



Fisheries and Oceans
Canada

Pêches et Océans
Canada

Deputy Minister

Sous-ministre

MAY 27 2005

MECTS #2005-002-00816

EKME # 520214

ABJ 5600-N3-6

MEMORANDUM FOR THE MINISTER

APPROVAL AND ANNOUNCEMENT OF THE WILD SALMON POLICY

(Decision Sought)

SUMMARY

- The Wild Salmon Policy (WSP) has been completed following an extensive round of consultation. The majority of participants endorsed the policy content and confirmed the need to proceed with implementation (tab 1).
- Following the consultations in April, three concerns regarding the policy had not been addressed. First, many participants were critical of the approach to the regulation of aquaculture, and advocated more rigorous controls be imposed. Second, ENGOs sought a more prescriptive policy that would fetter discretion, and more rigorous enforcement of the habitat provisions of the Fisheries Act. Finally, most participants supported the need for incremental resources to ensure the effectiveness of its implementation. Their degree of public support will be influenced by whether there are new moneys assigned to its implementation.
- The Department has been asked to consider additional consultation with the ENGOs. Further consultation is not advisable. It will increase polarization and alienate both the ENGOs and the interests that currently support the policy. In addition, it will delay implementation and invite further criticism from the Auditor General and SCOFO, compromise the consultation process and retard progress toward Marine Stewardship Council certification.
- It is recommended that the Wild Salmon Policy be adopted, and that you publicly release it in early June 2005.

Background

- A policy governing conservation of wild Pacific salmon has been in development since 1998. A first draft was released in 2000, followed by an extensive public consultation with communities, First Nations and stakeholders.

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Ottawa, Canada
K1A 0E6



Canada

- Development of the policy was difficult and time consuming. There were repeated calls for its completion from the Auditor General, the Commissioner of the Environment, SCOFO, ENGOS, First Nations, and the Pacific Fisheries Resource Conservation Council (PFRCC). Previous commitments to complete the policy by December of 2003 and 2004 have passed.
- On December 17, 2004 you released a draft Wild Salmon Policy, with an announcement of a 60-day consultation period and a commitment to complete the policy by May 31, 2005. The policy was posted to the internet for public comment.
- An extensive round of consultation was completed that included community and bi-lateral sessions with First Nations throughout B.C., meetings with fisher organizations, ENGOS, municipalities, and Provincial and Territorial representatives.
- Over 250 written submissions were received. These consultations culminated in a two-day multi-interest forum on March 2-3 that included 80 people representing the full range of salmon interests. Participants requested a follow-up meeting to discuss revisions, prior to finalization of the policy.
- A revised document incorporating substantive comments raised during consultations was released on the internet on April 19. Follow up forums were held with First Nations on April 29, and with the participants from the March forum on April 30.
- Participants were supportive of the process and appreciative of DFO's willingness to listen and make changes. The majority endorsed the policy content and confirmed the need for its implementation. Support has been expressed by First Nations including the Nisga'a, BC Wildlife Federation reps, Sportfish Advisory Board, American Fisheries Society, the PFRCC (tab 1), and commercial fishing organizations.
- Following the consultations in April, three concerns regarding the policy had not been addressed. First, many participants were critical of the approach to regulation of aquaculture, and advocated more rigorous controls be imposed. Second, ENGOS sought a more prescriptive policy that would fetter discretion, and more rigorous enforcement of the habitat provisions of the Fisheries Act. Finally, most participants supported; the need for incremental resources to ensure the effectiveness of its implementation. Their degree of public support will be influenced by whether there are new moneys assigned to its implementation.
- In early May 2005 the Marine Conservation Caucus indicated its opposition to the WSP, and circulated a 10 point critique of the Wild Salmon Policy (WSP) to several MPs calling for additional consultation. Some interests expressed concern over the reaction and the potential for increased polarization around the policy.

.../3

- The Department has been asked to consider consulting further with the ENGOS.
- Senator Austin and staff of Minister Emmerson were briefed on WSP by DFO officials on May 25. Overall, the reaction to the policy was positive and no issues were raised regarding the possibility of releasing the policy within the next few weeks.

Analysis / DFO Comment

- The completion of the WSP is long overdue, and additional delays in its adoption will result in renewed criticism of the Department. Following the April 14 announcement on salmon reform, there are expectations that the policy will be finalized very soon.
- The consultation process has been thorough and open, engaging all of the salmon interests including ENGOS. Substantive changes have been made to the policy to address the majority of concerns including many of those of the ENGOS.
- Further consultation with the ENGOS is not advised for the following reasons:
 - It is not feasible to accommodate their remaining concerns with respect to aquaculture. Nor can their demands for a more prescriptive policy or more aggressive enforcement of the habitat provisions of the Act be met without engendering strong counter opposition. Engaging consultations when there is not intent to make changes will only further alienate the ENGOS.
 - Any changes would require an additional full round of consultation with First Nations and all participants. Consultations are not feasible given the fishery will be underway shortly and would push completion into the winter.
 - Further delay will result in more criticisms from the Auditor General and SCOFO. The absence of a WSP will retard progress in gaining Marine Stewardship Council certification for salmon, a key objective of the commercial salmon industry.
 - Changes without full consultation would compromise the process and the goodwill that has been built to date. It would send a message that stepping around the process when you don't like the result is appropriate.
 - Consulting on changes toward a generally more prescriptive policy or on specific measures for aquaculture will alienate and result in negative reactions from interests that are currently supportive of the policy including many First Nations, the Province of BC, sportfishers, commercial fishers and others. Further polarization will be the result.

