

# Salmon Talks



# Lillooet

Presentation to Cohen Commission, Lillooet Forum, August 18, 2010

## **Introduction to Mandate Topics to be Addressed**

We will comment on aspects of the Wild Salmon Policy and its lack of implementation; DFO catch monitoring programs; engagement between DFO and First Nations in planning processes for fisheries; the functional absence of federal regulations protecting salmon habitat in British Columbia; and the make-up of the commercial fishery and the fundamental flaw of its location.

Information in this presentation is sourced from DFO staff, Inter Tribal meetings, Chiefs and fisheries technicians, journalists and directly from DFO material.

Salmon Talks Lillooet is a diverse group that formed to engage in education and action to preserve and protect wild salmon after the crash of 2009.

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and Editor of The St'át'imc Runner Newspaper*

# 1. Wild Salmon Policy

The Wild Salmon Policy was adopted in 2005 after five years of consultation on the document. Many times as a journalist asking questions and as a listener at meetings I have heard DFO representatives tell people that their concerns are being answered by that policy.

When the IUCN scientists Red-Listed Pacific Sockeye Salmon in 2008, their top recommendation to Canada was to implement the Wild Salmon Policy.

*See "State of the Salmon: Endangered!", P'an't tasneqwema 2008, The St'át'imc Runner*

When I spoke to the person in charge of WSP in 2008, he was unable to suggest a number of years before it came into effect.

That document is relevant to this inquiry. It introduces a major shift in fisheries management, one that is necessary to preserve biodiversity in Fraser sockeye, ie., distinct genetic groups of sockeye. Presently fisheries are managed to four run-timing aggregates which does not distinguish between the small endangered and critically endangered runs and the large runs, and they are fished together in mixed-stock fisheries.

Last year, 2009, the Policy came into effect on one small area - Barclay Sound. Unfortunately the most recent update publicly available on the implementation process is dated September 2009. It is one page long, with references to organizational documents dating back to March 2008. Although an update was promised for March 2010, there isn't one.

*See "Fact Sheet - Update on the Implementation of the Wild Salmon Policy 2009"*

There is a lack of political energy around this document. Chuck Strahl, our MP and Minister for Indian and Northern Affairs at the time, visited Lillooet on February 5 this year. Salmon Talks members met with him and put to him the question of why the WSP is not being implemented. Strahl's riding includes the entire mid-Fraser and a key part of the lower Fraser. He said, "Well, I don't know about "adopted" or "implemented." We might agree at this meeting to follow the Wild Salmon Policy, but when I go to another meeting, people might think the priority is gravel extraction from the lower Fraser." Strahl seemed unaware that the Policy amounts to legislation and covers issues like gravel extraction. He said, "the idea that there is consensus on how this process should be administered just doesn't exist." "Maybe with the Cohen Commission the stars will align. I hope it's not too late."

*See "Minister Strahl in Lillooet, February 5 2010"*

The budget for implementation of the Policy is inadequate. The document states it will have to be implemented from within the existing envelope of designated DFO funds. This is simply not possible - it will never happen at this rate. It has had a budget of one million dollars a year, and the assumption of use of existing personnel and budgets which has clearly proved inadequate.

The Policy has a dual mandate in protecting and promoting wild salmon and salmon aquaculture in BC waters. This is a flaw in the plan, but even the strategies to protect migrating wild salmon from farmed salmon, named in the Policy - Fish Health Management Plans, improved cage structures, proper siting of farms and continued research, are not being carried out.

*See WSP excerpt, "Aquaculture"*

While the Minister of Fisheries and her staff have been traveling to promote increases to the open-net cage salmon farming industry on BC's coast, we are very aware of the negative impacts of these practices in other countries around the world. While the Minister answers letters asking for moves to closed containment by saying this technology is not tested for environmental impacts, there are countless examples of environmentally sustainable on-land industrial scale fish farms in the USA, China and elsewhere. We are flummoxed by DFO's behavior in disregarding the impact of coastal salmon farms on wild salmon when best scientific knowledge around the world shows such evidence as 50% declines of wild salmon stocks over a single decade in areas where salmon farms have been introduced.

The Wild Salmon Policy states, "Conservation of wild salmon and their habitat is the highest priority for resource management decision making." At a plenary session with DFO and First Nations in Richmond in April 2008, Les Jantz said to the meeting, "We've established that maximizing harvest is a higher objective than managing for escapement." He was talking about his own department's plans.

*See WSP excerpt, "A Snapshot."*

The Policy: "Wild salmon will be maintained by identifying and managing Conservation Units that reflect their geographic and genetic diversity. A CU is a group of wild salmon sufficiently isolated from other groups that, if lost, is very unlikely to recolonize naturally within an acceptable timeframe, eg, a human lifetime or a specified number of salmon generations." I won't get into the mechanisms of the Policy, those are available, however I would like to point out that after five years of the Policy the required assessments of the CU's and the establishment of benchmarks as to their escapement needs have not been created and are therefore not affecting management decisions. The Policy stipulates that any DFO Area Manager responsible for a "Stock of Concern" must take precautionary action using the best available science and management strategies, and we feel this directive is not being carried out.

Two examples. The Late Stuart run is forecast to return at 60,000 animals at the 50% ppb. Every day now as those salmon return, grouped among approximately 2 million other sockeye, the commercial fishery is harvesting over 100,000 pieces a day from the mixed stocks. The potential for that run to be wiped out should be obvious. The second example, although there could be many, is the Cultus Lake run. The day before the commercial fishery opened, 17 of them were counted in their stream. The highest estimate for their return this year is 19,000 salmon. DFO has already made a decision that protecting that run would impact the socio-economic value of the commercial fishery and projects a 20% harvest of the run, which is totally impossible to ensure given that the purse seine and gill net commercial methods are not selective and fishermen say they can't tell the difference between species anyways. This social value, protected in the Policy, should be called into question, as well as the location of the commercial fishery in the mixed-stock areas.

*See Table 12. Pre-season sockeye return forecasts, and, Pacific Salmon Commission News Release, August 6, 2010*

To contrast, the First Nations fisheries, as of August 13, caught an estimated 221,000 sockeye since July 23, or 10,000 pieces per day.

The WSP "will facilitate taking management actions in advance of biological listing under COSEWIC and legal listing under the Species at Risk Act;" which will "...help to manage and reduce any adverse social and economic impacts that might arise from conservation actions required under a SARA listing." That's not happening.

*See WSP excerpt, "Implementation "Making it all Work.""*

**We recommend that the Wild Salmon Policy receive a dramatic increase in implementation funding and that very-near-future timelines to the efficacy of the Policy be introduced and met.**

**We recommend that protection of open-net-cage salmon farms is not consistent with the Wild Salmon Policy's overall purpose.**

## **2. Relocation of the Commercial Fishery**

In 2006, Summer Run stocks were over-fished by approximately 1.1 million sockeye in the commercial fishery. That is not the first time over-fishing in marine areas, before the returning numbers can be accurately understood, has happened.

Salmon biologist Michael Staley reviewed that year's fisheries and stated, "Structuring a fishery in which a large commercial fishery occurs first, given the needs of management for certainty, is like putting the cart before the horse. Fisheries managers are asked to make choices about fisheries when there is extremely high uncertainty about the number of fish returning." Staley concluded that commercial fisheries must be located in terminal areas where the stocks can be fished individually, precluding the possibility of fishing out smaller and endangered runs, and where total allowable catch can be precisely measured against spawning requirements because the particular stock size can be assessed only once it is isolated.

*See, "Review of 2006 Fraser Sockeye Fishery, St'at'imc Runner, Pipantsek 2007"*

The legal order of management priority for salmon harvest in British Columbia is first conservation; second, aboriginal food social and ceremonial fisheries, and lastly commercial and recreational fisheries. In the current management scheme, recreational fisheries are opened first, followed by some coastal First Nations fisheries, then commercial fisheries, and then in-river aboriginal fisheries. Whether conservation is being addressed last, given the uncertainty of run sizes before they are returned to their natal rivers and streams, is a question that would seem to be begged by the other evidence. Fisheries management must be reorganized to meet the legal requirements.

Again, the IUCN stated that mixed-stock fishing is the single greatest threat to endangered runs. Another example: the Gates Creek and Potage Creek runs are very important to St'at'imc fisheries. There used to be so many fish in these stocks that people would catch them in gill nets all along Seton Lake. This year, Gates is forecast at 9,000 animals at the 50% ppb. At the 90% ppb, the number is 30,000. Again, the mixed-stock commercial fisheries are right now taking over 100,000 pieces each day at the approach to the Fraser, at the time that this run is returning. Gates is listed as "critically endangered" in the IUCN 2008 report.

*See, Pacific Salmon Commission NEWS RELEASE August 13, 2010*

Organizations of fishermen within the commercial fishery have raised sustainability concerns themselves in comprehensive submissions to DFO, which seem to have been ignored. Specifically, they have most recently expressed concern around the current recreational / commercial allocation being lumped together; the assurance of escapement levels; inadequate at-sea monitoring of the commercial fishery; enforcement, catch reporting and verification; high-grading practices in some fisheries; and how to answer biological constraints. We agree that these are substantive issues.

*See INDIVIDUAL VESSEL QUOTAS IN THE SALMON TROLL FISHERY*

**We recommend that commercial fisheries be relocated to terminal areas, and that any commercial efforts in main-stem and coastal areas be minimized to a level that could not singly wipe out entire runs.**

### **3. Drastic changes are required to the recreational fishery, in monitoring and allocation.**

Up until 2008, an allocation of about 8 million sockeye has been awarded the recreational fishery through the sale of Salmon Conservation Stamps, which permit the fishing license holder to retain 40 sockeye over a year. By way of contrast, the First Nations Food, Social and ceremonial fisheries take about one million sockeye per year. In 2008, forecasts for sockeye were so low that emergency planning meetings were called with First Nations to try to devise strategies to share fish. 163,000 salmon conservation stamps were sold that year, each with the aforementioned allocation of 40 sockeye per Stamp. So in a year where sockeye were anticipated to return at only a couple of million, recreational fisheries had the right to harvest 6.5 million sockeye. This is ridiculous.

*See "Reported Sales in TWSF Database: Year to year comparison for April 1, 2008 to September 25, 2008"*

Regarding the 2008 sport fishery, DFO's Aboriginal Liaison in Kamloops, Barry Huber, told me by phone, "It's true there's not going to be enough sockeye this year. We're not closing the recreational fishery, and I expect we'll be challenged in court." Why is DFO opening fisheries on insufficient stocks, and why, furthermore, are they doing so when they can also clearly identify the legal questionability as regards the aboriginal priority right?

Monitoring of the recreational fishery is inadequate, to say the least. This creates the problem of not knowing anything about the kind of catch being taken by that sector. It also appears that the post-season estimate of the recreational catch is arrived at by subtracting the commercial catch numbers from the total allocation to those fisheries, which is not actually consistent with the actual potential catch indicated by the Salmon conservation stamps. During a plenary session between First Nations and DFO in spring of 2008, Mel Kotig explained the Department's goal of monitoring 20% of the recreational fishery.

Monitoring of the recreational catch is carried out by a method of estimating catch per unit effort based on interviews with the fishermen. "Roving" monitors interview some returning fishermen and multiply the average catch they record by the number of hours of fishing they estimate were done that day. Here is one example from a report within DFO. In the area defined by the mouth of the Sumas River in Chilliwack, on one end, and the Coquihalla River in Hope, monitoring was as follows for the time period June 27 to August 20: "one surveyor conducted interviews at Island 22, of anglers returning at the end of their fishing trip. A second surveyor conducted interviews at Landstrom Bar in Hope. Hourly rod counts were conducted at the Landstrom site."

The area in question is inarguably the most attended in-river sport fishery on the Fraser, and the timeframe in question is the peak of sport effort. I find it strictly impossible that any kind of accurate estimate on the recreational catch, or even effort, between Chilliwack and Hope at peak fishing times can be arrived at using this method. Methods for other areas bear out similarly, except for those thousands of kilometers of headwater streams that are not patrolled at all.

*See, "DFO - SURVEY METHODS"*

It is important to contrast the type of regular monitoring of the sport fishery, licensed for up to eight million

sockeye and a quarter million fishermen strong, with monitoring on aboriginal fisheries. In the mid-Fraser, from Lytton to above Lillooet, aboriginal fisheries are monitored 18 days a week. According to Cynthia Brew, DFO's catch data analyst for the area, an average four helicopter flights, three boat trips, four surveys by vehicle, and daily all-day monitoring at each fishing site are carried out for the purpose of catch monitoring. Brew opined that there was not adequate funding to properly monitor the fishery. Monitoring has actually been reduced since such times as the 1970's and 80's and indeed even the 1990's when helicopters patrolled twice a day. Given the disproportionate attention to a few hundred aboriginal fishermen, one might suggest that a redistribution of resources occur here amid recreational and aboriginal fisheries monitoring.

*See, "Aboriginal Fishery Monitoring: 18 days a week." St'at'imc Runner newspaper clipping, December 2008.*

In terms of enforcement, conservation and protection offices are simply understaffed. In the Victoria and Georgia Strait areas recreational fishing is carried on year round, and some 225 fishing charter businesses can be found on one on-line listing service. Larry Taike, Acting Area Chief of conservation and protection for the south coast at the time, told me there is a total of eleven offices for C+P on Vancouver Island and the Sunshine Coast, with 38 officers that "get out regularly." He said, "We don't have enough staff, so we have to prioritize - there's safety of the public, habitat protection as regards urban development," as well as fisheries.

Problems with fishing charter guides should be referenced, as it indicates the depth of the mystery of the recreational catch. Stefan Beckman, a Field Supervisor for DFO in Victoria, told me the story of apprehending one Russel Hicks, who was carrying on business in areas closed to salmon fishing. DFO carried out an undercover operation to catch him. "These types of undercover operations are carried out when traditional enforcement has not been effective. The challenge in this case was that the presence of any marked patrol vessel was immediately announced over the radio by other fishermen. We were told the fishermen would then move out of the closed area and remove any illegal fishing gear. This required a new approach involving use of an unmarked vessel and placing officers onboard guide boats posing as guests." Along with Hicks, this operation caught three other guides operating illegally.

This operation was quite unique, as far as I understand, and judging by posted convictions of offenders on DFO's website, and they are obviously very expensive and possibly ineffective. Beckman referred to making the penalties adequately imposing to be a deterrent, rather than a "cost of doing business." I do not believe this is the case, and must suggest that such organized offenders be denied licenses.

*See Email re Victoria / Sunshine coast enforcement; Russell Hicks*

The Conservation and protection offices are naturally expected to be able to advise sport fishermen on area closures to salmon fishing. In 2008 I called to eight C+P offices and posed as a sport fisherperson asking whether the fishery would be open the next day. I knew it would not be, and this information was posted on the DFO website. Five of them gave me the wrong information. I would like to include some samples.

Victoria told me there was no fishing at the mouth of the river, although the closed area was more encompassing and more specific than that. Langley said there were no restrictions and I could catch four fish per day and have eight in my possession. I asked why I would have eight in my possession if I could only catch four in one day, obviously the four from the previous day would spoil, but she could not answer that question. The Delta office had a recorded message from November of 2007 that said I could catch four per day in the whole region. Mission answered that "the girl who usually does this doesn't keep this book up to date. They open some areas and they close others and they just don't give me the information I want. On the book computer it says May 1 to August 30, four per day." Steveston gave me specific information for seven areas but not for the closed area. Chilliwack suggested I look on the internet, and I lied that I did not have internet access, nor a freshwater fishing guide. The employee told me oh well, I should be fine to go fishing.

*See "Recreational Notices"*

The Freshwater Fishing Guide is a seriously flawed design itself, as it is created a year or sometimes two years in advance of the fishing season and does not list a number of rivers that are basically perpetually closed to sport fishing. It also does not feature adequately detailed maps for fishermen to identify closed areas. I recommend this be remedied.

Currently the Fraser Panel reported five days ago that there was zero recreational catch of any sockeye at all. I happen to know that my dad, and according to him a great number of other sport fishermen, brought home sockeye well before that date.

*See, Pacific Salmon Commission NEWS RELEASE August 13, 2010*

Chief Fred Samson of Siska, Nlaka'pamux, reported an interesting piece of what he called "Traditional Aboriginal Science," during an Inter-Tribal Fishing Treaty meeting in 2009. At one time, he and a few other scientists went to the lower Fraser and stationed themselves opposite a river bar where approximately one hundred sport fishermen were lined up shoulder to shoulder fishing for sockeye. One CREEL survey monitor was making his way down the line, asking about each person's catch. Chief Samson noted that as the monitor approached, fishermen a little further down the line from him would make their way back to the bushes and hide their cooler, then return to their fishing spot. The monitor never checked the bushes.

**Monitoring for catch numbers and enforcement and compliance must be dramatically increased in the sport fishery to provide an accurate assessment of those fisheries' impact on the total sockeye returns. Licenses permitted to retain salmon must be returned to the Department at the end of the year, with details of every fish caught.**

#### **4. Development in salmon habitat continues without adequate precaution or mitigation as specified in the Fisheries Act.**

The "Salmon 2100 Project" organized scientific opinion of 30 professionals in salmon biology on the prognosis for salmon in BC, Washington, Oregon and California by the year 2100. We agree with their summary conclusions that include, "rarely has anyone successfully restored a run once it had become threatened or endangered, in spite of spending billions of dollars and many years in the effort." "...bureaucratic institutions, especially state, provincial and federal management agencies, have many practices and ideologies supporting the continued existence of the institution rather than the solution of any particular problem." "Three overarching realities must be addressed if society wishes to prevent the remaining current runs from becoming remnant populations by 2100: (1) in large part, because of altered and restricted freshwater habitat, salmon runs continue to be at low levels compared to historical abundances and thus recovery efforts start with relatively few wild fish; (2) restoring wild salmon is only one of many priorities that society professes and society must make drastic changes in individual and collective life style choices if wild salmon have any chance at recovery; and (3) the human population trajectory for British Columbia, Washington, Oregon, and Idaho must change dramatically for any wild salmon recovery effort to have much chance of success."

*See Salmon in western North America: assessing the future*

The Wild Salmon Policy notes that, "By 1990 in southwestern BC, one third of the spawning locations (a species in a stream) known since the 1950s had been lost or diminished to such low numbers that spawners were not consistently monitored at these sites." This is a direct result of "development."

The Department of Fisheries and Oceans is not upholding its obligations under the Fisheries Act. Over the past few years, applications for run of river independent power producers have cropped up on some 600 streams in BC. A DFO staff member told a local salmon conservation organizer, who was holding an event on the subject of local run of river IPPs, that the Department had signed a memo with the Ministry of Energy and Mines that it would not review these power projects until every other stakeholder had been consulted, and that it would not conduct independent research but would rely on the proponents' impact studies. This seems highly irregular. That Memo is not readily accessible and seems to be something of a secret.

Unfortunately, it is not a secret that government Departments issue permits for dumping in salmon bearing streams, for example mine tailings and municipal waste; for developing on spawning habitat, for example condos along the Adams River estuary and diversion of water for irrigation of climatically unsuitable crops; road building over salmon streams with inadequate culverts; detonation of charges causing landslides into fish bearing rivers during peak migration times, for example in IPP construction. These irregularities are far too regular and are having a major and destructive cumulative effect on sockeye populations.

Canada has dropped out of Kyoto Accord implementation. Given the documented impacts of rising temperatures in marine and interior waters, as referenced by the Department often in relation to explaining sockeye declines, due to global warming, any protective plan for future salmon stocks must include ratification and implementation of that Accord and full engagement with further developments in international climate change talks and strategies.

**We feel that there must be a mandate for some serious social house keeping, possibly through sponsored dialogues and educational programs. Investment in waste treatment research and development and infrastructure is overdue. The Fisheries Act should not be undermined at whim to suit corporate and so-called "socio-economic interests;" there is no business to be done on a dead planet. Kyoto Accord targets must be reached in Canada.**

## **5. Aboriginal priorities and management.**

For the last three years DFO has held several plenary meetings with all First Nations in BC before the start of sockeye season to discuss management plans. These were expensive, both in terms of cash and time taken by aboriginal leadership and technicians. The Department has yet to implement any of the recommendations made by First Nations at those meetings.

DFO maintains that it makes "bilateral" decisions with First Nations about fisheries management. In conversation with Interior Area manager Barry Rosenberger, this situation was clarified. "We call it a bilateral process, but it's really not."

Instead of protecting the aboriginal priority right, DFO enters agreements with local police forces, and by extension, the Canadian Army, (the Chilliwack detachment recently received two armoured personnel carriers in conjunction with stated fisheries enforcement aims) to carry out the policy of criminalization of native fisherpeople. We do not agree with this unwritten policy priority. This behaviour by the government also discredits aboriginal fishermen in the eyes of the non-native public and further antagonizes an already stressed relationship.

*See Pilalt fisherwoman won't get a license from DFO, and she won't play by the provincial court's rules, either. St'át'imc Runner T'ak i sts'úqwaz'a, 2010*

Interference and meddling with native fisheries and their mutual dealings are endlessly evident and categorically insufferable. DFO demands native acknowledgement of DFO rule when it negotiates any kind of funding arrangement with a First Nation or Tribal Council, and this is a clear advantage taking of the state of impoverished duress in which native communities find themselves. Courts have ruled on the existence of aboriginal title in British Columbia as well as the right to choose their fishing methods and areas, as well as the priority right to salmon above commercial and recreational interests. All of these titles and rights are asked to be sacrificed in arrangements between First Nations and DFO, which arrangements arguably do not even measure up to the standards of consultation and accommodation articulated in Haida, 2004.

Very good examples of these allegations of sabotage can be found in connection with the Inter Tribal Fishing Treaty of 1989. Two years after that document was signed by Fraser and Columbia indigenous nations, the Department implemented the Aboriginal Fisheries Strategy, a policy which divided the nations along lines of levels of cooperation and financial desperation. DFO personnel actually attended a 1992 meeting and stood in the lobby, offering cash to any First Nation that would participate in the AFS and drop out of the Treaty. The purpose of the Treaty was for the indigenous nations to mutually carry out the conservation and restoration of salmon species, including sockeye. The kind of cooperation that Treaty created is spectacularly unprecedented by any DFO initiative and potentially very beneficial to fisheries management. Activities by certain DFO reaches into aboriginal fisheries matters have again applied economic pressure for control of the recently reaffirmed Treaty.

*See "Inter Tribal Fishing Treaty, Chilliwack, Tzeachten, October 27 and 28, 2008"*

The problem that this denial creates is a massive waste of energy on the parts of both First Nations and the Department.

In 2008 and 2009 First Nations were able to calmly negotiate the best possible conservation measures within their food, social and ceremonial fisheries to ensure the availability of sockeye to every community from coast to headwaters. This capability was undeniably a result of the cooperative efforts already established in the revitalization of the Treaty since 2007.

*See "Sockeye Situation, St'át'imc Runner August 2009." And, "In Richmond on April 2 and 3, 55 people, Chiefs and their fisheries technicians,"*

**We recommend that a truly bilateral approach to fisheries management be implemented, and that indigenous knowledge and practices achieve their proper - leading - place in fisheries management.**

## In Summary:

It is our belief that the shortcomings in fisheries management and habitat protection are substantive causes of the steady decline of Fraser sockeye. It has been stated by many, recently at the SFU "Salmon Summit" conference in March this year, that 2009 was not unpredictable, and that it is plotted precisely on the trajectory of sockeye returns since 1992.

