

MF-13960

MF - 13960

FILE NO.: 25-5-7-2-SALMON-1

**A CANADIAN REPORT CARD FOR
ANNEXES OF THE PACIFIC SALMON
TREATY**

NOVEMBER 1, 1990

EXECUTIVE SUMMARY

The DFO International Unit, in consultation with members of the Canadian Section, has documented the objectives that each country reportedly held during negotiation of the Pacific Salmon Treaty and its Annexes, and during the first four years since the Treaty's implementation in 1985. The full Report Card describes the performance of the Parties respecting each objective and includes supporting catch and interception data. What follows is a listing, by Annex Chapter, of the objectives, conclusions and Chapter summaries regarding the Parties' success in achieving their objectives.

2.0 TRANSBOUNDARY RIVERS

2.2 CANADIAN OBJECTIVES, TREATY PROVISIONS AND ASSESSMENT

2.2.1 Canadian Objective - Protect Canadian Sovereignty Including Recognition of Canadian Production in the Interception Balances

Conclusions

Canadian sovereignty has been protected by the initial agreement and has been improved by the new 5-year entitlements for Canadian fisheries, and by the Treaty specified role for Canada in management and development of the stocks. However sovereignty has a significant financial cost; and there are several other salmon producing systems which remain unrecognized in the Treaty provisions.

The deeming provision was one practical solution to the difficult problem of getting Alaska to buy into the Treaty. However, Canada will have to be careful with its interpretation in future negotiations.

2.3 UNITED STATES OBJECTIVES, TREATY PROVISIONS AND ASSESSMENT

2.3.1 U.S. Objective - Stop Canadian TBR Fisheries and any Credit for Alaskan Interceptions under the Equity Provision

Conclusions

Clearly the United States did not achieve its goal to eliminate Canadian fisheries. In fact, the long term enhancement and management commitments of the current Annex are viewed by some as United States recognition of Canada's right to a significant entitlement from transboundary stocks.

The current wording of the MOU regarding deeming is not as favorable to Canada as that agreed to before in the 1982 draft version of the Treaty.

2.3.2 U.S. Objective - Maintain Canadian Harvest Shares at 1985 Levels

Conclusions

The United States was not successful in maintaining Canadian harvest shares at 1985/86 levels. As noted above, after the 1987 hiatus Canada improved harvest sharing for sockeye and coho on both major TBR rivers.

2.3.3 U.S. Objective - Develop Cooperative Enhancement Plans for the Stikine and Taku Rivers

Conclusions

Canada and the United States share this objective. Both countries have agreed to embark on a jointly planned and coordinated enhancement program for transboundary rivers.

NORTHERN BRITISH COLUMBIA, SOUTHEASTERN ALASKA

3.2 CANADIAN OBJECTIVES, TREATY PROVISIONS AND ASSESSMENT

3.2.1 Canadian Objective - Limit Skeena and Nass Sockeye Interceptions by Controlling Noyes Island and Tree Point Fisheries

Conclusions

The percentage of the B.C./Alaska catch of Skeena-Nass sockeye stocks taken by Alaska has not increased. However, Alaskan catch of Skeena-Nass stocks has increased due to higher abundance of Canadian stocks.

Treaty arrangements at Noyes Island have not greatly affected the Alaskan catch of Skeena-Nass sockeye largely because of their later migration timing since the Treaty was implemented. At Tree Point, the gillnet fishing pattern depends on seine fishing times in other areas, and so far the Treaty arrangements have not overridden this arrangement; this has significantly reduced Canadian fishing opportunities for Nass sockeye. Canada would be wise to consider new means to achieve the objective of reducing Alaska's share of the Skeena-Nass TAC.

3.2.2 Canadian Objective - Increase Canadian Troll Catches of Pink Salmon in Area 1

Conclusions

Canada has increased troll catches in Area 1 to record levels while negotiating the flexibility to target on Canadian stocks; catches of U.S. stocks have not significantly increased.

3.3.2 U.S. Objective - Maintain Traditional Southeast Alaska Net Fisheries

Conclusions

Sockeye catches by Alaskan fisheries at Noyes Island, Tree Point and in other Districts have been maintained (see Section 3.2.1).