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Recommendations / Next Steps

- It is recommended that the Wild Salmon Policy be adopted, and that you publicly release it in early June 2005.



Larry Murray

I concur,
 Geoff Regan
 Minister, Fisheries and Oceans Canada
 Date:

   MAY 27 2005
 H. James/M. Stanfield/K. Stringer/D. Bevan

Note to file:

*The Minister's approval
 is written on 2005-002-00873*

*Scott Tessier
 23/06/05*



MECTS # 2005-002-00816
EKME # 520214
ABJ 5600-N3-6

To: Larry Murray
Pour: _____ Date: _____

Object:
Objet:

APPROVAL AND ANNOUNCEMENT OF THE WILD SALMON POLICY

From / De: David Bevan, ADM Fisheries Management *(Signature)*

Via: Kevin Stringer, DG Resource Management *(Signature)*

<input checked="" type="checkbox"/>	Your Signature Votre signature	<input type="checkbox"/>	Information
<input type="checkbox"/>	For Comments Observations	<input type="checkbox"/>	Material for the Minister Documents pour le Ministre

Remarks:
Remarques:

DISTRIBUTION

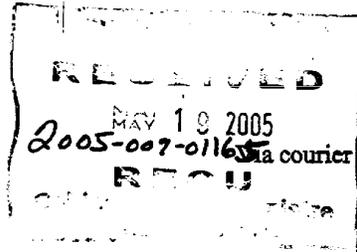
Drafting Officer/ Rédacteur: H. James *(Signature)* (993-5045)/M. Stanfield/K. Stringer/
D. Bevan *(Signature)* *(Signature)* *(Signature)*



Pacific Fisheries Resource Conservation Council
Conseil pour la conservation des ressources halieutiques du pacifique

18 May 2005

Minister Geoff Regan, PC, MP
Fisheries and Oceans Canada
200 Kent Street, Ottawa Ontario
K1A 0E6



Dear Minister Regan:

Re: Pacific Fisheries Resource Conservation Council Review of the April 2005 draft Wild Salmon Policy Framework

On behalf of the Pacific Fisheries Resource Conservation Council (PFRCC) I am writing to commend you and your officials on the April 2005 draft of the Wild Salmon Policy and the latest dialogue session.

I want you to know that the PFRCC was gratified that many of our comments were heard and reflected in the redraft, as well as were many comments from the other participants in the first dialogue session. In our attachment to the 22 February letter about the December 2004 draft, we summarized our recommendations on seven key themes. We are pleased to see that our first five summary comments were incorporated into the redraft in a manner that the Council judges to be acceptable to good. Those recommendations covered areas related to: the definitions of "wild salmon" and "conservation"; a better explanation of the level of protection of Conservation Units and the demes and populations that comprise them; a strengthening of the habitat protection section of the document with clarification regarding a suite of measures to protect all habitat, a recognition of the need to partner with other levels of government to successfully produce habitat plans, and more emphasis on stewardship; and, regarding enhancement and aquaculture, we appreciated the clearer description of how management would be undertaken and some acknowledgement of the risks posed by aquaculture.

Our sixth recommendation related to conducting an independent review of the effectiveness, or otherwise, of the policy and its implementation. Here we were pleased to see the commitment to the effectiveness review but found that the document was unclear as to who would undertake that review. The document first identified that there would be an independent review but then went on to say that the review would be conducted with "full public input" – thereby implying that DFO would lead the review. If the review were conducted by DFO, there could be skepticism over its results and it could negatively reflect on the Policy and the department. We remain of the view that to obtain broad public acceptance of the

590 - 800 Burrard Street
Vancouver British Columbia
Canada V6Z 2G7

Tel/Fax: (604) 775-5621
Fax/TELe: (604-1) 775-5622
E-mail: info@fsh.bc.ca
Web Site/Sec Web: www.fsh.bc.ca

590 - 800 Burrard
Vancouver, Columbia-Britannique
Canada V6Z 2G7

findings the review best be undertaken by an independent organization.

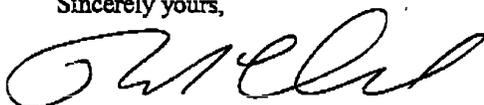
Our last general comment on the Policy was first provided to you in our February letter and we have reiterated it since: it relates to the obvious need for additional resources to effectively implement the Policy. We were pleased to hear you say in the first dialogue session, on March 2nd, that if more funds were required, you would get them. The April draft of the Policy did not address the funding problem. We remained convinced that for this ambitious Policy to work, and to take the pressure off, not only, the salmon but also the department, more resources are required.