We have prepared the following recommendations as outcomes indicated necessary by our evidence:

- 1) dramatic increase to Wild Salmon Policy implementation budget with appropriate timelines for implementation
- 2) a recreational licensing system that includes the mandatory return of licenses with notation of all salmon caught, where and when, with penalty for failure to return.  
- and a substantial decrease in the recreational allocation
- 3) a coordinated plan for enforcing the place-based no-fishing areas re. recreational guides, as there are apparently systems in place on their part to enable undetected infringement,  
- and increased monitoring of the sport fishery for compliance
- 4) implementation of government-commissioned reports and recommendations, eg, the Pacific Salmon Fisheries Forum to BC
- 5) enforcement of Fisheries Act on the ground re. mines, IPPs, municipal waste. Strengthen protection of small streams and groundwater
- 6) cooperation on the part of the Department with scientists researching the threat of fish farms to wild Fraser sockeye
- 7) dramatic improvements to the accessibility of fishing regulations by sport fishermen, especially through local C+P offices, postings and fishing guide publications
- 8) positive implementation, at a truly bilateral level, of First Nations recommendations to Integrated Fisheries Management Plans annually
- 9) federal recognition of and resourcing to the Inter Tribal Fishing Treaty and its corporate head, the Inter Tribal Treaty Organization.
- 10) the removal of commercial fisheries from mixed-stock areas in the marine approach and relocation of said fisheries to terminal areas, so they can be carried out on runs that are definitely at required numbers and avoid incidental catch of endangered runs. This relocation program should be supported with funds to commercial fishermen either by buying back licenses, gear and boats or assisting with moving expenses. Marine licenses should be replaced with terminal licenses.
- 11) increased funding to restore habitat ruined by invasive species and industrial activity

12) halt to development in riparian zones

13) full ratification of and strategic plan to comply with Kyoto Accord

14) complete removal of open-net-cage salmon farms from the BC coast. In the interim report we ask that the early harvest of all adult farmed salmon be recommended to happen before May 1, 2011, since at this time of year the outmigrating juvenile salmon are most endangered by their presence.

15) that in the interim report from this Commission, clarification be offered to DFO and politicians that there is nothing about the existence of the Commission that should prevent them from doing their jobs in the meantime and using the best science and management methods available to protect and conserve wild sockeye, since they seem to think the opposite.

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# State of the Salmon: Endangered!

In a review of the global population of Pacific salmon, scientists relied on information from commercial and local fishing records from Alaska, Russia, Japan and Canada's Pacific DFO. A total of 80 subpopulations were then identified. 75 geographically distinct, existing subpopulations were found. Five other subpopulations were considered Extinct.

A subpopulation might be, for example, the Stuart Lake sockeye. Many of the 80 are in BC, and most of the endangered ones are also in BC. For some, data was incomplete and a listing wasn't made.

While the species called "Pacific Salmon," or *Oncorhynchus nerka*, is not endangered, about half of the subpopulations are, and more are considered vulnerable.

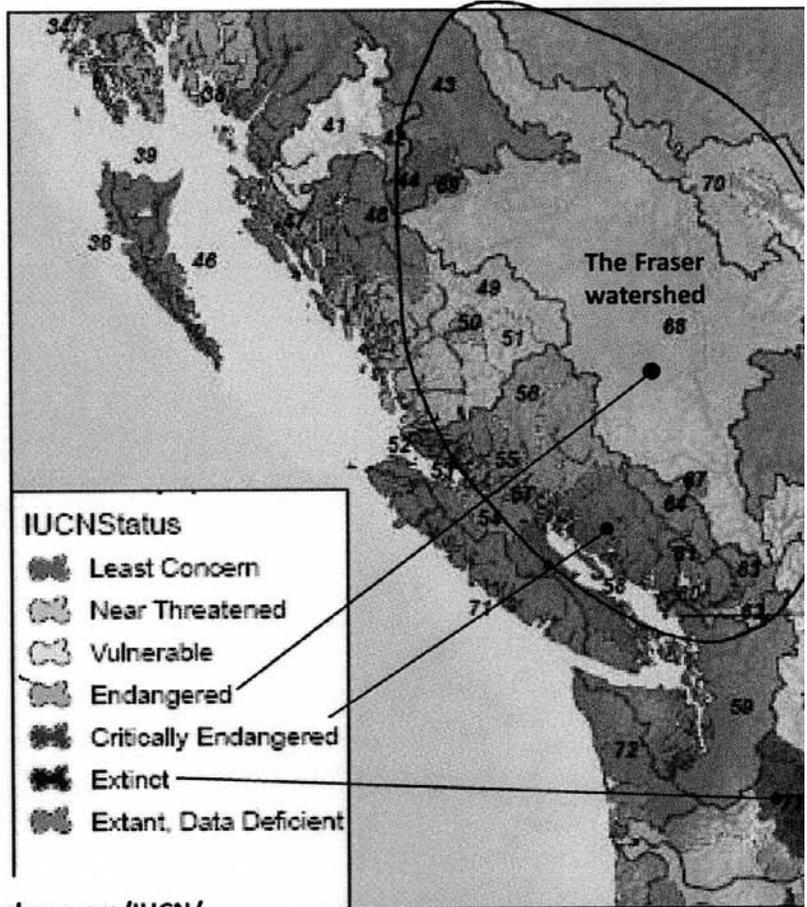
The IUCN report makes

the finding that the greatest threat to the endangered and critically endangered subpopulations is mixed-stock fishing.

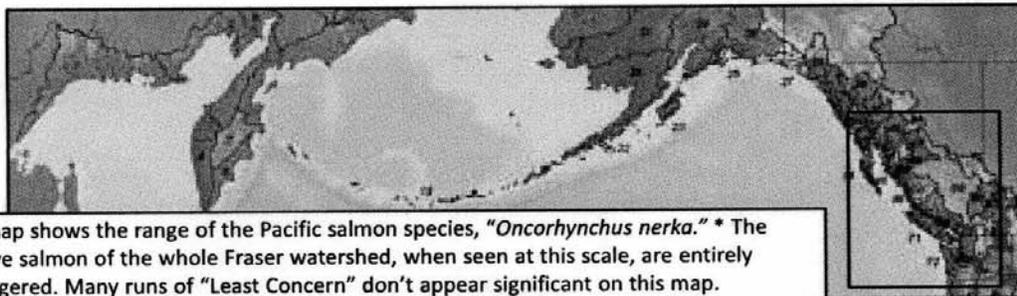
The sockeye swim together through the main stems, like the Fraser River and the Georgia and Johnstone Straits, as they make their way hundred of miles into the oceans.

You can now see the Red Listing for Pacific sockeye on the IUCN website, and look up individual subpopulations, their status, and information about their numbers and the threats to them.

The Red Listing is an international standard used to assess the state of global populations of species.



[www.stateofthesalmon.org/IUCN/](http://www.stateofthesalmon.org/IUCN/)



This map shows the range of the Pacific salmon species, "*Oncorhynchus nerka*." \* The sockeye salmon of the whole Fraser watershed, when seen at this scale, are entirely endangered. Many runs of "Least Concern" don't appear significant on this map.

### IUCN's listing of some stock of importance to St'át'imc

- Gates - critically endangered
- Birkenhead - least concern
- Nadina - least concern
- Stuart to Nahatlatch river - endangered
- Bowron - endangered

Coastal people begin to rely on Fraser sockeye. In Hecate Strait 5 subpopulations are endangered

## Grizzly Death in Lytton



"People are a huge part of the human-bear conflict story. A fed bear is a dead bear."

A Grizzly bear female with three 2-year old cubs caused problems at the site where a home was being built near Boston Bar. The family was living in a trailer while building the home. The bears came onto the property, were causing damage, and were at the trailer windows and doors. Eventually the

know of 4 subadult females in the population who have yet to produce cubs in 2008. In theory, at least one of the 3 cubs is likely a female given a 50:50 sex ratio in bears. Furthermore, the fact that the mother was killed in conflict puts the 3 cubs at risk.

Our efforts now have to

And we need to know how to protect ourselves - put bear safety tips into practice like carrying bear spray (again, cheap, effective life insurance against bear attacks), making ample noise to alert bears of human presence and be extra noisy and vigilant if the wind is blowing in your face or

### 2010 - Continued from front page

Government points to the Fo Host First Nations' participation in the Olympic organization. The cooperation of Musqueam, Burrard, Squamish and Lil'wat earned them \$20.5 million dollars in venue construction awards; less than that in cash and capacity building accommodation agreements, and some fee simple parcels of land. With the other hand, VANOC is taking away who

## Fact Sheet - Update on the Implementation of the Wild Salmon Policy (WSP) 2009 September 2009

To keep First Nations, stakeholders and interested Canadians informed on progress and planned activities in 2009 on the implementation of the Wild Salmon Policy (WSP), Fisheries and Oceans Canada (DFO), is publishing updates on the WSP implementation. Those who would like to highlight work that they, or others are undertaking in this newsletter can contact DFO by e-mailing: [wsp@dfo-mpo.gc.ca](mailto:wsp@dfo-mpo.gc.ca). Additional information can also be found on this website

### WSP Forum

The Department will not be holding a WSP Forum in September 2009. Instead, the Department will be focussing its efforts on targeted sessions on certain aspects of WSP to better engage interested individuals. We will also be looking into alternative communication options, such as website communications, web casts or teleconferences to broaden our reach. We will be providing information on these sessions in the near future.

### Strategy 1: Standardized Monitoring of Wild Salmon Status

DFO will be finalizing the list of salmon conservation units (CUs) for the Yukon Territory shortly. This information on the Yukon is expected to become available in the Fall of 2009.

#### List of CUs, maps, and list of sites by CU for B.C. and transboundary rivers

DFO is also in the process of finalizing its draft paper on the benchmark methodology, which will help guide the development of benchmarks and other indicators to assess the health of a CU. A scientific peer review workshop on the paper was held in early January 2009. The report's authors have incorporated the comments heard at this workshop and the final version will be made available on the DFO website in the early Fall.

### Strategy 2: The Assessment of Habitat Status

The Department is nearing completion of a draft paper that outlines the methodology to determine habitat indicators for lakes, rivers and estuaries. A scientific peer review was held to review the methodology, and the paper is now being revised and finalized. A summary of the workshop's proceedings will be drafted and made available on the DFO website in the near future.

#### Information on the habitat indicators for lakes, rivers and estuaries.

### Strategy 3: Inclusion of Ecosystem Values and Monitoring

DFO is finalizing a discussion paper on WSP Strategy 3 ecosystems objectives and indicators. This will be followed by testing, refinement and integration of Strategies 1, 2 and 3 indicators, metrics and benchmarks as part of the Barkley Sound WSP pilot. Future efforts will focus on integrating habitat status indicators with Strategy 3 to achieve a monitoring framework. There will also be a continued focus on strengthening relations with other federal government departments, Province of B.C. agencies and NGOs with interests in ecosystem-based management.

### Strategy 4: Integrated Strategic Planning

An update on implementation of WSP Strategy 4 was recently presented by Paul Ryall of DFO at meetings with the Fraser Watershed and technical committees in Prince George, Nanaimo and Kamloops.

The update provided information on identifying planning units, and planned activities for pilots on Fraser River sockeye, Barkley Sound and Skeena River.

The presentation proposes integration could be achieved through a new planning structure that may encompass:

- " Local area planning committees for various sub-regions (e.g. WCVI, Skeena)
- " The participation on these committees by local First Nations, harvesters, community interests, local and regional governments and other stakeholders
- " Region-wide forums to resolve inconsistencies

Next steps for the Barkley Sound pilot include fall consultations with First Nations and other interested parties on production planning for chinook and sockeye, an economic analysis of Barkley Sound salmon and an identification of Barkley Sound conservation unit benchmarks in the Fall/Winter of 2010.

### Wild Salmon Policy: Economic Evaluation of Salmon in the Barkley Sound Area

The Wild Salmon Policy establishes fundamental principles for conservation and sustainable use of wild

Pacific salmon, and recognizes that long-term sustainability of salmon populations can only be achieved through close collaboration with other federal agencies, with provincial agencies, local municipalities, First Nations, and stakeholders.

Fisheries and Oceans Canada is currently undertaking a project that will support the Wild Salmon Policy's pilot in the Barkley Sound area in terms of an economic evaluation of salmon. WSP refers to the need to consider social and economic information into strategic plans for the use of decision makers. The Barkley Sound economic evaluation of salmon will provide this economic information base for the planning pilot.

The first component of the work will involve the development of a methodology to establish economic values for salmon in Barkley Sound. The second component of this work will be the gathering of information on different sectors related to salmon to order to estimate values. The final component is to recommend performance indicators that assess resource management scenarios and impacts.

Expected completion of work is March 31, 2010.

If you have any questions, comments, or feedback on WSP, please contact Amy Mar at 604-666-3657 or email to: [wsp@dfo-mpo.gc.ca](mailto:wsp@dfo-mpo.gc.ca)

## Minister Strahl in Lillooet, February 5

Chuck Strahl held an Open House On Friday, February 5, the night before the Olympic torch celebration, in Lillooet. Apparently the Member of Parliament for Chilliwack-Fraser Canyon was in town for photo opportunities with the torch.

A handful of people took their chance for democratic process after 7pm that Friday. Discussion ranged from the economic opportunities in the area to grave concerns about the future of wild salmon.

Strahl had some noteworthy things to say.

“It’s hard to imagine fibre internet getting to Bridge River. That would cost, what, \$10 million? No one’s going to spend that kind of money.”

Strahl spoke to federal support for a local viticulture project, a test plot of grapes grown for wine. When constituents asked if there weren’t more federal campaigns to promote agriculture, even to run local economic strategies, Strahl declared his lack of faith in the federal government’s administrative capabilities. “The federal government couldn’t grow a grape - if we did, you wouldn’t want to eat it. We can’t run anything.”

As Minister for Indian and Northern Affairs, he added, “Almost anything INAC (DIA) has touched has been a disaster.” The point was made that, surely if the federal government wanted a successful agriculture program they could do it - they could look to any number of models around the world, actually. The point was

pressed home that it looks like a matter of faulty political will, rather than wobbly capacity.

The Minister’s views on wild salmon were particularly interesting. Strahl is both federal Minister for Indian Affairs and the Member of Parliament representing the entire mid-Fraser and a good chunk of the lower Fraser. There are three dozen Indian Bands in his riding, and a crisis in the Fraser fisheries that support them. The fisheries crisis impacts every native person in BC, actually. And what are his initiatives? Earlier in the day, The Salmon Talks advocacy group met with him for 45 minutes. They raised specific concerns regarding the impacts of fish farms, which by now are well-documented. To each question of federal indifference and inaction on the Fraser salmon crash, Strahl replied he would have to wait until the Cohen Commission made recommendations. When asked for a commitment that his government, and he himself, would respond immediately and fully to the recommendations of the Cohen Commission, Strahl was unable to provide one.

That evening Strahl was faced with more salmon questions. Why is the Wild Salmon Policy not being implemented, since it was adopted in 2005? Strahl: “Well, I don’t know about “adopted,” or “implemented.” We might agree at this meeting to follow the Wild Salmon Policy, but when I go to another meeting, people might think the priority is to deal with gravel extraction.” Strahl seemed unaware that the Policy amounts to legislation, and that gravel extraction is implicated in it. One

lady asked him, “Are you saying that the Policy is just something that can be followed or not?”

Strahl: “The idea that there is consensus on how this process should be administered just doesn’t exist.” The lady continued, “Are you saying that the law is meaningless then? We have an over-arching legislation that exists and has gone through due process, it’s not being followed, and I would like to think you might investigate this.” Strahl: “We could talk about this all night. I try to find a process that will carry the population at large. ...maybe with the Cohen Commission the stars will align. I hope it’s not too late.” Comment: “It’s odd to be waiting for an alignment of the stars if we already have a Wild Salmon Policy.”

In other exchanges, Strahl failed to respond to the fact that DFO’s unlimited sales of sport fishing licenses with the stamp to retain salmon amounts to an informal annual allocation of tens of millions of sockeye and Chinook - numbers which do not even exist in the waters. Thousands of sports fishermen practice their hobby in his constituency.

*The Cohen Commission is a federal Inquiry into the causes of the salmon decline, led by Justice Bruce Cohen.*

*The Salmon Talks is a broad-based collection of people that includes Elders, youth, fisheries experts and biologists, both native and non-native. It is a Lillooet group with plans to declare the area a Farmed Salmon Free Zone; to restore and protect salmon habitat*

## Aquaculture

Over the past decade, production from salmon aquaculture has expanded threefold, and the value of farmed salmon now exceeds that from commercial salmon fisheries. The industry's development has provided employment and income in coastal communities, where economic opportunities are often limited. This expansion has not been without controversy.

Jurisdiction for the regulation of aquaculture is shared between the Federal and Provincial governments. The provision of aquatic land tenures and the licencing of aquaculture operations in BC is the responsibility of the Provincial government. The Department's role, as the lead federal agency for aquaculture, is to manage aquaculture so that it is environmentally sustainable, socially responsible, and economically viable. In 2002 the Department released the Aquaculture Policy Framework (APF)<sup>22</sup> to guide the Department's actions with respect to aquaculture. The first principle of the APF directs the Department to support aquaculture development in a manner consistent with its commitments to ecosystem-based and integrated management, as set out in Departmental legislation, regulations and policies. This principle reflects the Department's mandate for the conservation of marine resources.

It is recognized that aquaculture operations, as with other human activities, pose risks to the natural environment. These potential impacts to wild salmon include: the chance of disease and parasite transfer, competition and genetic effects of escapes, and physical disturbances in near-shore environments. Risks are addressed through mitigation measures such as Fish Health Management Plans, improved cage structures and proper farm siting.

All fish farm sites must undergo a review for potential habitat effects under Section 35 of the *Fisheries Act*. The review includes evaluation of information on the size of the farm combined with specific features of the site such as benthic habitat and water currents and is intended to minimize the effects on important habitat such as eelgrass beds. Subsequent monitoring is carried out in conjunction with Provincial agencies.

The vast majority of marine fish farm sites also require, through either a *Fisheries Act* authorization or *Navigable Waters Act* permit, a screening for a broad range of environmental effects under the *Canadian Environmental Assessment Act* (CEAA). The CEAA screening examines the potential environmental effects of the project, judges the effectiveness of mitigation measures and assesses any residual impacts on the environment. A screening for a fish farm site encompasses all the potential effects on the natural environment, including the impacts of disease and parasite transfers, escapes, waste discharges and impacts to wildlife. Impacts which are judged to be significant must be addressed through mitigation measures, set out in required management plans and through adherence to Provincial regulations for fish health, escape prevention, sea lice monitoring and waste discharge. The CEAA screening also considers the cumulative effects of other projects in the same area and only those projects that are unlikely to cause significant adverse environmental effects (post mitigation) are allowed to proceed.

The goal, principles, and objectives of the Wild Salmon Policy will guide the regulatory actions of the Department. Aquaculture operations will be regulated in a manner consistent with other human activities that may adversely affect salmon or their habitat and DFO will continue to invest in research to improve our understanding and management of this industry.

## The Wild Salmon Policy – A Snapshot

- The goal of the Wild Salmon Policy is to restore and maintain healthy and diverse salmon populations and their habitats for the benefit and enjoyment of the people of Canada in perpetuity.
- This policy goal will be advanced by safeguarding the genetic diversity of wild salmon populations, maintaining habitat and ecosystem integrity, and managing fisheries for sustainable benefits.
- Conservation of wild salmon and their habitat is the highest priority for resource management decision-making.
- Resource management processes and decisions will honour Canada's obligations to First Nations.
- Implementation of this policy will involve an open and inclusive process aimed at making decisions about salmon stewardship that consider social, economic, and biological consequences. People throughout British Columbia and the Yukon will contribute to decisions that reflect society's values for wild salmon.
- Wild salmon will be maintained by identifying and managing "Conservation Units" (CUs) that reflect their geographic and genetic diversity. A CU is a group of wild salmon sufficiently isolated from other groups that, if lost, is very unlikely to recolonize naturally within an acceptable timeframe (e.g., a human lifetime or a specified number of salmon generations).
- The status of CUs will be monitored, assessed against selected benchmarks, and reported publicly. Where monitoring indicates low levels of abundance, or deterioration in the distribution of the spawning components of a CU, a full range of management actions to reverse declines – including habitat, enhancement, and harvest measures – will be considered and an appropriate response implemented.
- Measures for habitat protection and salmon enhancement will focus on sustaining wild salmon. An integrated approach to habitat management – involving assessment of habitat condition, identification of indicators and benchmarks, and monitoring of status – will be adopted that links fish production with watershed and coastal planning and stewardship initiatives.
- Ecosystem considerations will be incorporated into salmon management. Indicators will be developed to assess the status of freshwater ecosystems. Information from ocean climate studies of marine survival and of the biological condition of salmon will be integrated into the annual assessments of salmon abundance that guide salmon harvest planning.
- The policy aims to maintain CUs but recognizes there will be exceptional circumstances where it is not feasible or reasonable to fully address all risks. Where an assessment concludes that conservation measures will be ineffective or the social or economic costs to rebuild a CU are extreme, the Minister of Fisheries and Oceans may decide to limit the range of measures taken. Such a decision will be made openly and transparently.
- This policy will foster a healthy, diverse, and abundant salmon resource for future generations of Canadians. It will support sustainable fisheries to meet the needs of First Nations and contribute to the current and future prosperity of Canadians.

**Table 12. Pre-season sockeye return forecasts (at various probability levels) for 2010 by stock and timing group. Brood year escapements for recruits returning in 2010 and forecasted returns for 2010 are presented and colour coded relative to their 1980-2003 cycle average: red (< avg); yellow (avg); green (> avg).**

Run timing group Stocks	Forecast Model <sup>b</sup>	BY (06)	BY (05)	Prod.	Prod. Ret	Mean Run Size		Probability that Return will be at/or Below Specified Run Size <sup>a</sup>					
		(EFS)	(EFS)	(-8yr)	(-4yr)	2010	all cycles <sup>c</sup>	2010 cycle <sup>d</sup>	10%	25%	50%	75%	90%
Early Stuart	RS4yr	15,900	51,000				304,000	113,000	17,000	26,000	41,000	66,000	101,000
Early Summer (total excluding miscellaneous)							--	--	174,000	374,000	783,000	1,601,000	3,047,000
Bowron	RS4yr	800	900				(504,000)	(797,000)	(129,000)	(269,000)	(581,000)	(1,251,000)	(2,543,000)
Fennell	Power	8,000	3,000				21,000	20,000	400	700	1,300	2,500	4,600
Gates	KF	1,500	9,000				29,000	26,000	9,000	16,000	31,000	56,000	90,000
Nadina	Ricker-FrD-mean	4,500	12,000				59,000	17,000	2,000	4,000	9,000	17,000	33,000
Pitt	Ricker	20,000	33,000				79,000	22,000	9,000	16,000	30,000	60,000	107,000
Raft	Ricker-PDO	3,400	17,000				60,000	55,000	7,000	12,000	26,000	53,000	96,000
Scotch	KF	73,000	3,000				33,000	16,000	7,000	13,000	24,000	42,000	71,000
Seymour	RS4yr	57,000	4,000				73,000	248,000	40,000	106,000	265,000	640,000	1,450,000
Misc <sup>e</sup>	RS (Sc/Se)						150,000	393,000	55,000	101,000	195,000	380,000	691,000
Misc <sup>f</sup>	RS (Ra/Fe)						--	--	13,000	58,000	134,000	242,000	302,000
Misc <sup>g</sup>	RS (Ra/Fe)						--	--	7,000	10,000	14,000	22,000	42,000
Misc <sup>h</sup>	RS (Esum)						--	--	24,000	35,000	48,000	76,000	144,000
Misc <sup>i</sup>	RS (Esum)						--	--	1,000	1,000	4,000	6,000	10,000
Misc <sup>j</sup>	RS (Esum)						--	--	0	1,000	2,000	4,000	6,000
Summer							5,332,000	5,059,000	1,045,000	1,605,000	2,612,000	4,343,000	6,984,000
Chilko <sup>j</sup>	RJ4yr (smolt)	71M	77M				1,740,000	1,900,000	864,000	1,273,000	1,958,000	3,011,000	4,435,000
Late Stuart	RS8yr	14,000	160,000				750,000	396,000	8,000	21,000	60,000	169,000	429,000
Quesnel	KF	60,000	89,000				2,350,000	2,200,000	111,000	215,000	438,000	909,000	1,727,000
Stellako	RS4yr	80,000	100,000				492,000	563,000	62,000	96,000	156,000	254,000	393,000
Late (total excluding miscellaneous)							3,193,000	9,126,000	3,331,000	5,023,000	8,003,000	12,305,000	19,695,000
Cultus <sup>j</sup>	Smolt-Jack	490,000	100,000				(3,193,000)	(9,126,000)	(3,264,000)	(4,951,000)	(7,871,000)	(12,035,000)	(19,352,000)
Harrison <sup>k</sup>	Ricker-FrD-mean	91,000	57,000				17,000	18,000	5,000	6,000	9,000	14,000	19,000
Late Shuswap	Ricker-cyc	1.2M	12,000				58,000	NA	53,000	97,000	195,000	429,000	1,167,000
Portage	KF	11,000	8,000				2,210,000	7,640,000	3,101,000	4,652,000	7,252,000	10,791,000	16,702,000
Weaver <sup>l</sup>	Ricker-FrD-peak	14,000	24,000				55,000	90,000	8,000	18,000	42,000	99,000	221,000
Birkenhead	KF	140,000	27,000				406,000	690,000	71,000	126,000	264,000	472,000	799,000
Misc. non-Shuswap <sup>l</sup>	RS (Weaver)						447,000	688,000	26,000	52,000	109,000	230,000	444,000
TOTAL							--	--	4,567,000	7,028,000	11,439,000	18,315,000	29,827,000
(TOTAL excluding miscellaneous)							(9,333,000)	(15,095,000)	(4,455,000)	(6,851,000)	(11,105,000)	(17,695,000)	(28,980,000)

a. probability that return will be at/or below specified projection.

b. see Methods & Appendix 1 & 2 for model descriptions.

c. sockeye: 1980-2006 (excluding miscellaneous stocks)

d. sockeye: 1980-2008 (excluding miscellaneous stocks)

g. North Thompson River

h. Nahatlach River & Lake

i. Chilliwack Lake and Dolly Varden Creek

j. Brood year smolts (not effective females)

k. Harrison are age-4 (2006 brood year) and age-3 (2007 brood year)

l. unforecasted miscellaneous Late Run stocks (Harrison L.)

e. unforecasted misc. Early Summer Stocks (Early Shuswap stocks: S. Thompson); return timing most similar to Scotch/Seymour

f. unforecasted misc. Early Summer stocks (N. Thomson tributaries; return timing most similar to Fennell/Bowron/Nadina).