3.3.3 U.S. Objective - Control Area 1 Troll Interceptions of Sea Pinks

Conclusions

The catch of Alaskan pinks by trollers in Area 1 has not significantly increased(see Section 3.2.2).

3.5 SUMMARY

The northern boundary balance of interceptions for sockeye and pinks, based on Canadian interception estimates, is presented below.¹

Average Interceptions		Sockeye	Pink
Canada of U.S.	77-80	23,565	870,067
	81-84	68,897	1,629,499
	85-88	35,224	1,857,212
U.S. of Canada	77-80	372,669	567,375
	81-84	483,012	1,248,206
	85-88	535,352	1,609,165
Net	77-80	-349,104	302,692
	81-84	-414,115	381,293
	85-88	-500,128	248,347

Since 1985, the U.S. has increased sockeye interceptions and both countries have increased pink interceptions. These increases are mostly due to fisheries targeting on larger domestic runs (Figures 3.1-3.3).

¹ Chum stock composition estimates not sufficiently reliable for interceptions analysis.

CHINOOK SALMON

4.2 CANADIAN OBJECTIVES, TREATY PROVISIONS AND ASSESSMENT

4.2.1 Canadian Objective - Maintain the 3-Cycle Chinook Rebuilding Program and Seek Opportunities to Increase Harvest from Stocks that are Ahead of Schedule

Conclusions

At this time the Chinook Technical Committee is continuing its evaluation of rebuilding and the Working Group has not yet met. Until their final recommendations have been released it would be premature for Canada to come to any firm conclusions regarding the success of rebuilding to date. However, preliminary results from the CTC suggest that the rebuilding program is being maintained, although stocks with fall migration timing have not responded as well as stocks with earlier timing, and some, notably LGS and WCVI chinook, continued to decline through 1987. Other Canadian stocks that may not be rebuilding include the Alsek and Smith Inlet stocks; the escapement trend for the Harrison River stock is unclear.

Whether there are stocks that are recovering faster than anticipated, whether these offer opportunities to increase chinook harvest, and where such opportunities could be taken await results from PSC deliberations.

4.2.2 Canadian Objective - Maintain Viability of Canadian Troll and Sport Fisheries

Conclusions

WCVI and North Coast troll fisheries for chinook have been greatly curtailed in fishing times and areas. This reflects the effect of the ceilings coupled with

Pass-through commitments for Canadian fisheries have largely been fulfilled. The only significant issue is domestic and involves conflicting ways to measure harvest rate reduction for LGS chinook in the Johnstone Strait seine fishery.

4.2.5 Canadian Objective - Control Induced Mortality Resulting from Management Actions Designed to Keep Catches within Treaty Limits

Conclusions

In general, Canada has conducted its fisheries in a responsible manner and has not increased induced mortalities over those experienced in the 1979-82 base period. However, Canada has not conducted sampling during recent troll CNR fisheries, contrary to agreement between the parties, and has apparently increased age 4 exploitation due to the troll size limit change. This may have a negative effect on rebuilding.

4.2.6 Canadian Objective - Control Escalating U.S. Juan de Fuca and Outer Puget Sound Fisheries for Chinook

Conclusions

It is not clear whether harvest rates have changed in either parties fisheries in Juan de Fuca Strait. Catches by both countries are higher in the Strait since 1985 compared to 1981-84, but are lower than 1977-80 levels.

4.3 UNITED STATES OBJECTIVES, TREATY PROVISIONS AND ASSESSMENT

4.3.1 U.S. Objective - Maintain the 3-Cycle Chinook Rebuilding Program

Conclusions

4.3.4 U.S. Objective - Downplay Induced Mortality in Alaskan Fisheries and Play-up Canadian Induced Mortality Problems

Conclusions

In 1986, the CTC was asked to evaluate the impact of new induced mortalities on rebuilding; this assessment has not been completed. Until such time as CTC analyses are completed, the two sides will probably continue to harass each other over such issues as seine CNR in Alaska, the Canadian change to a 28 inch troll size limit in 1987 outside the Strait of Georgia, and growing CNR troll fisheries in Alaska and B.C. (see above). After several rounds of "pot calling kettle black" it is probably fair to say that neither side has convinced the other that it is the worst offender.

