



SPORT FISHING ADVISORY BOARD (“SFAB”) SALMON ALLOCATION POLICY REVIEW ALLOCATION STRATEGY

SUMMARY AND SUPPORTING APPENDICES

April 2025

This document and supporting appendices outline a proposed approach for a modernized Salmon Allocation Policy (“SAP”) that is under development by the Department of Fisheries and Oceans (“DFO”). Two key principles that impact the modernized SAP are set out below. Those key principles are: 1) allocation priority; and 2) the common property resource principle. In addition to these key principles, SFAB has identified three related fisheries management issues: a) bycatch and incidental mortality management; b) use of roundtables; and c) management of excess salmon to spawning requirements.

In addition to the information in this document, the SFAB has prepared Supplementary Materials that support its analysis.

Principles for the modernized SAP

1. Allocation Priority (ordered)

a. Conservation:

- Conservation remains the highest priority for the SAP.
- No allocation for any given sector or group of sectors shall compromise or put at risk conservation objectives for salmon as determined by the Salmon Integrated Fisheries Management Plan (“IFMP”).
- The SFAB agrees that the SAP is intended to guide allocation decisions, it is not a conservation policy.

b. Indigenous Fisheries – Food, Social, and Ceremonial (FSC) and Indigenous rights-based commercial fisheries (IRB):

- The SFAB supports priority for Aboriginal and treaty rights consistent with Section 35 of the Constitution.
- The SFAB supports that FSC fisheries and IRB fisheries all have a priority higher than other fisheries (Recreational and Commercial)
 - The SFAB recognizes that FSC fisheries are legally distinct from IRB fisheries (see Supplementary Materials - Appendix B)
 - IRB fisheries may be established by treaty or the courts (see Supplementary Materials - Appendix B)

- The SFAB agrees that First Nations should define internal allocation priority within FSC fisheries and IRB fisheries.
 - As FSC fisheries and IRB fisheries require different balancing of interests, allocation priorities should reflect the distinction between fisheries
- The SFAB believes that priority is “the priority of consideration”. This priority should not exclude others from access to shared resources.
 - Priority may be recognized in different management tools. Such tools include coast wide fishery plans, terminal fishery plans, or integrated fisheries management plans.
 - The right of priority consideration establishes an opportunity to catch a certain number of salmon. The allocation is based on collective planning in recognition of the rights involved.
 - Allocation decisions are planning decisions. The purpose of these planning decisions allows for operation of various fisheries. Operation means that if a fishery receives an allocation, they may access that allocation before, at the same time as, or following the higher priority fisheries.

c. Recreational\Commercial Sharing:

- The SFAB supports the maintenance of current 1999 SAP recreational priority for Chinook and Coho. The SFAB also seeks an approach that allows recreational fishery access to Sockeye/Pink/Chum harvests that is delinked from the commercial fishery priority established in the 1999 SAP.
 - The original 1999 rationale for recreational fishery Chinook and Coho priority has become even stronger and continues to hold true today. Chinook and Coho continue to be key drivers of activity in the recreational fishery (see Supplementary Materials – Appendix C).
 - Total species expenditure for Chinook and Coho in the recreational fishery in 2022 was estimated at \$330M which is more than all other reported species combined (see Supplementary Materials – Appendix C at pg. 12)
- The recreational fishery is highly important to Canada and is the fishery that provides the highest level of economic, social and cultural benefits to BC and Canada as Pacific Regions’ only fishery which is inclusive for all Canadians and visitors and is driven by access and opportunity (see Supplementary Materials – Appendix C).

- The recreational fishery produces \$693.31 of GDP per salmon caught as compared with the commercial fishery which produces \$7.59 of GDP per salmon caught (see Supplementary Materials – Appendix C at pg. 15, Table 2)
- Broader allocation decisions between the recreational and commercial fisheries must be guided by a principle of optimizing social and economic benefits resulting from Canada's salmon fishery resource.
 - Coastal Indigenous communities participate in the recreational fisheries. This participation provides economic opportunities and employment for First Nations and their members. The Minister should explore and support efforts to provide economic development assistance to facilitate Indigenous participation in the recreational fishery.
- The Government of Canada is actively compensating commercial fishery license holders as access to stocks has declined or been restricted due to weak stock management, and selectivity issues within the commercial sector. While the overall biomass pool has for some stocks become smaller, commercial license holders have been compensated for their reduced participation and exit from the fishery. Therefore, there is no valid justification for reallocating fish from the Recreational Fishery to expand the commercial fishery's access, as compensation has already been provided and continues to be offered to offset the impact on the commercial fishery.
- Management to Aggregate Exploitation Rate Conservation Limits are the basis of fishery management planning today. The modern Exploitation Rate methods deployed by DFO are precautionary, meet other related policies that define sustainable use and did not exist within the 1999 SAP context. The SFAB supports this approach because of the success it has provided to recovery of stocks of concern, rebuilding objectives and for management of mixed stock salmon fisheries.
- The SFAB believes that a clear distinction in allocation priority must be made between the general public commercial fishery and IRB fisheries. Indigenous participants (on an individual or nation level) in the general public commercial fishery should be afforded the same priority as the non-Indigenous participants within the general public commercial fishery.

2. Common Property Resource:

- SFAB believes that principle #3 from the 1999 SAP should be maintained. Principle #3 states: “Salmon is a common property resource that is managed by the federal government on behalf of all Canadians, both present and future.” We believe this language, or something very similar with identical meaning must be included in the SAP. (see Supplementary Materials – Appendix A)
- The SFAB believes that salmon’s status as a common property resource, owned by, and managed on behalf of, all Canadians, remains an overarching principle and the SAP should reflect this reality in either the context section or as a stand-alone principle.
- The public right to fish is a common law right. It has existed since the time of the *Magna Carta* and continues to operate and hold legal significance as a right of all Canadians. (see Supplementary Materials – Appendix A)

Related fisheries management issues for the SAP

A. Bycatch and Incidental Mortality:

- The SFAB supports the development of a new principle that reflects the current IFMP implementation of allocation sharing, recognizing that access to most salmon stocks is constrained by bycatch and incidental mortality limits for stocks of conservation concern. Today’s approach to bycatch and incidental mortality is an improvement over the 1999 SAP.
- The recreational fishery is well-positioned to minimize bycatch and incidental mortalities. As a majority hook-and-line fishery, it is highly selective and can operate with minimal bycatch and incidental mortalities. Management of bycatch and incidental mortalities should be addressed in the SAP through information sharing and monitoring requirements. (see Supplementary Materials – Appendix D)
- The SFAB supports robust fishery monitoring and catch reporting to assess total mortalities relative to allocations across all fisheries. Information should be shared broadly. The SFAB supports timely, transparent and consistent accounting of all bycatch and incidental mortality (including releases) in all fisheries.
- Catch monitoring for all partners must be: 1) accountable; 2) science-based, including local and Indigenous knowledge; 3) transparent and trustworthy; 4) standardized across the coast; and 5) verifiable.

