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Department of Fisheries
& Oceans
APR 27 1995
Ministère des Pêches et des
Océans
OTTAWA

FRASER RIVER SOCKEYE 1994

*Detailed DFO Response to the
Report of the Fraser River Sockeye Public Review Board*

RISK AVERSION MANAGEMENT

Recommendation 1

We recommend that DFO retain and exercise its constitutional conservation responsibilities and not in any way abrogate its stewardship of resources under federal jurisdiction. Conservation must be the primary objective of both fisheries managers and all others participating in the fishery. The conservation ethic must prevail throughout and be adhered to by all.

DFO RESPONSE:

Conservation is DFO's top priority and we will exercise this responsibility through an even more prudent stewardship of the resource starting in 1995.

However, conservation is a shared responsibility with resource users. It cannot be achieved by government alone. The action plan which follows, in response to the Board's recommendations, outlines measures to be taken by DFO, resource users and the Government of British Columbia to conserve and sustain the resource.

Recommendation 2

We recommend that DFO take immediate steps to initiate a process of planning for the future of the fishery, addressing all critical problems affecting conservation and sustainability, through an ongoing consultative forum. Among the problems to be considered would be over-capitalization, user group allocation and ensuring equitable treatment under the law.

DFO RESPONSE:

1. Pacific Roundtable to make recommendations by Nov. 30, 1995 on:
 - a. Reduction of fleet capacity
 - b. More effective and binding consultative mechanisms

In the absence of consensus, Ministerial decisions will be taken in early December 1995, for implementation in 1996.

2. Continue and expand community-based multi-stakeholder processes to address sustainable utilization such as the:
 - Skeena watershed committee
 - New process being implemented on the Fraser
3. The broad issue of inter-sectoral allocations will be addressed in 1996, when solutions to commercial fleet viability are in place.

Recommendation 3

We recommend that DFO and PSC adopt a risk aversion management strategy because of the great uncertainty in stock estimates, in-season catch estimates and environmental problems. Conservation goals must be achieved before any other priorities are addressed.

DFO RESPONSE:

1. Starting in 1995, we will develop pre-season management plans based on the lower range of pre-season stock forecasts.
2. We will adjust escapement targets in-season, based on extreme environmental factors such as high water temperatures and adverse flow conditions.
3. We will reduce the harvest rates and employ management measures, up to and including closure of the fishery, when there is uncertainty as to the run-size.

Recommendation 4

We recommend that DFO, in conjunction with provincial authorities, First Nations, commercial and recreational fishery groups, implement (both in marine and in-river areas) a revised system to ensure that catch information is timely and reliable, given that accurate counting and timely reporting of catch are fundamental to conservation. The system must also include a more stringent paper trail wherein there must be stricter control of landing and sales slips and a mandatory retention of sales slips with fish through to retail sale or export.

DFO RESPONSE:

1. Require mandatory hauls for all fisheries.
2. Implement new measures to prevent the laundering of fish into the commercial fishery.
3. Strategic enforcement of sales slip requirements.
4. Phased implementation of a formal landing slip system for all fisheries
5. Where catch data requirements are not being met, we will close the fishery until data is provided by users.

Recommendation 5

We recommend that DFO explore the application of new technology to collect information on stock levels in ocean areas in order to supplement catch statistics.

DFO RESPONSE:

1. We will provide hand-held computers to a select group of commercial index fishers to provide real-time catch information.
2. We will work with the Pacific Salmon Commission to develop new methods of assessing fish abundance in-season (i.e. hydroacoustic assessment of the abundance of late-timing sockeye runs off the mouth of the Fraser River).
- 3, Additional test fisheries will be conducted in areas such as Johnstone Strait.

INSTITUTIONAL ARRANGEMENTS

Recommendation 6

We recommend that DFO develop better co-ordinated inter-party communications among its staff and between its staff and PSC, First Nations, commercial and recreational fishing groups, with a greater degree of co-operation aimed at enhanced in-season management and post-season evaluation and at fostering closer working arrangements among all parties, and facilitate clearer and more transparent management and allocation policies.

DFO RESPONSE:

1. Within DFO, we will continue the internal Operations Branch Organization Review Team - a 25 member group on which a cross-section of all levels of fishery operations staff is represented - and follow up on recommendations to define roles, responsibilities and improve communications at all levels.
2. The Sectors will be convened to discuss how advisory processes can be improved by May 1st, 1995, well in advance of the fishing season.
3. Integrated management plans will be developed for all fisheries to incorporate stock assessment, management, aboriginal affairs, conservation and protection, as well as international considerations.

Recommendation 7

We recommend that DFO and PSC give First Nations greater and more meaningful access to, and involvement in, the management process.

