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From / De A/Director General
Resource Management

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Species at Risk Act (SARA) Listing Decision Process for Cultus and Sakinaw sockeye

The purpose of this note is to highlight a number of issues regarding the listing process for Cultus and Sakinaw sockeye salmon: timing, the decision process, and stakeholder reaction to the process.

Timing:

The timeline is short for wrapping up the consultations and completing the analysis in the region that will support a decision. The 9-month clock for the Governor in Council (GiC) decision process started on April 21 when the Minister of the Environment forwarded the species assessments prepared by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) to GiC. Under the critical path established by Environment Canada for the normal listing process, the Pacific Region must wrap up its consultations by the end of May and submit the draft Regulatory Impact Analysis Statement (RIAS), if required, to national headquarters by no later than June 15 (see attached schedule). Based on this schedule, the Department must submit its recommendation and accompanying RIAS, if required, to Environment Canada by July 22.

Decision Process:

The decision to list these populations, or not, is the first difficult SARA listing decision facing the department. Discussions are continuing about what internal decision process should be followed for making recommendations. Draft criteria of the costs and benefits of listing have been prepared to aid in making a decision (see attached). These are the first attempt to establish some set criteria for listing decisions so that the Department can demonstrate consistency in the future. Not surprisingly these criteria do not provide guidance in the weighting of the different criteria. (e.g. When is the likely economic impact of listing too high so that listing should not be recommended? How to weigh economic impacts against more difficult to quantify benefits of listing such as protection of biodiversity and cultural and aesthetic values?) Decisions about the weighting of some criteria are best left to senior management and the Minister.

Stakeholder Reaction to the Process:

It is not apparent that the commercial fishing sector realizes the tight deadline the Department is under to develop its recommendations for these two populations. In part this may be due to all the focus, until recently, on the emergency listing process and some confusion about the amount of time available for consultations during the 9-month GiC decision process. Under the critical path, approximately 1.5 months of the 9-month process is available for completing consultations and analysis. The remainder of the time is for the federal government's regulatory approvals process. We can expect the commercial sector to complain that listing consultations for Cultus and Sakinaw sockeye were inadequate given the potential impact on them. On the other hand, environmental groups have complained that the government has been slow in implementing SARA and will be satisfied that the government is proceeding with the listing process and following the timeline as set out.

Environment Canada is aiming for an initial decision on the regulatory package on September 28, prior to posting the order in the Canada Gazette for public comment, and a final listing decision on December 14, 2004. Whether the decision is to list or not, the SARA listing process for these salmon populations (starting with the emergency process and the management measures being initiated in 2004) marks a major watershed in salmon management in British Columbia. Just the threat of a SARA listing has and will shift the department's management of salmon. While the movement to weak stock management has been underway for a number of years, SARA has now firmly established weak stock management as a guiding principle and set the conservation baseline for its implementation. SARA has shown that small salmon populations can be designated for listing and that the government will have to consider their listing through a legally established process.

Under this new management regime, commercial salmon harvest opportunities in marine areas will be limited, with some exceptions, and this pattern will continue for many years because of the long time required for rebuilding salmon populations at risk. The Department will have to be prepared at the time of the final listing decision (and probably at the time of the first GiC decision on September 28) to explain to stakeholders, in particular the commercial sector, the department's vision for salmon management. The Department should be prepared to address questions of long-term stability and sustainable salmon fisheries for the future, in the face of a strict conservation regime and significantly reduced opportunities. A communications plan should be prepared that draws in the Wild Salmon Policy and a response to the Pearse-McRae report. Maybe the consultations on the Wild Salmon Policy, which are to begin in September, could be used to begin explaining the departmental direction for salmon management. Without a broad response to the listing decisions for these populations the Department will be seen to be reacting to SARA rather than getting out in front and addressing problems of commercial sustainability and viability that are within its powers.

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