

Pacific Salmon Treaty Chinook Agreement-in-Principle Reached

On May 9th, 2008, Canada and the U.S. reached a tentative agreement for a renewed Chinook Annex of the Pacific Salmon Treaty (PST). Due to expire at the end of 2008, the Chinook Annex governs the management of chinook salmon harvests in Washington, northern Oregon, British Columbia, and southeast Alaska. Most chinook salmon in the PST management area originate from streams and hatcheries in Washington, Oregon and B.C. and migrate northward. The chinook are harvested in commercial, recreational, and aboriginal fisheries in southeast Alaska, B.C., Washington, and Oregon waters.

Entering these negotiations, both Canada and the U.S. sought to reduce catch ceilings to lessen impacts on chinook stocks of conservation concern. Canadian and U.S. negotiators considered the harvest rate reductions in the existing Chinook Chapter, negotiated in 1999, inadequate for rebuilding stocks due to continued poor ocean survival conditions over most of the last 10 years. Negotiators sought further harvest reductions to allow less productive stocks to meet spawning and recovery goals in Canada (e.g. West Coast Vancouver Island wild chinook) and for U.S. Endangered Species Act (ESA) listed populations (e.g. Puget Sound and Lower Columbia River chinook). Although not under PST jurisdiction, chinook fisheries in California and Oregon have collapsed and will be closed in 2008, illustrating the serious coastwide nature of the chinook situation.

Summary of the Agreement

There are three main parts to the new Chinook Annex that will be in effect for ten years, providing Canada and the U.S. both ratify the agreement. These parts are reductions in the Aggregate Abundance Based Management (AABM) fisheries, funding for mitigating the reductions and improving management, and a refined approach to triggering annual reductions to protect declining chinook stocks.

1) AABM Fishery Catch Reductions

Catch ceilings will be reduced by 30% in the WCVI troll and outside sport fishery and 15% in southeast Alaska (SEAK) troll, sport and net fisheries. Northern B.C. (NBC) troll and Haida Gwaii sport fisheries were not reduced in the draft agreement, but will be subject to Canadian domestic management constraints to protect WCVI and other southern bound chinook stocks. The Pacific Salmon Commission (PSC) may consider altering the 30% WCVI, 15% SEAK, and 0% NBC reductions after a five-year review in 2014. A decision will be made at that time about whether or not the reductions will continue or be altered.

The reductions in catch between the U.S. and Canada are approximately equal as the SEAK fishery has been nearly equal to the combined size of the NBC and WCVI fisheries in Canada. Based on the indicator stock groups currently included in the PST Chinook Model (eight in Canada, and 21 in southern U.S.), the reductions will pass about 86,000 more chinook to terminal areas, including 30,500 in Canada and 55,500 to the southern U.S. to aid rebuilding declining stocks. About 8,200 more hatchery and wild chinook should reach the WCVI terminal areas. Additional chinook returning to non-model stocks area will be of benefit as well. Constraints on terminal fisheries will be maintained to increase spawning escapements where stocks remain below escapement goals.

2) Funding

The Agreement contains provisions for a total of \$59 million (M) for mitigating the reductions and improving management of chinook. The funding will be allotted as follows:

A) Mitigation Funding

Recognizing the disruption that the reductions will cause to fishers and communities on the WCVI, the U.S. agreed mitigation was warranted. Canada will receive \$30 M of new funding from the U.S. over two years. How this money will be distributed and whether or not more funding is required from Canada are issues that will be determined through consultation with affected people and communities. Area G trollers will be compensated for lost fishing opportunities. Canada will determine how the mitigation funding will best offset the impact to WCVI fishermen and communities.

B) Improved Management Funding

An additional \$29 M will be made available by Canada and the U.S. to improve chinook management in four areas. The funding will be directed to a new “sentinel stocks” program to assist the 2014 review of the catch reductions, improvements to the Coded Wire Tag (CWT) Programs, improving the Coastwide Chinook Model, and lastly, funding for Canada to experiment with mark-selective chinook fisheries. Each of these management improvements is briefly described below.

