



Pacific Salmon and the *Species at Risk Act*

An overview of the listing process & timelines for Pacific Salmon

Presentation by Karen Leslie to the
Forum on Conservation and Harvest Planning for Fraser Salmon
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SARA Listing Process

WHAT SALMONID SPECIES ARE IMPLICATED?

Salmon Identified for Listing Process

- Five salmon and one anadromous trout species will be undergoing a process to consider whether or not they should be listed under the *Species at Risk Act*
- Listing process is initiated upon COSEWIC's submission of its assessment to the Government of Canada, through the COSEWIC Annual Report

Salmon	COSEWIC Assessment	# of DUs*	COSEWIC Annual Report Date	Anticipated GiC Decision Date**
Sakinaw Sockeye	EN	1	Oct 2016	Oct 2019
Okanagan Chinook	EN	1	Oct 2017	Oct 2020
Interior Fraser Coho	TH	1	Oct 2017	Oct 2020
Fraser Sockeye	8 EN, 2 TH, 5 SC, 9 NAR	24	Oct 2018	Oct 2021
Interior Fraser Steelhead (Thompson & Chilcotin)***	Assessment not yet performed	unk	Early 2018	tbd
Southern BC Chinook	Assessment not yet performed	27	Oct 2019	Oct 2022

*DU refers to "designatable unit" or population. DUs and Wild Salmon Policy Conservation Units are similar, and in most cases, the same

** Under 36 month timeline for complex aquatic species

***Emergency Assessment

WHAT IS THE SPECIES AT RISK ACT?

What is the *Species at Risk Act* (SARA)?

- Federal legislation, purpose is to:
 - Prevent wildlife from becoming extinct in Canada
 - Secure the recovery of Extirpated, Endangered, and Threatened species
 - Manage species of Special Concern to prevent from becoming further at risk
- Applies to:
 - All listed wildlife species at risk in Canada
 - Their residence and habitat
 - All federal lands and waters in Canada
- Responsible Departments and Agencies:
 - Environment and Climate Change Canada, Fisheries and Oceans Canada, Parks Canada

SARA: <http://laws-lois.justice.gc.ca/eng/acts/s-15.3/>

SAR Public Registry: <https://www.registrelep-sararegistry.gc.ca/default.asp?lang=en&n=24F7211B-1>

DFO SAR Site: <http://www.dfo-mpo.gc.ca/species-especies/sara-lep/index-eng.html>

WHAT IS COSEWIC?

What is COSEWIC?

- Committee on the Status of Endangered Wildlife in Canada (COSEWIC)
- Independent advisory panel to the Minister of Environment and Climate Change Canada
- Meets twice a year to assess the status of wildlife species at risk of extinction
- Members are wildlife biology experts from academia, government, non-governmental organizations and the private sector

