

# **An Allocation Framework for Pa- cific Salmon: 1999- 2005**

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## **Report on Written Submissions and Workshop Discussions**

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“My apologies for writing such a long letter. I didn’t have time to write a short one.”

- *Mark Twain(1866)*

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# Introduction

Following three years of stakeholder consultation on salmon allocation by five independent advisors to the Minister of Fisheries & Oceans, Fisheries & Oceans Canada published its "Allocation Framework for Pacific Salmon: 1999-2005" in December, 1998. The second in a series of "New Directions" documents<sup>1</sup>, the Allocation Framework presents Fisheries & Oceans Canada's policy on allocation of Pacific salmon among sectors and commercial gear types. The Allocation Framework is expected to guide allocation decisions until at least 2005 (the next seven fishing seasons).

The Allocation Framework addresses inter-sectoral allocation (ie, aboriginal, sport and commercial sectors) and commercial gear allocation (sometimes called "intra-sectoral" allocation). The Allocation Framework includes over-arching principles, principles of allocation between recreational and commercial salmon fisheries, and principles of allocation for testing selective fishing techniques and among commercial gear types. In all, seven principles are stated in the Allocation Framework.

1. Conservation.
2. First Nations' FSC Allocation.
3. Common Property Ownership.
4. Recreational Allocation.
5. Commercial Allocation.
6. Selective Fishing.
7. Commercial Gear Allocation.

The Allocation Framework includes sections on AFS pilot sales fisheries and ESSRs (Excess Salmon to Spawning Requirements), and discusses topics such as the need for credible and cost-effective catch reporting (including encounters, catch, kill and post-release mortalities) and the potential role of an Allocation Board.

Under "Next Steps", the concluding section of the Allocation Framework, DFO commits to "meet with representatives of individual sectors" and "convene facilitated cross-sectoral workshops with representatives of First Nations, rec-

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<sup>1</sup> The first, *A New Direction for Canada's Pacific Salmon Fisheries*, was published in October, 1998.

reational, commercial fishing sectors and other interested parties early in 1999.”

Edwin Blewett & Associates Inc, in association with Timothy Taylor Consulting Services Inc, was retained by Fisheries & Oceans Canada to facilitate and report on the workshops promised in the Allocation Framework, and to review and report on over 225 pages of written submissions responding to the Allocation Framework document. We reviewed documents submitted prior to the commencement of the workshops.

- Richmond: Monday, March 29th & Tuesday, March 30th.
- Nanaimo: Wednesday, March 31st & Thursday, April 1st.
- Prince Rupert: Tuesday, April 6th & Wednesday, April 7th.

“The purpose of the facilitated workshops” as described in the Request for Proposals, “is to consult with stakeholders to seek: (i) their views on the overarching allocation principles and (ii) their suggestions or recommendations for solutions or approaches to the implementation issues”.

This document is a record of those meetings and of written documents submitted to Fisheries & Oceans Canada in response to the Allocation Framework before, during and (just) after the workshops were held.

Our summary of written input is presented in Chapter 2. In Chapter 3, we summarize the proceedings of the workshops. Finally, in Chapter 4, we highlight the key points that emerged from this process. Written submissions reviewed are listed in Appendix A. Participants in the three workshops are listed in Appendix B.

# Written Input

Stakeholder input was received in various forms during public consultations carried out by DFO concerning its Allocation Framework document. This input included written briefs and letters submitted to the department containing stakeholder views across the various Allocation Principles and Implementation Issues in the Framework.

This section of the report summarizes approximately two dozen such submissions. These briefs were submitted by commercial, recreational, First Nations and community groups. Some briefs also consolidated the input of several groups and individuals. A commercial submission, for example, consolidated the input of a dozen different industry associations and gear groups (each representing many more individuals). We will refer to that particular brief, herein, as the “consolidate commercial brief”. Note that not all commercial stakeholders signed on to the consolidated brief, however, and the issues around which there is disagreement are noted at various points in the following chapters.

In the case of the recreational fishery, submissions were made by the Sports Fishery Advisory Board and the BC Wildlife Federation, both of which gather input from various parts of the sports fishery. A multi-sectoral group submitted written input that was the product of co-operation between West Coast Vancouver Island First Nations, commercial and community interests.

In total, some 225 pages of input and advice were received in written form. This material is summarised below by Framework Principle and Issue. For each of the Principles, we first discuss overall stakeholder written input. In sections that follow we go on to discuss key implementation issues where additional written input was provided. For each Framework Principle where there are Implementation Issues identified, it is important to consider stakeholder input on both these levels.

In total, this summary identifies where the main clusters of opinion were found on each principle and identifies consensus where this existed. Sample quotes are also provided.

# The Overarching Principles (1-3)

## Allocation Principle 1 - Conservation

*Conservation of Pacific salmon stocks is the primary objective and will take precedence in managing the resource -- conservation will not be compromised to achieve salmon allocation targets.*

There is a high degree of consensus in the written submissions on this issue. A group of commercial industry associations writes:

"The commercial sector fully supports the principle that conservation of Pacific salmon stocks must take precedence in all management measures affecting the resource."<sup>2</sup>

A recreational submission puts it this way:

"Our members will always agree with realistic conservation measures."<sup>3</sup>

And in a submission from a multi-sectoral group, the following statement is made:

"Conservation of aquatic resources is the primary guiding principle and will take preference in managing the resource."<sup>4</sup>

These statements reflect a basic multi-sectoral agreement that conservation comes first, although an environmental agency points out that work remains to be done.

"The job of creating a conservation base policy framework for this coast will be immensely difficult, and will take time, good will, and sustained commitment, but can be done."<sup>5</sup>

Additional observations were made and questions asked. For example, questions were raised in the written input from rec-

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<sup>2</sup> PSHS pg 1

<sup>3</sup> Georgia Straight Sportfishing Guides Association

<sup>4</sup> WCSA/RAMS submission pg 14

<sup>5</sup> Sierra Club, pg 1.

recreational stakeholders about retention of coho on the central coast in 1999 given abundances in 1998. Would non-retention still prevail? When would this be known?<sup>6</sup> Other recreational stakeholders agreed with the view that conservation measures should be announced as soon as possible to help business planning in the sector.<sup>7</sup>

There was also agreement between a significant group of commercial and recreational interests that attention needs to be paid to the means by which escapement goals for individual stocks are set in the interests of conservation. These stakeholders see two distinct components here: (1) escapement levels necessary to meet immediate conservation targets, and (2) escapement levels satisfying longer term rebuilding objectives. These commercial and recreational stakeholders want to be engaged in the process of striking a balance between these two aspects of overall conservation.

Finally, one brief notes that in all fisheries—commercial, recreational, First Nation FSC and pilot sales fisheries—an understanding of true mortality is vital to conservation. The harvest in all fisheries should therefore be accounted for fully, and studied as necessary to determine accurate post-release mortality.<sup>8</sup>

## **Allocation Principle 2 - First Nations**

*After conservation needs are met, First Nations food, social and ceremonial requirements and treaty obligations to First Nations have first priority in salmon allocation.*

There was a high degree of consensus in the written submissions on the constitutional priority given to First Nations food, social and ceremonial (FSC) salmon requirements. For example, a group of commercial industry and gear associations jointly writes:

“The commercial industry recognises and fully accepts that reasonable access to salmon for food, social and ceremonial requirements should have first priority in salmon allocations.”<sup>9</sup>

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<sup>6</sup> George Ardley, Rivers Lodge

<sup>7</sup> Georgia Strait Sportfishing Guides Association

<sup>8</sup> PSHS pg 1

<sup>9</sup> PSHS pg 2

And a recreational group echoes this sentiment, writing:

“The recreational community fully accepts the need to ensure that fisheries management gives priority, after conservation, to the FSC needs of First Nations as provided for in Section 35 of the Canadian Constitution.”<sup>10</sup>

That said, both these groups, and other individuals and associations, strongly express the view that reasonable FSC requirements must be quantified.

The BC Wildlife Federation writes:

“there is no disagreement aboriginal food, social and ceremonial requirements have first priority after conservation but there is considerable concern that these requirements have too often not been quantified.”<sup>11</sup>

Stakeholders express the view that this should be done in consultation with First Nations, but that ultimately DFO must set reasonable numbers and manage to them. In the words of one such brief:

“Setting catch levels is critical to an effective conservation regime for salmon stocks.”<sup>12</sup>

The same brief also supports the view that local traditional stocks should be used where possible in the satisfaction of these defined FSC requirements.

In part, the desire to quantify reasonable FSC requirements reflects a broader commercial and recreational concern about what is included in the priority described in Principle Two. Many briefs express confusion on this point and directly question the reference to “treaty obligations” in this principle. These briefs pose questions such as: What kinds of fisheries might this involve? Will these be FSC fisheries only or sales fisheries?

Taken together, recreational and commercial briefs tend to strongly support the view that only FSC fish be included in

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<sup>10</sup> R5

<sup>11</sup> BCWF, pg 1.

<sup>12</sup> PSHS pg 2

this Principle Two priority.<sup>13</sup> One submission stated this as follows, although the view was expressed in similar terms in several briefs:

“While we accept and support reasonable Section 35 food, social and ceremonial priority, the same priority should not be provided for harvesting of fish for commercial purposes that may be included in treaty settlements.”<sup>14</sup>

A brief representing input from a large number of recreational interests notes that the lack of definition on this issue is a concern to them in terms of anticipating their 5% maximum share of sockeye, pink and chum harvest. The brief asks: on what total will this 5% be calculated? Will this total include the portion of TAC intended for First Nation commercial harvest? The brief also points out that the answer to this question will have international ramifications -- on the Fraser River, for example -- if commercial fisheries awarded in treaty settlement are afforded the same priority as FSC fisheries.

There were additional concerns raised in a brief submitted on behalf of a large number of commercial industry associations. Compensation is one of these. In the event that allocations are transferred, the brief suggests, an accurate retirement of commercial capacity must accompany the transfer. The brief states:

“This compensation should be in the form of purchase of existing commercial licences consistent with the Kelleher recommendation which states: *In the event of an inter-sectoral reallocation I recommend that catch capacity purchased be matched as accurately as possible to catch reallocated, by volume, species and area.*”

### **Allocation Principle 3 - Common Property**

*Salmon is a common property resource that is managed by the federal government on behalf of all Canadians, both present and future.*

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<sup>13</sup> NCAB Minutes, PSHS, SFAB

<sup>14</sup> PSHS

There is some disagreement on Principle Three. There are First Nations groups, for example, that believe they have an unextinguished ownership right to the salmon resource that dates back many centuries. There are community groups, in a related vein, that feel adjacency is a crucial component in determining access rights to resources. One such brief states:

“Communities adjacent to the resource have a recognised historical right of access to allocation and a duty to steward the resource.”<sup>15</sup>

These views are less evident in commercial and recreational submissions. In general, the written input from both these sectors supported Principle Three as written in the Framework. One recreational fisherman expresses this support as follows:

“The salmon do not belong to any stakeholders or user group, they belong to the citizens of Canada.”<sup>16</sup>

A commercial submission adds:

“Legislation and courts have made it clear that the Crown has an obligation to manage fisheries on behalf of all Canadians.”<sup>17</sup>

These commercial and recreational submissions differ with Principle Three as presented in the Framework only with regard to its ranking. Both a submission from a large group of commercial interests and a submission from a large representative sports fishing body express the view that Canadian ownership of the resource should rank first, followed by conservation requirements and First Nation FSC needs. Speaking of Principle Three, a recreational brief states:

“...this statement ought to be expressed as the overriding principle governing management of salmon.”<sup>18</sup>

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<sup>15</sup> WCSA/RAMS pg 39

<sup>16</sup> Georgia Strait Sportfishing Guides Association

<sup>17</sup> PSHS pg 5

<sup>18</sup> SFAB

# Recreational Principles (4)

## Allocation Principle 4 - Recreational

*After conservation needs are met, and priority access for First Nations is addressed, recreational anglers will be provided:*

- *Priority to directed fisheries on chinook and coho salmon*
- *Predictable and stable fishing opportunities for sock-eye, pink and chum salmon*

With respect to the recreational allocation principle, the recreational sector responded positively in its written submissions. The following reaction is typical:

*“The recreational sector applauds the decision to give priority to directed recreational fisheries on chinook and coho, after conservation and First Nations Section 35 needs have been met.”<sup>19</sup>*

There were some stakeholders from First Nations, commercial and other community groups who opposed the principle. Their reasons varied. Some commercial fishers feel the measure is an undue financial hardship. Other groups oppose “best economic use” as a criteria for allocation, feeling this ignores other criteria such as adjacency.