In closing, I again commend the department for listening to feedback on the first draft and for incorporating many significant changes into the April draft. Our advice to you is to get on with it and finalize the Policy.

Additionally we recommend that you secure the new funds from outside the current DFO budget that will be needed to effectively implement the Policy; have an independent group assess the effectiveness of its implementation; and have flexibility built into the Policy to allow for implementation amendments or even revisions depending upon the results of the independent assessment. The Policy is a big step in the right direction, and introduces many novel approaches, but at the same time should be viewed as a work in progress with the flexibility for change if change is required.

We appreciate and thank you for the effort put into this Policy and the positive changes made, to date, to better ensure it succeeds in meeting its objectives. We look forward to a release of a final Wild Salmon Policy. As you know, via the PFRCC's latest workplan, the Council remains committed to assisting with the details of how to implement portions of the Policy.

Sincerely yours,



Dr. Paul LeBlond
Member and current Spokesperson
Pacific Fisheries Resource Conservation Council

cc: Council Members
Mark Saunders, Team Leader, Wild Salmon Policy
Mr. Larry Murray, Deputy Minister, DFO
Mr. Paul Sprout, A/Regional Director General, DFO Pacific Region
Ms. Mary Hobbs, A/Regional Director Policy Branch, DFO Pacific Region

INTEROFFICE MEMORANDUM

David
Fitz

TO: DEPUTY MINISTER
FROM: TARAS ZALUSKY
SUBJECT: 2005-002-00816 - ~~WILD SALMON POLICY - BRIEFING FOR BC CAUCUS~~
DATE: 5/24/2005

The minister has read the attached memo and has made the following comment:

"I'm not fully satisfied with the answers to the 10 questions. My B.C. colleagues have expressed reservations about proceeding without further consultations. They are concerned about the polarization of views on the WSP. I have agreed to allow additional time for consultation. However, I would like the briefing of my B.C. colleagues to proceed."

- Please follow-up as appropriate. Thank you.

Taras Zalusky



MAY 24 2005

2005-002-00816

David,

We probably need to respond to Minister's note by Friday & to discuss in Monday during Briefing session. Please work with Paul & Pat & prepare an appropriate response to MIN for my signature by Friday if possible.

Thanks.

LM

c.c. Ginny Flood
Francine Poirier



ADM (SAM)

DAVID,

WE PROBABLY NEED TO
REFER TO MINISON'S
NOTE BY MANNY & TO
DISCUSS IN MANNY DURING
BRIEFING SESSION. PLEASE
WORK WITH PAUL & PAT
& PREPARE AN APPROPRIATE
RESPONSE TO MIN PER
MY SIGNATURE BY MANNY
IF POSSIBLE.

THANKS,

27 May

cc: Ginny -
Francine
Canada



2005/05/19
8:55:00AM

ACTION REQUEST / FICHE DE SERVICE

1 of 1
Jeff Bilal

From/De: James, Heather
Resource Management - Pacific, Arctic & I
DFO
Subject/ Wild Salmon Policy Briefing for BC Caucus
Objet:

Docket No.: 2005-002-00816
File No.: ABJ 5600-N3-6

Topics:
Action Sec. resp. : Fisheries and Aquaculture Management
Info. Sec(s) Informée(s) :

Dated/En date du	Input/Entrée	Deadline/Échéance
2005/05/18	2005/05/18	2005/05/18

ACTION REQUIRED/ SUITE A DONNER

Reply/Réponse	Other/Autre	Action Required	Action Date	Deadline	Completed
() for DM's signature/ pour la signature du SM	() For info or necessary action/ Pour information ou suite à donner				
ChargeTo Resource Management / Gestion des ressources/Larivee, Bernie Assignee		APP	2005/05/18	2005/05/19	2005/05/18
ChargeTo Pacific Arctic and Inland / Pacifique arctique et eau douce Assignee James, H.		APP	2005/05/18	2005/05/19	2005/05/18
ChargeTo Resource Management / Gestion des ressources Assignee Stringer, K.		APP	2005/05/18	2005/05/18	2005/05/18
ChargeTo Fisheries and Aquaculture Mgt. / Gest. des pêches et de l'aquacult Assignee Bevan, D.		APP	2005/05/18	2005/05/18	2005/05/18
ChargeTo Deputy Minister / Sous-ministre Assignee Murray, L.		APP	2005/05/18	2005/05/18	2005/05/18
ChargeTo Minister's Office / Ministre Assignee Carrier, A		INFO	2005/05/19	2005/05/18	

Assigned Person	Action Date	Comments
Larivee, Bernie	2005/05/18	130619 Initial route for docket:2005-002-00816 Heather James for approval
Conlin, Janet	2005/05/18	130621-100 Request for action. 2005-002-00816 : APP Approved H. James HD to DG's Office
Blore, Kathryn	2005/05/18	130713-100 Request for action. 2005-002-00816 : APP Approved KS, DG-RM HD to ADMO 18/05
Guénette, Rachel	2005/05/18	130715-100 Request for action. 2005-002-00816 : APP Approved by D.Bevan HD to DMO
Trottier, Stephane	2005/05/19	130742-100 Request for action. 2005-002-00816 : APP DM signed; sent to MO for information.