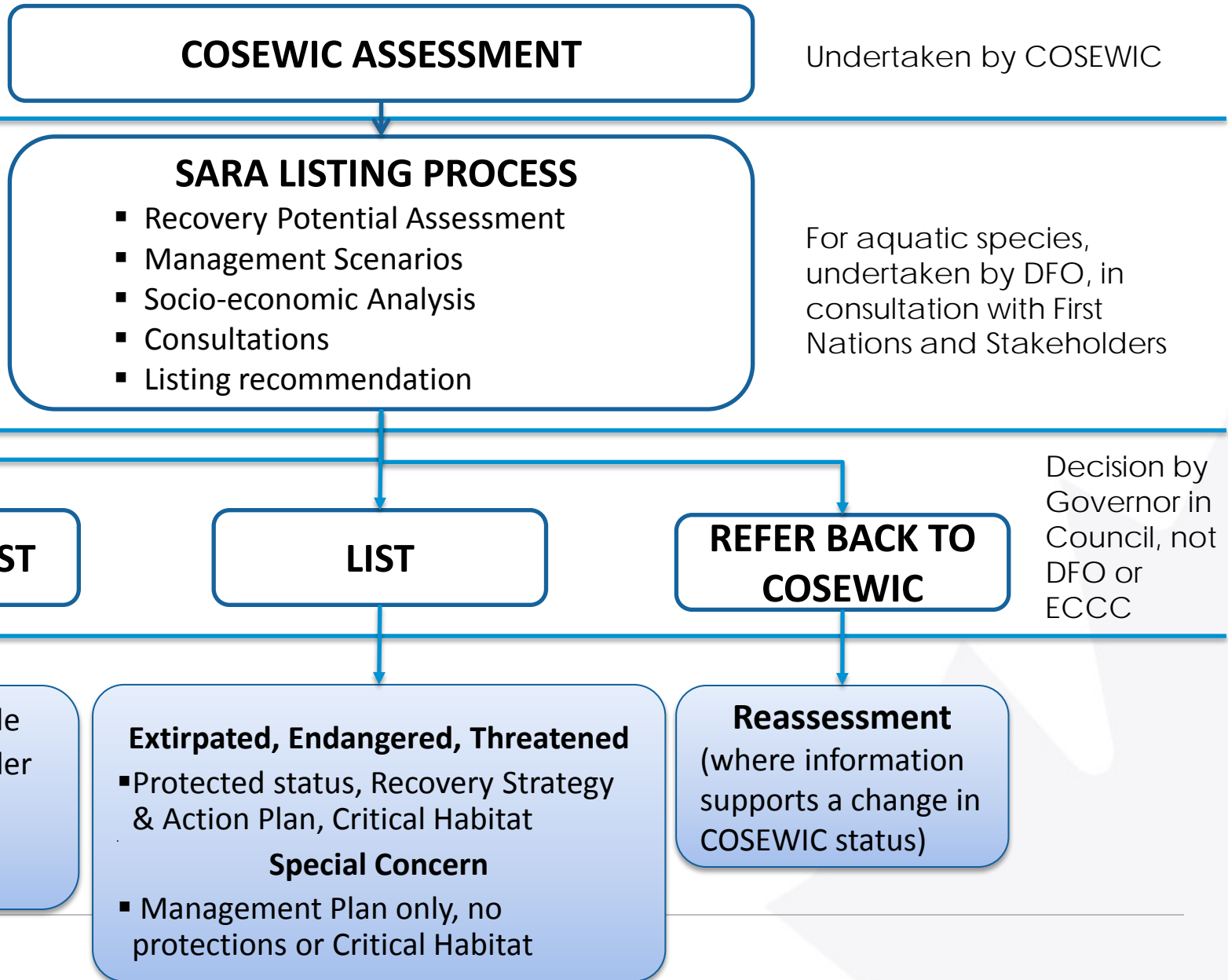
COSEWIC Site: <https://www.canada.ca/en/environment-climate-change/services/committee-status-endangered-wildlife.html>

COSEWIC Assessment Categories



HOW ARE SPECIES LISTED UNDER THE ACT?

How are species listed under SARA?



Analysis to develop listing advice – component parts

Recovery Potential Assessment*	Proposed Management Scenarios	Socio-Economic Analysis	Consultation
<ul style="list-style-type: none">• Peer-reviewed process led by DFO Science that includes participation from various DFO sectors and external experts.• Undertaken for Extirpated, Endangered and Threatened species, provides science advice on status, threats, feasibility of recovery, allowable harm and possible mitigation, population and distribution objectives• Can be done in collaboration with and/or with input from First Nations and/or stakeholders	<ul style="list-style-type: none">• Development coordinated by DFO SAR Program with input from other sectors as required.• Represent as realistically as possible the actions that would be taken, and the events that would occur, if the species is, or is not listed.• Where action by DFO is implied, represent a reasonable commitment by the dept. to undertake that course of action.• Includes consultation with First Nations and stakeholders	<ul style="list-style-type: none">• Peer-reviewed process led by DFO Policy• Estimates the costs and benefits to Canadians of species protection and recovery measures, and assesses the regional impacts and distribution of costs and benefits.• Follows the requirements of the Cabinet Directive on Regulatory Management• Can consider and include input from First Nations and stakeholders	<ul style="list-style-type: none">• Public Consultation is undertaken to gather input on the position of First Nations, Stakeholders and the public on whether or not the species should be listed, and to gather additional information to inform the listing recommendation.• Together, Recovery Potential Assessment, Proposed Management Scenarios, and Socio-Economic Analysis form a package used to support participants' provision of input as well as inform the listing recommendation