That said, most of the input received from the commercial sector offers qualified support for the principle as stated. This includes the consolidated brief from a dozen commercial industry associations. This brief disputes the contentious economic study on the relative value of chinook and coho in the commercial and recreational sector (upon which Principle Four is believed to be based). But this large group of agencies and stakeholders nevertheless endorses Principle Four subject to two important conditions. (The group contends that these conditions were agreed to by commercial and recreational participants in the Toy process.)

The first condition is that, in years of low abundance, the commercial sector will continue to receive allocations of chinook and coho as by-catch so that they can prosecute fisheries on other species. The second condition is that there be compensation for any allocation transfers from the commer-

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<sup>19</sup> SFAB

cial to the recreational sector. In short, and in the brief's own words:

"Recreational fisheries restrictions should provide reasonable opportunity and expectation while avoiding unnecessary adverse impacts on the commercial sector."<sup>20</sup>

## **Implementation Issue 4.1**

*What criteria should be used to establish individual daily and annual catch limits for directed recreational fisheries?*

There is some consensus in the written input received on catch limits. This input was received from commercial and recreational interests.

The consolidated submission of various commercial agencies and stakeholders proposed a four stage implementation plan.<sup>21</sup>

1. Under conditions of normal abundance, the brief suggests recreational salmon limits of 4 and 8 (daily and possession), with a further limitation of 2 and 4 chinook. Under these conditions, there would be directed commercial fisheries where there are surpluses after deducting the expected recreational catch associated with these limits from overall TAC.
2. Under conditions of low abundance, where there are no surpluses as defined above, there would be no directed commercial fisheries on these species, but certain by-catch would be permitted to minimise the impact on commercial fisheries directed on other species.
3. Under conditions of very low abundance, recreational limits would be reduced to 1 and 2 on chinook. Commercial allocation of chinook and coho would be limited to by-catch or non-retention.
4. In the most critical abundance environment, a no-take regime would be imposed. Recreational and commercial fisheries would be non-retention under these circumstances.

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<sup>20</sup> PSHS pg 7

<sup>21</sup> PSHS pg 7

In submissions from two large representative recreational fishing agencies, there is some agreement with the above.<sup>22</sup>

1. Under normal conditions, the same limit of 4 and 8 on salmon, and a further restriction of 2 and 4 on chinook. In non-tidal waters, one brief proposed a 1 and 2 limit on adult chinook in large rivers such as the Skeena, Fraser, Nass and Bella Coola, a 2 and 4 limit on other adult salmon species, and a 4 and 8 limit on jack salmon.
2. The briefs also state that directed or retention commercial fisheries on chinook and coho be allowed only when there is a surplus beyond recreational requirements in tidal and non-tidal waters. Under other conditions, commercial fisheries should be non-retention.
3. Under conditions when abundance cannot provide for recreational harvest at the suggested limits and for non-retention mortalities in commercial fisheries directed on other species, both briefs allow that recreational limits might be reduced. One brief suggests that limits might also be reduced in certain years to provide for fresh water sport harvest, but in these cases, the brief stresses, the surplus achieved must not be taken in retention commercial fisheries.

Recreational respondents did not oppose annual limits, but one pointed out that they serve as a limit on total harvest for only a very few anglers.

## **Implementation Issue 4.2**

*What, if any, special licensing provisions should apply to foreign non-resident anglers?*

Of the briefs addressing this issue, all agreed that some premium fee might be appropriate for non-resident anglers in BC. This included briefs submitted by community and First Nations groups, commercial and recreational associations.<sup>23</sup> A recreational brief qualified its support by adding that it should not be necessary to discriminate against non-resident anglers with respect to daily, possession or annual limits. One commercial brief suggested that non-resident anglers might be required to hire a registered Canadian guide.<sup>24</sup>

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<sup>22</sup> SFAB pgs 4-5 and BCWF pg 2.

<sup>23</sup> See WCSA/RAMS, SFAB, PSHS and others.

<sup>24</sup> NCAB

### Implementation Issue 4.3

*How should recreational access to sockeye, pink and chum be managed to allow for an orderly expansion of this fishery while minimizing adverse impacts in the commercial fishery?*

Of the briefs addressing this implementation issue, there were different views although a solution was also proposed that might accommodate the difference.

In general, commercial written input supported the 5% provided it were understood to be a cap, not an allocation per se, and that this cap be implemented on the basis of species, area and migratory stock group.<sup>25</sup>

In general, recreational written input disagreed with the area-by-area application of the cap, suggesting instead that it be applied coast wide. One recreational brief writes:

“The nature of recreational fishing makes it inappropriate and impractical to try and apply a percentage allocation of this sort by area and major migratory stock grouping.”

This brief goes on to say that application of the limits suggested under conditions of normal abundance is unlikely to ever exceed the 5% cap coast wide. The brief does acknowledge, however, that in at least one area—Barkley Sound—5% would not be adequate to provide for the historical recreational share of these species.

A consolidated brief provided by various commercial associations suggests a way to deal with the challenge offered by Barkley Sound. The commercial proposal is to slightly lower the commercial entry threshold from present levels to increase their take in that fishery.<sup>26</sup> This might offer a solution if consensus could be reached between relevant groups in the region.

### Implementation Issue 4.4

*How can salmon catch reporting be improved to ensure timely and accurate information e.g. including mortality rate on catch and release fisheries?*

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<sup>25</sup> PSHS pg 8, also NCAB

<sup>26</sup> PSHS pg 8-9 “The Enigma of Barkley Sound”

Written briefs addressing the matter tend to agree that complete and accurate data is essential to management regardless of the sector involved, and most agree further that improvements are necessary.

One commercial brief suggests log book and monitoring programs for all user groups including sports lodges. Another commercial brief suggests that the issuance of a recreational license be tied to the submission of the log book from the previous season.

A conservation group writes:

“The Sierra Club believes that there continues to be fundamental and chronic problems with catch reporting in all sectors, and that DFO has not made substantial progress in resolving this issue.”<sup>27</sup>

A recreational group writes:

“We also agree that accurate information on fishing mortality is essential to the development of conservation-based salmon harvesting plans and in this context we support measures to improve the collection of catch data, to measure encounter rates, and to better calculate levels of post-release mortality.”<sup>28</sup>

## **Commercial Principles (5-7)**

### **Allocation Principle 5 - Commercial**

*After conservation needs are met, and priority access for First Nations is addressed:*

- *The commercial sector will be allocated at least 95 per cent of combined commercial and recreational harvest of sockeye, pink and chum salmon; and,*
- *The commercial harvest of chinook and coho will occur when abundance permits.*

In general, recreational briefs responding to this principle applaud the priority structure, and the 5% of sockeye, pink and chum they are permitted to take. The concerns ex-

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<sup>27</sup> Sierra Club, page 4.

<sup>28</sup> SFAB pg 1

pressed centre on the amount of by-catch that may be permitted for chinook and/or coho, and the conditions under which it is allowed.<sup>29</sup>

In the commercial briefs, there was some concern about the 95% level, which is perceived by some to offer an increased harvest to recreational fishers. Other briefs suggest that allocation within the commercial sector should not be discussed in a cross-sectoral setting.<sup>30</sup>

## **Implementation Issue 5.1**

*How should by-catch limits on chinook and coho be administered?*

Commercial briefs stress the need for a by-catch to allow the prosecution of fisheries targeting other species. In a brief from a large number of commercial associations, the view is put forward that by-catch of chinook and coho was an underlying assumption of the Toy recommendation for recreational priority on those species. With that in mind, the brief suggests a four tier approach to chinook and coho allocation (see Principle Four above).<sup>31</sup>

In a comprehensive brief from a recreational fishing agency, it is suggested that in times of low abundance, commercial by-catch of chinook and coho should be governed by non-retention, with the one possible exception of retaining chinook and coho dead at capture. Under normal conditions, commercial catch of chinook and coho must come from a surplus existing after conservation, First Nation FSC and recreational needs are met (see Principle Four above).

## **Implementation Issue 5.2**

*How can commercial salmon catch reporting be improved to ensure timely comprehensive and accurate information?*

Written briefs addressing the matter tend to agree that complete and accurate data is essential to management regardless of the sector involved, and most agree further that improvements are necessary.

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<sup>29</sup> Georgia Strait Sportfishing Guides Association and WCSA/RAMS

<sup>30</sup> PSHS

<sup>31</sup> PSHS pg 7

One commercial brief recommends a logbook program with the goal of tracking catch over the whole season. It is suggested that DFO and data collection experts design the best system possible.<sup>32</sup>

A commercial brief states:

“All sectors that harvest salmon, whether for food, social and ceremonial purpose, recreational purposes, or for ultimate sale to the public as a quality seafood, recognise the need for complete, accurate and defensible catch reporting.”<sup>33</sup>

## **Allocation Principle 6 - Selective Fishing**

*To encourage selective fishing:*

- *A portion of the total available commercial catch will be set aside for existing commercial licence holders to test alternative, more selective harvesting gear and technology; and,*
- *Over time, commercial allocations will favour those that can demonstrate their ability to fish selectively.*

There is general recreational support for the concept of selective fishing, and a perception that the recreational sector performs well against this standard.

“The recreational fishery has a long history of being selective, both in fresh and tidal waters. It is, after all, aimed at catching individual fish, one at a time.”<sup>34</sup>

But briefs from other stakeholders point out frequently that selectivity is an issue of concern across sectors. A large group of commercial interests writes:

“Selective fishing is not just an issue for commercial harvesters. Selective fishing is a requirement for conservation in all fisheries. Research and pilot programs are needed on selective harvesting methods for recreational and Aboriginal food, social and ceremonial fishing as well.”

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<sup>32</sup> NCAB

<sup>33</sup> PSHS pg 9

<sup>34</sup> SFAB pg 7

Other briefs forward the view that recreational post-release mortality rates are not well understood, and that further research is needed to establish and improve selectivity in all sectors.

Among commercial briefs, several suggest that the opportunity should first be given to existing fishery participants to improve their selectivity. A fisherman writes:

“If alternate fishing methods are implemented at the expense of any one gear sector, that sector should be compensated or have the opportunity to participate.”<sup>35</sup>

The consolidated submission from commercial associations agrees, suggesting that Principle Six would be strengthened by adding:

“Priority for selective fishing will be given to methods that use or modify existing commercial gear.”

The brief goes on to argue that in an industry widely considered to be over-capitalised, investment in altogether new harvesting capital is at cross purposes with buy backs and other attempts to make the industry more economically viable.

One submission from a multi-sectoral regional group proposed an alternative approach to selective fishing allocations. The written submission of this group describes an Aquatic Conservation Trust, that would link an allocation to a region and allow regional participants to shift and trade allocation among sectors. Under this regime, commercial fisherman might trade allocation to get selective fishing project permits in partnership with First Nations or others.<sup>36</sup>

There is some disagreement on the administrative structure that should oversee selective fishing experiments. One brief suggested an independent body, while a commercial submission points out that the Industry Technical Committee on Selective Fishing already provides industry direction on these matters. This group might be used by DFO to vet submis-

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<sup>35</sup> Rick Dunaway, commercial fisherman, pg 2

<sup>36</sup> RAMS submission pg 20

sions in gear-specific sub-committees before submitting proposals to DFO.<sup>37</sup>

## Implementation Issue 6.1

*What should be the nature of the 5% that will be set aside for selective fishing experiments ie, how broadly or narrowly should this 5% be distributed?*

Briefs addressing this implementation issue tended to support the view that the 5% set aside for selectivity experiments should be accounted for by area and gear. This implies that all selectivity experiments for 1999, for example, could not target Fraser River runs. Nor should these experiments draw their entire allocation from a single gear group. In other submissions, there were more questions about this accounting. Some briefs asked whether this 5% would be restricted to subscribed fishers only. Others briefs asked if it would be restricted to a single species, or distributed across various stock groupings.

