

PACIFIC REGION
FINAL

FIVE NATIONS MULTI-SPECIES FISHERY MANAGEMENT PLAN

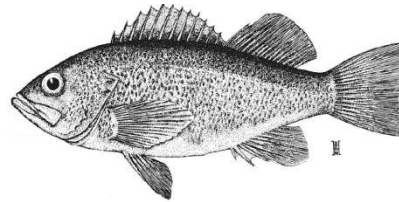
March 31, 2019 – March 31, 2020

SALMON, GROUND FISH, CRAB, PRAWN
SOUTHERN BC

Version 2.0



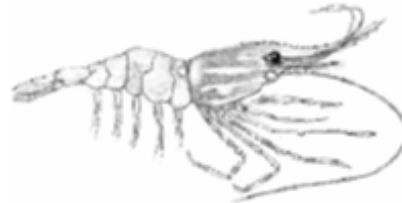
Genus *Oncorhynchus*



Black Rockfish (*Sebastes melanops*)



Dungeness crab (*Cancer magister*)



Spot Prawn (*Pandalus platyceros*)



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FMP Amendment Tracking

Date	Version	Sections revised and details of revision.
2019-03-31	March 31, 2019	Original
2019-04-18	2.0	<p>The following sections were revised as per the PICFI/ATP agreement signed by DFO and the Five Nations on April 18, 2019 (<i>Five Nations – DFO 2019 Agreement Regarding PICFI and ATP Access</i>). Specifically, the allocations in the following sections have been revised to reflect the portion of FMP Allocation to remain in the ATP and PICFI Programs.</p> <p>Section 6.5 (Access to salmon), Section 6.6 (Access to groundfish), Section 6.7 (Access to crab and prawn); Section 9.2.3.1.1 (AABM Chinook), Section 9.2.3.1.3 (Fraser River Sockeye), Section 9.2.3.1.4 (Fraser River Pink), Section 9.2.3.2 (Offshore Groundfish species); Section 9.3.3.1.3 (Nearshore Chum), Section 9.5.1 (Fishery Access and Allocation) [Crab], Section 9.6.1 (Fishery Access and Allocation) [Prawn].</p>

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GLOSSARY AND LIST OF ACRONYMS

A comprehensive glossary is available online at:

<http://www.pac.dfo-mpo.gc.ca/fm-gp/species-especes/salmon-saumon/glossary-eng.html>

GLOSSARY

For the purpose of this FMP, the following definitions apply.

TERM	DEFINITION
CTAC	The amount that is available for harvest by First Nations for FSC and Treaty domestic purposes, commercial and recreational fisheries. For further clarity, the Five Nations allocations in this FMP are a share of the available catch remaining after requirements for FSC and Treaty have been deducted from the CTAC (in fisheries that have a CTAC).
Offshore fishing area	Those portions of the CDA within PFMA 124-126, that extend nine nautical miles offshore.
Nearshore fishing area	Those portions of the CDA within Area PFMA 24-26, not including Terminal areas.
Terminal fishing area	Those portions of the CDA within PFMA 24-26 in close proximity to the mouths and or within rivers, not including Nearshore areas.

LIST OF ACRONYMS USED IN THIS PLAN:

ACRONYM	PHRASE
AABM	Aggregate Abundance-Based Management
ACFLR	Aboriginal Communal Fishing Licences Regulations
ATP	Allocation Transfer Program
CCG	Canadian Coast Guard
CCTAC	Canadian Commercial Total Allowable Catch
CDA	Court Defined Area
COHO ABM	Coho Abundance-Based Management
COSEWIC	Committee for the Status of Endangered Wildlife in Canada
CTAC	Canadian Total Allowable Catch
CWT	Coded Wire Tag
DA	Domoic Acid
FAS	Frozen at Sea
FGR	Fishery General Regulations
FMP	Fishery Management Plan
FRP	Fraser River Panel
FSC	Food, Social, and Ceremonial
IFMP	Integrated Fisheries Management Plan
IFR	Interior Fraser River
IPHC	International Pacific Halibut Commission
ISBM	Individual Stock-Based Management
ITQ	Individual Transferable Quota
LAER	Low Abundance Exploitation Rates

LGS	Lower Strait of Georgia
PICFI	Pacific Integrated Commercial Fisheries Initiative
PFMA	Pacific Fishery Management Areas
PFR	Pacific Fishery Regulations
PSC	Pacific Salmon Commission
PSP	Paralytic Shellfish Poison
PST	Pacific Salmon Treaty
RCA	Rockfish Conservation Area
RIRSD	Recognition of Indigenous Rights and Self-Determination
SARA	Species at Risk Act
SFF	Sustainable Fisheries Framework
TAC	Total Allowable Catch
TC	Transport Canada
VMS	Vessel Monitoring System
VRN	Vessel Registration Number
WCVI	West Coast Vancouver Island

1 Preamble

For the purposes of this Fishery Management Plan (FMP), Ahousaht, Ehattesaht, Hesquiaht, Mowachaht/Muchalaht, and Tla-o-qui-aht are referred to as the “Five Nations”. This 2019/20 Five Nations FMP is developed pursuant to paragraphs 8, 9, 16, and 17 of the Court Order dated November 1, 2018 (the “Order”).

This document outlines the fishing opportunities that DFO will provide the Five Nations in 2019/20 to exercise their rights to harvest salmon, groundfish, crab, and prawn in the Court Defined Area (CDA). The opportunities outlined in this document are also intended to remedy the general and specific findings of unjustified infringement at paragraphs 8 and 9 of the Order from a fisheries management perspective.

This is the first Five Nations multi-species FMP designed by DFO. DFO intends to consult and to work collaboratively with representatives of the Five Nations to adjust and review the Five Nations FMP as appropriate in future years.

This first plan is specifically designed to address paragraphs 8, 9, 16, and 17 of the Order of the British Columbia Supreme Court that related to the decision of Madam Justice Humphries made on April 19, 2018. Accordingly, this first multi-species plan outlines how salmon, groundfish, crab and prawn fisheries will be addressed.

The Court found that DFO’s management of the Five Nations’ clam and gooseneck barnacle fisheries do not infringe their rights. These, and other fisheries, are part of this multi-species fishery and will be incorporated into the multi-species plan in the future.

2 The Interpreted Declared Right

2.1 Interpretation of the Declared Right by Madam Justice Humphries

Paragraph 5 of the Order sets out that the Five Nations’ declared aboriginal right to fish and sell fish is to be interpreted as follows:

- a. *A non-exclusive, small scale, artisanal, local, multi-species fishery, to be conducted in their court defined area for fishing, which extends nine nautical miles offshore, using small, low-cost boats with limited technology and restricted catching power, and aimed at wide community participation;*

- b. Providing predictable and long term fishing opportunities; and*
- c. Allowing the sale of fish into the commercial marketplace with the objective, but not the guarantee, of sustainability and viability.*

2.2 Use of Trollers in the Right-based Fishery

DFO has designed the Five Nations' fishery to allow for wide community participation within the CDA by small, low-cost boats, and to reflect their catching power. The use of some trollers is permitted within the CDA, but the fishery does not encompass a fleet of troll vessels with average fishing effort that is used in the regular Area G commercial fishery. DFO may also limit the use of commercial troll gear for reasons of conservation, sustainability, and to provide for wide community participation, among other considerations. See Appendix 2 for details.

3 Conservation

The fisheries contained in this plan will be conducted in a manner consistent with conservation requirements applicable for each species. Regulatory requirements and policy that inform the direction of management decisions (e.g. decision-making that incorporates the Precautionary Approach) are described within Section 4 of this plan. Fishery specific management measures are described in Section 9 (Specific Fisheries Harvesting Opportunities). These measures are designed to support conservation objectives including control of the harvest of target and by-catch species, measures to protect vulnerable life stages (e.g. size, sex restrictions), effort or gear restrictions, time and area prohibitions, or other reasonable measures.

3.1 Precautionary Approach

The Department follows the Sustainable Fisheries Framework (SFF), which is a toolbox of policies for DFO and other interests to sustainably manage Canadian fisheries in order to conserve fish stocks and support prosperous fisheries. The SFF includes a decision-making framework incorporating a precautionary approach to commercial, recreational, and Food, Social, and Ceremonial fishing: <http://www.dfo-mpo.gc.ca/reports-rapports/regs/sff-cpd/precaution-eng.htm>

In general, the precautionary approach in fisheries management is about being cautious when scientific knowledge is uncertain, and not using the absence of adequate scientific information as a reason to postpone action or failure to take action to avoid serious harm to fish stocks or their ecosystem. This approach is

widely accepted internationally as an essential part of sustainable fisheries management.

Applying the precautionary approach to fisheries management decisions entails establishing a harvest strategy that:

- identifies three stock status zones – healthy, cautious, and critical – according to upper stock reference points and limit reference points;
- sets the removal rate at which fish may be harvested within each stock status zone; and
- adjusts the removal rate according to fish stock status variations (i.e., spawning stock biomass or another index/metric relevant to population productivity), based on pre-agreed decision rules.

The framework requires that a harvest strategy be incorporated into respective fisheries management plans to keep the removal rate moderate when the stock status is healthy, to promote rebuilding when stock status is low, and to ensure a low risk of serious or irreversible harm to the stock. A key component of the Precautionary Approach Framework requires that when a stock has declined to the Critical Zone, a rebuilding plan must be in place with the aim of having a high probability of the stock growing out of the Critical Zone within a reasonable timeframe: <http://www.dfo-mpo.gc.ca/reports-rapports/regs/sff-cpd/precautionary-precaution-eng.htm>

3.2 Depleted Species Concerns

3.2.1 Species at Risk Act

The purposes of the *Species at Risk Act* (SARA) are “to prevent wildlife species from being extirpated or becoming extinct, and to provide for the recovery of a wildlife species that are extirpated, endangered or threatened as a result of human activity and to manage species of special concern to prevent them from becoming endangered or threatened”. More information on SARA can be found at: <https://www.registrelep-sararegistry.gc.ca>

In addition to the existing prohibitions under the *Fisheries Act*, under SARA it is illegal to kill, harm, harass, capture, take, possess, collect, buy, sell or trade any listed endangered or threatened animal or any part or derivative of an individual. These prohibitions apply unless a person is authorized, by a permit, licence or other similar document issued in accordance with SARA, to engage in an activity affecting the listed species or the residences of its individuals. Species listed as special concern are not included in these prohibitions.

Endangered, threatened, and special concern species in Pacific region currently listed under SARA can be found at <http://www.dfo-mpo.gc.ca/species-especies/index-eng.htm>.

Marine or anadromous species of fish designated by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) that are currently under consideration for listing under SARA are listed at the COSEWIC website at:

<https://www.canada.ca/en/environment-climate-change/services/committee-status-endangered-wildlife.html>

3.2.1.1 Shark Codes of Conduct

Of the fourteen shark species in Canadian Pacific waters, three are listed under SARA (see above). The Basking Shark (*Cetorhinus maximus*) is listed as Endangered, and the Bluntnose Sixgill Shark (*Hexanchus griseus*) and Topy Shark (*Galeorhinus galeus*) are species of Special Concern. The primary threats to shark species have been identified as bycatch and entanglement. In order to address the conservation concerns with shark species, it is important that measures are taken to reduce the mortality of sharks resulting from these primary threats. As such, commercial fishing licences include a Condition of Licence for Basking Sharks that specifies mitigation measures in accordance with SARA permit requirements.

Additionally, two 'Code of Conduct for Shark Encounters' documents have been developed to reduce the mortality of Basking Shark, as well as other Canadian Pacific shark species such as Bluntnose Sixgill and Topy Shark resulting from entanglement and bycatch in commercial, aquaculture, and recreational fisheries. These guidelines include boat handling procedures during visual encounters with Basking Sharks, as well as best practices for handling Canadian Pacific shark species during entanglement encounters.

These documents have been posted online and can be found at the following URL links.

Code of Conduct for Basking Sharks:

http://www.pac.dfo-mpo.gc.ca/fm-gp/species-especies/shark-requin/conduct_basking-conduite_pelerin-eng.html

Code of Conduct for Sharks:

<http://dfo-mpo.gc.ca/species-especies/publications/sharks/coc/coc-sharks/index-eng.html>

DFO prohibits the practice of shark finning. Though not a common practice in Canada, this action is in response to International concerns with fish handling practices in other jurisdictions, where the fins of sharks are removed at-sea and the remainder of the shark, sometimes still alive, is discarded overboard.

No person shall remove and retain the fins of any Spiny Dogfish or shark without retaining the remainder of the carcass for validation upon landing. The number of fins landed shall correspond to the number of carcasses landed.

3.2.1.1 Whale Depredation

Depredation (the removal of fish from fishing gear) by killer whales and sperm whales has been reported in commercial groundfish fisheries in British Columbia and Alaska.

Depredation is a learned behaviour that can spread throughout whale social groups and once established is impossible to eliminate. It is critical that harvesters do not encourage this learning by allowing whales to associate obtaining fish with fishing activity; encouraging this behaviour will quickly lead to significant losses for harvesters.

The most important approach to prevent this from spreading is by NOT feeding whales directly or indirectly and not hauling gear in the vicinity of killer whales and sperm whales. Typically killer whales pass quickly through an area allowing fishing to resume. It is also recommended that you advise other fish harvesters in the area if you encounter depredation. Additional tips on avoiding depredation events can be found in the DFO Marine Mammal Bulletin #2.

If you experience depredation by whales, please report the incident by email MarineMammals@dfo-mpo.gc.ca or by calling (604) 666-9965. Reporting all incidents will assist DFO managers and fish harvesters in understanding this problem and help in developing strategies to avoid it.

3.2.1.2 Whale, Leatherback Sea Turtle and Basking Shark Sightings

The Department welcomes assistance in the reporting of any whale, leatherback sea turtle or basking shark entanglement or sighting. While there are many whale species found in Pacific Canadian waters, sightings of Basking Shark and Leatherback Sea Turtles are infrequent. The collection of sighting data is useful to scientists in determining population size and species distribution and aids in recovery efforts under the SARA.

Marine Mammal Incident Reporting Hotline

The Department is responsible for assisting marine mammals and sea turtles in distress. If your vessel strikes a whale, or if you observe an entangled, sick, injured, distressed, or dead marine mammal in B.C. waters, please contact the B.C. Marine Mammal Response Network Incident Reporting Hotline immediately:

1-800-465-4336 OR VHF CHANNEL 16

What to report:

- Your name and contact information
- Date and time of incident
- Species
- Animal alive/dead
- Nature of injury
- Location: Latitude/Longitude coordinates, landmarks
- Pictures/Video taken

To report whale or turtle sightings contact the BC Cetacean Sighting Network:

- Toll free: 1.866.I.SAW.ONE (1-866-472-9663)
- Email: sightings@ocean.org
- Website: <http://wildwhales.org/>
- App: WhaleReport

To report basking shark sightings contact the Basking Shark Sightings Network:

- Toll free: 1-877-50-SHARK (1-877-507-4275)
- Email: BaskingShark@dfo-mpo.gc.ca,
- Website: www.pac.dfo-mpo.gc.ca/SharkSightings

3.2.1.3 Southern Resident Killer Whales

Two distinct populations of killer whales, known as the northern and southern residents, occupy the waters off the west coast of British Columbia. Northern

Resident Killer Whales are listed as Threatened and Southern Resident Killer Whales are listed as Endangered in Schedule 1 of the *Species at Risk Act*. Broad strategies for recovery are identified in the *Recovery Strategy for Northern and Southern Resident Killer Whales (Orcinus Orca) in Canada*, which was finalized in March 2008, and amended in 2011. The Recovery Strategy also identifies key threats to Resident Killer Whales as (1) lack of prey, (2) physical and acoustic disturbance, and (3) environmental contaminants. It can be viewed at: http://www.sararegistry.gc.ca/document/default_e.cfm?documentID=1341.

Critical habitat and its associated features have been identified for both populations in the Recovery Strategy, and are protected from destruction under SARA Section 58(4) through the issuance of an Order. The recovery strategy also identifies current threats as environmental contaminants, reduced prey availability, disturbance, noise pollution and mortality in fishing gear.

The *Action Plan for Northern and Southern Resident Killer Whales (Orcinus Orca) in Canada* follows from the Recovery Strategy, and identifies specific management measures to reduce anthropogenic threats and address research needs for Resident Killer Whales. It was finalized in 2017 and can be viewed at: http://registrelep-sararegistry.gc.ca/document/default_e.cfm?documentID=2944

3.2.1.3.1 Key Threat: Lack of Prey

Northern and Southern Resident Killer Whales are dietary specialists and feed primarily on Chinook salmon. DFO and other researchers continue to advance new scientific information and analyses regarding the ecology of resident killer whales. Much of this new information focuses on their feeding habits and preference for Chinook salmon. Fisheries that occur within the range of the resident killer whales as well as fisheries outside their range that affect Chinook abundance within their range are both potentially implicated.

Because Southern Residents also are listed as endangered pursuant to the United States Endangered Species Act, DFO has joined with the National Oceanic and Atmospheric Administration (NOAA) to collaboratively evaluate the status of the relevant science and analyses. The two agencies conducted three scientific workshops to undertake a transparent, collaborative and scientifically rigorous review of the available information about resident killer whales, their feeding habits, and the potential effects of salmon fisheries on the whales through prey reduction. A panel of independent scientists was selected to

oversee and participate in the process and produced a report documenting its findings.

The final report of the Independent Science Panel of the Bilateral Scientific Workshop Process to evaluate the effects of salmon fisheries on Southern Resident Killer Whales is available at:

<http://www.nwr.noaa.gov/Marine-Mammals/Whales-Dolphins-Porpoise/Killer-Whales/ESA-Status/upload/KW-Chnk-final-rpt.pdf>

The Action Plan contains measures to implement the recommendations from the Independent Science Panel's final report. In addition to continued research on the threat of reduced prey availability, the Action Plan identifies measures to explore potential management actions to address this threat, including:

- Take into account both the seasonal (acute) as well as the cumulative (chronic) effects of poor returns for Chinook and other important prey species on Resident Killer Whales when managing fisheries.
- Investigate the benefits of strategic salmon fishery planning approaches and management actions to reduce Resident Killer Whale prey competition in specific feeding areas (e.g. modeling, retention limits, fishery area boundary adjustments or closures), and implement where appropriate.
- Evaluate the potential impacts of disturbance and prey competition from fisheries on foraging success in key Resident Killer Whale foraging areas.

3.2.1.3.2 Fisheries Management Measures to Support Chinook Prey Availability for Southern Resident Killer Whales

The seasonal distribution and movement patterns of Resident Killer Whales are strongly associated with the availability of their preferred prey, Chinook Salmon (*Oncorhynchus tshawytscha*), and secondarily, Chum Salmon (*O. keta*). During the summer and fall, the principal prey of SRKW appears to be Chinook and Chum Salmon and throughout the Salish Sea, Chinook Salmon have experienced poor returns in recent years. There is less known about the winter and spring diet and winter distribution of the Southern Residents but recent and ongoing research will further our understanding and help further identify the principal threats facing the population.

For the 2019/20 fishing season, the Department may consider additional fishery management measures to support increased Chinook Salmon prey availability for SRKW.

3.2.2 Marine Mammal Protection Act

US-Marine Mammal Protection Act import provisions

In 2016, the US published new regulations (80 FR 54390) implementing the Marine Mammal Protection Act (MMPA) import provisions pertaining to the reduction of marine mammal bycatch in foreign commercial fishing operations. Every four years, the US publishes information on all fisheries that export to the US in the List of Foreign Fisheries (LFF). A harvesting nation intending to export fish and fish products to the US after January 1, 2022, must apply to the US National Oceanic and Atmospheric Administration (NOAA) for a comparability finding for each of its commercial fisheries listed in the LFF.

To receive a comparability finding for a fishery, the US MMPA import provisions mandate that the harvesting nation (country) demonstrate: 1) the prohibition of intentional mortality or serious injury of marine mammals in the course of commercial fishing operations; and 2) the implementation of a regulatory program comparable in effectiveness to the US, including bycatch estimates from at-sea observer programs and management/mitigation measures.

DFO would like to engage with the Five Nations to share information about this new U.S. regulation, its implications for Canadian fisheries, and discuss the process for ensuring continued access to US markets. Further information regarding the US-MMPA import provisions can be obtained on the NOAA website: <https://www.fisheries.noaa.gov/foreign/marine-mammal-protection/noaa-fisheries-establishes-international-marine-mammal-bycatch-criteria-us-imports> or by contacting your Regional Fisheries Coordinator or the DFO Marine Mammal Unit (MMU) (Contact: Lee Harber, Marine Mammal Advisor; Lee.Harber@dfo-mpo.gc.ca).

3.2.3 Inshore Rockfish Conservation

In 2002, an inshore rockfish conservation strategy was established with initial measures introduced for recreational and commercial fisheries. The strategy

addresses four areas under the fisheries management and stock assessment regime:

- a) Protect a part of inshore rockfish populations from harvest through the use of rockfish conservation areas.
- b) Collect information on total fishery mortalities through improved catch monitoring programs.
- c) Reduce harvests to levels that are less than the estimates of natural mortality (i.e. less than two percent).
- d) Improve the ability to assess the status of inshore rockfish populations and monitor changes in abundance.

There are 164 Rockfish Conservation Areas (RCAs) in place within BC waters. The most recent additions were implemented February 1, 2007 in the Strait of Georgia area. Fish harvesters are reminded prior to fishing to check with the local DFO office to verify RCAs and other closures currently in effect. A description of all RCAs can be found at:

<http://www.pac.dfo-mpo.gc.ca/fm-gp/maps-cartes/rca-acis/index-eng.htm>.

Consultations with First Nations will continue so that management of their fisheries will be consistent with conservation objectives and Departmental obligations with respect to priority access for food, social, and ceremonial purposes.

3.2.3.1 Rockfish Rebuilding Plans

Based on updated science information and DFO's policy document "Guidance for the Development of Rebuilding Plans under the Precautionary Approach Framework", the Department has established rebuilding plans for Bocaccio and Yelloweye Rockfish (Outside and Inside populations). The rebuilding plans, described in Appendix 9 of the Groundfish IFMP, define mortality caps and stepped reductions in harvest opportunity. The rebuilding plans account for Indigenous fishing opportunities.

The Department has worked with fishing interests to develop measures that will reduce mortality and enable stock rebuilding. Please refer to Appendix 9 and the harvest plans in the Appendices of the Groundfish IFMP, and relevant conditions of licence for further information on the measures being undertaken. The Department continues to review the efficacy of these measures at the end of each fishing season and considers any additional measures necessary to achieve stock rebuilding.

3.2.4 Wild Salmon Policy

The goal of Canada's Policy for Conservation of Wild Pacific Salmon (WSP), which was released in 2005, is to restore and maintain healthy and diverse salmon populations and their habitats for the benefit and enjoyment of the people of Canada in perpetuity. Consistent with the Policy, the Department has taken an incremental approach to WSP implementation, with the focus in the first years principally on the development of technical methods and tools to support the assessment of salmon conservation units, supplemented by some work to assess habitat and ecosystems as part of integrated strategic planning pilots in key areas.

Since 2005, there have been changes to legislation, policies, and programs relevant to conservation and protection of wild Pacific salmon. Furthermore, the Department has received recommendations on WSP implementation through an independent review of the policy in 2011 by Gardner Pinfold and the 2012 final report of the Commission of Inquiry into the Decline of Sockeye Salmon in the Fraser River. Over the last decade, there has also been an increase in knowledge about wild Pacific salmon, their habitats and ecosystems.

A detailed five year WSP implementation plan has been developed with clear activities, timelines, and accountabilities, and a commitment to public reporting on progress. Building on the input received during initial consultations in late 2016 and early 2017 with Indigenous groups, stakeholders and other interested parties on what to include in the implementation plan, in Fall 2017 DFO staff consulted broadly with Indigenous groups, stakeholders and other interested parties across BC and Yukon on an initial draft WSP implementation plan. Feedback received through these sessions and online helped inform the development of the final WSP implementation plan that was released this fall. The implementation plan is available here:

<http://www.pac.dfo-mpo.gc.ca/fm-gp/species-especies/salmon-saumon/wsp-pss/ip-pmo/intro-eng.html>

There will be annual reporting on implementation to track progress and to ensure that activities to restore and maintain Pacific salmon remain current.

Additional details regarding the WSP can be found at:

<http://www.pac.dfo-mpo.gc.ca/fm-gp/species-especies/salmon-saumon/wsp-pss/index-eng.html>

4 Legislation, Regulations, Authorities, and International Obligations

Subject to any management measures expressly outlined in the 2019/20 Five Nations FMP, all fishing opportunities outlined in this document will be conducted in a manner that is consistent with relevant legislation and regulations, including international agreements, and the decision-making authority of the Minister of Fisheries and Oceans.

5 General and Specific Infringements Found by the Court

This is a complete list of the general and specific infringements found by the court; and an explanation of how DFO will address the general and specific unjustified infringements as set out at paragraphs 8 and 9 of the Order.