Context – New Listing Service Standard

- Announced by ECCC Nov 27, 2017, two timelines for listing decisions for aquatic species:
 - 24 months from submission of COSEWIC assessment to Government of Canada (i.e. COSEWIC annual report) for “simple species”
 - Requires recommendation to be submitted to GiC w/in 15 months.
 - 36 months from submission of COSEWIC assessment to Government of Canada (i.e. COSEWIC annual report) for “complex species”
 - Requires recommendation to be submitted to GiC w/in 27 months.
- Standard is to be applied:
 - In full to all species assessed Nov 2017 onwards, includes Fraser Sockeye and Southern BC Chinook.
 - To the greatest extent possible to species in the 2017 COSEWIC Annual Report (includes Okanagan Chinook and Interior Fraser Coho)

Context – Default Listing Position

- **DFO will advise the List be amended for a species as assessed by COSEWIC,** unless there is a Compelling Rationale not to do so.
- When providing Do Not List Advice, DFO must:
 - Provide Compelling Rationale
 - Create and implement work plan if DFO will undertake incremental activities
 - Report on work plan progress after 5 years.
- Compelling Rationale must address:
 - Alternative recovery approach and expected outcomes in absence of listing
 - Net benefits to Canadians of Do Not List decision.
- Compelling Rationale is developed in consideration of multiple sources of information including:
 - COSEWIC Assessment, Recovery Potential Assessment, consultation results, approved management scenarios and their impacts, analysis of costs and benefits.

Other Policies and Processes

- Part of the work of the listing process is to identify work already underway to manage and, where available, to recover the species
- For salmon, there is a great deal of work undertaken by the department, including:
 - Wild Salmon Policy
 - Stock-specific salmon recovery initiatives
 - Sustainable approach to fisheries management
 - Research and stock assessment
 - Restoration of freshwater habitat
 - Enhancement of stocks through hatchery production
 - Education and outreach (e.g. Salmon in the Classroom)
- The listing process will need to also identify what more could and should be done to recover the species by the department, and also by other jurisdictions in order to address the threats to the species.

Why do we have to do a listing process when so much is already being done?

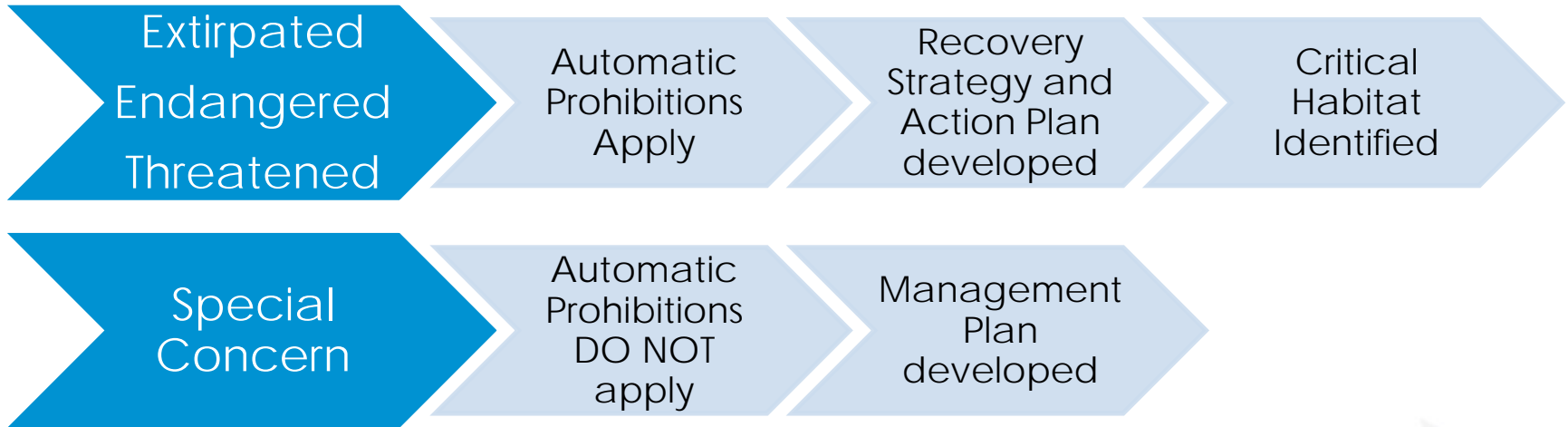
- Under SARA, the Government of Canada is required to perform a listing decision regardless as to whether the species is currently managed and/or conservation and recovery actions already in place.
- Because a listing decision may potentially amend existing legislation (i.e. SARA), the listing process is a regulatory process and follows requirements under the Cabinet Directive on Regulatory Management (CRDM)
- The CRDM approach ensures that regulatory decisions:
 - Protect and advance the public interest, advance the efficiency and effectiveness of regulation; are based on evidence; and that create accessible, understandable, and responsive regulation.

