

SARA AND POTENTIAL LISTING OF 16 AQUATIC SPECIES INCLUDING SAKINAW AND CULTUS LAKE SOCKEYE STOCKS

Confidential draft- 10/09/04

1

BACKGROUND

- SARA CAME INTO FULL FORCE IN JUNE 2004 WITH 47 AQUATIC SPECIES NOW PROTECTED UNDER THE ACT;
- ONCE LISTED, AUTOMATIC PROHIBITIONS AGAINST CATCHING, HARMING OR POSSESSING ENDANGERED OR THREATENED SPECIES APPLY;
- 16 NEW AQUATIC SPECIES, INCLUDING SAKINAW AND CULTUS SOCKEYE, ARE UNDER CONSIDERATION FOR LISTING (APPENDIX 1);
- AN ADDITIONAL 12 AQUATIC SPECIES ARE UNDERGOING AN EXTENDED NINE MONTH CONSULTATION PERIOD BEFORE GIC CONSIDERATION (APPENDIX 1);
- OVER 100 NEW AQUATIC SPECIES ARE BEING EXAMINED BY COSEWIC FOR LISTING RECOMMENDATIONS IN THE NEXT SEVERAL YEARS;
- IN B.C. IN EXCESS OF 20 SMALL SOCKEYE STOCKS MAY BE CANDIDATES FOR EMERGENCY LISTING IN FUTURE.

Confidential draft- 10/09/04

2

1

BACKGROUND- CONT.

- IN B.C. SAKINAW AND CULTUS LAKE SOCKEYE ARE CAUGHT IN MIXED STOCK SALMON FISHERIES AND CANNOT BE DISTINGUISHED FROM SALMON OF MUCH LARGER STOCKS.
- ENVIRONMENTAL NON-GOVERNMENTAL ORGANISATIONS AND SOME FIRST NATIONS ARE PRESSING FOR PROTECTION OF THESE POPULATIONS WHILE COMMERCIAL, RECREATIONAL AND PROVINCIAL INTERESTS ARE LIKELY OPPOSED TO MEASURES THAT CAUSE DISRUPTION OF FISHERIES AND MAJOR SOCIO-ECONOMIC IMPACTS;
- THESE SMALL SOCKEYE POPULATIONS WERE RECOMMENDED FOR EMERGENCY LISTING BY COSEWIC IN DECEMBER 2003;
- MINISTER OF ENVIRONMENT DECIDED IN APRIL 2004 TO FOLLOW A "NORMAL" 9 MONTH GIC DECISION-MAKING PROCESS RATHER THAN AN EMERGENCY LISTING.
- ENVIRONMENTAL GROUPS ARE CRITICAL OF THE EARLIER DECISION NOT TO EMERGENCY LIST THESE POPULATIONS;
- THE DEPARTMENT HAS IMPLEMENTED RECOVERY PLANNING (CONSISTENT WITH SARA REQUIREMENTS) AND A COMPREHENSIVE ACTION PLAN TO PROTECT AND RECOVER THESE POPULATIONS IN ADVANCE OF ANY LISTING DECISION (APPENDIX 2).

Confidential draft- 10/09/04

3

LISTING DECISION-MAKING PROCESS

- DECISIONS ON LISTING MUST BE MADE BY GIC (VIA TREASURY BOARD) BY END JANUARY 2005, WHICH REQUIRES RECOMMENDATIONS FROM THE MINISTER OF ENVIRONMENT TO PCO BY LATE SEPTEMBER 2004 (DETAILS IN ANNEX 3);
- THE MINISTER OF ENVIRONMENT MUST CONSULT THE MINISTER OF FISHERIES AND OCEANS AS COMPETENT MINISTER FOR AQUATIC SPECIES. IT WILL BE NECESSARY TO ENGAGE THE MINISTER OF ENVIRONMENT DURING THE FIRST HALF OF SEPTEMBER AT THE LATEST, IN ORDER TO MEET THE TIMING REQUIREMENTS OF THE GIC PROCESS
- SPECIES WHICH WILL NOT BE LISTED DO NOT GO THROUGH THE FULL GIC PROCESS BUT AN EXPLANATION MUST BE PUBLISHED ON THE SARA PUBLIC REGISTRY; AND EFFECTIVELY A DECISION ON THESE MUST BE MADE BY GIC IN MID OCTOBER
- PCO HAS RECOMMENDED THAT THE SOCKEYE LISTING ISSUE BE TAKEN TO THE GOVERNMENT OPERATIONS COMMITTEE PRIOR TO THE BOARD TO ALLOW A BROADER DISCUSSION OF THE ISSUES;
- THE OPERATIONS COMMITTEE CONSIDERS SUCH MATTERS IN THE FORM OF AN "ISSUES BRIEF" WHICH IS A SHORT SUMMARY OF KEY ISSUES;
- A CABINET DOCUMENT MIGHT BE NECESSARY, SUPPORTED BY DETAILED DOCUMENTATION TO BACK UP THE PRESENTATION;
- SHOULD GIC MAKE NO DECISION BY JANUARY 2005, THE MINISTER OF ENVIRONMENT MUST ADD THE SPECIES TO THE LIST.