## Allocation Principle 7 - Gears

*Target allocations for the commercial sector will be:*

- *Established on a coast-wide basis by gear, with the catch of all species expressed on a sockeye equivalent basis; and,*
- *Subject to adjustments over time to account for conservation needs, including selective fishing, and possible changes resulting from Salmon Licence Retirement Program.*

Recreational submissions had no comment on this principle.

Commercial written input received as part of this process generally supports the Kelleher shares as established in 1997 and 1998. Coast-wide shares, in sockeye equivalents, are 24% troll, 34% gillnet, and 42% seine.<sup>38</sup> There is further discussion of this under the implementation issues below, specifically, input on how to handle adjustments and revisions to gear shares.

There were also some general concerns expressed by other commercial respondents. One brief disagreed with Area F access to Fraser sockeye, noting that individuals had invested in multiple licenses in anticipation that the so-called Mifflin

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<sup>37</sup> PSHS pg 11

<sup>38</sup> See various commercial submissions including the PSHS.

areas would be unchanged.<sup>39</sup> Another questioned whether the sharing arrangement between areas D and E would be affected by this allocation document.

More detail on this input is provided below under specific implementation issues.

## **Implementation Issues 7.1 & 7.2**

*What procedures should be used for shifting salmon allocations between gear types?*

*Should adjustment provisions be considered if gear shares are not achieved? If yes, what should they be?*

The commercial briefs that dealt with the practicality of gear shares dealt with these implementation issues together.

One commercial brief suggests that after allocations are formally established, gears within an area should be allowed to trade allocation. This trading might also take place between the same gears from different areas provided it did not interfere with other gears.<sup>40</sup>

The most comprehensive written input came from a single brief presented by a large group of commercial associations. This brief forwards the view that overall allocation adjustments between gear groups should be carried out so that individual license shares within the three sectors remain constant in relation to one another.

“This will be done through maintaining relative per licence sockeye equivalent shares.”

Adjustments between gear groups in this fashion would keep long term individual license shares in line in the event of a buy back or other significant change in fleet composition, but would exempt extraordinary situations that are deemed not to be cause for adjustment. The brief also proposes: (1) that sockeye equivalent units be adjusted annually to reflect the previous year’s average prices by species, (2) that payback not exceed 10% of a gear allocation in a given year, and (3) that a 4 year review be carried out to ensure the long term average is being maintained. If not, stronger adjustments might be necessary at that time. Since disputes inevitably arise, the brief supports a resolution mechanism.

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<sup>39</sup> Bruce Spring, fisherman.

<sup>40</sup> NCAB minutes.

The brief also proposes a yearly time table for this process. (1) DFO provides a complete accounting of the completed season by Dec 31. (2) Industry completes a review of this data and agrees on an allocation plan by Feb 15. Or, (3) by April 30 an Allocation Facilitator makes recommendations to the Minister on an allocation plan. May 15 would be treated as the deadline for the latest announcement of a commercial allocation plan.<sup>41</sup>

## Other Allocation Areas

### AFS Pilot Sales and ESSR

With regard to ESSR fisheries, the suggestion from one commercial brief is to review these agreements closely to ensure that surpluses are unavoidable.<sup>42</sup> No other briefs directly addressed these fisheries.

AFS pilot sales, on the other hand, raised many broad concerns and questions in the written briefs submitted by stakeholders. There is great uncertainty in many of the commercial briefs, for example, as to how AFS pilot sales relate to the First Nation priority described in Principle Two. Those that offer opinion on the matter support defining FSC allocations. But once these are known and communicated to industry, there is a significant body of commercial opinion that AFS pilot sales fisheries should be part of the commercial fishery at large. The consolidated submission of a dozen commercial fishing associations reads:

“Once salmon for FSC purposes is separated out from that which can be sold commercially, there is no justification for maintaining a separate commercial fishery with [different rules].”<sup>43</sup>

And an independent fisherman writes in his submission:

“The AFS (pilot sales) fishery must be integrated with the existing commercial fleet.”<sup>44</sup>

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<sup>41</sup> PSHS pg 11-12

<sup>42</sup> PSHS pg 13

<sup>43</sup> PSHS pg 13

<sup>44</sup> Rick Dunaway, fisherman.

The view, in summary, is that AFS commercial fisheries should exist on a level playing field with other commercial fisheries. In the view of one group of commercial stakeholders, this might be accomplished as follows:

“In order to provide an economically viable and competitive commercial opportunity to those Aboriginal groups who have participated in the pilot sales agreements to date, appropriate commercial licences, which have been bought out of the pool of existing licences, should be provided to those groups.”<sup>45</sup>

The recreational sector also expresses concern about the distinction between FSC and AFS pilot sales fisheries. One recreational group writes:

“The recreational sector believes that a clear distinction must be made between these (AFS pilot sales) fisheries and the FSC fishery under s35 of the Constitution.”

This brief goes on to say that, for the purposes of calculating the recreational share of sockeye, pink and chum, it is crucial that the total commercial TAC is understood to include all fish that are not section 35 fish.<sup>46</sup>

First Nation written submissions did not directly address AFS pilot sales or ESSR fisheries except in one instance. In that brief, concerns were expressed that pilot sales were being limited to just a few areas.

## **Implementation Issue AFS.1**

*What conditions are required to open a pilot sale fishery relative to the commercial fishery (e.g. what triggers pilot sales)?*

No briefs specifically addressed this implementation issue.

## **Potential Role of an Allocation Board**

Only a few briefs directly addressed allocation decision making, however these were briefs from larger associations and groups of associations.

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<sup>45</sup> PSHS pg 13

<sup>46</sup> SFAB pg 7

In the consolidated brief received from a large number of commercial industry associations, the view is first put forward that there are many outstanding concerns with the idea of an "independent allocation board". These include make-up of the board, cost and mandate. At the same time, there is a need for discussion at various levels to settle allocation issues.

To resolve this, the brief suggests that an existing body such as the Pacific Salmon Harvester's Society (made up of representatives from all 8 license areas) might provide a forum for the discussion of commercial allocation issues. This body together with the existing Sports Fishing Advisory Board might provide a forum for commercial-recreational allocation issues. The brief also suggests that an Allocation Facilitator (as recommended during the Kelleher process) might be used for dispute resolution.

A key feature of this recommendation is thought to be its simple structure. The brief points out a common feeling among fishermen that consultation has become overly complex and time consuming.

"It is a common complaint of individuals in the business that they spend more time at meetings than fishing." <sup>47</sup>

The solution, the brief suggests, is to make these processes more efficient and more effective, while ensuring that they are representative and accountable.

In written input from the recreational sector, there is some agreement with the above. While making no specific recommendations on structure, a brief summarises:

"During the Toy process the recreational sector supported the need for a small, unbureaucratized board which could solve inter-sectoral allocation disputes." <sup>48</sup>

There is further agreement between the commercial and recreational briefs on the crucial issue of managing migratory stocks.

A large recreational association writes:

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<sup>47</sup> PSHS pg 14

<sup>48</sup> SFAB pg 8

“ [We do] not believe that it would be prudent from the perspective of conservation to turn over control of migratory fish to local interest groups.”

And a commercial brief concurs:

“Migratory species must be managed on a coast-wide basis.”

There is another view on community level involvement in allocation decision making. It is advanced in a written brief received from a multi-sectoral group of First Nation, commercial and community interests. This brief proposes to significantly increase community involvement.

The brief details a three-tier process involving (1) watershed level committees, (2) area tables, and (3) a coast-wide multi-sectoral board. The watershed committees, it is suggested, would focus on indigenous stocks. They would determine allocations, participate in planning, address issues such as time/area openings and closings, monitoring, enforcement, and other areas. The area tables are envisioned having the authority to define allocation sharing interests for migratory stocks and provide representation to the coast-wide board.

## Other Written Input

There are a number of overall objections raised in written submissions that do not deal directly with Principles from the allocation framework, but with the way it was prepared and the way consultation is being carried out.

## Consultative Process

From First Nations groups there are various concerns about the consultation that has taken place to date. One brief states:

“There has been no direct consultation with aboriginal groups on the north coast and the Skeena about this policy initiative.”<sup>49</sup>

And further:

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<sup>49</sup> Chris Barnes for the Skeena Fisheries Commission

“It is...a matter of fact that First Nations are not a sector similar to third parties.”<sup>50</sup>

Another First Nation brief questions the usefulness of the upcoming workshops, saying:

“Round Table DFO Workshops in the past have proven to be ineffective in ensuring aboriginal rights.”<sup>51</sup>

Concerns about the usefulness of the workshops were not limited to First Nations. The input received from groups and individuals in the commercial sector also reflect significant concern about the unproductive arguing that can overwhelm large public discussions. One fisherman writes:

“I have had it with town hall type meetings which have typified the consultation process in the recent past. For me, the ideal consultation process would be a small meeting with other colleagues who are aware of, and up to speed on the issues...”<sup>52</sup>

## **Alternative Approaches to Allocation**

One brief proposes an alternative approach to allocation in total. While our task is to summarise the input received on the Framework as presented—and this brief might be construed as not addressing the Framework principles per se—it should be noted that this new allocation principle was tabled.<sup>53</sup>

The brief proposes a significant increase in watershed and area level involvement in the allocation decision-making process. Some of the changes proposed are discussed under the section devoted to the Allocation Board above. Some of the issues raised in this brief, we understand, will be dealt with in a separate paper being prepared by the Department on this matter.

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<sup>50</sup> Chris Barnes for the Skeena Fisheries Commission

<sup>51</sup> Kitsumkalum Band Council

<sup>52</sup> David Prosser letter.

<sup>53</sup> See WCSA/RAMS submission

With this in mind, we will not comment in further detail on this proposal, but offer the following quote as a very short summary of the position and the proposed approach to allocation supported by this brief.

“The rationale behind the idea of tying allocations to regions are to ensure stewardship of salmon resources, to ensure fairness to existing license holders and to ensure continued economic and social viability for coast and rural communities, and to assist the Department in meeting its goals and fiduciary responsibilities.”

The implication of this principle is broad, affecting, for example, how commercial and recreational allocations would be set, how priorities would be implemented on the grounds, how selectivity would be encouraged, how shares might be adjusted over time between groups for various reasons.

# Workshop Input

In addition to the many briefs received, and summarized in the preceding chapter, stakeholder input was also received during public workshops that were convened by DFO to consult on its Allocation Framework. Input from the workshops included stakeholder presentations and facilitated discussions. Each workshop was two days long. Three workshops were held: Richmond (March 29-30), Nanaimo (March 31-April 1), and Prince Rupert (April 6-7).

During the workshops, over two dozen stakeholders and industry associations made formal presentations and over 118 stakeholders (in total) participated in the facilitated discussions. Stakeholders from all sectors—commercial, recreational, First Nations and community groups—were involved.

In this chapter, stakeholder input is summarized by principle and issue. For each principle, stakeholder input is first provided on the principle, then input specific to each implementation issues for that principle is summarized. Finally, the summary identifies where the main clusters of opinion were found on each principle and identifies agreement and consensus where they exist.

## The Overarching Principles (1-3)

There is a high degree of consensus on the overarching principles with the following exceptions.

First, many commercial and recreational stakeholders feel that the ranking of Principles 1-3, should be 3, 1, 2 (as they are presently written). That is, Common Property should be first, Conservation second, and First Nations' priority third.

Second, a very large majority of commercial and recreational stakeholders who spoke at the workshops expressed the view that "treaty obligations" (included in Principle Two) *must not* include commercial fisheries, pilot sales or otherwise.

Third, and contrary to both of the above points, First Nations *in some cases* hold that title, ownership and access privileges associated with the salmon resource belong to them. These groups believe that their rights to the resource are unextinguished from the time before European settlement. They therefore dispute Principle Three and in most cases dismiss the Allocation Framework itself.

The Principles are discussed separately and in more detail below.

