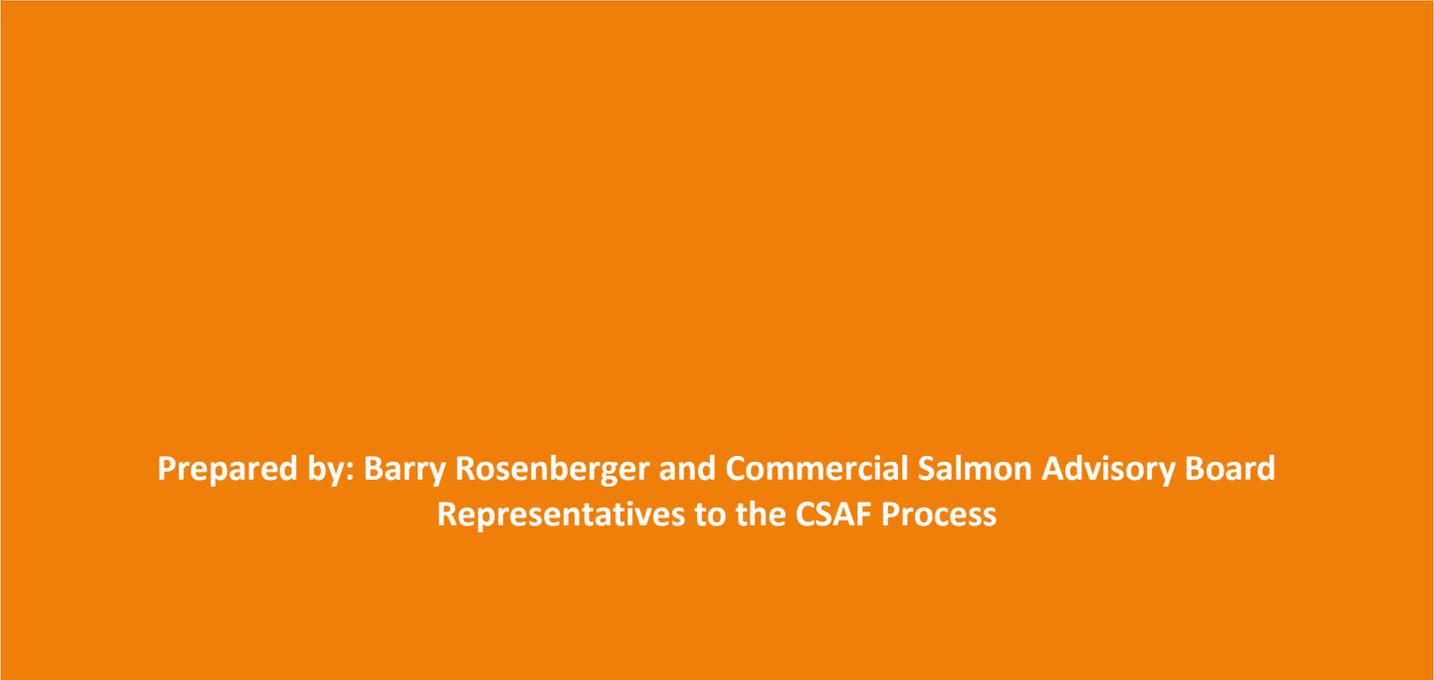


**Strategic and Operational Advice from the Commercial Salmon Advisory Board
to the Departmental of Fisheries and Oceans on Implementing June 2015
Updates to the Commercial Salmon Allocation Framework.
March 10, 2016.**



**Prepared by: Barry Rosenberger and Commercial Salmon Advisory Board
Representatives to the CSAF Process**

Acknowledgments

We want to acknowledge the significant effort by all the participants from the Commercial Salmon Advisory Board (CSAB) towards the goal of operationalizing the updated Commercial Salmon Allocation Framework (CSAF). The representatives were buoyed by the fact both their earlier internal CSAB efforts and that of their joint collaborative process with the First Nations Salmon Coordinating Committee had produced solid results when the Department of Fisheries and Oceans implemented a number of changes to the CSAF. The CSAB representatives remain committed to a healthy salmon resource and the pursuit of productive salmon fisheries that can support all groups' aspirations.

We would like to express our thanks to the members of the First Nations Salmon Coordinating Committee for their support of the joint collaborative process and openness in working through each parties respective interests to finding joint solutions towards operationalizing the CSAF.

We would like to thank the Department of Fisheries & Oceans for their support to the CSAB to participate in this process, to seek solutions to the issues and provide recommendations from the CSAB's perspective. We would specifically like to thank Jeff Grout and Cynthia Johnston from DFO for their assistance.

We would also like to thank Dawn Steele for her professional and timely note taking.

1 TABLE OF CONTENTS

| | | |
|---|---|----|
| 2 | Summary | 3 |
| 3 | Introduction | 4 |
| 4 | Objectives..... | 5 |
| 5 | Process | 5 |
| 6 | Discussion..... | 6 |
| 7 | Recommendations | 18 |
| | • Evaluation Framework | 18 |
| | • Development of Proposals for Flexible Harvest Arrangements to be Piloted in 2016 | 18 |
| | • Updating the CSAB Process..... | 18 |
| | • Licencing/Regulatory Issues..... | 18 |
| | • Transfers | 18 |
| | • First Nation Share of Cowichan Chum from the Southern Inside Chum Production area | 19 |
| 8 | Selected References..... | 19 |
| 9 | Appendices..... | 21 |

2 SUMMARY

In June 2015 the Department of Fisheries and Oceans (DFO) announced the implementation of a number of key changes to the Commercial Salmon Allocation Framework (CSAF) which is part of the broader DFO 1999 Allocation Policy for Pacific Salmon. The changes adopted by DFO were as a result of the recommendations from both the Commercial Salmon Advisory Board (CSAB) and the First Nation Salmon Coordinating Committee (SCC) based on the two previous year's collaborative process by both parties.

Given the success of the collaborative process between the CSAB and the SCC the DFO invited both parties to continue their collaborative process with three specific tasks towards operationalizing the updated CSAF.

The three original objectives are described in Section 4 on which the CSAB planned to provide recommendations to DFO. Given the complexity and linkages between issues of salmon fisheries management the CSAB also reviews and provides recommendations on updating the DFO Interim Transfer Guidelines for commercial shares, licencing issues effecting the Area A-H fleets and linked to one of the First Nation proposals, how to calculate the shares for a specific chum fishery proposal near the Cowichan River.