Confidential draft- 10/09/04

4

LISTING DECISIONS FOR THE 16 CANDIDATE SPECIES

- THE DEPARTMENT HAS BEEN CONSULTING FIRST NATIONS, COMMERCIAL AND RECREATIONAL FISHERY INTERESTS, ENVIRONMENTAL GROUPS, OTHER STAKEHOLDERS AND THE GENERAL PUBLIC ON THE PROPOSED LISTINGS;
- IN ADDITION TO SOCKEYE, SPECIES INCLUDE WHALES IN THE ATLANTIC AND PACIFIC, FRESHWATER FISHES IN BC AND CENTRAL CANADA, AND FRESHWATER MOLLUSCS IN ONTARIO (APPENDIX 1);
- PROVINCES HAVE BEEN ASKED TO PROVIDE A FORMAL POSITION ON LISTING OF THE 16 SPECIES TO INFORM THE GIC DECISION-MAKING PROCESS;
- DETAILED INFORMATION TO SUPPORT REGULATORY IMPACT ASSESSMENTS AND SUMMARIES OF KEY LISTING DECISION INFORMATION HAS BEEN PREPARED FOR EACH OF THE 16 SPECIES;
- A COMPREHENSIVE RISK ASSESSMENT DOCUMENT HAS BEEN PREPARED FOR SAKINAW AND CULTUS SOCKEYE POPULATIONS (APPENDIX 4)
- DFO REGIONS AND SECTORS HAVE BEEN INVOLVED IN DISCUSSIONS OF LISTING OPTIONS

Confidential draft- 10/09/04

5

CULTUS AND SAKINAW SOCKEYE

Confidential draft- 10/09/04

6

DECLINE OF SAKINAW AND CULTUS SOCKEYE

- THE REASONS FOR DECLINE OF SAKINAW AND CULTUS LAKE SOCKEYE ARE COMPLEX AND ARE NOT JUST RELATED TO FISHING MORTALITY;
- THERE IS HABITAT DEGRADATION, PREDATION (BOTH FRESHWATER AND SALTWATER), PRESENCE OF A DAM AT THE ENTRANCE OF SAKINAW LAKE AND FISH PASSAGE PROBLEMS, INVASIVE MILFOIL WEED IN CULTUS LAKE AND EN ROUTE MORTALITY PROBLEMS FOR CULTUS LAKE SOCKEYE IN THE FRASER RIVER;
- IN ADDITION, THERE IS CONSIDERABLE UNCERTAINTY ABOUT THE PROSPECTS FOR RECOVERY OF THESE POPULATIONS AND KNOWLEDGE GAPS IN SOME AREAS;
- LITTLE IS KNOWN ABOUT THE MIGRATORY ROUTE AT SEA AND TIMING OF SAKINAW FISH, AND PASSAGE INTO THE LAKE IS ONLY POSSIBLE THROUGH A FISHWAY THAT ALLOWS ENTRY AT THE HIGHEST TIDES;
- ESCAPEMENT FOR BOTH STOCKS VARIES OVER A FOUR YEAR CYCLE WITH ONE POOR YEAR AND A STRONG OR DOMINANT YEAR;
- BOTH STOCKS HAVE HAD ONE VERY POOR YEAR WITH ESCAPEMENTS LESS THAN 100 FISH.