## **Allocation Principle 1 - Conservation**

*Conservation of Pacific salmon stocks is the primary objective and will take precedence in managing the resource -- conservation will not be compromised to achieve salmon allocation targets.*

Beyond some disagreement about where this principle should be ranked, there is a very high degree of consensus on conservation. Stakeholders believe in stewardship, managing to sustainability, and conserving for future generations.

That said, there are questions on all sides about how conservation is, and should be, defined, and a pervasive feeling that it is not yet defined and communicated as well as it must be. Community and environmental groups tend to raise the lack of definition around non-consumptive needs. They propose an "eco-system approach" that considers the full needs of all the complexly inter-related parts of the watershed and is intended to benefit the whole. With that in mind, they pose questions such as: "What exactly is conservation?" and "What are the standards we apply to rebuilding and to abundance?"

Commercial and recreational groups agree that conservation needs to be well defined. They both draw attention to the balance that must be struck between preservation of salmon stocks and rebuilding them to historical levels (ie, between the minimum escapement necessary for the stocks to survive and the level that would allow them to rebuild as rapidly as possible). Prudent conservation will be served by escapement at some level between these two extremes, and stakeholders and policy makers must cooperate to find that point. On a related point, stakeholders from all sectors tended to agree that the underpinnings of conservation targets should be biological, not political.

Many stakeholders also agree that conservation, in the end, will rely on accountability. If DFO is unable to accurately count mortalities in all sectors, conservation cannot be served. This issue is raised below under various discussions of catch monitoring, accounting and reporting. Some community groups also express the opinion that conservation depends on community involvement, pointing out that those near the resource have a great vested interest in its survival.

In summary, stakeholders express the need for a clear definition of conservation, year-by-year and stock-by-stock if necessary. They want DFO to clearly communicate this definition to all sectors of the fishery. They wish to be involved in striking the balance between preservation and stock rebuilding. And they stress the crucial relationship between conservation and accountability.

## **Allocation Principle 2 - First Nations**

*After conservation needs are met, First Nations food, social and ceremonial requirements and treaty obligations to First Nations have first priority in salmon allocation.*

Among commercial and recreational groups, there is little dispute that First Nations have a special priority above other user groups to access their constitutionally guaranteed aboriginal right to salmon for food, societal and ceremonial needs. This support is qualified in almost all cases, however, by the caveat that commercial sale fisheries *not be included* in this priority.

This brings us to the key difficulty that many stakeholders have with this Principle. By incorporating something called “treaty obligations to First Nations” in a first priority, and not clarifying this terminology, the principle creates great uncertainty. If “treaty obligations” include only food, societal and ceremonial needs for salmon—and if appropriate capacity is retired to provide for the reallocation necessary to cover any new obligations—then there is little opposition to the principle as stated. If, on the other hand, new obligations might include treaty-negotiated ESSR fisheries, pilot sales, barter and trade provisions, or any other commercial fisheries, then there is a very high degree of opposition. This opposition includes most of the commercial and recreational stakeholders and groups that spoke at the workshops.

Some community and First Nations groups disagree that commercial sales fisheries should necessarily be excluded from this priority.

## **Allocation Principle 3 - Common Property**

*Salmon is a common property resource that is managed by the federal government on behalf of all Canadians, both present and future.*

There is disagreement on what common property means, and on whether it applies to the Pacific salmon fishery.

There was consensus between most commercial and recreational groups speaking to the workshops that a distinction must be made between common property ownership and common property access. The BC salmon fishery is a case of the former, these groups believe, but not of the latter. In other words, all the people of Canada own the resource, but not all people of Canada have access to it. There are commercial and recreational licenses and other limits on entry that are prudent and necessary.

There is a significant degree of First Nations disagreement on this point. Some groups say that they have outright title to the resource, citing Delgamuukw. Others say they look at common property as an expression of community benefit, not of tribal ownership, but still dispute its application to the Canadian public at large.

In general terms, the debate that was heard on this principle highlighted the need for definition and clarification of terms. Some community and environmental groups, for example, interpret common property to favour an eco-system management approach, which they feel benefits all. They stress the historic right of access that they believe is afforded to communities 'adjacent' to common property resources. Common property, they continue, should include involvement of all groups in a management process that is transparent and open. With that in mind, those groups stress the need to come to some agreement on what common property means to the regions.

In summary, different groups interpret this principle quite differently. The interpretations of commercial/recreational and community/First Nations groups are most clearly distinct. The former typically believe in common property ownership with limited access. The latter believe in a more transparent application of common property ownership and access, including the acknowledgement of some regional historical right of access. Some First Nations groups, finally, reject the principle entirely.

## **Recreational Principles (4)**

### **Allocation Principle 4 - Recreational**

*After conservation needs are met, and priority access for First Nations is addressed, recreational anglers will be provided:*

- *Priority to directed fisheries on chinook and coho salmon*

- *Predictable and stable fishing opportunities for sockeye, pink and chum salmon*

There are some groups who disagree with the principle overall. Some commercial, community and First Nations groups at the workshops expressed the view that the priority was unfair. First Nations groups in the north, in particular, noted that there is a perception that growth in the commercial recreational lodge fishery is uncapped. As such, there are great concerns with granting this priority access to chinook and coho.

In the south and the north, commercial troll fishermen point out that sockeye, pink and chum salmon are not the mainstay of their fishery and that there has been a historic reliance on chinook and coho salmon. This priority is a source of concern for these reasons as well.

That said, over all the input received (including that from commercial fishing associations in the north) a significant component of the commercial and recreational sectors supported the general principle. Many commercial participants note that the Toy process agreement involved a trade-off. In exchange for giving the recreational sector this priority, the commercial fleet would be given a by-catch of chinook and coho in times of low abundance sufficient to catch its TAC of sockeye, pink and chum. This point was agreed to by many recreational participants at the workshop.

## **Implementation Issue 4.1**

*What criteria should be used to establish individual daily and annual catch limits for directed recreational fisheries?*

This point was addressed in much detail in the written briefs, and discussion at the workshops tended to build from those details. The commercial and recreational interests at the workshops, in the main, support a catch limit of 4 and 8 on salmon with a restriction to 2 and 4 on chinook. Viewed another way, there is some agreement that access to chinook and coho will be scaled against abundance. In times of critical low abundance, there will be no fisheries. When abundances permit, section 35 First Nations' fisheries will be allowed.

When there are fish in excess of requirements for conservation and s35 fisheries, there will be directed recreational harvests of chinook and coho at the catch limits stated *and* non-retention of chinook and coho by commercial fisheries to allow the prosecute of directed fisheries on sockeye, pink

and chum. If abundance permits, commercial by-catch of chinook and coho may be permitted. In general, stakeholders agree that such both by-catch and non-retention would be in the form of “allocated mortalities”, the estimated number of chinook and coho that could be killed while fishing for other species.

Finally, in times of “normal” abundance, when there are surpluses beyond these levels, commercial directed fisheries on chinook and coho would begin.

Some stakeholders, while agreeing to this overall framework, are concerned that the unrestricted growth of the recreational sector will absorb whatever surpluses might exist in times of “normal” abundance. There was particular concern about the expansion of commercial sports lodge operations, and particular concern in the north, where the overall recreational effort is thought to be more professional. For this reason there was interest among some parties in distinguishing between commercial recreational operations and recreational anglers. Some commercial, community and First Nations groups expressed the view that this concern might be alleviated with an overall recreational allocation, a maximum number of fish the sector may harvest. (It was pointed out by some stakeholders that Alaskan recreational fishers are managed to an overall allocation.)

Recreational interests hold the view that the sector is not rapidly expanding and is unlikely to expand rapidly in the foreseeable future. There is, however, overall receptivity for the idea of an annual catch limit. The SFAB brief also supports this idea.

Inevitably, the discussion of recreational priority led to a discussion of commercial access over the same scale of abundances. This is dealt with in more detail under Principle 5—Commercial Allocation—below (see page 33). Initially, much dispute surrounded this point, with some commercial groups questioning whether the recreational sector would agree to the provision of a by-catch necessary for the prosecution of commercial sockeye, pink and chum fisheries. Recreational groups, for the most part, re-iterated their support for that commercial access.

There were other issues that arose under this implementation issue. Many groups expressed the need for clarity of terms here (as they did under other headings above and below). In this case, the need for clarity revolved around the term “abundance”. Community and environmental interests

tended to support the view that this term is not well understood, but that by any definition, recreational limits should be set towards the lower end of the scale.

## **Implementation Issue 4.2**

*What, if any, special licensing provisions should apply to foreign non-resident anglers?*

The recreational position here is fairly consistent. They understand and for the most part support the rationale for higher fees on non-resident anglers, (noting that they already pay somewhat higher fees than residents). They do not support lower (or different) catch limits for non-resident anglers.

Some stakeholders also endorsed the imposition of a mandatory guide requirement. This is motivated, in part, by the desire to ensure community spin-off benefits from exploitation of a Canadian resource by non-residents. Recreational interests oppose the mandatory guide concept for a number of reasons, including the concern that it will contravene the North American Free Trade Agreement, and bring about countervailing measures in other trade areas.

Other concerns were raised about non-resident use of the resource, and how it might be monitored and priced more effectively. One stakeholder raised the issue of Americans leaving with large amounts of canned product. The remedies proposed included exit searches and increased enforcement on the grounds.

## **Implementation Issue 4.3**

*How should recreational access to sockeye, pink and chum be managed to allow for an orderly expansion of this fishery while minimizing adverse impacts in the commercial fishery?*

The fundamental commercial position here, shared by most commercial workshop participants, is that the 5% must be understood as a cap, not an allocation. Further, the 5% must be applied by species and area.

The recreational interests that spoke to these issues agree that the 5% is a cap. Indeed, they stress that 5% is far beyond their historic or anticipated future averages. Recreational interests also support the species-by-species application of the cap. (At one workshop, the point was raised first by a recreational stakeholder who pointed out that the species-

wide application of the cap might lead to the entirety being taken in one species eg, sockeye).

Recreational interests disagree with area-by-area application of the cap. Disagreement on this final point may not be a major stumbling block. Discussion at the workshops reinforced the impression gathered from written briefs that this is an issue primarily in Barkley Sound (perhaps the one area on the coast where the 5% cap might be insufficient to cover recent average recreational harvests). In this case, there is a proposal tabled by the consolidated commercial brief that might resolve the conflict. Stakeholders felt further discussion would be needed on this issue.

#### **Implementation Issue 4.4**

*How can salmon catch reporting be improved to ensure timely and accurate information e.g. including mortality rate on catch and release fisheries?*

Catch records are seen by many stakeholders as the only way of ensuring accountability between the sectors. This accountability, in turn, is seen as a vital component of the overall conservation objective.

There are two key areas where improvements are seen as necessary to achieve accountability. Commercial and First Nations groups typically raise these concerns, and with a few exceptions and qualifications, recreational groups agree.

First, recreational post-release mortalities need to be measured more accurately and fishing methods and gear need to be employed that minimize rates of post-release mortality. Quantifying the mortality rate clearly depends on further study. Ideas for reducing post-release mortality rates include giving up bait (which many commercial interests point out the commercial fleet gave up 25 years ago), and going to full-retention fisheries where anglers must keep the first 2 (or 4) salmon that they catch. With no releases, it is reasoned, there are no post-release mortalities and impact on the stocks is minimised.

Second, catch reporting must be improved. Many ideas were tabled by commercial, recreational and First Nations interests addressing how this might be accomplished. These included mandatory log books, improvements to the creel survey, port validation ideas or spot observer validations. Some commercial interests proposed that increased fees might pay for these measures, provided the recreational sector ensured

the increased funds raised did not flow into general federal revenues.

Responding to the specifics, recreational interests expressed concerns about log books and port validation techniques given the time and cost involved. There is overall support for further post-release mortality research to help quantify and improve the rate.

## **Commercial Principles (5-7)**

### **Allocation Principle 5 - Commercial**

*After conservation needs are met, and priority access for First Nations is addressed:*

- *The commercial sector will be allocated at least 95 per cent of combined commercial and recreational harvest of sock-eye, pink and chum salmon; and,*
- *The commercial harvest of chinook and coho will occur when abundance permits.*

The majority of the commercial and recreational input we received supported this principle overall. There were, however, some key concerns.