B. Roundtables

- The SFAB supports the use of roundtables for proposing fishery management plans for terminal fisheries and on a local scale where appropriate. These local multi-sectoral roundtable advisory processes would be guided by an overarching province wide SAP and applied only within clearly defined terminal areas. (see Supplementary Materials – Appendix E)
- The SFAB does not support using roundtables to determine or implement allocation decisions for mixed-stock fisheries occurring outside of terminal areas, as these fall under the broader SAP framework.
- Roundtables should be linked to the Integrated Harvest Planning Committee (IHPC) and remain part of the Integrated Fisheries Management Plan (IFMP) process. The IFMP should clearly identify which fisheries will be supported by roundtables and define their scope.
- A local roundtable's area of interest should be limited to fisheries occurring within its terminal area and focusing on local terminal stocks.
 - Fisheries outside terminal areas should not fall within the scope of a local roundtable. This statement applies to all species and is particularly important with respect to Chinook and Coho given their highly migratory nature.
 - Mixed-stock fisheries occurring outside terminal areas should not be included in a roundtable's agenda.

C. Excess Salmon to Spawning Requirements

- The SFAB supports the management of Excess Salmon to Spawning Requirements through Integrated Fisheries Management Plans rather than the SAP. (see Supplemental Materials – Appendix F)

Supplementary Materials – Sport Fishing Advisory Board (“SFAB”) Submission regarding Salmon Allocation Policy

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Appendix A: Fisheries are a Common Property Resource

Pacific salmon are a common property resource for the benefit of all Canadians. The federal government has constitutional responsibility to manage fair access to those salmon resources. It does so under the legislative authority of the *Fisheries Act* (the “Act”).

Management of fisheries must account for the public right to fish. The public right to fish is a common law principle that is rooted in, but pre-exists, the *Magna Carta* and was adopted into Canadian and British Columbian common law.¹ The public right to fish has been described as a right to a “common property resource” that is “free and open to all”² and “belonging to all the people of Canada”³. It is critical that this resource be maintained in a manner that promotes public access.

The public right to fish exists alongside Aboriginal rights to fish under s. 35 of the *Constitution*. At its core, the public right to fish prevents the Crown from acting to infringe or extinguish the right, except through competent legislation.⁴

Principle of Common Property Provides Flexibility While Maintaining Access

The common property principle ensures that Pacific salmon remain a shared resource managed for the benefit of all Canadians. The common property principle recognizes and accommodates Indigenous, recreational, and commercial stakeholders. The principle prevents privatization or exclusive control of fisheries, and protects the rights of coastal communities, small-scale operators, and recreational fishers who depend on these resources. Access across groups promotes equity and fosters a sense of shared responsibility for salmon fisheries.

Access Should be Equitable Not Equal

While Pacific salmon are a common property resource, equal access for all Canadians is neither practical nor consistent with the constitutional and legal framework of Canada. The *Constitution* recognizes and affirms the unique rights of Indigenous peoples, including those related to fisheries. Access to salmon resources is managed to reflect these rights, as well as broader food, cultural, social, economic, and conservation priorities.

¹ *Re BC Fisheries*, [1913] 15 D.L.R. 308 (P.C.), 1913 CanLII 398 (UK JCPC). The public right to fish described in the *Magna Carta* is stated as: “In tidal waters, estuaries and arms of the sea below the high water mark of ordinary tides situate within the limit of the kingdom . . . the public as subjects of the realm, have the right to fish to the exclusion of the subjects of all foreign powers, except in such parts of those tidal waters as have been legally appropriated as private fisheries.”

² *McRae v. British Norwegian Whaling Co., Ltd.*, [1927-31] Nfld. L.R. 274 at 282.

³ *Comeau’s Sea Foods Ltd. v. Canada (Minister of Fisheries and Oceans)*, [1997] 1 S.C.R. 12 at para. 37.

⁴ *Re BC Fisheries*.

Common Property Resource Rights are Common Law Rights with a Similar Legal Source to Aboriginal rights

In Canada, caselaw recognizes Aboriginal rights and title as pre-existing rights, and those form part of the common law. In the Supreme Court of Canada's decision in *Mitchell*, Chief Justice McLachlin stated:

.. aboriginal interests and customary laws were presumed to survive the assertion of sovereignty, and were absorbed into the common law as rights [Emphasis added.]

Therefore, Canadian Aboriginal rights have their root in the same common law as the Magna Carta principles that establish a public right to fish.

Pre-existing Aboriginal rights prior to 1982 could be extinguished by Parliament by explicit legislation (which is the same requirement to extinguish public right to fish today). To address extinguishment concern, a measure of control against government overreach was thought necessary, and Section 35(1) was incorporated into the 1982 amendment of the *Constitution*. This affords protection for, among other rights, the Aboriginal right to fish.

While Aboriginal rights were elevated or have priority over public rights to fish per Section 35, there are limitations on the effect of those rights over the public right to fish, which are affirmed, and spelled out by the Supreme Court of Canada in *Gladstone*, where Lamer C.J.C. stated:

While the elevation of common law aboriginal rights to constitutional status obviously has an impact on the public's common law rights to fish in tidal waters, it was surely not intended that, by the enactment of s. 35(1), those common law rights would be extinguished in cases where an aboriginal right to harvest fish commercially existed. As was contemplated by Sparrow, in the occasional years where conservation concerns drastically limit the availability of fish, satisfying aboriginal rights to fish for food, social and ceremonial purposes may involve, in that year, abrogating the common law right of public access to the fishery; however, it was not contemplated by Sparrow that the recognition and affirmation of aboriginal rights should result in the common law right of public access in the fishery ceasing to exist with respect to all those fisheries in respect of which exist an aboriginal right to sell fish commercially. [Emphasis added]

Gladstone further went on to set out that both Aboriginal rights and the public common law right to fish co-exist within a legal context since the time of the Magna Carta, and that the common law right to fish can only be extinguished through enactment of competent legislation. It further sets out the priority of each right.

It should also be noted that the aboriginal rights recognized and affirmed by s. 35(1) exist within a legal context in which, since the time of the Magna Carta, there has been a common law right to fish in tidal waters that can only be abrogated by the enactment of competent legislation:

... the subjects of the Crown are entitled as of right not only to navigate but to fish in the high seas and tidal waters alike.

... As a common law, not constitutional, right, the right of public access to the fishery must clearly be second in priority to aboriginal rights; however, the recognition of aboriginal rights should not be interpreted as extinguishing the right of public access to the fishery.

Gladstone also affirms that Aboriginal rights vary amongst different Aboriginal peoples, and that not all can establish in law the right to use those fish for commercial purposes. However, the inability to prove an Aboriginal commercial right does not deprive an Indigenous people of the rights they hold under the common law as Canadians to fish commercially.:

That this should not be the case becomes particularly clear when it is remembered that, as was noted above, the existence of aboriginal rights varies amongst different aboriginal peoples, with the result that the notion of priority applies not only between aboriginal and other Canadians, but also between those aboriginal peoples who have a aboriginal right to use the fishery and those who do not. For aboriginal peoples like the Sheshaht, Opetchesaht and the Sto:lo, the fact that they were unable to demonstrate that their aboriginal rights include the right to sell fish on a commercial basis should not mean, if another aboriginal group is able to establish such a right, that the rights they hold in common with other Canadians - the right to participate in the commercial fishery - are eliminated. This could not have been intended by the enactment of s. 35(1). [Emphasis added]

The similar common law nature of both Aboriginal rights and public right to fish gives rise to the importance placed and caution exercised by government through the Minister with respect to day-to-day fisheries governance and policy affecting both groups. Priority afforded to Aboriginal groups is not an overarching priority that nullifies the public's right to participate in decisions affecting public fishing rights.