Confidential draft- 10/09/04

7

CULTUS AND SAKINAW - DIFFERENCES

SAKINAW

- SMALLER: ESCAPEMENTS ARE ROUGHLY 10% OF THOSE AT CULTUS; IN 2003 ONLY 3 SPAWNING ADULTS RETURNED TO SAKINAW LAKE;
- HIGH UNCERTAINTY: MIGRATORY ROUTE AND MIXING POORLY KNOWN
- LOWER ECONOMIC IMPACT: MIXES WITH MANY RUNS IN JOHNSTONE STRAIT, HIGH UNCERTAINTY ABOUT MIGRATION – SO STRONGER FISHERY MEASURES NEEDED TO ENSURE RETURNS
- LOWER RECOVERY POTENTIAL: REAL DOUBTS IF THIS POPULATION CAN RECOVER

CULTUS

- RECENT (1987) HIGH ESCAPEMENT OF 82,000 BUT HAS DECLINED TO ROUGHLY 2,000;
- ONE OF OUR BEST-KNOWN POPULATIONS: MIGRATION ROUTES AND TIMING
- HIGHER ECONOMIC IMPACT, MANAGED WITH LATE RUN FRASER COMPLEX
- APPEARS TO HAVE POTENTIAL TO RECOVER IF STRONG MEASURES CONTINUED AND IN-SEASON MORTALITY DECREASES

Confidential draft- 10/09/04

8

IMPACT OF LISTING BOTH CULTUS AND SAKINAW SOCKEYE

- A RISK ANALYSIS WAS CARRIED OUT ON A DECISION TO LIST THESE TWO POPULATIONS UNDER SARA (APPENDIX 4);
 - HIGH LEVEL OF RISK ASSOCIATED WITH A DECISION EITHER TO LIST OR NOT LIST THE TWO POPULATIONS;
 - OVER A FOUR YEAR CYCLE (2004-2007), ADDITIONAL FOREGONE REVENUE OF \$124.7 MILLION WOULD RESULT SHOULD BOTH POPULATIONS BE LISTED (OVER AND ABOVE FOREGONE REVENUE OF \$75.5M WITH CURRENT RESTRICTIONS);
 - **THE PROTECTION OF BOTH STOCKS INVOLVE A MINOR EXTENSION OF MEASURES TO PROTECT CULTUS ALONE**
 - ABORIGINAL PEOPLE CONSTITUTE ABOUT 25 % OF THE SOUTHERN COMMERCIAL SALMON FISHERY AND ALSO FISH FOR FOOD, SOCIAL AND CEREMONIAL PURPOSES
- THESE POPULATIONS CONSTITUTE ONLY A SMALL FRACTION OF THE TOTAL DIVERSITY OF PACIFIC SOCKEYE; DFO WILD SALMON POLICY WILL IDENTIFY APPROPRIATE LEVEL OF DIVERSITY WHICH MUST BE PROTECTED
- IF STATUS CONTINUES TO DECLINE, MIXED-STOCK FISHERIES WOULD HAVE TO BE FURTHER RESTRICTED TO ELIMINATE IMPACTS, WITH INCREASING SOCIO-ECONOMIC DISRUPTION

Confidential draft- 10/09/04

9

CULTUS ONLY OPTIONS

OPTION 1: LIST

BENEFITS

- FRASER ABORIGINAL GROUPS, ENGOS WOULD SUPPORT
- LONG-TERM BENEFITS FROM REBUILT POPULATION

COSTS AND DISADVANTAGES

- IN ADDITION TO FOREGONE REVENUE FROM MIXED-STOCK FISHERIES OF APPROX \$75.5 MILLION OVER NEXT FOUR YEARS WITH CURRENT RESTRICTIONS, **\$123.1 MILLION WOULD BE FOREGONE IF CULTUS ONLY WAS LISTED**
- COMMERCIAL FISHERY GROUPS, PROVINCE WOULD NOT SUPPORT
- COSTS TO GOVERNMENT PROBABLY HIGHER (RECOVERY, ENFORCEMENT)
- UNCERTAINTY ABOUT RECOVERY POTENTIAL AND RATE

Confidential draft- 10/09/04

10

CULTUS ONLY OPTIONS

OPTION 2: DO NOT LIST

BENEFITS

- MORE FLEXIBILITY TO MITIGATE SOCIO-ECONOMIC IMPACTS
- SUPPORT FROM PROVINCE, COMMERCIAL SECTOR

COSTS AND DISADVANTAGES

- PROBABLE EMERGENCY LISTING PETITIONS, REDACTED
- REDACTED
- NOT SUPPORTED BY FRASER ABORIGINALS, ENGOS

RISK MANAGEMENT STRATEGIES

- EMPHASISE CONTINUING FISHERY RESTRICTIONS AND COMPREHENSIVE RECOVERY EFFORTS UNDER FISHERIES ACT

Confidential draft- 10/09/04

11

SAKINAW ONLY OPTIONS

OPTION 1: LIST

BENEFITS

- ENGOS, SOME ABORIGINAL GROUPS WOULD SUPPORT
- POSSIBLE HARVESTS FROM REBUILT POPULATION BUT HIGHLY UNCERTAIN GIVEN DOUBTS ABOUT RECOVERY