5.1.1 General Unjustified Infringements at paragraph 8 of the Order

The following requirements of Canada's general regulation and management of the regular commercial fisheries were found to unjustifiably infringe the Five Nations' Aboriginal rights to harvest and sell fish (paragraph 8 of Order):

- (a) The Proceeding Plaintiffs must hold one commercial fishing licence per vessel;
- (b) The Proceeding Plaintiffs must register all fishing vessels under section 22(1) of the *Pacific Fishery Regulations, 1993*, SOR/93-54;
- (c) The Proceeding Plaintiffs must pay licence fees and the costs of obtaining licences and quota to exercise their rights;
- (d) The Proceeding Plaintiffs must hold one licence per species;
- (e) The Proceeding Plaintiffs cannot split or transfer licences or split quota;
- (f) Limited-entry licencing is based on vessel length and catch history;
- (g) Canada gives priority in allocation or in harvesting opportunities to the recreational fishery over the Proceeding Plaintiffs' exercise of their aboriginal rights to harvest and sell fish.

These general unjustified infringements will be addressed primarily in two ways:

1. by authorizing the Five Nations' right-based multi-species fishery under the *Aboriginal Communal Fishing Licences Regulations (ACFLR)* and;

2. by continuing to provide allocations, quota and harvesting opportunities at no-cost through programs such as the *Allocation Transfer Program (ATP)* and the *Pacific Integrated Commercial Fisheries Initiative (PICFI)*. Where appropriate, DFO will take other steps to provide the appropriate access.

Aboriginal Communal Fishing Licences Regulations (ACFLR)

The ACFLR provide a flexible, general licensing scheme under which the Minister may issue a communal licence to an aboriginal organization to authorize and accommodate aboriginal fishing in a manner consistent with aboriginal communal fishing practices. While often used to authorize fishing for food, social and ceremonial purposes, the ACFLR are also used to authorize fishing for sale.

The ACFLR are ideally suited to licensing fisheries such as the Five Nations' right-based, multi-species, wide community participation and multiple small boat fisheries.

When the Minister authorizes fishing by licences issued under the ACFLR, various provisions of the *Fishery (General) Regulations* (hereinafter the FGR)) and *Pacific Fishery Regulations, 1993* (hereinafter the PFR), that are applicable to the regular commercial fishery, do not apply to the ACFLR licensed fishery.

Restrictions applicable to the Five Nations' right-based multi-species fishery, such as close times and fishing area, will also be managed by licence conditions and can be tailored specifically to the fishery.

The following general unjustified infringements are addressed by authorizing the fishery under the ACFLR:

Paragraph 8 (a) The Proceeding Plaintiffs must hold one commercial fishing licence per vessel;

DFO proposes to address this unjustified infringement by authorizing the fishery under the ACFLR. When a fishing activity is licensed under the ACFLR, multiple vessels may be designated to fish under the authority of the same ACFLR licence.

Multiple persons may also be designated to fish under the authority of the same ACFLR licence, and the licence may authorize the fishing of multiple species.

By allowing multiple vessels and persons to fish under the authority of the same licence, the ACFLR facilitate wide community participation to address infringement 8(a) of the Order.

Paragraph 8 (b) *The Proceeding Plaintiffs must register all fishing vessels under section 22(1) of the Pacific Fishery Regulations, 1993, SOR/93-54;*

DFO proposes to address this unjustified infringement at paragraph 8(b) by authorizing the fishery under the ACFLR.

The requirement to register fishing vessels that is applicable to the regular commercial fishery under the *Pacific Fishery Regulations, 1993* does not apply to fishing for sale that is carried out under the authority of an ACFLR licence. Vessels that fish under an ACFLR licence do not need to be registered.

Instead, the vessels that may be used to fish under the authority of an ACFLR licence are designated in the licence. This allows multiple vessels to fish under the same ACFLR licence and facilitates wide community participation.

Designation of vessels can be made by the Minister or the Minister may allow the aboriginal organization that holds the ACFLR licence to designate the vessels. The licence can allow any number of vessels to be designated or the Minister may limit by licence condition the maximum number of vessels that may be designated by the aboriginal organization.

Paragraph 8 (c) *The Proceeding Plaintiffs must pay licence fees and the costs of obtaining licences and quota to exercise their rights;*

(i) *Licence fees*

DFO proposes to address the licence fee portion of this unjustified infringement, at paragraph 8(c) by authorizing the fishery under the ACFLR. The ACFLR do not require for the payment of any fee to obtain a licence, or any annual fee.

(ii) *Costs of licences and quota*

DFO proposes to address the portion of unjustified infringement in 8(c) referring to costs of licences and quota by providing licences and quota for the Five Nations' right-based multi-species fishery at no cost under ATP and PICFI). Where DFO is unable to provide access through voluntary relinquishment, DFO will take further steps to obtain the necessary access at no cost to the Five Nations.

Paragraph 8 (d) *The Proceeding Plaintiffs must hold one licence per species;*

DFO proposes to address this unjustified infringement by authorizing the fishery under the ACFLR. Under the ACFLR, the Minister may, by condition of licence, specify all the species and quantities of fish that are permitted to be taken or transported under one ACFLR licence.

Unlike commercial licences issued under the *Pacific Fishery Regulations, 1993*, there are no species-specific categories of licences for ACFLR licences. The ability to specify multiple species that may be fished under the same ACFLR licence will facilitate the multi-species nature of the Five Nations' rights and remedies infringement 8(d) above.

Paragraph 8 (e) *The Proceeding Plaintiffs cannot split or transfer licences or split quota;*

DFO proposes to address the unjustified infringement at paragraph 8 (e) by authorizing the fishery under the ACFLR.

The ability to designate vessels and fishers under an ACFLR communal licence eliminates the need to "transfer" licences or split quota in order to facilitate wide community participation of both the community and their vessels in the Five Nations' right-based fishery. This addresses 8(e) above.

Vessels and persons who may fish under the authority of the ACFLR licence are designated in the licence. Designations can be made by the Minister or the Minister may allow the aboriginal organization that holds the licence to designate the vessels and persons who may fish under the licence. The licence can allow any number of vessels and persons to be designated or the Minister may limit by licence condition the maximum number of vessels or persons that may be designated. The Minister may also limit by licence condition the maximum number of designated persons who may fish at any one time.

Paragraph 8 (f) *Limited-entry licencing is based on vessel length and catch history;*

DFO will not apply these limited-entry licensing considerations when making allocation decisions for the Five Nations' right-based fishery.

Paragraph 8 (g) *Addressing the General Unjustified Infringement in Priority in Allocation*

The Court also found that Canada unjustifiably infringed the Five Nations' exercising of their rights by giving priority in allocation to the recreational fishery over their rights.

To address this unjustified infringement, DFO proposes the following remedy:

Where possible, DFO will, as a general principle take, the Five Nations' commercial allocations as shares of the available catch remaining after requirements for FSC and Treaty have been deducted from the Canadian Total Allowable Catch (CTAC) in fisheries that have a CTAC. By calculating their share in this manner, instead of from the commercial TAC, DFO provides the Five Nations with access that is not affected by the access provided to the recreational fishery.

5.1.2 Specific Unjustified Infringements at Paragraph 9 of the Order

The following aspects of Canada's regulation and management of specific commercial fisheries were found to unjustifiably infringe the Five Nations' Aboriginal rights to harvest and sell fish (paragraph 9 of the Order):

Salmon

Nations' Aboriginal rights to harvest and sell fish (paragraph 8 of Order):

- (a) Canada's application of *An Allocation Policy for Pacific Salmon (October, 1999)* to give the recreational fishery priority in the allocation of Chinook and Coho salmon over the Proceeding Plaintiffs' aboriginal rights;
- (b) Canada's exclusion of the Proceeding Plaintiffs' small, low-cost boats from fishing in the five-mile corridor put in place to protect Coho stocks of concern;

Groundfish

- (c) The system of limited-entry licencing attached to groundfish quotas;
- (d) The general prohibition against retaining bycatch for sale and the requirement for individual quotas for each species of bycatch;
- (e) Setting an allocation for Halibut that would give priority in allocation to the recreational fishery, but the practical effect of this has to be examined in a specific context, if one arises; and

Crab

- (f) The lack of crab harvesting opportunities that Canada provided for the Hesquiaht and Tla-o-qui-aht Nations.

These unjustified infringements will be addressed as follows:

Paragraph 9 (a). *Canada's application of An Allocation Policy for Pacific Salmon (October, 1999) to give the recreational fishery priority in the allocation of Chinook and Coho salmon over the Proceeding Plaintiffs' aboriginal rights*

In the near term, DFO proposes to address the unjustified infringement at paragraph 9(a) of the Order in a variety of ways: by not applying the recreational priority for Chinook and Coho in the *Salmon Allocation Policy* to the Five Nations' right-based fishery.

For Chinook, DFO will change the way it allocates the Five Nations' share, by providing this as a share of the available catch remaining after requirements for FSC and Treaty have been deducted from the CTAC (in fisheries that have a CTAC) so that their share is determined ahead of the recreational and regular commercial fisheries shares. Accordingly the Five Nations allocation will not be impacted by allocation provided to the recreational and regular commercial fisheries.

For Coho, as there is no TAC to provide a share, DFO will provide the Five Nations with a fixed allocation with priority over the recreational fishery. This allocation will not be varied unless there is a conservation concern.

In the longer term, DFO is conducting a broader review of the entire *Salmon Allocation Policy* to reconsider how allocations are assigned between all Aboriginal rights holders and stakeholders. In the conduct of this review, DFO will also address the court's general direction on the Five Nations' priority in allocation over the recreational fishery in that policy.

Paragraph 9 (b). *Canada's exclusion of the Proceeding Plaintiffs' small, low-cost boats from fishing in the five-mile corridor put in place to protect Coho stocks of concern*

To address conservation concerns for Interior Fraser Coho, retention of wild Coho is not permitted in the offshore area until mid-September. In the nearshore fishery wild Coho retention is permitted subject to conservation concerns for WCVI Coho. Although the Court referred to the five mile corridor for Coho, this

corridor is actually put in place as a conservation measure to protect WCVI wild Chinook.

As a matter of policy, the court found that DFO permitted both the Five Nations' small boat fleet and the recreational fishery to fish within this five-mile Chinook conservation corridor. As a matter of conservation to protect vulnerable Chinook stocks DFO does not allow either the regular commercial fishery or the Five Nations' use of commercial trollers within this five-mile corridor.

The Court has directed DFO to formalize their present policy approach. Accordingly, DFO will permit the Five Nations to utilize their small, low-costs boats to fish within the five-mile Chinook conservation corridor.

Paragraph 9 (c) The system of limited-entry licencing attached to groundfish quotas

DFO proposes to address this unjustified infringement by authorizing the fishery under the ACFLR. Multiple persons may also be designated to fish under the authority of the same ACFLR licence, and the licence may authorize the fishing of multiple species.

When a fishing activity is licensed under the ACFLR, vessel length and catch history are not considered in allocating groundfish quotas.

Paragraph 9 (d) The general prohibition against retaining bycatch for sale and the requirement for individual quotas for each species of bycatch

DFO proposes to manage the Five Nations' fishery to permit retention of bycatch species, unless a conservation concern has been identified. For groundfish, bycatch is defined as incidental catch of species of rockfish and skate. Retention and sale of bycatch is permitted within the management measures which are established to meet conservation needs. The measures to satisfy these needs include the precautionary approach to managing rockfish allocations, the monitoring of individual species harvested, the requirement of individual fisher accountability, the use of Individual Transferrable Quotas, and giving priority in allocation to research and assessment.

The Court has found that rockfish allocations shall be adequate to enable fisheries for Halibut, Lingcod, and Dogfish. Acknowledging that rockfish are a non-target species with allocations that are influenced by allocations of target species (i.e. Pacific Halibut, Lingcod, and Dogfish) [1503], and that rockfish allocations are intended to be sufficient to facilitate a small-boat multi-species

fishery [1505], the allocations provided are intended to be adequate to enable fisheries for Halibut, Lingcod, and Dogfish.

This approach will facilitate wide community participation and the multi-species nature of the Five Nations' rights to address the unjustified infringement in paragraph 9(d) of the Order.

Paragraph 9 (e). *Setting an allocation for Halibut that would give priority in allocation to the recreational fishery, but the practical effect of this has to be examined in a specific context, if one arises*

Where possible, DFO will as a general principle take the Five Nations' commercial allocations as shares of the available catch remaining after requirements for FSC and Treaty have been deducted from the CTAC (in fisheries that have a CTAC). By calculating their share in this manner instead of from the commercial TAC, DFO provides the Five Nations with access that is not affected by the access provided to the recreational fishery.

This approach will address the potential for unjustified infringement, asset out at paragraph 9(e) of the Order.

Crab

Paragraph 9 (f). *The lack of crab harvesting opportunities that Canada provided for the Hesquiaht and Tla-o-qui-aht Nations*

DFO will provide additional access to the Five Nations, to address the Tla-o-qui-aht lack of access.

Due to sea otter predation, crab are generally unavailable in the Hesquiaht fishing area, however there is some recreational harvest

25 additional traps will be provided for use in each of the Hesquiaht, Ehattesaht and Mowachaht/Muchalaht First Nations Fishing Territories to support exploratory fishing efforts by the Five Nations for the 2019/20 season.

6 Allocation/Access

This FMP provides an allocation for salmon, groundfish, crab, and prawn, for the 2019/20 fishing season. The goal is to provide wide community participation in the commercial fishery consistent with the interpreted right.

6.1 Totality of the Five Nations' Fishery Access

As this is a multi-species right, the total amount of commercial fishing access provided by DFO to the Five Nations is relevant. Appendix 1 provides this total allocation.

In determining the level of proposed allocations provided in this plan for salmon, groundfish, crab and prawn DFO is taking into account the total of the multi-species commercial access provided to-date.

6.2 Rights Based Fishery

The access needed to provide the Five Nations with the appropriate allocations is derived from the commercial licences/quota listed in Appendix 1. As this is the first multi-species FMP, DFO will work with the Five Nations to ensure that the allocations provide the appropriate fishing opportunity for this wide community participation fishery. It is anticipated that for the first few years DFO will need to monitor and review the management plan to ensure that the objectives of the right-based fishery are being met.

The balance of commercial access provided by DFO that are not required for the rights based fishery may be fished by the Five Nations in the regular commercial fishery.

As a matter of DFO's ongoing policy to generally promote Aboriginal participation in the regular commercial fishery, DFO is providing the Five Nations with commercial licences and quota which are over and above the allocations levels required to satisfy the right. DFO will need to discuss with the Five Nations the balance of access in regular programs in a manner that eliminates any potential double-counting of access between the allocations set out in the rights based fishery and the regular program access.

6.3 Recognition of Indigenous Rights and Self-Determination (RIRSD) Process

DFO and the Five Nations are presently involved at a Reconciliation Table where the Five Nations rights-based fishery is one of many fishery related topics.

Whether a portion of the non-rights based access may be permitted to operate in a manner consistent with the exercise of the right will be a subject of discussion during negotiations as part of the ongoing RIRSD process. This separate negotiation will occur in the context of the RIRSD process and will maintain the important distinction between the implementation of the Five Nations' constitutionally protected aboriginal rights and Canada's broader policy based reconciliation approach.

6.4 Allocations

This plan includes the following allocations for salmon, groundfish, crab and prawn, to be fished in the CDA.

6.5 Access to salmon

In light of the Order regarding the Five Nations' priority in allocation over the recreational fishery, DFO, where possible, has specified salmon allocations as a percentage of the available catch remaining after requirements for FSC and Treaty have been deducted from the CTAC, in fisheries that have a CTAC.

A percentage share of the CTAC provides certainty and stability about the share of the fishery that will be provided to the Five Nations fishery each year. While the percentage share of the fishery is fixed, the harvest amount in pieces will vary based on fluctuations in salmon abundance and available Canadian TAC.

Details on the how the percentage allocation is translated into a harvest amount (in pieces) as well as associated fishing areas are provided in Section 9. A summary of the total allocations associated with all access is reported in Appendix 1.

Salmon allocations to provide for the Five Nations fishery are identified in Table 1. These allocations do not include ATP/PICFI access. Allocations will increase if available ATP/PICFI access is moved into the 2019/20 fishery. The allocation shown in the table below (column three) includes all access, i.e. including ATP and PICFI. See FMP Amendment Tracking on page 3.

Table 1. April 18, 2019 - Revised 2019-2020 Five Nations Multi-species Fishery Management Plan Salmon Allocations.

Species	Allocation	Allocation (if all ATP/PICFI access is moved into the fishery)*	Comment
AABM Chinook	9.83% of the available catch remaining after requirements for FSC and Treaty have been deducted from the WCVI AABM CTAC.	12.17% of the available catch remaining after requirements for FSC and Treaty have been deducted from the WCVI AABM CTAC.	Catch accounting will follow AABM fishing areas as described in Section 9 of this FMP.
Offshore Coho	2,000 Coho	2,000 Coho	Hatchery Coho. Wild Coho retention may be permitted depending on wild Coho conservation concerns by time and area. An abundance-based approach may be developed in future years beyond 2019.
Offshore Chum	By-catch	By-catch	Retention of by-catch during directed fisheries on other species
Fraser River Sockeye	0.877% of the available catch remaining after requirements for FSC and Treaty have been deducted from the	1.366% of the available catch remaining after requirements for FSC and Treaty have been deducted from the Fraser	

	Fraser River Sockeye CTAC.	River Sockeye CTAC.	
Fraser River Pink	0.151% of the available catch remaining after requirements for FSC and Treaty have been deducted from the Fraser River Pink CTAC.	0.542% of the available catch remaining after requirements for FSC and Treaty have been deducted from the Fraser River Pink CTAC.	
Chinook	7.31% of the CTAC. The 2019 CTAC for this fishery is the total estimated return to Conuma after accounting for escapement requirements, and FSC/Treaty obligations.	7.73% of the CTAC. The 2019 CTAC for this fishery is the total estimated return to Conuma after accounting for escapement requirements, and FSC/Treaty obligations.	Catch accounting will follow ISBM fishing areas as described in Section 9 of this FMP.
Coho	1,200 Coho	1,200 Coho	Hatchery and wild Coho. An abundance-based approach may be developed in future years beyond 2019.
Chum	7.42% of Canadian Commercial TAC (CCTAC). The 2019 CCTAC for this fishery is the total estimated return to Esperanza Inlet, Nootka Sound and Clayoquot Sound (calculated separately) after accounting for FSC/treaty obligations.	8.27% of Canadian Commercial TAC (CCTAC). The 2019 CCTAC for this fishery is the total estimated return to Esperanza Inlet, Nootka Sound and Clayoquot Sound (calculated separately) after accounting for FSC/treaty obligations.	

Chinook	50% of available harvest remaining after accounting for FSC/treaty obligations.	50% of available harvest remaining after accounting for FSC/treaty obligations.	For available harvest that may be identified in close proximity to the mouths and or within rivers.
Chum	50% of available harvest remaining after accounting for FSC/treaty obligations.	50% of available harvest remaining after accounting for FSC/treaty obligations.	For available harvest that may be identified in close proximity to the mouths and or within rivers.
Coho	50% of available harvest remaining after accounting for FSC/treaty obligations	50% of available harvest remaining after accounting for FSC/treaty obligations	For available harvest that may be identified in close proximity to the mouths and or within rivers.

*ATP/PICFI access as of April 18/19

6.6 Access to groundfish

Groundfish allocations to provide for the right-based fishery are identified in Table 2. A summary of the total allocations associated with all access is reported in Appendix 1. These allocations do not include ATP/PICFI access. Allocations will increase if available ATP/PICFI access is moved into the 2019/20 fishery. The allocation shown in the table below (column three) includes all access, i.e. including ATP and PICFI. See FMP Amendment Tracking on page 3.

Table 2. April 18, 2019 - Revised 2019-2020 Five Nations Multi-species Fishery Management Plan Groundfish Allocations.

Species	Allocation	Allocation (if all ATP/PICFI access is moved into the fishery)*	Comment
Halibut	0.8461% of the commercial/recreational Halibut TAC (1.0056% of the commercial	1.7303% of the commercial/recreational Halibut TAC (2.0564% of the	As per 7(d) of the Order, the court has found that the allocations of Pacific Halibut, Lingcod, and Dogfish are appropriate

	Halibut TAC in 2019)**	commercial Halibut TAC in 2019)	for a small-boat multi-species fishery [1474]
Lingcod	11.7963% of the commercial Lingcod fishery area 3C TAC 11.6714% of the commercial Lingcod fishery area 3D TAC	13.1733% of the commercial Lingcod fishery area 3C TAC 12.6577% of the commercial Lingcod fishery area 3D TAC	As per 7(d) of the Order, the court has found that the allocations of Pacific Halibut, Lingcod, and Dogfish are appropriate for a small-boat multi-species fishery [1474]
Dogfish	0.1668% of the commercial Dogfish fishery area 3C/D, 5A/B/C/D/E TAC	1.1189% of the commercial Dogfish fishery area 3C/D, 5A/B/C/D/E TAC	As per 7(d) of the Order, the court has found that the allocations of Pacific Halibut, Lingcod, and Dogfish are appropriate for a small-boat multi-species fishery [1474]
Rockfish* **	4.1885% of the commercial Rockfish fishery TACs for 3C/D Canary Rockfish, 3C/D Silvergray Rockfish; 3C/D, 5A Yelloweye Rockfish; 3C/D, 5A Quillback Rockfish; and 3C/D, 5A Copper, China, Tiger Rockfish	5.2356% of the commercial Rockfish fishery TACs for 3C/D Canary Rockfish, 3C/D Silvergray Rockfish; 3C/D, 5A Yelloweye Rockfish; 3C/D, 5A Quillback Rockfish; and 3C/D, 5A Copper, China, Tiger Rockfish	As per 11(d) of the Order, the court has found that rockfish allocations shall be adequate to enable fisheries for Halibut, Lingcod, and Dogfish. Acknowledging that rockfish are a non-target species with allocations that are influenced by allocations of target species (i.e. Pacific Halibut, Lingcod, and Dogfish) [1503], and that rockfish allocations are intended to be sufficient to facilitate a

			small-boat multi-species fishery [1505], the allocations described here intended to be adequate to enable fisheries for Halibut, Lingcod, and Dogfish.
Sablefish	0% of the commercial Sablefish fishery TAC	0% of the commercial Sablefish fishery TAC	See paragraph [1506] – [1512]; <i>Ahousaht Indian Band and Nation v. Canada (Attorney General)</i> , 2018 BCSC 633

*ATP/PICFI access as of April 18/19

**Halibut allocation includes 1.0056% of Halibut-sector rockfish TAC, additional to the 4.1885% rockfish allocation described in the table.

*** Note that the rockfish allocation is intended to provide the access required to facilitate fisheries for Halibut, Lingcod, and Dogfish during the 2019/20 season. DFO will reevaluate the allocations at the end the season to determine whether they are sufficient to meet conservations objectives and to facilitate fisheries for Halibut, Lingcod, and Dogfish.

6.7 Access to crab and prawn

Crab and Prawn allocations to provide for the rights-based fishery are identified in Table 3. A summary of the total allocations associated with all access is reported in Appendix 1. These allocations do not include ATP/PICFI access. Allocations will increase if available ATP/PICFI access is moved into the 2019/20 fishery. The allocation shown in the table below (column three) includes all access, i.e. including ATP and PICFI. See FMP Amendment Tracking on page 3.

Table 3. April 18, 2019 - Revised 2019-2020 Five Nations Multi-species Fishery Management Plan Crab and Prawn Allocations.

Species	Allocation	Allocation (if all ATP/PICFI access is moved into the fishery)*	Comments
Dungeness (<i>Cancer magister</i>)	4.79% of the total trap cap for E-Tofino-Area 24;	10.85% of the total trap cap for E-Tofino-Area 24;	For those years where these formulas result in a fractional trap number, this will be rounded according to the
Red Rock (<i>Cancer productus</i>)	4.79% of the total trap cap for the rest of E-Tofino.	10.85% of the total trap cap for the rest of E-Tofino.	

	25 additional traps for use in each of the Hesquiaht, Ehattesaht and Mowachaht/Muchalaht First Nations Fishing Territories to support exploratory fishing efforts by the Five Nations for the 2019/20 season.	25 additional traps for use in each of the Hesquiaht, Ehattesaht and Mowachaht/Muchalaht First Nations Fishing Territories to support exploratory fishing efforts by the Five Nations for the 2019/20 season.	standard convention of rounding fractional numbers to whole.
Octopus	By-catch	By-catch	Retention of bycatch during directed fisheries on other species
(<i>Pandalus</i> species and <i>Pandalopsis dispar</i> Sidestripe Shrimp)	0.41% share of the coast-wide trap total	1.91% share of the coast-wide trap total	Subject to adjustments pre-season taking into account commercial prawn licence stacking and the total number of commercial prawn traps coastwide. For those years where the formula results in a fractional trap number, this will be rounded according to the standard convention of rounding fractional numbers to whole.
Octopus	By-catch	By-catch	Retention of by-catch during directed fisheries on other species

*ATP/PICFI access as of April 18/19

7 Licensing and Designations

The Five Nations' right-based multi species fishery will be authorized under the *Aboriginal Communal Fishing Licences Regulations (ACFLR)*.

