



Sumas First Nation

2788A Sumas Mountain Road, Abbotsford, B.C. V3G 2J2
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February 28, 2019

Rebecca Reid - Regional Director General and
Canada's Chair of the Pacific Salmon Commission
DFO Pacific Region
Suite 200 - 401 Burrard Street
Vancouver, BC V6C 3S4

Via E mail

Dear Ms. Reid,

Re: 2019 Fraser River Chinook Conservation Measures

I write to you with major concerns with your Departments inability to sufficiently and effectively meet the test of consultation. A letter was sent by Jeff Grout on February 5, 2019 describing some of the Chinook technical considerations and management actions proposed by the Department of Fisheries and Oceans Canada (DFO) with a dead line of March 1, 2019.

There has been limited to no engagement with Sumas First Nation and Lower Fraser First Nations with exception to a forty-five-minute presentation by Lower Fraser Area staff at the Lower Fraser Fisheries Alliance (LFFA) Forum on February 21, 2019. I was unavailable due to other commitments, but I understand Lower Fraser Area DFO staff could not respond to many of the questions that leadership and technicians asked at that time, and more importantly before the March 1st deadline. On the same day, your Department scheduled a province wide WebEx to discuss Chinook conservation concerns, proposed management objectives and potential fishery scenarios but due to the schedule conflict there was no ability for Sumas and Lower Fraser First Nations to participate.

I understand there was a request for Jeff Grout to host a WebEx for the Lower Fraser in advance of March 1, 2019 but there has been no commitment from DFO and that has not occurred. The Departments attempt at "joint consultation" has failed from my perspective as you did not provide the necessary information and technical assistance to Sumas First Nation. As a result, our community does not have all the relevant Chinook information or data to respond to your letter effectively. DFO must commit to hosting these vitally important Chinook information sessions in the Lower Fraser and with Sumas First Nation leadership, ideally in person. You must take the time to provide technical assistance and information to the extent that our leadership has a full understanding of the Departments perspective and position on conservation concerns, proposed management objectives and fishery scenarios.

In 2012, you authored a letter that implemented a 45% reduction in Chinook exploitation. The Southern BC Chinook Strategic Partnership Initiative has been active for approximately seven or eight years

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without any formal management actions that protect Chinook. The Chinook Five Year Plan was supposed to be concluded within a year to be responsive to Early timed Chinook exploitation and major decline in abundance. It appears that that process will live up to its title and take five or more years to conclude. In 2018, you attempted to implement a further 25-35% reduction in Chinook exploitation. These measures have not been reviewed to assess the effectiveness of these management actions.

We acknowledge DFOs attempt at compiling vital information and data but through all these initiatives DFO still has not defined, scientifically or technically, how your management actions have protected Chinook for conservation purposes and what reductions and exploitation rates are applicable to First Nations, and the Recreational and Commercial sectors. As a result, DFO can not articulate how our Section 35.1 and access to these fish and the practice of the fishery is being protected, including our priority access after conservation.

DFOs precautionary management approach for Early timed Chinook would suggest that the Department should have closed all Recreational and Commercial access to these fish in the marine waters decades ago. Instead many marine Chinook fisheries remain open until closed. Through implementation of your management actions and Integrated Fisheries Management Plans you have compromised our priority access and right to food, social and ceremonial fish and fisheries for decades, and it is our position that our community has already sacrificed and committed to conservation during this period while Stakeholder fisheries were maintained by DFO and the Minister of Fisheries. DFO is considering possible adjustments to early season Recreational fisheries beginning in April 2019 but these adjustments should have been considered in January 2019 as the Early Timed Chinook will have been present and intercepted in the Marine waters.

For several years now, Sumas First Nation has supported LFFAs IFMP recommendations to implement further management actions in the Marine Waters to conserve Chinook Summer 4-1s understanding that this stock has become an important 'substitute' for our Chinook 4-2 and 5-2 FSC deficits. DFO and the Minister appear to have ignored LFFAs IFMP recommendations and is now asking Sumas and other First Nations to forego further FSC and priority for the Chinook Summer 4-1 stock. I participate annually at LFFA Forums to prepare IFMP recommendations and ensure Sumas First Nation's interests are included. I am disappointed that DFO and the Minister does not respect the good work of LFFA, the Lower Fraser First Nations who participate, their recommendations and the amount of resources and time invested in that process.