COSTS AND DISADVANTAGES

- IN ADDITION TO FOREGONE REVENUE FROM MIXED-STOCK FISHERIES OF APPROX \$75.5 MILLION OVER NEXT FOUR YEARS WITH CURRENT RESTRICTIONS, \$53.4 MILLION WOULD BE FOREGONE IF SAKINAW ONLY WAS LISTED
- COMMERCIAL FISHERY GROUPS, PROVINCE WOULD NOT SUPPORT
- COSTS TO GOVERNMENT PROBABLY HIGHER (RECOVERY, ENFORCEMENT)
- UNCERTAINTY ABOUT LONG-TERM RECOVERY POTENTIAL AND RATE

Confidential draft- 10/09/04

12

Solicitor-Client Privilege

6

MECTS

SAKINAW ONLY OPTIONS

OPTION 2: DO NOT LIST

BENEFITS

- MORE FLEXIBILITY TO MITIGATE SOCIO-ECONOMIC IMPACTS
- SUPPORT FROM PROVINCE, COMMERCIAL SECTOR

COSTS AND DISADVANTAGES

- PROBABLE SUCCESSIVE EMERGENCY LISTING PETITIONS
REDACTED
- NOT SUPPORTED BY SOME ABORIGINALS, ENGOS

RISK MANAGEMENT STRATEGIES

- EMPHASISE CONTINUING FISHERY RESTRICTIONS AND RECOVERY EFFORTS UNDER FISHERIES ACT

Confidential draft- 10/09/04

13

SPECKLED DACE

Confidential draft- 10/09/04

14

Solicitor Client Privilege

7

MECTS

SPECKLED DACE - CONSIDERATIONS

- SMALL, RARE FRESHWATER FISH, WIDELY DISTRIBUTED IN USA BUT ONLY FOUND IN TWO SMALL WATERSHEDS IN SOUTH CENTRAL BC
- FOUND AT SITES ALONG 112 KM OF THESE RIVERS
- CANADIAN FORM CONSIDERED DISTINCT FROM USA FORMS
- ASSESSED AS « ENDANGERED » BY COSEWIC ON GROUNDS OF SMALL DISTRIBUTION AND POTENTIAL FOR HABITAT DEGRADATION
- CONTROVERSIAL DUE TO PROPOSED HYDRO-ELECTRIC DEVELOPMENT AND UNCLEAR COSEWIC STATUS REPORT
 - COSEWIC'S ASSESSMENT MENTIONED IMPACTS OF PROPOSED DAM, ESTIMATED THAT 22% OF KEY HABITAT WOULD BE LOST; BUT REPORT IS NOT CLEAR ON THIS POINT
 - DAM HAS SUBSEQUENTLY BEEN REDESIGNED TO MITIGATE HABITAT CONCERNS TO 1/3 OF THE ORIGINAL IMPACT

Confidential draft- 10/09/04

15

SPECKLED DACE - OPTIONS

OPTION 1: RETURN TO COSEWIC

BENEFITS

- WOULD BE SUPPORTED BY DAM PROPONENT, MUNICIPALITIES, PROBABLY BY PROVINCE
- WOULD ALLOW TIME FOR CONSIDERATION OF LISTING
- WOULD HOLD COSEWIC TO HIGH STANDARD OF INFORMATION FOR LISTING; MAY BE PARTICULARLY IMPORTANT TO SET PRECEDENT OF REQUIRING CLEAR INFORMATION EARLY IN SARA IMPLEMENTATION

DISADVANTAGES

- COSEWIC UNLIKELY TO CHANGE ASSESSMENT: SPECIES MEETS CRITERIA REGARDLESS OF DAM PARAMETERS
- POSSIBLE THREAT TO DFO CREDIBILITY (POSSIBLE PERCEPTION OF MISUSING « BACK TO COSEWIC » ROUTE)

Confidential draft- 10/09/04

16

SPECKLED DACE - OPTIONS

OPTION 2: LIST AS ENDANGERED BENEFITS

- DFO SEEN TO SUPPORT COSEWIC PROCESS

DISADVANTAGES

- CONCERN FROM PROPONENT, PROVINCE, MUNICIPALITIES

RISK MANAGEMENT STRATEGY

- WORK WITH PROPONENT AND THROUGH CEEA REVIEW TO ENSURE THAT PROPONENT'S DESIGN CHANGES ARE RECOGNISED AS MITIGATING THREATS TO SPECIES