DFO RESPONSE:

1. We will seek more effective ways to work cooperatively with First Nations - building on the positive elements of the Aboriginal Fishery Strategy - to improve resource management, catch, monitoring, and habitat restoration and protection.
2. We will formally link "Ocean harvesting" and "in-river Aboriginal harvesting" management processes through pre-season planning and post-season evaluation meetings.
3. The Canadian section of the Fraser River Panel membership will be reviewed with the goal of ensuring effective First Nations participation.

Recommendation 8

We recommend that DFO, PSC, First Nations and user groups institute a formalized pre-season review of each season's management plans and strategies, to be followed by a post-season performance analysis. Independent experts should be invited to assist in extending the range of expertise and in promoting transparency in the management process.

DFO RESPONSE:*Short term:*

We will conduct post-season analysis with independent fisheries experts in 1995.

1996 and beyond:

We will undertake a public process, in specific locations in B.C., to review pre-season planning and post-season results.

Recommendation 9

We recommend that the Canadian section of the Fraser River Panel be vested with responsibility for in-season management for Fraser River sockeye and pink salmon fisheries in Canadian waters beyond the current PSC Convention area. Further, to facilitate communication and understanding (between DFO and PSC) of the in-season run and stock size estimates, a member of the DFO Stock Assessment Division be assigned to work closely with PSC during planning, estimation and evolution of run estimating procedures. There is also a need for practical arrangements for in-season communications between the U.S. and Canadian sides of the Fraser River Panel, whether or not there is formal diplomatic agreement.

DFO RESPONSE:

1. The co-ordination and management of Canadian ocean-harvest of Fraser River sockeye will now come under the responsibility of the Canadian section of the Fraser River Panel. The current membership of the panel will be revised to include representation from the South and North Coasts.
2. A stock assessment staff-member will be made a member of the Fraser River Technical Committee of the PSC.
3. A weekly bi-lateral face-to-face meeting of the Fraser panel will be instituted (subject to U.S. concurrence), even if there is no negotiated fishing agreement with the U.S.

Recommendation 10

We recommend that an independent Pacific Fisheries Conservation Council be established to act as a public watchdog for the fishery, to report to ministers and the public annually and from time to time as is appropriate.

DFO RESPONSE:

Realistically, this cannot be accomplished in 1995. However, the concept of a Conservation Council making its advice to the Minister of Fisheries and Oceans public is supported and will be explored in the Roundtable process.

QUALITY MANAGEMENT PRINCIPLES**Recommendation 11**

We recommend that DFO make a commitment to quality management principles in the management of fish stocks by Pacific Region and, in this context, that a third-party quality auditing organization be contracted to provide ongoing services.

DFO RESPONSE:

The Operations Branch Organization Review Team (see recommendation 6), expanded to include Stock assessment and SEP/Habitat staff, will be the process through which quality management initiatives are pursued.

ENFORCEMENT

Recommendation 12

We recommend that enforcement be recognized once again as an essential element of the fishery management process.

DFO RESPONSE:

1. Despite expenditure and staff reductions in all areas of the department and in all regions, the Conservation and Protection sector in Pacific Region has been strengthened and is now headed by a veteran RCMP officer, Superintendent Stuart Cameron.
2. Conservation and Protection staff will be key players in fish plan development and aboriginal negotiations, as part of the integrated planning process.
3. Organizational changes have raised the profile of the Enforcement function to the same level as Resource Management and Native Affairs. All these are integrated under a single Assistant Deputy Minister of Fisheries Management.

Recommendation 13

We recommend that, for the 1995 fishing season, DFO institute a plan to ensure that an effective and credible enforcement level is re-established.

DFO RESPONSE:

1. DFO will provide for strengthened enforcement capability by:
 - Increasing enforcement resources: 15 new fishery officers above the 1994 complement.
 - Deploying resources strategically and targeting key problem areas: Mid-Fraser River and Johnstone Strait.
 - Developing blitz-style enforcement strategies: flying squads and quickly-dispatched, highly mobile patrol vessels.
 - Targeting serious offences and chronic offenders
 - Continuing to optimize the use of marine services in support of enforcement activities.
 - Enhancing the use of charter patrol vessels to more effectively achieve enforcement goals.

2. DFO will improve planning and implementation of enforcement plans by:
 - preparing, for each fishery, as part of the integrated Management Plans, workplans with prioritized enforcement tasks, identifying strategies, describing level of work coverage, and defining expected results and compliance levels.
 - undertaking post-season evaluation of workplans to make changes to improve the effectiveness of enforcement programs in subsequent years.
 - increasing co-operation with other agencies (RCMP, Coast Guard and Provincial Conservation Officer services).

Recommendation 14

We recommend that DFO review the regulations pertaining to the various fisheries and implement changes needed to ensure they are enforceable.

DFO RESPONSE:

Pacific regulations are being reviewed to ensure that they are enforceable.

Recommendation 15

We recommend that DFO undertake an in-depth investigation of 1994 abuse of fishing laws.