The CSAB provides recommendations on 6 issues in Section 7. A significant step was the development of a solid evaluation framework supported by all three parties. Using the evaluation framework to review and consider any new fishery proposal focused the CSAB to explore the details of operationalizing the new CSAF. As a number of the new fishery proposals are operating in a different manner than past fisheries it is not always easy to understand or project the results but with this in mind the CSAB is supportive of piloting all the 4 First Nation and 5 CSAB proposals within the defined allocation shares. Outstanding issues remain on the Transfer Guidelines and a more fulsome review of calculation options for First Nation fishery shares when their intended harvest is a sub-set of the fishery production area level. These issues as well as the need for a post-season review of the effectiveness of the evaluation framework and each of the pilot fisheries will be a starting list for next year's joint process.

The CSAB continues to view the need for a direct working relationships with the First Nation economic fishery interests and DFO as the appropriate and constructive way forward with annually commercial fishery planning and policy related matters. The CSAB was disappointed to not make more progress on a more fulsome collaborative process for all commercial fishery interests however the desire for all parties to continue with the Small Group structure provides opportunities to continue to develop a cooperative relationship and process. Over a year ago a member of the CSAB coined the term Evergreen proposal as one of the options being considered in the broader updating of the CSAF. This term also seems appropriate as the CSAB and the First Nations SCC members pragmatically work to integrate and improve the broad commercial fishery interests of both parties. CSAB supports the ideals that DFO and the First Nations will also continue to build on the accomplishments to date.

3 INTRODUCTION

In July 2013 the Department of Fisheries and Oceans (DFO) released a Terms of Reference (TOR) for Updating the Commercial Salmon Allocation Framework (CSAF). The scope of this work is on updating the commercial salmon allocation arrangements within “*An Allocation Policy for Pacific Salmon*”¹(<http://www.pac.dfo-mpo.gc.ca/fm-gp/speciesespeces/salmon-saumon/pol/index-eng.html>).

The TOR state “This initiative is intended to address one element of the Mitigation Program to implement changes to the Chinook Chapter of the Pacific Salmon Treaty (PST) announced by the Department in 2010. This includes addressing the deficiencies in the current commercial salmon allocation framework that were identified by the CSAB and the Integrated Advisory Group (IAG) formed to provide advice on PST mitigation. Equally as important, this work is intended to improve the long term stability, certainty, and resilience of the commercial salmon allocation arrangements, and provide more flexibility to licence holders to make effective business decisions, and thereby better respond to uncertainty in salmon abundance and changing market conditions”².

In June 2015 DFO wrote to both the Commercial Salmon Advisory Board and the First Nations Salmon Coordinating Committee (SCC) to advise them that DFO was adopting a number of changes to the CSAF, based largely on the recommendations from the groups³. In this same letter DFO, recognizing the significant progress that has been achieved, invited both groups to continue to work on the CSAF with the goal of assisting DFO with operational elements of the updated CSAF.

The purpose of this paper is to summarize the advice, from the CSAB to DFO on operationalizing parts the CSAF. The CSAB believes its recommendations in this report meet the key DFO objectives provided in the TOR:

1. To increase the stability of the commercial salmon allocation framework;
2. To increase flexibility of licence holders and producers to better adapt and optimize economic benefits in an uncertain business environment;
3. To improve compliance with conservation objectives;
4. To simplify and streamline rules and processes to allow commercial harvesters greater opportunities to self-adjust;
5. To improve required standards for monitoring and catch reporting so that timely and accurate information is available to decision-makers to support prosperous, sustainable fisheries;
6. To promote effective management arrangements and support open, transparent and collaborative decision making;
7. To provide clarity when costs of management are shared by those who benefit from the harvest of the resource;

¹ An Allocation Policy For Pacific Salmon, DFO, (1999)

² Terms of Reference for Updating the Commercial Salmon Allocation Framework, Fisheries and Oceans Canada, Pacific Region, July 29, 2013

³ Letter from Fisheries and Oceans Canada, Regional Director General, to the Commercial Salmon Advisory Board, Re: Approved Updates to the Commercial Salmon Allocation Framework (CSAF) and Next Steps, June 30, 2015.

4 OBJECTIVES

The CSAB has agreed to provide recommendations to DFO based on CSAB deliberations for the following three specific areas to operationalize the updated CSAF:

1. Development of proposals for flexible harvest arrangements to be piloted in 2016;
2. Development of an Evaluation Framework to assess proposals from First Nations and commercial A-H harvesters; and
3. Development of a revised commercial salmon collaborative advisory process to coordinate the collective interests of the A-H fisheries and the First Nations economic fisheries in order to produce integrated fishing plans, including terms of reference for an updated CSAB which includes First Nation economic fishery representatives.

In addition to these three areas the CSAB also provides a review and recommendation on the Interim Transfer Guidelines and licencing and regulation issues. Also linked to one of the First Nation proposals there is discussion and recommendations for different options for calculating a share for a specific location fishery in the broader Southern Inside Chum Production Area.

5 PROCESS

The Regional Director General of DFO wrote to the CSAB and the SCC on June 30, 2015 indicating DFO was implementing a number of key changes to the CSAF and indicating support for the CSAB and SCC to continue to work with DFO on three specific areas to operationalize the CSAF updates. An initial meeting between representatives from DFO and the CSAB on August 6th resulted in agreement to fund an advisor/facilitator, support a series of meetings between November 2015 and March 2016 and required a report from the CSAB summarizing their recommendations by March 15, 2016. DFO also contracted Dawn Steele to take notes in all CSAB internal meetings as well as the joint Small Group sessions with the CSAB, SCC and DFO. As in the previous work to update the CSAF a Small Group was constituted to assist in understanding interests and proposed changes to operationalize the CSAF from each of the CSAB, SCC and DFO. The Small Group comprised of 4-5 representatives from each of the CSAB, SCC and DFO. An initial conference call with of the joint Small Group representatives was held September 25th to confirm agreement to the three tasks, discuss and have an understanding of the expected outcomes and set an initial time table for joint meetings (November 2/3, November 20 via conference call, November 30/December 1, December 10 via conference call and January 18/19). Additional conference calls of the Small Group were held on January 22, January 25 and February 23. The CSAB met a number of times amongst themselves with the advisor/facilitator between October 26, 2015 and February 19, 2016 both in-person and via conference calls. In-person meetings occurred on November 12/13 and December 7/8. The mandate of the advisor/facilitator was to provide expert technical and operational support and advice in developing proposals for harvesting flexibilities, in reviewing and providing feedback on DFO's draft evaluation framework, assess merits and constraints of proposals against DFO's interim evaluation framework, provide advice on the development of a Terms of Reference for a collaborative advisory board with First Nations economic fishery representatives and facilitate CSAB calls and meetings.