Access as a Managed Right

Common property access to salmon resources is provided to individuals and groups under carefully defined terms and conditions. This access:

- Does not confer ownership of the resource or any portion thereof.
- Is a right managed by the Minister of Fisheries and Oceans, who holds absolute discretion in determining access.
- Is governed by licensing frameworks that balance competing interests for recreational and commercial fisheries, along with species, gear, area, and timing restrictions.

Integrating Indigenous Rights into Fisheries Management:

The common property principle does not exclude the rights of Indigenous groups; instead, it provides a framework for incorporating those rights within a broad, inclusive management

system. The Salmon Allocation Policy could further integrate those rights by prioritizing Indigenous food, social, and ceremonial (FSC) fisheries, and integrate Indigenous commercial and related rights, acknowledging that those rights may be treaty-based or court-defined.

Fisheries management can evolve to include collaborative management models, allowing Indigenous communities to play a meaningful role in stewardship while maintaining equitable access for all Canadians. Addressing historical injustices, such as the marginalization of Indigenous fisheries, within the common property framework promotes reconciliation without dismantling the inclusive nature of fisheries governance.

The 1999 SAP has been amended by DFO to address priority of rights with respect to integrating Aboriginal rights. DFO has accommodated treaty rights and court-defined Aboriginal rights. An example of a constitutionally protected right to fish commercially is the Ahousaht, Ehattesaht, Hesquiaht, Mowachaht/Muchalaht, and Tla-O-Qui-aht First Nations.⁵ That commercial Aboriginal right has been subject to much litigation. As part of that litigation, the court emphasized the importance of balancing Aboriginal rights with: 1) conservation goals; 2) the public's access to the resource; 3) the rights of recreational fishers; and 4) the interests of other commercial fishers.⁶

⁵ *Ahousaht Indian Band and Nation v. Canada (Attorney General)*, 2021 BCCA 155.

⁶ *Ahousaht Indian Band and Nation v. Canada (Attorney General)*, 2021 BCCA 155 at para. 87, citing *Gladstone*.

Appendix B: Distinction between Aboriginal Rights for Food, Social, and Ceremonial (FSC) Purposes and Aboriginal Rights for Commercial Purposes

It is important that the modernized Salmon Allocation Policy reflect the distinction between Food, Social, and Ceremonial fisheries (“FSC Fisheries”) and Indigenous rights-based commercial fisheries (“IRB Fisheries”). IRB Fisheries may be treaty-based or recognized by courts. The distinction recognizes that IRB Fisheries require a different balancing of interests than FSC Fisheries. Importantly, IRB Fisheries must take into greater account:

- The principle of Common Property Resources; and
- Canada’s constitutional duty to balance Indigenous and non-Indigenous interests.⁷

Although it is settled that FSC Fisheries must take first priority, when the Court is evaluating priority or allocation amongst IRB Fisheries and those exercising the public right to fish (whether commercial or recreational), the Court recognizes that the Crown has heightened obligations to balance rights.

Courts have drawn a distinction between FSC Fisheries and IRB Fisheries

When characterizing an Aboriginal commercial right, the law considers the broader social context of the right and “exercises reasonable restraint in articulating the scope of a right that has a commercial component”. An unlimited commercial right is an anomalous and unusual occurrence.⁸

... [C]ourts should avoid extravagant articulations of [Aboriginal rights] that are inconsistent with the need for them to exist within a broader social context. Courts must recognize that traditional practices will not, typically, serve as a basis for unbounded Aboriginal rights.

The bounds put on commercial Aboriginal rights to fish have been characterized in a number of ways. The commercial Aboriginal right to fish has been characterized as a right to derive a “moderate livelihood”⁹ or less than “industrial”¹⁰.

IRB Fisheries require a different balancing by government than FSC Fisheries

In the circumstances of commercial rights, the court has adapted the priority recognized in *Sparrow*, such that the Aboriginal rights are not granted *de facto* exclusivity. Those Aboriginal rights must “be taken into account” when government is allocating access to a scarce resource, while accounting for other factors:¹¹

⁷ *Elson v. Canada (Attorney General)*, 2017 FC 459 at para. 38, quoting from *Comeau’s Sea Foods Ltd. v. Canada (Minister of Fisheries and Oceans)*, [1997] 1 S.C.R. 12 at para. 37.

⁸ *Ahousaht Indian Band and Nation v. Canada (Attorney General)*, 2021 BCCA 155 at paras. 69-70.

⁹ *William v. British Columbia*, [2012 BCCA 285](#).

¹⁰ *Ahousaht Indian Band and Nation v. Canada (Attorney General)*, 2021 BCCA 155.

¹¹ *Gladstone* at para. 63.

Similarly, under Sparrow's priority doctrine, where the aboriginal right to be given priority is one without internal limitation, courts should assess the government's actions not to see whether the government has given exclusivity to that right (the least drastic means) but rather to determine whether the government has taken into account the existence and importance of such rights.

In assessing the priority allocation of Aboriginal rights (whether inherently limited or not) with respect to other rightsholders, the law does not mandate blanket exclusivity, but instead addresses questions such as:¹²

... whether the government has accommodated the exercise of the aboriginal right to participate in the fishery (through reduced licence fees, for example), whether the government's objectives in enacting a particular regulatory scheme reflect the need to take into account the priority of aboriginal rights holders, the extent of the participation in the fishery of aboriginal rights holders relative to their percentage of the population, how the government has accommodated different aboriginal rights in a particular fishery (food versus commercial rights, for example), how important the fishery is to the economic and material well-being of the band in question, and the criteria taken into account by the government in, for example, allocating commercial licences amongst different users. ...

An Aboriginal right to fish commercially similarly is not elevated in priority compared to a commercial fishery operated pursuant to the public right to fish. Rather, the law mandates a distribution strategy that accounts for commercial Aboriginal rights. The Court here makes the important point that reconciliation depends on balancing of these rights, as opposed to giving any one exclusivity over the other:¹³

... in the event that an Aboriginal right to trade commercially is found to exist, the court, when delineating such a right should have regard to what was said by Chief Justice Lamer in Gladstone [R. v. Gladstone, [1996] 2 SCR 723] (albeit in the context of a Sparrow [R. v. Sparrow, [1990] 1 S.C.R. 1075] justification), as follows:

Although by no means making a definitive statement on this issue, I would suggest that with regards to the distribution of the fisheries resource after conservation goals have been met, objectives such as the pursuit of economic and regional fairness, and the recognition of the historical reliance upon, and participation in, the fishery by non-aboriginal groups, are the type of objectives which can (at least in the right circumstances) satisfy this standard. In the right circumstances, such objectives are in the interest of all Canadians and, more importantly, the reconciliation of aboriginal societies with the rest of Canadian society may well depend on their successful attainment. [Emphasis in original; para. 75.]

The most direct commentary on the effect of Section 35 rights to fish upon the public right to fish is in *Gladstone*, where Lamer C.J.C. stated:¹⁴

¹² *Gladstone* at para. 64.