Model definitions: Pi (Pine Island SST covariate); Ei (Entrance Island SST covariate); FrD (Fraser discharge); PDO (Pacific Decadal Oscillation (PDO) covariate); cyc (cycle line stock-recruit data only); KF (Ricker model using Kalman Filter for 'a' parameter estimation); RS4yr (product of R/S from last 4 brood years & EFS in brood year); RJ4yr (product of R/smolt from last 4 brood years & smolts in brood year); RS8yr (product of R/S from last 8 brood years and EFS in brood year); R/S (used for stocks with no recruit data: product of R/S for stocks as indicated and EFS).

## Fraser Sockeye Escapement Plan

**2010 Escapement Strategy and Harvest Rate Calculations:** The Fraser River Sockeye Spawning Initiative (FRSSI) was undertaken to develop escapement strategies for Fraser River sockeye. Consultations are on-going with Regional and Sector advisory processes for feedback on 2010 Fraser Sockeye escapement objectives. Appendix 12 outlines the background for the escapement options for Fraser Sockeye in 2010 shown in Tables 13(a) and 13(b) and will also be available as a stand alone document on DFO's Consultation website.

No. 5 NEWS RELEASE August 6, 2010

The Fraser River Panel met today to review stock assessment data on the Fraser River sockeye runs, plan fisheries, and discuss sockeye migration conditions in the Fraser River watershed. Test fishing catches over the past week indicate that the migration of Fraser sockeye through both the northern and southern approach routes to the Fraser River is increasing. DNA analyses indicate that the stock composition of Fraser sockeye in the marine approach areas is presently about 30% Early Summer-run, 32% Summer-run, and 38% Late-run sockeye. The diversion rate of Fraser sockeye through Johnstone Strait is currently estimated to be approximately 28%. There has been a strong migration of sockeye observed at Hells Gate over the past several days. The estimated total commercial catch of Fraser sockeye to-date is 75,000 fish, while non-commercial catches (from test, First Nations FSC, Charter, and recreational fisheries) total 189,000 fish. The Scotch/Seymour stock component of the Early Summer-run sockeye timing group is continuing to show strength in marine area DNA samples. At the meeting today, the provisional run size estimate of 950,000 Early Summer-run sockeye was

increased to an estimate of 1,600,000 fish. The 50% marine migration timing of Early Summer-run sockeye through Area 20 is estimated to be August 2. The estimated escapement of Early Summer-run sockeye past Mission through August 5 is 641,000 fish. Summer-run sockeye abundance assessments are ongoing. An estimate of their run size should be available next week after their expected peak migration through Area 20 has occurred. The estimated escapement of Summer-run sockeye past Mission through August 5 is 380,000 fish. DNA analyses of sockeye samples from Juan de Fuca and Johnstone Straits indicate that Late Shuswap sockeye are the most abundant Late-run stock in the marine approach areas, which is consistent with the pre-season forecast. A run size assessment for Late-run sockeye should be available by about mid August unless their peak marine migration timing is later than expected. Late-run sockeye migratory behavior in terminal areas will be assessed over the next several weeks in order to estimate the proportion of the run delaying in the Strait of Georgia prior to entering the Fraser River. It is too early to provide an assessment of the run size of Late-run sockeye, however, if they are near their forecast level of abundance they will comprise most of the

Fraser sockeye migrating through the marine assessment areas in the coming weeks. At the meeting today, the provisional run size estimate of 400,000 Harrison sockeye was unchanged. The estimated escapement of Late-run sockeye past Mission through August 5 is 332,000 fish.



## IMPLEMENTATION “Making it all Work”

The adoption of a wild salmon policy is an important, long-awaited objective, but not an end in itself. Once it is adopted, attention must shift to implementation. The WSP requires acceptance of new ways of doing business and introduces a number of new program obligations. To ensure its commitments are met, an implementation plan will be prepared after the policy's finalization. This plan will stipulate what tasks are required, how they will be performed, and when they will be completed. On completion, the plan will constitute the Department's commitment to meeting its responsibilities for salmon conservation.

The six strategies proposed in the WSP represent a set of mutually dependent activities that must work together for the policy's goal and objectives to be achieved. Since the individual strategies are not autonomous, successful implementation of each one of them is necessary to ensure the overall success of salmon resource management.

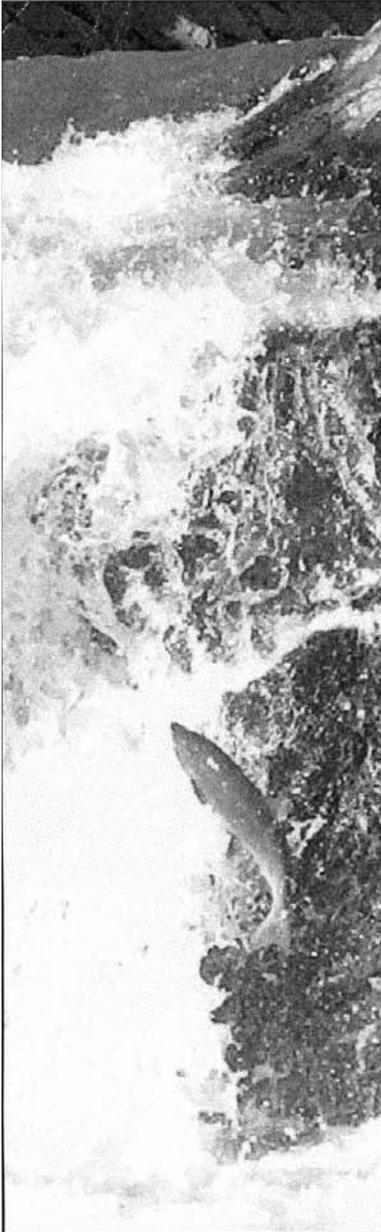
This new approach to salmon conservation is complex, and the pace and effectiveness of implementation will be influenced by two key factors.

First, implementation must be accomplished within DFO's existing resource capability and will be phased in over time. Second, it will depend on the effectiveness of our sharing of responsibilities with First Nations Governments, volunteers, stakeholders and other Governments.

Full implementation will not be achieved overnight. Establishing the management and consultation process, and allowing it to mature, will take time. The completion of scientific work to define Conservation Units,

### WSP Implications: Species at Risk

- The WSP will facilitate taking management actions in advance of biological listing under COSEWIC and legal listing under the *Species at Risk Act*.
- This will directly contribute to meeting DFO's legal obligations under SARA, by helping to prevent aquatic species from being extirpated or becoming extinct.
- Proactive responses in advance of listing will help to manage and reduce any adverse social and economic impacts that might arise from conservation actions required under a SARA listing.



# Review of 2006 Fraser Sockeye Fishery

Excerpts from Staley's report:

"The 2006 Fraser sockeye fishery presented many management challenges prompted by inaccurate predictions of run sizes, and increasing pressures on the sockeye fishery. Problems have been building over the past decade that partially explain what occurred in 2006.

The 2006 pre-season plan was based on a sockeye run-size forecast of 17.4 million fish at the 50% probability level.

The pre-season forecast for Quesnel sockeye was based upon spawner abundance in 2002. Pre-season, there was concern for this run as the smolts that went to sea were much smaller than average, and so were expected to experience higher than normal mortality. As the season pro-

**"Structuring a fishery in which a large commercial fishery occurs first, given the needs of managing for certainty, is like putting the cart before the horse. Fisheries managers are asked to make choices about fisheries when there is extremely high uncertainty about the number of fish returning. The 2006 season demonstrated the pitfalls associated with making decisions in the face of such uncertainty."**

*- Michael Staley, Report for Fraser River Aboriginal Fisheries Secretariat and Watershed Watch*

gressed it became clear that the Quesnel stock had not returned at forecasted levels. Unfortunately fisheries had already been conducted on the assumption the abundance was high. Final in-season estimates as well as preliminary post-season estimates indicated the Summer runs were over-fished by about 1.1 million as a result of this error.

The impact of Low Summer Run on First Nations The impact of fewer than expected sockeye returning in the 2006 Summer runs was felt hardest by the First Nations in the mid to upper river. A more precautionary approach is needed in the future to prevent a similar outcome.

The priority schedule places conservation followed by First Nations' needs before commercial and recreational needs, but this order is not consistent with the order in which fisheries occur in space and time, i.e.,

the latter two fisheries take place first in the marine environment. Undertaking any fisheries in the ocean entails a degree of risk that too few salmon arrive up-river to meet conservation and food fish needs.

The consultation process appears to have failed to adequately inform in a timely manner those First Nations who would be impacted, so that their input could be considered and their needs accommodated.

Only two First Nation individuals from the Fraser River sit on the Fraser Panel, and both are appointed by the Minister. Consequently, First Nations' involvement on the Panel relative to these kinds of decisions is not consultation. A smaller, less intense fisheries in marine areas, combined with increased harvests in the river after the fish have passed the assessment areas, will reduce risk."



## Spirit of the Mountain

Healing Gathering July 24, 25, 26th, 2007 Marble Canyon, Ts'kw'aylaxw

"To promote community unity, healing and family togetherness in an environment filled



## You Are Invited

To witness the signing of the P'egp'ig7lha Constitution

Julianne Memorial Hall, T't'q'et  
Saturday, July 14, 2007  
2:00 p.m.  
Emcee: Arnold Ritchie



Your presence would be most appreciated to witness

**Pacific Salmon Commission**  
**NEWS RELEASE August 13,**  
**2010**

No. 6 NEWS RELEASE August 13, 2010

The Fraser River Panel met today to review stock assessment data on the Fraser River sockeye runs, plan fisheries, and discuss sockeye migration conditions in the Fraser River watershed. Test fishing

and commercial catch data collected over the past several days indicates a variable but increasing migration of Fraser sockeye through the marine approach routes. Purse seine test fishing catches in Areas

12 and 20 were strong yesterday. Assessments conducted thus far suggest that the marine timing of Early

Stuart, Early Summer-run and Summer-run sockeye is considerably later than was expected during preseason

planning. DNA analyses indicate that the stock composition of Fraser sockeye in the Areas 12 and 20 marine approach routes to the Fraser River are averaging about 15% Early Summer-run, 30% Summer-run, and 55% Late-run sockeye. The diversion rate of Fraser sockeye through Johnstone Strait is

currently estimated to be approximately 45%. The migration of sockeye past Mission and Hells Gate has

also been strong over the past several days. The estimated total commercial catch of Fraser sockeye to date

is 777,000 fish, while non-commercial catches (from test, First Nations FSC, Charter, and recreational fisheries) total

392,000 fish.

The marine migration of Early Summer-run sockeye has been protracted this season. At the meeting today, the current run size estimate of 1,600,000 Early Summer-run sockeye was increased to

2,000,000 fish. The 50% marine migration timing of Early Summer-run sockeye through Area 20 is

estimated to be August 3. The estimated escapement of Early Summer-run sockeye past Mission through

August 12 is 1,129,000 fish.

The marine migration of Summer-run sockeye and particularly Chilko sockeye has increased in recent days. At the meeting today, the Panel approved a run size estimate of 2,600,000 Summer-run sockeye. Assessments of the marine timing of Summer-run sockeye are still uncertain, however the

current estimate of the 50% marine migration timing of Summer-run sockeye through Area 20 is August

10. The estimated escapement of Summer-run sockeye past Mission through August 12 is 760,000 fish.

Late-run sockeye continue to comprise an increasing proportion of the sockeye migrating through the marine approach areas and there are early indications that some of them are delaying in the lower

Strait of Georgia prior to entering the Fraser River. The gulf troll test fishery will be starting next week to

conduct assessments of the abundance of Late-run sockeye that are delaying their migration. A total abundance assessment for Late-run sockeye should be available later

next week, unless their marine migration timing is considerably later than expected. At the meeting today, the provisional run size estimate of 400,000 Harrison sockeye was increased to an estimate of 700,000 fish with 50% marine timing through Area 20 of August 4. The estimated escapement of Late-run sockeye past Mission through

August 12 is 597,000 fish.

On August 12 the discharge of the Fraser River at Hope was 2,960 cms, which is 19% below average for this date. The temperature of the Fraser River at Qualark Creek on August 12 was 18.3 0C, which is 0.5 0C above average for this date. Fraser River water temperatures at Qualark Creek are forecast

to increase to over the next week.

## INDIVIDUAL VESSEL QUOTAS IN THE SALMON TROLL FISHERY

### An Experimental Management Approach

#### 1. Background

The release of the Joint Task Group Report last spring sparked a vigorous debate on both the merits of Individual Quotas and how they could be implemented. While it has been suggested that the JTG report may be a blueprint for change, it is not a roadmap. There is no course charted between the management regime we have in place now and the vision Pearse and McRae laid out for the future.

We support in principle Minister Regan's announcement of April 14th confirming the direction DFO will be taking on this initiative. The consensus is clear; the status quo is not acceptable, the challenge is to find creative solutions that work for the disparate interests and dynamically different fisheries that make up the BC salmon fishery. Now is the time for action; we must begin to put this plan into place.

We do have concerns about open-ended priority access for the recreational fishery. Defined allocations, catch accountability and long-term security of access for all sectors are essential attributes to healthy, economically viable fisheries. Security of access and economic viability are inextricably linked. Long-term, investments in a restructured fishery must be sup-

ported by equivalent long-term security of access in the form of defined allocations for all sectors. Cost recovery for fisheries management is another measure that is dependent on the same security of access for the commercial salmon fishery.

At this early stage, it is clear that we will not get from where we are now to full implementation in one easy (or even difficult) step. With due respect for Pearse and McRae's recommendation of full implementation for 2005, the reality is that if we want to succeed in restructuring the Pacific Fishery we should adopt an approach of crawl, walk, run. We think this approach should logically consist of three phases:

**Phase 1:** Quantify the value of a salmon license. At their January 14 meeting, the CSAB made a number of recommendations to this effect that can serve as a template. Each license should be quantified as a percentage of the Total Allowable Catch (TAC), and expressed by species, stock and fishery. The CSAB and DFO are working together to develop new criteria to effect this.

**Phase 2:** Identify opportunities where an experimental management approach could generate benefits for management and fishers. Once fishers and managers begin thinking about licenses representing a share of the TAC, many will begin to think of different management regimes that could produce benefits. Individual quotas, or specific area / gear allocations can be adapted to take advantage of a variety of experimental management styles.

**Phase 3:** Implement an Experimental Management Strategy for the troll fishery. In this phase fisheries can be restructured to take advantage of the opportunities identified. This is the task of the Area Harvest Councils (AHC) and/or working groups mandated by the AHC's to work out the objectives, logistics and challenges of implementation.

Having laid out this staged approach, we think it is possible to have some overlap between phases as part of the implementation strategy. Several good candidates for restructured fisheries have been already been identified; we have included examples as part of a three year Experimental Management Strategy.

#### 2. Experimental Management Strategy

We see IVQ's in the troll fishery being implemented over a three year period. In the first year (2005), the leading candidates should be implemented if possible; Area H sockeye, Area G chinook, and Area F chinook.

Prior to the second year there is another factor that influences the implementation plan; area reselection. Given the continuing flux of opportunities between areas, and great uncertainty about what will unfold in the future, if area licensing is to be continued we see the need to have a mechanism to balance opportunities between areas. The current allocation format does nothing to address this, and substantial inequities have developed in recent years. There are two methods available for achieving

equity between the three troll areas:

1. Allocation of troll IVQ's on a coastwide basis, without area licensing.
2. If area licensing is maintained, annual area reselection so the fleet can choose to go where the opportunity is best in a given year without being permanently locked in.

In the second year of the strategy we would recommend including Area G sockeye, Area H chum along with Area F and G coho. This would give IVQ fisheries a broad enough base so that IVQ's could be allocated to all trollers coastwide, a major step toward achieving equity between areas.

In the third year the remaining troll fisheries should be included subject to the logistics being worked out. These would include the pink and chum fisheries in all areas. It may not be possible to include all minor fisheries in the third year of this strategy, but the objective should be to do so. This would ensure that opportunities to harvest allocations not currently being utilized would occur.

### 3. Implementation Issues

**There are issues that are common to many IVQ projects that must be addressed in the implementation plans. These include:**

**" " The policy issue of how any area may take their allocation. This is key to achieving the security necessary to make IVQ's work in the long term.**

**" " The current Recreational / Commercial allocation policy. This has a direct**

**effect on achieving certainty and we have addressed this in a separate paper.**

**" " Uncertainty of pre-season run size forecasts, and in-season run size assessments.**

**" " Assuring escape-ment levels.**

**" " At sea monitoring requirements above what is now in place for the fishery.**

**" " Level of participation / number of vessels.**

**" " Enforcement, catch reporting and verification requirements.**

**" " Transferability limitations.**

**" " High grading concerns.**

**" " Costs and benefits.**

**" " Biological constraints.**

### 4. Allocation Policy

There is one broad policy issue that is an impediment to allowing each area to achieve its yearly allocation, and must be addressed to facilitate IVQ implementation.. This is the current allocation policy that states that if one gear type cannot catch its allocation, it should fall to another gear that may be capable of doing so. The genesis of this policy goes back to the days that domestic salmon allocation discussions were conducted by the Commercial Fishery Industry Council (CFIC). The rationale was to ensure that commercial TAC's remain in the commercial fishery, and are not transferred arbitrarily to another user group.

Management of most fisheries is too complex to allow for these kinds of considerations to be incorporated into management plans. This is particularly true in the case of Fraser River stocks, where a number of obligations, statutory, bilateral and domestic, already make management decisions the most finely grained in the Pacific Salmon Fishery.

Additionally, this is at odds with the very nature of IVQ's. In an IVQ system, salmon that are allocated to a license area are, in turn allocated to individual vessels within that area. There is no mechanism to allow them to then be arbitrarily reallocated to fishers in another area for any reason, and doing so would be blatantly contradictory to principle of certainty IVQ's were intended to address.

To be consistent with the CSAB recommendations regarding the valuation of salmon licenses this needs to be changed. The CSAB has recommended that: "For the purpose of transfer for treaties, each commercial salmon license shall be defined as an assigned percentage by each species, stock and fishery".

If salmon licenses are to represent a portion of the TAC that is allocated to a gear type or area, then there must be certainty in that allocation. This is true both for the purpose of transfers for treaty settlements, and to allow each area to harvest its allocation. We must adopt the principle that each gear type and/or area has the right to harvest its own allocation. This may include harvesting it with a different gear or in a different way than that currently employed.

Reported Sales in TWSF Database: Year-to-Date Comparison  
 For the period of April 1, 2008 to September 25, 2008  
 Updated September 30, 2008

Fishing Year	2007	2008	Comparative between Years Increase/Decrease %            Amount	
<b>Resident Licence Categories</b>				
Annual	101,833	98,797	-2.98%	-3,036
5 day	10,766	10,864	0.91%	98
3 day	14,316	15,890	10.99%	1,574
1 day	19,902	19,452	-2.26%	-450
Senior	18,634	18,549	-0.46%	-85
Juvenile	30,061	27,515	-8.47%	-2,546
Total	195,512	191,067	-2.27%	-4,445
<b>Non-Resident Licence Categories</b>				
Annual	4,596	3,760	-18.19%	-836
5 day	17,989	15,825	-12.03%	-2,164
3 day	12,548	11,233	-10.48%	-1,315
1 day	15,590	11,276	-27.67%	-4,314
Juvenile	3,503	2,904	-17.10%	-599
Total	54,226	44,998	-17.02%	-9,228
Licence Replacements	2605	3044	16.85%	439
<b>Salmon Conservation Stamps</b>				
Adult	179,292	161,038	-10.18%	-18,254
Replacements	1467	2154	46.83%	687
Total	180,759	163,192	-9.72%	-17,567
<b>Breakdown of Licence Totals by Categories</b>				
Juvenile Licences	33,564	30,419	-9.37%	-3,145
Adult Licences	216,174	205,646	-4.87%	-10,528
Total Licences <sup>1</sup>	249,738	236,065	-5.47%	-13,673

September: Mouth of the Sumas River (Chilliwack) upstream to the mouth of the Coquihalla River (Hope).  
 October 1-8 : Mouth of the Sumas River (Chilliwack) upstream to the mouth of the Coquihalla River (Hope).  
 October 9-31: Pattullo Bridge (New Westminster) upstream to the Aggasiz Rosedale Bridge (Aggasiz).  
 November 1-31: Pattullo Bridge (New Westminster) upstream to the Aggasiz Rosedale Bridge (Aggasiz).

## DFO SURVEY METHODS

May 1st to 31st: Two surveyors conducted interviews at either Island 22 or Barrowtown boat launch. Hourly rod counts were conducted by boat at the Grassy Bar area (near Chilliwack Mountain).

During the month of June, water levels in the lower Fraser Area reached very high levels. The high and unsafe water levels had a negative impact on recreational angling. Island 22, the most frequently used boat launch for the study area, was shut down for flood preparations. This factor combined with heavy debris in the water, as well as most preferred fishing locations being underwater, caused a dramatic decline in angling effort within the study area. In order to follow what angling effort was still present, the study area changed for part of June. On June 7th, the crew focused survey effort to the lower Fraser canyon creek mouth fishery (Hope upstream to Alexander Bridge). Three days were spent on recon (locating all creek mouths, access paths, travel time, etc.) in order to create a preliminary study design. The basic June study design is briefly outlined below.

June 1st to 7th: Two surveyors conducted interviews at Barrowtown boat launch. Hourly rod counts were conducted by boat at the Grassy Bar area (near Chilliwack Mountain).

June 8th to 26th: Roving surveys were conducted at creek mouths from the Coquihalla River up to Spuzzum Creek. Hourly rod counts were conducted at the area around the mouth of the Coquihalla River. Instantaneous effort counts were done by vehicle and included all surveyed creek mouths.

**June 27th to August 20th:** One surveyor conducted interviews at Island 22, of anglers returning at the end of their fishing trip. A second surveyor conducted interviews at Landstrom Bar in Hope. Hourly rod counts were conducted at the Landstrom site.

On August 21st (up to Aug 30th), the mainstem of the Fraser river, below Hope, was closed to all angling. Similar to June, in order to assess what angling effort was still present, the crew focused survey effort to the lower Fraser canyon creek mouth fishery (Hope upstream to Alexander Bridge).

August 21st to 31st: Roving surveys were conducted at creek mouths from the Coquihalla River up to Spuzzum Creek. Hourly rod counts were conducted at the area around the mouth of the Coquihalla River. Instantaneous effort counts were done by vehicle and included all surveyed creek mouths.

September 1st to 20th: One surveyor conducted interviews at Island 22 in Chilliwack. The second surveyor conducted interviews and hourly rod counts at Landstrom Bar in Hope.

September 21st to October 8th: One surveyor conducted interviews at Island 22 in Chilliwack. Due to a shift in angling effort to the lower region of the study area, the second surveyor conducted interviews and hourly rod counts at Pegleg Bar.

October 9th to November 30th: One surveyor conducted interviews at Island 22 in Chilliwack. The second surveyor conducted interviews and hourly rod counts at Derby Reach in Fort Langley.