Notes from each CSAB session were distributed after each session to members to form a record of these proceedings for their use. These notes record action items, the general discussion and examples of issues as well as what is working, that facilitated debate and understandings that ultimately lead to recommendations in this final report to DFO. It is important to CSAB members that the intent of these proceedings be recorded to be an information source and assist with any reviews in the future or possible implementation by DFO or others that was not intended by the CSAB. Given the openness of the discussion which allowed the exploration of many ideas the notes are not being attached to this report but rather are for CSAB members only.

The following list are the participants with their affiliation who attended all or some of the CSAB meetings:

| | |
|--|-----------------------------------|
| Chris Cue, Area A | Rick Haugan, Area A |
| Bob Rezanoff, Area B | Chris Ashton, Area B |
| Joy Thorkelson, Area C | Bob Burkosky, Area C |
| Mabel Mazurek, Area C | Barry Crowe, Area D |
| Brad Goodyear, Area D | Henry Clifton, Native Brotherhood |
| Kim Olsen, UFAWU | Guy Johnson, UFAWU |
| Ryan McEachern, Area E | Darrel McEachern, Area E |
| Ron Fowler, Area F | Mike Wells, Area G |
| Ray Jesse, Area G | Mike Griswold, Area H |
| Dane Chauvel, Area H | Peter Sakich, Area H |
| Barry Rosenberger, Advisor/facilitator | Dawn Steele, Note taker |

The following were the chosen representatives from the CSAB to participate in the Small Group sessions with the SCC and DFO:

| | |
|----------------|-------------------------|
| Bob Rezanoff | Chris Ashton, alternate |
| Joy Thorkelson | Darrell McEachern |
| Dane Chauvel | Barry Rosenberger |

6 DISCUSSION

DFO adopted a number of changes in June 2015 to the Commercial Salmon Allocation Framework based primarily on the recommendations of both the CSAB and the First Nations SCC. In the reports from the CSAB⁴ and the SCC⁵ to DFO on updating the CSAF both groups, in addition to the specific recommendations for updating the CSAF policy, identified the need for further work to operationalize and implement the changes to the CSAF.

⁴ Strategic and Operational Advice from the Commercial Salmon Advisory Board to the Departmental of Fisheries and Oceans on Implementing June 2015 Updates to the Commercial Salmon Allocation Framework. March 10, 2016.

⁵ Commercial Salmon Allocation Framework (CSAF) Review Summary of the SCC First Nations' Proposal. January 22, 2015

As was described in the CSAB February 9, 2015 report on updating the CSAF to DFO, how the commercial sharing of salmon is implemented amongst Area A-H fleets at the local levels may be different than what is in the CSAF. An example being a small surplus in a non-TAC fishery may not be shared as per the CSAF but one fleet might opt to have another fleet take all the available surplus. These types of decisions are made annually based on the various circumstances. Also that the individual fleet shares in a production area are not the same as in a specific fishery location such as Cowichan chum salmon within the Southern Inside Chum production area. These are two examples of areas where the CSAB wants to ensure there is a clear understanding of how the CSAF will be operationalized. The CSAB is also seeking to understand what increased flexibilities are going to be allowed permanently given that a number of the proposed flexible harvest arrangements have been previously tried in one or more fisheries but to date have not been adopted as permanent. The CSAB agreed that a clearly documented and well understood evaluation framework was needed to assess any proposed new fisheries. In the Small Group process DFO advised that fleets with existing demonstration fisheries would continue to use the Integrated Fisheries Management Framework (IFMP) process to vet any proposals. This caused some confusion as many of the new proposed fisheries are based on similar ideas tried in other fisheries but the small group decided that as proposals were developed the Small Group would decide which of these needed to proceed through the evaluation framework for piloting in 2016. However, the CSAB had much discussion on what were the criteria that determined which fisheries were “new” and therefore require to be vetted through the Evaluation Framework and what was a customary fishery that, although it had not taken place recently, was not required to go through the Evaluation Framework. An example would be Area 6 pink fishery or Cumshewa chum fishery. How many years would have to pass before they would be considered new?

Evaluation Framework:

DFO’s evaluation framework titled “**Draft Interim Departmental Guidelines for Evaluating Proposals Requesting More Flexibility to Harvest Commercial Salmon Shares as Part of Smaller Scale Testing in 2016**” was circulated for comments and input to the CSAB and SCC. The initial draft was a good starting point and after two rounds of comments and changes to the document the CSAB considered the Evaluation Framework a good document to use for evaluating proposals for flexible harvest arrangements for 2016. Key areas of comments from the CSAB are:

- Need for a strong link to the DFO Strategic Framework for Fishery Monitoring and Catch reporting. Ensure these two policies are coordinated to reduce duplication.
- Management requirements must be implemented in a cost effective and economically viable fashion for all parties.
- Need for strong collaborative coordinated processes at the local management level for overall management of both target and non-target stocks and species.
- Criteria to determine which fisheries must be subjected to the evaluation framework and which are considered to be ongoing customary fisheries which are on a temporary pause.
- Document should be reviewed after the 2016 season for potential updates and improvements based on input from this year’s process, for use in future years.
- Further work may be needed to review and confirm process and principles for dealing with by-catch species including suggestions that:

- Harvest impacts on non-target stocks should have a focus on fisheries management considerations for optimizing harvesting allocations for all groups;
- No fishery should be allowed such that its operation puts another fleet out of the water;
- Need for further discussion and clear accounting of who is doing/paying for what tasks now and in the future.
- Suggestion to include a section on transfer guidelines. The Transfer guidelines should also be review post-season and updated as appropriate.

Development of Proposals for Flexible Harvest Arrangements to be Piloted in 2016:

Foremost CSAB members indicated the desire to harvest their shares in the locations and with the gear they are currently authorized to use. However it is recognized that due to varying species and stock abundances the conservation requirements for limiting stocks has restricted fishing opportunities such that portions of defined TACs are not harvested annually. Changes to fishing methods, gear, areas and licence requirements need consideration. Also of significant concern was the limited ability to hold fisheries in non-TAC defined areas where traditionally commercial fishing occurred. These situations generally have smaller surpluses or where perceived limited stock data did not identify harvest opportunities in a timely manner (e.g. Mainland Inlet pink and chum or Rivers Inlet sockeye).