4.3.5 U.S. Objective - Draw Attention to LGS Rebuilding Problems

Conclusions

The United States took every opportunity through the first PSC meetings in 1987 to draw attention to the lack of rebuilding of LGS escapements (Nanaimo, Cowichan, Squamish) and the continued decline in chinook abundance in the Strait of Georgia. Their specific concern was that Canadian fisheries in the Strait of Georgia would retarget on intermingled Puget Sound stocks; their overall strategy included getting Canada to take conservation actions for the benefit of weak stocks as the United States does under its weak stock management system.

When it became clear to the CTC that existing ceilings would not allow LGS chinook to rebuild and thus harvest rates needed to be further reduced, and Canada took little meaningful action, the United States went so far as to question Canada's commitment to the chinook rebuilding program. However, when Canada formed the Strait of Georgia Task Group in November of 1987 to address the LGS problem, the United States adopted a wait and see approach and did not formally raise the LGS issue through the last of the 1987/88 PSC meetings. Since then, in recognition of the importance of LGS chinook to Strait of Georgia fisheries, Canada has implemented a suite of strong management actions (Section 4.2.3). Now the United States is

Confidential

Page 15

portion of the recent increase in United States catch is due to increased terminal harvest on the Columbia River.

5.2.3 Canadian Objective - Minimize United States Harvest of Fraser Sockeye and Pinks

Conclusions

Sharing arrangements under the Treaty through 1992 limit the United States shares of Fraser River sockeye and pink catches to levels significantly below the United States historic shares. The numerical cap to be applied to United States fisheries in 1989-1992 will result in the United States harvesting fewer sockeye in 1989-92 than in the previous four years. With prospects for increasing stock levels, Canadian catches should rise substantially over the next four years. The future of the pink stocks is more questionable. Even if stock abundance does not rise, Canada's share will be greater than throughout most of the recent history of the fishery.

5.2.4 Canadian Objective - Gain Full Credit for Fraser Fish in Equity Balances

Conclusions

Canada has succeeded in gaining United States acceptance of Fraser-bound salmon as counting fully as fish of Canadian origin in interpretation of the equity sharing provisions of Article III.

5.3 UNITED STATES OBJECTIVES

5.3.1 U.S. Objective - Maintain the Highest Possible Entitlements of Fraser Sockeye and Pink Catches, Especially Participation in Harvests of Future Increases in Production

Conclusions

The United States has been unable to achieve desired levels of catch; as outlined above, United States "entitlements" of Fraser catches are held well below historic levels and, at least for 1989-92, the United States cannot share in increased production.

COHO SALMON

6.2 CANADIAN OBJECTIVES, TREATY PROVISIONS AND ASSESSMENT

6.2.1 Canadian Objective - Maintain the West Coast of Vancouver Island Troll Fishery in Order to Balance Interceptions which Canada Believed Were Heavily in Favour of the U.S.

Conclusions

Canada has maintained the West Coast of Vancouver Island troll fishery at a relatively high level despite United States pressure for reduction. However, the Treaty limits have been somewhat more restrictive than anticipated, the Treaty mandated ceiling of 1.75-1.8 million having been reached in two of the four years of the Treaty's existence. Although precise calculations have not been carried out, had the Treaty not been in place, an additional 270,000 coho (about half of which might have been bound for United States rivers) might have been caught (see below). Whereas the restrictions have limited Canadian fishing, the concessions made were instrumental in gaining United States agreement to substantial limitations of their fisheries on Fraser sockeye and pinks.

6.2.2 Canadian Objective - Limit United States Coho Fisheries in Washington Areas 7 and 7A to Catches Made Incidentally to the Harvest of Sockeye and Pink Salmon

Conclusions

The two sides have been unable to solve the vexing Area 7 and 7A coho problem which has occupied the attention of the two sides to an extent that is all out of proportion with the relatively small number of fish involved. The dispute calls into question the relative precedence of the PSC Treaty and United States Indian Treaties

capement of coho from Canadian fisheries to inshore Washington fishing areas remains one of the United States highest priorities.