5/19/05 - Bilal - For your info JMD



MAY 19 2005

EKME # 518333
MECTS # 2005-002-00816
ABJ 5600-N3-6

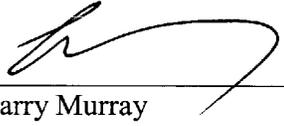
MEMORANDUM FOR THE MINISTER

WILD SALMON POLICY
BRIEFING FOR BC CAUCUS

(Information Only)

SUMMARY

- At the May 16th briefing on the *Wild Salmon Policy*, the Minister requested additional material to brief BC Caucus. They are specifically concerned about a recent ten-point paper from the Marine Conservation Caucus (MCC) that is critical of the policy.
- A response to the Marine Conservation Caucus paper has been prepared (tab 1). As well, an existing deck on the *Wild Salmon Policy* is attached (tab 2), which provides background information on the policy, itself.


Larry Murray

Attachments: 2


H. James (993-5045)/K. Stringer/D. Bevan

I'm not fully satisfied with the answers to the 10 questions. My B.C. colleagues have expressed reservations about proceeding without further consultations. They are concerned about the polarization of views on the WSP. I have agreed to allow additional time for consultation. However, I would like the briefing of my B.C. colleagues to proceed.

MAY 18 2005
JR 20/05/05



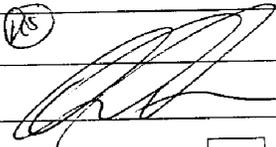


MECTS # 2005-002-00816
EKME # 518333
FILE / FICHER #ABJ 5600-N3-6

To: Larry Murray
Pour:

Date:

Object: Wild Salmon Policy – Briefing for BC Caucus
Objet:

From / De: Kevin Stringer  KS

Via: David Bevan MAY 18 2005.

Your Signature
Votre signature

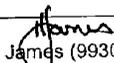
Information

For Comments
Observations

Material for the Minister
Documents pour le Ministre

Remarks:
Remarques:

DISTRIBUTION

Drafting Officer/ Rédacteur:  H. James (99305045)/ M. Stanfield/ K. Stringer

CANADA'S POLICY FOR CONSERVATION OF WILD PACIFIC SALMON

Briefing of
the



WILD SALMON POLICY

I INTRODUCTION AND PURPOSE

- A draft Wild Salmon Policy (WSP) was released for public consultation on December 17, 2004.
- Over 1500 copies of the document were distributed to First Nations (FNs), stakeholders, environmental organizations (ENGOs), governments and the public.
- Numerous and extensive comments were provided during the initial consultation period on all aspects of the policy proposal.
- The draft policy was revised to reflect comments received; this amended version was circulated for further comment on April 22.
- A final review of the WSP was held on April 29 with FN, and on April 30 with all stakeholders.
- Based on comments received at these two Forums, a final policy has been prepared, and is attached.
- This DECK summarizes comments from consultations, highlights revisions and public reactions and seeks approval for adoption and release of the WSP.

WILD SALMON POLICY

II BACKGROUND : KEY ELEMENTS OF THE WSP

- Policy is founded on a commitment to safeguard genetic diversity of wild salmon.
- Management will focus on “Conservation Units” – irreplaceable components of genetic and geographic diversity.
- The status of CUs will be assessed against benchmarks; where distribution or abundance is low, or in decline, a range of management actions will be considered.
- Processes will be established to consider social, economic and biological factors in decisions about the most appropriate management actions.
- Habitat management will evolve to better understand habitat quality and quantity and changes over time, and focus protection and rehabilitation actions where most needed.
- Integrated strategic plans will be prepared to link fish production, habitat management and watershed stewardship.
- Ecosystem considerations will be incorporated in management decision making.
- Reviews of annual program delivery will be conducted, and progress in implementing the policy will be carried out periodically.

WILD SALMON POLICY

III THE OUTCOME OF THE FIRST ROUND OF CONSULTATION

- Consultations were held over a 60 day period following release of draft policy
 - : seven regional meetings with FN communities
 - : bilateral sessions with FN and stakeholder organizations
 - : 250 written submissions
 - : Multi stakeholder Forum – March 2 and 3, 2005

- General reaction: support in principle, but revisions required before adoption.