The CSAB considered current DFO stated objectives provided in the TOR when developing its list of proposals for flexible harvest arrangements to be piloted in 2016 and into the future:

1. To increase the stability of the commercial salmon allocation framework;
 - Covered in CSAB’s report to DFO on updating the CSAF and adopted in update changes to the CSAF.
2. To increase flexibility of licence holders and producers to better adapt and optimize economic benefits in an uncertain business environment;
 - New areas, new gear, changes in licencing and regulations. Many of these issues are seen as seeking the same access as First Nations economic fisheries.
 - All potential harvestable surplus opportunities need to be considered. Fleets need to be proactive in defining management options that help to define and match available harvestable surpluses. Currently some areas have limited to no harvesting annually due to limited or a lack of timely stock information.
 - Increased coordination at the local management level and harvesters need to assist DFO with in-season stock assessment data to identify harvest opportunities.
3. To improve compliance with conservation objectives;
 - Focus was on furthering avoidance of stocks/species of concern through the use of new gear and areas (shallow seines in-river, seining in lakes, and gillnetting up-river above stocks of concern) and changes to current fishing practises (operating gear to increase encounter rates with target species while decreasing encounters with non-target species).
4. To simplify and streamline rules and processes to allow commercial harvesters greater opportunities to self-adjust;
 - Changes to licence stacking, marrying/unmarrying licences, vessel lengths, annual licence fees, etc.

- Regulation changes to allow commercial operations the use of different gear (e.g. shallow seine on a gillnet licence) and redefining the up-river boundaries at Tyee (Skeena River) and Mission (Fraser River).

The following describes the range of ideas and considerations for pilot testing of fisheries by the CSAB for 2016 but also longer term.

New Harvest Arrangements:

- New locations: change up river boundaries (gillnet, seine and beach seine above current boundaries)
- New gear: shallow sn on gillnetter, beach sn, seine and gillnet in lakes
- Improve gear selectivity: release mortality rates for various gear (e.g. studies in Juan de Fuca on seine release rates need to be concluded and new rates adopted); fish gear in different locations or restrict some areas within open area (self-impose closed areas of higher concentrations of limiting stocks); fish gear in different ways – longer or shorter sn tows; weed lines; day vs night fishery; species specific troll gear.
- Change vessel licencing restrictions: vessel length, marrying/unmarrying licences, stacking, etc.
- Changes to annual licence fees so that in years of poor salmon production fee charges are reduced. The CSAB understands that the PICFI and ATP licences owned by DFO that are being transferred to the First Nations are not paying licence fees.

Fully Utilizing Harvest Opportunities in Non-TAC Locations:

- Locations with generally uncertain or small surpluses: Establish assessment/ limited opportunity fisheries jointly with First Nations economic fisheries working with DFO to collect appropriate data on relative abundance, stock ID, age structure, etc. that would allow for a process (local management committees with DFO, CSAB and FN reps) which would be used to make decisions on harvesting opportunities for all commercial groups. Use of limited numbers of vessels, time and area to better understand annual returns while limiting impacts if returns are low. Add to stock assessment data in a timely manner. Area A-H harvest reps working with DFO and First Nations economic fisheries reps would determine if full fleet or smaller opportunities exist. If the opportunity is for smaller fleets the CSAB reps would develop plans pre-season for contingencies for pooled, lottery, registered fisheries, IQ, different gear, etc. for its fleets. How to share start up – work with First Nations economic fisheries to share opportunities, limit the numbers of vessels undertaking assessment opportunities to reduce costs – CSAB understands these will be self-funded opportunities, confirm pre-season what data needed to make in-season decisions, need list of all current stock assessment programs by both DFO and by other groups.
- Need cooperation and coordination with fsc and recreational fisheries

Principles for Limited Opportunity/Assessment Fisheries (It should be noted that the CSAB believes it is the responsibility of the DFO to identify locations and species where surplus stocks for potential harvest can occur. However until DFO has resourcing to allow identification of harvestable surpluses in all areas

of the coast the CSAB recommends the following principles for Limited Opportunity/Assessment Fisheries):

- Use Outlook document (focus on species with level 3 and 4 expectations), forecast papers and brood year spawning escapements to provide best candidate locations;
- Share opportunities for assessment proportionate with First Nations economic fisheries;
- Determine which gear should test area considering impacts to stocks/species with conservation concerns and local fsc issues;
- Use limited opportunity/ assessment fishing to assist in gathering stock assessment data (e.g. stock id, migration routes, timing, relative abundance, etc.);
- Use limited opportunity/assessment fishing to define areas of high by-catch encounters (potential closed areas in future fisheries) and test gear restrictions for larger fleet opportunities (mesh size, tow times, weed lines, etc.)

CSAB Potential Increased Flexibility Fisheries List:

The following CSAB list is not a complete listing of all locations where an increased harvest opportunity is desired. This list is intended to demonstrate the magnitude and diversity of options. The CSAB is prepared to select a subset of these potential fisheries for testing concepts in 2016 with the objective that following a well-structured format , as tested in 2016, will lead to regular consideration of these type of fisheries annually.

Areas 1-2: Limited stock assessment data for pink and chum is seen as limiting opportunities for seines and gillnets in Haida Gwaii. Planned assessment fisheries could be coordinated with First Nations economic fisheries groups to provide more timely information. Limited opportunity/assessment fisheries would be structured to meet requirements to identify harvestable surpluses. There needs to be better understanding of the current stock assessment program and what information would best meet needs of identifying harvesting opportunities.

Areas 3-5: Area C seeking opportunities to gillnet in Babine Lake to harvest their uncaught shares of Skeena sockeye. DFO has advised the commercial fleets that Babine Lake is a clean fishery as to by-catch. Commercial boundary changes or limited opportunity transfer arrangements when agreements with other harvesters is not possible need to be considered. Traditional commercial licences have been changed to allow them to be fished in locations above existing commercial boundaries and with different gear so change is possible. The CSAB had a considerable amount of discussion on this fishery and although no fishery proposal was developed for 2016 this is an area where more dialogue is needed in the future by all parties.