The Five Nations will specify individual community members and vessels to be designated and authorized to participate in the fishery under the conditions set out in the licence(s) issued by DFO authorizing the fishery. Consultations will be required to ensure that the objective of wide community participation in the rights based fishery is achieved.

7.1 Designation of Individuals

Only members of Ahousaht, Ehattesaht, Hesquiaht, Mowachaht/Muchalaht, and Tla-o-qui-aht First Nations are eligible to participate in the fishery. Participants in the fishery shall be designated by Ahousaht, Ehattesaht, Hesquiaht, Mowachaht/Muchalaht, or Tla-o-qui-aht First Nations. Designations are personal and non-transferable.

Individuals who fish under authority of the licence shall carry documentation to establish their identity as Participants (T'aaq-wiihak Card) and membership in one of Ahousaht, Ehattesaht, Hesquiaht, Mowachaht/Muchalaht, and Tla-o-qui-aht First Nations while participating in the fishery and while transporting fish harvested in the fishery, and will present such documentation on request by any fishery officer or fishery guardian.

As above, consultations will be required to ensure that the objective of wide community participation in the rights based fishery is achieved.

7.2 Designation of vessels

A vessel designated to harvest fish shall be identified by a registration number and by affixing a T'aaq-wiihak decal and flag. The T'aaq-wiihak flag shall be mounted as high as practicable and be clearly visible, legible and unobstructed. The five First Nations shall provide a list of the names of designated Participants, their T'aaq-wiihak Card number, and vessels with the T'aaq-wiihak decal number to DFO as soon as possible and before fishing commences. The First Nations may amend the list of designated individuals and vessels and shall provide the amended list to DFO at the earliest possible opportunity and before the newly designated individuals and vessels commence fishing activities. Any changes to the list of designated individuals and vessels will be sent to DFO.

For the proper management and control of the crab and prawn fisheries, the Five Nations must provide DFO with the names and decal numbers of the vessels participating in the crab and prawn fisheries and the number of prawn and crab traps to be fished by those vessels in advance of them participating in the fishery.

Should the list of vessels participating in the crab and prawn fisheries change, or their trap allotment change, during the season, the Five Nations must provide DFO with notification of such changes at least 2 weeks prior to those new vessels participating in the fishery or those new trap allotments being fished.

DFO will need to carefully manage the use of commercial troll gear in the rights based fishery to achieve the objective of wide community participation. The Court clarified that the focus of the rights based fishery is on small, low-cost boats and wide community participation, at paragraphs 455. How the use of commercial troll gear will be handled to ensure that wide community participation can be maintained will necessitate appropriate management and monitoring of the right-based fishery.

8 Fishing Area

The fishing opportunities outlined in the Five Nations Fishery Management Plan are confined to the CDA that extends offshore nine nautical miles. The CDA includes the Pacific Fisheries Management Areas (PFMAs) listed below:

- PFMA 24: all Subareas.
- PFMA 25: Subareas 25-1 to 25-8, 25-10 to 25-12, and 25-15 to 25-16; portions of Subarea 25-9; portions of Subarea 25-13.
- PFMA 26: portions of Subarea 26-1.
- PFMA 124: portions of Subarea 124-1 to 124-4.
- PFMA 125: portions of Subarea 125-1 to 125-5.
- PFMA 126: portions of Subarea 126-1 to 126-2.

The Five Nations CDA overlaps with the Maa-nulth Domestic Fishing Area in a portion of Subarea 26-1, 126-1, 126-2, 124-1 and 124-3. The Department intends to have discussions with the Five Nations on the implementation of the FMP and the distribution of harvesting effort in relation to the overlap area and communicate and discuss such plans and harvest levels with the Maa-nulth First Nations.

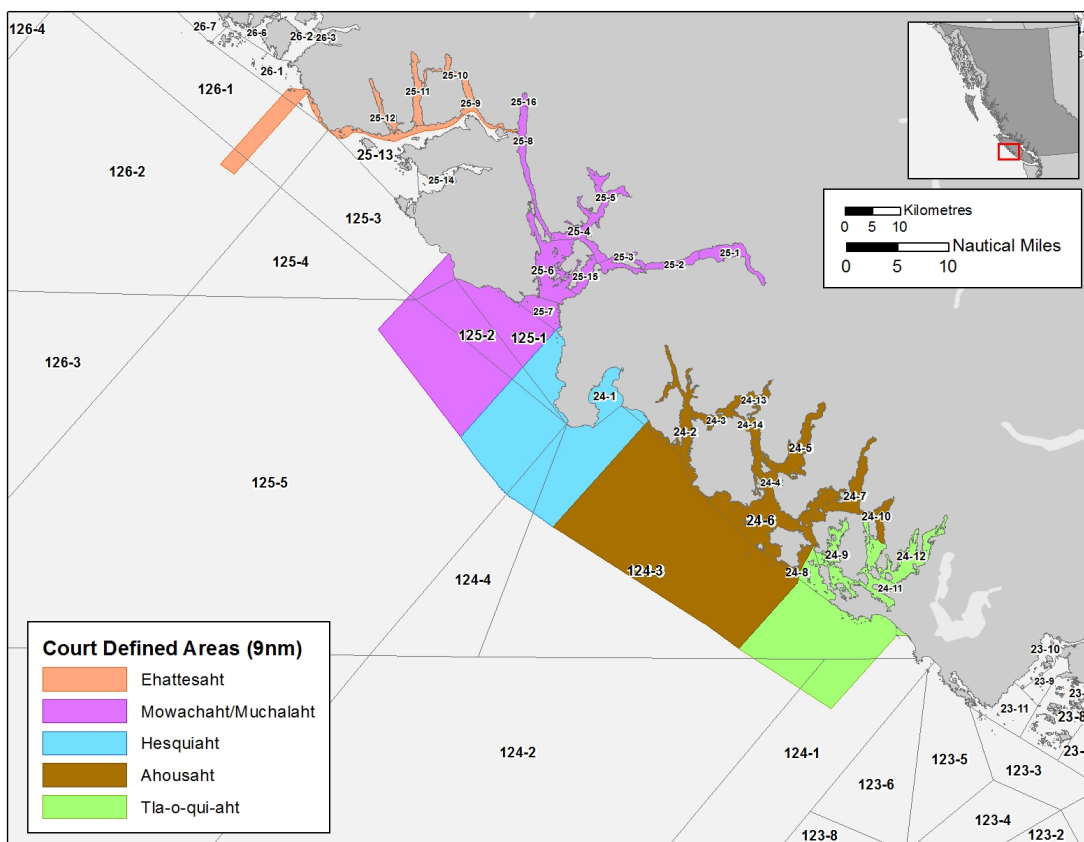


Figure 1. Court Defined Area

In addition, there may be additional fishery restrictions in place within the CDA to address:

- i) Allocations provided for the fishery and availability of particular species within the CDA
- ii) Availability of Canadian Total Allowable Catch may limit opportunities some species (e.g. salmon)
- iii) Conservation measures for stocks / species of concern;
- iv) Time/area restrictions or seasons for particular species;
- v) Rockfish Conservation Areas will be closed to the fishery;

Finer scale area restrictions on the harvest of certain species are detailed in Section 9.

9 Specific Fisheries Harvesting Opportunities

9.1 Integrated Hook and Line Fisheries and Terminal Salmon Fishery Monitoring and Catch Reporting Requirements

Complete, accurate and timely fishery monitoring and catch reporting is necessary for the proper management of the fishery.

- The term 'catch' refers to all fish caught, regardless of whether they are retained, released, discarded, or used for bait.
- The term 'fishery monitoring' means observing and understanding the fishery and its dynamics. It includes observation and examination of the catching and landing of fish and any related activities, such as counting vessels, gear and sampling of any fish caught.
- The term 'catch reporting' means providing information either verbally, in writing or electronically on catch and other essential details related to fishing activity (e.g., location, gear type, etc.).

Harvesters will be required to provide a full and reliable accounting of all catch, both retained and released, and record fishing activity, location, date, and time. This requirement shall be met through a combination of designations, hails, harvest logs, and dockside validation.

These proposed requirements are based on application of the Strategic Framework for Fishery Monitoring and Catch Reporting in Pacific Fisheries' Risk Assessment Tool which considers the allocation, location, and proposed management measures of this fishery. The Framework is available online: https://www.pac.dfo-mpo.gc.ca/fm-gp/docs/framework_monitoring-cadre_surveillance/docs/framework_monitoring-cadre_surveillance-eng.pdf

- Consultation with the plaintiffs is required, and should include discussions on how to integrate the T'aaq-wiihak coordinators into the appropriate monitoring regime [1498].

Additional consultation on specific monitoring program elements consistent with the requirements described in this section and associated costs will occur with the Five Nations.

Fishery monitoring will be conducted by DFO and the First Nations under Fisheries Agreements if applicable.

9.1.1 Designation of Landing Sites

The landing sites will be specific sites to allow for inspection and attendance by dockside observers. The designated landing sites for this fishery are:

- a) Zeballos Government Dock, Mid - Island Ice;
- b) Tofino Lions Gate Fisheries Dock;
- c) Tofino Fourth Street Dock;
- d) Gold River

9.1.2 Hail reports

All vessel masters will file a Start Fishing Report (hail out into the fishery) prior to participating in the fishery by calling or texting 250-266-0418, or emailing hail@taaqwiihak.ca or completing the report online at <http://taaqa.ca>. The Start Fishing Report will include the following:

- a) Vessel master's name and vessel name;
- b) Intended fishing start date;
- c) Expected landing date; and
- d) Area to be fished

The T'aaq-wiihak Fishery Manager will provide all Start Fishing Reports in electronic form to DFO, on a daily basis.

9.1.3 Harvest reporting logs

Each vessel master shall keep a complete Logbook that remains with the fishing vessel at all times during the duration of this fishery. Each vessel master will complete a Logbook report prior to 08:00 h of the day following a day in which fishing occurred or a minimum of 2 hours prior to offload. The logbook shall contain the following information:

- a) Harvest log identification number and page number;
- b) Vessel master's name and T'aaq-wiihak Card number;
- c) Vessel name and T'aaq-wiihak decal number;
- d) Date fished;
- e) Area fished;
- f) Number of hours fished;
- g) Number of fish caught and retained by species or type as indicated in the harvest log;
- h) Number of fish caught and released by species or type as indicated in the harvest log; and
- i) Number of fish caught used as bait by species or type as indicated in the harvest log; and
- j) Number of non-fish (.e.g. turtles, birds, and mammals) encountered by species or type.

All vessel masters will submit a hard copy of the logbook page(s) for that trip to the dockside observer at each landing. No Landing Slip will be issued by the dockside observer until the completed logbook page(s) has been provided. Data

from the logbook pages will be provided by the Dockside Monitoring Company in electronic form to DFO at the end of each week during which fishing occurred. The Dockside Monitoring Company will provide a hardcopy of all pages in the logbook to DFO upon request.

Following the landing of Pacific Halibut, a completed copy of the log shall remain in the Logbook until removed by an International Pacific Halibut Commission employee or mailed within seven (7) days of the vessel's landing to:

International Pacific Halibut Commission
2320 West Commodore Way, Suite 300
Seattle, WA, United States
98199-1287

9.1.4 Landing slips

All vessel masters must obtain a Landing Slip in order to retain or sell any fish caught in the fishery. Copies of all Landing Slips issued must be made available to DFO for review. The Landing Slips must be issued by a dockside observer and shall specify:

- a) the name and signature of the vessel master landing the fish;
- b) date and time of landing;
- c) location of landing site;
- d) the vessel master's T'aaq-wiihak Card number;
- e) vessel name and T'aaq-wiihak decal number;
- f) the area of catch;
- g) gear used;
- h) number of fish landed for the intent of sale;
- i) name and signature of dockside observer (holder of Landing Slip book);

A vessel master must carry a Landing Slip when in possession of fish caught in the demo fishery, except when fishing or transporting fish to a Landing Site by water. The vessel master shall show Landing Slips to a fishery officer or fishery guardian upon request. Landing Slips issued by dockside observers will be forwarded to the Dockside Monitoring Company who will submit data in electronic form to DFO following each fishery opening. The Dockside Monitoring Company will provide a hard copy of all landing slips to DFO upon request.

9.1.5 Fish (Sales) slips

All vessel masters must obtain a Fish (Sales) Slip when selling fish caught under authority of a licence. The Fish (Sales) Slip can be issued by the purchaser or, in the case of direct sales, the vessel master and shall specify:

- a) the name of the company, plant, packer, collector or individual purchasing fish;
- b) the vessel master's name and address;
- c) the number of a licence and the T'aaq-wiihak Card number;
- d) the Landing Slip number;
- e) the area of catch and landing site;
- f) days fishing;
- g) gear used;
- h) number and weight of fish (by species) sold;
- i) price per pound by species;
- j) total landed value of catch;
- k) payment (paid and payable in cash and otherwise); and
- l) such information as may be required.

If fish are landed and sold at the same location, a Landing Slip and Fish (Sales) Slip may be incorporated into one document by attaching a voided Landing Slip to a copy of the Fish (Sales) Slip.

The vessel master must provide a copy of the Fish (Sales) Slip to a purchaser. Vessel masters shall submit Fish (Sales) Slips no later than seven days after offloading. Fish (Sales) Slips shall be mailed to DFO.

9.1.6 Dockside Validation

All fish retained will be validated by dockside observers (for situations of vessel master refusal, see incident report information below). Vessel masters must permit dockside observers access to their catch at landing sites for the validation procedure. The dockside observer shall provide a Validation Report containing the following information:

- a) Vessel name and T'aaq-wiihak decal number;
- b) Vessel master name;
- c) Logbook number;
- d) Date of offload;
- e) Last area fished;
- f) Number of pieces for salmon
- g) Weight by species for groundfish;
- h) Landing port and time of landing;
- i) Start time of offload;
- j) End time of offload; and
- k) Observer identification number/name

Validation reports shall be forwarded from the Dockside Monitoring Company to DFO following each fishery.

Consistent with the 2009 National Dockside Monitoring Program Policies and Procedures, dockside observers will conduct a thorough check of the fish holds and containers on deck to ensure all fish have been offloaded. If a violation occurs, an incident report shall be recorded following the guidelines in the 2009 National Dockside Monitoring Program Policies and Procedures. Dockside observers can provide incident reports to the Dockside Monitoring Company or to DFO.

Violations that require an incident report include (but are not limited to) the following examples:

- a) The dockside observer is unable to conduct a hold check to verify the offload is complete.
- b) The sales trip limit is exceeded.
- c) Retention of prohibited species.
- d) A vessel failed to hail out.
- e) A vessel is not designated as a T'aaq-wiihak fishing vessel and does not have a T'aaq-wiihak vessel decal.
- f) A participant is not designated.
- g) Sale of under-sized fish.

9.1.7 Tagging and Biological sampling requirements

All Halibut retained for sale must be tagged by a dockside observer prior to sale. To facilitate catch sampling by the International Pacific Halibut Commission all Halibut shall either be landed fresh, dressed head-on or fresh, round head-on.

Vessel masters will permit dockside observers access to catch for the purposes of sampling for coded-wire tag (CWT) as required at designated landing sites. Sampling protocols are to be developed with Ahousaht, Ehattesaht, Hesquiaht, Mowachaht/Muchalaht, and Tla-o-qui-aht First Nations and DFO in-season.

9.2 Offshore Integrated Hook and Line Fishing Opportunities

This plan covers directed fisheries for salmon, Lingcod, Halibut and Dogfish. Specific rules for each species are identified in the relevant sections.

9.2.1 Offshore Fishing Area

The offshore fishing area is defined as those portions of the CDA within PFMAs 124-126, that extends nine nautical miles offshore.

Species specific accounting for chinook salmon is different than what is defined as Offshore and Nearshore and will follow AABM and ISBM area designations as

described in the Pacific Salmon Treaty. The AABM fishing area within the CDA is as defined as follows:

PFMA 24 inside the Canadian “surflines” and portions of PFMA 124 during the period from October 16 through July 31, plus that portion of PFMA 124 outside of a line generally one nautical mile seaward from the shoreline or existing Department of Fisheries and Oceans surflines, during the period August 1 through October 15; and

Portions of PFMA 25 and 26 inside the Canadian “surflines” and portions of PFMA 125 and 126 during the period from October 16 through June 30, plus that portion of PFMA 125 and 126 outside of a line generally one nautical mile seaward from the shoreline or existing Department of Fisheries and Oceans surflines, for the period from July 1 through October 15.

9.2.2 Conservation Measures

In addition to those conservation issues described in Section 3 of this plan, specific conservation concerns within the Offshore Integrated Hook and Line Fishing Opportunities include:

9.2.2.1 Coho

The objective for Interior Fraser River Coho (including Thompson River Coho) is to manage Canadian fisheries in a highly precautionary manner with fisheries management measures similar to those in place prior to 2014. This approach is expected to achieve an overall exploitation rate in Canadian waters within the 3 – 5 % range.

9.2.2.2 Chinook

- i. The objective for Lower Strait of Georgia Chinook is to continue rebuilding through a comprehensive set of fishery, hatchery, and habitat related actions.
- ii. WCVI wild Chinook continues to be a stock of concern. The objective for WCVI Chinook is to manage Canadian ocean fisheries (as specified in the Southern BC Salmon IFMP) to an exploitation rate of 10%. As a result, management measures may be implemented to protect this stock. These measures may include closures, salmon non-retention and Chinook non-retention provisions. In 2019, it is expected that the WCVI AABM TAC will be reduced consistent with obligations outlined

- in the re-negotiated PST agreement (subject to ratification by the countries).
- iii. The objective for Fraser Spring 4₂ Chinook : NEW: For 2019, the Department has proposed to maximize the number of returning Chinook reaching spawning grounds by reducing Canadian fishery mortalities to the greatest extent possible. Substantial reductions in fishery mortalities are required for Spring 4₂, Spring 5₂ and Summer 5₂ Chinook given their poor stock status, extremely poor productivity and expectations for continued declines in spawner abundance. Any fishery mortalities will worsen spawner declines unless productivity improves. New measures are anticipated to affect commercial, recreational and FSC fisheries.
 - iv. The objective for Fraser Spring and Summer (age 5₂) Chinook: NEW: For 2019, the Department has proposed to maximize the number of returning Chinook reaching spawning grounds by reducing Canadian fishery mortalities to the greatest extent possible. Substantial reductions in fishery mortalities are required for Spring 4₂, Spring 5₂ and Summer 5₂ Chinook given their poor stock status, extremely poor productivity and expectations for continued declines in spawner abundance. Any fishery mortalities will worsen spawner declines unless productivity improves. New measures are anticipated to affect commercial, recreational and FSC fisheries.
 - v. To address conservation concerns for Fraser River Chinook Salmon, the Department is proposing new precautionary reductions in Canadian fishery mortalities for all Fraser River Chinook populations (including Spring 4₂, Spring 5₂, Summer 5₂, Summer 4₁, and Fall 4₁ management units). Proposed management objectives are outlined above. Achieving the proposed management objectives will require additional reduction in fisheries impacts in times and areas where Fraser Chinook are encountered in Northern and Southern BC, including commercial, recreational and First Nations fisheries. The Department proposed two initial fishery scenarios for consultation and is considering advice on potential management actions that could be considered to achieve the proposed management objectives for Fraser Spring 4₂, Spring 5₂ and Summer 5₂ Chinook. This plan will be updated based on the final management actions that are approved.

9.2.2.3 Early Stuart Sockeye conservation measures

In recent years, window closures and other fishing restrictions have been required in commercial, recreational and First Nations fisheries to stay within the Low Abundance Exploitation Rate (LAER) objectives identified in the escapement plan. Management measures may include a rolling window closure based on the run timing of the Early Stuart migration through various fishing areas. Potential window closure dates will be provided for planning purposes to protect Early Stuart Sockeye. These dates may be revised based on timing forecasts or in-season information. Sockeye non-retention would be in effect as defined in the Southern BC Salmon IFMP.

9.2.2.4 Rockfish

- i. The Offshore Integrated Hook and Line Fishery is not permitted in RCAs.

- ii. **Yelloweye Rockfish**

Based on updated science information, DFO has set out a rebuilding plan for stepped reductions of total Yelloweye outside population harvest from the estimated total catch mortality of 287 tonnes in 2014 to a mortality cap of 100 tonnes over 3 years (2016-17 to 2018-19). The rebuilding plan accounts for First Nations' priority access for food, social and ceremonial purposes.

DFO has introduced management measures to make steps towards the mortality cap described above and is continuing to have discussions to define more comprehensive plans for achieving the 100 tonne mortality cap.

- iii. **Bocaccio Rockfish**

Based on updated science information, DFO set out a rebuilding plan in 2013 for stepped reductions of total Bocaccio harvest to a target level of 75 tonnes over 3 years (2013-14 to 2015-16). The rebuilding plan accounts for First Nations' priority access for food, social, and ceremonial purposes. DFO has implemented measures that will reduce Bocaccio catch and enable stock rebuilding over the long term. This includes mandatory retention of rockfish and trips limits to limit Bocaccio mortality.

9.2.2.5 Species at Risk Act

It may be necessary to collaboratively discuss SARA allowable harm implications for species, depending on legal listing decisions. In addition, harvesting opportunities in this Five Nations FMP may change due to SARA requirements.

i. Steelhead

Under the October 2018 proposed management scenarios for the potential emergency listing of Thompson and Chilcotin steelhead under SARA, 60-day rolling window closures may be in effect for all salmon fisheries. These window closures may include:

Location Affected	Location Details		Start	End
West Coast of Vancouver Island	Area 124	All Subareas	27-Aug	26-Oct
	Area 125	All Subareas	25-Aug	24-Oct
	Area 26	Subarea 26-1	22-Aug	21-Oct
	Area 126	All Subareas	22-Aug	21-Oct

9.2.3 Fishery access and allocation

The allocations provided are to support the rights based fishery that is focused on small, low-cost boats with limited technology and restricted catching power aimed at wide community participation. Some use of trollers are permitted, however, they are much more efficient at catching fish than the small boats.[444] This management plan must ensure that the small boats are not deprived of their opportunities to exercise their rights.[447]

The Court stated at paragraph 455:

[455] However, the focus of the right-based fishery is on small, low-cost boats and wide community participation. How the use of trollers will be handled to ensure that wide community participation can be maintained for the mosquito fleet will necessitate appropriate management and monitoring of the right-based fishery, but the answer is not a continued increase in allocations to compensate for all the fish being caught by a large and growing fleet of small trollers.

DFO will consult with the Five Nations on the use of commercial gear configurations to harvest a limited amount of the offshore allocations provided within the CDA, unless otherwise agreed in-season.

Additional management measures will apply for fishing using commercial troll gear and fishing regulations similar to the regular commercial fishery will apply. Further information is detailed in Appendix 2.

9.2.3.1 Salmon species

9.2.3.1.1 AABM Chinook

An AABM fishery is an abundance-based regime that constrains catch or total mortality to a numerical limit computed from either a pre-season forecast or an in-season estimate of abundance, from which a harvest rate index can be calculated, expressed as a proportion of the 1979 to 1982 base period.

AABM fisheries are managed annually so as not to exceed the specified TAC. In addition, domestic conservation concerns may reduce overall harvests below the PST allowable TAC.

When there is a TAC identified for the WCVI AABM management area, targeted Chinook fisheries are permitted.

The Five Nations fishery allocation for WCVI AABM Chinook Salmon in this FMP is an amount of WCVI AABM Chinook Salmon equal to a 9.83% share of the available catch remaining after the expected FSC catch (currently 5,000 Chinook) and the Maa-nulth treaty entitlement (calculated annually based on the TAC) have been deducted from the WCVI AABM Chinook CTAC (See FMP Amendment Tracking on page 3). The domestic allocations for salmon under the Maa-nulth First Nations Final Agreement are “an amount of Ocean Chinook Salmon equal to 1,875 pieces plus 1.78% of the Ocean Chinook Salmon Canadian Total Allowable Catch.” The Maa-nulth Treaty entitlement for the current year will be determined in April 2019.

Five Nations allocation = (WCVI AABM chinook CTAC minus 5,000 FSC and minus Maa-nulth Treaty amount) X 9.83%

Within the CDA, Chinook harvests that occur in the following times and areas will be accounted for against the WCVI AABM Chinook allocation:

- Pacific Fishery Management Area (PFMA) 24 inside the Canadian “surf line” and PFMA 124 during the period October 16 through July 31, plus that portion of PFMA 124 outside of a line generally one nautical mile seaward from the shoreline or existing Department of Fisheries and Oceans surf line, during the period August 1 through October 15.

- PFMA 25 and 26 inside the Canadian “surflines” and PFMA 125 and 126 during the period October 16 through June 30, plus that portion of PFMA 125 and 126 outside of a line generally one nautical mile seaward from the shoreline or existing Department of Fisheries and Oceans surflines, for the period July 1 through October 15.

In-season adjustments to the allocation for this fishery are not anticipated unless a conservation concern is identified.

9.2.3.1.2 Offshore Coho

The Five Nations fishery allocation for Coho Salmon in this FMP is an amount of Coho up to a maximum of 2,000 Coho Salmon.