DFO RESPONSE:

1. The Board has already extensively reviewed the 1994 situation and the department's focus is the 1995 season.
2. Key areas of illegal activity identified by the Board and by the department will be targeted in 1995 enforcement plans.

Recommendation 16

We recommend that DFO revisit its policy of non-criminal administrative sanctions (which include licence suspensions) with a view to making such a policy more workable and expanding its application.

DFO RESPONSE:

The sanctions process, enabling the administrative removal of fishing privileges for serious conservation offences, will be expanded in 1995 and beyond.

Recommendation 17

We recommend that DFO establish an enforcement branch in DFO Pacific Region, headed by a director with extensive law enforcement experience, to report to the Regional Director-General and be responsible for developing and maintaining enforcement capability at a level of competence and coverage which would ensure that the Minister's mandated duty to conserve and protect Canada's Pacific fisheries resources will be fulfilled properly.

DFO RESPONSE:

1. This recommendation has already been implemented, with the appointment of Superintendent Stuart Cameron.
2. As a matter of policy, extensive enforcement background will be a requirement for the Director of C&P in Pacific Region.

Recommendation 18

We recommend that DFO institute an "observe, record, report" program with a communications centre that operates 24 hours per day and seven days per week.

DFO RESPONSE:

1. There is an existing "observe, record and report" system that will be expanded to establish a *Crime-tips* hotline; this system will operate 24 hours a day.
2. In addition, we will implement Community Policing initiatives to increase the involvement of the public in addressing enforcement concerns.
3. We will approach the province and other agencies to develop joint programs, including improved public education, on the importance of conservation and the need to report all instances of illegal activity.

ABORIGINAL FISHERIES STRATEGY**Recommendation 19**

We recommend that DFO ensure that AFS agreements clearly identify the Minister's responsibility for conservation, and that final authority to regulate and protect fish and fish habitats remains vested in DFO.

DFO RESPONSE:

We agree. This clause is already contained in the agreements and will be fully implemented in 1995.

Recommendation 20

We recommend that DFO expedite the implementation of an effective training program to develop fisheries management, enforcement and administrative capacity within First Nation communities.

DFO RESPONSE:

1. We will explore opportunities for both classroom and field training programs to be delivered by accredited police agencies and post-secondary institutions.
2. A field pilot program has already been set up with the Skeena Fisheries Commission which will be used to guide future programs elsewhere.
3. We will ensure that training in administration is provided to support First Nations fish management programs.

Recommendation 21

We recommend that DFO, in consultation with First Nations, separate food and commercial fish in time and space to promote more effective enforcement.

DFO RESPONSE:

In key fisheries - such as Johnstone Strait - food and commercial fisheries will be separated in time.

Recommendation 22

We recommend that all AFS agreements contain a dispute resolution mechanism and, when feasible, be cast within multi-year frameworks.

DFO RESPONSE:

Dispute resolution mechanisms will be established within all agreements beginning in 1995 and, where appropriate, multi-year agreements will be negotiated.

Recommendation 23

We recommend that the pilot sales project not be expanded at present.

DFO RESPONSE:

Pilot sales will not be expanded in 1995.

Recommendation 24

We recommend that, in those AFS agreements having a pilot sales component:

- *no sale of fish or payments to First Nations for AFS purposes be permitted until agreements are completed and signed;*
- *the agreements specify that DFO Fishery Officers and Aboriginal Fishery Officers be responsible to and directed by a DFO official;*
- *landing sites be clearly identified;*
- *the agreements require that fish landings and the sale of fish be documented; and*
- *any sale of fish other than that recorded and documented at a designated landing station be deemed to be an illegal sale.*

DFO RESPONSE:

1. No sale of fish or payments to First Nations for AFS purposes will be permitted until agreements are completed and signed.
2. The provisions of agreements specifying that Aboriginal Fisheries Officers will work collaboratively with DFO and that enforcement activities will be coordinated by Fishery Officers will be enforced.
3. Landing sites will be specified in the agreements and clearly identified in the field.
4. The provisions of agreements requiring that all fish landings be documented will be enforced.
5. Any sale of fish, other than that recorded and documented at a designated landing station, is deemed to be an illegal sale.

Recommendation 25

We recommend that, in First Nation territories where there are no AFS agreements, DFO implement plans to improve the quality of catch estimates

DFO RESPONSE:

1. DFO will endeavour to reach agreements with bands who have not signed AFS agreements in the past.
2. Failing that, suitable catch monitoring programs will be developed in key areas, i.e. above Sawmill Creek on the Fraser.

Recommendation 26

We recommend that DFO pursue a policy of purchasing licences in the commercial sector and transferring these to First Nation communities, not for traditional Aboriginal fisheries, but to increase their participation in established commercial fisheries in a manner consistent with the laws and regulations pertaining thereto.