The back of t-shirts made by NSF for inter-tribal fishing treaty visitors.

WHERE ARE THE FISH?

## Aboriginal Fishery Monitoring: 18 days a week.

DFO helicopters, truck patrols, boat trips and foot monitors spend a combined 18 work days each week watching what mid-Fraser aboriginal fishers catch.

DFO's catch data analyst for this area, Cynthia Breau, presented at Northern St'át'imc Fisheries' October forum in Lillooet.

This year there was an average four helicopter flights per week, three boat trips per week, four surveys per week by vehicle, and daily monitoring on foot at communal fishing stations. Cynthia reported her opinion that there is not enough funding to properly monitor the fishery.

By contrast, DFO supported nine overflights for the lower Fraser between Mission and Hope in the month of September, 2007, when an estimated 112,000 hours were spent by sports fishermen fishing there.

The northern St'át'imc fish in an area of the Fraser called the "Mid-Fraser." Preliminary catch data released on DFO's website indicates that 33,430 sockeye were caught this year between Texas Creek and Kelly Creek. This area encompasses all the St'át'imc fishing spots on the Fraser. In a good year, according to St'át'imc fisheries monitors, this area brings in 40-45,000 sockeye.

The 2008 runs came in the lowest of the four-year cycles of salmon. As well as being the smallest run, historically, this year's fish was produced by the spawners of 2004. In 2004, there was a crash in the Fraser sockeye returns.

Numbers were very low, 10% of the historical run size, and over half a million fish "went missing," after that.

The entire Pacific salmon Aboriginal food, social and ceremonial (FSC) fishery in BC is thought to take up about a million sockeye in a year. Individual Aboriginal communities are each licensed to this limit communally for a certain number of salmon, Chinook and sockeye separately.

The sports fishery on the same fish does not have a formal allocation. Each with a catch limit of 30 Chinook and 40 sockeye annually, 163,000 "salmon conservation stamps" (a license to retain the limit of salmon) were sold to sports fishermen this year.

DFO's catch monitoring program shows the number of fish they estimate, through an interview system, to be harvested by the sports fishery each year. Last year they found that in May, it took that fisherman 100 hours to catch one Chinook in the Fraser River between Hope and Mission. This is using DFO's figures of how many people were fishing for how long, divided by the 18 Chinook they report catching in that month last year. Over the whole season they are said to have caught 8,000 in that area.

By the same catch record, in July last year it took an average of 24 hours to catch one Chinook in the area. This picture contrasts sharply with the pictures of dozens of Chinook being caught in one afternoon by a family on the same stretch of the river at the same

of the lake system.

Invasive fish species are easily spread to other systems when the Spring run-off raises the level of the lake and washes them into neighbouring streams and lakes.

only three or four good fishing days in the whole season. Few people got enough fish, and those that did say they have never worked harder to get it.

## Gates sockeye "critically endangered"

High mortalities in spawning channels throughout BC under study by DFO.

Chief Harry O'Donaghey of N'Quátqua and Dr. David Levy reported on the sockeye return to Gates Creek, and the project to restore the spawning channel. Fifty percent of the channel has been replaced with new gravel.

There were 9,500 adults counted in the channel and 4,580 in the Creek itself. A majority of the females, however, did not spawn at all. In other places along the Fraser and in the Birkenhead River there has also been a high pre-

spawn mortality, and DFO has been collecting samples of fish from the different streams to find out why. One of the problems in spawning channels is that the fish are closer together than they would be in their natural habitat, and disease spreads quickly. Dr. Levy described the need to build a fishway at Gates Creek to help the fish enter that.

The IUCN scientific team that just created a red-listing for Pacific salmon stocks has placed Gates at "Critically Endangered," with the next worst rating being "Extinct."

time, photos posted on Facebook.

Finally Northern St'át'imc Fisheries has provided another catch monitoring system, a survey that was carried out by volunteer fishermen who recorded their catch and how long it took them to get it. "We believe that DFO catch monitoring data may be biased," reported Dr Levy, the biologist leading the assessment fishery. "We have now added a second method of counting, and it should have similar results to DFO's. We will find out." Preliminary results reveal an average catch of two fish per hour this year. The report is due February.

For now, we have DFO's assertion that 33,000 were caught in four weeks of fishing between Texas Creek and Kelly Creek. According to their study, 18 fishermen per hour - averaged around the clock, which is how DFO does it - were catching just over two fish per hour all that time. Considering

that no one fishes for about eight hours of the day, DFO's preliminary data is already showing a catch nearly twice as high as that of NSF's catch data program.

Chief O'Donaghey raised an important point with respect to the recreational fishery. He talks to the sports fishermen, and they tell him about catching 30 Coho during the season. Aboriginal fishermen in the streams where those salmon return are not allowed to catch those fish, because of conservation concerns. DFO claims to be targeting a 2% exploitation rate on Coho.

Chinook conservation is also carried out in the headwaters, while most of those 163,000 salmon-stamp-holding fishermen are targeting Chinook downriver.

Neither an allocation for the sports fishery nor escapement targets for the Chinook runs were established by the Department this year. *Report by Kerry Coast*

Email re Victoria / Sunshine coast enforcement; Russell Hicks

Ms. Coast,

Leri Davies asked me to reply to some points in your email. I am a Field Supervisor with DFO's Conservation and Protection Branch in Victoria. The project resulting in the conviction of Fishing Guide Russel Hicks originated out of this office. I might be able to shed some light on the background.

These types of undercover operations are carried out when traditional enforcement has not been effective. The challenge in this case was that the presence of any marked patrol vessel was immediately announced over the radio by other fishermen. We were told the fishermen would then move out of the closed area and remove any illegal fishing gear. This required a new approach involving use of an unmarked vessel and placing officers onboard guide boats posing as guests. These methods are very effective and will be considered again depending on circumstances.

The convictions and penalties imposed in these cases are hoped to be a significant deterrent, not just a cost of doing business.

In addition to the case against Russel Hicks, two other fishing guides since then have also been convicted. One additional fishing guide has plead not guilty and a trial is scheduled for later this fall.

On the question of how much effort the department puts into these undercover operations in terms of budget and staff: These operations are evaluated against workplan priorities and what staffing resources are required to carry them out.

You mentioned that you have information that canning and smoking of fish is carried out by some fishing guides. Canning and smoking of fish out-

side of a person's ordinary residence is illegal and should be reported to the DFO Violation Reporting Line at 1-800-465-4336.

The information is then passed on to Fishery Officers in the area where the offence is being committed.

I have asked Leri to contact an enforcement supervisor to reply to your comments about snagging in the Fraser River. I hope these comments are helpful. Please give me a call if you have any questions.

### **Stefan Beckmann**

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Hi Leri,

Thanks for the call. My question is regarding the frequency of such investigations. in the report I saw via the Pacific Streamkeepers updates, it seems that several undercover officers, boats and a great deal of time went into catching the fisherman. How often are such efforts carried out?

I ask this question because various fishermen who patronize this type of fishing guide and prime fishing locations have suggested to me that this sort of illegal activity happens on a regular basis, and indeed that mini-canneries and smoking operations are widespread along the coast to

facillitate processing of such illegal gains.

There are many examples of illegal fishing that appear to be common knowledge among the aboriginal leaders who meet at Inter tribal Fishing Treaty meetings, for instance, the practice of "snagging" or "bottom bouncing" along the lower Fraser. Apparently this practice is illegal, and yet local sports fishing shops are uniquely stocked to outfit fishermen for this purpose.

So considering the effort that went into this recent undercover operation, and the unusualness of the conviction, hoSpawning escapements of early timed Fraser Chinook have declined to very low levels and the Department is implementing additional measures to reduce harvest impacts. Additional management measures are required for commercial, recreational and First Nation fisheries to halt the decline of early timed Chinook.

## Recreational Notices

**Effective 00:01 hrs Tues, March 11** until 23:59 hrs Thurs, May 15, in Subareas

19-1 to 19-4 and Subarea 20-5 (those waters near Victoria between Cadboro Pt to Sheringham Pt) the daily limit is two (2) wild or hatchery marked chinook salmon per day between 45 cm and 67 cm in length. An option to retain hatchery marked chinook greater than 67 cm is still under consideration.

Effective 00:01 hrs Tues, April 1 until 23:59 hrs Fri, May 30 in Subareas 29-6, 29-7, 29-9 and 29-10 the daily limit is zero (0) chinook salmon.

Subareas 29-11 to 29-17 and Region 2 are currently no fishing for salmon.

Effective 00:01 hrs Thurs, May 1 until 23:59 hrs Sun, June 15, the daily limit is zero (0) chinook salmon.

Notes:

Barbless hooks are required when fishing for salmon in tidal and non-tidal waters of British Columbia. This includes all species of fish in the Fraser River.

Anglers are requested to release any hatchery marked sockeye. These fish are hatchery raised sockeye and part of a recovery program designed to increase the numbers of Cultus Lake sockeye.

The term "hatchery marked" means a fish that has a healed scar in place of the adipose fin.

Sport anglers are encouraged to participate in the voluntary Salmon Sport Head Recovery program by labelling and submitting heads from adipose

fin-clipped Chinook and coho salmon. Recovery of coded-wire tags provides critical information for coast-wide stock assessment. Contact the Salmon Sport Head Recovery Program at (866) 483-9994 for further information.

Rockfish Conservation Areas that are currently in effect and are closed to all fin fishing. Descriptions of these closures, and other recreational fishing information, can be found on the Internet at:

[www.pac.dfo-mpo.gc.ca/recfish](http://www.pac.dfo-mpo.gc.ca/recfish)

Did you witness suspicious fishing activity or a violation? If so, please call the Fisheries and Ocean Canada 24-hour toll free Observe, Record, Report line at (800) 465-4336.

For the 24 hour recorded opening and closure line, call toll free at (866) 431-FISH.

Variation Orders No. 2008-97 and 2008-107 dated March 07, 2008

**FOR MORE INFORMATION:** Contact the local DFO office in your area for further information.

### **Region 2**

**Chinook:** Currently no fishing for salmon. Effective May 1 until June 15, the daily limit is zero (0) chinook salmon. **Listed on 07/03/2008 FN0131**

**Fraser River non-tidal:** Effective Friday, August 31, 2007 until further notice, fishing for Pink, Chinook and Chum salmon is permitted on the non-tidal Fraser River from the Mission Bridge upstream to the Highway No. 1 Bridge at Hope, BC. **Listed on 29/08/07 FN0636**

**Squamish Area rivers: Reminder:**

The daily limit for pink salmon in the Squamish River, Ashlu River, Cheakamus River, Mamquam River, Birkenhead River, Elaho River, Powerhouse Channel and all their tributaries is zero. Pink salmon may not be retained from these systems. This zero limit is effective for the 2007 year until further notice. **Listed on 09/08/2007 FN0563**

**Cheakamus River:** Effective August 1, 2007 until further notice, you may not retain Chinook on the Cheakamus River. **Listed on 30/07/2007 FN0524**

### **Region 6**

**Oweege Lake and Creek:** The waters of Oweege Lake and Oweege Creek located in the Nass Watershed are closed to angling for all species of salmon. **Listed on 07/08/2007 FN0554**

**Kildala River:** Until further notice there will be a monthly quota of 1 chinook over 65 cm. **Listed on 11/07/2006 FN0508**

### **phone calls:**

**Victoria:** Phone says Chinook is open everywhere, 2 chinook a day – today's March 31 2008  
From april 1 to may 30, 0 chinook in mouth of river  
Further up river, no Chinook either.

**Langley office says:** Tidal fishing in Fraser – yes allowed to fish, limit is four, only one over 65cm coho limit is also four, four for altogether.

Says I should be fine to go fishing tomorrow for Chinook, in the Fraser, no restrictions to 2 fish per day, I can catch 4 per day. She tells me I am allowed to have 8 fish in possession, in my car or my cooler, but the maximum I am allowed to catch is four fish per day.

I ask, Why would I have 8 fish in my car if I can only catch four per day?

She says, I don't know, the maximum you can catch is four per day, Chinook and Coho combined.

### **Chilliwack office**

I'm new in the office so I don't know the numbers off the top of my head, but the Cheat sheet doesn't say anything about closures on Chinook here. 824 3318

Around Chilliwack in Fraser, conservation closure on Chinook – Region 2, it's going to be the entire river, they're not allowing any fishing in the ocean, it's essentially a rolling window closure Port Alberni has partial openings Came into effect last month April 1 to May 29

Basically off of the mouth of the Fraser and the Strait of Georgia April 1 to May 10 is "0" Chinook, the entire Fraser from the mouth is all closed for salmon fishing, some salmon fishing will open at May 1, what exactly there will be is not put out in the notice, but at Chinook will still stay closed to June 15 at minimum.

There's some openings over by Victoria.

**Delta** recorded message dated November of 2007. It says: 4 fish daily limit in whole region, barbless hooks.

### **Mission:**

No fishing for salmon effective May 1, but I can't see... March 31 it's closed for Chinook The girl who usually does this doesn't keep this book up to date. Effective April 1 to May 15 it's open in specific areas over there near Victoria, limit two per day. They open some areas and they close others and they just don't give the information I want. On the book computer where it says May 1 to August 30 4 per day, The other, the may 1<sup>st</sup> no Chinook 19-1 19-4 and sub area 20-5 those

waters near Victoria between carsborough to sherringham point the daily limit is two wild or hatchery marked chinook per day . an option to retain hatchery marked chinook over 60 cms is still under consideration

### **Steveston:**

It just shows that tomorrow, April 1, until May 30 the limit is zero in areas 29-6, 29-7 29-9, 29-10. So if you wanted to go fishing, today would be the day.

I'm not sure if it will open up to 4 a day

In 29-11 29-17 it's also closed.

What about area 29-8?

That might be the one area that's open. It's by Boundary Bay, by the border.

Is it closed to aboriginal fishers as well? I think it's closed for everyone

She asks, Do you have access to internet? I say No. She asks, Do you have a copy of the tidal waters sports fishing guide? I say, No. She says, As far as I can tell the closure is just in those areas I mentioned.

### **Powell River**

We're basically open year round for chinook do right now it is open, but I'm not sure if there might be further closures on Cowichan Chinook, but I'm not sure.

Right now Chinook is open in Powell River, and in our area it's a limit of 2 per day. What they've done in the last few years is they've just had small area closures, so that's the way they've dealt with concerns about protected stocks. I don't know this year whether they'll increase those areas, we're waiting to hear.

The total Chinook annual limit is 30, 15 may be caught in Area 15,

that's Powell River.

### **Chilliwack**

How do people usually find out about fishing closures?

Well you can look at the DFO website, and that gives updates to the sports fishing guide that you can get at the local DFO office.

### **Lillooet**

as of april 1 you can fish for and retain jack Chinook jacks. In the mainstem Fraser, but it excludes most of the areas where you would catch them, like where the creeks flow in. But it's almost impossible to catch them in the river. They're more likely to catch Dolly Varden. I would suspect that there would be no other Sports opportunities in 2008.

## Salmon in western North America: assessing the future

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Lead Author: Robert T. Lackey  
(other articles)

Article Topics: Wildlife management, Environmental policy and Ecology

This article has been reviewed and approved by the following Topic

Editor: Joseph Siry (other articles)

Last Updated: June 16, 2009

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### Introduction

The future of salmon in California, Oregon, Washington, Idaho, and southern British Columbia is not bright even though people in the region have been, and continue to be, concerned about the decline of the once immense salmon runs. Billions of dollars already have been spent in a so-far failed attempt to reverse the long-term decline, which is largely due to altered or inaccessible freshwater and estuarine habitat. The option of using hatcheries to maintain runs is another story, but given the limited quantity and quality of spawning and rearing habitat now available to salmon, the region will not support self reproducing runs of wild salmon even remotely like those of the 1840s.

Wild salmon in California, Oregon, Washington, Idaho, and southern British Columbia have been on a 160 year downward trend and are now at very low levels. Efforts to reverse the decline have been extensive and expensive, but have

not met with much success. The value of the commercial and sport catch of salmon in this region varies greatly year-to-year, but overall it is less than the aggregate direct cost of recovery programs coupled with the costs to comply with Endangered Species Act requirements.

Our choices, both individually and collectively, are the most important determinant of the future of wild salmon. Salmon are only one of many, usually conflicting, priorities that society professes to rank high. Societal priorities are difficult to measure and subject to change. For scientists and policy analysts assessing the policy options available to the public, forecasting changes in biological conditions and societal values several decades in the future are technically challenging and the forecasts have high levels of uncertainty.

### The Salmon 2100 Project

The Salmon 2100 Project began in 2002 as a response to the apparent dichotomy between public and private understanding of the likely future of wild salmon in the region. The overarching goal of the Project was to assess the potential policy options needed to protect and restore wild salmon runs from southern British Columbia southward to California. Thirty-three salmon scientists, salmon policy analysts, and salmon advocates were enlisted, ranging from hardcore technical scientists to aggressive champions of particular salmon recovery policies, and representing a spectrum from quasi-institutional to highly individual opinions. The authors often did not agree with each other. Several only grudgingly conceded each other's right to an opinion about salmon recovery. Nonetheless, all their views

enriched the current debate and the book, whether we agree with them or not.

Project participants were asked to identify and describe practical policy options that, if adopted, could successfully sustain significant runs of wild salmon in California, Oregon, Washington, Idaho, and southern British Columbia. We did not define what should be considered a significant run, but it was something sufficient to allow for at least some level of sustainable fishing.

Everyone who participated in the project recognized that restoring and maintaining wild salmon in significant numbers through this century is a daunting challenge. Since 1848 with the discovery of gold in California, salmon runs have dramatically declined across the region due to many direct causes: water pollution; loss of spawning, rearing, and riparian habitat from a multitude of human actions; over-fishing; dam construction; water withdrawal for irrigation and industrial uses; and competition with hatchery-produced salmon and various non-indigenous fish species. These direct causes of the decline were the result of policy choices that reflected society's overall priorities.

The purpose of the Salmon 2100 Project was not to advocate in favor of any particular policy. Rather, it endeavored to stimulate serious and informed dialog about the likely future while presenting the choices society has regarding wild salmon.

The prescriptions offered in the book are universally candid, sometimes uncomfortably radical, and occasionally sobering. Nearly all participants concluded that major, sometimes wholesale modification of core societal values and prefer-

ences would have to occur if significant, sustainable populations of wild salmon are to be present in the region by 2100.

#### Policy Prescriptions that Would Work

All Salmon 2100 Project participants were asked to address the same question:

What specific policies must be implemented in order to have a high probability of sustaining significant runs of wild salmon through 2100 in California, Oregon, Washington, Idaho, and southern British Columbia?

This challenging question forced project participants to address society's failure to restore wild salmon. The salmon recovery policy debate is a puzzle that is characterized by:

1. claims by a majority to support the restoration of wild salmon runs;
2. competing societal priorities;
3. the region's rapidly growing human population and its pressure on all natural resources (including salmon and their required habitats);
4. society's expectation that experts should be able to solve the salmon problem by using a technology;
5. use of selected experts and "scientific facts" by political proponents to bolster their policy positions;
6. lack of a trusted source of scientific information because many scientists wind up as supporters of a particular political faction; and
7. the confusion caused by presenting value-based policy preferences as scientific fact. Somewhat surprisingly, nearly every project participant concluded that current recovery efforts have a low probability of success.

Yet none of the participants considered recovery hopeless, and all concluded that salmon recovery could be accomplished. There was considerable disagreement about how best to recover wild salmon runs, but each author was able to formulate at least one recovery strategy that, if implemented, could potentially restore wild salmon runs to significant levels.

#### Policy Prescriptions

Policy prescriptions tend to fall into one of several broad categories.

##### Category #1 - Employ

##### Technological Intervention

Several authors proposed habitat enhancements or replacements based on existing technology, including creation of new streams that replace lost or suboptimal salmon habitat. An engineered stream could duplicate or even improve natural habitat by providing excellent security, flow control, and nutrient productivity. While much of the scientific knowledge exists to construct these streams, the proponents recognized that new technologies will be needed for efficient operation and refurbishing of streams. Greater genetic knowledge of local stocks would be critical to maintaining salmon distinct to particular watersheds. These proponents suggest that by using technology and what we currently know about salmon habitat, society could reverse the proximal causes of salmon habitat loss by removing dams, allowing floods, restoring vegetation, and reducing logging and road building.

Several authors argued that supplemental stocking from salmon hatcheries will be required to sustain salmon production at fishable levels. While most authors found fault with current hatchery practices, a few suggested that the

controversy over wild vs. hatchery salmon is misplaced. They argued that the dispersal of hatchery fish to different streams over many decades has resulted in a massive mixing of the gene pool. Recovery programs to achieve genetic purity are thus unrealistic and unnecessary.

Many authors suggested that if a harvestable number of salmon is desired by society, then improvements in hatchery effectiveness would be critical. In their view, technology is currently available - or soon will be - to make supplemental stocking a useful tool to assist in salmon recovery.

##### Category #2 - Apply Ecological Triage

One category of policy prescriptions focused on concentrating resources and recovery efforts on the most productive watersheds. The rationale is that rarely has anyone successfully restored a run once it had become threatened or endangered, in spite of spending billions of dollars and many years in the effort.

Various authors proposed different types of "triage" approaches, but they shared a common philosophy that at least some streams should be managed as refugia where there is no salmon harvest or other detrimental practices allowed.

One proposed, for example, a Wild Salmon National Park distributed across the area and purchased with public money. In support of this proposal is the observation that one of the most successful methods for protecting endangered species is to provide national parks where citizens are allowed to experience species in their habitat. Several other triage policy prescriptions included as their core element creating salmon sanctuaries in watersheds

where salmon would be protected and restored over the next 100 years and beyond.

These triage authors insisted that such a sanctuary system is the only realistic way to ensure the survival of wild salmon given the downward pressures they will face in California, Oregon, Washington, Idaho, and southern British Columbia through this century. But with nearly all the triage prescriptions, there was great reluctance to bluntly identify the political downside or to be explicit about "writing off" the watersheds and regions that show little promise for maintaining wild salmon runs through the century.

**Category #3 - Change Bureaucracy**  
Several authors linked the failure of wild salmon recovery to deficiencies in various elements of governance, or to failures of specific organizations. From their perspective, successful salmon recovery would require major changes in "the bureaucracy".

Several authors observed that bureaucratic institutions, especially state, provincial, and federal management agencies, have many practices and ideologies supporting the continued existence of the institution rather than the solution of any particular problem.

Authors identified many examples of what they perceive to be institutional incompetence in salmon recovery: applying inflexible rules, protecting the institution (or individual) rather than the salmon, and allowing elected officials and/or citizens to make recovery decisions not based on the best available science.

Policy prescriptions included moving toward a much more decentralized recovery effort with rural residents playing leadership roles. Others encouraged the appointment of government leaders who

are more willing to solve problems based on the best available science rather than on personal preferences or philosophical beliefs.

**Category #4 - Domesticate the Policy Issue**

The prescriptions from some of the authors were what political scientists call "domesticating" the policy issue.

Domestication is the process of taking difficult, divisive policy issues off the table until a solution emerges or the problem disappears by solving itself (e.g., the species is extirpated). The most common forms of domestication are funding more research, more workshops and venues to get stakeholders involved through collaboration, and tweaking current regulations to provide the illusion of substantive action.

Considering the management challenges due to salmon declines, it is easy to see why offering to "domesticate the policy issue" has wider support than implementing policies that would actually work. Reversing the long-term decline requires changing at least some of the current political realities:

1. most rules of commerce and economic growth work against salmon recovery;
  2. increasing scarcity of key natural resources, especially high quality water, will constrain ecological options;
  3. the current trajectory for the region's human population precludes some frequently stated recovery goals; and
  4. individual and collective life-style preferences demonstrate that recovery is less important than many advocates assert.
- Few authors explicitly proposed ways to change these political realities. Instead, they suggested variations on existing policy options to revise the Endangered

Species Act (U.S.) or the Species at Risk Act (Canada), protect more salmon habitat, create more effective hatchery practices, add a "salmon awareness" component to K-12 education, and/or transform people's attitudes to natural ecosystems and specifically wild salmon runs.

Most domesticating strategies did not propose revolutionary approaches or a fundamental challenge to existing beliefs. Rather, they tacitly assume that at some future time we will formulate and agree on a viable solution. In reality, the public may not even be sure what the problem is, much less know what possible solutions exist.