Confidential draft- 10/09/04

17

REMAINING 13 AQUATIC SPECIES

Confidential draft- 10/09/04

18

13 AQUATIC SPECIES - BACKGROUND

WHALES (PACIFIC, ATLANTIC)

- AT LOW ABUNDANCE DUE TO HISTORICAL HARVESTING
- VARIOUSLY IMPACTED BY SHIP STRIKES, FISHING GEAR ENTANGLEMENT; POSSIBLE HARASSMENT FROM WHALE-WATCHING, OIL AND GAS EXPLORATION AND DEVELOPMENT
- STATUS AND THREATS WELL KNOWN, MANAGEMENT STRATEGIES IN PLACE OR IN DEVELOPMENT FOR MOST

FRESHWATER FISHES AND MUSSELS (BC, ON, NF)

- SEVERAL SPECIES FROM SW ONTARIO WATERSHEDS IMPACTED BY VARIETY OF HABITAT THREATS (AGRICULTURE, ROADS, URBAN DEVELOPMENT)
 - WATERSHED RECOVERY STRATEGIES IN PLACE AND SUPPORTED BY STAKEHOLDERS
- SPECIES IN BC AND NF HAVE SMALL DISTRIBUTIONS, THREATS WELL KNOWN AND PROBABLY RELATIVELY STRAIGHTFORWARD TO MANAGE

Confidential draft- 10/09/04

19

13 AQUATIC SPECIES - OPTION

OPTION 1: LIST AS ASSESSED BY COSEWIC

BENEFITS

- SUPPORTED BY MOST STAKEHOLDERS, CREDIBILITY ENHANCED
- SUPPORT AND STRENGTHEN ONGOING PROTECTION AND RECOVERY ACTIVITIES FOR THESE SPECIES
- CONSISTENT WITH SPIRIT OF ACT

DISADVANTAGES

- POSSIBLE ADDITIONAL COSTS TO SOME STAKEHOLDERS BUT CAN BE MANAGED USING EXISTING MECHANISMS

Confidential draft- 10/09/04

20

COMMUNICATIONS IMPLICATIONS

GENERAL:

- OF THE 16 SPECIES, CULTUS AND SAKINAW SOCKEYE ARE LIKELY TO GENERATE THE MOST CRITICISM AND MEDIA ATTENTION.

NOT LISTING CULTUS & SAKINAW:

- AFFECTED STAKEHOLDERS HAVE HIGHLY POLARIZED POSITIONS AND ANY DECISION WILL CREATE CONTROVERSY.
- RISK MANAGEMENT ANALYSIS SHOWED HIGH COMMUNICATIONS RISK FOR DECISION TO LIST OR NOT TO LIST.
- ENVIRONMENTAL GROUPS EXPECTED TO REACT NEGATIVELY, STATING THE GOVERNMENT IS NOT TAKING ITS NEWLY MINTED SPECIES AT RISK ACT SERIOUSLY.
- ABORIGINAL GROUPS, WHOSE TERMINAL FISHERIES STAND TO BENEFIT IF THE SPECIES ARE LISTED, EXPECTED TO REACT NEGATIVELY.

Confidential draft- 10/09/04

21

COMMUNICATIONS IMPLICATIONS

CULTUS & SAKINAW CON'T:

- ENVIRONMENTAL & SOME ABORIGINAL GROUPS EXPECTED TO REQUEST EMERGENCY LISTING OF CULTUS & SAKINAW IF NOT LISTED UNDER SARA.
- PUBLIC RESPONSE IS DIFFICULT TO FORECAST. DEPENDING ON MEDIA COVERAGE, COULD BE GENERALLY NEGATIVE NATIONALLY, ALTHOUGH SOME SUPPORT IN PACIFIC REGION.

SENDING SPECKLED DACE BACK TO COSEWIC:

- PROVINCE OF B.C. EXPECTED TO SUPPORT NON-LISTING & SENDING SPECKLED DACE BACK TO COSEWIC FOR FURTHER REVIEW. ENVIRONMENTAL GROUPS COULD REACT NEGATIVELY.

LISTING 13 OTHER SPECIES:

- NOT EXPECTED TO GENERATE NEGATIVE MEDIA ATTENTION OR SIGNIFICANT CRITICISM FROM STAKEHOLDERS.

