



Fisheries and Oceans
Canada

Pêches et Océans
Canada

Deputy Minister

Sous-ministre

2004-002-01699

EKME 438914

Aug 27 2004

MEMORANDUM FOR THE MINISTER

SARA LEGAL LISTING DECISION –
CULTUS AND SAKINAW LAKE SOCKEYE

(Information Only)

SUMMARY

- A decision on whether to recommend that Cultus and Sakinaw sockeye should be listed or not listed under the *Species at Risk Act* (SARA) must be made over the next two weeks.
- The department will probably recommend not listing Sakinaw Lake and Cultus Lake sockeye because of the high socio-economic impacts.
- Further analysis is being finalized on the socio-economic impacts of listing. Along with weighing socio-economic considerations, the department is
REDACTED
REDACTED. A briefing note with the department's recommendations will be provided within the next week.

Background

- On April 21, 2004, former Minister of the Environment (MoE), David Anderson, announced his decision not to recommend the listing of Cultus and Sakinaw Lake sockeye under the *Species at Risk Act* (SARA) on an emergency basis, but have these populations continue through the normal nine month listing process.

Solicitor-Client Privilege

Ottawa, Canada
K1A 0E6

Canada

- The MoE arrived at the decision after considering the strict conservation measures that the department agreed to implement in the 2004 fisheries to protect these populations and the broad suite of non-fishing measures that the department agreed to undertake to restore the populations.
- In 2002, both populations were assessed as endangered and at imminent risk of extinction by the Committee on the Status of Wildlife in Canada (COSEWIC).
- Under the listing timeline established by Environment Canada, a recommendation on listing for these populations must be with the Privy Council Office by September 13. Thus it will be important to engage the MoE as soon as possible. The first publication in the Canada Gazette Part 1 of the draft regulations for species recommended for listing is scheduled for October 2.

Analysis / DFO Comment

- There are five salmon species encompassing thousands of stocks throughout coastal British Columbia (BC). There are about 220 lakes with anadromous sockeye populations in BC with some run-sizes being upwards of 1.5 to 6 million fish, but the majority of the lakes have small sockeye populations. Both Cultus and Sakinaw Lake sockeye were historically small to medium-sized with run-sizes commonly in the 1000s for Sakinaw and 10,000s for Cultus, but their abundance has declined greatly in recent decades. Over the last four years, Sakinaw has averaged 64 fish annually, with a low of 3 and Cultus has averaged 1494 fish annually with a low of 86.
- Factors that have affected their abundance included over-exploitation, pre-spawn mortality due to early migration of returning adults into freshwater (Cultus), ecological impacts to lake habitat from land development, stream channelization, nutrient input, recreational use, water flows, and predation by otters, seals, lamprey and cutthroat trout.
- In July and August, both populations migrate through southern BC waters and are caught in mixed stock fisheries targeting much larger Fraser River sockeye populations. The commercial fleet is highly dependent on Fraser River sockeye as the mainstay of the salmon fishery in southern BC. Thus the restrictions necessary to protect these populations under a legal listing would have a very significant impact on these fisheries.
- There may be some potential for mitigating the impact by moving fisheries but this would involve drastic changes to the traditional fishing patterns and has not been explored in any comprehensive way.

Sakinaw Lake sockeye

- The probability of recovery of Sakinaw sockeye is uncertain at this time and under the most optimistic scenario recovery would take many years. Because of the very low numbers Sakinaw sockeye, it is unlikely that there would be any

room to allow harm to the population under SARA for years. Sakinaw sockeye migrate through Johnstone and Georgia Straits where 60-80% of the commercial Fraser River sockeye catch is traditionally caught. Thus the economic impact to the fishing sector of listing Sakinaw sockeye is estimated to be in the 10s of millions of dollars over the next four years.

- Mitigating the impacts on the current fisheries by avoiding the migration of Sakinaw sockeye would require unprecedented changes to traditional fishing patterns and mean moving more fisheries into the Fraser River away from marine areas. It would require reallocation between commercial gear sectors and between commercial and Aboriginal fishers. The feasibility of this has not been explored but it would meet with strong resistance and prove socially disruptive to traditional marine fishers.
- An added consideration for Sakinaw sockeye is the existence of a number of other weak sockeye populations in the same area (northern Strait of Georgia and Johnstone Strait), which will be affected by the listing decision.
- The department is inclined towards recommending not listing Sakinaw sockeye because of the very high socioeconomic costs of not fishing to avoid catching any (even low numbers) Sakinaw sockeye.
- If this population is not listed, the department's choices would include continuing with the 2004 fishing pattern and exploitation rates with some risk of extinction, or increasing exploitation rates on the understanding that this will pose a higher risk of extinction to this population.

Cultus Lake sockeye

- In the short term, the probability of recovery of Cultus Lake sockeye is stronger than it is for Sakinaw Lake sockeye. The economic impact of listing Cultus appears to be much lower than for Sakinaw. The extent of the impact of listing Cultus sockeye will depend on the allowable harm and the speed of the first stages of recovery, which will move the population away from imminent risk and are the key drivers in flexibility for fishing.
- While it appears that some allowable harm may be possible immediately, on at least two of every four years, the potential economic costs of listing are not insignificant and thus the department is inclined towards recommending not listing.

Next Steps

- Further analysis is being finalized on the socioeconomic impacts of listing for both populations.

Solicitor-Client Privilege
- 4 -

• REDACTED

- The department is of the view that protection of these small populations under SARA is unacceptable both in terms of socio-economic dislocation and the limited genetic impact. This position may raise opposition from Environment Canada and other agencies. Before making a recommendation on listing, the department will assess the reaction to both not listing and reinterpreting the species definition for sockeye salmon.
- A memo will be prepared within the next week providing a recommendation for both populations.



Larry Murray

Cc: W. Watson-Wright
M. Huard
S. Kirby

M. Clemens (991-1233)/H. James/A-DE-RM/D. Bevan
25 8-04