- Concerns most frequently expressed pertained to seven features of the draft policy.
 1. FN concerns related to Aboriginal Rights
 - : legal context is incomplete
 - : government consultation obligations must be explicit
 - : Treaty arrangements need to be recognized
 - : FN role in policy implementation needs to be defined

WILD SALMON POLICY

III THE OUTCOME OF THE FIRST ROUND OF CONSULTATION (cont)

2. Conservation and Sustainable Use
 - : definition of "conservation" ("wise use") is outdated and weakens policy intent
 - : priority of conservation is undermined by Principle 3 (balancing of social, economic and biological objectives)
 - : planning process sets no "bottom line" for conservation of CU's
 - : fears that policy will authorize a progressive "write-off" of populations
 - : objection to Ministerial discretion to limit measures to rebuild CU's

3. Strategy Two –HABITAT MANAGEMENT
 - : proposal to focus on "important habitat" will lead to erosion of habitat well being
 - : cooperation with BC is a prerequisite for improved habitat management

4. Strategy Four – THE PLANNING PROCESS
 - : FNs object to multi stakeholder planning process at the expense of locally based bilateral processes for salmon management
 - : support for a "bottom-up" decision making process

WILD SALMON POLICY

III THE OUTCOME OF THE FIRST ROUND OF CONSULTATION (cont)

5. Management of Conservation Units
 - : concerns that a management focus on large CUs will lead to sequential loss of components of the CU that are important to local communities
6. Aquaculture
 - : failure of the policy to impose restrictions on aquaculture will expose wild salmon to higher risk
7. Implementation
 - : scepticism that policy can be effectively implemented within existing resources
 - : departmental commitment to the policy will be judged on the extent to which funds are dedicated to its implementation

WILD SALMON POLICY

IV THE OUTCOME OF CONSULTATION – ROUND TWO

- A revised draft of the WSP was prepared and released to FN and stakeholders
 - amendments made to respond to substantive concerns
 - text modified to reflect evolution from discussion paper to final policy
- Particular emphasis placed on addressing FN concerns, given new obligations to consult (SCC decision in Haida)
- Revisions sharpen policy application, but do not change fundamental underpinnings
- Amended policy was reviewed by FN and stakeholders on April 29 and 30; reaction summarized below:
 1. Support for Process
 - : strong satisfaction that a second review opportunity provided
 - : recognition that concerns had been heard, and addressed
 2. Confirmation of Policy Content
 - : revised document “a significant improvement”
 - : few substantive objections to policy direction

WILD SALMON POLICY

IV THE OUTCOME OF CONSULTATIONS – ROUND TWO (cont)

3. Endorsement of the Policy
 - : goals, objectives and principles endorsed; implementation strategies supported
 - : the majority of participants on side, though some FNs may issue a written reservation to protect aboriginal rights
 4. Remaining Concerns
 - : treatment of aquaculture criticized by many groups who seek more restrictive approach
 - : ENGOs seek a more prescriptive policy that fetters discretion
 - : concerns expressed about need for new resources to ensure effective implementation
- Based on comments received from participants at these two sessions, a final policy has been prepared, and is submitted for approval.
-

WILD SALMON POLICY

V THE FINAL POLICY : SPECIFIC REVISIONS

- The text has been substantially edited for clarity and conciseness.
- Legal Context
 - : amplified to include references to SCC decisions on aboriginal rights
 - : commitment to meet FN consultation obligation made explicit
- Conservation Redefined
 - : resource use separated from resource protection (“Conservation is the protection, maintenance and rehabilitation of genetic diversity, species and ecosystems to sustain biodiversity and the continuance of evolutionary and natural production processes”)
 - : conservation emphasized as “highest priority” (Principle 1)
- Sustainable Use
 - : managing fisheries for sustainable benefits expressed in Objective 3
 - : biological, social and economic factors considered in decision making
 - : use of best science, including ATK
 - : maintain potential for future generations to meet needs

WILD SALMON POLICY

V THE FINAL POLICY : SPECIFIC REVISIONS (cont)

- **Safeguard Genetic Diversity (Objective 1)**
 - : text amplified to demonstrate how management of large CUs will protect component populations

 - **Conservation "Bottom Line"**
 - : policy now reflects there is a point in the "red zone" where further mortality cannot be sustained – defined on case by case basis
 - : more specificity provided to define acceptable outcomes from planning processes (maintain or restore CUs above lower benchmark)

 - **Habitat Management (Strategy 2)**
 - : rewritten for clarity and consistency
 - : focus on "important" habitat retained; all habitat will be addressed, though using different strategies
 - : cooperation with BC emphasized
-

WILD SALMON POLICY

V THE FINAL POLICY : SPECIFIC REVISIONS (cont)

- Integrated Strategic Planning (Strategy 4)
 - : streamlined and refocused; two options presented in initial draft replaced with a recommended approach
 - : “bottom up” approach adopted to respect bilateral processes with FNs
- Performance Review (Strategy 6)
 - : this new strategy defines an approach to review of annual workplans, and WSP performance (after 5 years)
- Implementation
 - : phased approach highlighted, using existing resources, in cooperation with partners
 - : commitment to preparation and release of plan for implementation
- Aquaculture
 - : no substantive change made to how WSP applies to aquaculture; consistency maintained with the APF
- These revisions collectively strengthen the priority of conservation, and are generally supported by the majority of FNs and stakeholders.
- An overview of the revised Wild Salmon Policy is schematically depicted in the following slide.