First among these is the notion that this principle is predicated on the assumption that sockeye, pink and chum have always been the mainstay of the commercial fleet. Many trollers draw attention to the fact that this has not been their mainstay historically, and that the priority trade-off with recreational fishermen involves the two species *they* historically used as a mainstay.

Several participants also sought clarification of the term "abundance" as it is used in the context of this principle. Participants from community and environmental groups asked what level this really represented. Whose definition was it? How were non-consumptive uses of salmon accommodated in the definition? This discussion ties directly back to the discussions described under Conservation above (page 26), where the same groups expressed confusion about terms, and asked that conservation targets be more carefully defined and widely communicated.

Some other participants, including commercial and community interests, questioned the definition of abundance from a different perspective. These groups expressed concern that, as defined, abundance could always be absorbed by increased recreational fishing capacity. If this were the case, conditions

under which directed commercial harvests of chinook and coho could take place, under the terms of this priority trade off, may never exist. Such concerns are exacerbated by the fact that the recreational fleet is perceived to fish without any overall cap on harvest.

## **Implementation Issue 5.1**

*How should by-catch limits on chinook and coho be administered?*

In general, commercial groups demanded, and recreational groups agreed to provide, an allocation of chinook and coho mortalities sufficient for the commercial sector to prosecute its sockeye, pink and chum fisheries. There was extensive discussion around this point, and some possible variations in interpretation of the trade-off.

Some commercial groups interpret this to mean that the commercial sector actually has priority over the recreational sector in times of low abundance. The rationale for this position stems from the “best economic use” argument that is the underpinning of the recreational chinook and coho priority in the first place. In essence, the position is that the recreational sector only represents the “best economic use” of chinook and coho if there is no offsetting reduction in commercial harvest. Following this rationale, under circumstances where there is only enough abundance for *one of* (1) commercial by-catch necessary for it to directly harvest other species or (2) recreational directed fisheries on chinook and coho themselves, then commercial by-catch becomes the best economic use. With that in mind, necessary by-catch mortalities of chinook and coho for the commercial sector might be taken to have priority over recreational directed fisheries on the same species when there abundance is sufficient to meet only one of these needs.

Other commercial groups interpreted this slightly differently, treating the recreational and commercial priority under these circumstances as equal. Those participants typically pointed out that DFO will have to make judgements case-by-case during the season whenever there is only enough chinook and coho to allow one fishery.

There was no final resolution on this matter in the workshops. However, in these extensive discussions, recreational participants did agree that the commercial sector had to be given a sufficient by-catch of chinook and coho to success-

fully prosecute its own directed fisheries on sockeye, pink and chum.

Stakeholders seem to agree further that there will be a need to consider this priority case-by-case and area-by-area. The trade-off will necessarily be different depending on where and when fisheries take place. For example, a winter troll fishery might be targeting fish that are of no interest to the recreational sector, in which case the simple interpretation of the priority might not be appropriate.

This discussion of the area-sensitivity of managing the priority trade-off also gave rise to discussions about regional management. There are community interests who feel this feature of the issue points to the need for regional boards to make decisions locally.

From the majority of commercial and recreational participants, there is support for local involvement, but opposition to management and allocation decisions on migratory stocks being made locally. There was receptivity to the idea of involvement of communities in decision-making, but not to local management of passing stocks. Some recreational interests point to their own advisory body (the SFAB) as an example of how regional input might be secured.

## **Implementation Issue 5.2**

*How can commercial salmon catch reporting be improved to ensure timely comprehensive and accurate information?*

There is broad agreement that conservation depends on accountability and that the industry needs the credibility of real, reliable numbers. There are thought to be several components to this including post-release and encounter mortality data, by-catch data, as well as the verification of directed catch data.

Most participants agree that improvements are still needed. One of the most commonly cited areas where innovation could be used is in the development of an affordable, real-time catch reporting system. But many participants point out that improvements to date are significant, including log books, hail procedures and monitors. Some stakeholders also point out that improving data collection is only half the problem. After data is collected, DFO's ability to process and publish the data is a key component of the catch reporting cycle.

Overall, there was also agreement that catch reporting systems and procedures might need to be tailored to the area and fishery. The requirement for timely and accurate data might grow the higher the anticipated by-catch or the nearer the total catch approaches the TAC.

The cost of improving catch reporting was also discussed at length. Some participants feel strongly that cost is a major obstacle given the financial health of much of the fleet. Improvements such as real-time reporting are often associated with expensive hardware such as satellite phones. Others point out that the investment per boat to achieve real-time reporting is falling, and might be expected to get lower in future.

## **Allocation Principle 6 - Selective Fishing**

*To encourage selective fishing:*

- *A portion of the total available commercial catch will be set aside for existing commercial licence holders to test alternative, more selective harvesting gear and technology; and,*
- *Over time, commercial allocations will favour those that can demonstrate their ability to fish selectively.*

There is general support for the concept of selective fishing, but there are also a number of key concerns and issues.

Foremost among these for commercial fishermen is the view that selectivity is not solely a commercial issue—as one might construe from the way the principles of the Allocation Framework are laid out—but a multi-sectoral issue. Selectivity of fishing gear and methods in all sectors need improvement. Possible improvements include the fishing technologies themselves, avoidance techniques, as well as increasing our understanding of post-release mortality rates across all sectors.

Another very common and strongly expressed view among commercial stakeholders is that these improvements should focus on existing gears and existing license holders. Alternate gears give rise to many concerns including those about a permanent reallocation away from the existing gear types.

There were a number of related concerns about experiments with alternative gears. Some participants pointed out that such experiments did not necessarily use a “control” harvest technique—such as a standard gear type fishing in adjacent waters—against which the selectivity of the experiment might

be meaningfully measured. Others question why technologies that seemed to fail are being re-tested year after year.

Still more concern surrounds the use of the 5% of TAC that will be devoted to selective fishing experiments. Many commercial stakeholders insist that this should be devoted to the improvement of existing gears, consistent with the position of the Industry Technical Committee on Selective Fishing (ITCSF) that the commercial sector should focus on the selectivity of its existing gears. These stakeholders also feel that giving priority to existing gears and existing license holders in these experiments is in keeping with the protocols of the Canadian Code for Responsible Fishing. Other stakeholders point out that in the interests of fairness, the 5% should be distributed coast-wide and not all taken from one area.

A number of issues were raised with respect to the administration of these experiments. Many commercial sector stakeholders expressed the view that the ITC on Selective Fishing should be used to vet proposals for selective fishing projects, given the expertise already captured by that body. Other commercial and community groups endorsed a broader, multi-sectoral and area-based body that answered to a coast-wide body.

## **Allocation Principle 7 - Gears**

*Target allocations for the commercial sector will be:*

- *Established on a coast-wide basis by gear, with the catch of all species expressed on a sockeye equivalent basis; and,*
- *Subject to adjustments over time to account for conservation needs, including selective fishing, and possible changes resulting from Salmon Licence Retirement Program.*

The discussion of this principle centred on the discussion of two implementation issues.

### **Implementation Issue 7.1**

*What procedures should be used for shifting salmon allocations between gear types?*

Allocation change between gear types was typically discussed in the context of a buy-back. There are two strongly held views on how this should be handled. The first is that the gear shares established by Kelleher (24% troll, 34% gillnet, 42% seine) should not change. The second is that some formula should be used to smooth the impact of a buy-back over the fleet (holding either CPUE or "relative sockeye

equivalents per license" constant through the buy-back would accomplish this objective).

Those are more or less the same two positions that were held by different groups and individuals participating in the Kelleher process, and as his report reflected in early 1998:

"...there is a disagreement in principle between parts of the fleet regarding how benefits should flow to remaining licenses in the event of a buy-back. There are those who feel that coast wide gear shares should never change, and that the benefits of fleet reduction should flow to the gear group making the reduction.... The alternate view on this matter is that the impact of fleet reduction should be neutral or proportional across gear types, in other words, the benefits of fleet reduction should be distributed evenly among all remaining licenses."

That disagreement remains.

Representatives of the UFAWU, as well as many independent fishermen speaking at the workshops, endorsed the constant gear-share approach. They criticise the adjusting formula arrived at in the consolidated commercial brief, believing that it erodes gear sector benefits achieved in earlier buy-backs. But more fundamentally, these groups feel that the Mifflin Plan promised gear benefit for gear reduction, and that the certainty of each gear relies on some certainty about their overall place and share within the commercial fleet.

On the other side of the issue, the consolidated commercial paper signed by 12 commercial fishing associations endorsed the relative-share-constant approach in the event of *publicly financed* buy-backs. This consolidated position includes license-holder organisations as well as the larger corporate interests in the commercial industry. The approach is based on a belief, in principle, that public funds spent to reduce the fleet should benefit all commercial license holders evenly. This position is the same as that endorsed by Mr. Kelleher in his recommendations in April 1998.

A separate discussion arose to address possible shifts of allocation to deal with inequities between areas. A number of community and commercial interests point out the need for area allocations. Then, in the event that area allocations were not met, allocation shifts and adjustments might be required.

## **Implementation Issue 7.2**

*Should adjustment provisions be considered if gear shares are not achieved? If yes, what should they be?*

There was less discussion around this issue than the preceding one, but stakeholders from the commercial sector for the most part agreed that some long-term accounting and adjustment mechanism was appropriate.

Many commercial stakeholders, particularly those from smaller communities, also pointed out that long term adjustment should be handled area-to-area. The view was expressed that coast wide allocations might not protect the interests of the regions.

## **Other Allocation Areas**

### **AFS Pilot Sales and ESSR**

#### **Implementation Issue AFS.1**

*What conditions are required to open a pilot sale fishery relative to the commercial fishery (e.g. what triggers pilot sales)?*

Various stakeholders objected to the discussion of AFS pilot sales fisheries. Some First Nations participants point out that debate whether or not there should be pilot sales, or the terms under which pilot sales are implemented, is a matter for First Nations and the federal government. Some commercial stakeholders, on the other hand, point out that discussion of pilot sales is inappropriate since the matter is presently before the courts.

Despite this, there was much discussion and debate on the matter, with opinion gathering in two distinct and opposing positions. Commercial and recreational stakeholders are largely in agreement that there must be a clear distinction made between AFS pilot sales, which are commercial in nature, and “food, societal and ceremonial” fisheries, which have an agreed priority as outlined in Principle Two. There is also agreement that there should be only one commercial fishery: AFS pilot sales should be combined with the regular commercial fishery. Where commercial rights are awarded to a First Nation, commercial capacity (licenses) should be transferred to the First Nation in question. Many stakeholders also point out that this is the position advanced by Mr. Matkin in his most recent assignment.

The widely-held First Nation view is that the right to sell and trade fish was taken away from them historically and is being returned to them through the AFS pilot sales programs. Understandably, workshop participants from First Nations that presently have AFS pilot sales programs are reluctant to relinquish them. They point out practical differences between AFS pilot sales fisheries and the conventional commercial fishery: different depths, different gear, different reporting requirements. They express little enthusiasm for amalgamating the two, both because of these differences and the perception that the commercial industry is in more or less perpetual turmoil.

There was some further discussion on the appropriate trigger for an AFS pilot sale fishery (given that they are taking place). Fraser River First Nations called for AFS pilot sales fisheries whenever there had been a fishery on Fraser River stocks. Other participants thought AFS fisheries should be triggered only when there has been an Area 29 fishery on Fraser River stocks. There was some willingness among First Nation participants to negotiate the trigger.

ESSR fisheries were not discussed as thoroughly. Commercial stakeholders raising the point are primarily concerned that the surplus be unavoidable, that where possible these fish be caught in fisheries before the salmon go up the river. Some commercial stakeholders believe that ESSR fisheries should not be given only to First Nations; that from time-to-time they should be awarded to commercial or community groups.

## **Potential Role of an Allocation Board**

There are essentially two views of an Allocation Board, the same two views advanced in the briefs. For a detailed discussion of these views, please refer to the previous chapter (page 20).