Reflections about the Salmon 2100 Project

Collectively, we need to engage new ways of thinking; we need to recognize that politics and power structures, not science, make natural resource decisions; and that transformation of our approach is essential if indeed we wish to save wild salmon in appreciable numbers by 2100.

The way forward will not be through a single solution: more science will not restore significant, sustainable runs of wild salmon if institutional arrangements are inflexible; new institutional arrangements will not restore salmon runs if economic priorities are not reassessed; and technological fixes alone will not allow us to muddle through this phase of problem solving. There is not a single policy prescription (that has any chance of widespread adoption) that will quickly restore endangered salmon. And if we accept the future challenges, we have to accept that some of the current "unmentionables" may become more politically and socially palatable over the next

100 years.

#### The Near-term Future

Historians of 2100 may wonder why we spent billions of dollars on attempting to recover salmon when we had so many other pressing needs. Perhaps part of the current impasse is caused by the fact that we have not clearly agreed about whether there even is a problem worth fixing. Society may eventually decide that the best we can do is to create large-scale salmon "zoos" like we have for buffalo in Yellowstone, so that our great-grandchildren will have a tangible reminder of California, Oregon, Washington, Idaho, and southern British Columbia of the 1800s. Ultimately it is society at large that must become knowledgeably engaged in the salmon policy debate if intelligent, efficacious decisions are to be made. Consider 2100, only none decades away, only a few dozen salmon generations beyond today's runs, just 2 or 3 Pacific Decadal Oscillations from now. In my view, for fisheries experts, it is no longer time for either crippling pessimism, or for delusional optimism. Rather, it is a time for uncompromising ecological realism and forthright policy analysis.

#### Acknowledgments

The Salmon 2100 Project, four years in the making, resulted in 23 policy alternative prescriptions developed by 33 senior salmon scientists, policy analysts, and wild salmon advocates. The contributions from these individuals in shaping my thinking about the future of salmon was immense. In addition, my two co-project leaders, Denise Lach and Sally Duncan, with their sociological and political science perspectives, worked diligently to broaden my technocratic view of ecological policy, a view formed largely by spending my

professional career surrounded by other biologists. This article benefited greatly from candid review provided by colleagues. Outside reviewers are always helpful and appreciated. Particularly important were the suggestions provided by Joan Hurley.

#### Summary

The overall public policy goal of restoring runs of wild Pacific salmon in California, Oregon, Washington, Idaho, and southern British Columbia enjoys widespread public support. Billions of dollars have been spent in a so-far failed attempt to reverse the long-term, general decline of wild salmon in this region of western North America. Of the Earth's four regions where salmon runs occurred historically (Asian Far East, Atlantic Europe, eastern North America, and western North America), it appears probable that this region of western North America, without a dramatic change in current and long-term trends, will emulate the other three: extirpated or much reduced runs. Since 1850, an array of factors has caused the decline and a plethora of specific impediments has prevented salmon fishery recovery. The primary goal of the Salmon 2100 Project was to identify practical options that have a high probability of maintaining biologically significant, sustainable populations of wild salmon. The Project enlisted 33 scientists, policy analysts, and policy advocates, all well versed and experienced in salmon science and policy. Three overarching realities must be addressed if society wishes to prevent the remaining current runs from becoming remnant populations by 2100: (1) in large part, because of altered and restricted freshwater habitat, salmon runs continue to be at low levels com-

pared to historical abundances and thus recovery efforts start with relatively few wild fish; (2) restoring wild salmon is only one of many priorities that society professes and society must make drastic changes in individual and collective life style choices if wild salmon have any chance at recovery; and (3) the human population trajectory for British Columbia, Washington, Oregon, and Idaho must change dramatically for any wild salmon recovery effort to have much chance of success (California's human population exceeds thirty million and will be much larger by 2100). The Salmon 2100 Project developed 23 different recovery strategies, each of which likely would be ecologically viable (i.e., it would actually recover wild salmon) and appreciably less socially disruptive than are current strategies, but each of the 23 options also has much more modest restoration objectives, requires extensive hatchery or other aquacultural intervention, and/or involves creating protected areas. Most policy prescriptions fall into one of four general categories: (1) technological intervention often accompanied by a recalibration of the notion or definition of what is a "wild" salmon; (2) triage approaches that would concentrate recovery efforts on areas where successful recovery is most likely; (3) revamped salmon recovery bureaucracies and institutions including jettisoning "symbolic politics" pervasive in salmon policy; and (4) changed individual and societal behaviors. The policy prescriptions developed as part of the Salmon 2100 Project, if implemented, would likely restore wild salmon runs, though most would require significant alterations in people's lifestyles.

# Pilalt fisherwoman won't get a license from DFO,

and she won't play by the provincial court's rules, either.

Denise Douglas is in court for fishing "without the authority of a license." It's not the first time. "I've never had a fishing license," says the Cheam Member, who considers herself more authentically to be Pilalt - one of the original five Sto:lo tribes. One of the charges against her, July 16, 2002, was made at her family's ancestral fishing rock near Yale. That exact rock was noted by Simon Fraser in 1808 in his journey downriver. At that time there was a large plank house on top of the rock.

The trial will be argued over jurisdiction, aboriginal title, and aboriginal rights. At this stage the defenses span the Charter of Rights and Freedoms, Section 35 of the Constitution, and international human rights statutes.

Douglas will be representing herself for the first time. In other court cases - she has been in court since 1985 on successive charges - she has had a lawyer. Along with her sister, also charged, she will represent herself, two nephews and a cousin in the same trial. More than a dozen Cheam Members were part of the same Crown action, but only five remain. Others pled guilty in order to be rid of the whole situation.

All five of the defendants are on bail during the case, and all have already been in prison for failing to report properly under the terms of their bail. Conditions of bail include not fishing without a license.

"We have to fish. We need the fish to supplement our food supply." Court is not back in session

until September 13. Accepting a DFO licenses would compromise the position being taken in court, which is that neither DFO nor the court has any jurisdiction. "We are sovereign. In this case, we are claiming our sovereignty as Pilalt, so Cheam as an Indian Band may even be in trespass."

Working with anthropologist Keith Carlson from the University of Saskatchewan, Douglas states she has evidence that places her people in the lower Fraser Valley since the end of the last ice age.

There are disagreements within the Band and at the Tribal Council level over the best way to practice traditional fisheries. "One thing I would like to bring forward is the lack of support from the big native organizations who receive the mega-bucks from government to do reconciliation work in the fisheries. Instead, at the local level, we're already tried, convicted and hung."

"I found out that *Delgamuukw* cost us \$25 million. And here we are, going through these cases, arguing for our jurisdiction and our fisheries, and it isn't costing anyone anything. Except the Crown, it's their action." Douglas is doing her own research for the case while working on a second degree at the University of the Fraser Valley.

Judge Crabtree has already stated that he will not make a declaration of title, and that he is assuming the Crown has title. "I

need to refer to that comment, but he won't let me have the transcripts." The Douglas defendants are collecting up incidences of

**"After this case, we're planning a class action suit with the complaint of genocide, because we're sick of it."**

irregularity for a case they have planned down the road.

"If you look at what it says in the International Charter of Rights, we are not being treated like Canadians in these courts. But then we're not really Canadians, we're Registered Indians." Douglas spoke of what that difference means; how Cheam has become ghettoized by colonization, how six police cars come at once for a single person who has failed to report to their parole officer - over a fishing charge; and how procedural irregularities are "salient details: they waited a full two years to chase us down gangland-style with a summons for these charges, days before the statutory limitation."

"We were raised by our Elders, my sister and brother and I. We were trained by the Elders to do what we do: to defend our

fish from anybody. Our Elders were out there on the river when DFO had gunner boats to patrol us, boats with machine guns

attached to the bow.

"Now DFO and the RCMP sign deals about enforcing us on the river. Last month they had a supper to

sign the deal, and our Band paid for their dinner, and at the same time the Canadian Forces gave the RCMP two tanks - one for Agassiz and one for Chiliwack. I was scared when I read about it."

The court case is in year six with only three days of trial so far, last May. If the defense was going by current court precedents, Douglas would have to prove an aboriginal right, show prima facie infringement of that right, and force the crown to justify their actions. The legality of DFO regulating by fishing licenses, arbitrarily, has been tested and they have been found to have that authority in other cases. "But we know now that they can't say, 'because you didn't use your rights for a minute, they're gone;' or, 'if you're not sitting on that fish rock 24/7, 3-6-5, as soon as you leave you lose your title and someone

else can discover it."

What this case seeks is recognition, in the courtroom, that neither the judge nor the plaintiffs, in this case the federal government, have any right to be there making demands on sovereign Pilalt people on their own lands. "They never perfected a treaty with us. They do have a Constitution and laws, and those are good. They work well for the people they were written for. And their courts are like a chess board, everyone with their own moves and capabilities. But for us, as Pilalt, we don't have a starting place in that courtroom. If they're saying we're playing as Canadians, I challenge that: we're registered Indians. When we play as Canadians, that's when we get messed around."

"I told them, without proof of title, he doesn't have jurisdiction to treat us like criminals in a provincial court house.

"I've filed a writ of Mandamus in the Supreme Court. After this case, we're planning a class action suit with the complaint of genocide, because we're sick of it."

Douglas and others, including Wolverine from Secwepemc, are planning a Dialogue on Fisheries in Cheam on September 11.

*Interview with Kerry Coast*



Denise Douglas at the SunPeaks protest in 2001. Key Secwepemc from that gathering support her in the court room now Photo by Arnie Jack.

**Inter Tribal Fishing Treaty  
Chilliwack, Tzeachten, October  
27 and 28, 2008**

**Meeting Summary**

Grand Chief Saul Terry, Spokesperson for the Treaty, described his view of how the Treaty essentially works: Nations see themselves as management units for the salmon that migrate and/or spawn in their territory, with their own rules, regulations and fishing plans for how they manage those stocks. The Working Committee is made up of representatives from each nation Party, and those people review the various fisheries' work and goals and fishing plans, and ensure they are compatible: fish on spawning beds and in the peoples' food stores being the two primary objectives.

He suggested that technicians would take the Committee's discussion of the several fisheries and find on-the-ground methods to implement the plans for conservation, fishing, and enhancement.

Chief Terry also suggested the Working Committee be renamed a Commission.

A detailed report of the threat to Fraser sockeye from fish farms along the coast was provided by Darren Blaney, former Chief of Homalco. It seems that during Fraser salmon outmigration, along the coast through Georgia and Johnstone Straits, smolts must pass over 50 open-pen fish farms.

These pens are full of holes; smolts are food for the adult Atlantic salmon in the farms; chemicals used to treat disease and infection among the farm fish fill the waters around them; waste from the farms impacts all manner

of sea life that the smolts rely on; and, critically, the smolts are being attacked by populations of sea lice that can no longer be controlled by chemical pesticides used by the farms. While two lice can kill a Chinook fry, most smolts recovered by preliminary studies are infested with upwards of twenty sea lice.

The slowness of nations to appoint their representative to the political Working Committee was spoken to at length.

Reports were given on communication strategies and funding for the Treaty and projects endorsed by the Treaty, namely Chinook test sports fisheries and Stuart Lake fertilization.

A presentation was given discussing the role the Treaty would play interacting with other processes currently at play in the DFO management of the fishery. It was apparently developed separately by two members of the Working Group, and not shown to the rest of the Working Group before the meeting. It was completely rejected by the Spokesperson and most other people, who are not joining the Treaty for the express purpose of fitting into DFO's structure more conveniently. The presentation belied a serious misunderstanding of the purpose and role of the Treaty, suggesting such things as the Working Committee would "sign off" on harvesting plans in agreement with DFO on behalf of the nations. The Treaty cannot be compared to participation in an AAROM program, where a funding schedule provided by DFO is rounded off with compliance in

DFO-driven policies and practices.

The Treaty is an agreement of "mutual purpose and support," and respect and understanding, and DFO is not a signator. Treaty business is carried out among the Parties, for the Parties, and not outside of them unless perhaps, for example, the political representation to the Treaty agreed on a common action or policy, and that course was supported by the Parties' principals. Decision makers in the Treaty are decision makers *for the Treaty*, for how the business of cooperation and mutual support is to be gone about.

Dramatic differences in perception of the importance, or unimportance, of Canadian law and Fisheries policies could be heard from different speakers. It seems that it is not universally understood among ITFT meeting participants that DFO and Canadian law are of no significance to this Treaty, being an Agreement between sovereign peoples who clearly have a legitimate right to make governance decisions on behalf of their people. It also is unclear to some speakers that the highest goal of the Treaty Agreement is not to have a united voice with which to "sign off" on processes authored by DFO, but these discussions were had.

**In Attendance:**

**- give working group and political nominees**

**Monday, October 27, Day 1**

**Chief Joe Paul, Tzeachten**

We are happy to be hosting this meeting along with the Stolo

Nation. Today it's easy to say the fishery is a very important part of our culture and our economy. There is a responsibility as aboriginal stewards to protect the salmon for generations to come. The best way to do that is to work collectively. In order for us to be successful we need to work together because the salmon go right by our front door and through each of our communities. We feel the government has struggled to do that and ensure our rightful participation.

**Grand Chief Saul Terry,  
Xwísten, St'át'imc  
Spokesperson for the Treaty**

I would like to recognize our Chairs here. Nathan Spinks from Lytton, a former Chief and now an Elder, has been involved in concerns for the fishery for decades. Nathan was one of the first people to go up and visit the headwaters, and he was joined by some of our St'át'imc Elders, in the late 1970's.

Here is Chief Marilyn Camille from Canoe Creek, she is the Secwepemc representative to the Working Committee for the Treaty.

**Chief Marilyn Camille, Canoe  
Creek, Secwepemc**

I was chosen by the Northern Shuswap and then also by the Shuswap Nation Tribal Council, and I represent Canoe Creek, Esketemc, an independent Band. I worked in health for eight years, so this is a new area for me. The Northern Shuswap met and nominated me, they said, you go learn. Our people get angry every year at the poor salmon returns, but they don't feel they have the power to do anything. So things are happening on this level now and also at the community level. I think we

need to work on our community sharing because some people can get fish and some, for various reasons, can't. I think our community's participation at this level will help us get more involved at our community level.

Chief Nelson Leon from Adams Lake is my alternate.

**Grand Chief Saul Terry,  
St'át'imc**

It's a very important time. We have had five conferences before this. We need to take a look at what we've done in the last five agendas. We have one nation now that has determined who their representative will be, and that's why Marilyn is sitting here. I look forward to others being designated spokespersons in the fishery from other nations. That's one of our objectives here.

The Department of Fisheries and Oceans uses risk-management in the fisheries - 'how many fish can we catch before they are extinguished?' I use the word 'extinguishment' because we used it a lot in reference to the way the government has tried to extinguish our relationship to our homelands.

That relationship is one of the main reasons we need to ensure the survival of the salmon. Our gathering here is to determine the ways and means by which that will occur. One of the issues we feel needs to be addressed is the sea lice that attack smolts in the ocean during their outmigration. It seems very imposing that we address that issue nation by nation, but we should see it in simpler terms. I see our nations being the management units for looking after our salmon. Each nation is responsible for the fish run as it's coming to and through our waters.

What are we going to do to ensure our people can benefit from those? If they're not returning in number, what can we do to increase those? The nations are the workhorses, if you will. This is where the fishing plans for each nation come in to manage, control and enhance salmon in our respective territories. I think that is our job. So when I've been insisting, and I do appreciate that people from even the first meeting in 2007 in Lillooet appointed me the spokesperson and gave me the responsibility of making sense of what this Treaty is all about, because it was signed in 1989, that the nations themselves have to look at themselves as being responsible Parties as to how they respect the fish, and once the planning is done for your territory, then we share that with our neighbours. That, I feel, is the main purpose of the Working Committee. They bring together in a summary the reality on the ground in the fishery. Then we compare notes and make certain the fish get a good break and get back to the spawning grounds, and we still get food for our people.

Then we can look ahead to plan the next year. All those coordination efforts need to be made. To me, then, the real guts of the Treaty revolves around the nations, and I think that's what makes it so strange. We have all manner of government funding policies which have really divided us all - from the Band to the Tribal Council. What's causing confusion is that now we're re-introducing who we really are: the nations the colonial eraser has been trying to rub out. If we can do the work within the nations, we can find ways and means so various techni-

cians and biologists can help us save our salmon. The nations can appoint their representatives to the Working Committee.

I'm going to suggest that we rename the Working Committee members Commissioners, coming together to sit around a table to discuss our fisheries. Then technicians can get together to look at our knowledge and make appropriate decisions. Not to be too simplistic, but that's what comprises the Treaty. After that, each nation needs to lay out the rules and regulations of how they handle their fishery, so we can all respect those. The Working Committee, or Commissioners, then get together to discuss what we've accomplished and what we can improve. Those are some of my thoughts about why we're sitting here. I'm pleased to see those of you from the coast here because we need to find ways and means of working together. We can't look outside - the solutions are in us. The DFO has had a lot of time to work it out, and they're failing. We need to step forward. As I said, we are the Elders of North America, and it's our land and our resources that are at risk. That's why I'm so pleased to be here to help facilitate having our nations be responsible for our lands and resources, and in this case our fish. In 1989 we formed as a group of nations that said they were going to come together and save the fishery. In that room, then there were only Chiefs and politicians. Now, as I look around, I see mostly technicians and biologists. The political job has been done, I feel; the machinery is in place - we just need to make it work. It's the task ahead of us to do that. Our peoples in the past did it, and why can't

we?

I don't think we need a superstructure of administration either, if the work is going to be done at the nation level. You have all the resources and structures in place. Funding agencies too often play games with us, and one of our jobs is to get that funding in place.

#### **Elder Nathan Spinks, Lytton, Nlaka'pamux**

I went on a journey this year to where the fish go to spawn. (Takla, on the Stuart lakes system) When we got there, the federal fisheries were already there, counting the fish that had spawned. There were only five. I asked what they usually would see, and they said there would be fish four feet high on the banks of the streams. Think about what's going to happen four years from now.

We have too many people looking after the resource for ourselves. This year I put a gill net out and we must have caught about five, that's all. Other years I go down to the river for two or three days and I get enough for the year. We let other people do the talking and managing, but we are the ones on the river.

#### **Chief Nelson Leon, Adams Lake, Secwepemc**

We need to put DFO to the task of meeting our food fishing needs. In Adams Lake, it's just like where Nathan went. We used to see hundreds of thousands of fish there, and not anymore. We can't do much individually, so we have to put our minds together. We sometimes get together just at the beginning of the season, and DFO has already prepared their plans. We need something pro-active to come out of this meeting, like a

timeline for getting our fishing plans completed.

We need to give a clear mandate to our Committees to dialogue with DFO, to make sure the fishery is managed to meet our needs and the sustainability of the fish.

#### **Elder Don Ursaki, Cooks Ferry, Nlaka'pamux**

I was born and raised on the Cooks Ferry Reserve. I'm a Bill C-31 Indian, but still I always fished with my grandfather there. Saul (Terry) put a letter out recently suggesting people downriver should back off the fish so people upriver could get some. Also in that letter was the suggestion that Indians should take control of the fishery, and I agree with that.

We basically have two targets: conservation of the fisheries, and, separately from that, we have to take control of the fishery. DFO has a history of causing disaster. First of all, taking away the commercial fishing rights north of Mission in the earlier part of the last century impacted 80-90% of our economies. It was basically an attempt to starve us to death. This was at a time when the commercial fishery had basically given up trying to salt salmon for export. It spoiled by the time it got to Europe. By 1871 the tin can commercial fishery started. They went to the local Indians to get fish for them.

The fact that they later took away the right to commercial fisheries north of Mission and on the Skeena shows they didn't care how or if Indians made a living. Previously, the forts had all bought s'ts'wan for their staff. So, in 1878, taking away the commercial right was practically the nail in the coffin for those economies. But

they still survived.

In the 1940's my grandfather and I would go and spend a couple of hours at the river and get four or five fish. It wasn't much, but we were restricted to two days a week of fishing, sometimes zero days.

I'm bringing this up because in the 1980's I think we made a mistake.

We spent too much time on conservation. We all agree on it, but when we spend time on it, we forget our main job, which is that this meeting should be a war meeting. The DFO doesn't worry about us; they worry about Canada Packers; about getting re-elected.

When we go to them with cap in hand and say, "we would like to take control of the fishery," they say, "well, we've got to get through the next election, so ask the next politician that comes into office."

I think waiting for Canada is futile. In order to be effective we have to form a war party... with a little tact and finesse. Suppose one Indian Band or nation went forward to sue the ass off the feds and DFO, then we could all support that. It occurs to me that we should get someone with some legal training to look into it. And suppose we're not successful? At least we will educate BC.

There is someone here from Tsawwassen, which I'm glad to see, but while they negotiated their treaty, we saw how the city of Tsawwassen and the Greater Vancouver Regional District tried to say they wanted no lands given to the Indians. For them to take that position indicates there has been no education on what has happened here.

We should be taking a look at educating our entire population on what the political and legal reali-

ties are. We have a right to our lands as much as the French have a right to France.

### ***Agenda Item #1 - Presentation on fish farms, sea lice, and Fraser salmon stocks***

#### **Darren Blaney, Homalco**

I would like to look at the effect of fish farms and sea lice on our aboriginal rights.

Homalco is the only First Nation who has successfully removed a fish farm from their territory. We started dealing with the province about the bringing in of Atlantic salmon to our territory. The Atlantic grow fast, which means more money for the farms. The problem with Atlantics is that they are not from here and they are more susceptible to sea lice and disease.

We just received a report this morning that the fish farms have been raising a lot more salmon than they are permitted for. When those fish are packed together so closely, it raises the incidence of sea lice and disease. It only takes two sea lice to kill a fry. When we were testing for lice in August, there were about 20 of them on a fry.

When you look at the migration route of the Fraser salmon, they go out through the Georgia Strait, or the Salish Sea as we would like to see it renamed.

Homalco is the northernmost Salish Band. At Campbell River there are 34 farms, and they're raising more fish than they're permitted for. They use a chemical called "Slice" to treat for sea lice. That chemical is not legal yet, but they're overusing it to the point that the sea lice are becoming immune to it. So the sea lice popu-

lation keeps going up. If the salmon make it through my area, they still have to make it through Broughton, and there are 29 more fish farms there.

When we were going through this with BC, we had to focus our concerns on the native salmon stocks and the environment. So we kept all our information requests focused on that. We had got no responses, and the office was closing. It was December 21, 2005 and I was still in the office at about 5:30pm when a fax came through. By December 24, we had a court-ordered injunction to stop the company from introducing more Atlantics into the pens at Church House. With that, the court ordered the government to consult more with Homalco, because they hadn't consulted properly. When we did sit down with them, they really were short of answers. They can tell us they're the best-regulated industry in the world, but when they can't answer simple questions about their operations, that's questionable.

One farm had to relieve their hired dive company of their duties when it was discovered they had holes in their pens big enough for a diver to swim through. They have no definitions in their regulations for what is a big hole, what is a small hole, but there were 232 holes in the nets in the facility outside Church House. There was no description of whether the holes were big or small. It turns out it was the same company that had been fired previously who was inspecting that facility.

We asked them if they had any problems with the Atlantics escaping. The trouble with that is that Atlantics can take over a river spawning system.

Last summer, 30,000 escaped from one of the farms close to us. They only caught 200 of them. The government was saying they were probably eaten or died, but sports fishermen were catching them later. They said Atlantics can't survive in the wild, but if they're going after fish hooks because they look like herring, maybe they can.

We're looking at getting some tests done in our area. The stocks that are coming out of the Fraser, I can pretty much guarantee you that they're being impacted by the sea lice. I say you should be consulted, because those farms are impacting your aboriginal rights. They tell us their regulations are the best in the world, but very few companies are getting fired for making serious mistakes. We need to address the regulations. We need to push for closed containment. For us, our stocks are declining. From the looks of the minutes of your meeting in August, yours are declining too. In the last few years we've had 1,700, 2,000, 5,000 fish returning to Bute, but it should be many tens of thousands. When you add fish farms to global warming, these salmon don't have much of a chance. Global warming is bringing new predators to the coast. I think the important thing is addressing the sea lice issue, and pushing for closed containment farms. The government is never going to agree to remove them. Several sources have recommended closed containment, as well as their own Aqualculture working group. We're asking for the First Nations Leadership Council to address fish farms. The impact of fish farms all over the world is pretty much the same story.

Wherever they've gone, they've decimated the wild stocks. I'm afraid that, as mighty as the Fraser River is, the same thing is happening there too.

