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Regional Director General, Pacific

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Mr. Darren Haskell
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Mr. David Didluck
Associate Regional Director General, Pacific
Fisheries and Oceans Canada
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Dear Mr. Haskell and Mr. Didluck,

I write to provide additional detail on the Department's 2023 decision on the management of Fraser Summer 5₂ Chinook. In specific, this letter is to address the reporting required by Section 4.3d of the Fraser Salmon Collaborative Management Agreement (Agreement) when a Party must make a decision and the Executive has been unable to reach consensus.

This decision was not easy, and I would like to recognize that the management of salmon fisheries is increasingly challenging as we work to support meaningful access, in particular for food, social and ceremonial (FSC) fisheries, in the context of low abundance for many stocks and increasing impacts of climate change. The work that the Fraser Salmon Management Board (Board) and Joint Technical Committee (JTC) undertook on this decision was significant. While consensus at the joint table was not reached, the advice was valuable in informing the final approach for this season which did reflect an important change from the previous approach.

I understand that the Executive has already initiated dispute resolution discussions, and am pleased to hear that the dialogue has been constructive. Additionally, I understand that further work is planned on this topic and others for the coming year, with an objective of supporting collaborative implementation of the Agreement. Further, I look forward to an in person meeting with the FSMC and our DFO participants in this process, once a date and time has been identified.

Fraser Summer 5₂ Chinook Decision

For your reference, you will find attached a summary of the 2023 decision shared by my Pacific Salmon Management Team that lays out the additional actions implemented this season. Additional information is provided below to address each of the elements outlined in the Agreement.

Why the decision was made, including technical, management, and/or policy basis (S 4.3 d) (i)

As was shared during deliberations this year, this decision was incorporated into the Southern and Northern BC Salmon Integrated Fisheries Management Plans (IFMP) to guide management of Fraser Salmon for this season. Management decisions of this significance are

included in the IFMPs to ensure all harvesters have a clear understanding of the objectives guiding management. Due to the migration timing of these stocks and the timing of a large number of widespread fisheries that may intercept these populations, a timely decision was required to support communication and implementation of new management measures that were approved for the 2023 season. While consensus was not reached through our joint process on those actions or timelines, information from the discussions helped to inform the decision that had to be made to guide management.

In line with existing policy, including *An Allocation Policy for Pacific Salmon (1999)*, this decision supports the principle of conservation as the first priority through continuation and strengthening of restrictions in place to protect Fraser Summer 5₂ Chinook. It also aligns with the provision of priority to First Nations FSC and Treaty domestic fisheries by implementing actions intended to provide the majority of fishery mortalities on Summer 5₂ Chinook for FSC fisheries and by maintaining FSC impacts to recent levels which is intended to facilitate continued and enhanced access to more abundant Summer 4₁ later in the season to help meet First Nations' FSC needs. These actions have resulted in increased in-river FSC Chinook harvests in recent years while also seeking to achieve a balance with necessary conservation measures for target and non-targets stocks.

I understand detailed technical discussions have been initiated by our JTC to review projected fishery impacts and will leave further discussions for that table.

How the decision is consistent with Canada's Principles and the Guiding Principles (S 4.3 d) (ii)

Canada's Principles include commitments to implement agreements that support the joint exercise of our authorities and establish processes with the aim of seeking the free, prior and informed consent of Indigenous peoples. Our work through the joint governance structure laid out within the Agreement helps support that important work, and our representatives contributed significant effort this year bringing that structure to life and continued to explore options even after IFMP consultations were completed. While consensus was not reached, the detailed information and perspectives raised by the Parties informed the final decision in a new and substantive way. Canada's Principles, and the Agreement, both recognize that reconciliation requires an evolution of relationships and an incremental approach to change; the way this decision was made represents a step in that change process.

Many of the Guiding Principles are also respected in this decision. This includes principles relating to "Priority of FSC Fisheries" and "Low Abundance" through the provision of the majority of Summer 5₂ impacts to FSC fisheries and associated increases in overall Fraser Chinook harvests (i.e. from restrictions allowing additional Summer 4₁ Chinook to reach the Fraser) when compared to the 2014-2018 base period. It also aligns with principles related to the Government-to-Government approach and flexibility by recognizing and working through the joint processes laid out within the Agreement with an objective of reaching a joint recommendation, but recognizing the need for work to be practical and incremental, and respecting the need for timely decisions.