¹³ *Lax Kw'alaams Indian Band v. Canada (Attorney General)*, 2011 SCC 56 at para. 46.

¹⁴ *Gladstone* at para. 67.

While the elevation of common law aboriginal rights to constitutional status obviously has an impact on the public's common law rights to fish in tidal waters, it was surely not intended that, by the enactment of s. 35(1), those common law rights would be extinguished in cases where an aboriginal right to harvest fish commercially existed. As was contemplated by Sparrow, in the occasional years where conservation concerns drastically limit the availability of fish, satisfying aboriginal rights to fish for food, social and ceremonial purposes may involve, in that year, abrogating the common law right of public access to the fishery; however, it was not contemplated by Sparrow that the recognition and affirmation of aboriginal rights should result in the common law right of public access in the fishery ceasing to exist with respect to all those fisheries in respect of which exist an aboriginal right to sell fish commercially.

As *Gladstone* demonstrates, IRB fisheries must take into account the requirement of public access to a fishery. The exercise of accounting for that requirement will vary with the circumstances. However, *Gladstone* makes clear that FSC fisheries and IRB fisheries impose distinct requirements on government with respect to how those fisheries are balanced against the public's right of access to a given fishery.

SFAB's views regarding balancing required

It is the view of the SFAB that when weighing the public's right and the variety of asserted Aboriginal rights to fish, the Minister is considering public rights and Aboriginal rights, not public privileges. The Ministry's constitutional duty of consultation with Aboriginal groups must take into account the entitlement of anglers as public rights holders to be consulted in the development of policy related to allocation of publicly owned fisheries resources. The priority of Aboriginal food, social and ceremonial fishing rights is operative in the actual allocation of access during periodic reductions of available fish. It would be wrong to view it as a blanket priority that elevates Aboriginal rights to the exclusion of the public right to fish.

In meeting Canada's fiduciary obligations to Aboriginal rights holders in allocating fishery resources, the standard is a minimization of encroachments to those rights, not an absolute prohibition of impact. In *Ahousaht Indian Band and Nation v. Canada (Attorney General)*, 2009 BCSC 1494 the legal test is that the Crown must be acting in a reasonable fair-minded way that minimizes encroachments:

*In summary, to succeed in its justification defence, Canada must establish the following: (1) that the impugned regulatory regime was enacted pursuant to a valid legislative objective or objectives; and (2) that it has acted in a manner consistent with its fiduciary obligation toward aboriginal people, and that in allocating the fisheries resource, it has been respectful of the plaintiff's aboriginal rights and has encroached upon those rights to the minimal extent possible. [emphasis added]*¹⁵

¹⁵ *Ahousaht Indian Band and Nation v. Canada (Attorney General)*, 2009 BCSC 1494 at para. 850.

The SFAB fully supports the guidance of *Ahousaht Indian Band and Nation v. Canada (Attorney General)*, 2009 BCSC 1494 at paras. 845–846, which sets out the priority of allocation as: 1) Conservation; 2) FSC fisheries; 3) Recreational and Commercial fisheries.

Appendix C: Recreational Fisheries make greater economic use of salmon than Commercial Fisheries

The social and economic value of the recreational fishery is based on the opportunity to go fishing with the ability to catch fish. Similar to the Indigenous rights-based fishery recognized in *Ahousaht Indian Band and Nation v. Canada (Attorney General)*, 2009 BCSC 1494, the purpose of the recreational fishery is not wealth accumulation. Instead, the economic benefits derived from the recreational fishery supplement its core purpose as a fishery aimed at food, social and cultural values.

While the recreational fishery must involve consideration of objectives involved in other fisheries, its management involves the operation of more diverse elements than other fisheries. This diversity stems from the many types of businesses impacted by the recreational fishery from direct fishing operations to logistics necessary for recreational fishing. Management of the recreational fishery requires an understanding of the fishery's diverse nature, which encompasses personal use of the fishery and broader economic activity and businesses.

The recreational fishery represents a significant source of economic activity in British Columbia. This economic activity is evident based on standalone data regarding the recreational sector, employment data, and GDP contributions. The impact of the recreational fishery is particularly evident in comparison to the commercial sector.

It is clear that the recreational fishery represents the most effective use of Canada's salmon resource as compared with the commercial salmon fishery. This result is apparent based on the following factors: 1) employment data; 2) contribution to Canada's GDP per salmon harvested; and 3) overall GDP contribution. Further, the recreational fishery remains robust in its performance while the commercial salmon fishery trends downward. The recreational fishery's economic performance is trending positively on many measures, including GDP and employment.

The recreational fishery provides the most GDP per fish and the greatest number of jobs in the aquaculture and fisheries sector. Data supporting these claims is sourced from:

1. DFO's analysis of the Pacific tidal recreational fishing survey, 2022 ([link](#)); and
2. A report prepared for the British Columbia government regarding the Fisheries and Aquaculture Sector for 2022. The report is also available via the provincial government website ([link](#)).

Chinook and Coho are the key salmon species driving economic activity in the recreational fishery. This reality should be reflected in the allocation approach to these species.

DFO economic analysis of the recreational fishery

DFO Pacific Region, Policy and Economics Analysis Unit completed a survey in 2022 on the recreational fishery in Pacific tidal waters. This survey produced an economic analysis. That

analysis included data on the average performance of the recreational fishery from 2000 to 2022. Highlights include the following annual averages:

- Expenditures: \$750 million
- Fishing Days (cumulative): 1.8 million
- Active fishers: 220,000
- License sales: 320,000
- GDP contribution: \$380 million
- Jobs generated: 5,400

The report determined that recreational fishers spend an average of 8 days fishing each year. British Columbia residents account for 1.5 million fishing days across 160,000 active fishers. Canadians from outside of British Columbia account for 130,000 fishing days across 30,000 active fishers. International fishers account for 140,000 fishing days across 30,000 active fishers.

DFO economic survey data demonstrates that Chinook salmon is a critical element of the recreational fishery in British Columbia's tidal waters. More than 50% of recreational fishers targeted Chinook in 2022.¹⁶ DFO clearly states that Chinook was the primary target species for recreational fishers in 2022.

In 2022, total species expenditures for Chinook and Coho were approximately \$330 million. For comparison, expenditures for pink/chum and sockeye totalled less than \$50 million for the same period. Shellfish and non-salmon finfish expenditures totalled approximately \$250 million. This data clearly demonstrates the importance of Chinook and Coho to the recreational fishery and the economic benefits that Canada derives from this fishery. DFO data regarding expenditures by trip type and target species demonstrates a strong association to Chinook salmon as the primary target species for fishing trips.

Expenditure Trends in the Recreational Fishery

The DFO survey identified trends regarding economic activity in the recreational fishery. These trends are useful in identifying the trajectory of the recreational fishery and how its management can produce benefits to Canada. An important trend in the data is that the per day direct fishing and fishing package expenditures demonstrated a substantial increasing trend from 2020 to 2022. The broader benefits of the recreational fishery stem from the mix of personal use and tourism use in the fishery. As an example, non-residents of BC were responsible for 70% of package spending in 2022.