Area C seeking opportunities for coho in Areas 3 and 4 fishing at night to avoid chum. Good returns of coho in recent years has allowed for expanding fisheries for many groups.

Area 5 has a number of small sockeye systems that historically provided harvest opportunities. Area C has been working with the Gitxaala Fisheries Program in past years to identify, after their fsc requirements have been met, commercial harvestable surpluses and have the Gitxaala Fisheries monitor openings in Area 5 which should occur in conjunction with Area 3 (so as to spread the fleet).

Areas 6-8: Area C seeking opportunities for Area 6 Gardiner channel sockeye. Good spawning escapements have been reported by DFO in recent years.

Area F seeking to troll for coho in Areas 6, 7 & 8. Assessment or limited opportunity fleet. Seine fleet has had good coho encounters in recent years.

Area F troll seeking to assess ISBM chinook opportunities in Areas 6-7-8. Potentially 3 vessels in each area collecting samples (stock ID, age structure, size) and abundance data to assist in defining larger opportunities within the limits of the CSAF. With changes to the AABM troll management in 2008 fishers were advised there should be increased opportunities in ISBM fisheries. DFO has advised that Kitimat and Bella Coola rivers chinook have had good spawning escapements in recent years while stocks of concern exist in some central coast rivers.

Areas 9-10: Area C working with DFO and First Nations economic fisheries groups to establish assessment/limited opportunity program to establish sockeye relative abundances in Rivers Inlet. Historic stock assessment programs have not operated for many years limiting knowledge of annual returns until fish have passed into the lake or later still until fall spawning time. Some work has been initiated in this area with a small group to define boundaries of high recreational interest but much more is required. The Oweekeno First Nation has also operated a combination DIDSON/ARIS sonar program to estimate both chinook and sockeye entering the Wannock River for the last 2 years with sockeye estimates significantly larger than the DFO estimates and above the minimum spawning objectives. The CSAB strongly encourages DFO to establish a full test fishing program for Rivers Inlet sockeye in conjunction with the Oweekeno DIDSON/ARIS program that could define in-season TAC estimates. Until that time the CSAB, hopefully working with the Oweekeno, propose a limited opportunity gillnet fishery.

In the future trollers would like to re-establish their sockeye fishery in these areas within the limits of the CSAF. Historically a small number of vessels operated on these sockeye stocks.

Areas 12-19 and 28: Seine, troll and gill net opportunities for pink and chum in mainland inlets and southern inside areas down to Howe Sound. These could be assessment/limited opportunity fleets with goals to provide more fulsome opportunities if stock abundances warrant. Significant abundances of pinks have been identified in some inlets and inside areas in recent years but often after most fish have entered the rivers. Historically a small number of vessels fished most of these locations. If good catches were reported then larger opportunities for the various fleets could occur.

Area H harvest representatives recently met with a DFO salmon manager to consider opportunities for 2016. This type of meeting built into an annual harvest planning cycle is needed for all areas.

Area H is proposing a limited winter chinook fishery understanding that ISBM opportunities should be more abundant with changes to the AABM management.

Area G is seeking expanded considerations in Areas 11, 12 and 111 for Chinook and Coho: Chinook- Provide an opportunity for expanded fishing areas for winter chinook through a limited opportunity fishery in the upper portion of Area 12 and Areas 11/111. The fishery would occur October through March and would be subject to limited participation (number of vessels) and/or limited total catch. Rationale is to provide a fishing area closer to harbours for delivering fish and more protected for small boats and to collect information on abundance and origin of chinook stocks in the area. Coho- Expand

coho opportunities in September and October to include Areas 11, 12 and 111. This could be assessment fishing at first to identify stocks in areas and operate in conjunction or separately from the chinook opportunity. Limited fleet and/or total catch could be considered initially to collect abundance and stock information to identify areas with potential low or no presence of interior Fraser coho.

Area 29: Area E is proposing the use of a limited number of shallow seines in the Fraser River below Mission Bridge for sockeye, pink and chum. In 2015 a shallow seine demonstration fishery for pinks was approved for inclusion in the IFMP. 13 participants purchased gear and equipment, made changes to their vessels and placed \$1,000 each into trust to cover observer and monitoring requirements of the DFO. This shallow seine pink fishery was approved in Fisheries Notice 0927. Unfortunately, the 2015 pink run was well below forecast and therefore this pink salmon shallow seine demo did not proceed. Area E now proposes that the shallow seine demonstration fishery be extended to sockeye and chum in 2016 and also in future years. Observer, catch monitoring and validation requirements will be paid for by the participants and participation be limited to the DFO requirements by pools or draw.

Area E beach seine for sockeye, pink and chum in the entire Fraser River including above Mission Bridge. A number of years ago Area E had a beach seine demonstration fishery approved by the DFO for chums. The resulting fishery proved the site available to Area E in the lower Fraser was not satisfactory. Beach seining is more successful in the non-tidal upper portions of the Fraser River and for that reason Area E is proposing a beach seine fishery for sockeye, pink and chum in all portions of the Fraser River including above Mission Bridge. Once again a draw or pool system will be used to limit participation and the observer, monitoring and validation requirements of the DFO will be met and secured by the participants prior to the fishery. This change in gear would improve survival of non-target species such as coho and steelhead.

Area E gillnet fishery for sockeye in the Fraser River above the confluence of the Vedder River. There have been times in the past when Area E has been curtailed from harvesting its sockeye allocation because of the need to protect Cultus sockeye. Area E can overcome this restriction by the flexibility of gillnet fishing in the Fraser River above the Vedder River. Skiffs and shallow gillnets would be used. Once again participation would be limited by pools or draws and the DFO observer, monitoring and validation requirements would be met and secured by the participants prior to the fishery.

Area E seine fishing for sockeye in Kamloops Lake. There have been times in the past when the Area E has been unable to harvest its late run sockeye allocation and a surplus of sockeye has accumulated in Kamloops Lake. This may happen again in the future. Area E proposes to use gillnet vessels, skiffs and seine nets to harvest its sockeye allocation in Kamloops Lake if its traditional fishing methods and other new flexible fishing methods are unsuccessful to harvest its full allocation in lower portions of the Fraser system. The same restrictions of participation and coverage for observer, monitoring and validation costs as set out above would be in place prior to the fishery. 2010 proved there can be too many fish returning to a given system and this over escapement has proven to have severe consequences to future returns which effect all harvesters. Having the ability to undertake this type of fishery could benefit all groups as well as meeting Area E harvest shares.