Confidential draft- 10/09/04

22

COMMUNICATIONS APPROACH

GENERAL:

- RESPONSIVE APPROACH FOR ALL 16 SPECIES.
- PRODUCTS:
 - KEY MESSAGES • Qs & As • RESPONSIVE MEDIA LINES • BACKGROUNDEERS

NOT LISTING CULTUS & SAKINAW:

- SHIFT TO MORE PROACTIVE APPROACH IF BECOMES HIGH-PROFILE ISSUE. PLAN TECHNICAL BRIEFINGS.
- ALIGNED WITH ENVIRONMENT CANADA TO ENSURE CONSISTENCY OF MESSAGING.
- FOCUS ON FACTS AND FIGURES THAT GENERAL PUBLIC WILL RELATE TO. HIGHLIGHT SIGNIFICANT IMPACTS ON COMMERCIAL FISHERS AND COASTAL COMMUNITIES IF LISTED – \$125 MILLION IN LOST REVENUE OVER THE NEXT FOUR YEARS
- HIGHLIGHT THAT DFO IS NOT LETTING THESE POPULATIONS DISAPPEAR BUT IS CONTINUING EFFORTS TO RECOVER THEM. FOCUS ON SIGNIFICANT CONSERVATION MEASURES ALREADY IN PLACE FOR CULTUS & SAKINAW.

Confidential draft- 10/09/04

23

COMMUNICATIONS MESSAGES

NOT LISTING CULTUS & SAKINAW:

- BECAUSE IT IS NOT POSSIBLE FOR FISHERS TO DISTINGUISH CULTUS & SAKINAW SOCKEYE FROM OTHER LARGE SOCKEYE POPULATIONS, THE COMMERCIAL SOCKEYE FISHERY WOULD HAVE TO BE VIRTUALLY SHUT DOWN TO PROTECT THESE TINY POPULATIONS.
- THESE TINY POPULATIONS MAKE UP LESS THAN 1% OF ALL B.C. SALMON POPULATIONS, YET LISTING THEM UNDER SARA WOULD HAVE ENORMOUS IMPACTS. LISTING WOULD RESULT IN UNACCEPTABLY HIGH NEGATIVE IMPACTS ON COMMERCIAL AND FIRST NATIONS SOCKEYE FISHERS, COASTAL COMMUNITIES, SPORTS FISHERS AND OTHERS.
- IF THESE SPECIES WERE LISTED, LOST REVENUE FOR THE SOCKEYE FISHERY (I.E. HARVESTING, PROCESSING, RECREATIONAL, ABORIGINAL) ALONE COULD REACH \$125 MILLION OVER THE NEXT FOUR YEARS, OVER AND ABOVE CONTINUING CURRENT MEASURES.
- SARA WAS DESIGNED TO PROTECT SPECIES WHILE MAINTAINING OPPORTUNITIES FOR CANADIANS TO PURSUE THEIR LIVING. CABINET HAS DISCRETION UNDER THE ACT TO WEIGH THE COSTS AND BENEFITS TO SOCIETY OF PROTECTING SPECIES.
- EVEN IF CULTUS AND SAKINAW SOCKEYE ARE NOT LISTED UNDER SARA, A COMPREHENSIVE RECOVERY PLAN WILL BE COMPLETED AND ACTED UPON. DFO WILL AGGRESSIVELY PURSUE THE ACTION PLAN TO PROTECT AND REBUILD THESE POPULATIONS.

Confidential draft- 10/09/04

24

COMMUNICATIONS MESSAGES

- DFO HAS ALREADY LAUNCHED \$1 MILLION OF INITIATIVES TO PROTECT THESE POPULATIONS, INCLUDING REDUCTIONS IN THE COMMERCIAL SOCKEYE FISHERY, HABITAT IMPROVEMENTS, STOCK ENHANCEMENT AND SCIENTIFIC RESEARCH.
- WE ALREADY HAVE POWERFUL TOOLS TO PROTECT THESE SPECIES – THE FISHERIES ACT AND THE FISH MANAGEMENT PLANS. THESE TOOLS OFFER A MORE REASONABLE AND BALANCED APPROACH TO CONSERVING THESE POPULATIONS WHILE MAINTAINING SUSTAINABLE COMMERCIAL FISHERIES.

