columbia-sockeye-salmon-fishery-fraser-river/assessment-downloads-2/oral_hearing

Independent Adjudicator Decision

[Final decision of the Independent Adjudicator](#) - 12th July 2010