In summary, commercial and recreational interests broadly support a streamlined, "un-bureaucratized" process. And they believe, in the main, that allocation decision-making should take a coast-wide perspective. An alternate view is brought forward by some community interests. Their position is that regional control of allocation is crucial, and they call for a structure of watershed, area and coast-wide bodies, to work together in allocation decision-making.

## Other Workshop Input

There are a number of overall objections raised in the workshops that do not deal directly with Principles from the allocation framework, but with the way the process of consultation was carried out. These concerns fall into three groups.

First, there are stakeholders who feel the process was not truly a multi-sectoral process as was promised. There were, for example, groups that submitted written briefs and presentations based on those briefs, but did not stay to discuss and debate the principles with other groups.

Second, there were stakeholders who expressed concerns that their views would not be acted upon. These stakeholders believe that the allocation process over the years has been characterised by meetings and workshops during which they outline their views only to have policy-making proceed as if they had not.

Third, some stakeholders felt that ideas tabled at the workshops or in the various briefs should be modelled to assess their merits. They felt that science should have played a greater part in the workshops to inform the debate around the various issues.

Finally, stakeholders in Nanaimo and Prince Rupert thought that DFO staff should have been actively participating in the workshops.

# Key Points

In this final chapter, we highlight some of the key points that were made in the written submissions and during the three workshops.

We were retained to conduct an information gathering exercise, not one intended on identifying consensus (which in any event would have been next to impossible). There were a number of examples of documents prepared and submitted that did manage to find a great deal more consensus than has ever been found in the past on allocation issues. We were told that these processes took many weeks and months of hard work. Clearly, we would not have been able to duplicate or significantly extend those efforts in the relatively short time we had available to us (nor, frankly, would we be needed to do so).

In this chapter, therefore, readers will find our understanding of some of the key points that we felt were made during the workshops and in the written submissions. Sometimes these points had the agreement of virtually everyone in the room; other times they were suggestions by an individual.

## General Comments

The Allocation Framework is intended to provide certainty and establish clear priorities for allocation. Workshop participants repeatedly identified ambiguities in the written Allocation Framework document and suggested fuller descriptions, the use of clarifying examples, and other aids to communicating in the clearest possible terms what the Allocation Framework means.

We recognize that certain aspects of salmon allocation are not entirely within DFO's authority. Examples include international obligations and issues before the courts.

In his report on inter-sectoral allocation, Dr Art May stated that, "there is no possibility of building consensus among all interested parties on principles or policy frameworks to guide conservation and utilization of Canada's Pacific salmon fisheries."<sup>54</sup> While consensus (meaning "unanimity" or at least "the judgement arrived at by most of those concerned", as defined by Webster) has not been achieved, and indeed may be an impossible dream, increasingly we are seeing agree-

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<sup>54</sup> Altering Course, page ix.

ment among large segments of at least the recreational and commercial sectors on many allocation issues. Where allocation issues remain unresolved, there appears to be a willingness to continue talking in the hope of reaching further agreement.

We have not attempted to identify where consensus exists, nor the degree to which it is held. As stated, that would be beyond our mandate. Rather, in this chapter, we have provided our own interpretation of key points made in written submissions and during the workshops. The points presented in this chapter may have been made by a large consortium of stakeholders or by an individual. If it seemed important to us, it is included here.

## **The Overarching Principles (1-3)**

### **Allocation Principle 1 - Conservation**

*Conservation of Pacific salmon stocks is the primary objective and will take precedence in managing the resource -- conservation will not be compromised to achieve salmon allocation targets.*

There was universal support for the conservation principle but much concern over how it would be successfully implemented. DFO needs to provide a definition of conservation in this principle. Concerns next extended to how this principle would be put into practice. DFO could increase understanding of this issue by providing clear descriptions and examples of how conservation would be achieved. Finally, there are many practical problems in the resolution of which stakeholders would like to participate. These include, eg, the setting of escapement goals and the criteria that need to be established that will determine when to stop fishing so that conservation can be achieved.

Many stakeholders pointed out that (not) fishing is only one part of conservation; the other being protection, conservation, restoration and enhancement of fisheries habitat.

Conservation rests importantly upon accurate and timely data on catches. Stakeholders broadly endorsed the need for credible data on encounters, catch, kill and post-release mortalities in all sectors. High quality catch data is essential for conservation and allocation. But collection and timely processing of catch data must be cost-effective. We anticipate that considerable effort will be required to identify the best catch data collection systems for each fishery (they may well

differ between sectors), taking into account the need for accuracy and credibility; timeliness; and low cost.

Many references were made to the Oceans Act and to “ecosystem management” but it was not at all clear what are the implications of that legislation and that term in practical terms for conservation and allocation of Pacific salmon stocks.

## **Allocation Principle 2 - First Nations**

*After conservation needs are met, First Nations food, social and ceremonial requirements and treaty obligations to First Nations have first priority in salmon allocation.*

No one disputed the priority of First Nations’ fisheries for food, societal and ceremonial purposes as the first use of the resource after conservation needs are met.

In contrast, many non-native stakeholders questioned the inclusion of treaty obligations in this highest priority, especially as it is not well defined. The biggest concern seemed to be whether aboriginal commercial fisheries would be included in “treaty obligations” and, if so, how that would jibe with the statement later in the Allocation Framework that “the sales components of pilot sales fisheries would be accorded the same priority as the commercial harvest.”<sup>55</sup>

The Allocation Framework is “part of a process that will clarify the policy direction for Pacific salmon, establish clear principles, and articulate operational policies.... This (allocation) framework represents a significant step towards providing certainty and fairness and establishing clear priorities for allocation between fishery sectors and with fishery gear types.”<sup>56</sup> If these goals are to be achieved, and these statements judged credible, then the Allocation Framework document itself must be as clearly written as possible. Ambiguity over what is meant by and included in “treaty obligations” detracts from the certainty and clarity that the Allocation Framework is striving to achieve.

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<sup>55</sup> Allocation Framework, page 25.

<sup>56</sup> Allocation Framework, pages 1-2.

## **Allocation Principle 3 - Common Property**

*Salmon is a common property resource that is managed by the federal government on behalf of all Canadians, both present and future.*

There was broad agreement with the common property ownership principle from recreational and commercial stakeholders and environmental groups, but strong opposition from many aboriginal stakeholders who regard themselves as owning the salmon resource.

Among those who supported this principle, many wished to see it as the first principle, preceding conservation.

There remains confusion between common property ownership and common property access to the salmon resource, confusion that might be allayed, again, by providing definitions of terms in the Allocation Framework.

As common property is used in the Allocation Framework by DFO to argue against the appropriateness of compensation for re-allocations between sectors, the question naturally arose of what this principle implied for ITOs in the salmon fishery. DFO may wish to spell out the implications for this and other principles in the Allocation Framework, as one way of increasing the clarity and certainty provided by the document.

## **Recreational Principles (4)**

### **Allocation Principle 4 - Recreational**

*After conservation needs are met, and priority access for First Nations is addressed, recreational anglers will be provided:*

- *Priority to directed fisheries on chinook and coho salmon*
- *Predictable and stable fishing opportunities for sock-eye, pink and chum salmon*

While there was some dissension from this principle, most stakeholders supported priority access to chinook and coho salmon for the recreational fishery. The important, outstanding questions concern how this priority will be delivered; how this principle will work in practice. DFO needs to provide additional detail on how priority access would be managed under different conditions of abundance. Stakeholders want to know: (1) what rules will be used to open and close recreational and commercial fisheries and (2)

how directed commercial fisheries on sockeye, pink and chum salmon that require a by-catch of chinook and coho will be prosecuted.

Considerable concern was expressed about the potential for growth in the recreational fishery (recent statistics show sales of recreational fishing licenses in decline but stakeholders nonetheless recognize the potential for the fishery to grow, and are concerned about the absence of limits to the allocation of salmon to the recreational fishery). This issue needs to be addressed in the Allocation Framework.

Recreational stakeholders wish to clarify that their access to sockeye, pink and chum salmon—"a maximum annual average of 5% of the total combined recreational and commercial harvest on a coast-wide basis over the period 1999-2005"<sup>57</sup>—will include in its base any allocations of those species to aboriginal commercial fisheries.

#### **Implementation Issue 4.1**

*What criteria should be used to establish individual daily and annual catch limits for directed recreational fisheries?*

Conservation, of course, must be a key factor affecting daily and annual catch limits.

Recent events in the recreational fishery have demonstrated the importance of catch limits to anglers: demand for recreational fishing can drop precipitously when certain "threshold" limits are crossed. If one of the goals of the Allocation Framework is to make best economic use of the salmon resource, then such considerations will also have to be taken into account in establishing daily and annual catch limits. Conservation must remain the top priority and must not be compromised for allocation or other reasons.

#### **Implementation Issue 4.2**

*What, if any, special licensing provisions should apply to foreign non-resident anglers?*

Higher fees for non-resident anglers were broadly supported but the argument was made that catch limits for non-resident anglers should not differ from those established for residents.

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<sup>57</sup> Allocation Framework, page 20.

### **Implementation Issue 4.3**

*How should recreational access to sockeye, pink and chum be managed to allow for an orderly expansion of this fishery while minimizing adverse impacts in the commercial fishery?*

Recreational access to (up to) 5% of the total combined recreational and commercial harvest of sockeye, pink and chum salmon coast-wide over the period 1999-2005 was clarified to be a cap, not a quota. It was further clarified that the 5% cap is to apply to each species, and that no “species trading” would be permitted (thereby avoiding the possibility that the recreational sector would take its entire “allocation” in sockeye).

Recreational and commercial sectors agreed that they needed to discuss further the issue of how this cap would be applied in Barkley Sound (and any other “problem” areas where the recreational fishery has “traditionally” harvested more than 5% of the combined recreational and commercial harvest of these species).

### **Implementation Issue 4.4**

*How can salmon catch reporting be improved to ensure timely and accurate information e.g. including mortality rate on catch and release fisheries?*

There was unanimous support for the critical importance of accurate, timely and credible catch reporting, including encounters, catch, kill and post-release mortalities, by all stakeholders. This concern applies to all fisheries—recreational, commercial and aboriginal. Conservation depends on accountability. So does the stability of the Allocation Framework.

In this regard, many stakeholders expressed concern about the use of a standard, coast-wide, post-release mortality parameter to estimate kill of species of concern. DFO needs to do more work to estimate post-release mortalities more precisely, by gear, area and species. Where multiple estimates of post-release mortality parameters exist, conservation and the precautionary approach dictate that higher values be used.

Many suggestions were made for how catch reporting should be conducted, including: log books, license records, creel surveys supported by spot observers; and designated landings sites.

While many suggestions built on applying methods used in one fishery or sector to another, we see no *a priori* reason

why catch reporting methods need to be identical across sectors or fisheries. Fisheries have been recognized to differ from one another. Catch reporting methods must address several criteria and may well differ across fisheries.

This is a highly technical issue involving many factors, including not only accurate and credible data, and timely reporting, but also financial and other costs to anglers and DFO, and what technology can be brought to bear on the problem. More detailed work is required to identify the criteria should govern catch reporting methods, what standards should be met, and how different systems match up against those criteria and standards.

## **Commercial Principles (5-7)**

### **Allocation Principle 5 - Commercial**

*After conservation needs are met, and priority access for First Nations is addressed:*

- *The commercial sector will be allocated at least 95 per cent of combined commercial and recreational harvest of sockeye, pink and chum salmon; and,*
- *The commercial harvest of chinook and coho will occur when abundance permits.*

Commercial troll fishermen were offended at, and angered by, statements in the Allocation Framework that appear to ignore their place in the fishery: "the harvest of sockeye, pink and chum salmon is the mainstay of the commercial fishery."<sup>58</sup> Such statements do not provide comfort or certainty to the troll sector or the individuals who comprise it. DFO needs balance its discussion of commercial net and hook-and-line fisheries in the Allocation Framework, and provide a clear description of how allocation will work for these quite distinct sectors.

It was also pointed out that the sections of the Allocation Framework dealing with the commercial fishery seem to focus on maximizing harvest while the discussion of the recreational fishery is centred around economic values. DFO should clarify the policy goals on which the Allocation Framework is based.