When I look at the class action that's happening against fish farms, the government has a fiduciary obligation to protect our aboriginal rights, but they're protecting the fish farms. They deny, delay, distract and divide us so they can do business as usual. There are a lot of First Nations in poverty, with commercial fishermen who can't work, and the fish farms are approaching them for fish packers - so they can make some money with their boats. Homalco has been opposing fish farms for six years. What I hear is that closed containment is too expensive, yet if you look at the industry when it first started, many operations failed because it was too expensive. These ones now are building up businesses on the backs of the first ones.

We're asking that closed containment be taken as an initial expense - it will contain the lice and disease.

We do the sea lice study every Spring. Maybe we can arrange to invite you all out we can take you out there to look at these impacts. Hopefully the tests will confirm that the Fraser sockeye are being affected by sea lice. If those fish farms have to consult with all of you, maybe the cost of closed containment won't look so bad in comparison.

I think you should have a say about the fish farms because they're wiping out your stocks. With their track record, you can see the same thing all over the world. A thousand years from now, your future generations should be able

to practice their culture as it is now, and if they can't, it's our responsibility.

They bring out the rent-it scientist to say the information is inconclusive. It will be inconclusive until the wild stocks are wiped out. We had a meeting with people from Chile, Norway and Canada. So many people are suffering because of fish farms.

A woman in Courtenay was given a farmed salmon. She didn't want to eat it, so she put it out on her deck for the raccoon. The raccoon wouldn't even touch it.

In New Zealand, the Maoris tried to exercise their rights to catch some Chinook that escaped from a nearby fish farm, based on their aboriginal rights, but the courts there say they have no right to those fish because they never used to eat them. And it will be the same for us if the Atlantic salmon wipe out our native stocks.

### **Hereditary Chief Ken Malloway, Chilliwack, Sto:lo**

We have been catching Atlantics in the Fraser. Fifteen years ago a friend caught a fish up near Yale - he didn't know what it was. I looked at it, and it was a 25lb Atlantic. It looks like a cross between a Spring and a Steelhead. They can spawn several times, like a Steelhead.

We started catching them quite a few years ago, but more and more people are catching them now. A guy last week had one on his boat, and he called over the DFO boat that was patrolling there. He showed them the Atlantic salmon and told them he didn't want it. They asked what he wanted them to do about it and he threw that fish at them, and it landed in their boat. He told them those fish are

going to kill off our fish, and they should take it and get out of here. They took the fish and left.

It's very scary to hear about a pen net with 232 holes in it. I'm not sure how bright Atlantic salmon are, but when we're fishing, if the fish find a hole in our net they will line up and swim out one after another.

They have a Department that promotes fish farms. I work on the Fraser Panel, and when I got my paycheque I noticed the Department of Aquaculture was on there. I just about sent it back. Several times I've gone out this year with my drift net - there's only a few fishing Reserves, so we end up going out with our boats and drifting down the river. I've caught nothing on several of those trips.

One thing I heard when I was young is that they were trying to build a hydro dam across the Fraser River. The First Nations got together and stopped it. Then they were going to divert the North Thompson into the Columbia and sell the water to the States.

They can't dam the river because there are wild salmon in it. So are they wrecking our fish because they're just stupid? I hope they're just stupid. But if the salmon are gone, our rights are gone, like the Maori Darren just mentioned. On Lake Superior their stocks are being wiped out because Chinook and Coho and Steelhead have been introduced. They called me for Spring nets, they didn't have anything like that so they called me, but they went to court and the judge said they had no aboriginal right to those fish - the only people that have rights to them are the sporties. So when our fish are gone, they can dam the river or

sell the water south.

**Chief Fred Samson, Siska, Nlaka'pamux**

I agree with Elder Don that, here we are, talking about it again, and what action are we taking? I would like to ask Darren what legal challenge against the fish farms has been happening. There's a push for consultation on mines, forestry and hydro projects, why not fish farms? We're seeing Atlantics in Siska, they're here, what are we going to do about it? If we make a court case, how are we going to support it financially and politically?

**Ruby Berry, Georgia Strait Alliance, CAAR**

We've been working for many years with Homalco on the Georgia Strait and the Broughton archipelago. The only legal challenge that I know of is that of Alexandra Morton, who wants to see jurisdiction over fish farms go from the province to the federal fisheries.

**Chief Fred Samson, Siska, Nlaka'pamux**

Are you saying the province says they don't have a mandate to consult? That's what they've been saying about mines and hydro, and somebody should press the provincial government to get a mandate.

**Ruby Berry**

The province does consult with coastal First Nations.

**Grand Chief Saul Terry, Treaty Spokesperson, Northern St'át'imc Fisheries**

This has been very informative. I think the fish farms are in a sort of "model" stage of development;

they're just getting started. Closed containment is the way it has to go, and probably out of the ocean.

***Ruby Berry indicated that CAAR had brought an information package for everyone.***

**Marcel Shephert, Fraser River Aboriginal Fisheries Secretariat**

I sit at the Pacific Fraser Region Conservation Council. One of the perks at that council is access to the best scientists. I was at a conference where one of the leading scientists for DFO in parasitology gave a presentation on sea lice. He said the new hypothesis for sea lice and sea lice transfer involves the Glendale spawning channel, sticklebacks, which act as a vector, and an underwater mountain coming from silt from a glacial stream, where the sea lice crawl up from deep in the ocean, hit the mountain of silt, climb up that, and attach to the sticklebacks, which transfer the lice to the salmon.

I was wondering if you're going to present your finding to PSARC? No aquaculture research is vetted by PSARC, not even that of Alexandra Morton. This scientist I'm referring to is more than glad to come out and explain the theory, but here we have DFO in outright denial that fish farms have anything to do with the problem.

**Corey Pete, biologist with the David Suzuki Foundation and CAAR**

I've heard how frustrated you are with DFO. This issue with sticklebacks and the Glendale spawning channel hypothesis - there's no way that any of that can be true. Salmon lice are a salmon-specific parasite; it can't reproduce on other species. So this is not a sci-

entific debate, it's a debate over peoples' perceptions of what the science means. Aquaculture is a good thing, worldwide, it's the salmon farms that are the problem. I would strongly encourage you that anytime you hear this theory about the sticklebacks, I'll give you my card, please call me. It's not a debate. If you put a lot of foreign salmon into another environment, you're going to have problems. That's just basic biology. I've seen a smolt with 200 lice on it and heard the government tell me that's normal. That's not normal.

*Lunch was called.*

### *Agenda Item #2 - report on Takla Meeting, August*

#### **Pat Matthews, Secwepemc Fisheries Commission**

The main thing about the Takla meeting, a two and a half hour drive from Fort Saint James, where we had representation from the lower, mid and upper Fraser, was that it was the first time many of us had seen the Early Stuart spawning rounds. They've got a lot of spawning habitat, a lot of streams, but not much fish. There were three main things we wanted to discuss. One was the inauguration of the political Working Committee. In other meetings, one of the main issues was to strike the Working Committee. Secwepemc put forward representatives, St'át'imc put forward Saul, Nlaka'pamux put forward Chief Byron Spinks, Nicola Tribal Association put forward Arnie Lampreau, only four, so what do we do? What came out was, how can we

involve other tribes; how are the lower and upper Fraser going to be represented? It's a difficult and time consuming process, but we're hoping the political Working Committee can get started. So we recognized those representatives there.

The second matter was the Early Stuart recovery plan. Dr Levy put forward a draft, asking that the Carrier Sekani Tribal Council, individual bands and the Upper Fraser Fisheries Conservation Alliance sign a Memorandum of Understanding. The major problems for survival is in the lakes and streams, and whatever fish are being produced are not surviving to return.

We need more science to understand the juvenile life history of the Early Stuarts, including aerial surveys.

We need a food-sharing plan to share fish from other areas with those people. They want fish, we want moose meat...

The third item was fishing plans. We presented how several First Nations develop harvesting plans and management systems. The next step is, how do we share those with other First Nations, so they can consider how to respect or incorporate them.

We suggested to harvest strong stocks and minimize the impact on weak stocks, and we put forward our management plan.

Nlaka'pamux showed how they work with community interests. St'át'imc showed how they are collecting their own data.

One thing this year that helped me was the Nicola Tribal Association contacted us to say that DFO offered them an opening, and what should they do? But I had to say, 'I don't know,' because we don't

understand their fishery, we don't know what stocks they fish. So that shows the need for the planning process. And we could maybe come up with a Fraser plan to put forward. I think that's the next step for us.

### *Agenda Item - report on communications and budget*

#### **Bonnie Adolph, Northern St'át'imc Fisheries**

To date with communications, we have developed a website. We got a quote that it would cost \$20,000 to develop a site, and \$20,000 to maintain it each year. One of our young assistants made a site for us for free. It's [www.itft@synthasite.com](mailto:www.itft@synthasite.com).

As well, we've been using *The St'át'imc Runner* as a mechanism, taking notes and printing a pull-out section of the newspaper to be distributed to our communities.

We have an ITFT e-mail address, [intertribalfishing@yahoo.ca](mailto:intertribalfishing@yahoo.ca), and the packages you receive at every meeting are made by Taya Rankin from Northern St'át'imc Fisheries. These, as well as phoning, faxing and internet communication have been provided in-kind. Fraser River Aboriginal Fisheries Secretariat has been providing money for the meetings - the hall rentals, professional fees and catering.

We have a proposal in to the Fraser Salmon Watershed Program, and that was accepted for the next fiscal year on a conceptual basis. We will be developing a proposal for meeting costs for next year. That was put out at the Takla meeting.

### *Agenda Item - report on Chinook tagging project*

**Hereditary Chief Ken Malloway, Chilliwack, Sto:lo, FRAFS**

Recently we talked to DFO about their management plans for the Chinook fishery. Their data is pretty sparse. With the tagging program they use, only 27 tags were recovered coast-wide this year, and that's the data they use to manage the fishery. That's Johnstone Strait, Nanaimo, near Vancouver, Victoria and the west coast of Vancouver Island. Divide that by 27 tags. When there was not enough Early Timed Chinook coming back, they decided to close the sports fishery on Chinook from Vancouver to Victoria. That's not Nanaimo, Campbell River, Johnstone Strait or the west coast of Vancouver Island. The closures were not very long - they closed an area near the mouth of the Fraser and near Victoria, then they opened them again, but they closed our fishery on the Fraser.

My proposal is to conduct a test sports fishery at Haida Gwaii, the west coast of Vancouver Island, Nanaimo, Victoria, Campbell River, and find out who's catching what. With DNA sampling, we will have a better idea where those fish are going. We can do radio tagging to get a better idea of the survival rate of catch and release fish.

I raised the idea at many meetings, and all the interest groups I've told have been supportive. We are still working on our proposal for funding for the preliminary work, and we're just waiting to see if there's funding to put the project together. We want to know what kinds of impacts marine fisheries are having on our stocks. The Integrated Salmon Dialogue said we should include the marine troll fishery.

We will be chartering sports fishery boats. The Sports Fisheries Advisory Board supported it; they want more information as well, because they don't know their own impacts.

The DFO was talking about impacts on Chinook by the marine fishery. They say people who use lures don't have as much of an impact as people who use herring cut bait, because the fish swallow the herring. The lures catch on the mouth. So there's more to it. We're waiting for funding, and after that we'll be meeting with the SFAB and the Commercial Fisheries Advisory Board to see about the troll fishery. We want to get the project going for at least one year.

**Chief Fred Samson, Siska, Nlaka'pamux**

The Chinook tagging is a great idea. We've had fairly moderate numbers of Chinook at the Siska salmon wheel, I think that's important information and I'll share that with you.

**Hereditary Chief Ken Malloway**

We also had a project this year on the catch and release fishery. We did a test fishery. When everyone else was shut down, that was still going on. What bothered me was that they were bottom bouncing. Sockeye are unlikely to eat while they're in the Fraser, so they have to snag them. Later we were catching dog fish that had single barbless hooks stuck in them. If you go to a sports fishing shop and ask them to outfit you for catching salmon in the river, they will set you up to snag the fish. Snagging is illegal, but that's what they're doing, and nobody will do anything about it.

***Agenda item - Early Stuart Recovery Plan mandated by UFFCA***

**Marcel Shephert, FRAFS, UFFCA**

We had submitted a number of proposals to help restore the Early Stuart. We want to fertilize Takla Lake for the 2010 dominant year, and our first submission on the lake fertilization has been accepted, so that's good news. However, the study on interaction between Kokanee and sockeye in the lake was not accepted.

We got a small contribution to do some pre-fertilization work because the Stuart is such a huge system.

We only got acknowledgement of the project to fertilize Takla, not Trembleur (and another lake), so we are paring down the project. The Early Stuart escapement past Mission was about 30,000 and there are between 7-10,000 on the spawning beds.

***Agenda Item - ITFT Political Working Committee update***

**Grand Chief Saul Terry, Treaty Spokesperson, Northern St'át'imc Fisheries**

The Working Committee as it's referred to in the Treaty is the representatives that are chosen from within the territories to give guidance to the whole of the Treaty organization and objectives. We find ourselves so divided by colonial impacts that we don't even seem to recognize ourselves as particular nations. So we really need to work on that and select our Commission members. I'll be seeking your indulgence to replace the title "Working Committee"

with “Commission.”

I would like to commend the Secwepemc for selecting their representative, at least that’s a beginning, and I’d like to encourage each of the nations to look inward and see if you can select your representative. Insist on that because we’re going to need that into the future. It’s not going to come easy; this is our sixth session and it’s only just coming along now. I got a call from DFO, and they want to come into this room. They say they can talk to us about the Pacific Salmon Treaty, but I had to advise them that this is our nations’ forum and they would have to wait to be invited; we need to discuss the state of the fishery. We need to look at the health of our fisheries and have a go at enhancing the salmon that come back to our streams.

I’ve heard from people on the coast that they never got any fish. A friend at Port Hardy said he only got one salmon. They were in the kitchen one morning when they heard a ruckus on the porch, and a bear took that lone salmon that was in their freezer. One salmon in the freezer. That’s a situation we need to remedy.

I think the structure we need to look at is nation by nation representation, and developing our fishing plans to make a difference.

**Chief Fred Samson, Siska, Nlaka’pamux**

Regarding the idea of the ‘Commission,’ there’s now talk about that, but what does that mean, and how can we strengthen that? This is absolutely key, to create that political body. I see here we have a lot of nations who haven’t appointed a representative, and that’s upsetting, because those

representatives need to work together.

The political committee needs to be struck as soon as possible to put pressure on the DFO. I’m ready to take this out into the street and have some direct action; that’s where we get the best results.

If we had a strong political commission, they would be seeding all three lakes in the Stuart system. Obviously we don’t have that pressure; they’re already cutting down our projects.

And obviously, that bear didn’t have any salmon.

**Grand Chief Saul Terry, Spokesperson for the Treaty**

Work needs to be done within the nations to come to that political representation. But we can’t do it at this level here; it’s got to be done at the nation level. Chiefs have so many obligations and responsibilities - they say they can’t concentrate simply on the fish. So we have to designate that representative to focus only on the fish.

**Marcel Shephert, FRAFS**

We haven’t heard reports from the nations on what progress they’re making. It would be nice to know where the gaps are, what the problems are, if we could assist? Maybe one thing we need on the agenda is a nation report out at each meeting.

**Grand Chief Saul Terry, Spokesperson for the Treaty**

We looked at that in Prince George. We found that there was a lot of political representation, but they were from different Tribal Councils, Bands, or different parts of the same nation. I think we

came to the conclusion that it couldn’t be done anywhere else but within each nation.

I have been traveling around and volunteering to attend at various meetings to encourage this kind of development and we have been hoping this kind of thing would happen. It’s not easy. There is a challenge for trust and for respect to be developed in each of our nations.

Because there’s also the agenda for planning, plans for conservation and fishing need to be established. It’s difficult to do that in a divided house. Certainly within our St’át’imc territory it’s not all smooth waters.

We have to think about what are we going to do to save the salmon. We need to look at the scarcity of data and ask, why is there a scarcity of data?

**Chief Nelson Leon, Adams Lake, Secwepemc**

We’re looking at the political update here, this is the heart of the matter. Clearly, St’át’imc, Sto:lo, Carrier Sekani and Nlaka’pamux need to take a look at the matter of political representation. There’s a divide. In Secwepemc alone we’ve got the north and the south, and independent Bands. Here the political representatives need to consider, how do you work within your traditional tribal group to get together and select a political representative? And that person has a mandate to make decisions. In order to move forward, the nations that select that representative have to declare that the Treaty is worthwhile, that they’re willing participants, and that they can work together with the other nations for the fisheries. The nations have to move forward for

this Treaty to move.

Then we have fishing plans, then strategies to manage the fishery to what we want, but without political selections, we're going to be at meeting number 7 with no mandated representatives.

So I encourage people to move it to that next step; my time is valuable, as is that of the other leaders and technicians here. If we're going to make this work for the next fishing season, we have to act.

I could be in different places right now, but I choose to be here.

When we talk in our prayers and I say, "All My Relations," I see the fish as being my relations, and we all eat those fish, and we become relations.

**Arnie Lampreau, Nicola Tribal Association representative**

I hear about colonial erasers and divisions and lines, but, when you think about it, we're all related.

We all rely on the fish in that river. As far as I know, the reason I'm here today is I used to come to these meetings because my Chief was too busy. Because we have such a small Band, I would pay out of my pocket to go to ensure that my people would have that information.

I stand before you here today because I was selected by seven Chiefs. The only thing that's holding me back is the mandate. They made me the representative, but I still need that clarified.

I asked one of my Chiefs at lunch, what do we need to get that mandate? I honour Byron as a Chief. What I heard this morning is that they couldn't extinguish us as a people, so they're going to extinguish the food we eat. They will farm a different food, and we will

have no right to it. They couldn't kill us off, so they will kill off what we live on.

If we're not out on that river fishing, exercising our rights, and that's generation after generation of giving us our laws coming down through our grandparents...

We know when to fish and hunt because our Mother tells us. She gives us the signs and we don't disobey.

If I don't have a mandate from my people, I'll be the one to come and tell you.

**Chief Byron Spinks, Lytton, Nlaka'pamux**

It is a challenge for us to be united, but I think we have to be mindful of what they have in mind for us.

From experience, they're implying that Bands have individual rights of land ownership beyond the Reserves, and the industry is buying into that. I don't think that's right.

I think Elder Don is right, because if we don't do anything, they are going to continually erode our rights.

Our title and rights is communal in nature, but we have individual rights to exercise those. We have to put our issues together collectively, because we don't have time to manage it separately, as small pieces. I applaud the nations that have come forward with a strong mandate. There will come a time in the very near future that we will have to look at coming together collaboratively in a court case.

They are dividing us on a day to day basis, and that has to stop.

We have to understand the underlying agendas the provincial government has for us. Hopefully, in the near future, we can.

**Arnie Lampreau, Nicola Tribal Association**

It's more complex for me, because our leaders have a hard time to get together. I also represent one Okanagan Band.

**Grand Chief Saul Terry, Northern St'át'imc Fisheries**

I did sit in on a meeting, the Chiefs were getting together to discuss the matter of how they could work together. I don't believe they resolved the matter, but they continued to discuss matters of lands and resources that affect their people. Just because these are complex matters doesn't mean that we don't deal with them.

**Chief Fred Samson, Siska**

Maybe this is a question for Marcel: what is the role of a Commission, versus a Working Committee or Working Group?

**Marcel Shephert, FRAFS**

The Commission is the political representatives, the Working Committee. The Working Group are the slaves that make everything happen.

**Chief Fred Samson**

So the members of the Commission become *Commissioners*?

**Marcel Shephert:**

No, strictly they represent their nation, essentially they are the Working Committee.

**Fred**

What does a Commission mean to me as a Chief? How do I participate in it, or not; how does it affect my aboriginal title and

rights?

### **Marcel**

We heard from Brenda Gaertner in Merritt, this Treaty stands on its own, adequate in Canadian law, International and traditional aboriginal law, and we don't need to change it.

### **Fred**

Why is that Commission key? We need to articulate that, because that would be a selling point to other nations.

### **Grand Chief Saul Terry, Spokesperson for the Treaty**

In terms of roles, we are putting the Commission forward to replace the Working Committee. I would encourage you all to read this document (the Treaty) very carefully because it lays out the role of the Committee, or Commission, showing that each nation is autonomous. Each comes to the table with the authority to make a decision on fish. We certainly don't mean to infringe on our neighbours or their laws, hence the name, 'A Treaty of mutual purpose and support,' or, 'a Treaty of mutual respect and understanding.' It's that relationship of trust we're trying to build from one nation to the other.

### **Arnie Lampreau, Nicola Tribal Association**

What this really needs is signatures from every person from all of our communities, because at the rate of loss of our members, we're losing some very powerful signatures. That would be support right from the grass roots to the top, that would be living proof that we're here, we're still here, and that would make it a living document.

### **Grand Chief Saul Terry, Treaty Spokesperson**

Some Elders have outlined to us in the past that the condition of the fish outlines our relationship to our lands and resources, and if the fish suffer, we suffer. We see the symptoms, we need to do something about it - how do we get there together?

In relation to the Working Group, these are the people that pull the documents, or research, and materials together so the decision makers have the information they need. In Merritt, Chief Dominick Frederick suggested the Working Group continue because the Working Committee was not ready. We're moving, we may not see it, but it's coming along.

We have technicians here ready to go, people ready to document, legal people - it was suggested we go ahead with an action. It's slow, and that's frustrating us, slow but sure: I think we need to practice some of the patience that is attributed to our people. But let's not dilly dally or stand around, we have to keep moving.

### **Break**

### **Agenda Item - report on structure vision by some Working Group members**

*Note that the chart discussed below was different than the one that had been reviewed by other WG members, and had never been seen.*

### **Marcel Shephert**

We want to use this structure chart (*shown as Attachment 1 below*) as a homework assignment. How does the Treaty plug into other processes, like FRAFS, AAROM,

(lists several more DFO organizations)? How do we operationalize the Treaty? When money starts to flow, how do we manage that, how does communication flow?

As for the 2009 season, what can we achieve this year? Like the fishing plans we saw at the last meeting.

There was a lot of participation in DFO's watershed plenary planning this year - like it or not, a lot of people were interested in that. If you look at this chart, what we're trying to achieve tomorrow is to fill in the matrix of the work plan for the different components of the ITFT. What are the tasks for the Working Committee, the Working Group, and the nations? We know the Sto:lo and Carrier need to get their representation. Also, what are the linkages between each of these? (meaning the groups represented on the chart diagram - SFAB, CFAB, DFO, and a new "First Nations Board.") I think we need to do a gap analysis, what do we really need to move the ITFT forward?

We could look at the North West Indian Fisheries Commission model.

This First Nations Board in the middle, that's where the Working Committee fits, the political body responsible for signing off on fishing plans for Fraser First Nations.

### **Murray Ross, Secwepemc Nation Fisheries technician**

This grey box (which shows the words "Upper Fraser, Lower Fraser and Middle Fraser"), everything we're doing is in there. What's coming out of there is to be coordinated with the marine approach areas. We need a board for organization processes in there. The First Nations Board was pro-

posed by First Nations to DFO this year (during DFO's watershed-wide consultation process), and they seem to have really bitten in to that.

Probably I shouldn't have included the Sports Fishery Advisory Board and the Commercial Fishery Advisory Board here, because no one here wants to admit that they have a say, but DFO takes input from all people. If you guys could only tell us what you want; they get one voice for advice from SFAB, one voice from CFAB, and then they get advice from all different First Nations.

So last year they threw up their hands and had workshops for consultation, I went to about eight of them, First Nations pushed back by the end of that and they said, Okay, maybe we could come up with a sharing plan, but DFO has to fund a process.

Barry Huber came over to our office; Barry Rosenberger said they were putting together a proposal for that sharing-plan process. Barry Huber is to be DFO's representative, as their Aboriginal Affairs advisor. Marcel Shephert is supposed to be payed as a facilitator for that process. But we're not going to wait for DFO to do it, that's not what we're about here, so that's why we put in this First Nations Board.

### **Susan Anderson, Tsawout Fisheries technician**

We spent some time in that process getting DFO to look at the east side of Vancouver Island, because we have nothing like the Tier 1 group of advisors that you have for the Fraser. The Vancouver Islanders are very interested in this process you have here; we're talking about the same fish, we don't

want to be in a position where DFO is driving wedges between the Marine approach and the Interior First Nations.