Continue with Area E Gillnet chinook pooled demonstration fishery in the Fraser River.

Area E Gillnet Strait of Georgia Chum Demonstration Fishery.

Area E Gillnet Sockeye Pooled Demonstration Fishery in the Fraser River.

WCVI: Review of Area G Chinook Size Limit: Review the chinook size limit with the goal of increasing limit for the spring and summer period to maximize the value of fish retained. Area G has the smallest commercial size limit for chinook (55 cm fork length) which allows for the retention of smaller, low value chinook. The proposal is to increase the size limit to 67 cm consistent with other areas, for the period of March to September. It is unclear how the size limit fits in with the total mortality management regime for AABM chinook but will need to be considered working with DFO.

Area E Gillnet Nitinat Hatchery Chinook Pooled Demonstration Fishery.

Area E 20 Boat Nitinat Chum Assessment Demonstration Fishery.

WCVI has established a number of limited opportunity fisheries for chum in recent years. This type of initiative is appreciated by the fleets and something they are seeking to expand into more areas and species.

After considering all the possible options the CSAB developed 5 proposals for consideration through the new evaluation framework for piloting in 2016 (attached in Appendix A-E). All of these proposals were in locations and directed at species with good brood year escapements and/or had good Outlook forecasts. The five proposals are:

- Area E shallow seine and beach seine in for chum in the Fraser River,
- Howe Sound limited opportunity troll assessment for chum,
- Mainland Inlets/Georgia Straits pink and chum limited opportunity troll assessment,
- Rivers Inlet limited opportunity sockeye assessment by up to 5 gillnets, and
- Central Coast troll limited opportunity coho assessment in areas 6-7&8.

In addition to the five proposals submitted the CSAB has significant licencing and regulation concerns. However during meetings with both the Small Group and DFO only, these issues were deemed to require more time to consider and potentially resolve than by fishing season 2016. Therefore the CSAB has requested a separate process with DFO to review licencing/regulation concerns. DFO's initial response was positive to initiating a review but little in the way of action has occurred to date. More specifics on these issues is discussed later in the report.

Principles for CSAF Sharing between CSAB fleets and First Nations Economic fleets:

- Fisheries in the same location shall share harvest proportionately to CSAF allocations;
- Similar rules and equal priority of access to all fleet groups;
- Attempt to share harvest weekly;
- No fleet shall fish in a manner that restricts the other fleet from continued opportunities on potential surpluses;
- Simultaneous gear fishing- preseason arrangements should be made so that each gear fishing in the same area has the opportunity to access its share;

- No underage shall be accrued due to weather, lack of effort, fish price, fish migration, type of gear used, any fleet disproportionately using by-catch limits;
- If any given fleet/group fishes first and based on that fishery there are no subsequent fisheries there is no payback. Consideration should be made that next time a different fleet/group might get the first opportunity.
- No guarantee to harvest (TAC or opportunity fisheries) if a group opts to not fish under a given set of conditions e.g. a group wants to wait expecting more fish but then run sizes decreases there may not be any further opportunities.
- Fisheries harvesting in different locations must be proportionate to similar stocks;
- Fisheries in locations that require management adjustments need to be accounted for in determining TAC share e.g. a similar accounting process to current Fraser sockeye for spawning objectives.
- Any given fleet or group cannot drag their fishery out so as to effect another fleet/groups opportunity for further fisheries.
- Structure and protocol required for local management groups to promote effective harvest management arrangements and support open, transparent and collaborative decision making working with DFO pre-season, in-season and post-season
- By-catch should be managed and must be shared between the fisheries to allow every fishery to access its target species. If there is not enough by-catch to meet every fishery's need then an allocation process should take place on the basis of reaching an equitable share of the target species to each fleet that requires them.

Review of the Four (4) First Nation Proposals

The central coast chum proposals (2) for Trout Bay and McLoughlin Bay are seen as well thought out. It is hoped that these fisheries will establish a better functioning local harvest management group and good coordination of multiple commercial fishery interests in a discrete non-TAC fishery location.

The Cowichan chum proposal is similar to the central coast chum proposals with the added factor of a possible in-season TAC. Good coordination through a local management group which is well established in this area and management of the multiple fleets if a TAC is established will be key success indicators.

The Skeena River sockeye change in gear and location for the Tsimshian groups is acceptable to the CSAB given that DFO has indicated the change will not affect by-catch management for all fleets targeting Skeena sockeye. The CSAB is interested in better understanding the results from the new TAC calculation method which the First Nation is proposing and will run as a duplicate operation for post-season review considerations.

The Nass sockeye proposals (2) appear to be the identical operation of recent years with two parties vying for use of unallocated licenses. The CSAB is seeking DFO documentation if it decides to modify the adjustment factor for more discrete terminal fisheries on the Meziadan for benefits to stocks/species of concern or to other fleets.

Development of a Revised Collaborative Commercial Salmon Advisory Process:

The CSAB views a collaborative fishery planning will be a key to the success of these new arrangements. Current salmon management planning has a number of fisheries with separate processes. The CSAB is seeking a fully inclusive process with links between all fisheries to ensure maximum coordination, collaboration and accountability by all participants. There is currently no inclusive commercial salmon planning process covering all fisheries. The Small Group has been working together first on updating the CSAF and now on three specific elements to operationalize the CSAF. The CSAB views that the Small Group is operating fairly well however the SCC does not have people at the table that can represent all the geographic locations where commercial salmon harvesting is or may occur. Unfortunately at this time the SCC is not interested in developing a more fulsome joint collaborative commercial salmon advisory board process beyond the Small Group process. An updated TOR is needed for an expanded commercial salmon advisory board (mandate, roles and responsibilities, membership, structure, etc.). The CSAB has considered a number of changes to their existing TOR which are highlighted in the attached Appendix F. At this time however they are reluctant to make definitive changes without having the opportunity to co-develop a new TOR with First Nations input. Further development of local harvest management committees is an area identified in all of the 2016 fishery proposals and where there seems to be strong support. The success of these committees is expected to be a major building block of a larger integrated collaborative process.