Based on Scenario A and B DFO is asking our members to share Chinook 4-2s, 5-2s and Summer 4-1s with the Recreational and Commercial sectors and that is both unacceptable and disgraceful when our needs are not being met. Our members cannot forego any further decrease in Chinook fisheries. At a minimum DFO and the Minister must maintain the Chinook fisheries our people have endured the last few years. This has included two small bite fisheries in both April and May and similar fisheries in June and July subject to Early Stuart and Early Summer sockeye migration and abundance. Our recent Chinook fisheries are measured in hours (18 hour set net, 6-hour drift net) as opposed to Recreational

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fisheries in the marine waters that are proposed to be open January 1, 2019 onward. It is unjust that DFO and the Minister is even contemplating a Stakeholder fishery that affords months of opportunity and maximum participation while Sumas First Nation opportunities will be for unplanned events (deaths only) or measured in hours for FSC purposes. Scenario A or B are not reasonable options and you must eliminate all Stakeholder interception of Fraser Chinook in the Marine fisheries that have any impacts on our ability to meet our Chinook FSC needs. If the Minister chooses to allow targeted Chinook marine fisheries this should include mandatory reporting of every Chinook retained or released. Compliance, enforcement and penalties must be increased to deter non-compliance in these fisheries.

Early timed Chinook have been targeted for our First Salmon Ceremonies and Chinook are the preferred salmon for our food. Nothing compares to these fish as a valuable source of protein and healthy dietary product. Our ceremonies are no longer considered "First Salmon" but rather Salmon Ceremonies as we are now targeting Chinook stocks that migrate later than the fish we historically targeted in March.

For the purpose of your proposed 2019 management actions, DFO must clearly articulate how Chinook conservation will be accommodated. Sumas First Nation then requires that you quantify Chinook exploitation rates, technically and scientifically, in a way that prioritizes Sumas First Nation members' right to the Chinook before any of these fish are caught by the Recreational or Commercial sectors, in retention or non-retention fisheries, in the Marine waters and Fraser River. DFO currently defines and imposes three Chinook salmon for our First Salmon Ceremonies or a death in our community so one Chinook interception or mortality by the sectors will compromise our members priority access. Further, we require DFO to apply the same accounting measures to any US fisheries that intercept Fraser bound Chinook through Canada's Pacific Salmon Treaty. It is anticipated that Canada's commitments to the US compromise our fish, fisheries and rights to Chinook. Sumas First Nation requires a timely DFO response to enable our leadership to respond effectively to your proposed 2019 Chinook management actions.

It is not necessary to recite case law at this time. You and the Honorable Minister Wilkinson are well versed in cases related to fisheries and it is time for you to respect and implement Canadian laws that reflect Chinook conservation and Aboriginal priority. Our elders and people have recognized this as a crisis for decades now and maintaining connection to Chinook is vital to our identity as People of the River. We have taken the time to engage with Nations in the BC Interior to understand and respect their concerns. We have witnessed the sadness, anger and disappointment of their leaders and technicians regarding the management/mismanagement of the Chinook. Our respective views relative to Chinook conservation and harvest may differ slightly but we always arrive at the same conclusion and that is the Stakeholders in the Province of BC have enjoyed priority access through DFOs implementation of IFMP and management actions in recent decades, and that First Nations and our people have borne the brunt of Chinook conservation.

Sumas First Nation advised all levels of government of our inherent laws through our Declaration in September 2017. The Minister of Fisheries and DFO were invited to participate in traditional ceremony conducted in our longhouse but you chose not to participate or had other commitments. Through our

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laws we are planning for 2019 Chinook fisheries that have been described above. I have provided the necessary options for you to accommodate Chinook conservation and our planned fisheries and trust that you and Minister Wilkinson will incorporate this during your Chinook review processes.

Through the Sema:th Declaration and the United Nations Declaration on the Rights of Indigenous People it is incumbent upon you to engage our leadership and members on resource management considerations. Sumas First Nation must be part of the process leading to decisions WITH Government and not subject to imposed decisions by DFO after the fact. This crisis necessitates Government to Government engagement. I am prepared to meet with you directly and asap to discuss Fraser Chinook before you or the Minister contemplate any final decisions on Chinook conservation and management measures. Please advise of your availability.

Sincerely,



Lemxyltexw - Chief Dalton Silver

Cc Sumas First Nation membership
Lower Fraser First Nations
Fraser River and Marine First Nations
Jordan Point – First Nation Fisheries Council
Honourably Minister Wilkinson – Fisheries Minister, DFO
Terri Bonnet – Fraser River Interior Management, DFO
Jeff Grout - Regional Resource Manager, Salmon, DFO
Andy Thomson – Regional Director, Fisheries Management, DFO
FN Leadership Council
AFN – National Fisheries Committee
AFN – National Chief Perry Belegarde
AFN National Fisheries Committee

Att: Sema:th Declaration
Sema:th Lands and Governance Policy