WILD SALMON POLICY

V THE FINAL POLICY – SPECIFIC REVISIONS (cont)

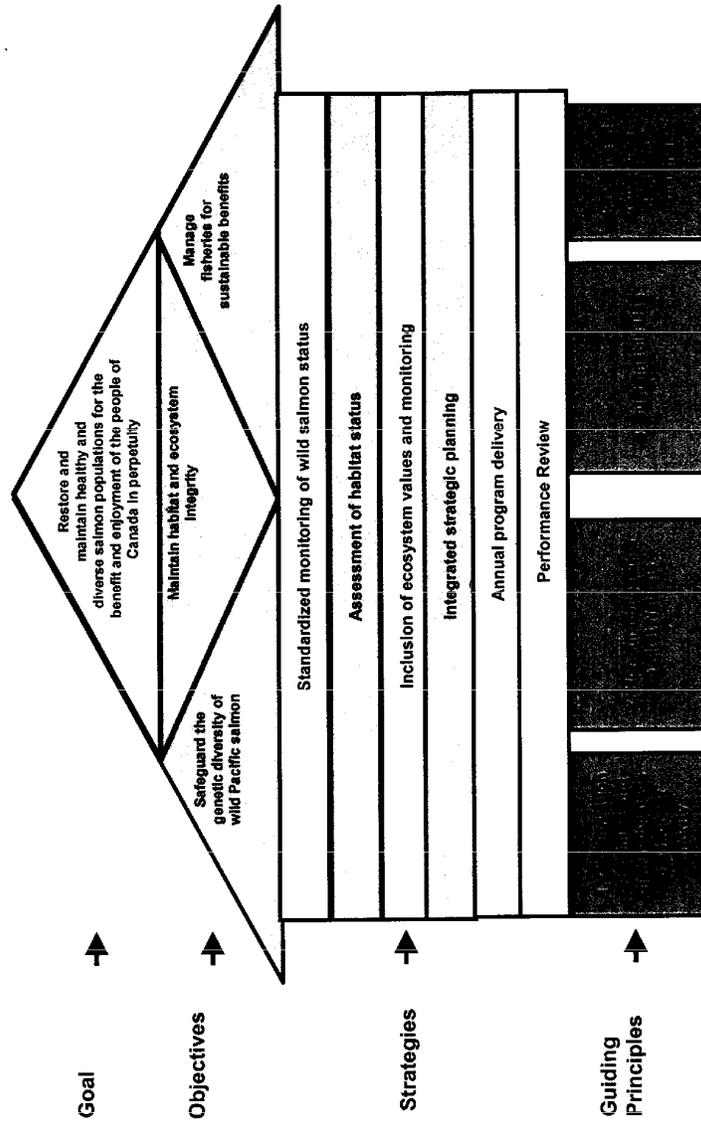


Figure 1. Overview of the Wild Pacific Salmon Policy

WILD SALMON POLICY

VI IMPLICATIONS AND EXPECTED REACTION

A. IMPLICATIONS

- The WSP will continue the evolution of salmon management practices in Pacific region, and implementation will affect conduct of all regional programs.
- The focus on maintaining CUs will affect salmon harvest – most particularly fisheries for sockeye.
- Management restrictions to rebuild less abundant CUs will require adjustments in commercial fisheries
 - : reduced harvest rates in ocean fisheries
 - : shift in location of harvest to more terminal areas
- These practical implications are not solely attributable to the WSP; changes reflect a necessary evolution of salmon management to respond to contemporary challenges
 - : compliance with SARA
 - : meet FSC obligations to FNs
 - : address FN Treaties
 - : respond to public concerns and regain confidence in management
 - : react to changing environmental conditions

WILD SALMON POLICY

VI IMPLICATIONS AND EXPECTED REACTION (cont)

A. IMPLICATIONS

- The WSP is not the stimulus for change; rather, it is the instrument to respond to factors that define the current context.
- The implementation of the WSP will respond to current challenges that compromise management performance; furthermore, protecting spawning populations and their habitat provides the greatest opportunity for sustainable benefit to fishermen, and all Canadians.

B. EXPECTED RESPONSE

- Reactions to the release of the WSP can be expected to be mixed
 - : some will express support for adoption of more strategic approach to salmon conservation
 - : some FN may express reservations to protect their aboriginal rights
 - : ENGOs will be critical of the failure of the policy to be prescriptive, or to regulate aquaculture
 - : some commercial fishing groups may express concern about restrictions on harvest

WILD SALMON POLICY

VI IMPLICATIONS AND EXPECTED REACTION (cont)

B. EXPECTED RESPONSE

- The response of those who support the policy will be influenced by decisions on resources for implementation
 - : assignment of new resources is seen as a measure of commitment to the WSP
- In the absence of new resources, public commentary will focus more on the capacity for implementation, than on the merits of the policy.
- While new resources will allow more to be done, more quickly, progressive steps using existing resources will allow implementation to proceed.

