

February 11, 2010

## Commission Guidance to the Fraser River Panel

For 2010 the Commission provides the following direction to the Fraser River Panel with respect to implementation of Paragraphs 3 and 8 of Chapter 4, Annex IV of the Pacific Salmon Treaty.

Notwithstanding provisions of paragraphs 3 (c), 3(d) and 3(e) of Chapter 4 to the contrary:

1. The agreed Fraser River Aboriginal Fishery Exemption (AFE) is up to 400,000 sockeye annually. For computing TAC by stock management group, the AFE shall be allocated to management groups as follows: The Early Stuart sockeye exemption shall be up to 20% of the Fraser River Aboriginal Fishery Exemption (AFE) , and the remaining balance of the latter exemption shall be based on the average proportional distribution for the most recent three cycles and modified annually as required to address concerns for Fraser River sockeye stocks and other species and as otherwise agreed by the Fraser River Panel. If either pre-season or in-season, there is insufficient harvestable surplus (defined as run size minus escapement goal, minus management adjustments made pursuant to paragraph 3(b), minus test fishing catches) in any stock management group to allow for the total AFE distribution to that stock management group as described above, the AFE for that stock management group will be the greater of: a) the catch, b) the projected catch by Aboriginal Fisheries or c) the available harvestable surplus. The remaining balance of AFE not distributed to that stock management group will be re-distributed to the other stock management groups in the same proportions as specified above, unless otherwise agreed by the Fraser River Panel. The harvest distribution of Early Stuart sockeye is expected to remain similar to that of recent years.
2. For the purpose of computing the aggregate TAC, each Fraser River sockeye stock is assigned to one of four stock management groups. The stock management groups are Early Stuart, Early Summer, Mid-Summer and Late Run. The annual U.S. share available for harvest in the Panel Area is computed by applying the percentage share provided in paragraph 2(a) to the aggregate TAC, defined as the sum of the TACs computed for each of the four stock management groups. To the extent practicable, the Fraser River Panel shall develop and implement a fishing plan that provides the U.S. fishery with the opportunity to harvest its 16.5% aggregate share of the TAC of Fraser River sockeye. To accomplish this, the Panel to the extent practical, shall strive to concentrate the U.S. fishery on the most abundant management group (or groups), i.e., those that provide the largest percentage of the available TAC. It is understood that, despite concentrating the U.S. harvest in

this manner, the overlapping of management groups may result in greater than 16.5% of the TAC for one or more of the less abundant management groups being taken by the U.S. fishery. A small but acceptable rate of incidental harvest may occur on one or more overlapping management groups that have little or no TAC as defined in the current Chapter.

3. With respect to paragraph 8 of Chapter 4 the U.S. share shall be adjusted for harvest overages and underages based on post-season catch estimates as follows:

- (a) The U.S. share shall be adjusted in the amount of any harvest overage or underage of the same species from the previous year or years as provided in subparagraphs (b) and (c), below. In making such adjustment, the U.S. current year share will not be reduced by more than 5 percent nor increased by more than 15 percent because of the adjustment, unless otherwise agreed. The Fraser River Panel shall attempt to fully implement any adjustments to the U.S. share by the expiration of this Chapter. Any remaining balance from the harvest overage or underage shall be incorporated in the subsequent year's allocation. Any residual overage or underage remaining at the last year of this Chapter shall be carried forward into the next Chapter period.
- (b) The U.S. share will be adjusted to account for management imprecision in U.S. fisheries subject to the limitations prescribed in subparagraph (c). Additionally, the U.S. share will be adjusted for underages which occur as a result of Canada directly impeding the U.S. from pursuing its in-season share of the TAC. This latter circumstance will be noted in-season by the Panel including the effect Canada's catch had on impeding the U.S. pursuit of its in-season share, and will be compensated for as an underage pursuant to paragraph (a).
- (c) The U.S. share will not be adjusted:
  - (i) for underages which occur because the U.S. fishery failed to deploy sufficient effort;
  - (ii) for underages which occur because too few fish were available to the U.S. fishery due to migration patterns (e.g., diversion rates) or harvesting constraints for intermingled stocks or species; or
  - (iii) for that portion of an underage resulting from an increase in the estimated TAC identified after the year's fishery has ended but which would not have been available due to harvest constraints for intermingled stocks or species.
  - (iv) for an overage resulting from TAC reductions after the scheduling of the last Fraser River Panel approved U.S. fishery of the season.

- (d) The Fraser River Panel shall develop agreed procedures for implementing this guidance as part of its preseason planning process.
- (e) Fisheries that occur after the last U.S. Fraser River Panel approved fishery are expected to remain similar to those of recent years.