¹⁶ The Department of Fisheries and Oceans identified that in 2022 there were 123,000 fishers that targeted Chinook. While there was no figure provided for 2022 total fishers, the average number of annual active fishers from 2000 to 2022 was 220,000. Using these numbers, $123,000/220,000$ indicates that 55.91% of active fishers in the recreational fishery targeted Chinook. ([link](#))

Per day direct spending increased year-over-year from 2021 to 2022. Increases were recorded in the following categories: fishing rentals (67% increase); non-personal vehicle transportation meaning ferries, airfare, etc. (54% increase); guide services (42% increase); accommodation/camping (16% increase); personal vehicle expense (15% increase); and other fishing related expenses meaning licensing and access fees (19% increase). In contrast, personal or shared boat expenses decreased by 4%, and fishing supply purchases declined by 6%.¹⁷

These trends point to opportunities within tidal recreational fishing related tourism. These opportunities can support significant social and economic benefits to small coastal communities adjacent to prime fishing destinations. Opportunities are particularly ripe in the area of fishing charters, which demonstrated the highest direct daily expenditures in 2022.

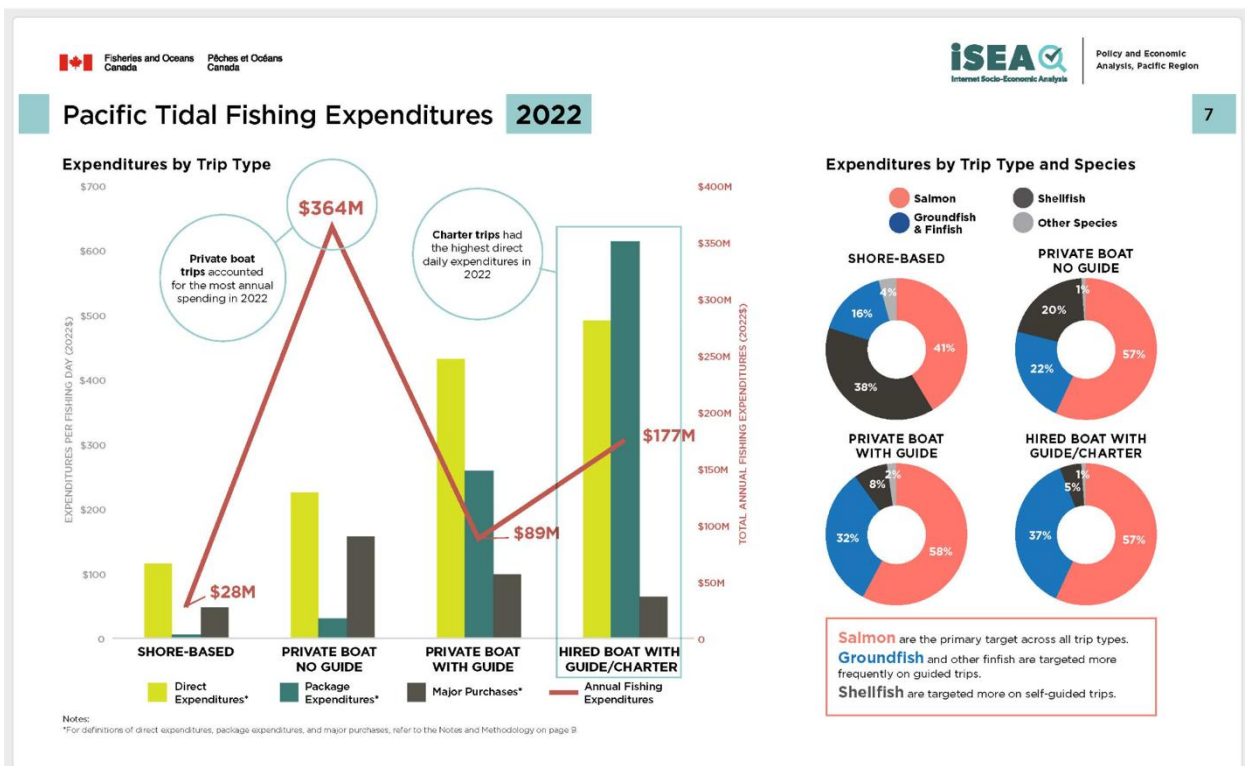


Figure 1: DFO data regarding 2022 fishing expenditures by trip type and species

BC employment data identifies recreational fishery as a key employer

According to a report published by the BC government, jobs within the combined freshwater and saltwater recreational fishery were estimated at 4,866 in 2022. Employment in recreational fishing currently represents the largest source of fisheries and aquaculture related jobs in BC. Nearly half (48.7%) of jobs within the broader Fisheries and Aquaculture Sector are in the

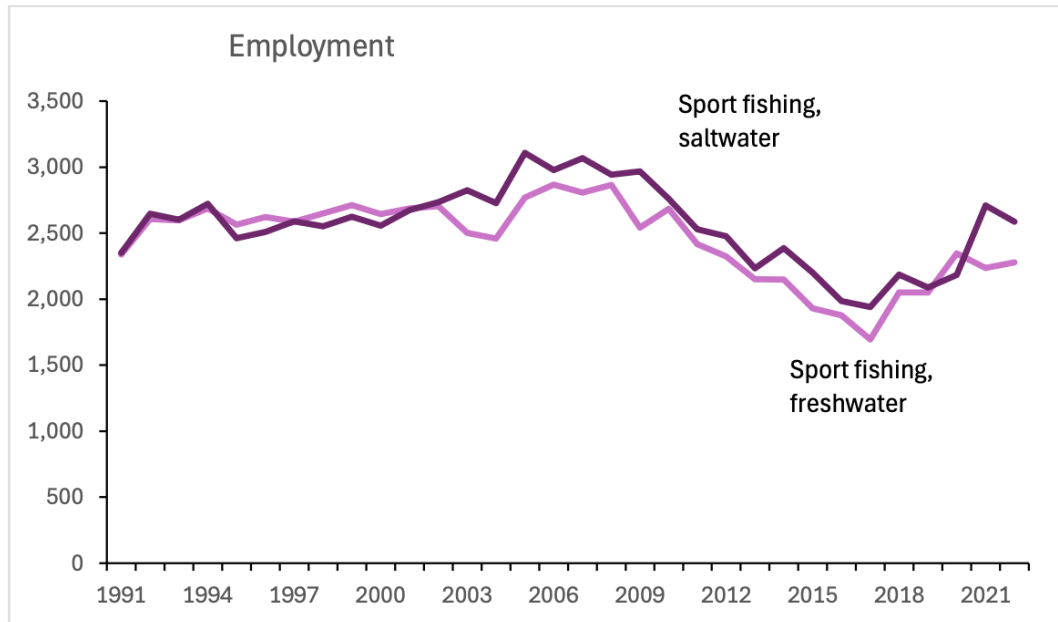
¹⁷ Pacific Tidal Recreational Fishing Survey, 2022. ([link](#))

recreational fishing sector. The next closest source of employment is fish and seafood processing with 24.7% of jobs in 2022 (which seems linked primarily to aquaculture). Commercial fishing represented only 10.6% of employment in 2022.

Figure 2 demonstrates the employment figures for the recreational fishery. Figure 3 shows the proportion of jobs represented by each sub-category within the broader fisheries and aquaculture sector over time.