How the decision is consistent with the law (S 4.3 d) (iii))

The Department's approach for managing fisheries is intended to respect Constitutional obligations for First Nations FSC fisheries, Departmental allocation policy and direction from the courts. We acknowledge that there are a number of cases that consider priority for First Nations' FSC fishing and direction from the courts is grounded in the particular circumstances and facts of each case. In managing for priority for First Nations' FSC fishing, the Department strives to ensure that conservation and management plans enable the collective, Aboriginal and treaty rights, recognized and affirmed under Section 35(1) of the *Constitution Act*, that may be exercised by individual members of an Indigenous group holding those rights.. In cases where fishery restrictions are required to support conservation and directed fisheries targeting particular stocks are not permitted (e.g., Fraser Summer 5₂ Chinook), the Department seeks to provide the majority of available impacts to First Nations' FSC fisheries by prioritizing reductions in recreational and commercial fisheries. In addition, where possible, the Department has considered enhanced opportunities for First Nations' FSC fisheries to target more abundant stocks (e.g., measures to increase Summer 4₁ Chinook abundance in the Fraser River) to support communities FSC needs. DFO will continue to work with FMSC and individual First Nations to understand their evolving communities FSC needs, and how their fishing plans support achieving those needs while respecting conservation measures and the FSC needs of other First Nations dependent on the same stocks.

How the decision furthers the goal of effective Collaborative Governance and Management and conservation of Fraser Salmon (S 4.3 d) (iv))

The process that led to this decision, particularly the work undertaken at the Board and Joint Technical Committee, furthered this goal through extensive engagement on the technical underpinnings of the analysis and through the development of detailed advice and perspectives on the key considerations. While the Board did not reach a joint recommendation on this specific work item this year, the decision was informed by the work they undertook. This movement towards the development of joint advice marks a significant shift from previous processes in place and should be noted as a key step forward in building the collaborative process that is envisioned within the Agreement. While pursuing dispute resolution is not an ideal outcome, this also allowed the parties to more fully exercise shared governance structures and processes, leading to constructive dialogue on next steps to further our collaboration.

How the decision furthers reconciliation between Canada and Member Nations (S 4.3 d) (v))

Work this year aimed to rely on the joint process to reach consensus, moving us towards joint exercise of our authorities. The decision, through being delayed, provided additional time to reach an approach through the joint table. Even though consensus was not reached, perspectives on recommended management approaches for Fraser Summer 5₂ Chinook received from the Fraser Salmon Management Council (FSMC) Member Nations were incorporated into Departmental briefing materials in a new and more integrated manner that

better reflects the intent of the Agreement and the improved engagement of Indigenous groups in the management of resources. Each of these components represents an evolution of our relationship under the Agreement. As noted, this work also culminated in a decision that reflected a change in management approach, consistent with the priorities put forward by the Fraser Salmon Management Council. In addition, the process helped to inform work planning and identify areas that we can continue to work together on in the coming year.

The work undertaken over the course of the last year on this topic and others are positive signs of the potential of this Agreement, and I want to reiterate my support for the on-going work of implementation. Key elements of that success will include improved sequencing of work, improving alignment with key timelines and effective engagement with the other key processes and parties that are engaged in Salmon management in the Pacific Region. I understand work has already commenced to develop detailed timelines to support that objective, and that there is an intent to further advance work to support management approaches considered in 2024 and beyond over the remainder of the year.

Yours sincerely,



Susan Chambers
Regional Director General, Pacific

Attachment(s):



Chinook
Management Actions

c.c.: Neil Davis – Regional Director, Fisheries Management, DFO
Jeff Grout – Director, Salmon and Client Services
Marcel Shepert – Independent Chair, Fraser Salmon Management Board
Greg Witzky – Executive Director, FSMC
Kristin Hrapchak – Communications Coordinator, FSMC
Matthew Parslow – Senior Program Implementation Advisor, DFO – FSCMA
Steve Gotch – Senior Director, Operations, DFO