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Paul Macgillivray
a/Regional Director General
Pacific Region

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Assistant Deputy Minister
Fisheries Management

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Subject / Objet: **Cultus and Sakinaw Sockeye**

The departmental recommendation not to list Cultus and Sakinaw sockeye as endangered means that we are charting new waters under the SARA legislation. These could well be the first endangered species not accepted under SARA due to the socio-economic impacts. While the Act allows for only socio-economic impacts to be considered in the listing decision, DFO needs to go well beyond those economic arguments to carry this forward. A series of issues have arisen from the recommendation not to list and the department needs to be proactive.

Fisheries Management

Under the *Fisheries Act*, the department remains responsible for conservation and precautionary management and we will need to show that we are taking a responsible approach for Cultus and Sakinaw sockeye. SARA provides a new context to DFO's obligations, even for populations that are not specifically covered by the new legislation. When an announcement is made regarding the final SARA decision for these two populations (expected by year-end), we will need to set out a plan for the management of Cultus and Sakinaw sockeye that would be in line with an exploitation rate of 10-12%. One of the underpinnings of our non-listing rationale and our communication strategy is the department's commitment to continue efforts to protect the two populations.

Wild Salmon Policy

PCO representatives and the DM have highlighted the need to complete the WSP by December (as will the Auditor General in the next chapter on salmon). I want to reiterate that a December completion is crucial to our SARA response. When the decision not to list becomes public in late October, we must be able to refer to the WSP, consultations taking place, and the December completion. The WSP consultations and the report's completion could be used by the department

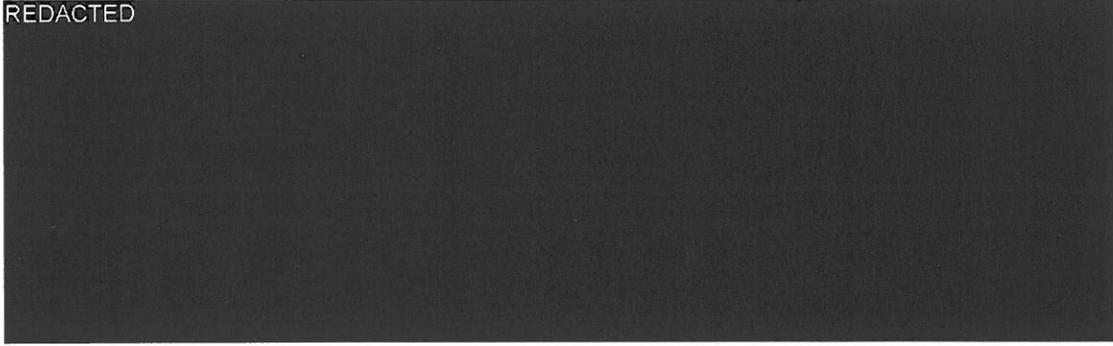
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to present its case for not listing. It will allow us to assure critics that we have a solid conservation strategy for salmon that, not only will guide the management and conservation of Cultus and Sakinaw sockeye, but will provide the policy framework for other salmon populations. The poor status of this year's returns further amplifies the requirement for the WSP.

Legal Risks

Solicitor-Client Privilege

REDACTED



Mitigation

With weak stock management, as required by SARA, the WSP, and the precautionary approach, it appears there will be ongoing returns of sockeye stocks to the Fraser River that could be harvested in terminal in-river areas. Economic losses in marine fisheries could be offset or mitigated to some extent by the development of in-river fisheries. While this would be highly controversial, there is no biological reason for denying these opportunities. Both the *Review of the 2002 Fraser River Sockeye Fishery* (DFO 2003) and *Socio-Economic Implications of the Species At Risk Act* (G. Gislason 2004) note that DFO has not evaluated the potential for more in-river fishing. The 2002 Review also recommended that there should be consultations leading to a policy decision by 2004 on harvesting in more terminal areas.

There have been repeated requests for new in-river economic fisheries, including a comprehensive proposal related to Chilliwack sockeye, which have thus far been denied. We need to evaluate how this fits with the recommendations of the Joint Task Group; terminal fishing opportunities could be on the agenda at harvest planning meetings; and there could be exploratory opportunities in some areas. There may be valid reasons for not pursuing more in-river harvest opportunities (harvesting and marketability problems, for example). However, given the ongoing pressures to manage for weak populations we cannot continue to forego potential economic opportunities, simply for the sake of maintaining status quo allocations. For 2005, we need to make some progress on this front.

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To conclude, over the coming months it will be important to complete the WSP, to initiate forward planning for Cultus and Sakinaw management in 2004 and designation of ongoing funding, and to begin analysis and consideration of terminal fishing opportunities.


David Bevan

c.c. L. Murray
W. Watson Wright
M. Huard
P. S. Chamut
J. Davis

 
H. James/M. Stanfield, A/DG-RM/jm

MECTS