SENDING SPECKLED DACE BACK TO COSEWIC:

- WE RECOMMEND RETURNING THE ASSESSMENT OF SPECKLED DACE TO COSEWIC FOR FURTHER REVIEW. COSEWIC'S ASSESSMENT PLACED SIGNIFICANT WEIGHT ON A HYDROELECTRIC DAM PROPOSAL WHICH HAS SINCE BEEN MODIFIED TO LESSEN ITS IMPACT ON SPECKLED DACE HABITAT BY TWO-THIRDS.

LISTING 13 OTHER SPECIES:

- WE RECOMMEND LISTING THESE SPECIES UNDER SARA WHERE THEY WILL RECEIVE THE ACT'S PROTECTIONS, INCLUDING THE DEVELOPMENT OF RECOVERY STRATEGIES AND ACTION PLANS TO PROTECT AND REBUILD THE SPECIES.
- WHILE THERE WILL LIKELY BE SOME SOCIO-ECONOMIC IMPACTS, CONSULTATIONS WITH STAKEHOLDERS HAVE SHOWN THESE IMPACTS CAN BE MANAGED.
- DFO HAS ALREADY COLLABORATED WITH ITS STAKEHOLDERS IN IMPLEMENTING KEY CONSERVATION MEASURES AND THESE EFFORTS WILL CONTINUE.

Confidential draft- 10/09/04

25

INTERDEPARTMENTAL CONSIDERATIONS

- MINISTER OF ENVIRONMENT STÉPHANE DION WILL NOT BE BRIEFED ON THIS ISSUE UNTIL EARLY SEPTEMBER AND HIS POSITION IS UNKNOWN
- DFO MET WITH EC AND PCO ON SEPTEMBER 3 TO CONSIDER OPTIONS AND APPROACHES
 - CONCLUDED THAT CABINET OPERATIONS COMMITTEE SHOULD BE BRIEFED ON THE LISTING ISSUE WITH PARTICULAR EMPHASIS ON SOCKEYE SOCIO-ECONOMIC IMPACTS AND COMMUNICATIONS CHALLENGES
- PCO IS CONSIDERING WHETHER AN MC TO CABINET'S DOMESTIC AFFAIRS COMMITTEE IS APPROPRIATE

Confidential draft- 10/09/04

26

SUMMARY OF DECISIONS REQUIRED

- DECISION TO RECOMMEND PROCEEDING TO LIST 13 SPECIES;
- DECISION TO RECOMMEND NOT LISTING SAKINAW AND CULTUS SOCKEYE POPULATIONS;
- DECISION TO RECOMMEND RETURNING SPECKLED DACE TO COSEWIC WITH REQUEST TO CLARIFY REASONS FOR ASSESSMENT, CONSIDERING NEW INFORMATION ON HYDRO DAM;
- STRATEGY TO ENGAGE THE MINISTER OF ENVIRONMENT;
- MATERIALS REQUIRED FOR PCO AND GIC PROCESS, TIMELINES, KEY ACTIONS;
- COMMUNICATIONS APPROACH.

Confidential draft- 10/09/04

27

APPENDICES

1. Candidate species
2. Sockeye recovery action plans
3. Listing process
4. Risk assessment

Confidential draft- 10/09/04

28

Appendix 1- Species Under Consideration for GiC Listing

Species Currently in 9 Month Process with Final Decision, January 2005:
(species, location, COSEWIC recs.- SC- special concern, T-threatened, E-endangered)

- Banded Killifish, fresh water, Newfoundland (SC)
- Enos Lake Sticklebacks (2 groups), fresh water, BC, (E)
- Northern Madtom, fresh water, Ontario (E)
- Pugnose Shiner, fresh water, Ontario, St. Lawrence (E)
- Salish Sucker, fresh water, B.C., (E)
- Kidneyshell mussel, fresh water, Ontario, (E)
- Round Hickorynut mussel, fresh water, Ontario (E)
- N. Atlantic Rightwhale, marine, Bay Fundy, SW Scotian Shelf (SC)
- Sei Whale, marine, Pacific population, (E)
- Humpback whale, marine, Pacific population, (T)
- Blue whale, marine, Atlantic population, (E)
- Blue whale, marine, Pacific population (E)
- Sakinaw Lake Sockeye population, anadromous, B.C., (E)
- Cultus Lake Sockeye population, anadromous, B.C., (E)
- Speckled Dace, fresh water, B.C. (E)

Confidential draft- 10/09/04

29

APPENDIX 1-CONT.