Employment in the Sport Fishing Industry

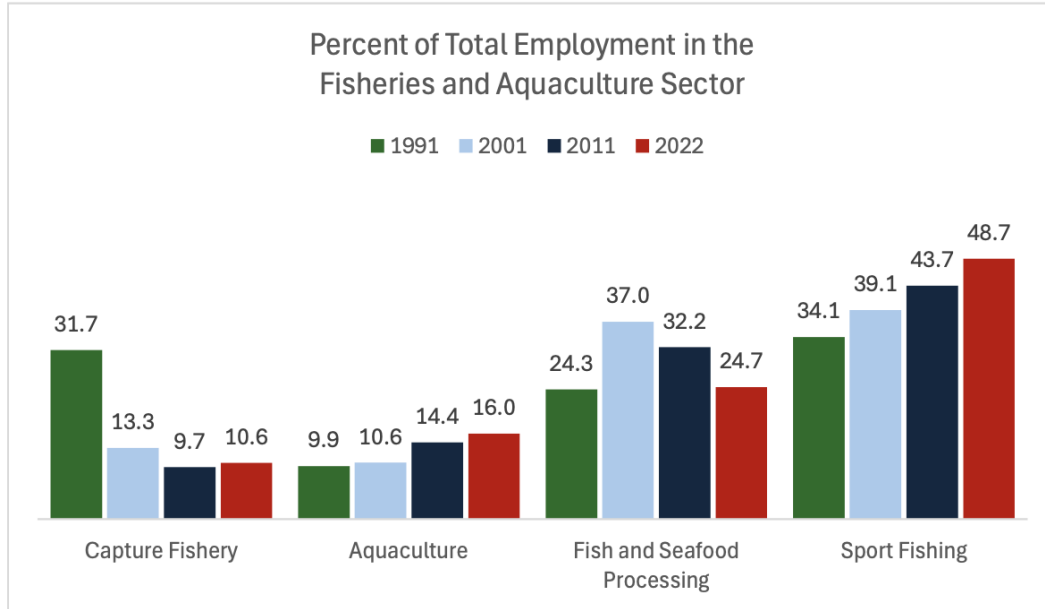
Chart 37: 4,866 jobs were supported by sport fishing in 2022



Data Sources: Lillian Hallin Consulting, derived using data from Fisheries and Oceans Canada and Statistics Canada

Figure 2: BC government data regarding employment trends in sport fishing

Chart 6: Nearly half the jobs in the sector were in the sport fishing industry in 2022



Data Sources: Lillian Hallin Consulting, derived using data from Fisheries and Oceans Canada, Ministry of Water, Land and Resource Stewardship, and Statistics Canada

Figure 3: BC government data regarding employment trends across Fisheries and Aquaculture sector

Economic Contributions of Commercial Salmon Fishery

The Pacific Region DFO Policy and Economic Analysis Unit completed a Cost and Earnings Survey in 2021 for commercial salmon fishers. The survey was a pilot study, engaging fishers to provide anonymized information to DFO regarding fishing during the 2021 season. 119 vessel owner/operators completed the survey. This data represents 479 vessels; 234 vessels were active in the fishery, while 245 were inactive. The overall response rate was 29% for all active vessels. The data below represents all species of salmon caught within each commercial fishery, and further does not account for economic offsets available to commercial fishers through several government subsidization programs to minimize operating expenses for commercial fishers.

2021 Revenue/Expense/Earnings (average of all vessels)	Gillnet Fishery	Seine Fishery	Troll Fishery
Total fishing revenues	\$12,100	\$50,300	\$64,500
Total operating expenses	\$16,100	\$49,600	\$47,300
Net Revenue	\$(4,100)	\$700	\$17,200
Earnings (EBITDA*)	\$(13,900)	\$(25,700)	\$1,200
Active Vessels in population	182	33	164
Total Salmon landed	64,295	154,766	240,494

*EBITDA – Earnings before interest, taxes, depreciation, and amortization

Table 1: DFO data regarding 2021 commercial fishery financial performance

In 2021, the total commercial salmon fishery harvest was 459,555 salmon. Comparatively, the recreational fishery in harvested 324,915 salmon (post-season report to the Pacific Salmon Commission (PSC)).

In 2022, the combined recreational fishery (fresh + saltwater) contributed \$343.7 million to real GDP (2022). In the same time period, the combined commercial fishery contributed \$189.8 million to real GDP across all species of fish. Based on this, the recreational fishery contributed \$153.9 million more to real GDP than did the commercial fishery.

Breakdown by species reveals that commercial fisheries for crab, prawn, tuna, halibut, and geoduck account for 66.9% of the total GDP contribution. The once dominant salmon fishery now contributes only 7.9% to the total commercial GDP contribution. This proportion of the total commercial GDP contribution means that the commercial salmon fishery contributed \$14.99 million to Canada’s real GDP in 2022.

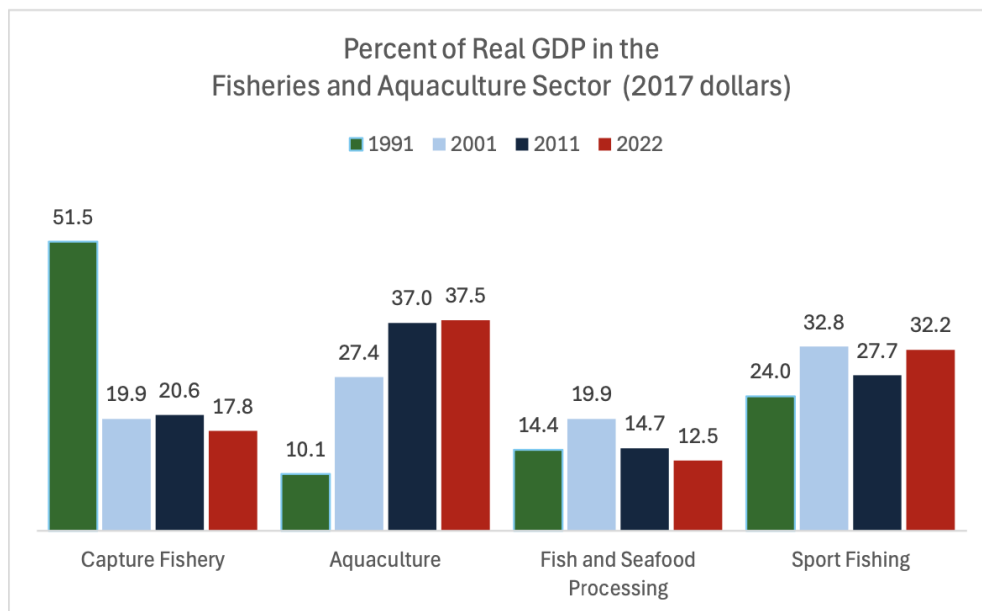
A useful metric for comparison of the recreational and commercial salmon fisheries is a financial contribution per fish harvested. Table 2 below provides that calculation. Given the nature of the recreational fishery, it is more difficult to provide a species-specific GDP contribution than for the commercial fishery. The amount used represents a reasonable estimate based on the data available. There is more than an order of magnitude of difference between the recreational fishery’s contribution per fish and the same measure for the commercial fishery.