The basis for managing fisheries impacting wild Coho originating from southern BC, Washington State, and Oregon Coho is set out in the Pacific Salmon Treaty (PST). An abundance based management (ABM) system is used to define harvests of Southern Coho. The ABM plan constrains total fishery exploitation of key stock management units. In Southern BC, a framework to identify *low*, *moderate* or *abundant* status zones and associated exploitation rate caps has been developed for the Interior Fraser River (IFR) Coho management unit and will be implemented for the 2019 fishery. Based on this framework, annual limits of fishing mortality will be established based on the level of abundance and the health of the wild stocks.

The recent productivity of IFR Coho remains low, and as a result, the sustainable harvest that can be expected from the management unit is also low relative to historic levels. Under *low* status in the ABM framework, a maximum exploitation rate of 20% is permitted under the PST, with 10% in Canada and 10% in the United States.

In addition, within the *low status* zone, each country is expected to implement additional fishery management measures as may be necessary to address conservation needs for management units within its jurisdiction. For most years since 1998 (except 2014 and 2015) Canada has done this by planning on reducing its share of the total exploitation rate on IFR Coho to approximately 3%-5% or less.

Management measures for IFR Coho are generally in place from January to September when these populations are expected to be encountered in southern BC waters. With the exception of some First Nations FSC fisheries impacts, most fisheries in southern BC do not permit retention of wild Coho in times and areas

where Interior Fraser Coho may be prevalent. However, mark-selective (i.e. retention of hatchery origin Coho with an adipose fin clip) fisheries have been implemented in most southern BC recreational fisheries and some commercial fisheries permit retention of hatchery enhanced stocks, while minimizing impacts on wild stocks.

During the Five Nations offshore fishery from June until early September, non-retention of wild Coho will be in effect to meet conservation objectives for IFR Coho; hatchery marked Coho may be retained. Beginning in early September when IFR Coho are expected to have migrated out of the area, retention of hatchery and wild Coho may be permitted.

As explained above, the Five Nations' small boat fishery will be permitted to fish within the 5 mile Chinook conservation corridor. For conservation reasons, the Five Nations vessels using commercial troll gear will not be permitted due to their increased catching power.

9.2.3.1.3 Fraser River Sockeye

Fraser River Sockeye are managed in-season based on four stock groups (Early Stuart, Early Summer, Summer and Late Run) identified under the Pacific Salmon Treaty Annex and the CTAC is comprised of the available harvests identified for each of the four stock groups. Available harvests are determined based on the pre-season escapement plan and harvest decision rules that are set for each stock group and in-season information including estimates of abundance, run timing, stock composition, and other technical information used to assess potential fishing opportunities. Harvests are planned based on the available TAC for each of these stock groups.

The Southern BC Salmon IFMP provides detailed information on harvest constraints for Fraser River Sockeye Salmon (<http://www.pac.dfo-mpo.gc.ca/fm-gp/ifmp-eng.html>).

The Five Nations fishery allocation for Fraser River Sockeye Salmon in this FMP is an amount of Fraser River Sockeye Salmon equal to a 0.877% share of the available catch remaining after requirements for FSC and Treaty have been deducted from the CTAC (see FMP Amendment Tracking on page 3). For Fraser River Sockeye FSC fisheries, the communal licence harvest target amounts deducted from the CTAC for management purposes is currently 1,050,850 Sockeye. Treaty Domestic Allocations for Tsawwassen, Maa-nulth and Tla'amin

are abundance based formulas based on the CTAC and vary based on in-season abundance. The Five Nations fishery allocation will be expressed as a number of pieces of Sockeye Salmon based on in-season information.

Five Nations allocation = (Fraser River sockeye CTAC minus 1,050,850 FSC and minus Tsawwassen, Maa-nulth and Tla'amin Treaty amount) X 0.877%

In general, harvesting efforts to access the Five Nations Sockeye allocation will be designed to distribute harvesting effort across the four stock groups where CTAC is identified for Fraser River Sockeye Salmon that are available in the CDA. In general, it is expected that the largest catches will be planned from the stock group(s) with the largest CTAC. However, it is recognized that there may be circumstances where harvesting efforts are directed on specific stock group(s) as part of in-season planning and in consideration of planning harvest opportunities for all groups accessing Fraser River Sockeye.

In the event that there is a conservation concern for one or more stock groups and/or the quantity of CTAC that is available for harvest is not sufficient to meet all anticipated allocations from that stock for FSC purposes or domestic purposes, the Five Nations fishery allocation may be reduced or harvest opportunities may be constrained or not permitted.

For stocks groups with no available CTAC, it is recognized that there will be some low incidental harvest in the form of low abundance exploitation rates (LAERs) to allow for fisheries directed on co-migrating stocks and species. The LAER in recent years is up to 10% for Early Stuart, Early Summer and Summer run Sockeye and 20% for Late run Sockeye. The LAER is not a target as the objective is to allow as many fish to pass to the spawning grounds as possible while allowing some incidental harvest, and in some cases some directed harvest when there is little opportunity for harvest directed on other Fraser Sockeye stock groups or species. All fishery impacts including test fisheries are to be accounted for under the LAER. In this circumstance, fisheries are only considered if they provide scientific information necessary for conservation (test fisheries) or have reasonably low catch impacts on Fraser Sockeye. By-catch retention of Sockeye may be permitted or mandatory release may be required in the Five Nations fishery.

In-season information derived from catch in test and other fisheries, and in-river hydro-acoustic estimates of salmon passage are provided by the Pacific Salmon Commission (PSC) staff to the DFO and Fraser River Panel (FRP) for consideration when planning fisheries.

The FRP meets regularly from early July to mid-September to review information as it becomes available over the course of the Sockeye migration. During this period in-season information is regularly updated by the FRP to set spawning escapement objectives, management adjustments, and calculate Total Allowable Catch (TAC). The availability of the TAC to harvesters will be affected by other factors, including migration pathways (i.e. diversion rates) and conservation requirements for co-migrating stocks or species.

In-season information including fishery openings is posted on the Internet regularly throughout the fishing season by the DFO and the PSC at the following web sites:

- Weekly PSC News Release:
http://www.psc.org/news_frnews.htm
- Aboriginal, Commercial and Recreational Fishery Notices:
<http://www-ops2.pac.dfo-mpo.gc.ca/fns-sap/index-eng.cfm>
- Sockeye Test fisheries:
 - FRP approved test fishery results are available from the PSC at:
<http://www.psc.org/publications/fraser-panel-in-season-information/test-fishing-results/> Other test fishery results are available from DFO at:
<http://www.pac.dfo-mpo.gc.ca/fm-gp/fraser/index-eng.html>

9.2.3.1.4 Fraser River Pink

Fraser Pink salmon migrate up the Fraser system from early August through early October, peaking in early to mid-September. Returns occur on a two year cycle, almost entirely in odd numbered calendar years only. Minimal numbers of Fraser River Pink salmon return in even years and no directed harvest will be permitted in these years. Pink bycatch will be permitted in off cycle years.

Fraser River Pink Salmon are managed to achieve a 6 million spawning escapement goal according to the following harvest decision guidelines:

Run Size	Escapement Plan
Less than 7.059 M	The allowable exploitation rate (ER) increases linearly from zero percent at a run size of zero to 15% at a run size of 7.059M. (For run sizes less than 7.059M, the allowable % ER is the run size expressed in millions multiplied by (15%/7.059)
between 7.059M & 20M	The allowable ER increases from 15% to 70%. The escapement goal is 6M, the remainder is harvestable surplus.
Greater than 20M	The allowable ER is 70%. The escapement goal increases as the run size increases beyond 20M.

The CTAC is determined based on pre-season and/or in-season information including estimates of abundance, run timing, and other technical information used to assess potential fishing opportunities. Harvests are planned based on the available CTAC.

The Southern BC Salmon IFMP provides further information on harvest constraints for Fraser River Pink Salmon (<http://www.pac.dfo-mpo.gc.ca/fm-gp/ifmp-eng.html>).

The Five Nations fishery allocation for Fraser River Pink Salmon in this FMP is an amount of Fraser River Pink Salmon equal to a 0.151% share of the available catch remaining after requirements for FSC and Treaty have been deducted from the CTAC (see FMP Amendment Tracking on page 3). For Fraser River Pink salmon FSC fisheries, the communal licence harvest target amounts deducted from the CTAC for management purposes is currently 174,150 Pink Salmon. Treaty Domestic Allocations are also identified for Tsawwassen (up to a maximum of 2,500), Tla'amin (up to a maximum of 5,000) and Maa-nulth in each two year period following the effective date of the Final Agreement (2009) up to a maximum of 7,250 Pink Salmon (some or all of which may be Fraser Pink). The Five Nations fishery allocation will be expressed as a number of pieces of Pink Salmon based on in-season information. Five Nations allocation = (Fraser River

pink CTAC minus 174,150 FSC and minus Tsawwassen, Maa-nulth and Tla'amin Treaty amount) X 0.151%

In the event that there is a conservation concern for Fraser River Pink Salmon and/or the quantity of CTAC that is available for harvest is not sufficient to meet all anticipated allocations for food, social or ceremonial purposes or domestic purposes, the Five Nations fishery allocation may be reduced or harvest opportunities may be constrained or not permitted. By-catch retention of Pink Salmon may be permitted or mandatory release may be required in the Five Nations fishery.

Harvest of Fraser Pink salmon in odd years may also be constrained by the management objectives for Fraser Sockeye or other stocks of concern, particularly IIFR Coho salmon.

In-season information including estimates of abundance, run timing, stock composition, and other technical information are used to assess potential fishing opportunities.

The Fraser River Panel meets regularly from early July to early September to review information as it becomes available over the course of the Pink migration. In-season information including fishery openings are posted on the Internet regularly throughout the fishing season by the DFO and the PSC at the following web sites:

- Weekly PSC News Release:
http://www.psc.org/news_frpnews.htm
- Aboriginal, Commercial and Recreational Fishery Notices:
<http://www-ops2.pac.dfo-mpo.gc.ca/fns-sap/index-eng.cfm?>

9.2.3.1.5 Offshore Chum

Incidental retention of Chum Salmon caught during directed fisheries for other species will be permitted unless a conservation concern is identified.

9.2.3.2 Offshore Groundfish species

Key groundfish species allocations are managed via Individual Transferable Quotas (ITQs). An ITQ is a tradable share of the total allowable catch that facilitates individual accountability of retained and released fishing mortality. The

court acknowledges the importance of individual accountability in this fishery as a justifiable approach because of the number of vulnerable species that are susceptible to bycatch [1485], and that Canada is justified in maintaining its integrated management system based on ITQs for groundfish [1484], and in demanding individual accountability for catch for each species [1486].

The structure of the ITQ management regime is such that ITQs for some species (e.g. rockfish) are allocated with the ITQs of a target species (e.g. Halibut), and as a result the allocations described in Table 5 are greater than the allocations described in Section 6.6, *Access to groundfish*. For example, allocations of skate species and deep water rockfish (e.g. Rougheye Rockfish) are provided and will be managed, but these species are unlikely to be encountered at significant levels by the fishery as described within this plan.

While ITQ shares remain constant, the permitted annual harvest changes with the total allowable catch. Groundfish catch limits are set annually every February via a combination of domestic and international processes. Under agreements with the United States, harvest advice for Halibut and Hake are developed cooperatively. For other species of groundfish, including Lingcod and rockfish species, harvest advice is developed by Fisheries and Oceans Canada under the Groundfish Stock Assessment Program.

Stock assessment and research programs involving groundfish are conducted by the Department and through cooperative research programs carried out in conjunction with industry associations. Stock assessment advice has been provided for over 30 commercially exploited groundfish stocks. Science personnel, in association with DFO fishery managers and groundfish user group representatives, establish assessment priorities and timing schedules for assessments. These programs are intended to support ongoing evaluation of management measures. Opportunities for stakeholder involvement and cooperative ventures in research and assessment activities are pursued.

Table 4. Groundfish total allowable catch limits for allocation calculations.

Species	Area	2019 Total Allowable Catch by sector (pounds)				
		Dogfish	Lingcod	Rockfish outside	Sablefish	Halibut
Halibut	Coastwide	-	-	-	-	5,040,910*
Sablefish	Coastwide	-	-	-	5,110,877	-
Spiny Dogfish	3C/D, 5A/B/C/D/E	16,190,582	-	-	-	-
Lingcod	3C	-	328,799	-	-	-
	3D	-	789,119	-	-	-
Big Skate	3C/D	55,288	-	2,131	4,587	29,459
Longnose Skate	3C/D	44,756	-	4,604	34,494	43,488
Canary rockfish	3C/D	-	-	62,636	-	2,970
Silvergray rockfish	3C/D	-	-	90,595	-	4,955
Yelloweye rockfish	3C/D, 5A	-	-	24,413	-	4,942
Quillback rockfish	3C/D, 5A	-	-	94,906	-	5,686
Copper, China, and Tiger rockfish	3C/D, 5A	-	-	53,501	-	3,206
Rougheye rockfish	Coastwide	-	-	993,582	-	73,129
Shortraker rockfish	Coastwide	-	-	224,234	-	19,301
Shortspine thornyheads	Coastwide	-	-	37,436	-	38,462
Redbanded rockfish	Coastwide	-	-	487,495	-	162,498

*The units of Pacific Halibut weight are reported as fresh, dressed, head-off (net) pounds. All other units are fresh, round pounds.

Table 5. Species-specific groundfish allocations for the rights based fishery (see FMP Amendment Tracking on page 3)

Species	Area	Allocation (ITQ %) by sector					Allocation (pounds)
		Dogfish	Lingcod	Rockfish outside	Sablefish	Halibut	
Halibut	Coastwide	-	-	-	-	1.0056%	50,690*
Sablefish	Coastwide	-	-	-	0.000000%	-	
Spiny Dogfish	3C/D, 5A/B/C/D/E	0.1668%	-	-	-	-	26,999
Lingcod	3C	-	11.7962%	-	-	-	38,786
	3D	-	11.6714%	-	-	-	92,101
Big Skate	3C/D	0.1668%	-	4.1885%	0.000000%	1.0056%	181
Longnose Skate	3C/D	0.1668%	-	4.1885%	0.000000%	1.0056%	512
Canary rockfish	3C/D	-	-	4.1885%	-	1.0056%	2,653
Silvergray rockfish	3C/D	-	-	4.1885%	-	1.0056%	3,844
Yelloweye rockfish	3C/D, 5A	-	-	4.1885%	-	1.0056%	1,072
Quillback rockfish	3C/D, 5A	-	-	4.1885%	-	1.0056%	4,032
Copper, China, and Tiger rockfish	3C/D, 5A	-	-	4.1885%	-	1.0056%	2,273

Species	Area	Allocation (ITQ %) by sector					Allocation (pounds)
		Dogfish	Lingcod	Rockfish outside	Sablefish	Halibut	
Rougheye rockfish	Coastwide	-	-	4.1885%	-	1.0056%	42,351
Shortraker rockfish	Coastwide	-	-	4.1885%	-	1.0056%	9,586
Shortspine thornyheads	Coastwide	-	-	4.1885%	-	1.0056%	1,955
Redbanded rockfish	Coastwide	-	-	4.1885%	-	1.0056%	22,053

*The units of Pacific Halibut weight are reported as fresh, dressed, head-off (net) pounds. All other units are fresh, round pounds.

Non-quota groundfish species (i.e. species not listed in Table 5) will be managed via trip limits, see Section 9.2.8.2. As per 11(d) of the Order, the court has found that rockfish allocations shall be adequate to enable fisheries for Halibut, Lingcod, and Dogfish. Acknowledging that rockfish are a non-target species with allocations that are influenced by allocations of target species (i.e. Pacific Halibut, Lingcod, and Dogfish) [1503], and that rockfish allocations are intended to be sufficient to facilitate a small-boat multi-species fishery [1505], the allocations described here and in Section 9.2.8.2 are intended to be adequate to enable fisheries for Halibut, Lingcod, and Dogfish.

9.2.4 Open Times

Specific open dates and times for the fishery will be planned with the Five Nations. Not all species covered in this fishing plan will be available for harvest throughout the duration of the year. Specifically, time, area and seasonal closures will apply as required for conservation and for proper control and management of the fishery.

Anticipated opportunities are as follows:

AABM Chinook – year round subject to close times and areas
Offshore Coho – June to December
Fraser River Sockeye/pink – Mid July to September

The Lingcod season is April 1 to November 15. Retention of Lingcod for sale is not permitted from November 16 to March 31.

The Halibut season occurs from approximately March to November. Retention of Halibut for sale is not permitted outside of these months. Halibut season open times are determined annually at the International Pacific Halibut Commission Annual Meeting each January.

9.2.5 Gear

The Offshore Integrated Hook and Line Fishery is intended to be an opportunity to provide access for wide community participation using small low-cost boats harvesting multiple species, consistent with court direction.

Permitted fishing gear is by rod and reel or handline. Downriggers and multiple rods are permitted. When directing on salmon species, barbless hooks will be

required in order to improve survivals of released non-target or undersize salmon species.

Further information about the use of commercial troll gear is outlined in Appendix 2.

9.2.6 Species Specific Measures

All retained salmon will be accounted for against allocations provided for the fishery.

Noting the justified infringements described in paragraphs 11(c) through (d) of the Order, specifically:

that Canada's management of the groundfish fisheries, including the precautionary approach to managing rockfish allocations, the monitoring of individual species harvested by the Proceeding Plaintiffs under amalgamated bycatch quota, the requirement for individual fisher accountability, the use of Individual Transferable Quotas (ITQs), and giving priority in allocation to research and assessment allocations over the Proceeding Plaintiffs' aboriginal rights;

All groundfish catch, including landed catch, released catch, and catch used as bait, will be accounted for against the allocations provided for the fishery. Other groundfish species not managed under TACs will be managed under trip limits or will have no limits. Harvesters should reference licence conditions for more details. A vessel's catch is calculated by adding both landed weight and the estimated mortality of all catch either utilized at-sea or released at-sea. When catch is in excess the allocations described in table 4 of Section 9.2.2.2, and where as the groundfish allocations provided do not unjustifiably infringe on the right, harvesters will be restricted from further fishing opportunities until such time as additional ITQ has been acquired.

9.2.6.1 *Rockfish*

For conservation reasons, no rockfish shall be released at-sea.

9.2.6.2 *Handling of Halibut*

Undersized Halibut brought on board the vessel to determine if the minimum size limit of the Halibut is met shall be returned to the sea with a minimum of injury. All undersized Halibut shall be released to the sea with a minimum of injury by:

- (a) hook straightening;
- (b) cutting the ganglion near the hook; or
- (c) carefully removing the hook by twisting it from the Halibut with a gaff.

To facilitate catch sampling by the International Pacific Halibut Commission all Halibut shall either be landed fresh, dressed head-on or fresh, round head-on.

9.2.7 Size limits

The species and sizes of fish that will be eligible for retention and sale will be identified in the conditions of licence issued by DFO for the fishery.

Chinook salmon retained for sale must be greater than 55 cm in length measured from the tip of the nose to the fork of the tail; or 44 cm in length measured along the shortest length of the body to the fork of the tail where the head has been removed.

Coho salmon retained for sale must be greater than 30 cm in length measured from the tip of the nose to the fork of the tail; or 26 cm in length measured along the shortest length of the body to the fork of the tail where the head has been removed.

All Halibut retained for sale must be greater than 81.3 cm (32 inches) head on measured in a straight line, passing over the pectoral fin, from the tip of the lower jaw with the mouth closed to the extreme end of the middle of the tail or head off more than 61.0 cm (24 inches), measured in a straight line from the base of the pectoral fin at its most anterior point to the extreme end of the middle of the tail.

All Lingcod retained for sale must be greater than 65 cm head on measured from the tip of the nose to the tip of the tail or head off, greater than 53 cm measured along the shortest length of the body to the tip of the tail.

9.2.8 Additional Management Measures

9.2.8.1 Salmon

Salmon

Trip limits or other harvest limitations may be required to ensure TAC's are not exceeded. It is anticipated that identification of specific measures will be discussed with the Five Nations prior to the initiation of a fishery.

IFR Coho

All fisheries where IFR Coho are known to be prevalent will be conducted with a non-retention restriction for wild (unmarked; adipose fin present) Coho.

Steelhead

Non-retention of steelhead will be in place to minimize impacts on Interior Fraser River steelhead.

9.2.8.2 Non-quota groundfish species

Species	Trip Limit (fresh, round pounds)
"Other Rockfish," including Bocaccio.	100 pounds
Bocaccio	25 pounds
Pacific cod	100 pounds
Sole and flounder	No limit

For conservation reasons, all rockfish caught must be retained and landed. For the purpose of managing trip limits, "Other Rockfish" are defined as:

- Aurora Rockfish (*Sebastes aurora*)
- Bank Rockfish (*Sebastes rufus*)
- Black Rockfish (*Sebastes melanops*)
- Blackgill (*Sebastes melanostomus*)
- Blue Rockfish (*Sebastes mystinus*)
- Bocaccio (*Sebastes paucispinis*)
- Brown Rockfish (*Sebastes auriculatus*)
- Chilipepper Rockfish (*Sebastes goodei*)
- Darkblotched Rockfish (*Sebastes crameri*)
- Dusky Rockfish (*Sebastes ciliates*)

Greenstriped Rockfish (*Sebastes elongates*)
Harlequin Rockfish (*Sebastes variegatus*)
Northern Rockfish (*Sebastes polyspinis*)
Pacific Ocean Perch (*Sebastes alutus*)
Puget Sound Rockfish (*Sebastes emphaeus*)
Pygmy Rockfish (*Sebastes wilsoni*)
Redstripe Rockfish (*Sebastes proriger*)
Rosethorn Rockfish (*Sebastes helvomaculatus*)
Sharpchin Rockfish (*Sebastes zacentrus*)
Shortbelly Rockfish (*Sebastes jordani*)
Splitnose Rockfish (*Sebastes diploproa*)
Stripetail Rockfish (*Sebastes saxicola*)
Vermilion Rockfish (*Sebastes miniatus*)
Widow Rockfish (*Sebastes entomelas*)
Yellowmouth Rockfish (*Sebastes reedi*)
Yellowtail Rockfish (*Sebastes flavidus*)
Longspine Thornyhead (*Sebastolobus altivelis*)

9.2.9 Bait

Fishers wishing to use licensed catch as bait may do so, with the exception of rockfish. All such catch must be accurately recorded in the Fishing Log, and will be accounted for against the allocations provided for the fishery. If a groundfish quota species is used as bait, the vessel will be assessed an average weight for that species as defined in Appendix 2 of the Groundfish IFMP.

For conservation reasons, rockfish may not be used as bait, and must be retained and landed.

9.2.10 Fishery Monitoring and Catch Reporting

In addition to the fishery monitoring and catch reporting outlined in Section 9.1 the following monitoring and reporting requirements for the Offshore Integrated Hook and Line fishery are as follows:

- The fishery must be monitored by an independent Dockside Monitoring Company.
- If AABM Chinook are retained in the Nearshore area (for example, AABM Chinook were retained from Area 25 on June 15), chinook retained from that fishing trip will be monitored following the standards set in the

- Offshore Integrated Hook and Line fishery, not the standards set in the Nearshore Integrated fishery in Section 9.3.
- Hail requirements for Offshore Integrated Hook and Line, Nearshore Integrated and Terminal fisheries will require discussion prior to the start of the fishery.
 - Additional hail requirements need to be discussed prior to the start of the fishery

Due to the significantly increased access for groundfish, fishery monitoring and catch reporting requirements will need to be revisited for the 2019/20 season.

9.3 Nearshore Integrated Fishing Opportunities

9.3.1 Nearshore Fishing Area

The Nearshore fishing area is defined as those portions of the CDA within PFMA 24-26. For salmon, Nearshore fisheries target multiple stocks returning to each individual PFMA within PFMA 24-26. Nearshore fisheries do not include Terminal areas which are outlined in Section 9.4.

Species specific accounting for chinook salmon is different than what is defined as Offshore and Nearshore and will follow AABM and ISBM area designations as described in the Pacific Salmon Treaty. The ISBM fishing area within the CDA is as defined as follows:

PFMA 24 inside the Canadian “surflines” and portions of PFMA 124 inside of a line generally one nautical mile seaward from the shoreline or existing Department of Fisheries and Oceans surflines during the period from August 1 through October 15; and

Portions of PFMA 25 and 26 inside the Canadian “surflines” and portions of PFMA 125 and 126, inside of a line generally one nautical mile seaward from the shoreline or existing Department of Fisheries and Oceans surflines during the period from July 1 through October 15.

9.3.2 Conservation Measures

In addition to those conservation issues described in Section 3 of this plan, specific issues within the Nearshore Integrated Fishing Opportunities include:

9.3.2.1 Chinook

WCVI wild Chinook continues to be a stock of concern. The objective for WCVI Chinook is to manage Canadian ocean fisheries (as specified in the Southern BC Salmon IFMP) to an exploitation rate of 10%. As a result, management measures may be implemented to protect this stock. These measures may include closures, salmon non-retention and Chinook non-retention provisions. Decisions on these management measures are primarily made pre-season and go into effect based on stock outlook and expected returns. In-season changes can also be made based on local Chinook returns to rivers. Harvests largely target hatchery production and management measures are designed to minimize impact on wild WCVI Chinook populations.