Species currently subject to extended consultation period – GIC decision targetted for October 2005

- Atlantic cod, marine, Laurentian N. population (T)
- Atlantic cod, marine, Maritimes population (SC)
- Atlantic cod, marine, Newfoundland and Labrador population, (E)
- Atlantic cod, marine, Arctic population, (SC)
- Bottlenose Whale, marine, Scotian Shelf. (E)
- Harbour Porpoise, marine, NW Atlantic population (SC)
- Coho salmon, anadromous, Interior Fraser population, B.C., (E)
- Physa Snail, fresh water, Lake Winnipeg, Manitoba, (E)
- Channel Darter, fresh water, Ontario/Quebec, (T)
- Bocaccio Rockfish, marine, Pacific, (T)
- Cusk, marine, Atlantic, (T)
- Shortjaw Clsco, fresh water, NWT, prairies, Ontario, (T)

Confidential draft- 10/09/04

30

APPENDIX 2

Recovery Action Plans for Sakinaw and Cultus Sockeye Populations

In advance of any listing decisions, comprehensive action plans have been implemented for these populations including:

- Captive brood stock and hatchery release programs to enhance the populations;
- Formation of Recovery Teams, generation of Recovery Plans;
- Restoration measures for spawning sites and important habitat;
- Managing all fisheries in 2004 fishery to maximum harvest rate of 10-12 percent when Cultus and Sakinaw fish are present;
- Studies of migration, timing, marine survival of fish at sea including sophisticated tagging programs with new smart tag technology;
- Improving the fishway at Sakinaw Lake and monitoring and ensuring fish passage past the dam site;
- Removal of invasive Milfoil weed in Cultus Lake;
- Predator monitoring and control programs in both systems;
- Identifying human impacts on fish habitat from forestry, cottages, recreational use, other impacts, using Fisheries Act to address concerns;
- Examining water level and flow issues in Sakinaw Lake;
- Current expenditures are close to \$ 1 Million for the two populations.

Confidential draft- 10/09/04

31

APPENDIX 3: LISTING PROCESS

- COSEWIC assesses species status
 - Assessments for 28 aquatic species sent to MOE January 2004
- MOE publishes response to assessments (April 2004)

Minimum process species (16 aquatic)

- MOE sends assessments of minimum process species to GIC
 - Done April 2004, setting 9-month deadline for GIC decision at January 2005
- MOE recommends listing/not listing minimum process species to GIC
 - Must be done by mid-October 2004 (issues brief to Treasury Board)
 - MFO/MOE consultation must be complete by late September
- Order to list and RIAS published in Gazette for comment
 - October 23 for 30 days
- Comments analysed, final GIC recommendation made (December)
- Final GIC decision made (before January 21, 2005)

Confidential draft- 10/09/04

32

APPENDIX 3: LISTING PROCESS (2)

Extended process species (12 aquatic)

- Consultations and analyses to support recommendation
 - Currently under way
- Recommendations drafted
 - Mid-December 2004
- MOE sends assessments to GIC, triggering 9-month statutory process
 - January 2005
- Recommendations published in Gazette for public comment
 - July 2005
- Final GIC decision – October 2005

Confidential draft- 10/09/04

33

Appendix 4: Risk Analysis

Confidential draft- 10/09/04

34

Risk analysis process

- Risk areas to Department are identified and assessed under the two scenarios: list and do not list
- For each area, assessment of risk is based on likelihood that harm will occur and impact of the harm
 - For example: under listing, the risk to federal-provincial relations is very high because there is high likelihood of harm, and the harm will be very significant
 - Risks are scored from 1 to 9 based on likelihood and impact
- Risks are then tabulated to provide an overall comparison of the two scenarios

Confidential draft- 10/09/04

35

The Risk Table

- The risk table accounts for
 - Likelihood
 - Impact
- The numbering system
 - Places a greater emphasis on impact than likelihood

I M P A C T	high	6	8	9
		3	5	7
	low	1	2	4
		low	LIKELIHOOD	high

Confidential draft- 10/09/04

36

Risk Assessment: summary of results

	Risk Area	List	Do Not List
A	Minister's Freedom to Act	9	1
B	No Recovery	8	8
C	Extinction	6	6
D	Commercial Fishing	9	7
E	Aboriginal Food and Social Fishing	5	2
F	Recreational Fishing	7	4
G	Ability to Respond Quickly	8	5
H	Certainty over Impacts of Listing	7	9
I	Response from ENGO's	3	7
J	Communications	9	9
K	Federal-Provincial	9	4
L	Relations with Fishing Industry	9	4
M	International	4	7
N	Legal	6	8
O	Atlantic-Pacific Consistency	2	8
P	Compensation	9	5

Confidential draft- 10/09/04

37