### **Grand Chief Saul Terry, Treaty Spokesperson**

Now I understand. I thought this smelled of Barry Huber and Barry Rosenberger. I did get a phone call as well, that they wanted to make a presentation. I advised them that this is not the time or the place, that we are organizing ourselves in our own way to do a job you really flubbed.

I think the idea of a melting-pot approach may not be advisable. I think we need to be very careful as to how we involve the DFO and the government of BC.

I would caution folks to really look at this. It looks like an AAROM proposal, where you strike up Boards so it meets the requirements of DFO.

There's another plan, which comes directly from the Treaty, which does not incorporate the DFO. Let's make our own integrated fisheries management plan. We don't need the Department to come in and sully or in any way colour the plan we're putting forward. Amongst ourselves we need to figure it out. We've given them ample opportunities to come forward and develop a plan that involves us and the manner in which we are going to make efforts to save our fish. They've never done that.

Look at the East Coast fishery, now the West Coast is falling close behind the total destruction of their fishery.

So we had better be careful how we do this. The fox is at the door. He's pretty well disguised.

I'm not one to be obstructionist,

but I think what we're doing is inclusive of one another, nation to nation. We need to have confidence in ourselves and for ourselves. We've tried it their way, and now it's time - that's the whole notion of the Inter Tribal Fishing Treaty - let's try it our way.

### **Chief Catherine Leszard, Tlazten, Vice Chair, Carrier Sekani Tribal Council**

Many people were talking about taking action, and taking the government to court. Two of my communities are taking the federal government to court over the Barricade Agreement of 1911. Within that treaty, the Tlazten and Nak'azdli agreed to remove their fishing weirs. The reason for that was not for the betterment of the fish, but for the canneries. They removed the weirs, but the federal government hasn't fulfilled their obligations to ensure the fish survived through the generations. The barricades, as they called them, our weirs, operated as a live-catch, selective fishery. Instead of that, they gave us gill nets and told us when and where to fish.

In the Agreement they told us they would take care of the fish so our people could survive over the years. They also agreed to give us seeds for barley and oats. My question is, I've never gotten any seeds. A lot of you have been to Takla, and did you see any farms? There are no farms.

The government said it's not a treaty, and now the Nak'azdli and Tlazten are taking them to court. We have not proceeded with this action because we have respect for the government and believe they will fulfill the Agreement. Now we

have no fish.

We are struggling to get support for the Inter Tribal Fishing Treaty, but if we are going to go with that structure, some of our Members will not join. They have no respect for DFO: they took away our fish, and now we're trying to get them back. I can tell you more than 50% of my Members will not join a Treaty that DFO is involved in.

**Grand Chief Saul Terry, Treaty Spokesperson**

We do need to discuss this further. I thank Cathy for her presentation.

*Meeting adjourned to:*

**Tuesday, October 28, Day 2**

**Grand Chief Saul Terry, Treaty Spokesperson**

The principles we finally got around to talking about are the structure, roles and responsibilities of the Commission, the Working Committee, that arise from the Treaty.

We got into some illustrations yesterday that were confusing for me, because I hadn't seen it before. We need to continue to dialogue on the various structures in the Treaty - the Working Committee, the Working Group, and other specific committees that are struck by the Committee or Commission.

To facilitate the discussions for today we glossed over the matter of harvest planning, that's the responsibility of each nation to develop their fishing plans. At the central table here, all these fishing plans need to be brought together, using ways and means to coordinate them as the fish go up to their spawning grounds.

The main focus this morning needs to be with regard to structur-

al issues. We were presented yesterday with one particular structure, and I hope we can clarify something in terms of a chart to describe the ITFT.

I've discussed this with our staff and Working Group members, and I'm going to bring forward the outline of this chart. Marilyn suggested we may need to break into smaller groups to facilitate discussion and feedback.

**Taya Rankin, Northern St'át'imc Fisheries**

This structure was taken right out of the Treaty from Article VIII. (see attached diagram #2) Here's the Working Committee, now we have an interim Working Group, we, the technical people on the Working Group, do agenda development, we submit it to the Working Committee, the political representatives, and they direct us what to do. It's all there in the Treaty.

**Grand Chief Saul Terry, Treaty Spokesperson**

The Committee is empowered to assign various committees, to projects or issues or research. An Interim Working Group was struck, and that is what has been operating up to this point. In Merritt, we had hoped to have a Working Committee struck. Chief Dominick Frederick's recommendation was, why don't we stay with an interim Group until the Committee is struck, and then they will direct the important work to be done, such as education, fishing plans.

**Arnie Lampreau, Nicola Tribal Association representative**

Looking at the flow chart, I guess the real meat and potatoes for this

to work is funding. We really need to find out where the money is going to come from before we can implement these. It says "treasure" and "finance" here, but I think we need to start focusing on how we're going to carry forward the work that needs to be done.

**Grand Chief Saul Terry, Treaty Spokesperson**

Some of those issues are being addressed. The matter of resourcing is critical. Some proposals have been put out, as reported by Bonnie yesterday, but they are for future needs. We need bridge funding between now and the next fiscal year.

Is Saul Milne not here this morning? We are looking to him for some of that bridge. Also we have had some financing from FRAFS, and they have been very helpful in making these conferences possible, generally that's \$7,500 per meeting for base costs, and of course that doesn't go very far.

Marcel, are you prepared to share some of the discussions you've been having regarding funding sources?

**Marcel Shephert, FRAFS**

The Salmon Table has resources put aside and there's going to be some changes to the proposal, but I will meet with Saul and Bonnie to discuss that \$18,000 and how that will be allocated. It will have to go for administration, the political committee, and my time. With FRAFS money we budgeted for three or four meetings... ?

**Neil Todd, FRAFS**

Four.

**Marcel Shephert**

And we've had how many meet-

ings now?

**Neil Todd**

Three.

**Marcel**

So we have enough for one more meeting this fiscal year.

**Arnie Lampreau, NTA**

When we first started this process the nations contributed in kind and cash, and to move forward we should maybe go back to our leadership and see if we can't find some funding from them to make things happen a little quicker.

**Grand Chief Saul Terry**

The resources we have received so far facilitates these meetings, but each nation is responsible for getting their people here, and that's been key to making these meetings happen. Your suggestion is reasonable but it begs the question of how we are going to come together to save the salmon? Who is going to pay?

**Agenda Item - structure discussion**

**Murray Ross, Secwepemc Fisheries Commission**

The picture I put up yesterday might have confused people and raised some questions. After the meeting a few of us discussed it further, and we sketched this diagram (Attachment #3 below) showing how all the communities combine to make each nation and the nations join together to make the Treaty. So each community makes their fishing plans, each nation coordinates those as a national plan, and the Treaty considers them for compatibility.

**Chief Fred Samson, Siska, Nlaka'pamux**

Listening to discussion of collaboration on fishing plans, how do you this collection of plans protecting our aboriginal title and rights? Or the problem that the province doesn't recognize the aboriginal right to manage? How is all this collaborative fishing planning going to bring the issue of our aboriginal title and rights to the forefront?

**Grand Chief Saul Terry, Treaty Spokesperson**

We do operate on the premise that we have title to our territories, or that we develop our business on the land in our territories. I would like to think we don't need to talk about our title and rights, we're trying to define the kinds of responsibilities we have under our title. Fish is a prime resource, and each community is working on how they're going to protect their rights in their territory, each of you is the expert in your respective territories. I don't presume the Commission is going to tell you how to use and maximize your protection of your resource. For example, this year the Early Summers were good compared to last year. We in St'át'imc had a choice to make. We already had our fishing plan, it was to start at a certain date. DFO said, 'there's lots of fish, you can start fishing sooner.' We looked at that and said no, we're not going to fish earlier than July 28, so any excess fish will just go upriver. The Treaty Committee is not going to take your plans and change them, we're going to look at all the plans and coordinate them to the best for the fish and our people. That's why we see the nations

as being very important. For example, you know, or you need to know, how many salmon streams do you have? How many are productive; how many dead? How can they be restored? In our territory a lot of stocks were destroyed by hydro dams. How can we mitigate that? We have to try to work that out in our own territories.

**Chief Fred Samson, Siska**

That makes more sense. So how would we deal with it if one of those communities has a plan that's way out there, they want 350,000 fish because they believe they're there; how do we as a Treaty deal with that possible infringement of others' title and rights.

**Hereditary Chief Ken Malloway, Chilliwack, Sto:lo**

The Treaty already has a description of how those groups work together and how they are made up. That work was already contemplated in the 1980's and we signed on it in 1989. I don't know if we can improve on that. The logical thing for me is that we might have representation by region, by the Lower Fraser, because we fish together, and the mid-Fraser, they fish together in another way. And we can't forget the approach tribes, they impact Fraser sockeye as well. In the 1980's they took about 60,000 a year. Last year they took 229,000 My Nuuchahnulth friend told me they never depended on Fraser sockeye before, but they do now because theirs is gone. So how are we going to deal with them, do they become full members? That's a pretty design, but it should be a map of the Fraser watershed, because we have to

take into account the Thompson and the Chilko...

There's already a part in the Treaty that specifies the Tribal groups and it says that each will send one representative to the Working Committee.

About the Working Committee structure, we should also be talking about a technical committee. It's not on this document, but we have to consider it. We need a technical committee to do the work.

### **Elder Nathan Spinks, Lytton, Nlaka'pamux**

A long time ago we never had permits. No one tells us when to go and fish, and when not. Maybe the first run that came by, we wouldn't even touch it, it's too fat. Maybe we would take one. Today we let someone else regulate us.

We threw away the dip net and took up the gill net - we've changed it all. Today I do a little fishing. I walk upriver and see those back eddies with two or three nets tied together. We never used to do that. We have to go back to our people and tell them to go back to the old ways.

We used to let people come to our best rocks, they would fish and go home, not stay around day after day like they do now.

What is it we want out of this meeting today? Do we go home and go back to the same old thing? Or do we go home and change back to our traditions?

I come down to Sto:lo now and then a friend offers to give me a few fish, but I say no, that's too rich. But that's what Sto:lo are used to. I go up north and the fish they get there, they call it "Number 1," because that's what they know. They smoke it and

make real thin ts'wan.

We can't let federal fisheries say to us, don't fish today, you gotta let that run go by; we should do that ourselves.

### **Grand Chief Saul Terry, Treaty Spokesperson**

We will break into groups now. Ken made a good point when he said a lot of this is already outlined in the Treaty.

*Report back from break-out groups:*

### **Pat Matthews, Secwepemc Fisheries Commission**

We started looking at the diagram, with regional levels and nations feeding into that.

People quickly agreed that wasn't the political idea of representation. So we abandoned the idea of a management board and we looked at representation at the Working Committee. So that's how the political representation would work. The difference that we saw was possibly we should maintain the upper / middle / lower Fraser, as they all fish together, for efficiency on a technical working level. That was one notion.

We thought of our administrative process to carry out the work of the Treaty, the Secretary and Treasurer, and there's a proposal in place for funding to do that. Under this political Commission would be the Working Group and the technicians, and under that, other committees on policy, education, so on.

We had a lot of questions that we tried to document. One thing I tried to impose on people was the idea of a Fraser Conservation

Harvest Management Plan, so whenever we felt comfortable with it, we could provide that to DFO. Right now DFO has a plan for the South Coast. The CFAB and the SFAB approach DFO together to have their input into a Management plan. So the idea would be to have Fraser First Nations get together to eventually approach DFO with a management plan.

We also need a technical management committee. We need a procedure and an operating system where we would share information among First Nations.

Questions we had around authority were, who gives authority to go ahead with fishing plans? It's the political representatives, not the technicians, but how do they get authority? Their mandate comes from the people in the communities, who know what they need in a fishing plan, and the combining of those community plans into a nation plan, by the nation.

So none of the action can move ahead without political representation. Otherwise we are going to be at a stale-mate a year from now.

Another question is, how do we approach the marine water tribes? The Treaty is in effect, there is a process in the Treaty to get other tribes involved and signed on, but that process also involves the political Working Committee. From our discussion, we do need to get coastal tribes signed on, they do fish Fraser sockeye and Chinook, and we discussed eventual involvement with the Haida, north coast, Alaska and Japanese fisheries.

There were representatives from Kwakiutl and Tsawout and Chrissie, from Kwakiutl, has said she's going to go back and present on the Treaty to her people.

We looked at the question of involving SFAB and CFAB, and decided that is a longer term question, something for the future.

The fishing plans are the nations' own business. They have to develop it from the fishing level, and the authority is vested from there. We need to accommodate each other in our fishing plans - that is the point of the Treaty. We need more information from each other about how we fish, how we plan, what are conservation interests are. We also wondered how do we assist the Lower Fraser and Vancouver Island tribes in accessing the salmon in their own streams. We don't have an answer, but we need to understand their interests. What are their goals? That's all part of the harvest planning - we need to understand all that.

We heard about ownership of the fish. We do own the land, and the fish that come through our waters, but when they get upriver, the people there say they own them as well. We could see it as a common tribal resource, with a principle that we should all have access to it, otherwise we are separated on the idea of who owns the fish. In defining aboriginal rights, DFO wants a number of salmon attached to a number of people, that comes up in court cases. People don't want to give that information out, but I think we need to start defining that. If you

don't define a number, DFO will define it for you.

*Reporting for the second break-out group*

**Marcel Shephert**

What we were trying to do is identify what kind of work plans we have for the Working Committee / Commission, the Working Group, and the nations. We looked at identifying gaps as well.

Action items:

We need an action plan on debriefing for distribution in the ITFT newsletter. Someone mentioned that there's a forestry action plan, and one for mining, so maybe we should use those as models?

We need to write a debriefing note, a one page document that we can take to UBCIC, the First Nations Summit, and other organizations and maybe other Tribal Councils to show them where the Treaty is at today. We also need an executive summary of the minutes with the minutes for each meeting. My UFFCA also has a newsletter, if we had something like that summary, we could cut and paste it into that newsletter.

How can we implement all these action items? The Commission has to approve things, we need an implementation plan.

To strengthen the ITFT we should build nation to nation protocols. Some have already started doing this, we will need more as time progresses.

The Commission should go to the Island and approach tribes there about joining the Treaty.

We have to identify linkages and dispute resolution methods, like in common Article 8. We should send

representatives to Tribal Councils to look for mandates and representation. We need a concerted push in that area.

Somebody said we need a map of all the agencies - it's already out there, but it's mind-numbing, but we need to see that map and see where we fit in. People want to see that.

We had a question about run timing by watershed and by species, we wanted to see timing and mapping of that information. A lot of it is already there, we just have to find a way to make it available.

When will the implementation plan be complete?

We are looking at developing rights law, and how that merges, on consultation.

There's a whole new body of law coming down that the ITFT needs to keep abreast of, and tweak its strategies accordingly. Going back to the Douglas case, if they hold a meeting, you've been consulted. What if they just consult with the Commissioners? That's an important question.

We need a meeting with the North West Indian Fisheries Commission, and maybe the Yukon tribes, to discuss best practices, etcetera.

As for gaps - we want to see information on species by timing and watershed. We want a cumulative impact analysis. We have several mapping exercises to be done.

We certainly don't have a link to the Pacific Salmon Commission, how are we going to link to them?

Gaps:

- two nations submitted codification to attach to Appendix E, and only one of them will allow us to attach them.
- not enough fishing plans have been completed
- we need to bring young people to our meetings
- we need to do more PR and outreach, geared more towards governments, NGO's, media. We need a strategy about how we do that.
- how do we communicate with industry? We need to develop that as part of our communication strategy.
- how to communicate with NDNs.
- spawning targets - it's great to have those. The process now is called the Fraser River Salmon Spawning Escapement Initiative. We are not plugged into that yet, so we should do that so our Commissioners can sign off on spawning escapement documents.
- we need traditional ecological knowledge
- we need a simplified Vision statement, something we can sell and use as a marketing tool.

*Reports concluded.*

### **Grand Chief Saul Terry, Treaty Spokesperson**

As a summary to today, we need to look really closely at that document that we worked on for over five years. A lot of it was brought about by our own money. It was a good effort, the structures that came out of that were good.

As for getting our youth involved, that's how we got our website.

Matters addressed today need to be looked at in the context of the Agreement that has been signed. The idea of the Commission itself

is a big thing, but trust me, it's coming around. There's nothing like the Treaty itself to say we have made a commitment since 1989. You can't get a higher protocol between nations than a treaty. As I mentioned to my friend in Port Hardy, I make myself available for questions on the Treaty, just give me a call or an e-mail, and we will be there to share information on joining the Treaty. It's important to emphasize that it's an Inter-Tribal Agreement - it doesn't belong to us in the Interior, although it started because of battles with DFO in our river systems, but it's "Inter-Tribal," it's open for nations to join, there's a mechanism there to do that. Yesterday and today was a demonstration of continued confidence that something can be accomplished within this mechanism, that nation to nation Treaty. In Merritt we discussed the name "Treaty;" what does it mean? It's an Agreement between nations, and we're using that name properly. The governments of Canada and British Columbia have developed a process which produces more of a tri-partite agreement, not in my mind a Treaty, the BC treaty process is, in my mind, a misnomer.

As regards participating with the Union and the Leadership Council and other agencies, CFAB, NGO's; as for the Indian organizations, some of you are members there, and I would ask that you encourage other members to come out and support your nation's initiative. We're busy trying to save the salmon.

Arnie's issue about funding is important. We do have some bridge funding, but we need to respond to his question.

Are there any offers for hosting the next meeting?

### **Marcel Shephert**

What about Musqueam? Nobody is here from there, but maybe we could have it there?

### **Grand Chief Saul Terry**

I would rather have an invite from the person who would be hosting.

### **Chief Fred Samson, Siska**

Maybe that request could be sent out.

### **Grand Chief Saul Terry**

I think you should know that this past week we buried Bradley Bob. He is part of our history. In 1978 and '79 there was an action on the river to oppose DFO, and Bradley came over and made a concerted effort to submit the point that we have a right to fish, and their permits are of no application there.

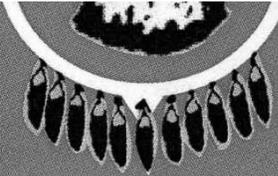
*Minutes by Kerry Coast for The St'át'imc Runner newspaper.*



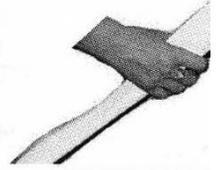
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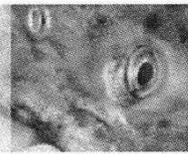
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Volume IV Issue VIII T'ak I sts'úqv

# The St'át'imc Run

## Sockeye Situation



### Fraser sockeye runs have failed.

The DFO forecast was for 8 million summer sockeye, and that number has now been reduced to 600,000. This amounts to an unprecedented failure. Any fishing that is done will be directly reducing the escapement, which is already unlikely to be adequate for a healthy return four years from now. Almost all runs are dangerously low.

There have been no commercial fisheries on sockeye in Canadian waters this summer, and test fisheries were closed after catching about 20,000 sockeye.

Over teleconference calls, Fraser fisheries reps have quickly decided on fishing strategies aimed to preserve the stocks, and plan for a fishery that will take no more than 85k out of the river. DFO wouldn't make a decision to allocate a catch number for Aboriginal communities fishing the Fraser runs. People are being asked to take little.

Fisheries technicians and spokespersons from the coast to the headwaters explained their concerns and their approach to this disaster. See Page 6

## Recognition Legislation

has not survived peoples' criticisms during the Leadership Council's regional engagement sessions. The Union of BC Indian Chiefs and the Assembly of First Nations do not support legisla-



## Terr on

A dozen forest fires started within St'át'imc in July. Nine communities were put on evacuation alert, and five actually given evacuation orders.

Fires in the Lillooet River Valley, Pemberton, Blackcomb, Texas Creek, Lillooet, the Yalakom, Kirby Flats and Tyaughton have clouded the valleys with smoke for weeks from one end of the country to the other. Firefighters from across

Canada and as far away as New Zealand battled the blazes non-stop, while calling on the last of BC resources - over a thousand fires lit up and burned uncontrolled in BC during the latter half of July.

The communities of T'it'q'et, Ts'al'álh, Douglas, Tipella, the upper Pemberton valley, Xwísten, Lillooet, Sek'wel'wás, Xaxl'ip and Seton were all put on evacuation alert at the end of July and into August, See Page 18

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Language Champions

## Low Sockeye Returns Worst on Record

How are the indigenous communities coping with the shortfall? Technicians from headwaters to the coast commented on the situation.

### *Continued from front page:*

Although other media has played up a division between coastal communities and those in-river, fisheries technicians from up and down the river and along the coast have explained their support for getting salmon on spawning beds, and limiting their fisheries accordingly.

For example, Siska Indian Band plans to catch 318 sockeye – one for each Member. According to Xwisten Chief Saul Terry, the Northern St'át'imc fisheries will be for dip-net and dry-rack only, and closely monitored to encourage people to take only what they need. "The Secwepemc and Nlaka'pamux are going to be conserving."

Roger William stated that Tsilhqot'in fisheries monitors are watching the Chilko return closely, and their fishery uses dip nets and gaffs. He says, "we think that is sustainable."

Dan Claxton of the Tsawout fisheries department said, "We won't be fishing for sockeye this year, we didn't fish for sockeye last year either. For us people on the island, there are other alternatives. Recently I saw a lady from the headwaters at a meeting here and she was actually crying talking about how she hadn't received any fish for years. For myself, I didn't know that, I thought you guys were getting fish. It's because of misinformation." Tsawout is on Vancouver Island.

Ernie Crey, Sto:lo, noted that, "of the communities up-river, most of them are relatively small and they're impoverished, and these people really rely on the salmon they do catch. This is going to cause hardship for those people, which I think these days are mainly made up of older people and young families." Sto:lo people are not targeting sockeye, but using eight-inch mesh gill nets to harvest Chinook. They are looking at possible commercial opportunities on Pink salmon and Chum later in the sea-

son, as per their framework agreement with DFO.

So far Stolo have caught 12,000 sockeye and 14,000 Chinook, according to DFO. On the Fraser, St'át'imc have caught 270 Chinook salmon. Nlaka'pamux have caught 670. Part of our difficulties with sharing fish is that DFO is always predicting far higher returns than what actually makes it into the river, and by the time the shortfall is apparent, approach fisheries have already taken a share of a much higher run size than actually exists.

Gord Sterritt is the fisheries technician for the Northern Shuswap Treaty Society, and spoke about the communities' response to the shortfall. "There's realizing that people need fish, and then there's the factor of the continuity of the resource. We need to get our food fish. People need to go fishing, they are getting upset; we're trying to do our best to get people the information we have and trying to make sure that they understand that information, but that doesn't help people who need fish to supplement their food for the winter."

The summer sockeye run was projected to be 8 million sockeye. This forecast was based on the number of spawners in 2005, which was over 3 million salmon. The return is now estimated at 600,000, and the escapement goal at 600k is 520k. It will be the lowest return for this cycle-year on record. Early summer sockeye are now estimated to be at 170,000. With the exception of the Harrison, Somas and Okanagan lake sockeye, all Fraser stocks are far below expectation. Numbers for late summers and late lates are not estimated yet, but scientists are not hopeful. The test fisheries are not showing any abundance in those stocks right now.

## Canada and the United States renegotiating sockeye under the Pacific Salmon Treaty

Annex IV, Chapter 4 - Fraser sockeye - will expire at the end of 2010. Marcel Shephert, of the Fraser Panel for the Pacific Salmon Treaty (PST) between the USA and Canada, gave an Update on the Fraser Annex at the Inter Tribal Fishing Treaty meeting at head of the Lakes in mid-July. The "Fraser Annex" is that part of the PST that deals with Fraser River salmon. This report was specific to sockeye and Pink salmon. Chapter 4 of the treaty deals with sockeye.

Before 1985, Canada and the US shared Fraser sockeye equally in the Panel waters. In 1985, the Treaty changed the sharing to 27% for US in all waters. An exemption for sockeye caught above Mission. understood to

DFO is responsible to engage in meaningful dialogue related to the substantive provisions of the Fraser Panel Chapter and undertake meaningful consultation with B.C. First Nations: providing information related to the Chapter in a clear, open and transparent manner; providing the technical and financial resources necessary to enable a meaningful dialogue with First Nations; and responding in a timely and respectful manner to the process.