What is an emergency assessment and emergency listing?

- Under SARA S.28(1), any person who considers that there is an imminent threat species can ask COSEWIC to assess the threat for the purpose of an emergency listing.
 - The applicant must provide the information describing the threat, and COSEWIC must conduct the assessment to determine whether the species is Endangered.
- Under SARA S.29(1), if the Minister (of ECCC) is of the opinion there is an imminent threat, (s)he must make a recommendation to GiC to list the species on an emergency basis.
 - Minister of ECCC must consult w DFO, and opinion may be formed on the basis of his/her own info or by the COSEWIC Assessment.
- As soon as possible after an emergency listing, COSEWIC must have a status report on the species prepared
- Within one year of an emergency listing, COSEWIC must confirm the classification of the species, and recommend to the Minister to reclassify the species, and/or remove the species from the list, if appropriate

WHAT HAPPENS IF A SPECIES IS,
OR IS NOT, LISTED?

What happens if a Species is listed?



Prohibitions:

- Cannot kill, harm, harass, capture, take any individual or its derivative
- Cannot possess, collect, buy, sell or trade any individual or its derivative

Critical Habitat:

- Habitat necessary for survival and recovery of the species
- Protected under Ministerial Order, destruction is prohibited
- Described using functions, features, and attributes

What happens if a Species isn't listed?

- The species remains at risk and recovery is managed under other regulatory authorities and/or approaches, for example:
 - Federal legislation such as the *Fisheries Act*
 - Provincial legislation
 - Municipal bylaws
 - Non-governmental recovery initiatives
- Protections and recovery tools identified under SARA are not applied or available to support survival and recovery.
- An alternative approach comprised of additional management measures by DFO to recover the species must be implemented
 - May not be sufficient to address all human-based threats to the species, i.e. those that are outside of DFO's mandate