9.3.2.2 Rockfish

- i. No fishing for salmon or groundfish will be permitted in RCAs.

- ii. **Yelloweye Rockfish**

Based on updated science information, DFO has set out a rebuilding plan for stepped reductions of total Yelloweye outside population harvest from the estimated total catch mortality of 287 tonnes in 2014 to a mortality cap of 100 tonnes over 3 years (2016-17 to 2018-19). The rebuilding plan accounts for First Nations' priority access for food, social and ceremonial purposes.

DFO has introduced management measures to make steps towards the mortality cap described above and is continuing to have discussions to define more comprehensive plans for achieving the 100 tonne mortality cap.

- iii. **Bocaccio Rockfish**

Based on updated science information DFO set out a rebuilding plan in 2013 for stepped reductions of total Bocaccio harvest to a target level of 75 tonnes over 3 years (2013-14 to 2015-16). The rebuilding plan accounts for First Nations' priority access for food, social, and ceremonial purposes. DFO has implemented measures that will reduce Bocaccio catch and enable stock rebuilding over the long term. This includes mandatory retention of rockfish and trips limits to limit Bocaccio mortality.

9.3.2.3 Species at Risk Act

It may be necessary to collaboratively discuss SARA allowable harm implications for species, depending on legal listing decisions. In addition, harvesting opportunities in this Five Nations FMP may change due to SARA requirements.

Steelhead - Under the October 2018 proposed management scenarios for the potential emergency listing of Thompson and Chilcotin Steelhead under SARA, 60-day rolling window closures may be in effect for all salmon fisheries. These window closures may include:

Location Affected	Location Details		Start	End
West Coast of Vancouver Island	Area 124	All Subareas	27-Aug	26-Oct
	Area 125	All Subareas	25-Aug	24-Oct
	Area 26	Subarea 26-1	22-Aug	21-Oct
	Area 126	All Subareas	22-Aug	21-Oct

9.3.3 Fishery Access and Allocation

9.3.3.1 Salmon species

9.3.3.1.1 Nearshore ISBM Chinook

An ISBM fishery is an abundance-based regime that constrains to a numerical limit the total catch or the total adult equivalent mortality rate within the fisheries of a jurisdiction for a naturally spawning Chinook salmon stock or stock group. ISBM management regimes apply to all Chinook salmon fisheries subject to the PST that are not AABM fisheries.

ISBM fisheries are managed annually so as not to exceed the specified TAC. Currently this includes Conuma Hatchery (Tlupana Inlet) Chinook. Within the CDA, Chinook harvests that occur in the following times and areas will be accounted for against the Nearshore ISBM Chinook allocation:

- PFMA 24 inside the Canadian “surflines” plus that portion of PFMA 124 outside of a line generally one nautical mile seaward from the shoreline during the period of August 1 through October 15.
- PFMA 25 and 26 inside the Canadian “surflines” plus that portion of PFMA 125 and 126 outside of a line generally one nautical mile seaward from the shoreline during the period of July 1 through October 15.

Chinook caught in these areas outside of this time period are accounted for as part of the AABM fishery catch. Catch and effort typically peaks in these areas during the months of July to August, and effort is largely abundance driven.

When there is a TAC identified for Chinook within the nearshore ISBM management area, targeted Chinook fisheries are permitted. In-season adjustments to the allocation for this fishery may occur based on abundance.

The Five Nations fishery allocation for Nearshore ISBM Chinook in this FMP is an amount of Chinook salmon equal to a 7.31% share of the CTAC (see FMP Amendment Tracking on page 3). The 2019 CTAC for this fishery is the total estimated return to Conuma after accounting for escapement requirements, and FSC/Treaty obligations.

Five Nations allocation = (Estimated Conuma return *minus* escapement, *minus* 2,250 FSC) X 7.31%

9.3.3.1.2 Nearshore Coho

Each year a salmon Outlook is generated by DFO for WCVI Coho. The Outlook is intended to provide an objective and consistent context within which to initiate fisheries planning. In particular, it provides a preliminary indication of salmon production and associated fishing opportunities. Over the last several years, the Outlook has been classified as low to near target.

The Five Nations fishery allocation for nearshore Coho Salmon in this FMP is an amount of Coho up to a maximum of 1,200 Coho Salmon.

9.3.3.1.3 Nearshore Chum

Forecasts for WCVI wild and hatchery stocks are generated pre-season for inshore Chum. Forecasted stock management units include Clayoquot, Tlupana Inlet, Nootka, Esperanza and Kyuquot.

The Five Nations fishery allocation for Nearshore Chum in this FMP is an amount of Chum salmon equal to an 7.42% share of the CCTAC less requirements for First Nations FSC (see FMP Amendment Tracking on page 3).

Five Nations allocation = (commercial CTAC) X 7.42%

9.3.3.2 Groundfish species

Groundfish allocations are as described in Section 9.2.2.2.

9.3.4 Open times

Specific open dates and times for the fishery will be planned with the Five Nations. Not all species covered in this fishing plan will be available for harvest throughout the duration of the year. Specifically, time, area, gear type and seasonal closures will apply as required for conservation and for proper control and management of the fishery. It is expected that hook and line fisheries could be open for the majority of the year and that gill net/beach seine fisheries would be more limited in time and area to target specific stocks.

Anticipated opportunities are as follows:

Chinook/Coho/Chum hook and line – year round

Chinook/Coho/Chum gill net/beach seine fisheries targeting specific stocks – TBD

The Lingcod season is April 1 to November 15. Retention of lingcod for sale is not permitted from November 16 to March 31.

The Halibut season occurs from approximately March to November. Retention of Halibut for sale is not permitted outside of these months. Halibut season open times are determined annually at the International Pacific Halibut Commission Annual Meeting each January.

The Nearshore Integrated Fishery is intended to be an opportunity focused on providing access for wide community participation using small low-cost boats harvesting multiple species, consistent with court direction.

9.3.5 Gear

Gear type will vary by area and target species as required for conservation and for proper control and management of the fishery.

Permitted fishing gear is by rod and reel, handline, gill net or beach seine. Downriggers and multiple rods are permitted. When directing on salmon species, barbless hooks will be required in order to improve survivals of released non-target or undersize salmon species.

Gill net: the maximum net length is 50 fathoms, and the maximum net depth is 60 meshes. The gill net must be retrieved without the aid of any mechanical or hydraulic device. Gill nets must be attended at all times; a vessel cannot be further than 50 meters from the deployed gill net at any time. The end of the gill net that is not attached to a vessel shall be marked with a lantern that gives a steady white light during the period beginning one hour after sunset and ending one hour before sun rise. The maximum gill net soak time is 60 minutes.

Beach seine: specific description to be determined as this gear type has not been utilized in previous fisheries.

9.3.6 Species specific measures

All retained salmon will be accounted for against allocations provided for the fishery.

Noting the justified infringements described in paragraphs 11(c) through (d) of the Order, specifically:

that Canada's management of the groundfish fisheries, including the precautionary approach to managing rockfish allocations, the monitoring of individual species harvested by the Proceeding Plaintiffs under amalgamated bycatch quota, the requirement for individual fisher accountability, the use of Individual Transferable Quotas (ITQs), and giving priority in allocation to research and assessment allocations over the Proceeding Plaintiffs' aboriginal rights;

All groundfish catch, including landed catch, released catch, and catch used as bait, will be accounted for against the allocations provided for the fishery. Other groundfish species not managed under TACs will be managed under trip limits or will have no limits. Harvesters should reference licence conditions for more details. A vessel's catch is calculated by adding both landed weight and the estimated mortality of all catch either utilized at-sea or released at-sea. When catch is in excess the allocations described in table 4 of Section 9.2.2.2, and where as the groundfish allocations provided do not unjustifiably infringe on the right, harvesters will be restricted from further fishing opportunities until such time as additional ITQ has been acquired.

9.3.6.1 Rockfish

For conservation reasons, no rockfish shall be released at-sea.

9.3.6.2 Handling of Halibut

Undersized Halibut brought on board the vessel to determine if the minimum size limit of the Halibut is met shall be returned to the sea with a minimum of injury. All undersized Halibut shall be released to the sea with a minimum of injury by:

- (a) hook straightening;
- (b) cutting the ganglion near the hook; or
- (c) carefully removing the hook by twisting it from the Halibut with a gaff.

To facilitate catch sampling by the International Pacific Halibut Commission all Halibut shall either be landed fresh, dressed head-on or fresh, round head-on.

9.3.7 Size limits

The species and sizes of fish that will be eligible for sale will be identified in the conditions of licence issued by DFO for the fishery. There are no size limits for salmon caught by gill net.

Chinook salmon caught by hook and line gear retained for sale must be greater than 55 cm in length measured from the tip of the nose to the fork of the tail; or 44 cm in length measured along the shortest length of the body to the fork of the tail where the head has been removed.

Coho salmon caught by hook and line gear retained for sale must be greater than 30 cm in length measured from the tip of the nose to the fork of the tail; or 26 cm in length measured along the shortest length of the body to the fork of the tail where the head has been removed.

All Halibut retained for sale must be greater than 81.3 cm (32 inches) head on measured in a straight line, passing over the pectoral fin, from the tip of the lower jaw with the mouth closed to the extreme end of the middle of the tail or head off more than 61.0 cm (24 inches), measured in a straight line from the base of the pectoral fin at its most anterior point to the extreme end of the middle of the tail.

All lingcod retained for sale must be greater than 65 cm head on measured from the tip of the nose to the tip of the tail or head off, greater than 53 cm measured along the shortest length of the body to the tip of the tail.

9.3.8 Additional Management Measures

9.3.8.1 Salmon

Salmon

Trip limits or other harvest limitations may be required to ensure TAC's are not exceeded. Further discussion about harvest limitations with the Five Nations will occur prior to the fishery start as well as in-season.

Steelhead

Non-retention of steelhead will be in place.

9.3.8.2 Non-quota groundfish species

Species	Trip Limit (fresh, round pounds)
“Other Rockfish,” as set out in Appendix 1 in the conditions of licence, including Bocaccio.	100 pounds
Bocaccio	25 pounds
Pacific cod	100 pounds
Sole and flounder	No limit

All rockfish caught must be retained and landed. For the purpose of managing trip limits, “Other Rockfish” are defined as

- Aurora Rockfish (*Sebastes aurora*)
- Bank Rockfish (*Sebastes rufus*)
- Black Rockfish (*Sebastes melanops*)
- Blackgill (*Sebastes melanostomus*)
- Blue Rockfish (*Sebastes mystinus*)
- Bocaccio (*Sebastes paucispinis*)
- Brown Rockfish (*Sebastes auriculatus*)
- Chilipepper Rockfish (*Sebastes goodei*)
- Darkblotched Rockfish (*Sebastes crameri*)
- Dusky Rockfish (*Sebastes ciliates*)
- Greenstriped Rockfish (*Sebastes elongates*)
- Harlequin Rockfish (*Sebastes variegatus*)

Northern Rockfish (*Sebastes polyspinis*)
Pacific Ocean Perch (*Sebastes alutus*)
Puget Sound Rockfish (*Sebastes emphaeus*)
Pygmy Rockfish (*Sebastes wilsoni*)
Redstripe Rockfish (*Sebastes proriger*)
Rosethorn Rockfish (*Sebastes helvomaculatus*)
Sharpchin Rockfish (*Sebastes zacentrus*)
Shortbelly Rockfish (*Sebastes jordani*)
Splitnose Rockfish (*Sebastes diploproa*)
Stripetail Rockfish (*Sebastes saxicola*)
Vermilion Rockfish (*Sebastes miniatus*)
Widow Rockfish (*Sebastes entomelas*)
Yellowmouth Rockfish (*Sebastes reedi*)
Yellowtail Rockfish (*Sebastes flavidus*)
Longspine Thornyhead (*Sebastolobus altivelis*)

9.3.9 Bait

Fishers wishing to use licensed catch as bait may do so, with the exception of rockfish. All such catch must be accurately recorded in the Fishing Log will be accounted for against the allocations provided for the fishery. If a groundfish quota species is used as bait, the vessel will be assessed an average weight for that species as defined in Appendix 2 of the Groundfish IFMP.

Rockfish may not be used as bait, and must be retained and landed.

9.3.10 Fishery Monitoring and Catch Reporting

In addition to the fishery monitoring and catch reporting requirements outlined in Section 9.1 the following monitoring and reporting requirements for the Nearshore Integrated fishery are as follows:

- The fishery may be monitored by a non-independent Dockside Monitoring Company, with the following exception:
 - o If AABM Chinook are retained in the Nearshore area (for example, AABM Chinook were retained from Area 25 on June 15), chinook retained from that fishing trip will be monitored following the standards set in the Offshore Integrated Hook and Line fishery in

Section 9.2, not the standards set in the Nearshore Integrated fishery.

- Hail requirements for Offshore Integrated Hook and Line, Nearshore Integrated and Terminal fisheries will require discussion prior to the start of the fishery.
- Additional hail requirements need to be discussed prior to the start of the fishery

9.4 Terminal Salmon Fishing Opportunities

9.4.1 Terminal Fishing Area

The Terminal fishing area is defined as those portions of the CDA within PFMA 24-26 in close proximity to the mouths and or within rivers where an available harvest has been identified. Terminal fisheries are intended to target specific stocks and do not include Nearshore areas which are outlined in Section 9.3.

9.4.2 Conservation Measures

- a) WCVI wild Chinook continues to be a stock of concern. The objective for WCVI Chinook is to manage Canadian ocean fisheries (as specified in the Southern BC Salmon IFMP) to an exploitation rate of 10%. As a result, management measures may be implemented to protect this stock. These measures may include closures, salmon non-retention and Chinook non-retention provisions. Decisions on these management measures are primarily made pre-season and go into effect based on stock outlook and expected returns. In-season changes can also be made based on local Chinook returns to rivers. Harvests largely target hatchery production and management measures are designed to minimize impact on wild WCVI Chinook populations.
- b) It may be necessary to collaboratively discuss SARA allowable harm implications for species, depending on legal listing decisions. In addition, harvesting opportunities in this Five Nations FMP may change due to SARA requirements.

9.4.3 Fishery Access and Allocation

9.4.3.1 Terminal Chinook

When there is a TAC identified for Chinook within a terminal area, targeted Chinook fisheries are permitted. In-season adjustments to the allocation for this fishery may occur based on abundance.

The Five Nations fishery allocation for terminal Chinook is 50% of the available harvest less the expected FSC catch. This allocation is for terminal surpluses that may be identified at the mouths of rivers (e.g. Burman, Gold, etc.).

Any terminal Chinook harvests will be accounted for as part of the total ISBM Chinook catch consistent with Pacific Salmon Treaty reporting requirements.

Five Nations allocation = (available harvest *minus* FSC) X 50%

9.4.3.2 Terminal Coho

Each year a salmon Outlook is generated by DFO for WCVI Coho. The Outlook is intended to provide an objective and consistent context within which to initiate fisheries planning. In particular, it provides a preliminary indication of salmon production and associated fishing opportunities. Over the last several years, the Outlook has been classified as *low* to *near target* for WCVI Coho.

The Five Nations fishery allocation for terminal Coho is 50% of the available harvest less the expected FSC catch. This allocation is for terminal surpluses that may be identified at the mouths of rivers (e.g. Burman, Gold, etc.). At this time a stock assessment framework for identifying available harvest levels has not been developed.

Five Nations allocation = (available harvest *minus* FSC) X 50%

9.4.3.3 Terminal Chum

The allocation for this fishery is 50% of the available harvest less the expected FSC catch. This allocation is for terminal surpluses that may be identified at the mouths of rivers (e.g. Burman or other systems).

Five Nations allocation = (available harvest *minus* FSC) X 50%

9.4.4 Open Times

Specific open dates and times for the fishery will be planned with the Five Nations. Not all species covered in this fishing plan will be available for harvest throughout the duration of the year. Specifically, time, area, gear type and seasonal closures will apply as required for conservation and for proper control and management of the fishery. It is expected that hook and line fisheries could be open for the majority of the year and that gill net/beach seine fisheries would be more limited in time and area to target specific stocks.

Anticipated opportunities are as follows:

Chinook/Coho/Chum hook and line – year round subject to close times and areas

Chinook/Coho/Chum gill net/beach seine fisheries targeting specific stocks – To be determined

9.4.5 Gear

The Terminal Salmon Fishery is intended to be an opportunity to provide access for wide community participation using small low-cost boats harvesting multiple species, consistent with court direction.

Gear type will vary by area and target species as required for conservation and for proper control and management of the fishery.

Permitted fishing gear is by rod and reel, handline, gill net or beach seine. Downriggers and multiple rods are permitted. Barbless hooks will be required in order to improve survivals of released non-target or undersize salmon species.

Gill net: the maximum net length is 50 fathoms, and the maximum net depth is 60 meshes. The gill net must be retrieved without the aid of any mechanical or hydraulic device. Gill nets must be attended at all times; a vessel cannot be further than 50 meters from the deployed gill net at any time. The end of the gill net that is not attached to a vessel shall be marked with a lantern that gives a steady white light during the period beginning one hour after sunset and ending one hour before sun rise. The maximum gill net soak time is 60 minutes.

Beach seine: specific description to be determined as this gear type has not been utilized in previous fisheries. In addition, the Five Nations have expressed an interest in the use of traps and/or weirs. Further discussion is required with the Five Nations on the use and potential impacts of such gear prior to authorization.

9.4.6 Species specific measures

All retained salmon will be accounted for against allocations provided for the fishery.

9.4.6.1 Size Limits

The species and sizes of fish that will be eligible for sale will be identified in the conditions of licence issued by DFO for the fishery. There are no size limits for salmon caught by gill net.

Chinook salmon caught by hook and line gear retained for sale must be greater than 55 cm in length measured from the tip of the nose to the fork of the tail; or 44 cm in length measured along the shortest length of the body to the fork of the tail where the head has been removed.

Coho salmon caught by hook and line gear retained for sale must be greater than 30 cm in length measured from the tip of the nose to the fork of the tail; or 26 cm in length measured along the shortest length of the body to the fork of the tail where the head has been removed.

9.4.7 Additional Management Measures

Trip limits or other harvest limitations may be required to ensure TAC's are not exceeded. Further discussion about harvest limitations with the Five Nations will occur prior to the fishery start as well as in-season.

Steelhead

Non-retention of steelhead will be in place.

9.4.8 Bait

The use of bait is not permitted in this fishery.

9.4.9 Fishery Monitoring and Catch Reporting

In addition to the fishery monitoring and catch reporting requirements outlined in Section 9.1 the following monitoring and reporting requirements for the Terminal Salmon Fishery are as follows:

- The fishery may be monitored by a non-independent Dockside Monitoring Company.
- Hail requirements for Offshore Integrated Hook and Line, Nearshore Integrated and Terminal fisheries will require discussion with the Five Nations prior to the start of the fishery.

9.5 Crab by Trap Fishing Opportunity

9.5.1 Fishery Access and Allocation

The court determined that the crab harvest opportunity provided by DFO to Ahousaht and Mowachaht/Muchalaht Nations does not infringe on their rights to harvest and sell crab.[1596]

The court determined that the crab harvesting opportunities provided by DFO to the Hesquiaht and the Tla-o-qui-aht Nations is insufficient and that additional commercial crab access must be provided to remedy the unjustified infringement found by the court.

The court also found that Canada's present commercial management regime for crab is justified, subject to the general infringements that have been addressed above. [1609]

Regular Commercial Crab Regime - Context

The present commercial crab-by-trap fishery is managed through limited commercial licensing, a minimum harvestable size limit, area licensing, trap limits, soak limits, sex restrictions, soft-shell restrictions, closure areas, closed periods and gear restrictions.

Each crab management area has a total trap limit. The number of traps available to each commercial or communal commercial crab licence is dependent on the overall trap limit in the area they are fishing and the number of other licence eligibility holders that have chosen that same area. The individual trap allocation per licence is the number of licences in an area divided by the overall trap limit for the area.

Hesquiaht and Tla-o-qui-aht

DFO proposes to provide additional access to the Five Nations to address the Tla-o-qui-aht lack of access. Due to sea otter predation, crab are generally

unavailable in the Hesquiaht fishing area, however there is some recreational harvest.

25 additional traps will be provided for use in each of the Hesquiaht, Ehattesaht and Mowachaht/Muchalaht First Nations Fishing Territories to support exploratory fishing efforts by the Five Nations for the 2019/20 season.

DFO has calculated that an allocation of 4.79% of the total trap cap for E-Tofino-Area 24 and 4.79% for the rest of E-Tofino is required to remedy the unjustified infringement found by the court (see FMP Amendment Tracking on page 3).

CDA and the Five Nations' Crab Fishery

The CDA falls within crab management Area E. However, that portion of the CDA where the majority of the commercial crab is harvested is within Crab Management Area E-Tofino (E-Tofino), a portion of Area E. The overall area trap limit for E-Tofino is 8,400. Within E-Tofino, sub-area 24 has a specific trap limit of 1,600.

9.5.2 Open times

With exception of those permanent and seasonal closures noted in Section 9.5.3 of this plan, the open time for the harvest of crab will be April 1 to March 31. Harvesters are advised to check local area charts and public notices for no fishing zones or no access zones for navigational and military purposes.

9.5.3 Closures

Navigation Channels and Restricted Areas, *Navigable Waters Protection Act*

The *Navigable Waters Protection Act* (NWPA) is a federal statute designed to protect the public right of navigation by prohibiting the building or placement of works in, on, over, under, through, or across any waterway without approval of the Minister of Transport Canada. The Navigable Waters Protection Division, which is a directorate of Transport Canada - Marine, is responsible for administering the NWPA.

For Navigational issues, contact Navigable Waters Protection Division, Transport Canada-Marine at (604) 775-8867.

Harvesters are reminded to keep navigation channels clear of buoys and lines. The number of complaints to Transport Canada, the Department's Coast Guard, Conservation and Protection and Fishery Management offices, has significantly increased in recent years. The Tofino area is one area that continues to have issues with respect to the crab fishery and maintaining navigation channels. Maps of these areas are also posted around the Tofino community and specifically at the 4th Street dock. The designated navigation channels in the Tofino area are shown in Appendix 7 of the Crab by Trap IFMP.

West Coast Vancouver Island - Area E

The following areas are closed permanently to Five Nations' commercial crab harvesting:

Ahousaht/Millar Channel:

That portion of Subarea 24-4 inside a line that begins at 49°18.030'N 126°04.140'W [northern end of McNeill Peninsula] then to 49°18.030' N 126°03.710' W then to 49°17.483' N 126°03.024' W then to 49°16.814' N 126°02.960' W then to 49°16.439' N 126°02.608' W then to 49°16.226' N 126°02.823' W [Yates Point]. (Navigational and First Nations and Recreational Access Closure)

Tofino Navigation Channel:

No buoys are permitted in those portions of Subareas 24-4, 24-6, 24-8, 24-9 and 124-3 shown in Appendix 7 of the Crab by Trap IFMP. (Navigation Closure)

Muchalat Inlet:

Subarea 25-1

Those waters of Muchalat Inlet lying easterly of the meridian at 126°12.867'W at the Muchalat Inlet south shore Light. (Dioxin Closure)

Subarea 25-2

Those waters of Muchalat Inlet lying westerly of the meridian at 126°12.867'W at the Muchalat Inlet south shore Light and easterly of a line that begins at 49°38.680'N 126°20.888'W [Muchalat Inlet Light] then to 49°38.150'N 126°21.250'W [Ous Point].

Subarea 25-3

Those waters of King and Williamson Passages lying westerly of a line that begins at 49°38.680'N 126°20.888'W [Muchalat Inlet Light] then to 49°38.150'N 126°21.250'W [Ous Point] and easterly of a line that begins at 49°39.178'N 126°26.457'W [Atrevida Point Light] then to 49°38.767'N 126°28.292'W [Anderson Point Light]. (Dioxin Closure)

9.5.4 Gear

Trap Size Limit

The total volume of traps fished for Dungeness crab will not exceed 400 litres. Harvesters requesting openings to fish for king crab will be permitted to fish traps in excess of 400 litres if desired.

Escape Holes

All traps fished in all areas must have two escape rings of 105 mm or larger in diameter situated not more than 100mm below the top of the frame.

Biodegradable Escapement Mechanisms

Every trap fished under the licence must be equipped with a biodegradable escape mechanism in the form of a rot cord, rot panel, or rot panel alternative as described below. These mechanisms are designed to minimize the effects of ghost fishing by lost or abandoned traps. In order to be effective these mechanisms must be under tension. These mechanisms do not apply to ring nets.

Rot Cord

Rot cords may only be used on traps with a rigid frame, a freely opening hinged lid, and a volume less than 400 litres. (400 litres is approximately equal to a circular trap 117 cm in diameter and 36 cm high.) The trap lid must be secured by a loop of no greater than #120 untreated cotton twine such that the trap lid will open freely when the rot cord is broken. The rot cord must be attached to the rubber strap by a cow hitch and attached to the hook by a cow hitch. If the hook is attached permanently to the trap, the trap lid shall close using a single loop of the rot cord from the rubber strap. The rubber strap shall be under tension. No other fastenings may impede the hinged lid of the trap from opening. The opening area created by the hinged lid must exceed the rot panel area requirement (described below), or exceed the size of the largest trap entrance.