DFO RESPONSE:

This policy is currently being implemented.

THE ENVIRONMENT

Recommendation 27

We recommend that DFO urge the Greater Vancouver Regional District (GVRD) and the province of British Columbia to install, without further delay, at Annacis Island the secondary sewage treatment facility which has long been under consideration.

DFO RESPONSE:

1. Lulu Island is also out of compliance and needs to be upgraded.
2. The Minister accepts the recommendation of the Review Board that the province and the GVRD complete the Annacis and Lulu Island projects in a timely fashion and he will take appropriate measures to give effect to this recommendation.

Recommendation 28

We recommend that DFO develop a predictive water temperature model, supported by adequate observation systems, for the Fraser River and its major sockeye tributaries. Information on water temperatures should be used for in-season risk aversion management.

DFO RESPONSE:

1. The model under development will be completed in 95-96.
2. Temperature probes are in place throughout Fraser Basin and will provide data in real-time.
3. Criteria will be developed to adjust in-season fishing plans during periods of severe environmental conditions.

Recommendation 29

We recommend that federal, provincial and local governments join forces to develop effective policies and plans in the Fraser River basin designed to:

- *Better treat and control the discharge of effluent into the Fraser River watershed;*
- *See to the implementation of responsible forestry practices in line with the new provincial Forest Practices Code;*
- *Continue to remove in-river obstacles which impede the migration and spawning of anadromous species; and*
- *Regulate urban development in the Fraser River watershed so as to be compatible with environmental priorities.*

DFO RESPONSE:

The Fraser Basin Management Board already brings Federal, Provincial, Aboriginal and local governments together and will be encouraged, hopefully with the support of the BC Minister, to focus on this recommendation.

Recommendation 30

We recommend that DFO conduct further research on:

- *The effects of logging on the water temperature and flow regime in the Fraser River;*
- *Means by which to mitigate adverse water temperature and flow fluctuations;*
- *The effect of multiple, sublethal stresses on migrating salmon;*
- *Means by which to improve anadromous species survival at all stages of the life cycle in the face of natural fluctuations and predation;*
- *Environmental effects on the Johnstone Strait diversion rate; and*
- *Such matters as the potential of gene banking and altered fishing techniques as means by which to promote the enhancement of anadromous species' genetic diversity.*

DFO RESPONSE:

1. Research is currently underway on the:
 - effect of logging on water temperature; and
 - effects of multiple sub-lethal stresses on migrating salmon.
2. Research will be undertaken on:
 - means by which to mitigate adverse water temperatures;
 - means to improve survival at all life history stages;
 - gene banking and alternative fishing technologies; and

- additional work on Johnstone Strait diversion rate (improve pre-season forecasting; effects on fish migratory patterns)
3. We will direct Fraser River Action Plan (FRAP) to examine the feasibility of mitigating adverse water temperature and flow fluctuations.

USER GROUP VIEW AND RESPONSIBILITIES

Recommendation 31

We recommend that industry participants in the salmon fishery develop and implement in conjunction with DFO a self-sustaining, user-pay, landing verification system, as already exists in other West Coast fisheries (for example, halibut, sablefish and groundfish).

DFO RESPONSE:

This issue will be considered by the Pacific Roundtable and a decision will be made in 1996.

Recommendation 32

We recommend that industry participants in the salmon fishery develop and implement, in conjunction with DFO, a peer group system for reporting to DFO, the illegal catch, sale and transportation of fish.

DFO RESPONSE:

1. We will develop a Coast-watch program and train selected fishers to provide effective in-season Observe-Record-Report (ORR) information to complement the *Crime-tips* initiative.
2. We will implement a reward program for individuals who report illegal activities which result in successful prosecutions.

Recommendation 33

We recommend that industry participants in the salmon fishery and DFO work together to investigate means of dealing with excessive fishing capacity.

DFO RESPONSE:

The Pacific Roundtable process calls for industry recommendations by November 1995, for implementation in 1996.

Recommendation 34

We recommend that a user fee be assessed on fishers and processors to increase funding available to DFO, if it can be assured that all monies collected will be used only for local fisheries management.

DFO RESPONSE:

The Department spends more than \$150 Million in the Pacific and about half of the \$13.1 Million now generated under cost-recovery measures is accounted for by the region. The recently announced access fee strategy provides for fees collected to be returned to the Consolidated Revenue Fund (CRF), but failure to meet cost-recovery targets will result in reductions in DFO budgets and essential programs.

Recommendation 35

We recommend that, in the interest of conservation, DFO ban monofilament nets, gaffing and other fishing gear which may be wasteful of the resources harvested.

DFO RESPONSE:

1. Monofilament nets are currently banned in commercial fisheries.
2. Review of existing gear regulations will be carried out to minimize the incidence of wasteful harvest techniques.

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