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<sup>58</sup> Allocation Framework, page 21.

Here again, the Allocation Framework would benefit by including examples of how allocation would work under different conditions of abundance. License holders need to know what rules will apply to allocation. Of particular importance here is how by-catch limits on chinook and coho would be handled under different conditions of abundance.

### **Implementation Issue 5.1**

*How should by-catch limits on chinook and coho be administered?*

Priority access to chinook and coho salmon by the recreational fishery goes hand in hand with a commercial by-catch (or non-retention) of those species to permit directed commercial fisheries on sockeye, pink and chum salmon to be prosecuted.

DFO should clarify how this will work at different levels of abundance by including in the Allocation Framework a schedule detailing how chinook and coho by-catches will work and by providing examples that explain how the by-catches will work in practice.

### **Implementation Issue 5.2**

*How can commercial salmon catch reporting be improved to ensure timely comprehensive and accurate information?*

As discussed above under Implementation Issue 4.4 (page 47), there was widespread, cross-sectoral support for improved catch reporting. Conservation and allocation both depend critically on accountability.

Suggestions for improving catch reporting in the commercial fishery included the use of satellite technology but we repeat our opinion that technical work based on clearly articulated principles and standards needs to be undertaken to identify and implement the best catch reporting methods in each fishery. Comparable standards must be achieved in each fishery but this does not necessarily imply that the same system must be used across or even within sectors.

## **Allocation Principle 6 - Selective Fishing**

*To encourage selective fishing:*

- *A portion of the total available commercial catch will be set aside for existing commercial licence holders to test alternative, more selective harvesting gear and technology; and,*

- *Over time, commercial allocations will favour those that can demonstrate their ability to fish selectively.*

Stakeholders believe strongly that selective fishing applies to all sectors—aboriginal, recreational and commercial. Indeed, this is consistent with DFO’s first “New Directions” document, Principle #6 of which states that “all sectors—First Nations, recreational and commercial—will use selective methods to harvest salmon.”<sup>59</sup>

Commercial stakeholders argued that testing of selective fishing gear and methods should focus first on modifications of existing commercial gear, and that only when such gears can be proven incapable of fishing selectively should allocations (and funding) be used to test alternate gear and methods.

Stakeholders do not believe it possible to harvest perfectly selectively: stocks and species of concern will be encountered, caught and killed, or die after having been released. Zero mortality is a laudable but unattainable goal. Therefore, by-catch allocations of stocks and species of concern need to be established.

Commercial fishermen were concerned about the potential re-allocation of salmon to other gears “that can demonstrate their ability to fish selectively.” Every effort should be made to ensure that this is not necessary. Stakeholders wanted to know what DFO would do to ensure that each gear could continue to participate in the fishery. As written, this part of the selective fishing principle is threatening to fishermen; it does not provide increased certainty or security for individuals or gear groups. DFO needs to clarify this aspect of the selective fishing principle by providing a more precise description of what it means. If this principle were re-written to explicitly include all sectors, we believe similar concerns would be expressed by aboriginal and recreational fishermen.

## **Implementation Issue 6.1**

*What should be the nature of the 5% that will be set aside for selective fishing experiments i.e. how broadly or narrowly should this 5% be distributed?*

Commercial fishermen strongly support the use of part of the allocation for testing selective fishing to support avoidance

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<sup>59</sup> Allocation Framework, page 29.

strategies as well as strategies that focus on releasing caught fish alive and unharmed.

Conflicting opinions were expressed about the merits of allocating the 5% by gear, area and species *versus* the opposing view that, eg, nothing will be done in the north if an area-gear-species approach is taken.

## **Allocation Principle 7 - Gears**

*Target allocations for the commercial sector will be:*

- *Established on a coast-wide basis by gear, with the catch of all species expressed on a sockeye equivalent basis; and,*
- *Subject to adjustments over time to account for conservation needs, including selective fishing, and possible changes resulting from Salmon Licence Retirement Program.*

There is strong support for the coast-wide allocations by gear recommended by Mr Stephen Kelleher: 24% troll; 34% gillnet and 42% seine.

There was equally strong concern expressed that DFO move on its intention to “move to more clearly defined geographical area allocations.”<sup>60</sup> This concern is motivated in part by regions around the province seeking long-term stability and security of access to a “fair share” of the resource. It is important to those regions because of the importance of the salmon resource to the economic health and indeed viability of regions.

There seems to be acceptance that fixed shares are not consistent with the paramount importance of conservation, especially once it is explicitly recognized that conservation will not be compromised to meet allocation targets. This acceptance heightens the need to demonstrate conclusively that reasonable efforts were made to deliver allocations; otherwise there will be calls for catch-up/make-up.

One of the issues most hotly contested by stakeholders attending the workshops is whether commercial gear allocations should be adjusted following rounds of license retirement programs and, if so, by what method. Both questions were debated by workshop participants and addressed in written submissions. DFO needs to clarify its intentions in regard to these questions in the Allocation Framework.

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<sup>60</sup> Allocation Framework, page 25.

## Implementation Issue 7.1

*What procedures should be used for shifting salmon allocations between gear types?*

There are strongly held, divergent views on whether gear allocations should be altered after a buy-back program. One group supports distributing the benefits of a publicly-funded buy-back across the fleets by adjusting the allocation to each gear sector to equalize CPUE. Another group supports the agreement reached at the Pacific round table that commercial gear allocations remain unchanged after buy-back. This is one of the most important un-resolved issues in the Allocation Framework.

## Implementation Issue 7.2

*Should adjustment provisions be considered if gear shares are not achieved? If yes, what should they be?*

Before any consideration is given to adjusting gear shares, DFO must ensure that each commercial gear group has ample opportunity to harvest its allocation. No one supported the adjustment of commercial gear allocations if gear shares were not achieved.

Several suggestions were made for what to do if commercial gear shares are not achieved, including: (1) allowing fishermen to contract other gears (in other areas, if necessary) to harvest “their” allocation; (2) having the proceeds of such a fishery accrue to an agency that would apply them to stewardship activities; (3) allowing the un-harvested salmon to add to escapement.

## Other Allocation Issues

### AFS Pilot Sales and ESSRs

While no formal principle appears in the Allocation Framework regarding these fisheries, the following statement seems to represent DFO’s approach to pilot sales fisheries.

*“In consultation with First Nations, the sales components of pilot sales fisheries would be accorded the same priority as the commercial harvest.”<sup>61</sup>*

Commercial and recreational stakeholders support this statement, but were caused considerable discomfort by the

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<sup>61</sup> Allocation Framework, page 25.

use of the phrase “in consultation with First Nations”. Stakeholders recognize DFO’s duty to consult with First Nations but in this context, stakeholders wondered how the stated intention with regard to the priority of pilot sales fisheries might be affected by consultations. What, eg, if First Nations do not agree with the priority as stated in the Allocation Framework document? DFO needs to clarify how it intends to deal with allocations of salmon to pilot sales fisheries.

As mentioned earlier (see discussion under Principle 2, page 44), commercial and recreational stakeholders were also concerned about how “treaty obligations” mentioned in the second allocation principle meshed with this statement regarding the priority of pilot sales fisheries. If the Allocation Framework is to succeed in its goal of providing increased certainty and security to participants and sectors in the Pacific salmon fishery, it should strive for maximum clarity and remove remaining ambiguities. This is another area where that principle should be applied.

### **Implementation Issue AFS.1**

*What conditions are required to open a pilot sale fishery relative to the commercial fishery (eg, what triggers pilot sales)?*

There were two suggestions for what should trigger a pilot sales fishery on the Fraser River: (1) any commercial fishery on Fraser stocks; (2) any commercial fishery on Fraser stocks in Area 29. This issue remains un-resolved.

### **Potential Role of an Allocation Board**

The Allocation Framework contains the following statement regarding this topic.

*Advisors have consistently recommended the establishment of an independent body to deal with salmon allocation issues in an open and transparent manner. Consistent with these recommendations, an independent board with coast-wide responsibilities will be established to advise and assist the Minister in implementing salmon allocation policy.<sup>62</sup>*

Stakeholders largely oppose the establishment of an Allocation Board, seeing it as removing influence and control from themselves, and potentially creating “another level of bureaucracy” that the resource, and those who depend upon it,

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<sup>62</sup> Allocation Framework, page 26.

cannot afford. Stakeholders were annoyed that DFO appears to have taken this decision before hearing their views on the subject.

Two quite different approaches to Allocation Boards were proposed (see pages 20 and 40 for details). This is an area where more work needs to be done to identify a solution that has broad-based support.

Should DFO proceed with its stated intention in the Allocation Framework document, there is support among stakeholders for an allocation facilitator more along the lines of that recommended by Mr Stephen Kelleher.

# Appendix A: Written Submissions

## First Nations

Musqueam Indian Band, George Guerin, Fisheries Coordinator  
Skeena Fisheries Commission, Chris Barnes  
Haida Fisheries Program, Russ Jones, Technical Director  
Kitsumkalum Band Council

## Recreational

Rivers Lodge, George Ardley  
Georgia Strait Sportfishing Guides Association, Gordon Lush  
North Shore Fish and Game Club, John Collins, President  
Sports Fishery Advisory Board, Gerry Kristiansen  
BC Wildlife Federation  
BC Federation of Fly Fishers

## Commercial

Rick Dunaway  
Pacific Salmon Harvester's Society (the "Consolidated Commercial Brief") Signatories:  
Aboriginal Fishing Vessel Owners Association (areas A + B)  
Area D Gillnetters Association  
Area C Gillnetters Association  
Fishing Vessel Owners Association (areas A + B)  
Fisheries Council of BC  
Gulf Trollers Association (area H)  
Northern Trollers Association (area F)  
Northern Processors Association  
Pacific Fishing Vessel Owners Guild (areas F,G + H)  
Pacific Trollers Association (areas F,G + H)  
Prince Rupert Vessel Owners Association (area A)  
Pacific Gillnetters Association (areas C,D, + E)  
Southern Area E Gillnetters Association.

Gregg Bolderson  
Bruce Spring  
Rick Lindseth

Robert Burkosky  
Northern Native Fishing Corporation  
David Prosser  
G.S. Mackenzie  
Dal Triggs  
Ken Erikson  
John Murray, notes from presentation  
Northern Trollers Association  
North Coast Advisory Board  
John Disney

### **Single Sector Meetings**

DFO summary of questions and issues raised at the single sector meetings.