Rot Panel

All traps without hinged lids secured by a rot cord (as described above), must have a biodegradable (rot) panel. The rot panel must consist of a section in a trap side wall that has been laced, sewn, or otherwise secured by a single strand of no greater than #120 untreated cotton twine, such that the entire panel remains under tension when the panel is intact but on deterioration or parting produces an unrestricted opening. The opening must exceed a square 11cm by 11cm.

Rot Panel Alternative

Soft-web traps requiring a rot panel may use the following alternative:

A trap side wall must contain a cut in the web greater than 20cm in length. The cut shall be made in a “V” pattern with each leg of the “V” greater than 11 cm in length. A single strand of no greater than #120 untreated cotton twine, must be used to lace the cut in the web such that the entire panel remains under tension when the panel is intact but on deterioration or parting produces an unrestricted triangular opening no less than 11 cm on each side.

The following requirements may be met through the use of a service provider.

Trap Tags

Approved trap tags are required on all Five Nations’ commercial crab traps fished in B.C. These include RFID chips and plastic tags for Crab Management Area E, including the CDA.

Radio Frequency Identification (RFID) Chips

As part of the electronic vessel monitoring program, radio frequency identification (RFID) chips are required. One RFID chip shall be attached to each trap, or to the buoy, when using single buoyed gear. Vessel operators are required to scan every RFID chip as the trap is hauled on-board, with an RFID chip scanner, to record RFID information from each trap hauled. All aspects of RFID chip procurement, distribution, administration, and data entry are the responsibility of the vessel owner/licence holder to arrange with the service provider.

Vessel operators are required to use and scan only those RFID chips registered in the vessel’s inventory. Detailed requirements for RFID chip inventory management are provided in the British Columbia Commercial Crab Fishery

Monitoring and Catch Reporting Program Standards For the Licence Year 2019/2020 (Appendix 9 of the IFMP for Crab by Trap).

Chips shall be replaced if they become unreadable by the scanner. When a trap is taken out of the water and replaced, the vessel master is responsible for switching the RFID chips so that all traps in the water are fitted with RFID chips in that vessel's inventory for the current year.

When RFID chips are replaced, only the valid chip shall remain on the trap. Old chips must be removed and destroyed and replaced with the replacement chips at the first opportunity the gear is hauled. Only traps tagged with working (readable) RFID chips are permitted to be on-board the licensed vessel utilizing electronic monitoring. For vessels utilizing on-board observers instead of EM, only plastic trap tags are required.

Plastic Trap Tags

In order to help ensure vessel trap limits are adhered to in the Five Nations' commercial crab fishery, new DFO approved plastic trap tags that are unique to each vessel are required for each fishing season.

The vessel master shall arrange to have tag numbers for tags that meet the requirements of the Department entered into a database. Data delivery requirements for plastic tags are further described in Appendix 9 of the IFMP for Crab by Trap.

Each vessel will be issued a total number of tags equal to their trap limit plus 10% to allow for replacement of lost traps.

If the vessel master requires more replacement tags than the 10% allotted for lost traps, the vessel master must contact their local area crab manager for instructions on obtaining more tags. The crab manager will then contact the service provider regarding issuing a complete new set of replacement tags. New replacement tags shall be marked with the letters "RP" and be a different colour than the original set issued. New replacement tags shall also indicate the licence year and be unique to each individual vessel. Old tags must be removed and replaced with the replacement tags at the first opportunity the gear is hauled. When trap tags are replaced, only the valid tag shall remain on the trap. All the old tags must be returned to the nearest DFO office within 21 days of the new tags being issued.

Two trap tag colours for Area E Tofino harvesters for traps fished inside and outside of Area 24 are no longer required. In 2019, the trap tag program will be further reviewed.

Buoys

Buoys must exceed a minimum diameter of 12 cm and have a volume greater than 2.5 litres. (This is approximately equivalent to a cylinder 12 cm in diameter and 22cm long or a sphere 17cm in diameter). All buoy lines, trap lines and groundlines shall be non-floating so that the lines remain below the surface of the water in order to minimize navigational hazards. This regulation is in place to avoid potential gear conflict between resource user groups. Utility cans, bleach bottles and other domestic containers are not permitted.

Buoy Registration

Area E (Tofino): when fishing within Area E-Tofino trap limit area harvesters must register buoys with a unique colour combination with the local DFO C&P Department. A colour photograph is required.

Buoy and Trap Lines

All buoy lines must be of a non-floating material so that the lines remain below the surface of the water while fishing, to minimize navigational hazards. String gear is permitted with the following exceptions:

Area E (Tofino Trap Limit Area) – Single Traps and Buoys

A buoy and buoy line shall be attached to each trap fished in Area E-Tofino in Subareas 24-1 to 24-14. The traps must not be connected with lines.

Standard Buoy Marking

The Vessel Registration Number (VRN), or the T'aaq-wiihak decal number, must be painted, branded or affixed to each buoy, such that it is visible at all times without raising the gear from the water. The VRN, or the T'aaq-wiihak decal number, shall be in solid block Arabic numerals, without ornamentation, no less than 75 mm in height and in a colour that contrasts with their background. The VRN or the T'aaq-wiihak decal number on the buoy shall match the registration number or the T'aaq-wiihak registration number of the vessel licensed to fish the gear for crab.

Holding Cages

Marking of Holding Cages

All holding cages must be identified with a buoy with the registration number or the T'aaq-wiihak decal number, of the crab licensed vessel which harvested the impounded crabs. Harvesters are encouraged to maintain holding cages so that crab mortalities are minimized. Holding cages must not be left in the water for more than 18 consecutive days without lifting the trap from the water and removing all of the crab from them. If holding cages are unmarked, or if crab mortalities are observed in cages, the crabs may be seized or released by Fishery Officers.

Storage of Holding Cages

Holding cages containing crab may only be left unattended if the area is open to fishing and within an area that the license holder is eligible to fish unless tied to the licensed vessel or to a dock. Holding cages cannot be stored in dioxin and furan closure areas.

9.5.5 Species-specific measures

Species

Fish harvesters are authorized to catch and retain:

Dungeness Crab (*Cancer magister*)

Red Rock Crab (*Cancer productus*)

Fish harvesters are authorized to incidentally catch and retain octopus *Enteroctopus dofleini* while crab trap fishing, except in octopus closure areas. Conditions of Licence require all fish harvesters to accurately complete octopus catch and retention information in the crab trap logbook.

Non-retention of Female Crabs

Every person engaged in Five Nations' commercial crab fishing shall immediately return all female crabs to the water in the location from which they were caught, in a manner that will cause least harm, with the exception below.

No person shall catch and retain or possess any female crab unless the crab is infected by the parasite *Briarosaccus callosus* and is being brought ashore to

avoid the further spread of that parasite. Dungeness crab found with this parasite should be frozen and shipped to DFO.

Briarosaccus callosus is identified by a reddish-brown, 1 to 2 cm diameter capsule(s), which is the egg sac of the parasite, located under the abdomen (i.e. where the crab eggs would normally be carried).

Retention of female crabs or their roe (eggs or larvae) represents a threat to conservation of crab stocks.

Non-retention of Soft-shell Crabs

Soft-shell crabs may not be retained. A crab is considered soft-shell if the underside of the shell (carapace) yields or flexes under pressure. Crab shell hardness is measured with a durometer, which is a spring driven device specifically designed to measure the shell hardness of Dungeness crab. Durometers are available from PTC Instruments, 2301 Federal Avenue, Los Angeles, CA 90064 (www.ptc1.com). The Dungeness crab durometer is model 307LCRB-4. The appropriate place on a crab to determine if the crab shell is soft is on the underside of the carapace between the widest point of the carapace and the attachment of the leg bearing the claw. The durometer should be positioned just anterior to the shell suture line as indicated in Appendix 6 of the Crab by Trap IFMP. The durometer shall be applied to this location on the crab as per the manufacturer's instructions. The indenter of the durometer should be pressed to the crab shell until the foot of the durometer is flush with the surrounding shell. Soft-shell crabs are those crabs that do not exceed a durometer measurement of 70 units.

Crab harvesters are generally aware of the difference between hard and soft-shell crabs. Crabs can be tested with digital pressure in the same location on the shell as indicated in Appendix 6 of the Crab by Trap IFMP. The legal hardness standard will be the durometer measurement. If the harvester is unsure whether the crab shell is hard enough the crab shall be returned to the water.

Harvesters should avoid fishing during soft-shell periods in order to minimize damage to crab populations, and to maximize the landed value of harvested product. In-season closures may be implemented in locations where a high incidence of soft-shell is observed. Soft-shell crabs left in traps are subject to increased risk of mortality through cannibalism.

DFO requires that the Five Nations' commercial crab harvesters carefully handle and release soft-shell crab. All undersized crab and soft-shell crab must be

removed from the trap and released immediately in the location where they were caught, in a manner that will cause least harm. Harvesters are asked to release soft-shell crab back into the water as close to the surface as possible. Dropping soft-shell crab from any height or throwing them over the side will substantially increase damage and mortality.

Size limits

Undersized crab must be returned to the water immediately upon capture with the least possible harm in the location from which they were caught. It is the responsibility of each harvester to ensure that their measuring gauge is accurate.

The minimum size limit for Dungeness crab is 165 mm, measured as the maximum distance in a straight line through the greatest breadth of the shell.

The minimum size limit for Red Rock crab is 115 mm, measured as the maximum distance in a straight line through the greatest breadth of the shell.

9.5.6 Additional Management Measures

9.5.6.1 Service Provider Arrangements

Prior to fishing, all crab harvesters must make arrangements with an approved service provider in order to fulfill fishery monitoring and catch reporting program requirements for biological sampling, electronic monitoring or observing, harvest logbooks, plastic trap tags, and mid-year and year-end summary reports.

9.5.6.2 Trap Limits

Compliance with trap limits is monitored through several programs including electronic monitoring or at-sea observers, plastic trap tags, and on-grounds compliance checks. Harvesters must take an active role in ensuring compliance with trap limits by meeting their trap tagging, reporting and monitoring requirements. Trap limits have been established in each area coast-wide:

9.5.6.3 Area E-Tofino Trap Allocations

Area	Area portion	Licences	Area Limit	Final Trap Limit/Licence

E_Tofino	Area E Tofino Outside Area 24	33	8400	254
	E_Tofino Area 24		1600	48
	Outside Tofino trap limit area (ie. “the hole – see below for description)	32	3200	100

*Note-the Area E Tofino total of 254 includes the number of traps used in E Tofino 24 and the Hole

9.5.6.4 Outside Tofino Trap Limit Area (“the Hole”)

Those waters outside Tofino lying within a line that begins at 48°55.268’N 125°32.470’W [Amphitrite Point] then westerly to 48°51.200’N 125°48.000’W then northerly to 49°6.591’N 125°55.377’W [Lennard Island] then southerly to 48°5.680’N 125°53.374’W [Cox Bay] then following the shoreline to the beginning point. A 100 trap limit per vessel has been implemented to reduce trap congestion in this area.

9.5.6.5 Trap Haul Restrictions & Soak Times

Area E

A calendar week is described as 00:01 hours Sunday to 23:59 hours Saturday evening. The following is based on a calendar year;

All Common Areas (Area 21, 22, 25, 26, 121, 123-1, 125 and 126):

- From February 1 to April 30, harvesters may only haul their traps once per calendar week.

Tofino (All Areas unique to the Tofino option: Areas 23, 24, Subareas 123-2 to 123-9, and Area 124)

- From January 1 to March 31 harvesters may only haul their traps once per calendar week.

Area	Dates	Five Nations Commercial Haul Restrictions:			
		1 Haul / Day	3 Hauls / Week	2 Hauls / Week	1 Haul / Week
E_Tofino option area	Jan 1 - Mar 31				X
	April 1 - Dec 31	X			

9.5.6.6 Maximum Soak Time of 18 days

No person shall set a trap and leave the trap in the water for more than 18 consecutive days without lifting the trap from the water and removing all of the crab from it.

9.5.6.7 Octopus Retention

All harvesters are required to accurately report information about octopus caught and retained in their logbooks. Octopus catch information is included as part of the Crab by Trap Logbook and all octopus catch must be recorded. This information is required to develop a further understanding of the distribution and population strength of octopus species caught by the Five Nations' commercial trap harvesters. Octopus may not be retained if caught in octopus closure areas. All octopus caught in octopus closure areas must be removed from the trap and released immediately in the location where they were caught, in a manner that will cause least harm.

9.5.6.8 Navigation Lights

Harvesters are reminded to be familiar with and adhere to the requirements concerning navigational lights as per the *International Regulations for Preventing Collisions at Sea, 1972*.

Fishing vessels and other vessels when underway are required by regulation to travel with high intensity deck lights extinguished. Vessels in contravention are subject to penalties.

9.5.6.9 Packers, Barges and Mother Ships

All crab taken under authority of a crab licence shall be transported to land by the vessel named in the licence. All crab traps, holding cages, lines and buoys used by a designated vessel, shall be transported by the vessel named in the licence to and from land.

9.5.6.10 Best Management Practices

General:

Release all by-catch species with the least possible harm. Retention of flatfish, finfish, and soft, female, and undersized Dungeness crab is prohibited.

To improve First Nations FSC access, avoid setting commercial traps in areas fronting First Nation reserves.

Buoy lines should be appropriate for water depth and tide cycles.

Keep crab buoys brightly painted and in accordance with licence conditions.

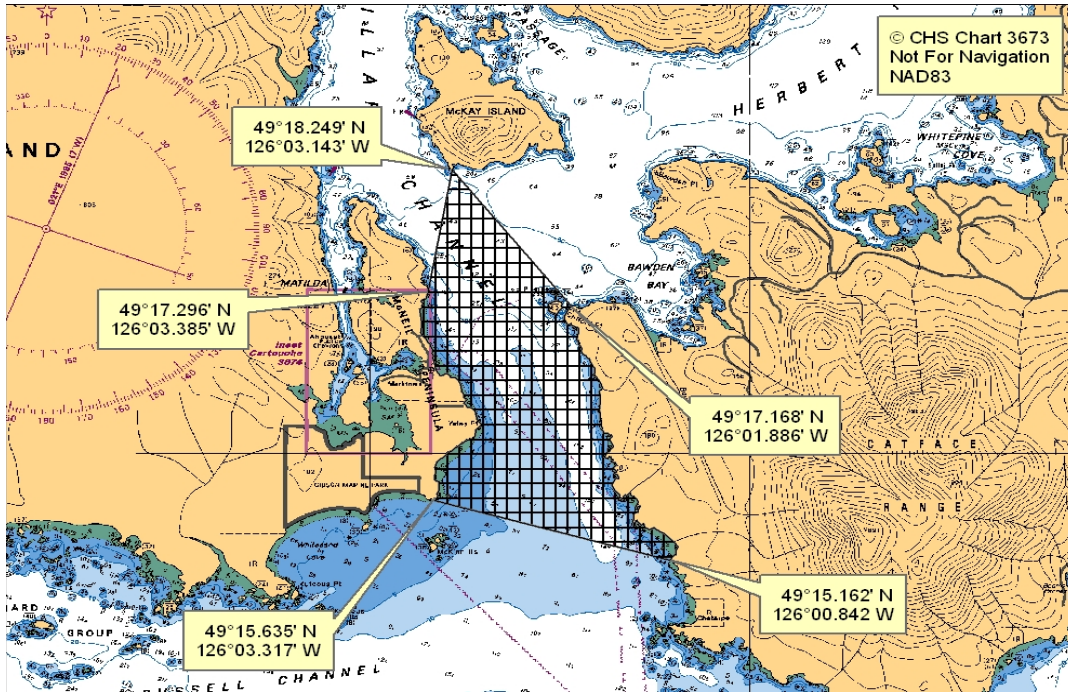
Minimise wake in harbours, particularly at boat launches, marinas and other wharves.

Avoid pulling crab traps through beds of eel grass.

If harvesters are replacing active crab traps with ones that have been inactive for more than 18 days they must transfer the RFID chip from the active trap to the replacement trap. This RFID replacement activity will help minimise violation errors associated with over-soak and trap allocation calculations.

Area E - Tofino

Commercial crab gear is to be removed or not set during the months of June, July, and August in the area indicated on the map below. The purpose of this best practice is to minimise gear conflicts with First Nations FSC Salmon fishing.



Area E Tofino.

To reduce gear impact for vessels leaving or returning to Ucluelet. The Area E crab harvesters have agreed to not place crab floats in the described corridor

Starts at 48 54.793N 125 32.856W then to 48 54.647N 125 33.011W then to 48 57.407N 125 45.741W then to 48 57.230N 125 45.741W then to the beginning point.

And

Starts at 48 54.793N 125 32.856W then to 48 54.703N 125 32.622W then to 48 51.461N 125 36.075W then to 48 51.562N 125 36.296W then to the beginning point

9.5.6.1 Domoic Acid and Paralytic Shellfish Poison

In some areas, high levels of naturally occurring toxins such as domoic acid (DA) and paralytic shellfish poison (PSP) have been found in the viscera of Dungeness crabs. DA can cause a variety of gastrointestinal symptoms and also fatigue, disorientation, and memory loss. In extreme circumstances, ingestion of high concentrations of PSP and DA can be fatal to humans. Crab harvesters should be aware of the potential for PSP and DA accumulation in crabs harvested in areas where there are concerns or closures due to increased marine biotoxin levels, which could lead to fishery closures. Fishers may be called upon to help prevent fishery closures by contributing to area sampling programs and should always keep accurate harvest information.

9.5.7 Bait

Hanging Bait

The use of hanging bait is prohibited in Area E-Tofino sub-area 24.

All bait in sub-area 24 must be placed within a hard plastic bait cup with a screw-top lid. The bait cups may have holes drilled in them but holes can be no larger than 8 mm in diameter.

The use of hanging bait is said to increase trap catches of soft, undersized, and female crab, which could pose a conservation concern.

9.5.8 Fishery Monitoring and Catch Reporting

Fishery monitoring will be conducted by DFO and the First Nations under Fisheries Agreements if applicable.

Full fishery monitoring, either through an at-sea observer or an electronic monitoring (EM) system, is a requirement in the Five Nations' commercial crab fishery. Harvesters may elect one of the following two options for full (100 percent) fishery monitoring:

Participation in an at-sea observer monitoring program; or

Participation in an approved EM program.

In all crab management areas, harvest logbooks and on-grounds biological sampling are also required.

Prior to fishing, the Five Nations must sign up with an approved program service provider. For more information on these programs, please contact a local area crab manager or see the British Columbia Commercial Crab Fishery Monitoring and Catch Reporting Program Standards for the Licence Year 2019/2020 (Appendix 9 of the Crab by Trap IFMP).

At-sea Fishery Monitoring

If electing to meet the full monitoring requirements by participating in an at-sea fishery monitoring program, the Five Nations must ensure the program includes a method to accurately monitor each individual trap haul, to accurately record trap identification, and to accurately record fishing activity, fishing location, date, and time. At-sea observers must participate in a training program specific to crab trap monitoring, and must be designated under Section 39 of the *Fishery (General) Regulations*. If vessels opt to utilize an at-sea observer program instead of an EM program they must contact the Department for a complete list of requirements. Data delivery requirements for an at-sea observer program are provided in Appendix 9 of the Crab by Trap IFMP.

Electronic Monitoring

The rationale for establishing an EM program was to improve compliance with trap limits and to improve accuracy of fishing location data. The EM program also monitors compliance with a range of licence conditions including maximum soak time, area closures, and weekly trap haul restrictions.

If electing to participate in an EM program, the Five Nations must adhere to the standards provided in detail in Appendix 9 of the Crab by Trap IFMP, which includes requirements for system equipment, data collection, and data delivery including compliance reporting. EM equipment must accurately monitor the vessel 24 hours per day, seven days per week while it is engaged in fishing, where fishing is defined as the entire period of time that traps are in the water. Specifically, equipment must accurately monitor vessel position and activity through a GPS, identify trap-hauling activity, and identify individual traps using a radio frequency identification (RFID) chip on each trap (or on each buoy, when using single buoyed gear), and an RFID chip scanner to record RFID information. On behalf of the licence holder, a service provider will install and maintain EM equipment, carry out the required data analysis, and deliver both raw data and

summary data including reports of non-compliance to the Department. The service provider must be trained in the requirements of commercial crab licensed fishing vessels as outlined in the IFMP and Conditions of Licence, and approved by DFO.

The master of a vessel participating in an EM program must ensure the EM system on their vessel is installed and fully operational for the entire period when traps are in the water. The Conditions of Licence reflects the option to participate in these programs and vessel masters must ensure that their Conditions of Licence are met. For a complete description of what meets the requirements for EM programs and data delivery requirements including compliance reporting, please see Appendix 9 of the Crab by Trap IFMP.

Electronic Monitoring data, including vessel position data, hydraulic data, and individual trap haul locations (RFID chip data), are used by the Department in the proper assessment, management and control of the fishery. Upon receipt by the Department of electronic monitoring data supplied by the fish harvester in accordance with the Conditions of Licence, Section 20(1)(b) of the *Access to Information Act* prevents the Department from disclosing to a third party, records containing financial, commercial, scientific or technical information that is confidential information. Further, Section 20(1)(c) of the Act prevents the Department from giving out information, the disclosure of which could reasonably be expected to prejudice the competitive position of the license holder.

The Department can only release EM data to the Five Nations, and only upon written request.

On-Board Biological Sampling

On-board monitoring and biological data collection is a requirement of the commercial crab fishery and must be completed by DFO certified At-Sea Observers. Agents of the service provider will report significant violations of Conditions of Licence immediately to the local crab fishery manager or to the O.R.R. line at 1-800-465-4336.

The biological information collected shall be entered into a Fisheries and Oceans Canada approved database and submitted to the Department in electronic form no later than seven (7) days following the end of the month when data were collected.

For area specific biological sampling details please refer to Appendix 9 of the Crab by Trap IFMP.

Catch and Fishing Data

Harvest Log Data

The vessel master is responsible for the provision and maintenance of an accurate record, a “log” of daily harvest operations. This log must be completed and a copy submitted in both hard (paper) copy and electronic form in an approved format as defined by DFO Stock Assessment and Research Division’s Shellfish Data Unit.

Vessel masters will be required to print their name and provide a signature and FIN for every line entry.

To fulfil stock assessment objectives, it is imperative that fishing location be reported in this fishery. The vessel master/license holder is responsible for reporting the position on harvest logs in the “location” field for each string or group of traps.

Octopus retention and release information has been incorporated into the crab harvest logbook.

Logbooks meeting the requirements of DFO are available from service providers who, for a fee, will provide the logbook coding and data entry service, thus complying with the requirements for a hard (paper) copy and an electronic copy of harvest data.

The original white page copy of the log and the electronic copy must be forwarded within 28 days following the end of each month in which fishing occurred. This information must be sent to the DFO Shellfish Data Unit.

As an alternative to harvest log provision through a service provider, the vessel master/licence holder may provide a hard copy log in the same form and providing the same particulars. The vessel master/licence holder must also provide an electronic copy of the harvest data, which is required to be a true and accurate transcription of the hard copy data, delivered on a Shellfish Data Unit approved media. The media will remain the property of DFO. The electronic copy must be a database table of specific design created by Microsoft Access 2010 (or earlier version).

Contact the DFO Shellfish Data Unit to obtain the full requirements and acceptable data formats that meet the Conditions of Licence. The hard copy and the electronic copy of the harvest log must be forwarded within 28 days following the end of the month in which fishing occurred. This information must be sent to the above address.

Catch information must be recorded in the harvest log by midnight of the day of fishing. The logbook must be kept aboard the licensed vessel. Logbooks must be produced for examination on demand of a fishery officer, or guardian.

Submission and Release of Harvest Log Data

The Five Nations are responsible to ensure that the vessel master has completed and submitted a copy of the harvest log data. The Department can only release harvest log data to the Five Nations and only upon written request.

DFO reminds harvesters that harvest logs must be completed accurately during fishing operations and submitted to the department in accordance with the timing set out in conditions of licence. Delay of completion or submission of logs is a violation of a condition of licence.

Confidentiality of Harvest Data

Harvest data, including fishing location data supplied through latitude/longitude co-ordinates, collected for use under the harvest logbooks for shellfish fisheries programs, are used by the Department in the proper assessment, management and control of the fisheries. Upon receipt by the Department of harvest log data and/or fishing location information, supplied by the fish harvester in accordance with the Conditions of Licence, Section 20(1)(b) of the *Access to Information Act* prevents the Department from disclosing to a third party, records containing financial, commercial, scientific or technical information that is confidential information. Further, Section 20(1)(c) of the *Act* prevents the Department from giving out information, the disclosure of which could reasonably be expected to prejudice the competitive position of the license holder.

Fish (Sales) Slip Requirements

It is a Condition of Licence that an accurate written report shall be furnished on a Fish (Sales) slip of all fish and shellfish caught under the authority of the licence. A report must be made even if the fish and shellfish landed are used for bait, personal consumption, or otherwise disposed. This includes all crab and octopus retained under authority of the license. The written report shall be posted not later than seven days after the offloading and sent to DFO. Fish (Sales) slips may be downloaded and printed at:

www.pac.dfo-mpo.gc.ca/stats/fishslips-carnets/index-eng.html

9.6 Prawn by Trap Fishing Opportunity

The Court concluded that DFO's present management and regulatory systems with respect to prawn are justified, with the exception of the requirement one licence per boat, and vessel registration [1719].