6.3.2 U.S. Objective - Maintain Flexibility to Conduct Directed Coho Fisheries to Meet Indian Tribal Requirements in Areas 7 & 7A

Conclusions

At the cost of developing considerable animosity within the Commission, the United States has maintained its ability to conduct directed coho fisheries in Areas 7 and 7A to meet Tribal demands. United States administrators are determined to maintain this capability. An important element in this position is the desire on the part of the United States Government to avoid a court challenge by the Tribes which would open up the question of the precedence of the PSC Treaty and United States Indian Tribal Treaties. The numbers of fish taken in the disputed fisheries have been small.

6.5 SUMMARY

As part of the compromise to gain United States acquiescence with Canadian positions regarding Fraser sockeye and pinks, Canada accepted limitations of its major intercepting troll fishery off the west coast of Vancouver Island. However, even with the limits applying in two of the last four years, Canadian catches have remained high (slightly higher than the averages for 1968-1980 and only slightly below the record average of 1981-1984). Canada has resisted attempts by the United States for limitations of other southern B.C. coho fisheries. United States insistence in conducting small directed fisheries for coho in the Point Roberts/San Juan Islands/Juan de Fuca corridor, mainly to meet Indian tribal commitments, is viewed by Canada as being inconsistent with the Treaty and with understandings reached between administrators and within the new Commission. The dispute remains a major irritant between the Parties.

On a long term basis, catches by Canada and the United States of coho produced in British Columbia are now near record levels (Figure 6.7 middle), as are catches of

SOUTHERN BRITISH COLUMBIA AND WASHINGTON STATE CHUM SALMON

7.2 CANADIAN OBJECTIVES, TREATY PROVISIONS AND ASSESSMENT

7.2.1 Canadian Objective - Limit the United States Fisheries at Point Roberts and in the San Juan Islands to Catches Made Incidentally to the Harvest of Sockeye and Pinks

Conclusions

Canada was unable to prevent the United States from conducting directed fisheries intercepting Canadian chums in Areas 7 and 7A, but was able to gain limits on the fisheries which would prevent escalation of the fishery beyond historic levels.

Now that the United States catch of Fraser chums has been specified in the Treaty, Canada can begin to develop the comprehensive fishing plans that are required for overall management of Fraser stocks regardless of where they are fished.

7.2.2 Canadian Objective - Limit United States Chum Fisheries in Juan de Fuca Strait

Conclusions

Despite the fact that the Treaty did not place restrictions on intercepting United States chum fisheries in Juan de Fuca Strait, Canada has been successful in establishing recognition that the United States should minimize interceptions of Canadian chums. United States catches of Fraser-bound chums since the Treaty was initiated have, on average, been lower in terms of both absolute numbers and of percentages than the United States pre-1981 harvest. The recent takes, however,

Confidential

Page 25

abundance of non-Fraser stocks in Johnstone Strait did not trigger U.S. fisheries in area 7/7A when Fraser stocks were weak, and Fraser fishermen were "tied to the beach".

Even though the U.S. fishery in area 7/7A cannot grow under the three tier clockwork system, Canadian fishermen want the jump in the clockwork cap from 20,000 to 120,000 lowered, and the third tier eliminated. In their view the current system gives the United States leverage for increased shares from larger Canadian stocks, particularly those from the Fraser River that resulted from Canadian, not United States sacrifices. The United States remains committed to satisfying Native demands in the Juan de Fuca/San Juan/Point Roberts corridor for directed chum fisheries on largely Canadian stocks.

Figure 7.3 shows the estimated Canadian and United States catches of chums bound for Johnstone Strait, Georgia Strait, Fraser River and Nitinat Lake, the rivers contributing to the major southern British Columbia chum fisheries. It can be seen that the United States share represents a relatively small portion of the total catch from these stocks.