The CSAB needs funding in order to continue to participate in this current level of process (Small Group) as well as a potentially more robust future collaborative process. They would like to be self-funded and are seeking DFO's support with enabling tools to make that happen. Ideas discussed for self-funding include:

- A \$100 levy per licence is collected and used to fund the CSAB operations. Both the Pacific Halibut and Pacific Prawn Fishermen's associations raise funds in this way.
- Possibly a levy on by-catch.
- Possibly like the T Buck Suzuki/PSF a levy that is applied to annual personal commercial fishing licence purchases.
- Discussions should take place to ensure support for direct funding of the CSAB. Another option is to provide similar funding mechanisms to fishermen's organizations and then charge these organizations CSAB affiliation fees. Atlantic Provinces and Quebec have legislation which governs how fishers designate the organization to which they pay mandatory fees.

Over the next period of time (up to 5 years) the CSAB feels it will need DFO funding to allow for continued CSAB participation in the Small Group process as well as funding support to continue to work with the First Nations SCC to develop local harvest management committees, focus on implementing new fishery proposals, continued operationalizing of the updated CSAF, continue building relationships with First Nations economic fishery representatives including learning from experiences at the local level towards a more fulsome integrated commercial advisory process.

Transfer Guidelines:

The current structure of two separate policy guidelines (1999 Allocation Policy and DFO's 2013 Interim Transfer Guidelines) covering the possibility of commercial salmon transfers was seen as problematic and dysfunctional. The CSAB is proposing that all commercial harvesters be covered by one set of guidelines. The SCC and the CSAB worked to jointly develop a single set of guidelines. Two issues remain

outstanding and text proposed by the CSAB are included in the draft final version dated February 26 (Appendix G). This version was submitted to DFO for inclusion of their opening paragraphs and inclusion into the draft IFMP for broader consultations and implementation in 2016.

The two outstanding issues that were not resolved between the SCC and the CSAB are highlighted in the following bullets with some of the CSAB considerations:

- Where fisheries are not operated under individual vessel quota, the CSAB has proposed that the Area Harvest Committee for a specific fleet can determine whether an individual licence holder can make a pre-season transfer of the harvest share associated with their licence to another Area A-H licence or a First Nations commercial fishery.

During the CSAB discussions they agreed to the principle that each fleet should have self-determination. This was felt to include type of fishery (derby, ITQ, pooled, lottery, etc.), as well as the option of in-season allocation transfers. However DFO has issued some transfer authorizations in the past for Skeena River sockeye to Area C licences contrary to the Area C Area Harvest Committee's (AHC) recommendations. This raises the issue as to what issues an AHC can decide and which it is only making recommendations to DFO. There was discussions about the legal rights to sell and lease licences and whether each individual licence has a de-facto ITQ, this issue may be bound by those considerations but it is not clear. The CSAB members need further discussion about the mechanism for fleet/AHC decisions as well as they are seeking clarity from DFO as to what topics they can make decisions and on which topics they are only making recommendations to DFO. The Transfer Guidelines as drafted cover transfers by individuals as well as fleets. The CSAB has full support for individual transfers where that licence is from a fleet that made the decision to allow such transfers. Where the fleet did not support individual transfers such as in the case of Area C licences they remain opposed.

- Where an individual, portion of a fleet or fleet has attempted to arrange a transfer of their share as outlined in these Transfer Guidelines, the CSAB has proposed that consideration may be given for that individual, portion of fleet or fleet to access their uncaught share in a more terminal location.

A significant concern to the CSAB fleets was the potential lack of opportunity to make a transfer arrangement in some situations where only one or a limited number of groups would likely be in a position to harvest any uncaught TAC. Although most groups preferred the idea of making a mutually agreeable transfer arrangement one option of dealing with situations where no transfer agreement could be struck was to allow individuals, portions of fleets or fleets to access their uncaught share in a more terminal location that eliminated the impacts to conservation stocks of concern. Another option is changing commercial boundaries in the Skeena and Fraser rivers. More discussion is needed as no resolution was concluded.

An issue for the CSAB was trying to maintain maximum flexibility to arrange transfers while also understanding there is time needed to review any requests against the principles and operational considerations as stated in the Transfer Guidelines. We recognize that many of the potential transfer requests will be new and the amount of time for review and actions required by DFO to allow implementation may be uncertain. The guidelines state transfer arrangements should be made pre-season however as practical examples are better understood the CSAB will be seeking a post-season review of these Guidelines and updates as appropriate.

Licencing/Regulation Issues:

As is expressed earlier in this report and was also articulated in the CSAB report to DFO on updating the CSAF the CSAB is interested in licencing/regulation reform. The CSAB discussed the uncertainty about changes to the commercial fleets and the increased flexibilities proposed by the SCC for the First Nation economic fisheries. In keeping with the basic principles of equal priority of access and integration of the First Nation economic fisheries with the existing commercial fleets, that the A to H fleets be provided with the opportunity and option to make the same changes to their licence structures that the First Nation economic fisheries are afforded to be able to access their shares. DFO has indicated they have prepared reviews on issues raised by the CSAB from 3-4 years ago and the CSAB would like to use these reports as the basis to re-establish a joint review with DFO. It is believed that the rationale for many of these restrictions such as vessel lengths may have changed or no longer exist. The CSAB February 2015 report to DFO provides more details and discussion on this issue.

First Nation Share of Cowichan Chum from the Southern Inside Chum Production area:

A proposal submitted by the SCC for a new First Nations economic fishery adjacent to the Cowichan River for chums raised the issue of how the First Nation share was to be calculated based on the suite of B, D, E and H licences held by DFO. The area near the Cowichan River can only be fished by licence Area B, E and H vessels however the Cowichan fishery is part of the Southern Inside Chum fishery production area which includes Area D licences. The CSAF shares are not proportionate to each fishery location but an amalgamation of all chum fisheries in the southern inside chum area. A number of options were considered for determining the share with two options being considered potential solutions. The first was calculated as a % of commercial share based on 1/current total fleet size and by fishery production area using all licences and the second option was the same calculation but excluding Area D licences. If you excluded Area D licences from those locations where they are not entitled to fish and conversely Area E from those locations where they were not allowed to fish the shares at the present numbers of licences held by DFO would be different – 13% all licences included and 12.3% for locations covered by Area D licences and 15.2% for locations covered by Area E licences. This second method of calculation also means moving forward the next licence purchased would have different shares attached to it then if using all licences. If using all licences the individual licence share would be 0.0404% vs separate Area D would be 0.0505% and Area E 0.0306%. Some First Nations are also inquiring about having shares of Fraser chum removed from the Johnstone Straits mixed stock fishery and transferred to the Fraser River. It is not clear that all potential ideas from the First Nations have been developed. Also there was not an opportunity to fully consider all of these ideas in an open collaborative manner to understand implications and ensure that proper management results. Given that this fuller review of all proposed options has not occurred the CSAB supports using the values established by DFO in the fall of 2015 (13%) for 2016.