The Court also found that the present allocations through PICFI and ATP are appropriate accommodations of the right and are not an infringement of the plaintiffs' right to trade in prawn into the commercial marketplace [1722].

9.6.1 Fishery Access and Allocation

For the 2019 fishing season, the Five Nations' commercial prawn and shrimp by trap fishery will be managed with seasonal and area closures, gear limits, minimum size limits, non-retention of prawns with eggs, daily fishing time restrictions, and a single haul limit.

DFO has calculated that a 0.41% share of the coast-wide trap total is required to satisfy the right found by the court (see FMP Amendment Tracking on page 3).

Bycatch species

Octopus, except in those areas closed for Octopus retention, will be permitted to be retained while prawn and shrimp trap fishing. All fish harvesters are required to accurately report information about the octopus catch in the prawn and shrimp trap logbook.

9.6.2 Open times

The Five Nations' commercial prawn and shrimp by trap fishing season will open no earlier than 12:00 hours (noon), May 9, 2019.

Other than the first day of any opening, trap gear may only be set, hauled, handled, or re-set between 07:00 hours and 19:00 hours. On the first day of an opening, trap gear may only be set, hauled, handled, or re-set between 12:00 hours (noon) and 19:00 hours. Only one haul per day of each string is permitted.

9.6.2.1 Closures

In-season Closures

There is no fixed date for the closure of the Five Nations' commercial fishery within the CDA. In-season commercial fishery closures of local areas will be announced as spawner indices in those areas drops to a level 10% above the minimum monthly index. Sampling coverage, time to next achievable sampling and fishing effort are also considered. Subareas adjacent to sampled areas may also close.

Closure of the fishery occurs when the remaining open fishing grounds are considered by DFO fishery managers to be too limited in extent to support continued fishing by the remainder of the fleet.

All closures will take effect at 19:00 hours unless otherwise announced.

Procedure for In-season Decision Making

During the fishery, there are twice weekly in-season conference calls at which time DFO fishery managers, Science (Stock Assessment and Research Division) personnel and a representative of the industry service provider co-ordinating at-sea observers review the available spawner index sample results and fishing effort (set/haul and vessel position reports). Comments that have been received from the at-sea observers, fish harvesters, and buyers are considered. Vessel movement patterns in the past week are summarized to assess changing distribution of effort. The ability to sample areas showing signs of fishing effort is determined. Decisions are made by DFO about areas for closure and sampling. Subareas close in-season as required on the basis of the following:

- a.) Approaching spawner index values;
- b.) Approaching spawner index values in an adjacent Subarea where prawn grounds are contiguous;
- c.) To provide a stock reservoir for adjacent areas having low spawner indices;
- d.) Adequacy of spawner index sampling and time to next achievable sampling by at-sea observers;
- e.) If DFO is of the opinion that there is too great a concentration of vessels such that the fishery in an area is considered to be unmanageable;
- f.) If non-compliance is occurring and enforcement cannot be achieved;
- g.) If there are insufficient funds to continue to manage and monitor the fishery, or to continue in a specific remote coastal area;
- h.) At the end of the season as determined by DFO.

The time from sampling to closure is usually four to six days. On occasion, closures may be put into effect within a week of sampling and in some cases within 48 hours.

As individual coastal areas close during the season, fleet mobility increases, and vessel effort is concentrated into the remaining open areas. The effect of fishing may be seen as more variable spawner index results. Manageability of the remaining fishing effort becomes increasingly challenging due to the concentration of gear contributing to the decision for a final coast-wide closure. A coast-wide closure decision is made when the remaining open coastal areas are showing signs of being fished to the target index. Fish harvesters' and buyers' comments from the fishing grounds may also be considered to direct sampling and inform the decision for final closure of the prawn fishing season.

Areas remain closed until the prawn spawning cycle completes and the fishery opens in the following year.

Area Closures, Octopus Closures and Advisories

In areas noted for octopus closures, all octopus must be released unharmed.

Area 25 Sponge Reef Advisory

Tahsis Narrows: It is recommended that gear should avoid cloud sponges and corals in Tahsis Narrows around Mozino Point in waters less than 80 metres depth.

Closure Notifications and Announcements

It is the fish harvesters' responsibility to ensure that an area is open before setting gear and to ensure that the area has not closed while their gear remains in the water.

Routine Notification Procedures

Fishery notices of variation orders that open and close fisheries are available on the internet at:

<http://notices.dfo-mpo.gc.ca/fns-sap/index-eng.cfm>

Information about closures is also available from DFO. DFO enforcement vessels and industry service provider vessels may also have information about impending closures.

Recorded Announcements

Telephone answering machine recordings are available after office hours and on weekends for South Coast waters (including the CDA) at (250) 756-7233.

Canadian Coast Guard Announcements

Once a week, Canadian Coast Guard will announce current prawn fishery openings and closures. This announcement will only be made if time permits, following regular WX scheduled broadcasts. The announcement may be interrupted or delayed for Search and Rescue (SAR) priorities. Broadcast times are as follows:

Prince Rupert MCTS (south coast – west coast Vancouver Island)	Tuesdays	1915 UTC	1215 DST
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Victoria MCTS (south coast – Nanaimo to Juan de Fuca)	Tuesdays	1510 UTC	0710 DST
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9.6.3 Gear

Trap Limits and Groundlines

All traps must be tagged with numbered tags authorized by DFO. Tag numbers must correspond to numbers registered with DFO for that vessel. Registration is accomplished by entry of the information into a DFO database, by means of an internet page provided for this purpose. Vessel owners may make arrangements with the DFO approved service provider for tags and registration of trap tag numbers. The trap tag number shall be registered with DFO within 24 hours of issuance of a trap tag set by the service provider.

To support in-season spawner index sampling, 50 traps on a single groundline will be fished by each vessel participating in the fishery.

Maximum Groundline Length

The maximum allowable length of groundline between each buoy line is two skates (1,100 metres or 3,600 feet).

Gear Hauling Limits

Trap gear may be hauled only once per day. This applies to all parts of the gear.

Holding cages may be hung on the same buoy and line as trap gear. However, the stipulation that the fishing gear may only be handled once daily also applies to the holding cages if they are on the same buoys and lines as trap gear.

Marking of Gear

Following the opening of the season, all prawn traps on board the fishing vessel, with the exception of replacement gear described in the subsequent paragraph, must be tagged with prawn trap tags. Tag numbers must correspond to numbers registered with DFO for use by that vessel, by means of the DFO internet page and database established for that purpose. Tags must be securely fastened and attached to the frame or webbing of the trap such that it is visible from the outside, without opening the trap. New tags issued by the service provider will be required each year.

Trap tags are only available from the service provider. DFO does not issue tags and does not issue replacement tags in-season.

All previous trap tags shall be removed from the traps when new trap tags are attached. Once tag replacement begins, no trap may be returned to the water until

the tag has been replaced and all previous tags removed. Once tag replacement begins, all tags are required to be replaced within 96 hours.

Replacement Traps on Board

Replacement traps may be carried provided that they are in a non-fishable condition as follows: no tags are to be attached and there must be no snaps on the bridles or any other means of immediately attaching the replacement trap to the groundline, until such time as it is needed for replacement purposes.

Buoys

Prawn and shrimp trap gear must be marked at both ends of the groundlines by 127 centimetre (50 inch) circumference or larger, red, or orange buoys or by 10 centimetre diameter x 122 centimetre (4 inch x 48 inch) white PVC pipe weighted at one end and painted orange at the other. The latter has been recommended by industry representatives for use in areas of frequent boat traffic.

The commercial fishing vessel registration number (VRN), or the T'aaq-wiihak decal number, and the letters PRNT must be painted or otherwise affixed to each buoy such that it is visible at all times without raising the gear from the water. PRNT is required to identify gear being fished from a vessel operating in the Five Nations fishery with an allotment of 50 traps. The VRN, or the T'aaq-wiihak decal number, shall be in solid black Arabic numerals, without ornamentation. Numbers and characters shall not be less than 75 millimetres in height. Improperly marked gear may be removed by a fishery officer from the water.

The vessel name may also be displayed. The DOT licence number shall not be displayed on buoys or PVC pipes, in order to avoid confusion with the VRN or the T'aaq-wiihak decal number.

Fish harvesters may add single identifying numbers, letters or symbols to pairs of buoys so that other vessels can better tell where groundlines are located if this may help to reduce oversetting. Any marking shall not obscure the VRN or the T'aaq-wiihak decal number.

Buoys or PVC pipe labelled, as described above, shall only be attached to groundlines that have prawn and shrimp traps attached. At the request of the prawn industry and to reduce conflicts between harvesters, setting additional buoys to stake ground is not permitted.

Holding cages hung on separate buoys must be marked with vessel name, VRN or the T'aaq-wiihak decal number, and the word "CAGE". The VRN, or the T'aaq-wiihak decal number, shall be in solid black Arabic numerals, without ornamentation. Numbers and characters shall not be less than 75 millimetres in height.

Trap Mesh Size and Biodegradable Escape Mechanism

Traps shall include the following trap escapement modifications.

Other than the frame, trap mesh must be unobstructed.

The trap escapement modifications described below will significantly reduce the capture of undersize prawns but will not totally eliminate them from the catch, particularly in areas when there are high concentrations of small prawns. Fish harvesters are required to sort their catch as each trap comes on board and to release undersized prawns immediately, before the next trap is recovered. Sorting must occur prior to any transfer of catch to live tanks, buckets or other holding devices.

Web or Soft Mesh Traps

Web or soft mesh traps shall be covered with a single layer of mesh. The mesh shall measure a minimum of 38.1 millimetres (1 1/2 inch). Mesh size is measured as described in the definition section of the *Pacific Fishery Regulations, 1993* as follows: “means the total length of twine measured along two contiguous sides of a single mesh, including the distance across the knot joining those sides but not including any other knots.” All mesh used in the trap including the tunnels must conform to this minimum size. Other than the trap frame, trap mesh must be unobstructed.

Industry representatives have recommended tools for fish harvesters to make a quick assessment of soft web mesh size. This is a “flat slat” made out of high-density nylon or other equivalent material 38 millimetres wide (1.5 inch), 3 millimetres thick (1/8 inch), and as long as may be convenient (6 inch), tapered at one end. If the flat slat cannot be pushed through the mesh, or if it is difficult to do so, then the mesh is likely too small. This is not a legal measuring device; however, fish harvesters can use the flat slat as a quick check. A ruler may also be used. Vernier callipers are the legal measuring tool for determination of legal mesh size. Fish harvesters are encouraged to check their gear in advance of the fishing season and to check the web when receiving new traps or re-webbed traps from suppliers. If the trap mesh appears to be undersize when checked by DFO personnel during the fishing season, traps may be collected for further testing and for legal procedures, or the fish harvester may be requested to remove all gear from the water for inspection.

DFO is concerned about fish harvesters using stretched and distorted web to reduce the sorting efficiency of web traps.

The sort area on these traps is considered to be the lower 15 centimetres of the side wall above the bottom ring. It is recommended that mesh on the trap be constructed, so that upon insertion, a high density round plastic peg that is 19 millimetres (3/4 inch) in diameter and 20.3 centimetres (8 inch) long, weighing no less than 50 grams and no more than 60 grams, will drop completely through the web by its own weight. The bottom of the trap may also be important for sorting. DFO will continue to assess this and additional measures will be introduced if sorting appears to be compromised by mesh stretching or bunching.

Wire Mesh Traps

These traps must have either/or:

Four opposing tunnels constructed of an unobstructed rigid square mesh material having a minimum dimension (after dip coating) that will allow the passage of a 22.2 millimetre (7/8 inch) square peg through the mesh without altering the shape of the mesh opening. The lower side of each tunnel must extend to the bottom edge of the trap and must be at least one-half the length of the trap side.

The bottom and two opposing sides must be constructed of an unobstructed square mesh material that will allow the passage of a 19 millimetre (3/4 inch) square peg through the mesh without altering the shape of the mesh opening.

The bottom and all sides must be constructed of an unobstructed square mesh material that will allow the passage of a 22.2 millimetre (7/8 inch) square peg through the mesh without altering the shape of the mesh opening.

Biodegradable (“Rot”) Cord

All prawn traps shall contain a biodegradable escape mechanism to allow bycatch to escape in the event traps are lost.

Web and soft mesh traps shall contain an opening equal to or exceeding 30 cm in length. The opening shall be within 15 cm of the bottom of the trap and parallel with the bottom frame. The opening shall be laced, sewn, or otherwise secured by a single strand of no greater than #30 untreated cotton twine. The cotton twine shall be knotted at each end only. The twine shall not be tied or looped around the frame of the trap.

Wire or hard mesh traps shall have a biodegradable (“rot”) panel. The rot panel shall consist of a section in a trap side wall that has been laced, sewn, or otherwise secured by a single strand of no greater than #30 untreated cotton twine, such that the entire panel remains under tension when the panel is intact but on deterioration or parting produces an unrestricted opening. The opening shall exceed a square 11cm by 11cm.

Maximum Allowable Trap Size

No web or soft mesh trap with a volume greater than 170 litres is permitted. No wire or hard mesh trap with a volume greater than 100 litres is permitted except those traps constructed with the bottom and all sides with a mesh that will pass a 22.2 millimetre square peg, which may have a volume no greater than 170 litres. All measures are determined from the outside dimensions of the trap. These measures include tunnel volumes.

Maximum volumes by trap type have been adopted to prevent the practice of “trap doubling,” which is the practice of tying two traps together to be fished as a single unit. This practice was deemed to circumvent the intent of the trap limitation management provisions in this fishery.

The Transportation Safety Board has expressed concern for large diameter heavier traps. The future use of traps with a wet weight greater than 7 kg (rigged, no bait) may be prohibited. Fish harvesters should make sure they have registered their number of “heavy traps” with DFO.

Recovery of Lost Trap Gear

In-season, a vessel participating in the fishery may not carry, set or recover tagged traps for another vessel participating in the fishery.

If a fish harvester locates and recovers their own lost gear, all catch must be released. Recovered traps must be emptied and rendered non-fishable immediately as they come on board. Alternatively the fish harvester may attach a marker and line to the gear and advise a DFO manager or fishery officer of the location of the gear. Lost gear may not be recovered after the season has closed. Contact the local DFO fishery office.

Fishing Gear Conflicts

Harvesters are required to exercise care when setting gear near recreational and First Nations’ FSC fishing gear. Fouled gear should be untangled without cutting and returned to the water intact. If a line must be cut, it should be the commercial harvester’s line.

Continued gear conflict with recreational and First Nations harvesters will lead to closure requests from that sector or First Nations. DFO’s preference is to provide a mutually satisfactory harvest experience for all user groups through respect of the other person’s gear and fishing practices, rather than invoking closures to separate fishing effort.

Extra and Replacement Sets of Trap Tags

Additional Tags

The Five Nations and/or vessel master may receive additional tags with the main tag set. These additional tags are only to be used as required to replace tags on traps lost on the grounds. A fishery officer or guardian may request to see the unused tags. Vessels are permitted to fish only the maximum number of traps specified on the licence, and may not use the additional tags to increase gear in the water greater than the licence limits.

Full Replacement Sets

In-season full replacement tag sets are available from the service provider. They are not available from DFO. Once installation of the new tags has commenced, all tags must be replaced and no traps can be returned to the water with old tags attached to them. All previously issued tags must be removed from the gear.

9.6.4 Species-specific measures

Fish harvesters are authorized to catch and retain Prawns and other shrimp species (*Pandalus* species and *Pandalopsis dispar* Sidestripe Shrimp). In this plan, the term prawn refers solely to the Spot Prawn *Pandalus platyceros*, while the term shrimp refers to the other species of shrimp other than prawns.

Fish harvesters are authorized to incidentally catch and retain Octopus *Enteroctopus dofleini* while prawn and shrimp trap fishing except in octopus closure areas. Conditions of Licence require all fish harvesters to accurately complete octopus catch and retention information in the prawn and shrimp trap logbook.

Berried Females

All prawns carrying eggs externally on the underside of the tail shall be returned to the water immediately and in the manner that causes the least harm. Prawns carrying eggs may not be kept and eggs may not be removed from the underside of prawns carrying eggs. Catch must be sorted as it comes on board and the females released on a trap by trap basis and in the manner that causes the least harm. Waiting until the entire string is pulled before sorting is illegal. It is recommended that fish harvesters relocate to other grounds if they find that they are catching large numbers of berried females. High proportions of berried females may result in closure.

Catch Prohibited On Board While Fishing

No prawns or shrimp that are not permitted to be retained under the authority of the Five Nations' licence shall be on board the designated vessel.

9.6.5 Size limits

The minimum legal size limit for prawns is 33 millimetres carapace length measured from the most posterior part of the eye orbit to the posterior mid-dorsal margin of the carapace (see Appendix 4 of the Prawn and Shrimp by Trap IFMP for a diagram). Catch shall be sorted and undersized prawns released immediately.

The minimum legal size limit for headed prawns is 22 millimetres telson length, measured along the mid-dorsal line of the telson from the anterior margin to the posterior margin. The telson is the central piece of the tail "fan." This size limit applies only to product that has had the head and thorax removed including the carapace. The telson should be measured before "tailing" to ensure that the product will meet the size limit.

Do not assume that a prawn that met the carapace length requirement will also meet the telson length requirement once it is headed. Due to natural variability,

some will not. If you will be tailing, measure the telson on the prawn tails before removing the head. Release prawns with undersize telsons, unharmed, immediately.

There is no minimum size for species of shrimp other than the prawn, *Pandalus platyceros*.

Undersized prawns shall be returned to the water immediately. Traps shall be pulled, emptied and undersized prawns sorted out for release, on a trap by trap basis. Waiting until the entire string is pulled before sorting begins is illegal. Prawns may not be kept in a tank or bucket for later sorting and release. All undersized prawns must be released in the area of capture and shall not be removed from the general location of capture, prior to release, for any reason. In no instance are prawns to be chemically treated or “dipped” prior to sorting and release of the undersized prawns.

Industry representatives have discussed various means of releasing undersized and berried prawns to increase their survival. In particular, those locations with fresh water runoff on the surface and increased water temperatures may increase mortality. Prawn vessels should have sorting tables to improve the speed with which undersized and berried prawns may be released. Survival may be increased if prawns are released into a bucket or tube on the side of the boat, which extends below the surface through the fresh water layer.

DFO is concerned about those fish harvesters who are not using accurate measuring devices or not measuring their prawns at all. Fish harvesters should measure small prawns with a set of inexpensive Vernier callipers to ensure that no undersize are retained. DFO recommends that buyers also check product size upon delivery, that undersize prawns are sorted out and not boxed. Investigations by DFO to correct problems will prove disruptive to fish harvesters and buyers. If reports of dumping small legal sized prawns following landing are received, it will be investigated.

9.6.6 Additional Management Measures

Rockfish and Assistance to At-Sea Observers

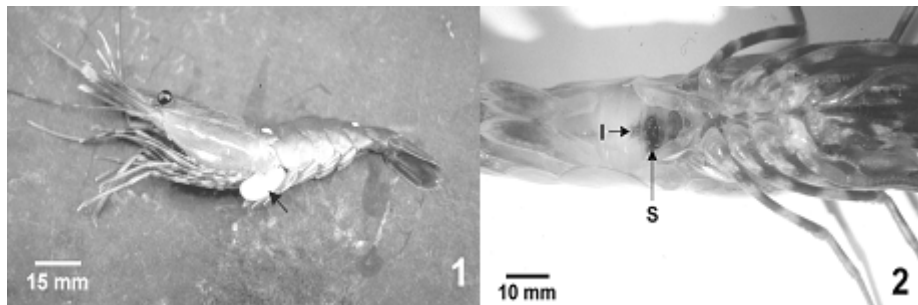
Observers are required to identify and record all of the rockfish caught in strings of gear that are sampled for spawner index data. This applies coast-wide. To accomplish this, while an observer is on board, the vessel master or crew is requested to put all rockfish from the sample string into a holding bucket for later identification and counts by the observer. Vessel masters or crew who are experienced in rockfish identification are requested to assist the observer. Additional strings may not be hauled until the rockfish data recording is complete, unless other arrangements have been made with the observer.

Maps of RCAs are available at:

www.pac.dfo-mpo.gc.ca/fm-gp/maps-cartes/rca-acis/index-eng.html

Sylon Parasites and Live Transport of Prawns

Live transport of prawns from northern and central coast areas could result in the unintentional introduction of a parasitic barnacle, *Sylon sp.* (see pictures below), to southern waters where it is currently not known to occur on prawns. Introduction of this parasite could occur through the release of viable larvae in water discharged from live holding tanks. Precautions can be taken by disinfecting all seawater in which prawns are transported, prior to discharging holding tanks.



Examples of sylon parasites on prawns.

Contact DFO for more information.

On-Board Freezing

On January 15, 2019, the *Safe Food for Canadians Act* and *Safe Food for Canadians Regulations* will come into force. The new consolidated regulations will require those businesses who export or prepare food for export and/or inter-provincial trade to obtain a license and to document preventive controls that outline steps to address potential risks to food safety.

Please contact the product exporter and the CFIA licensed processor(s) of your catch to discuss these requirements before you fish.

For questions about the *Safe Food for Canadians Regulations*, please refer to the Canadian Food Inspection Agency (CFIA) website for more information, contact one of the CFIA offices, or send your questions to Ask CFIA at:

<http://inspection.gc.ca/industry-guidance/ask-cfia/eng/1466573216927/1466573290851>

Information about the *Safe Food for Canadians Regulations* is available at:

www.inspection.gc.ca/food/sfcr/eng/1512149177555/1512149203296

www.inspection.gc.ca/food/sfcr/general-food-requirements-and-guidance/licensing/food-business-activities/eng/1524074697160/1524074697425

Please refer to Appendix 8 of the Prawn and Shrimp by Trap IFMP for CFIA sanitary guidelines for handling of prawns and shrimp.

Provincial regulations apply to non-federally registered facilities processing prawns and shrimp for sale within BC. Contact the Ministry of Agriculture and Lands, Courtenay Access Centre at (250) 897-7540.

Glazed Prawn Sale Requirements

Fish harvesters are reminded that prawns that have been “dipped” or otherwise chemically treated must be done in a manner such that compliance to the *Food and Drug Regulations* and the *Safe Food for Canadians Regulations* is maintained.

Where additives have been used, the additive must be declared in the label’s list of ingredients. In the case of sulphites, the name of the actual sulphite used must be declared on the label or box.

Information on labelling requirements is available on the internet at:

<http://inspection.gc.ca/food/sfcr/general-food-requirements-and-guidance/labelling-identity-and-grades/eng/1526652006909/1526652007189>

For further information, contact the local Canadian Food Inspection Agency fish inspection office:

Burnaby: (604) 666-9904

Victoria: 250-363-3618

Parksville: (250) 248-4772

Harvesters are reminded that a Fisher Vendor Licence is required to sell prawns or shrimp directly to the public for that person’s personal use. Fish harvesters should contact the Ministry of Agriculture and Lands, Courtenay Access Centre at (250) 897-7540 for additional information. Information is also available on the internet at:

<https://www2.gov.bc.ca/gov/content/industry/agriculture-seafood/fisheries-and-aquaculture/seafood-industry-licensing>

Octopus Retention

All fish harvesters are required to accurately report information about the octopus catch. This information is required to develop further understanding of the distribution and strength of octopus species caught by commercial trap harvesters. Failure to provide this information will result in termination of this fishing privilege.

9.6.7 Fishery Monitoring and Catch Reporting

Fishery monitoring will be conducted by DFO and the First Nations under Fisheries Agreements if applicable.

Requirement to hail out

Vessel masters must arrange for fishing commencement information, or hail out, to be provided by the service provider, Monday to Friday 8:00 a.m. to 4:00 p.m. to DFO by means of an internet reporting system established for this purpose.

The vessel master shall have the service provider notify DFO prior to commencement of fishing of the following:

- a) Vessel name, vessel master's name, and VRN or T'aaq-wiihak decal number;
- b) The time and date the report was made;
- c) The name of the person supplying the information from the vessel;
- d) The name of the person who entered the information into DFO's Internet Access database on the vessel master's behalf;
- e) The date for which the report is effective;
- f) Management Subareas (as defined in the *Pacific Fishery Management Area Regulations, 2007*) to be fished;
- g) Time and date that fishing will commence;
- h) Set and haul validation number; and
- i) The hail verification number issued by the service provider to the vessel master.

Fishing may not commence until a hail has been made and a hail verification number received.

Vessel masters must provide set and haul information for in-season assessment of effort and for the deployment of service provider observers (see Section 7.2 of the Prawn and Shrimp by Trap IFMP - Information Reports from Sea). Prior to fishing, vessel masters must acquire a set and haul validation number from the service provider.

Vessel masters using a DFO-approved Vessel Monitoring System (VMS which integrates the set and haul programming will obtain a set and haul validation number from the service provider.