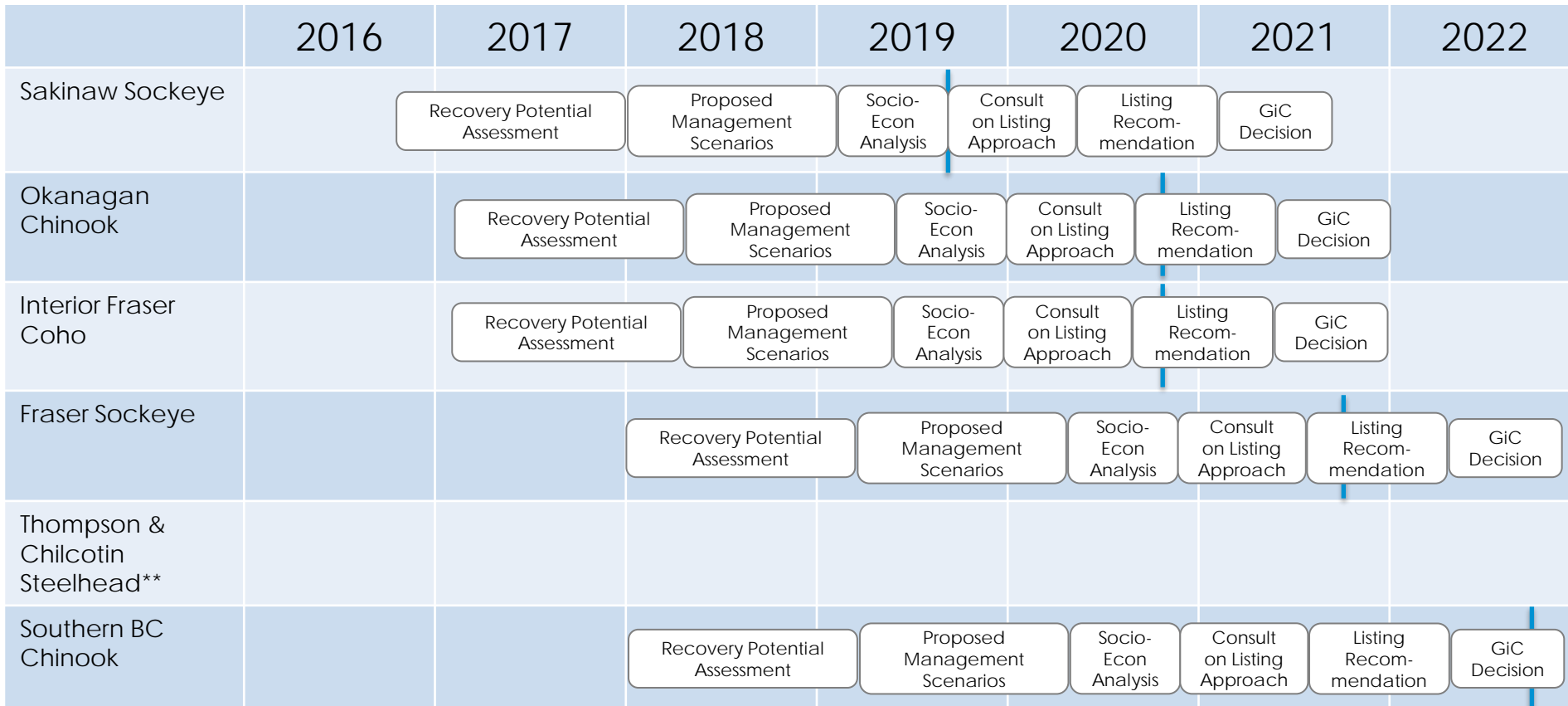
HOW TO BE INVOLVED

Engagement and Consultation

- In order to present the best advice possible, the listing process must be informed by the best available information.
- This includes information and considerations held and presented by First Nations, stakeholders, and other jurisdictions.
- To receive this information, the listing process requires consultation and engagement opportunities be provided.
- In order to effectively consult and engage on salmon listing, a consultation plan will be developed by the department. It will incorporate and address:
 - Existing advisory processes
 - Governance processes
 - Consultation planning
 - Communications approach

ANTICIPATED TIMELINES

Anticipated Timelines*



Blue line denotes 36 month timeline for GiC Decision. If delayed, rationale and actions to address cause of delay must be posted on SAR public registry. Timelines based on experience with past listing processes, efforts will be undertaken to shorten timelines to the greatest extent possible.

*Not exact, for illustrative purposes only. Subject to change.

**Steelhead to be added upon direction on how to proceed w Emergency Assessment activities

DFO Contacts

Program	Name	Position	email
Species at Risk Program	Karen Leslie	Regional Manager	karen.leslie@dfo-mpo.gc.ca
Salmon Management	Jeff Grout	Regional Coordinator	jeff.grout@dfo-mpo.gc.ca
Recreational Fisheries	Carole Eros	Regional Coordinator	carole.eros@dfo-mpo.gc.ca

ANNEX

Sakinaw Sockeye

Salmonidae: *Oncorhynchus nerka*

SARA Status:

- Not listed

COSEWIC History:

- Designated Endangered in an Emergency Assessment in October 2002. Status re-examined and confirmed in May 2003. Status re-examined in an emergency reassessment on 20 April 2006 and confirmed Endangered. Status re-examined and confirmed in April 2016.

Reason for Designation:

- Population experienced a very large decline in the 1980s and 1990s because of low ocean survival and over-fishing.
- Brood stock from Sakinaw Lake were maintained in a captive-breeding program that produced fry and smolts released into the lake beginning in 2000. Despite these introductions, almost no adults returned to the lake in 2006-2009.
- Smolts from the captive-breeding program continued to be introduced and adults returned to the lake in 2010 through 2014. Some of these fish spawned successfully on historical spawning beaches, demonstrating that the program was having some success in re-establishing the population. However, the number of wild-hatched fish is very small.