Sector GDP Contribution ¹⁸ (2022)	Salmon Harvested ¹⁹ (2022)	\$ GDP Contribution/Fish
Commercial (all species) - \$189.8 x 7.9% (salmon only) = \$14.99 million	1,974,891	\$7.59/salmon
Recreational - \$343.7 million x 70% (percentage of fishing trips that target salmon based on DFO data) = \$240.6 million	347,029	\$693.31/fish

Table 2: Calculation of GDP contribution per salmon harvested for commercial and recreational fisheries

As set out in figure 4 (below), the recreational fishery accounted for 32.2% of total GDP for all combined fisheries in 2022. Comparatively, the commercial fishery accounted for 17.8%.

Chart 2: The structure of the fisheries and aquaculture sector has changed significantly since 1991



Data Sources: Lillian Hallin Consulting, derived using data from Fisheries and Oceans Canada, Ministry of Water, Land and Resource Stewardship, Ministry of Agriculture and Food, and Statistics Canada

Figure 4: BC government data regarding GDP contributions across the Fisheries and Aquaculture sector

¹⁸ Numbers obtained from Report on British Columbia's Fisheries and Aquaculture Sector, 2022 Edition.

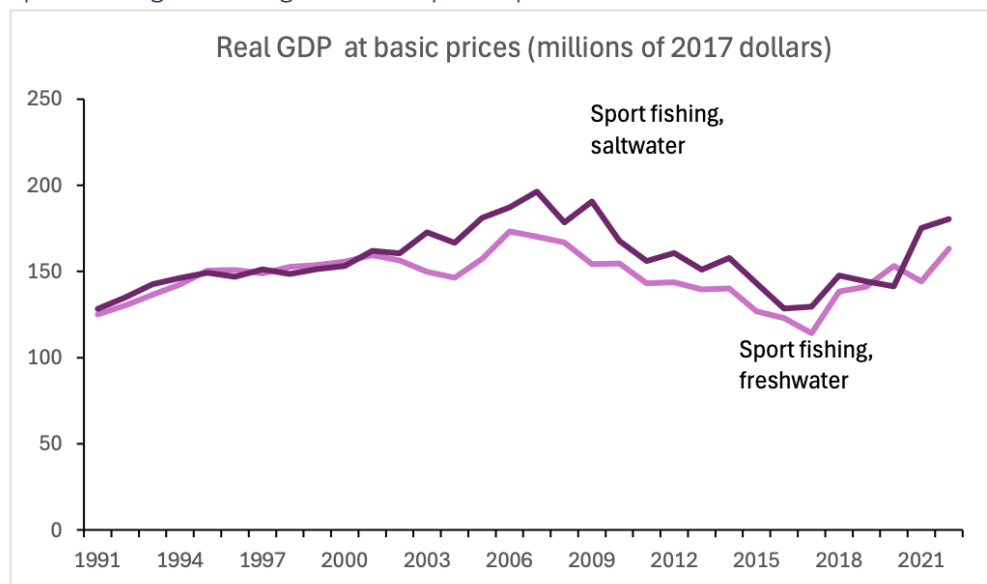
¹⁹ Numbers obtained from Pacific Salmon Commission catch records. Numbers are totaled across sockeye, pink, chum, Coho, and chinook salmon.

Figures 5 and 6 (below) set out real GDP contributions across the fisheries and aquaculture sector over time. These trends indicate that aquaculture and the recreational fishery are best positioned to contribute to Canada's real GDP. Aquaculture is not managed through the SAP.

Figure 5 highlights trends in the recreational fishery (referred to in the chart as sport fishing), separated by saltwater and freshwater fisheries. Both saltwater and freshwater fisheries have been trending upward in terms of GDP contributions since 2017.

Figure 6 highlights trends within aquaculture, fish and seafood processing, and the commercial fishery (referred to in the chart as the capture fishery). Since 2017, GDP contributions have decreased or remained stable for both the commercial fishery and fish and seafood processing.

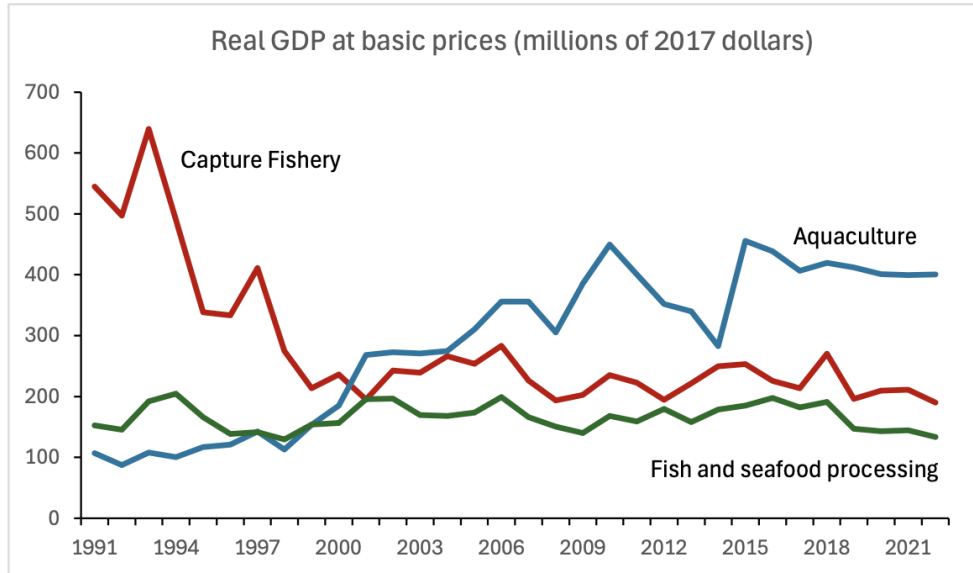
Chart 4: Sport fishing is once again on an upward path



Data Sources: Lillian Hallin Consulting, derived using data from Fisheries and Oceans Canada, Ministry of Water, Land and Resource Stewardship, Ministry of Agriculture and Food, and Statistics Canada

Figure 5: BC government data regarding GDP contributions of sport fishing

Chart 3: The capture fishery shrank during the 1990s and remains considerably smaller than it was three decades ago. For much of this period, the aquaculture industry was expanding.

