



March 18, 2021

Honourable Bernadette Jordan, P.C., M.P.
Minister of Fisheries and Oceans
200 Kent Street
Ottawa, Ontario
K1A 0E6
Via Email: min@dfo-mpo.gc.ca

Re: Marine Conservation Caucus raises concerns over Opposition MP's Letter in Support of Mark Select Fisheries in BC

Dear Minister Jordan,

The Pacific Marine Conservation Caucus (MCC) is comprised of nine core conservation groups and is an officially recognized stakeholder in consultations with Fisheries and Oceans Canada. While the MCC does not replace the activities of any conservation group, it provides unique opportunities for the conservation sector to work collaboratively, share information and provide advice at official advisory tables.

The MCC is concerned that several opposition MPs have written in support of mark selective fisheries (MSF) being implemented in BC recreational Chinook fisheries without full knowledge of their potential impacts.

While there may be limited opportunities for MSF fisheries in BC recreational Chinook fisheries, most of the fisheries currently proposed by the Sports Fish Advisory Board (SFAB) do not support the conservation and recovery of threatened and endangered south coast Chinook populations and are inconsistent with the 5% total mortality objective for endangered Fraser Chinook.

In addition, the MCC believes that:

- 1) Fisheries-independent monitoring of stock composition, catch/releases, and compliance has not been established at the necessary level to approve MSF, nor is it consistent with the National Bycatch Policy. Meaning many proposals may have unintended consequences and be without the necessary monitoring in place to evaluate them;
- 2) Ecosystem interactions in current and expanded mixed-stock fisheries have not been evaluated as to their consistency with recovery objectives for endangered Southern

Resident killer whales. This includes ecological interactions from fisheries competition, vessel disturbance in key foraging areas, and age-overfishing (also called growth-overfishing) in mixed stock fisheries;

- 3) There are outstanding issues with respect to First Nations' rights and title, in relation to priority access to salmon; and
- 4) There remain significant concerns with the impacts of hatcheries on wild Pacific salmon. The establishment of mark-selective fisheries creates an incentive to continue and expand potentially harmful hatchery production.

DFO Pacific Region has produced a detailed report in support of the proposed sport fisheries on behalf of the SFAB. It is unfortunate that this report obfuscates some serious issues inherent in many of the proposals. In several of the proposals, the report aggregates the data to avoid evaluating the impacts by month or sub-area. For example, in the Howe Sound Area 28 proposal, it suggests the sport fishery would have a very limited impact on endangered Fraser Chinook (harvest of less than 1%) but this conclusion is reached by aggregating the very limited stock composition and catch and effort data over the entire year. An examination of the limited stock composition data shows that 50% of the DNA samples in the month of August consisted of endangered Fraser Chinook. Hence, the actual impact on the populations of concern could be much higher than the 0.06% presented. Moreover, the proposal would encourage more effort in this area by allowing anglers to retain their catch. This increased effort will increase the expected impacts on endangered populations not only by their retention, but also from the mortalities associated with increased numbers of Chinook being caught and released. Similar issues are present in proposed West Coast Vancouver Island mark selective fisheries.

For other MSF proposals in Johnstone Strait and Georgia Strait, DFO states in the report that there is a paucity of data to draw any conclusions on impacts. But a key issue here is that the report is focused on impacts on endangered Fraser Chinook populations. In many of these fisheries, the impacts are on endangered and data-deficient east coast Vancouver Island Chinook. In some months of the proposed fisheries, 50%+ of the catch consists of these endangered populations. The impacts on these populations are ignored in the report.

Moreover, DFO's report employs an estimate of Fishery Related Incidental Mortality (FRIM) that is inconsistent with DFO's science guidance on FRIM (CSAS 2016/049). The analysis uses a blanket mortality rate of 20% for unmarked fish that are released and does not recognize the variations in FRIM due to factors such as pinniped depredation, handling, compliance, water temperatures, distance to spawning grounds, etc. As a result, a 20% rate may be too low for most of the proposals.

An underestimation of FRIM biases the report's conclusions of minimal/acceptable harm. This concern is identified by DFO in the report: *"There are concerns with subsequent release mortalities resulting from turning over fish as the retention size range is a small proportion of the legal sized fish and given the low incidence of hatchery marked fish in the catch."* This means that release

numbers will be significant, that many caught fish will be larger or smaller than can be kept, and most Chinook won't be marked, all implying that many fish will likely be hooked, handled and released before retaining one that is permitted in areas with high pinniped concentration. Therefore, increased depredation and predation after release will occur and this mortality needs to be reflected in the FRIM rate.