For DFO, the Fraser River Aboriginal Fisheries Secretariat will facilitate a process for the provision of information exchange and analysis. First Nations responsibilities, where they choose to engage in this process, "will participate in discussions in a timely and respectful manner. First Nations will

tion of this; monitoring and assisting with (as necessary) the suggested process as a "pilot project" that can inform the FNFC's current consultation and accommodation study initiative; and assisting with communications with First Nations outside the Fraser Watershed as necessary."

Shephert reported that current re-negotiations of the PST are to follow a six step process. To accomplish this, the Panel will need extraordinary meetings with First Nations. It was suggested at the Inter Tribal meeting that completing negotiations on the PST is in the best interests of First Nations, as in the past - 1999 to be precise - an inactive Treaty meant that both Canada and the USA harvested high numbers of salmon in the absence

the American TAC. The recognition of Aboriginal Food, Social and Ceremonial fisheries in the PST could lead to an order of priorities in the Treaty. "If Canada agrees to an exemption level that does not fully protect FSC requirements, that could be an infringement" of aboriginal rights. "First Nations should consider what accommodation they want – increased decision making?"

Currently the USA's 16.5% share of the sockeye is attached to each run timing group - early summers, summers, late summers and fall. If they do not get 16.5% of one group, they cannot increase their share of the next run. US negotiators are trying to change that, and also to increase their share to nearly 20% of summer and

"I think people have been cooperative and understanding, realizing that at some areas of the river they've caught 6,000 sockeye and that in other places on the river, like northern Shuswap, we have only caught 83 between the four communities in our three day opening. In our test fishery fish wheel, we're testing for health and abundance, and so far the fish are in good shape. People are catching Chinook but there's not a lot of sockeye in the Fraser, there's a small amount of sockeye bycatch in the Chinook fishery. People here haven't realized their fish goals for years."

Roy Hinder, the Namgis Aquatic Resources Manager at Alert Bay on the coast, reported of the returning sockeye that, "Our people are seeing them, they're seeing them up in Port Hardy. It's closed for retention of sockeye, if you're out there fishing for Pinks and you pull in a few dead sockeye, that's fine, but if there's any indication that you are targeting sockeye, that's a different situation. You would run the risk of being charged."

"This situation of too few

fish that's gone on for the past few years, people don't want to have it repeated again and are becoming very desperate. They would like to eat too, starving is not really an option. Who knows where it's going to wind up. The level of desperation seems to have increased."

In view of the reduced sockeye numbers, some nations in northern BC have developed sharing arrangements to access Skeena sockeye.

The Union of BC Indian Chiefs issued a press release on August 4th stating that DFO must shut down the Chinook sports fishery on the Fraser River. "Every effort, including the complete shut-down of the sports fishery, should be made to limit the possibility of incidental by-catch or the practice of snagging or 'flossing' of sockeye."

Ernie Crey spoke of tensions rising between Sto:lo fishermen and the recreational fishermen. "They're fishing for Chinook but they're snagging sockeye. There are incidents taking place between Stolo fishermen and recreational fishermen. That could get

The total sockeye return this summer is about 7% of what DFO forecast.

There have been no commercial fisheries in Canadian waters on early summer or summer sockeye, and test fisheries have now closed due to the shortfall.

Test fisheries have caught about 21,000 sockeye.

There is zero Total Allowable Catch prescribed by DFO this year.

Aboriginal Food, Social and Ceremonial fisheries are taking place under each nation's own terms, in discussion with each other.

The Department of Fisheries and Oceans has not yet taken a position in regard to these actions.

escalated, so there's a meeting scheduled and we're going to see if we can't come up with an approach to resolve that. Sometimes we can have 5,000 anglers in the water between Chilliwack and Hope."

Crey has asked the First Nations Leadership Council Executiveto "turn their attention to what I call 'The Salmon Summit.' I think they should organize this and invite the Premier of BC, the government of Washington State, Canada's federal fisheries minister, American tribes that fish Fraser sockeye, somebody from the Obama administration with a major

role in fisheries management, First Nations on the Canadian side, along with the relevant non-governmental organizations on both sides of the border to a Summit.

"Considering the next year may be a carbon copy of this year, and after that we're into the low cycle years, there will be no fish in our future, the year after and the year after. The Summit would ask, what is our response to this catastrophe? Should we all sit around, everyone attacking everyone, or get on with coming up with a restoration plan for Fraser sockeye?"

Report by Kerry Coast

## Largest BC gold mine proposed just north of the border

Just north of the St'át'imc-Tsilhqot'in border lies the largest known gold and copper deposit in BC. Taseko Mines has been developing open-pit mining plans for the site, and recently submitted an 11,000 page document explaining them.

The Tsilhqot'in National Government (TNG) is now suing various Ministers and the proponent for unjustifiable infringement and extinguishment of the Tsilhqot'in right to fish in Teztan Biny. The Prosperity mine would effectively destroy Teztan Biny and a large por-

Columbia and Canada, the Province unilaterally terminated negotiations with the TNG and Canada to establish a joint review panel that was acceptable to all parties. The TNG believes that the Province changed its position, at Taseko's urging, after another Joint Review Panel recommended against the Kemess North mine.

As a result, the proposed mine is currently in two environmental assessment processes - provincial and federal. Williams described BC's Environmental Assessment process as nothing

\$5-6 billion.

The Tsilhqot'in position is that Teztan Biny cannot be destroyed. TNG did host its own series of public information sessions, and received support for their position from some Williams Lake residents.

The scope of the project is considerable. A lake



**In Richmond on April 2 and 3, 55 people, Chiefs and their fisheries technicians, met in a continuation of consultation sessions initiated by DFO in January. Here are some highlights of what was said:**

**Chris Cook, Alert Bay, Namgis**

Why do we want to make their communal licenses better when we don't accept their jurisdiction in the first place? We know they're not doing what they're supposed to do anyway, how long do we have to go on documenting it?

**Stanley Hunt, Namgis**

The word "licensing" really makes our people angry. We don't feel we need a license from DFO.

**Gerald Roberts, Campbell River**

We're here for our food fishery. We were doing fine before they took over management of the fishery. We don't want to discuss their papers; tell them to go to hell!

**Fred Fortier, Secwepemc Fisheries, FRAFS**

It's important that we develop our own indicators for our own performance review of the fishery. We have cultural indicators to measure the foment of our resource needs: the dances and songs that go along with the first salmon ceremonies, the health of the people, the traditional knowledge being learned by the younger generations. Coastal and inland peoples are different, we should have our own indicators. Sure we can measure the numbers on our licenses against what we catch and say, "It's shit," but they are only evaluating for socio-economic factors. Those don't speak to our priorities.

**Addressing the meeting, with DFO managers admitted: Hereditary Chief Ken Malloway, Chilliwack, Sto:lo Nation Tribal Council**

We've had many meetings, sent many letters, and we've had an inadequate response. While we were still in consultation mode we received notices of openings for sports fishers. It didn't seem to be respecting our priority right. We don't believe Chinook monitoring is adequate. In the lower Fraser about 40%-60% of the sports fishermen are monitored. In our communities, 100% of our fishery is monitored. Last year 5,700 sports fishers were monitored near Chilliwack. There were only 7,000 surveys completed altogether! I don't think you should be making decisions when you don't have adequate information.

The *Sparrow* decision states that first comes conservation, then aboriginal FSC fisheries, then sports and then commercial.

The Supreme Court of Canada talks about *meaningful* consultation, but it doesn't appear to us that's been going on. Openings were made on sports fisheries while we were still in consultation mode.

The honour of the Crown is at stake.

**Chris Cook, Alert Bay, Namgis**

The sports fishery seems to have some kind of superior strength over all our fisheries. We've seen it continue all the way along the Skeena River to the headwaters. I count 55 representatives today from the coast to the headwaters. We've heard stories of Elders on the river having rocks thrown at them by sporties, having their nets run over. We would like to see the

sporties conserve the same way we do. From Alaska to Puget Sound, those fish are fished all the way down. Sports camps leave the coast with 20 boats side by side. They should have area fishing licenses and closures; they should be licensed per species, and that money from those licenses should go to the First Nations.

Every meeting we've gone to, the DFO has shrugged us off. The message we bring is, it's got to stop today!

On the river they're (the sports fishermen) lined up side by side, and as soon as one guy steps out, another guy steps in. And that's not okay anymore. When are you going to deal with it? We'll deal with it today, in the media. If we leave it to you, you do nothing. There are ten fishing derbys planned this year near Campbell River.

We put our hands up to you like this and say, please don't hurt us anymore. Because what you've been doing is really hurting us.

**Jeff Thomas, Nanaimo, First Nations Fisheries Council**

When I fished the Nanaimo River in the 1970's, we were catching 50,60,70 pound Springs. There's nothing like that anymore.

We are part of the Douglas treaties. Eight years ago we shut down our fisheries on the Nanaimo River for four years. It did rebuild the stocks. We took the flack from our communities because they wanted to fish. Fish are important to our lives, to how we live today. It's a lot healthier and that's how we were brought up.

We as First Nations have worked together a lot longer than just these last six meetings. How do

we get a place in the decision making process that goes on? It always happens that we get called to the table, we give our input, we turn around and the decision has already been made.

When I told DFO we were shutting down our river, there were sports fishermen right at the mouth. I asked, why are they there? The answer I got was that they're not fishing for Nanaimo River salmon.

Nobody is observing the sports fishermen right out in front of my house and that just pisses us all off. There's no monitoring, there's no numbers coming in. There's 350 thousand, 400 thousand licenses coming in. When are we ever going to get down to regulating these guys? They should be reporting what they catch.

As for test fisheries, it should be done by First Nations. We have our own seine boats. Like I said, we've been fishing here since before you discovered us.

Many things stand for our rights, as spoken by the courts, but we as First Nations people don't see that on the ground.

Sports fishers take all the halibut, industry pollutes on our clam beds, and these things are allowed to go on. Look at the logging practices that have been allowed to carry on!

I remember the rivers between Port Hardy and Nanaimo, how they were full of fish. The rivers are dead and dying today, and that habitat needs to be restored.

**Grand Chief Saul Terry,  
St'át'imc**

Our peoples were some of the richest peoples in the world. We needed for nothing. These homelands are our bank accounts. When

we look at our account, well, someone has been stealing! It's getting pretty low. We are getting to be poor people in our own lands.

We the aboriginal people are the Elders of North America, and yet we have been treated so badly. Look at your policies - there are improvements to be made here. A commitment has been made, and maybe you're ignoring it, but we've got together to make notice that unprecedented losses are going on in our communities. We're committed to resolution of the issues facing our people. We are prepared to govern. Or else, in a very short period of time, more species are going to disappear. We've established a political resolve that something must be done. I feel that our governing systems have the capacity to build and give directions to do the appropriate work to bring back the richness in our lands.

What is left is really, in my eyes and in the eyes of many of our people, what is left is our share. And you're asking us to compromise that. Again.

I feel the common project is to restore the richness of our lands. The stolen richness of our banks - our homelands.

You have consultation obligations within your government to do that. There's been too much effort to get around those duties and responsibilities, on your part.

***The DFO was given time to respond to the four Chiefs' words:***  
**Barry Rosenberger, interior Fraser area manager, DFO, Kamloops**

Over the past 15 years there are a lot of changes in the way we do business.

These meetings are to respond to lower levels of abundance. How did we get here, and, now that we're here, what are we going to do to move forward together? For 2008 we're expecting quite low numbers.

As far as court cases go, DFO has obligations that we must consult with First Nations. It's really a bilateral area and that's really a key right now as to how we move forward. And the fish don't really wait for us to do all that.

Chinook is harder to forecast than sockeye because of their age classes and distributions. The input we got from First Nations resulted in quite a number of areas that caused more work for people to follow up on, and some things we weren't looking at. We are looking at a much larger plan for Chinook, a three year plan. Canada and the US have been in Chinook negotiations over the past 80 years. It gets very complicated for everyone to agree what the information means. We are trying to follow *Sparrow*. It does get really difficult managing for fish off Nanaimo or Alert Bay - where are all those fish going? What I would like to do is, I will be sending comments to the RDG, and here's what I've paraphrased from what I heard you say:

- DFO is not taking enough action, not listening, not following court case priorities.

We may not have taken all the action requested, but we had to take some action while consultations were going on because that needed to take place for the fish at the time.

The accommodations we have made may not be what everyone would like, but my view, the view of the Department, is that the

actions we take are quite far - we've moved a lot farther than most other levels of government, and we actually get criticized by other levels of government for what we do. The priority between sports and commercial fisheries is quite well defined, we do have a policy that's largely designed for between commercial and sports. We're not looking to change that, but it's one area (to look at). I will write up what I've heard here today and send it back.

- re decisions being taken too soon:

the decisions we made so far are not the only decisions we will be making. In particular on Chinook we need to be looking at this over a three year plan to take stock and make a management plan.

As far as aboriginal rights are concerned, I think we all understand there are broader government objectives and those broader ones are not ones we have control over or interaction with.

Where do you make the compromises and changes in the process so we can move forward with this?

*The meeting was adjourned for lunch.*

### **Stanley Hunt, Namgis**

How many of us here today are in the BC treaty process? Whatever comes out of this, you might be stuck with it. We sit here to try to gather information for a common cause for all our people, so hopefully we won't be stuck with just what comes out of this meeting.

### **Gerald Roberts, Campbell River**

You expect our First Nations people to cut back on our food fish? How do you expect us to live? The

government's fiduciary obligation is to look out for our resources and people. Why do we not get compensation for being shut off, as commercial fishermen and coastal peoples? Why are they allowed to snag fish off the sand bars, fish headed up to those troubled areas? We haven't even got a livelihood anymore because of the management of this issue.

**Question:** Is there going to be an Area F troll fishery this year? There's a lack of monitoring on this area, I've heard there is high-grading going on. (throwing out lower priced species and keeping only higher priced fish) There should be cameras on every commercial boat.

### **Dan Smith, Laich-Kwil-Tach Treaty Chief Negotiator**

How is the government of Canada going to reconcile the position DFO is taking with respect to allocations? When they talk about allocations to sports, they're modifying our aboriginal rights to the fishery. In treaty they're modifying aboriginal rights, and to us that means extinguishment.

DFO wants to talk about a "sharing principle." What do they mean by that?

The question is, will DFO shut down the sports fishery to ensure the aboriginals have their food fish?

### **Jim Billy, Nicola Tribal Association, Chair**

We speak for the unborn, for the children, for the fish, and for the ones that can't speak for themselves. We as First Nations have suffered for not having our ways of fishing. Two years my dipnet has hung up because there wasn't

enough fish in the river. I had to bring fish down from Skeena in order to feed our families back home.

When it comes to quotas for sports fishers, we should have a place in making that decision.

You hear us clearly that we have now, and in court, rights. We've always had rights, we've never extinguished our title or our rights in all our lands, and this right is depleting. I don't want to have to tell my grandchildren, 'we used to have fish.'

We've had five or six meetings on this issue since January. All I get is rhetoric: "We'll go back and talk about it," and it's continuous, it goes on and on. We need concrete answers.

### **Stanley Hunt, Namgis**

We're already a dying race here. We still come cap in hand, like when I was a kid and we had to ask the Indian Agent if we could go to the next village to visit, and most of the time the answer was "no." Just one person. They should have shot the guy. Your management is so piss-poor, if you want to help kill us, you're doing a damn good job of it. So don't give me another glib answer. Don't do this to us anymore. We're fighting for our existence here.

### **Arnie Lampreau, Nicola Tribal Association, Fisheries Political representative**

We were presented with information from DFO in January. We had big meetings, and out of that they gave us options. We said what we wanted. But in reality, that wasn't implemented.

DFO has not once invited the sports fishers here to hear us and hear how we survive.

It's got to the point where our people have to die before we can get a fish. We have to get our FSC licenses for funerals.

In the Spius and Coldwater and Nicola rivers we only had 106 Chinook returning. If we harvested even a portion of that, we would be endangering that species.

### **Gord Sterrit, Northern Shuswap Fisheries**

This year there's supposed to only be an FSC fishery. A window of opportunity could be a test-fishery harvest. It could be conducted for FSC, and would DFO consider that?

### **Barry Rosenberger, DFO area manager for interior Fraser, Kamloops**

Yes there is an Area F troll fishery and it has already harvested early Chinook. That portion of the Total Allowable Canadian catch has already been taken. There should be further fishing. The 10% exploitation rate of aboriginal fisheries should still be in effect, this is part of our three year plan.

First Nations have access to the Draft Integrated Fisheries Management Plan, it's on the internet. (someone else from DFO suggests this document can be e-mailed to First Nation fisheries technicians.

As for test fisheries, the person who takes that contract to conduct the fishery gets the fish as well. We don't pay them a lot for the contract, so the value of the fish makes it more economically viable for them. So we can't make FSC out of those fish.

In this process we're coming back and trying to advise you as to how we came to these decisions.

We do a lot of pre-season plan-

ning. So last winter we already gave out commercial licenses, with only a few hundred thousand fish to share between them.

With the sockeye, what we got out of last year in the shortage of sockeye was that the allocation was proportionate to the CFLs we gave out.

Here everyone's pretty well telling us you're going to go out and fish to your needs, and that's not necessarily the same as the numbers on the CFLs. So what that means to me is that the people closest to the approach will go out and get theirs and we'll probably run out of fish somewhere above Chilliwack.

We'll probably have another large session to advise you after the Integrated Fisheries Management Plan is completed, and say, here is the plan to be implemented for sharing of catch and priorities. For monitoring of the sports catch, we've started with a program of internet logs for the fishing lodges, where they will enter their catch electronically to a database.

### **Ken Malloway, Chilliwack, Sto:lo, Sto:lo Nation Tribal Council**

There's 42,000 sockeye for the test fishery projected for 2008.

*Sparrow* says that after conservation, the FSC is the priority. But it's not. It's the test fishery.

I see a way we could pay local First Nations to conduct the test fishery, make it part of their allocation, and send those fish up north to the people that would be deprived of fish.

I've been on the Fraser Panel for five years. In the first year I was asked by the Chairman to write a paper on my experience and my thoughts of the panel after that

first year. So part of what I wrote was that it's like an old boys' club, where they approve each others' test fisheries and assessment fisheries. Some of those assessment fisheries are so close together on the river you can see each other from one site to the next. Why do we need an assessment fishery 500 yards down the river from another one? But we're approving each others' assessment fisheries. We've been using the 50% probability forecast for the last several years and it's been way off.

### **Barry Rosenberger, DFO**

The test fishery is not just DFO's policy, it's part of a conservation strategy. It's in court right now - the Department doesn't have the authority to use the fish to pay for the fishery. So it goes to a contractor, and we pay them out of our own money. So the test fishery contractor sells the fish and that makes it more profitable for them to take the contract. We've reduced test fisheries to the minimum we think we need to be able to make decisions.

### **Marcel Shephert, FRAFS**

The implications of us not coming up with a plan are business as usual. They're throwing results-based management at us left right and center. We didn't want to talk about sharing, we wanted to talk about "windows of opportunity." We were talking about re-shaping the way the fishery runs. We need an interpretation of priority access.

### **Barry Rosenberger**

The reality is that someone has to make a decision.

### **Chris Cook, Namgis**

If Barry sends me an e-mail and says, "this is what I heard," big deal. I want to see Sprout and the Minister here. We want to talk to the Chiefs, not the skiff-men. This has been an economic assassination of the coastal peoples over the years. None of our kids want to go fishing anymore. You're asking us the impossible. "Ah, let's go ask the Indians now that we've got no fish." But if you're going to ask us, let us be part of that decision making, don't just go back and say, "this is what they said." You've been asking us for this meeting for 40 years. And now you've got us all in the room. And if you blow this window of opportunity Barry, you're never going to get it back.

**Gerald Roberts, Campbell River**

You're asking us to give up our rights. Well what are we getting for it? Nothing. And we're not going to give up our rights.

**Les Jantz, DFO** 2008 sockeye presentation:

	<u>50% pb</u>
	<u>75% pb</u>
Early Stuart	35k
24k	
Early summer	349k
216k	
Summer	1.8m
1.2m	
Birkenhead	331k
200k	
Late lates	374k
232k	
<b>Total:</b>	<b>2.9m</b>
	<b>1.85m</b>

The Canadian Total Allowable catch for 2008 is 1.256m at the 50% probability, and 719k at the 75% probability.

PSARC has suggested that we should be using higher than the 50% probability because of poor marine conditions. Last year the actual return was the 90% probability. The aboriginal FSC usually takes a million fish.

April 23 is the input deadline for the DIFMP. DFO will consider the recommendations and come up with an updated DIFMP by May 7. The revised IFMP should be approved by the Minister by June.

*Fred Fortier asked why there is an empty seat for an aboriginal representative from the mid-Fraser on the Fraser Basin Council. Barry Rosenberger responded that the Department plans to look at that in the Fall.*

**Mike Staley, Biologist**

With the current forecast, people on the river will be fishing into the early summer and some of the late summer escapement targets, if the usual FSC fishery happens. Is DFO keeping the same escapement targets this year? Cultus Lake sockeye has been one of the highest priorities that has been managed for. The other two key objectives have been maximizing the harvest on the summer runs while maximizing the escapement target for the early summer runs.

**Les Jantz, DFO**

We've established that maximizing harvest is a higher objective than managing for escapement.

**Barry Rosenberger**

Maybe you could comment on that, what do you think?

**Chris Cook**

Before we close here, I'd like to tell you this from all of us up and

down the river. If I told you DFO folks here that you don't have a job this year, there's no money coming in whatsoever, you wouldn't be very happy. But for you it's a job. For us it's our livelihood. To us, no fish in the river means what 'no grocery store' would mean to you. What do you do when the run doesn't come back to your river? You protect seals and swans better than you protect us.

This is a historic meeting for me. I'm hearing something I never thought I would hear in my life: there's not enough fish. How do you go back and have a community meeting and say, "we're not going to get any fish this year." How do you say to an 80 year old lady that she won't be getting any fish? It's heartbreaking. You think you've got a tough job, going back to report on this meeting. For us, it's our life.

**Jeff Thomas**

I hope the DFO is planning to work with us. We're ready to go to war against the sports fishermen. And I mean that.

We don't have good enough statistics to show Chinook reaching any of our river systems in any abundance to warrant a sports fishery. It's not okay for them to come into my backyard and take somebody else's fish, either. The Spring salmon aren't strong enough, in my mind, to allow a derby or any kind of fishery.

*Chiefs made several recommendations to DFO during the course of the meeting. Each of the following ideas was supported by consensus by all the Chiefs present:*

*- turn over test fisheries to First Nations to supply food fish*

- no sports fishing derbies, regulations on sports fisheries to be enforced effectively, and much more limited opportunities to the sports fishery

- the Chiefs' input should be implemented in DFO's management plans, meanwhile it appears to have no such influence

- to deal with the shortage of fish, Chiefs would like to see a rolling window of opportunity for aboriginal FSC fisheries, where the window closes while weaker stocks are passing, and opens as the stronger stocks are passing. This in contrast to the general Communal Fishing License openings which are blind to distinguishing between strong and weak runs, and are based on the general run-timing aggregate: those fish which pass at a certain time of year, which are mixed. An example of this mixed run-timing aggregate is the Cultus Lake sockeye, which runs with the usually strong Adams Lake sockeye.

- First Nations priority right to the fish should be obvious in management plans, not placed behind test, sports and commercial fisheries in the sequence in which fish reach the river

- Chiefs demanded to take part in the decision making process, rather than serve up recommendations to be used by another decision making body.

- in evaluating the management of the fish there need to be cultural indicators. The frequency and success of salmon ceremonies, fish camps, spiritual and cultural practice will show whether aboriginal FSC needs are being met.

Currently the Department considers "socio-economic" factors which do not take into account the health of the indigenous relation-

ship to the land, in particular the salmon.

**The DFO representatives retained the position of responding authoritatively to recommendations and concerns raised by the Chiefs. The key messages they had for the representatives were:**

- No option to re-allocate test fisheries

- The Community Fishing Licenses are the only method they're prepared to use at this time

- DFO indicated they would "advise you of our decisions" and made no suggestion that the decision making process would accommodate direct aboriginal participation

- DFO indicated that they have other priorities, other commitments at this time, than just to the FSC fishery

**Observers at the meeting felt that the great success of this meeting was that all the representatives stayed in the room together, and carried out of the room a mandate to work together on collective adjustment of fishing practices to protect the salmon stocks. The interim working committee on this issue includes Jeff Thomas, Chris Cook, Ken Malloway and Saul Terry.**