### **Other Groups or Cross-Sectoral Groups**

Regional Aquatic Management Board - West Coast Vancouver Island Area Based Management Salmon Allocation Framework

The Sierra Club of British Columbia

Watershed Watch Salmon Society, Peter Broomhall, Analyst and Editor

World Fisheries Trust

# Appendix B: Workshop Attendance

## Richmond

<b>Workshop #1: Richmond Inn, Richmond, BC – March 29 &amp; 30, 1999</b>				
<b>Name</b>	<b>Organization</b>	<b>Tel. #</b>	<b>Fax. #</b>	<b>Address</b>
Peter Broomhall	Watershed Watch Salmon Assoc.	604-327-5355	604-3275354	6880 Ross, Vancouver, BC, V5X 4B3
Nathan Spinks	NNTC	250-455-2711		Lytton, BC
Bob Williams	BC Ministry of Fisheries	250-356-0830	356-7830	780 Blanchard Street, Victoria, BC V8V 1X4
Stu Nelson	Nelson Prog. & Comm. Ltd.	604-541-9386	541-9387	2319 129 A Street, Surrey, BC V4A 9H1
Michelle James	FCBC	604-684-6454	604-684-5109	1400-1188 West Georgia St., Vancouver, BC
John Murray	PGA, Area C Association	604-463-9216	604-463-5572	Box 1082, Stn. A , Maple Ridge, BC
Stan Watterson	PTA	604-278-2642	604-276-8803	2420 Westminster Hwy., Richmond, BC
Ed Sopol	Sopol Fisheries Ltd.	604-277-2523		Richmond, BC
Gerry Kristianson	SFAB	250-656-5829	250-656-5829	67 McKenzie Crescent, Sidney, BC V8L 5Y7
Lloyd Baines	FVOA	250-539-2252		RR # 1 Galiano Island, V0N 1P0
Bruce Probert	UFAWU	604-856-1782	604-856-1782	4555 Hitching Post Cres., Langley, BC V2Z 1J7
Dominic Hope	YFN	604-863-2420	604-863-2467	1869 Hope, BC V0X 1L0
Sandy Bukes	FVOA	604-684-4493	604-684-4339	1401-675 West Hastings, Vancouver, BC
Vicky Husband	Sierra Club	250--386-5255	250-386-4453	1525 Amelia Street, Victoria BC., V8R 2K1
Tom Bird	Sport Fishing Institute of BC	604-689-3438	604-689-3471	200-1676 Duranleau St., Vancouver, BC
Sharon Chow	Sierra Club	250-386-5255	250-386-4453	1525 Amelia Street, Victoria BC., V8R 2K1
David Lane	T. Buck Suzuki Environmental	250-255-8819	250-255-3162	160-111 Victoria Dr., Vancouver, BC
Mike Forrest	PGA, Area E Association	604-942-6289	604-464-6280	1620 Knappen Street, Port Coquitlam, BC V3C 3Z1
Ken Connolly	UFAWU, Area C and E	604-465-7651		11498 Barclay Street, Maple Ridge, BC
Dal Triggs	UFAWU	604-463-8408		21544 River Road, Maple Ridge, BC
Larry Greba	Independent	929-6701	929-6721	938 Plymouth Pl.
Bob Amstead	SC SFAB Sunshine Coast	604-885-4136	604-885-4176	RR # 1 Field Site C-23, Sechelt, BC V0N 3A0
Edwin Newman	Heiltsuk Treaty Office	957-2354		Waglisla, BC

<b>Workshop #1: Richmond Inn, Richmond, BC – March 29 &amp; 30, 1999</b>				
<b>Name</b>	<b>Organization</b>	<b>Tel. #</b>	<b>Fax. #</b>	<b>Address</b>
John Sutcliffe	UFAWU	255-1336	255-3162	160-111 Victoria Dr., Vancouver, BC
Eric Tamm	Coastal Comm. Network	726-4683	722-2208	
Andrew Day	RAMS	726-7083	726-7434	Sustain@island.net/Box 77 Ucluelet, BC
Jacob Nightingale	NTA	946-0947	946-0947	Delta, BC
Ron Fowler	NTA	733-6784	733-9175	
Dan Edwards	WCSA/RAMS	726-7083	250-726-7434	Box 77, Ucluelet, BC
George Guerin	Musqueam	263-4649		6820 Stalo
Homer Stevens		333-8832		Main Road, Lasqueti Island V0R 2J0
Skip Young	Trout Unlimited of Canada-BC Council	604-271-9448		217-3411 Springfield Dr., Richmond, BC V7E 1Z1
Rick George	Shxw'ow'lamel	360-714-6196		Luma, BC
Barry Curic	FVOA	604-922-3058	604-922-3058	2549 Bellevue Ave., West Vancouver, BC
Brigid Payne	Fisheries and Oceans Canada	604-666-4902	604-666-9136	555 W. Hastings, Vancouver, BC
E. Crey		824-5304	824-5326	
D. Sneddon	Fisheries and Oceans Canada	604-666-8426	604-666-6627	Annacis Island, BC
Mike Staley	FWSC	889-2465	261-7065	
Mike Baird	Tsawwassen First Nation			

## Nanaimo

<b>Workshop #2: Coast Bastion Hotel, Nanaimo, BC – March 30 &amp; April 1, 1999</b>				
<b>Name</b>	<b>Organization</b>	<b>Tel. #</b>	<b>Fax. #</b>	<b>Address</b>
Ian Beveridge	BC Federation of Fly Fishers	250-248-8662	250-248-8662	8012 Lakes Blvd. Parksville, BC V9P 2P8
Mike Hunter	Fisheries Council of BC	604-684-6454	604-684-5109	
Jim Levis		250-270-2700		Alberni Clayoquot Rd., Port Alberni, BC
Phillip Edgar	Ditidaht First Nation	250-745-3333	250-745-3332	Box 340, Port Alberni, BC
Marilyn Murphy	Alberni Valley Sport Fish Association	250-723-3474	250-723-3474	S 119 C 49 Port Alberni, V9Y 7L5
Paul Smith	SFAB Nootka Sound	250-283-2142	250-283-2142	Box 1113
Carl Gark	Pacific Packers Association	250-338-7516	250-338-7513	RR #1 Dove Creek Road, Courtenay, BC
Martin Parish	SFAB Tofino	250-748-3745	250-748-5174	Box 69 Tofino, BC V0R 2ZC
Wayne Harling	BCWF	250-753-1864	250-753-1864	1249 Nan. Lks. Rd., Nanaimo, BC V9R 5P4
T. Gray	NTA	250-335-0584		RR # 1 Site 9, C-2 Fanny Bay, BC
Doug Henderson	Pacific Trollers Association	250-758-4824	250-758-4825	2065 Blue Bell, Nanaimo, BC

<b>Workshop #2: Coast Bastion Hotel, Nanaimo, BC – March 30 &amp; April 1, 1999</b>				
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Wayne R. Paige	Cowichan Tribes	250-748-3196	250-748-1233	
Peter Sakich	Pacific Trollers Association	250-247-8380		Gabriola, BC
Dan Edwards	WCSEA/RAMS	250-726-7083	250-726-7434	Box 77 Ucluelet, BC
Les Rombough	Area D Gillnet Association	250-285-3258	250-285-3208	Box 375 Quathiaski Cove, BC
Ken Erickson	PCFVOG	250-338-1360	250-338-2392	Courtenay, BC
Darren Deluca	WCSEA/AVSPORT ASSOCIATION	250-724-6244	250-724-7168	3019 4th Ave., Port Alberni, BC
Archie Little	NTC	250-724-5757		Port Alberni, BC
Andrew Day	RAMS	250-726-7083	250-724-4237	Box 77, Ucluelet, BC
Wilf Caron	Area G TFA	250-724-4237		
Ron Parke	Gulf Trollers Association, Area H	250-339-5567	250-339-5567	Box 3768, Courtenay, BC V9N 7P1
G. S. MacKenzie	Northern Trollers Association	245-8601	245-8601	P.O. BOX 1305 Ladysmith, BC V0R 2E?
Art Powell	Area G	250-758-5032		103 Wildnottel Place, Nanaimo, BC
Jim Mclsaac	Community Fisheries	250-754-2727	250-744-5020	
Yogi Carolsfeld	World Fisheries Trust	380-7585	yogi@worldfish.org	#202-505 Fisgard, Victoria, BC
Rick Nordstrom	Pacific Trollers Association	250-338-5954	250-334-5325	Courtenay, BC
Leo Manson	NTC	250-725-3233	250-725-4233	Box 18, Tofino, BC
Carl Edgar, Jr.	Fisherman	250-745-3509		Box 41, Port Alberni, BC
Zoltan Czegler	W.T.A.	250-390-4975		6448 Dover St., Nanaimo, BC
Merle Graff	Fisherman	250-752-2024		122 Denman Dr. Qualicum Beach, BC
Marc Noel	District of Ucluelet	250-726-7732	250-726-4662	
George English	Area G, Courtenay, BC	250-339-6389		RR 2, Ste 260, C-19, Courtenay, BC
Bill Irving	Mayor, District of Ucluelet	250-726-7744	250-726-7335	Box 999, Ucluelet, BC
Al Brown	N.T.A.	250-758-9226		798 Quilchena Cr, Nanaimo, BC V9T 1P6
Bob Nairy	Area G Troller, Independent	245-2494		2885 Riverbend Rd, Cassidy
Pat Alfred	KTFC	250-974-2274		KTFC, Alert Bay, V0N 1A0
A. Fredheim	N.T.A.	250-923-3814		3769 Stokes Place, Campbell River, BC V9H 1L5

## Prince Rupert

<b>Workshop #3: Crest Hotel, Prince Rupert, BC – April 6 &amp; 7, 1999</b>				
<b>Name</b>	<b>Organization</b>	<b>Tel. #</b>	<b>Fax. #</b>	<b>Address</b>
Fred Hawkshaw	Skeena Wild	624-2159	627-1545	421- 6th Ave., Prince Rupert
Linda Hawkshaw	Skeena Wild	624-2159	627-1545	421- 6th Ave., Prince Rupert
Bruce Hill	Sierra Club of BC	638-8256	638-0970	4916 Haugland Terrace
Bert Campbell		624-3401		#6 Hays Vale Drive, Prince Rupert

<b>Workshop #3: Crest Hotel, Prince Rupert, BC – April 6 &amp; 7, 1999</b>				
<b>Name</b>	<b>Organization</b>	<b>Tel. #</b>	<b>Fax. #</b>	<b>Address</b>
Heber Clifton	NBBC	250-624-3888	250624-9729	1468 Atlin Ave., Prince Rupert
R. Barclay	Tsimshian Tribal Council	250-627-8782	250-627-1938	Prince Rupert, BC
Russ Jones	Haida Fisheries Program	250-559-8945	250-559-8951	P.O. Box 98, Skidegate, BC V0T 1J0
Ken Franzen	SFAB	250-624-6431	250-627-4884	137 Parry Pl., Prince Rupert, BC
Bill Spenst	Lake Babine Nation	250-692-4700	250-692-4790	Box 879 Burns Lake, BC V0J 1E
John Brockley	SFAB	250-845-8775	250-845-8780	
Dave Sokoloski	Community Futures Development Corp.	250-622-2332	250-622-2334	
David Prosser	NTA	250-624-2382	250-624-2382	Box 1178 Prince Rupert, BC
John Murray	PGA, AREA C SALMON GILLNET	604-467-5546	604-463-5522	Box 1082 Albion, BC
Chris Barnes	GWWA	250-842-5641	250-842-5685	Box 229 Hazelton, BC
Mark Duiven	Skeena Fisheries Commission	613-526-9547	250-526-9849	1757 Playfair Drive, Ottawa
Debbie Dudley	Chatham Sound Charter Boat	250-624-5645	250-627-4393	Prince Rupert, BC
Bill Kristmanson	North Gillnet Association	250-624-9414		Prince Rupert, BC
R. L. Johnson	NGA	250-624-4843		Prince Rupert, BC
Lynn Campbell		250-627-4451		Prince Rupert, BC
Harold E. Campbell		250-627-4451		Prince Rupert, BC
Don Roberts	Kitsumkalum Council	250-635-4139		Terrace, BC
Robert Green	NGA	250-627-8793		Prince Rupert, BC
Rick Haugan	P.R.F.V.O.A.	250-624-5188	250-627-8918	Prince Rupert, BC
Joe Haugan	P.R.F.V.O.A.	250-624-6408		Prince Rupert, BC
Jim Hellman	SFAB	250-624-9412		Prince Rupert, BC
Brian Carpenter		250-624-4599		Prince Rupert, BC
J. Dopson	NNFC	250-627-8486	250-624-6627	Prince Rupert, BC
S. Hawknes	NTA	250-624-5781		Prince Rupert, BC
John Hoffman	OF	250-624-6467		Prince Rupert, BC
Joy Thorkelson	UFAWU	250-624-6048	250-627-7951	869 Fraser Street, Prince Rupert, BC
Rick Lindseth	Gillnetter	250-627-7254	250-627-7254	Prince Rupert, BC
Dave Haddad	SFAB	250-635-7168	250-635-7168	Terrace, BC
C. Vanier	SFAB	250-628-9411	250-628-3357	Port Ed, BC
R. Green	NGA	250-627-8793		Prince Rupert, BC
Des Nobels	UFAWU	250-627-1859	250-627-7951	Box 807, Prince Rupert, BC
Gregory Rush	GFA	250-849-5246	250-849-5241	Box 148, Kitwanga, BC
Valbert William	GFA	250-849-5246	250-849-5241	Box 148, Kitwanga, BC
John Stevens	Kincolith Band Council	250-326-4212	250-326-42078	1401 Broad Street, Kincolith BC V0V 1