Response to Marine Conservation Caucus 10 Point Paper

In the past week the Marine Conservation Caucus (MCC) has circulated a 10 point critique of the Wild Salmon Policy (WSP). It recommends that adoption of the policy be suspended until it has been subject to further consultations. The MCC was formed several years ago at the request of ENGO's to facilitate their involvement in consultations with the Department of Fisheries and Oceans on policy and operations. It is an umbrella group representing a number of environmental groups with an interest in fisheries conservation. The MCC has been fully engaged in the WSP consultations since they began more than five years ago. The Department has provided briefings and responded to their input that has been provided in writing, in meetings and through participation in two multi-interest forums.

Many significant changes have been made to address their concerns. However, some of the ENGO's continue to seek further changes. The assertions in their ten points are not accurate and do not reflect our current understanding of the view of the majority of salmon interests. A response to each of the ten statements follows:

1. What the "wild salmon policy" proposes is a radical departure from Ottawa's long-standing commitment to protect British Columbia's salmon fisheries AND the diversity and abundance of B.C.'s 9,000-plus salmon runs.

The WSP does indeed propose a new direction for salmon management in BC, but it is one that will rectify shortcomings of past policies and provide greater assurance that we can maintain healthy and diverse salmon populations. For the first time, there is an explicit commitment to:

- safeguard genetic diversity of wild salmon populations
- maintain habitat and ecosystem integrity
- manage fisheries for sustainable benefit
- integrate watershed, habitat and harvest management
- set clear conservation objectives to rebuild populations at risk
- evaluation of performance against objectives

The policy is not a departure from Ottawa's commitment to protect salmon, but rather is an explicit reaffirmation of that responsibility, and how the Department will do so. It is surprising that the Marine Conservation Caucus (MCC) would oppose a new WSP, and seemingly cling to past policies that that they have fiercely criticized for their failure to protect genetic diversity of salmon.

A snapshot of the Wild Salmon Policy, summarizing its main elements is attached. Its content demonstrates that the WSP does not compromise salmon conservation, but affirms that objective, and makes it an explicit part of the Departments accountability.

2. The proposed policy is the most significant, dangerous event in at least a quarter-century of attempts to address the many conflicts about salmon conservation, salmon fisheries, and salmon habitat in British Columbia. It completely undermines and defeats the purpose of efforts to reform the fishery along individual-quota lines.

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4. Rather than resolve B.C.'s deepening conflicts over salmon, the new approach will in fact deepen these conflicts, heighten already-explosive tensions, and encourage a continuing erosion in public confidence in the department, and a deepening of British Columbians' mistrust of the federal government's intent to conserve salmon in the public interest.

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5. The policy explicitly declares an inherent conflict between sustainable fisheries and conservation – a contradiction of long-standing federal policy, as well as numerous international commitments Canada has made.

It is not clear whether the conflict they suggest is a general response to the document or in reference to a specific statement. In the April 30th forum a concern was raised that language used in several sentences describing Objective 1 set up this conflict. Those statements have been changed to address this concern.

In general, the policy sets objectives for both conservation and sustainable use. It is absurd to accuse the policy of declaring a conflict between use and conservation. It is clear that use can conflict with conservation objectives, and managing this conflict is what often has compromised the well being of salmon populations. This policy does not ignore this reality, but provides clear guidance as to how it will be managed so as to achieve resource protection, and sustainable use.

6. The policy allows fisheries bureaucrats unprecedented latitude to “write off” entire genetic stocks of salmon, known as Conservation Units – the conservation level recognized as “species” by COSEWIC – for the sole short-term benefit of fisheries, or for the benefit of “competing” demands on salmon habitat.

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only in *extraordinary* circumstances, and after following an open and transparent process, with full accountability to the public for the decision.

7. By leaving decisions about whether to take conservation measures solely to the political discretion of the Fisheries Minister and his officials, the prosecution of aboriginals conducting Section 35 fisheries may be impossible to secure. The law requires the Crown to cite a “valid legislative objective. . . such as conservation” in order for the Crown to infringe upon, interfere with, or even regulate aboriginal fishing. The policy replaces conservative objectives with bureaucratic whim and ministerial fiat.

The Wild Salmon Policy is a policy. It cannot, and does not purport to, change the Fisheries Act, the authority of the Minister, or legal decisions respecting justification of infringements of aboriginal rights. The Policy sets conservation objectives to be met, and defines a process for transparent decision making by the Minister. The Wild Salmon Policy does not change the Minister's authority with respect to the regulation of aboriginal fishing. If the intent of the MCC is to "heighten already-explosive tensions" in BC, falsely asserting that this Policy eliminates the Minister's authority with respect to the regulation of aboriginal fishing is the best way to do it. Such an accusation is just wrong.