Vessel masters using a DFO-approved VMS which does not integrate the set and haul programming, must contact their service provider to obtain a set and haul validation number and arrange for set and haul information to be transmitted to the service provider within five minutes of each set and haul throughout the fishing season.

Fishing Activity Location Reports

All vessels are required to have a fully operational DFO-approved VMS and to report the geographic position (latitude and longitude) of the vessel, date and time

corresponding to this position, and Communication Service Provider identifier for the VMS unit. This information shall be reported automatically to the DFO Vessel Monitoring Operations Centre (Newfoundland) every 15 minutes throughout the season, from the time the vessel leaves port for the first fishing trip until it returns to port and all catch on board the vessel is offloaded after its last fishing trip. A list of DFO-approved VMS units can be found at: www.nfl.dfo-mpo.gc.ca/e0011108 or by contacting DFO by telephone at 1 (709) 772-5789 or Toll Free at 1 (888) 772-8225.

A completed DFO National VMS Form shall be faxed to DFO at 1 (709) 772-5787 not less than two business days before commencing fishing for each VMS unit installation, replacement, transfer, or change to the licence holder.

The DFO National VMS Form is available on the internet at:
<http://www.nfl.dfo-mpo.gc.ca/e0010178>

In event the VMS unit or equipment becomes inoperative, is turned off, or malfunctions, the service provider must be notified immediately by telephone at 1-866-930-4000 Monday to Friday 8:00 a.m. to 4:00 p.m. and provide the following information:

- a) Vessel name, vessel master's name, and VRN or T'aaq-wiihak decal number;
- b) The date and time of sailing;
- c) The port of landing; and
- d) The telephone number where the vessel master can be reached.

A back-up VMS unit must be activated within 72 hours of the malfunction. A back-up VMS unit may be obtained by phoning 1-866-930-4000 and provide the following information:

- a) Vessel name, vessel master's name, and VRN or T'aaq-wiihak decal number;
- b) The telephone number where the vessel master can be reached.

Once 72 hours from the malfunction has elapsed, fishing may only resume once the VMS unit is turned on and fully operational or when the vessel master has received approval from DFO.

In the event of a VMS unit failure where a vessel carries two or more approved VMS units on board, it is the responsibility of the vessel master to immediately notify DFO that a secondary unit is being activated and subsequently ensure it is fully operational, turned on and in use before resuming fishing activity.

Information Reports from Sea (Spawner Index Sampling)

Vessel masters shall arrange to have information about fishing operations and spawner index information reported to DFO or the service provider as required.

During the course of the season, each vessel must provide a Fishing Operations At-sea Report and data from spawner index samples collected by the service provider observers during fishing operations. Each spawner index sample consists of a sample of one complete string of gear which has been set for a minimum of 12 hours, with a minimum of every fourth trap contributing to the sample. A minimum of 12 traps is sampled from each string of gear. Species, number and weight of all rockfish bycatch caught in the string that is sampled for spawner index data must also be provided. A minimum of 45 traps shall be hauled from the water and examined for the purposes of completing the Fishing Operations At-sea Report.

Set and haul data must be provided to the service provider during fishing operations. The set and haul data must include:

- a) Vessel name;
- b) VRN or T'aaq-wiihak decal number;
- c) Activity: set or haul
- d) GPS source: GPS device or manual entry;
- e) Vessel GPS location (latitude and longitude);
- f) String GPS location (latitude and longitude);
- g) Subarea of string location;
- h) Communication Service Provider Number;
- i) UTC date and time (yyyy-mm-dd, HH:MM:SS);
- j) Speed (knots);
- k) Heading; and
- l) International Mobile Station Equipment Identifier (IMEI).

Set and haul data must be transmitted to the service provider not later than five minutes following the setting or retrieval of each string of gear.

A DFO-approved VMS unit which integrates the set and haul programming shall automatically provide vessel location data every 15 minutes to the service provider, and the vessel master shall enter the set and haul data of a given set or haul activity using the facilities of the VMS unit.

The vessel master using a DFO-approved VMS unit which does not integrate the set and haul programming, shall provide the set and haul data by sending the information by electronic mail to the service provider and providing the information verbally. The Communication Service Provider Number and IMEI are not required for verbal reports. Contact the service provider to make arrangements to provide vessel location.

Providing this information will reduce search time, improve opportunities for sampling, and avoid unnecessary closures by DFO due to lack of information. Fish harvesters are encouraged also to maintain communications with their service provider's local observer vessels when they are fishing. DFO will close fishing areas if there is insufficient sampling because observers cannot locate vessels and gear.

Harvest Logs

The vessel master is responsible for the provision and maintenance of an accurate record, a “log” of daily harvest operations. This log must be completed and a copy submitted in both hard (paper) copy and electronic form in an approved format as defined by DFO Stock Assessment and Research Division’s Shellfish Data Unit.

To fulfil stock assessment objectives it is imperative that a fine resolution of fishing location be reported in this fishery. The vessel master is responsible for reporting latitude/longitude position on harvest logs in the “location” field for each string of traps fished.

Logbooks meeting the requirements of DFO are available from service providers who, for a fee, will provide the logbook coding and data entry service, thus complying with the requirements for a hard (paper) copy and an electronic copy of harvest data.

The original white page copy of the log and the electronic copy must be forwarded within 28 days following the end of each month in which fishing occurred. This information must be sent to the DFO Shellfish Data Unit.

As an alternative to harvest log provision through a service provider, the vessel master may provide a hard copy log in the same form and providing the same particulars as shown in the fishing log sample Appendix 5 of the Prawn by Trap IFMP (Example of Prawn and Shrimp by Trap Harvest Log). The vessel master must also provide an electronic copy of the harvest data, which is required to be a true and accurate transcription of the hard copy data, delivered to DFO on Shellfish Data Unit approved media. All media will remain the property of DFO. The electronic copy must be a database table of specific design created by Microsoft Access 2010 (or earlier version).

Contact the DFO Shellfish Data Unit to obtain the full requirements and acceptable data formats that meet the Conditions of License. The hard copy and the electronic copy of the harvest log must be forwarded within 28 days following the end of the month in which fishing occurred. This information must be sent to the above address.

For enforcement purposes, information regarding the latitude and longitude of each string of fishing gear, and the haul time of that gear shall be entered in the logbook within ½ hour (30 minutes) of the string being hauled and prior to any additional hauling of gear. The latitude and longitude shall be entered in the “location” field of the harvest log. The time of haul shall be entered in the “time of haul” field. This information shall be entered on a string by string basis.

The remaining logbook harvest information must be recorded in the harvest log by 23:59 hours of the day of fishing. The logbook must be kept aboard the licensed vessel. Logbooks must be produced for examination on demand of a fishery officer, guardian, or a fishery observer designated under the *Fisheries Act*.

Submission and Release of Harvest Log Data

The Five Nations are responsible to ensure that the vessel master has completed and submitted a copy of the harvest log data. DFO can only release harvest log data to the Five Nations, and only upon written request.

DFO reminds harvesters that harvest logs must be completed accurately during fishing operations and submitted to DFO in accordance with the timing set out in Conditions of License. Delay of completion or submission of logs is a violation of the Conditions of License.

Confidentiality of Harvest Data

Harvest data, including fishing location data supplied through latitude/longitude coordinates, collected for use under the harvest logbooks for shellfish fisheries programs are used by DFO in the proper assessment, management and control of the fisheries. Upon receipt by DFO of harvest log data and/or fishing location information, supplied by the harvester in accordance with Conditions of License, Section 20(1)(b) of the *Access to Information Act* prevents DFO from disclosing to a third party records containing financial, commercial, scientific or technical information that is confidential information. Further, Section 20(1)(c) of the *Act* prevents DFO from giving out information, the disclosure of which could reasonably be expected to prejudice the competitive position of the license holder.

Fish (Sales) Slip Requirements

An accurate written report shall be submitted by the vessel master on a Fish (Sales) slip of all fish and shellfish caught. A written report must be submitted even if the fish and shellfish landed are used for bait, personal consumption, or otherwise disposed. The written report shall be posted not later than seven days after the offloading and sent to DFO.

Fish (Sales) slips may be downloaded and printed at:
www.pac.dfo-mpo.gc.ca/stats/fishslips-carnets/index-eng.html

10 Performance Review of Five Nations' Rights based Fishery

The Department intends to work collaboratively with the Five Nations and stakeholders to review the performance of this management plan and associated management measures in the post-season and discuss potential adjustments for subsequent years.

This is the first multi-species FMP and DFO expects there may be a need for management adjustments in subsequent years to satisfy the implementation of the right.

DFO also seeks to examine and evaluate the approaches taken through the lens of predictability, practicality and whether the implementation of the right was satisfied, including but not limited to:

1. *Collecting and analyzing essential fishery data, including level of participation, level of effort, catch, and other key parameters necessary for building understanding regarding the management of the fishery.*
2. *Examining appropriate approaches to collecting and analyzing fishery data.*
3. *Testing new techniques and technologies, for various parameters of fishery management.*
4. *Evaluating the performance of the multi-species fishery including the objective of achieving wide community participation.*

11 Enforcement and Compliance

DFO is responsible for, and will carry out enforcement and compliance activities throughout the season. This fishery will be licensed based on this FMP.

Once an Enforcement and Compliance Protocol has been agreed to, it may support on-going enforcement and collaborative compliance activities.

It is anticipated that the Joint Enforcement Working Group will continue engaging on enforcement and compliance issues.

12 Fishing Vessel Safety

Vessel masters have a duty to ensure the safety of their crew and vessel. Adherence to safety regulations and good practices by owners, masters and crew of fishing vessels will help save lives, prevent vessel damage and protect the environment. All fishing vessels must be in a seaworthy condition and maintained as required by Transport Canada (TC), WorkSafeBC, and other applicable agencies. Vessels subject to inspection should ensure that the certificate of inspection is valid for the area of intended operation.

In the federal government, responsibility for shipping, navigation, and vessel safety regulations and inspections lies with TC; emergency response with the Canadian Coast Guard (CCG) and DFO has responsibility for management of the fisheries resources. In BC, WorkSafeBC also regulates health and safety issues in commercial fishing. This includes requirements to ensure the health and safety of

the crew and safe operation of the vessel. DFO (Fisheries Management (FM) and CCG) and TC through a Memorandum of Understanding (MOU, 1996) have formalized cooperation to establish, maintain and promote a safety culture within the fishing industry.

Before departing on a voyage the master or operator must ensure that the fishing vessel is capable of and safe for the intended voyage and fishing operations. Critical factors for a safe voyage include the seaworthiness of the vessel, having the required personal protective and life-saving equipment in good working order, crew training, and knowledge of current and forecasted weather conditions. As safety requirements and guidelines may change, the vessel owner, crew, and other workers must be aware of the latest legislation, policies and guidelines prior to each trip.

There are many useful tools available for ensuring a safe voyage. These include:

- Education and training programs
- Marine emergency duties training
- Fish Safe – Stability Education Program & 1 Day Stability Workshop
- Fish Safe – SVOP/Safe on the Wheel Course
- Fish Safe – Safest Catch Program – FREE for BC commercial fishers
- First Aid training
- Radio Operators Course
- Fishing Masters Certificate training
- Small Vessel Operators Certificate training
- Publications:
 - Transport Canada Publication TP 10038 Small Fishing Vessel Safety Manual (can be obtained at Transport Canada Offices from their website at: <http://www.tc.gc.ca/eng/marinesafety/tp-tp10038-menu-548.htm>)
 - Amendments to the Small Fishing Vessel Inspection Regulations (can be obtained from: <http://www.gazette.gc.ca/rp-pr/p2/2016/2016-07-13/html/sor-dors163-eng.php>)
 - Gearing Up for Safety – WorkSafeBC
 - Safe At Sea DVD Series – Fish Safe
 - Stability Handbook – Safe at Sea and Safest Catch – DVD Series
 - Safest Catch Log Book
 - Safety Quick

For further information see: www.tc.gc.ca/eng/marinesafety/menu.htm

www.fishsafebc.com

www.worksafebc.com

Note that the full Fishing Vessel Safety appendix can be found in the IFMPs for salmon, groundfish and shellfish.

13 Consultation

DFO will consult with the Five Nations about this plan every year starting in November, concluding in the following February in order to finalize the plan for the upcoming fishing season. This process will facilitate DFO's integration of the Five Nations' right with regular IFMPs and other management objectives.

14 Appendices

1. Total Allocations for All Fish Species provided by the Department (right plus other commercial access)
2. Use of Commercial Troll Gear

Appendix 1: Total Commercial Fishing Access Provided in 2018 to the Five Nations

Summary of Total Commercial Access Available in 2018

The tables below summarize the number of commercial fishing licences and the amount of quota that was previously available to the Five Nations in 2017 and the number and amount that is currently being proposed to be made available for 2018. The tables are based on the best available information on commercial fishing licences and quota available to the Five Nations. As the level of commercial fishing access available to the Five Nations increases or additional information on current access becomes available, the tables will be updated.

Table 1

Commercial Fishing Licences Available to Five Nations in 2017&2018

Five Nations Licence Distribution - All Programs*		
Licence Type	2017	2018
Clam	123	123
Crab	2	3
Geoduck	0.36	0.36
Gooseneck Barnacle**	1	1
Halibut	19.50	20.50
Herring Gillnet***	38	38
Herring Seine***	0.5	0.5
Oyster****	5	5
Prawn	5.5	6.5
Red Sea Urchin	5	5
Rockfish	6	10

This Multi-species Fishery Management Plan is intended for general purposes only. Where there is a discrepancy between the Plan and the Fisheries Act and Regulations, the Act and Regulations are the final authority. A description of Areas and Subareas referenced in this Plan can be found in the Pacific Fishery Management Area Regulations, 2007.

Sablefish	0.17	1.17
Salmon Gillnet	15.17	16.17
Salmon Seine	1	1
Salmon Troll	19.17	19.17
Sardine	5	5
Sea Cucumber	2	3
Schedule II	1	3
Shrimp	0.33	0.33
Spawn on Kelp	2	2
Total	251.70	263.70

*Where commercial fishing licences are provided to an aggregate that includes Ahousaht, Ehattesaht, Hesquiaht, Mowachaht/Muchalaht or Tla-o-qui-aht, those licences are divided equally among the individual First Nations for the purpose of calculating the number of commercial fishing licences available to Five Nations. This calculation results in fractions of licences presented in Table 1. In the body of the letter, licences are rounded to the nearest whole number.

** Gooseneck Barnacle is an experimental fishery currently restricted to Ahousaht, Ehattesaht, Hesquiaht, Mowachaht/Muchalaht and Tla-o-qui-aht members. There is one licence issued for the gooseneck barnacle experimental fishery, however, there is no limit on the number of members that each of the Five Nations designate to participate in the fishery.

*** WCVI herring fishery remained closed for 2018. In addition to the herring licences presented in Table 1, a further 17.5 Roe Herring Gillnet licences and 0.5 Roe Herring Seine licence are available as part of multi-year agreement outlined in the Department's December 23, 2014 letter.

**** An offer of an oyster licence for each of the Ahousaht, Ehattesaht, Hesquiaht, Mowachaht/Muchalaht and Tla-o-qui-aht Nations has been tabled. DFO has not received direction on whether these licences are accepted, nor on the preferred means of fishing these oyster licences. DFO will issue the oyster licences at such time as the Five Nations elect to accept the oyster licences.

Table 2

Commercial Fishing Quota Available to the Five Nations in 2017 & 2018

Five Nations Quota Distribution - All Programs*		
Quota Type	2017	2018
Halibut - Coastwide	1.796808%	2.05636%
Sablefish - Coastwide	2.339185%	2.49102%
Dogfish - 3C,3D,5A,5B,5C,5D,5E	1.118868%	1.118868%
Lingcod - 3C	5.081027%	13.17292%
Lingcod - 3D	4.073276%	12.65773%
Gooseneck Barnacles**	1000 lbs/mo	1000 lbs/mo
Geoduck - Coastwide	0.649351%	0.649351%
Big Skate 3C, 3D - Halibut Fishery	0.746021%	0.83113%
Big Skate 5A, 5B - Halibut Fishery	0.746021%	0.83113%
Big Skate 5C, 5D, 5E - Halibut Fishery	0.746021%	0.83113%
Long Nose Skate 3C, 3D - Halibut Fishery	0.746021%	0.83113%
Long Nose Skate 5A, 5B - Halibut Fishery	0.746021%	0.83113%
Long Nose Skate 5C, 5D, 5E - Halibut Fishery	0.746021%	0.83113%
Big Skate 3C, 3D - Sablefish Fishery	0.446900%	0.446900%
Big Skate 5A, 5B - Sablefish Fishery	0.446900%	0.446900%
Big Skate 5C, 5D, 5E - Sablefish Fishery	0.446900%	0.446900%
Long Nose Skate 3C, 3D - Sablefish Fishery	0.446900%	0.446900%

Long Nose Skate 5A, 5B - Sablefish Fishery	0.446900%	0.446900%
Long Nose Skate 5C, 5D, 5E - Sablefish Fishery	0.446900%	0.446900%
Big Skate 3C, 3D - Dogfish Fishery	0.166760%	0.166760%
Big Skate 5A, 5B - Dogfish Fishery	0.166760%	0.166760%
Big Skate 5C, 5D, 5E - Dogfish Fishery	0.166760%	0.166760%
Long Nose Skate 3C, 3D - Dogfish Fishery	0.166760%	0.166760%
Long Nose Skate 5A, 5B - Dogfish Fishery	0.166760%	0.166760%
Long Nose Skate 5C, 5D, 5E - Dogfish Fishery	0.166760%	0.166760%
Big Skate 3C, 3D - Rockfish Fishery	3.141361%	5.23560%
Big Skate 5A, 5B - Rockfish Fishery	3.141361%	5.23560%
Big Skate 5C, 5D, 5E - Rockfish Fishery	3.141361%	5.23560%
Long Nose Skate 3C, 3D - Rockfish Fishery	3.141361%	5.23560%
Long Nose Skate 5A, 5B - Rockfish Fishery	3.141361%	5.23560%
Long Nose Skate 5C, 5D, 5E - Rockfish Fishery	3.141361%	5.23560%
Canary Rockfish 3C, 3D	3.141361%	5.23560%
Canary Rockfish 5A, 5B	3.141361%	5.23560%
Canary Rockfish 5C, 5D	3.141361%	5.23560%
Canary Rockfish 5E	3.141361%	5.23560%
Silvergray Rockfish 3C, 3D	3.141361%	5.23560%
Silvergray Rockfish 5A, 5B	3.141361%	5.23560%
Silvergray Rockfish 5C, 5D	3.141361%	5.23560%
Silvergray Rockfish 5E	3.141361%	5.23560%
Yelloweye Rockfish 3C, 3D, 5A	3.141361%	5.23560%

Yelloweye Rockfish 5B	3.141361%	5.23560%
Yelloweye Rockfish 5C, 5D	3.141361%	5.23560%
Yelloweye Rockfish 5E	3.141361%	5.23560%
Quillback Rockfish 3C, 3D, 5A	3.141361%	5.23560%
Quillback Rockfish 5B	3.141361%	5.23560%
Quillback Rockfish 5C, 5D	3.141361%	5.23560%
Quillback Rockfish 5E	3.141361%	5.23560%
Copper, China, & Tiger Rockfish 3C, 3D, 5A	3.141361%	5.23560%
Copper, China, & Tiger Rockfish 5B	3.141361%	5.23560%
Copper, China, & Tiger Rockfish 5C, 5D	3.141361%	5.23560%
Copper, China, & Tiger Rockfish 5E	3.141361%	5.23560%
Rougheye Rockfish	3.141361%	5.23560%
Shorthead Rockfish	3.141361%	5.23560%
Shortspine Thornyheads	3.141361%	5.23560%
Redbanded Rockfish	3.141361%	5.23560%

*Where commercial fishing quota is provided to an aggregate that includes Ahousaht, Ehattesaht, Hesquiaht, Mowachaht/Muchalaht or Tla-o-qui-aht, that quota is divided equally among the individual First Nations for the purpose of calculating the amount of fishing quota available to Five Nations.

**The Gooseneck Barnacle is an experimental fishery operates on the basis of a monthly allowable harvest.

Appendix 2: Use of Commercial Troll Gear

The following management measures will be required for the use of commercial troll gear.

The Court found that there was not a significant difference between the small trollers used by the Five Nations and many of the trollers used in the regular Area G commercial fishery. The average vessel used by the Five Nations in the 2015 salmon demonstration fishery was 35.7 feet (10.9 meters) using their numbers and 38.7 feet (11.8 meters) according to DFO. It is clear that some of the Five Nations' commercial fisheries have trollers that are as large as 48 feet (14.6 meters), [375]

DFO may permit the use of trollers using commercial troll gear configurations subject to the provisions below.

1 Open Times

Within the bounds of the PST provisions, commercial troll Chinook fisheries will be managed to limit impacts on domestic stocks of concern (additional information is provided in the Southern BC Salmon IFMP. Unless additional information is provided in-season, vessels using commercial troll gear may be open during the following time periods:

- a) PFMA 124: October 1 – February 28; May 1–30; August 1 until target catch achieved or September 30.
- b) PFMA 125-126: October 1 – March 15; April 19 – May 30; July 24 until target catch achieved or September 30.

2 Gear

Commercial troll gear is permitted. When directing on salmon species, barbless hooks will be required in order to improve survivals of released non-target or undersize salmon species.

For the purposes of this FMP, commercial troll gear configurations include vessels with 4 to 6 fishing lines each equipped with a heavy weight and multiple lures attached to each line. Each line is suspended from poles (outriggers or trolling poles) extending from the fishing vessel. Fishing lines are set and retrieved using gurdies (mechanical cranks). Vessels often have high capacity

fish holds or freezers and are generally able to fish multiple days before returning to port.

3 Species Specific Measures

3.1 Salmon

- a) Trip limits or other harvest limitations may be required to ensure quotas are not exceeded. Further discussion about harvest limitations with the Five Nations will occur prior to the fishery start as well as in-season.
- b) Fraser River Chinook: In 2018, the Department implemented a precautionary 25% to 35% reduction in exploitation rates for specific Chinook stocks of concern, including all Fraser River Chinook populations (including Spring 4₂, Spring 5₂, Summer 5₂, Summer 4₁, and Fall 4₁) in Southern BC to support conservation and promote rebuilding. For 2019, given the on-going poor status of these stocks, additional fishery management measures will be considered and outlined in the Southern BC Salmon IFMP.
- c) WCVI Chinook: to minimize mortality to WCVI Chinook, vessels cannot fish from the surf line to 5nm seaward from the surf line from July 24 – October 31 in PFMA 125-126, and August 1 – October 31 in PFMA 124.
- d) Interior Fraser River Coho: plugs are required to minimize mortality in fishery openings from July 24 to September 15.

3.2 Groundfish

For reasons of conservation, sustainability, and to provide for wide community participation, trip limits or other harvest limitations may be required.

4 Fishery Monitoring and Catch Reporting

In addition to the fishery monitoring and catch reporting outlined in Section 9.1 the following monitoring and reporting requirements for the Offshore Integrated Hook and Line fishery while using commercial gear are as follows:

- The fishery must be monitored by an independent Dockside Monitoring Company.
- All vessels are required to have a fully operational DFO-approved VMS and to report the geographic position (latitude and longitude) of the vessel, date and time corresponding to this position, and Communication Service Provider identifier for the VMS unit. This information shall be reported automatically to the DFO Vessel Monitoring Operations Centre (Newfoundland) every 15 minutes throughout the season, from the time the vessel leaves port for the first fishing trip until it returns to port and all

catch on board the vessel is offloaded after its last fishing trip. A list of DFO-approved VMS units can be found at: www.nfl.dfo-mpo.gc.ca/e00111108 or by contacting DFO by telephone at 1 (709) 772-5789 or Toll Free at 1 (888) 772-8225.

A completed DFO National VMS Form shall be faxed to DFO at 1 (709) 772-5787 not less than two business days before commencing fishing for each VMS unit installation, replacement, transfer, or change to the licence holder.

The DFO National VMS Form is available on the internet at:
<http://www.nfl.dfo-mpo.gc.ca/e0010178>

In event the VMS unit or equipment becomes inoperative, is turned off, or malfunctions, the service provider must be notified immediately by telephone at 1-866-930-4000 Monday to Friday 8:00 a.m. to 4:00 p.m. and provide the following information:

- a) Vessel name, vessel master's name, and VRN or T'aaq-wiihak decal number;
- b) The date and time of sailing;
- c) The port of landing; and
- d) The telephone number where the vessel master can be reached.

A back-up VMS unit must be activated within 72 hours of the malfunction. A back-up VMS unit may be obtained by phoning 1-866-930-4000 and provide the following information:

- a) Vessel name, vessel master's name, and VRN or T'aaq-wiihak decal number;
- b) The telephone number where the vessel master can be reached.

Once 72 hours from the malfunction has elapsed, fishing may only resume once the VMS unit is turned on and fully operational or when the vessel master has received approval from DFO.

- In the event of a VMS unit failure where a vessel carries two or more approved VMS units on board, it is the responsibility of the vessel master to immediately notify DFO that a secondary unit is being activated and subsequently ensure it is fully operational, turned on and in use before resuming fishing activity.