These proposals also wrongly assume DFO has an accurate measure of stock composition, effort, catch, releases, and compliance. DFO does not. For most proposals, past measures of stock composition are based on coded wire tag (CWT) data with limited data from Genetic Stock Identification (GSI) on the retained catch. (For example, prior to 2019, most Fraser stocks of concern caught on Fraser approaches through the Strait of Juan de Fuca were released based on their size, and therefore not sampled for DNA). The result is the report may seriously underestimate the proportion of endangered and threatened populations expected to be encountered in the proposed fisheries. DFO acknowledges in the report that the available data on stock composition is insufficient to understand stock composition by time and area for many of these proposals, and is certainly insufficient to draw firm conclusions.

There are also no fishery independent estimates of compliance or retained catch and releases for any of the proposed fisheries. It is therefore unclear how accurate the compliance, catch and release data are for these proposals. Accurate compliance, catch, and release data are fundamental for analysing fishery impacts.

As such, there are significant levels of uncertainty in the SFAB proposals. The supporting summary report by DFO leaves the reader with the impression that estimates of effort, catch, releases, compliance, FRIM, and stock composition are accurate and conclusions relative to its evaluation table can be drawn. However, a careful read identifies many uncertainties and questionable assumptions in the body of the report that could well mean very different levels of impact on threatened and endangered Chinook.

The letter of support signed by the opposition MPs states, *"we believe it is possible and necessary for mark selective Chinook fisheries to be implemented in a manner that supports restoration and conservation of Pacific salmon, especially at-risk populations"* and requests that you *'support mark selective fisheries that are properly designed, implemented, and monitored to prevent unintended impacts on unmarked or untargeted fish of wild origin.'*

The impacts in specific months and areas are *clearly inconsistent with the restoration and conservation of wild Chinook* as these proposals will inevitably lead to additional harvest impacts on endangered and threatened wild Chinook populations. Further, none of the proposals incorporate the monitoring that is necessary to evaluate and *'prevent unintended impacts on unmarked or untargeted fish of wild origin'*.

Effective monitoring in any MSF or MM fishery requires random sampling of 20% of the retained catch and releases for stock composition (similar to what is required of commercial fisheries with identified impacts on endangered Chinook) and fishery independent monitoring of 20% of the catch, releases, and compliance. Each fishery would also need to incorporate a scientifically defensible estimate of FRIM. Finally, the cumulative impacts of all the proposals should have a net zero increase in the impacts on endangered Chinook relative to the 5% total mortality objective set by the Minister. Unfortunately, DFO provides little evidence that the necessary monitoring or evaluation will be implemented to determine whether or not this will be achieved.

The MCC therefore urges you to delay the approval of any of the proposed mark selective fisheries until the above identified issues are addressed and there is support from First Nations and stakeholders other than the SFAB and SFI.

We request a meeting at your earliest convenience to further discuss these and related matters.

Sincerely,



Aaron Hill
Executive Director
Watershed Watch Salmon Society



Misty MacDuffee
Wild Salmon Program Director
Raincoast Conservation Foundation



Jeffery Young
Senior Science and Policy Analyst
David Suzuki Foundation



ZoAnn Morton
Executive Director
Pacific Streamkeepers Federation



Greg Knox
Executive Director
SkeenaWild Conservation Trust



Karen Wristen
Executive Director
Living Oceans Society



Scott Carlson
Executive Director
Coastal Rivers Conservancy

On behalf of the Pacific Marine Conservation Caucus

Cc: Terry Beech, M.P.

Hon. Lana Popham, M.L.A.

Fin Donnelly, M.L.A.

Hon. Jonathan Wilkinson, M.P.

Gord Johns, M.P.

Mel Arnold, M.P.

Hon. Hedy Fry, M.P.

Hon. Harjitt Sajjan, M.P.

Hon. Joyce Murray, M.P.

Hon. Carla Qualtrough, M.P.

Kenny Chui, M.P.

Marc Dalton, M.P.

Ed Fast, M.P.

Tracy Gray, M.P.

Cathy McLeod, M.P.

Rob Morrison, M.P.

Nelly Shin, M.P.

Mark Strahl, M.P.

Taylor Bachrach, M.P.

Rachel Blaney, M.P.

Richard Cannings, M.P.

Randall Garrison, M.P.

Peter Julian, M.P.

Jenny Kwan, M.P.

Alastair MacGregor, M.P.

Jagmeet Singh, M.P.

Elizabeth May, M.P.

Paul Manly, M.P.

Terry Beech, M.P.

Ken Hardie, M.P.

Patrick Weiler, M.P.

Ron Mackinnon, M.P.

Randeep Sarai, M.P.

Jennifer Phillips, Policy Advisor, Office of the Minister of Fisheries and Oceans