8. There is nothing in the policy that states an objective, scientifically-defensible threshold at which prosecutions under the habitat-protection provisions of the Fisheries Act would be justifiable. In fact, it would appear that no such prosecutions are contemplated in the new regime at all. Even if prosecutions were attempted, they would likely fail simple court challenges, since there is nothing in the new policy that properly defines fisheries habitat, or sets out clear objectives that would make prosecutions objectively justifiable.

The notion that there would be no prosecutions under the WSP is false. Prosecution will be undertaken where it is warranted, and this is clearly articulated in the WSP. The policy states that “If specific Conservation Units are threatened by development proposals or other human activities, corrective actions will be taken under Section 35 of the Fisheries Act”. However, prosecutions are only one way to protect habitat. A prosecution is taken only after damage has occurred to habitat. The policy sets out to first PREVENT damage - which seems to be a more prudent strategy than acting after the fact - but, if habitat is damaged, there is every intent to undertake enforcement and prosecution consistent with authority under the Fisheries Act.

9. The radical nature of these proposed changes, and their dire implications, are not understood by the new East coast minister holding the fisheries portfolio.

This is condescending and patronizing to the Minister, and untrue.

10. Our proposed solution: At a minimum, suspend the adoption of the policy until it has been subjected to broader consultations, to allow for its fatal flaws to be addressed.

This policy has been 7 years in the making. It has involved extensive consultation. It is necessary if we are to effectively conserve salmon and address contemporary challenges. Further delay will only bring more criticism and discredit to the Department and the Minister.

WILD SALMON POLICY

VI NEXT STEPS

- Upon approval, the WSP will be translated, formatting will be completed, and the document will be printed.
- Arrangements are on track for an announcement by May 31, 2005.
- Communication strategy and products are in preparation for a consolidated announcement on salmon reform covering WSP, and the response to Williams.
- Harvest management plans for 2005, generally consistent with the WSP, will be submitted for approval in June.
- The Department will prepare an implementation plan for the WSP, defining tasks and timelines: this plan will be released in the fall.

Response to Marine Conservation Caucus 10 Point Paper

In the past week the Marine Conservation Caucus (MCC) has circulated a 10 point critique of the Wild Salmon Policy (WSP). It recommends that adoption of the policy be suspended until it has been subject to further consultations. The MCC was formed several years ago at the request of ENGO's to facilitate their involvement in consultations with the Department of Fisheries and Oceans on policy and operations. It is an umbrella group representing a number of environmental groups with an interest in fisheries conservation. The MCC has been fully engaged in the WSP consultations since they began more than five years ago. The Department has provided briefings and responded to their input that has been provided in writing, in meetings and through participation in two multi-interest forums.

Many significant changes have been made to address their concerns. However, some of the ENGO's continue to seek further changes. The assertions in their ten points are not accurate and do not reflect our current understanding of the view of the majority of salmon interests. A response to each of the ten statements follows:

1. What the "wild salmon policy" proposes is a radical departure from Ottawa's long-standing commitment to protect British Columbia's salmon fisheries AND the diversity and abundance of B.C.'s 9,000-plus salmon runs.

The WSP does indeed propose a new direction for salmon management in BC, but it is one that will rectify shortcomings of past policies and provide greater assurance that we can maintain healthy and diverse salmon populations. For the first time, there is an explicit commitment to:

- safeguard genetic diversity of wild salmon populations
- maintain habitat and ecosystem integrity
- manage fisheries for sustainable benefit
- integrate watershed, habitat and harvest management
- set clear conservation objectives to rebuild populations at risk
- evaluation of performance against objectives

The policy is not a departure from Ottawa's commitment to protect salmon, but rather is an explicit reaffirmation of that responsibility, and how the Department will do so. It is surprising that the Marine Conservation Caucus (MCC) would oppose a new WSP, and seemingly cling to past policies that that they have fiercely criticized for their failure to protect genetic diversity of salmon.

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Government of Canada
Fisheries and Oceans

Gouvernement du Canada
Pêches et Océans

MECTS # 2005-002-00816
EKME # 520214
ABJ 5600-N3-6

To: Pour Larry Murray Date:

Object:
Objet:

APPROVAL AND ANNOUNCEMENT OF THE WILD SALMON POLICY

From / De: David Bevan, ADM Fisheries Management ⁽²⁾ MAY 27 2005

Via: Kevin Stringer, DG Resource Management ⁽²⁾

<input checked="" type="checkbox"/> Your Signature Votre signature	<input type="checkbox"/> Information
<input type="checkbox"/> For Comments Observations	<input type="checkbox"/> Material for the Minister Documents pour le Ministre

Remarks:
Remarques:

DISTRIBUTION

(Handwritten signature)
JUN 03 2005

Drafting Officer/ Rédacteur: H. James ⁽²⁾ / M. Stanfield / K. Stringer / D. Bevan