7 RECOMMENDATIONS

- **EVALUATION FRAMEWORK**

The CSAB supports the use of the January 2016 version of the Evaluation Framework for reviewing and considering the adoption of proposals for flexible harvest arrangements to be piloted in 2016. Further the CSAB recommends that the evaluation framework be reviewed following the 2016 season for potential changes/updates as a result of its use in 2016.

- **DEVELOPMENT OF PROPOSALS FOR FLEXIBLE HARVEST ARRANGEMENTS TO BE PILOTED IN 2016**

The CSAB recommends that its five submissions for piloting in 2016 be tested as they meet criteria in the evaluation framework. The CSAB also supports the piloting of the First Nation proposals within the CSAF shares.

- **UPDATING THE CSAB PROCESS**

The CSAB is prepared to continue to coordinate and collaborate on commercial salmon issues with the First Nations SCC in the Small Group with the goal of a fully integrated collaborative process in the future. The CSAB is seeking a commitment and funding from DFO to maintaining as a minimum the current Small Group process and support towards a more fully integrated collaborative process between First Nations economic fisheries and the CSAB and supporting the CSAB with enabling tools towards the CSAB goal of self-funding. The CSAB supports the implementation of local harvest management committees where a need exists for improved collaboration and coordination of all commercial fisheries.

- **LICENCING/REGULATORY ISSUES**

The CSAB is interested in reform of its current licences structure and management regulations. In keeping with the basic principles of equal priority of access to each fleet's share, and integrations of the First Nation economic fisheries and A to H fisheries, any changes to the commercial fishing licences structure and management regulations that are afforded to the First Nation economic fisheries, should be also be offered as options and opportunities to the A to H fleets, to as great an extent as possible, so as to allow the A to H fleets to also increase their flexibility to make business decision and improve the long term stability certainty, and resilience of these commercial salmon fleets. This reform would encompass all the licence restriction currently applicable to the A to H fleets including being vessel based, area specific, gear specific, bundled species, fleet or individual share based, vessel length restrictions, married, stacked and licence fees. Management regulations to be considered for reform are gear restrictions and management boundaries. To this end the CSAB is recommending a process between DFO and a limited number of representatives elected by the CSAB be established as soon as possible to review and consider potential licence and management regulation reforms.

- **TRANSFERS**

There is not consensus CSAB support for the draft changes to the Interim Transfer Guidelines as defined in the February 26, 2016 version jointly prepared by the SCC and CSAB due to the two outstanding

issues. The CSAB has agreed to each fleet having the right of self-determination. Therefore there is not support for individuals making transfer arrangements where that fleet has not supported such transfers. For the two issues that are outstanding the CSAB is seeking further discussion. These two issues have links to Area A-H recommended license/ regulatory reform. The CSAB is also seeking clarity from DFO as to the AHC/Fleets decision making authority including the ability of individuals to assign de-facto ITQs to their licence when the fishery is not an ITQ fishery. There are a number of changes in these new Interim Transfer Guidelines that provide clarity and which will support improved fisheries management which are supported by the CSAB.

- **FIRST NATION SHARE OF COWICHAN CHUM FROM THE SOUTHERN INSIDE CHUM PRODUCTION AREA**

The CSAB supports the use of values from the DFO constructed table on shares by fishery production area for 2016. They also support further review of this issue with all potential First Nation transfer ideas and changes considered.

8 SELECTED REFERENCES

Rosenberger, B. and Commercial Salmon Advisory Board Representatives to the CSAF Process, Strategic and Operational Advice from the Commercial Salmon Advisory Board (CSAB) to the Department of Fisheries and Oceans (DFO) on Updating the Commercial Salmon Allocation Framework (CSAF), February 9, 2015

Cooley, P., Choosethical Ventures Inc., Updating the Commercial Salmon Allocation Framework, Phase 3 – Final Report, March 2015.

Department of Fisheries and Oceans, AN ALLOCATION POLICY FOR PACIFIC SALMON A New Direction: The Fourth in a Series of Papers, 1999

Department of Fisheries and Oceans, A Policy For Selective Fishing in Canada's Pacific Fisheries, 2001.

Department of Fisheries and Oceans, Canada's Policy For Conservation of Wild Pacific Salmon, 2005.

Fisheries and Oceans Canada, Pacific Region, Terms of Reference for Updating the Commercial Salmon Allocation Framework, July 29, 2013

May, A. W. Altering Course A report to the Minister of Fisheries and Oceans on Intersectoral Allocation of Salmon in British Columbia, 1996.

Pacific Salmon Treaty, Pacific Salmon Commission, July 2014

Salmon Coordinating Committee, First Nations Fisheries Council, Commercial Salmon Allocation Framework (CSAF) Review Summary of the SCC First Nations' Proposal, 22 Jan2015.

Southern Pacific Salmon Integrated Fisheries Management Plan Summary, Fisheries and Oceans Canada, 2014

Stephen Kelleher, Q.C., Report to the Honourable David Anderson Minister of Fisheries and Oceans Re:
Commercial Salmon Allocation, 30 April 1998

9 APPENDICES

APPENDIX A: Area E shallow seine and beach seine in for chum in the Fraser River



CSAB Fishery
Proposal Area E Fras

APPENDIX B: Howe Sound limited opportunity troll assessment for chum



CSAB Fishery Prop
ATH HoweSoundCh

APPENDIX C: Mainland Inlets/Georgia Straits pink and chum limited opportunity troll assessment



CSAB Fishery Prop
Mainland Pink Chur

APPENDIX D: Rivers Inlet limited opportunity sockeye assessment by up to 5 gillnets



CSAB Fishery Prop
Rivers Inlet sockeye(

APPENDIX E: Central Coast troll limited opportunity coho assessment in Management Areas 6-7&8



CSAB Fishery Prop
Central Coast Coho

APPENDIX F: Potential Updates to the CSAB TOR



CSAB Potential
changes to Terms of

APPENDIX G: Updated Transfer Guidelines (dated February 26, 2016)



TransferGuidelines_
Appendix C_26Feb21