i) Sentinel Stocks Program

A total of \$10 M (\$2 M per year for five years) will be drawn from the existing Northern and Southern Boundary & Enhancement Funds to fund rigorous spawning escapement assessment programs in key stocks from northern BC to Oregon. There will be about ten stocks chosen, including five in Canada. The five Canadian stocks will include three WCVI stocks, one Fraser stock, and one north/central stock. The Chinook Technical Committee (CTC) will develop acceptable standards of precision for the escapement monitoring program. A panel of experts appointed by the Commission will determine the criteria, choose the best representative individual stocks to be monitored, and track the progress of the programs. Alaska insisted that this program be implemented, arguing that poor escapement data and CWT information on the WCVI was responsible for a “perceived” conservation problem in WCVI wild stocks. Although originally intended for the WCVI, Canada broadened the program to include stocks harvested in all fisheries. This program will provide critical information for the five-year review in 2014.

ii) Improvements to CWT Programs

Canada and the U.S. are each expected to provide \$7.5 M over five years to implement the Action Plan developed by the Expert Panel on CWTs to improve the CWT program (see Pacific Salmon Commission Technical Report No. 25 at www.psc.org/pubs/psctr25.pdf). CWTs are used to estimate harvest rates and distribution and overall exploitation on stock groups represented by an exploitation indicator stock. In BC the program will likely fund reviews of release groups sizes for CWT marked chinook, establish or improve programs for stocks in the central coast and Fraser River, increase CWT sampling rates in escapements and fisheries, and improve catch estimates in recreational and First Nations fisheries. Alaska insisted on improvements to the CWT program for the same reason as the sentinel stocks program.

iii) Improvements to Coastwide Chinook Model

U.S. Letter of Agreement funding will provide \$1.0 M over two years to make improvements to the Coastwide Chinook Model. This important computer model is used by the CTC with catch, CWT, and escapement data to assess annual exploitation patterns and rates, marine survival variation, estimate annual abundance, and assess compliance with PSC fishery regimes. After catches and spawning escapements are reported each year, the model is re-calibrated to determine post-season abundance and forecast the next year abundances. The abundance index, relative to the 1979-1982 base period, is estimated by the Chinook model and used to set the catch ceilings in each fishery for the coming fishing year.

iv) Mark -Selective Fisheries

Washington State has embraced mark-selective fisheries for chinook and will provide \$3M for Canada to experiment with mark-selective chinook fisheries. Canada authorized its first experimental recreational mark-selective chinook fishery in Juan de Fuca Strait in 2008. Mark-selective fisheries require a double index tag (DIT) system to estimate release mortality impacts on unmarked or wild stocks. Theoretically this is accomplished by releasing CWT fish with and without adipose fin clips. Evaluation of the impacts on the unclipped fish containing CWTs are believed to represent impacts on wild fish released in a fishery. Canada will have to buy marking and detection equipment, increase sampling of unmarked fish to detect unclipped DIT fish, and evaluate the Juan de Fuca experience and other potential mark-selective fisheries that might occur. Canada will be expected to follow the recommendations of the bilateral Selective Fishery Evaluation Committee in designing and monitoring any pilot mark-selective chinook fisheries.

3) Additional Reduction Triggers

The third and final component of the PST Chinook Annex is a revised approach for triggering annual reductions in fisheries to relieve pressure on chinook stocks that continue to decline. Unlike other AABM fisheries, the WCVI fishery will be exempt from any additional measures, given the 30% overall reduction. These provisions will apply to the NBC and SEAK AABM and ISBM (Individual Stock Based Management) fisheries. Although contained in the 1999 Chinook Annex, annual reduction provisions were never triggered because they depended on an onerous requirement for bilaterally agreed escapement goals. Canada and the southern U.S. did not develop biologically based escapement goals for most of the trigger stocks and so far there are only three such stocks with accepted goals in Canada. Uu-a-thluk staff have been working on establishing accepted escapement goals for WCVI wild chinook to invoke this provision. The inability of Canada and the southern U.S. to invoke the annual reductions in the fisheries of the other Party is partly why the upfront 15% and 30% reductions were negotiated in the SEAK and the WCVI fisheries in the proposed Chinook Agreement. A new and more responsive approach to reduce harvest on weak stocks will be developed. In addition to escapement goal development through the Sentinel Stocks Program, recovery exploitation rates for U.S. ESA listed stocks will be incorporated as triggers. Criteria for including or changing the stocks in the Attachments I-V will be revisited by experts appointed by the Commission. Further, survival rates, ocean productivity, and other indices will be explored to develop timely, responsive, and appropriate triggers for annual management actions to react to declining stock situations.