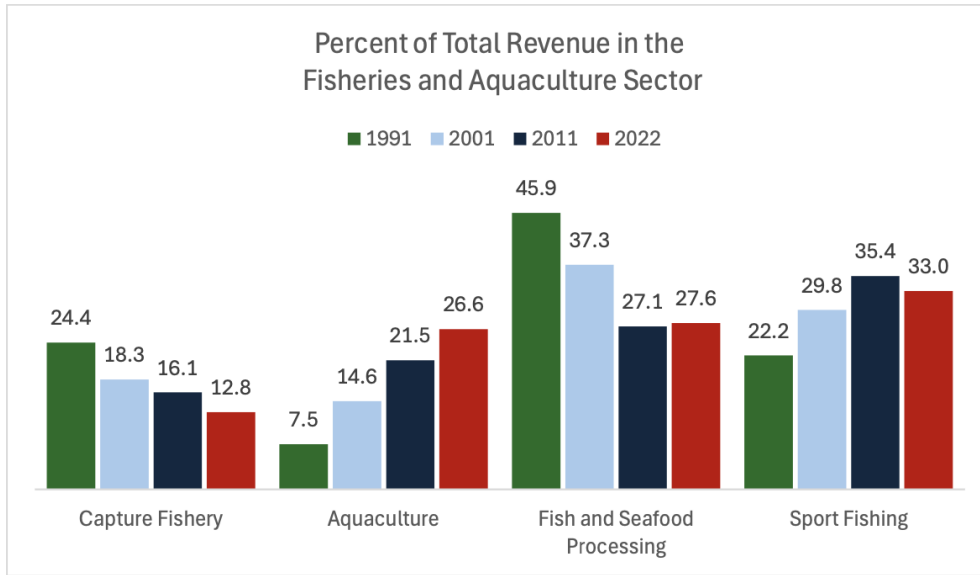


Data Sources: Lillian Hallin Consulting, derived using data from Fisheries and Oceans Canada, Ministry of Water, Land and Resource Stewardship, Ministry of Agriculture and Food, and Statistics Canada

Figure 6: BC government data regarding GDP contributions of commercial fishery, fish and seafood processing, and aquaculture

Figure 7 directly compares the proportions of revenue contributed by different portions of the fisheries sector from 1991 to 2022. Only aquaculture and the recreational fishery have increased their proportion of revenue across that time period. In 2022, the recreational fishery represented the greatest proportion of revenue within the broader fisheries and aquaculture industry.

Chart 9: Revenues are highest in sport fishing and fish and seafood processing



Data Sources: Lillian Hallin Consulting, derived using data from Fisheries and Oceans Canada, Ministry of Water, Land and Resource Stewardship, and Statistics Canada

Lillian Hallin Consulting

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Figure 7: BC government data regarding revenue contributions across Fisheries and Aquaculture sector

Related fisheries management issues for the SAP

Appendix D: Incidental Mortalities/Bycatch

Bycatch and Incidental Mortalities Context

There is often overlap in migration route and timing between abundant salmon stocks/species and stocks of conservation concern. This overlap produces significant challenges for salmon fisheries.

Salmon fisheries target more abundant stocks based on their prevalence in any given area at any given time. However, because of temporal and spatial overlap, those fisheries often intercept other co-migrating salmon. Where this overlap includes stocks of conservation concern, this results in significant constraints on the ability of harvest groups to access otherwise abundant stocks.

Where salmon fisheries are targeting abundant stocks, stocks of conservation concern are bycatch, incidental harvest, or a combination thereof. “Bycatch” is the harvest of a species that is not the target species. The specific fishery dictates whether bycatch can be retained or released. “Incidental harvest” is the harvest of non-target stocks within the same salmon species.

Salmon Allocation Policy – Bycatch and Incidental Mortalities

It is not feasible to provide a fixed mechanism or metric for allocation or sharing of incidental harvest or bycatch of salmon. Any mechanism aimed at bycatch and incidental mortality within the Salmon Allocation Policy should be aimed at monitoring, data collection and information sharing. The mechanism should emphasize adaptive, science-based management.

A mechanism or metric aimed at sharing bycatch and incidental harvest would need to account for the many complex factors impacting bycatch and incidental harvest. These factors include: the thousands of genetically distinct salmon species and their unique adaptations, and the migratory nature of salmon. A prescriptive policy approach cannot adequately account for these factors in a practical manner. Flexibility and adaptation to the circumstances are critical to management of bycatch and incidental harvest.

Stocks of concern vary significantly from year to year and from stock to stock. This variability underscores the need for flexibility in the approach to bycatch and incidental mortality. The inherent variability of salmon productivity is supported by the existence of the Excess Salmon to Spawning Requirements (“ESSR”) fisheries.

Related fisheries management issues for the SAP

Appendix E: Roundtables as a Management Tool

Roundtables can be an important fisheries management tool that provides an opportunity for those regulated to participate in the governance of a fishery. In the context of specific fisheries management, many community harvest roundtables exist. Successful examples have been seen in relation to local terminal salmon fisheries.

Coast-wide salmon allocation has to take into account both mixed-stock and single stock salmon populations. Coast-wide fisheries management decisions necessarily occur prior to more localized decision-making.

Coast-wide fisheries management properly accounts for the differences in abundance between mixed-stock and single stock salmon populations. Once coast-wide management decisions have been made, roundtables can be effective in achieving terminal fishery management objectives for single stock salmon. However, roundtables aimed at allocation of salmon across coast-wide fisheries are not feasible due to the complexity of management and differences in abundance and prevalence between mixed-stock and single stock salmon populations. This distinction is important because mixed-stock salmon extend over a broad geographic area that cannot be managed or properly assessed at a local level. The purpose of roundtables is to empower local decision-making, and as a result, roundtables should not extend to allocation decisions beyond terminal salmon fisheries.

Background – Tiered Governance Models

It is useful to consider three tiers of consultation structures:

- **Tier 1** involves internal, First Nations-only discussions.
- **Tier 2** involves direct consultations between First Nations and the Crown (in this case, DFO).
- **Tier 3** involves broader discussions that include other stakeholders like commercial and recreational sectors.

The IFMP process and local roundtables should aim to operate under a Tier 3 consultation structure. The purpose of this is to appropriately recognize the rights of all parties involved.

Proposed Decision-making Framework

The governance model for salmon allocation and fisheries management must continue to be based on a coast-wide approach. This coast-wide approach is then supported by localized bodies where appropriate.

The overarching framework of coast-wide management recognizes the migratory nature of salmon. This approach ensures that DFO is able to appropriately prioritize salmon allocation in accordance with the modernized Salmon Allocation Policy.

In the absence of an overarching coast-wide management approach, there is risk of inconsistency between policies and failure to address the broader migratory patterns of salmon. There is additional risk of Canada failing to meet its obligations under international treaties.

The effective implementation of a coast-wide management approach requires a Tier 3 consultation process that recognizes the rights of appropriate stakeholders. This process aligns with the Operating Guidelines of existing roundtables, particularly with respect to transparency for rights holders.

Any use of roundtables should be limited to terminal fisheries. This approach ensures that there is consistency between the purpose of roundtables and the impact of their decisions. Namely, there is alignment between the localized nature of decisions and their impact. Limiting the use of roundtables to terminal fisheries ensure that localized decisions do not have a broader geographical impact.

Related fisheries management issues for the SAP

Appendix F: Excess Salmon to Spawning Requirements Fisheries

Excess Salmon to Spawning Requirements (“ESSR”) fisheries are currently addressed separately from the Salmon Allocation Policy. This position should be maintained. ESSR fisheries are managed through DFO’s Integrated Fisheries Management Plan (“IFMP”).

ESSR fisheries result from unanticipated surplus returns to terminal areas and are appropriately addressed based on actual returns. The key aspect of this is that ESSR fisheries should not be allocated in advance of the season nor planned for by DFO.

ESSR fisheries should be subject to management, not allocation. The Salmon Allocation Policy does not and should not apply to ESSR fisheries. However, ESSR management should mirror the priorities set out in the Salmon Allocation Policy, namely: 1) conservation; 2) FSC fisheries supporting Indigenous communities; 3) supporting the broader community in meeting social, cultural, and economic objectives. . The ESSR policy should focus on providing benefits to local communities.