Threats:

- The recovery and persistence of the Sakinaw Sockeye population is threatened by two primary factors: mortality in the marine environment, and degradation of freshwater habitat.
- Poor survival in the ocean and fishing mortality remain the two significant threats. Reduced marine survival is evident for many Sockeye Salmon populations in the eastern Pacific Ocean during the 1990s. Some Sakinaw Sockeye continue to be killed in fisheries, and given their very low abundance, even modest fishing mortality jeopardizes the viability of the population.

Interior Fraser Coho

Salmonidae: *Oncorhynchus kisutch*

SARA Status:

- Not listed

COSEWIC History:

- Designated Endangered in May 2002. Status re-examined and designated Threatened in November 2016.

Reason for Designation:

- Population has experienced declines in excess of 60% in number of individuals due to changes in freshwater and marine habitats and to overexploitation.
- Reductions in fishing pressure may be insufficient or not maintained, that marine survivorship may not improve, that habitat loss or deterioration in the watershed is continuing, and that use of hatcheries threatens recovery.

Threats:

- Excessive removals occurred in the early 1990s when the impacts of fishing and concomitant declines in productivity were not yet evident to managers.
- Note: fishing mortality was dramatically reduced in Canada to the current 3-5% exploitation rate (USA is permitted up to 10% under the Pacific Salmon Treaty)
- Ongoing disturbance of the freshwater habitat and introduction of invasive non-native species pose a continuing threat.

Okanagan Chinook

Salmonidae: *Oncorhynchus tshawytscha* Walbaum

SARA Status:

- Not listed

COSEWIC History:

- Designated Endangered in an Emergency Assessment in May 2005. Status re-examined and designated Threatened in April 2006. Status re-examined and designated Endangered in April 2017.

Reason for Designation:

- It is the only Columbia River Basin Chinook population in Canada, and is geographically discrete and genetically distinct from other Canadian Chinook populations.
- Although there has been a slight increase in the population, the number of mature individuals in the population remains very low, varying between 19 – 112 individuals in the last 4 years.

Threats:

- Construction of multiple dams along the Columbia River migration route combined with historical overfishing in the Columbia River and the ocean have greatly reduced population size.
- Poor marine survival, deterioration in the quality of Canadian spawning habitat, and non-native predators and competitors have contributed to the current depleted state of the population.
- Note: Currently there is potential for Chinook salmon from wild populations and hatcheries in the upper Columbia River to stray into the Okanagan River. Genetic similarities could provide a rescue effect.

Fraser Sockeye

Salmonidae: *Oncorhynchus nerka*

SARA Status:

- Cultus Lake: Not Listed. All other DUs: No status (not previously assessed)

COSEWIC History:

- Assessment performed November 2017. 23 of the 24 DUs were newly assessed, resulting in seven Endangered, two Threatened, and five Special Concern. One DU, Cultus Lake, had been assessed as Endangered in 2003, and was re-examined and confirmed as Endangered.
- Note: there is close alignment between Wild Salmon Policy integrated biological status assessment conducted by DFO and COSEWIC assessment.

Reason for Designation:

- COSEWIC Assessment not yet posted

Threats:

- COSEWIC Assessment not yet posted

Thompson & Chilcotin Steelhead

Salmonidae: *Oncorhynchus mykiss*

SARA Status:

- No status (not previously assessed)

COSEWIC History:

- Currently undergoing Emergency Assessment by COSEWIC, as per S.28 of SARA

Reason for Designation:

- COSEWIC Assessment not yet performed

Threats:

- COSEWIC Assessment not yet performed

Southern BC Chinook

Salmonidae: *Oncorhynchus tshawytscha* Walbaum

SARA Status:

- No status (not previously assessed)

COSEWIC History:

- To undergo COSEWIC assessment in Fall 2018

Reason for Designation:

- COSEWIC Assessment not yet performed

Threats:

- COSEWIC Assessment not yet performed