The new Chinook Annex is part of an overall renewal of several species annexes to the 1999 Pacific Salmon treaty. Both Canada and U.S. will be taking the agreement-in-principle for all revised annexes to their constituents for consultations. After consultations, the revised annexes will be tabled in the Canadian Parliament and the U.S. Congress for ratification. In addition to ratifying the agreement, both Canada and the U.S. will need to meet other criteria before the new Chapter is implemented. The U.S. must provide the agreed funding to Canada and Canada must provide funding of \$7.5 M for the improved Coded Wire Tag program. As the new agreement may not meet the requirements for rebuilding all of the U.S. ESA-listed chinook stocks, additional conservation actions will also be required in the U.S.

Information Sharing with Nuu-chah-nulth to Date

Prior to reaching the chinook agreement in principle, the NTC President, Vice-President and Uu-a-thluk staff met with DFO on several occasions to learn about the status of the negotiations. Nuu-chah-nulth fishermen and Uu-a-thluk staff also participated in several meetings between DFO, Area G troll representatives, and Sport Fishing Advisory Board representatives. At the April 17- 18, 2008 Uu-a-thluk Council of Ha'wiih meeting, Nuu-chah-nulth Ha'wiih and representatives received a further update on the negotiations and provided specific Nuu-chah-nulth interests and recommendations to Paul Macgillivray, DFO Associate Regional Director and lead negotiator for Canada on the Chinook Agreement.

Nuu-chah-nulth Nations stated three interests, four PST recommendations, and four domestic recommendations to DFO at the April 18, 2008 Council of Ha'wiih meeting:

Nuu-chah-nulth interests:

1. Rebuild WCVI chinook populations.
2. Ensure sufficient WCVI returns to meet Nuu-chah-nulth food and ceremonial needs for chinook.
3. Restore and maintain a viable Nuu-chah-nulth and Area G WCVI commercial troll fishery.

PST Recommendations from Uu-a-thluk Council of Ha'wiih to Canada

1. Negotiate equal reductions in the AABM fisheries (SEAK -20%, NBC -20%, WCVI - 20%) for the next term of the Treaty to meet Canadian and U.S. conservation objectives.
2. Do not allow transfer of any part of the NBC reduction to further reduce WCVI chinook harvest.
3. Cumulative reductions due to U.S. invoking Paragraph 9 measures must not exceed a maximum of 30% WCVI reduction (i.e., 20% + max 10% Par. 9).
4. Increase the amount of mitigation required to reflect the real value of the fishery. (The current U.S. and Canadian estimates of total mitigation are too low and only provide for purchase of licences at a reduced value. The amount under consideration does not mitigate the value of vessels, enterprise values, dependent infrastructure, employment, and other benefits due to the Area G fishery.)

Domestic Recommendations:

1. Canada fully mitigate the fishery and community impacts of reductions in WCVI and NBC that are not met by U.S. contributions.
2. Cap the AABM recreational fisheries at recent levels (40,000 WCVI) and/or work toward fixed harvest shares for the recreational fishery to prevent further erosion of commercial troll fisheries.
3. Ensure the benefits from agreed harvest reductions (e.g. increased chinook returning to terminal areas) accrue to spawning escapement to hasten rebuilding of chinook stocks.
4. Manage 2008 WCVI commercial chinook fisheries to harvest the entire AABM TAC.

Now that Canada and the U.S. have reached this agreement-in-principle, Nuuchahnulth Nations will need to prepare for further consultations on this issue. A meeting with DFO on the agreement has been scheduled for July 11th in Port Alberni. Further Nuuchahnulth internal discussions and dialogue with DFO will take place at the July 30/31 Uu-a-thluk Council of Ha'wiih meeting at Anacla (Bamfield). Nuuchahnulth Nations and fishermen will need to evaluate whether their interests can be met by the proposed chinook agreement.

For further information on the chinook agreement, please contact Don Hall at 724-5757 (dhall@nuuchahnulth.org) or Roger Dunlop at 283-2012 (rdunlop@nuuchahnulth.org). To view the draft agreement, visit this link: http://www.uuathluk.ca/AnnexIV_Chapt3_Chinook.pdf