

# FINDING A BALANCE Sustaining a fishing industry while meeting the requirements of SARA.

BY TIM LYNCH

Attending Fisheries and Oceans Canada dialogue sessions on the impact of Species at Risk (SARA) legislation on the fishing industry, one has to be impressed with the collegial candour of the discussions taking place between DFO employees and fishers of all stripes. Valuable front-line experience detailing movement of fish stock, tidal patterns and coastal geographical characteristics were shared and willingly incorporated into backroom software computer models. Notwithstanding other differences of opinion, there appears to be a mutual common interest between both parties over the preservation and enhancement of fish stock. These dialogue sessions are designed to find the common path along which all parties can move forward together.

To facilitate constructive dialogue at these sessions exhibits were presented and knowledgeable people were available to discuss the issues related to Rockfish / Lingcod, Cultus and Sakinaw Lake sockeye and Interior Fraser Coho. Extensive documentation is available that outlines the ongoing recovery strategies and plans for these species of fish on the West Coast.

Figure 1 was presented at the session to portray the dialogue, recovery strategies and management process currently underway; the dialogue sessions being held in Burnaby and across the province are illustrated in the Community Consultation section of Figure 1. Clearly both SARA and the Fisheries Act were seen as being complementary and to some degree synonymous in their purpose and mission to manage the preservation of aquatic species.

Public, First Nations and private-sector representatives present at the session stated their concerns about how the legislation would impact their interests. All viewpoints expressed were assessed in the context of how each group would be affected by the actions to preserve endangered species. The information from these sources is funnelled into policy directives that will achieve the goals of SAR legislation.

Given the complexity of the impact of SARA on so many aspects of Canadian society, both internal and external government committee structures are needed. Reference was frequently made to concerns about the relationships between federal and provincial government authorities. One participant noted that farming along the Fraser River shoreline was probably having considerable impact on fish habitat and inquired about the degree to which provincial agricultural ministry was involved in SARA. Similar concerns were expressed about the relative involvement of local municipal authorities as well as federal jurisdictional responsibilities around ports and the marine craft that use the waterways.

All agree that SARA's progress must be driven by good science along with consideration of local history and culture. As shown in Figure 1, the process of assimilating and evaluating this science must be guided by international criteria; like fish, science functions independently from man-made national geo-political boundaries. In the Canadian context this process is managed through the Committee on the Status of Endangered Wildlife in Canada (COSWIC). The work of COSWIC entails determining the national status of wild species, subspecies, varieties and nationally significant populations that are considered to be at risk of extinction in Canada. It reports its assessments to the Endangered Species Conservation Council (CESCO) and to the Canadian public. This process occurs independently and must be publicly transparent; it relies on being able to obtain the best available information on the biological status of species and complementing scientific insight with community and Aboriginal traditional knowledge.

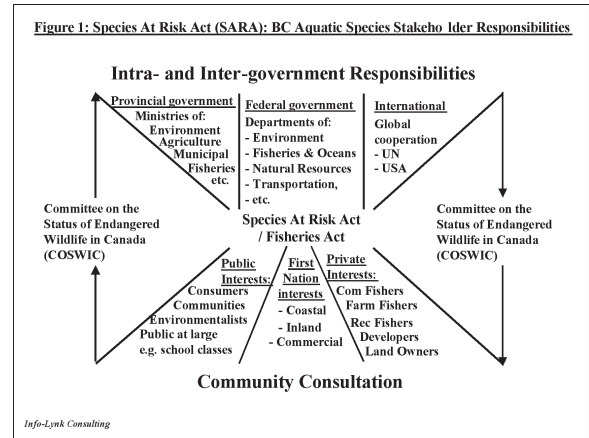


Figure 1 has incorporated input from the Fisheries and Oceans' dialogue session in Burnaby. John Davis, Special Advisor to the Deputy Minister on Species at Risk Act, Pacific Region, agreed to answer the following questions facing federal and provincial officials as they implement SARA:

*What is the mechanism through which SARA is being managed nationally?*

There are two Ministerial Councils that meet regularly with the Minister of Fisheries and Oceans: The Canadian Council of Fisheries and Aquaculture Ministers (CCFAM) and the Atlantic Council of Fisheries and Aquaculture Ministers (ACFAM). The councils include the ministers responsible for fisheries and aquaculture for all provinces and territories. Each council holds annual meetings and has a supportive Deputy Minister-level subcommittee that also meets annually. The Councils often form task groups and at the last meeting of CCFAM in Whitehorse, YT, a task group was created to discuss Aquatic Species at Risk. My office serves to help advance issues. The task group will help guide collaborative implementation of SARA legislation, as well as identify key issues and make recommendations to the Ministers. The group will give a progress report at next fall's CCFAM meeting and a final report to Ministers in the fall of 2006.

*Could you clarify the relationships between the Ministry of the Environment and DFO with respect to SARA and the Fisheries Act?*

The Minister of Environment is the lead Minister responsible for the SARA legislation. Under SARA, the Minister of Fisheries and Oceans is the "competent Minister" for aquatic species; in other words, all aquatic species come under the DFO Minister's authority. The two ministers work together and cooperate under SARA. The Fisheries Act has broad powers to manage fisheries, protect stocks and manage habitat, and is complemented by SARA. The easiest way to look at this is that the two pieces of legislation are complementary with SARA providing additional tools in the form of listing, recovery strategy development, protection for species at risk, etc. One does not replace or diminish the other.

*What is DFO doing to involve local groups and organizations along the Fraser River system and how transparent is this process?*

DFO works with many organizations and groups at many levels, from small stream keeper groups doing habitat and stock rehabilitation in creeks and water-bodies to many First Nations and band councils, fisher's organizations, etc. These groups are active in addressing issues and in planning initiatives associated with the Fraser system, which face major challenges due to development, agriculture, waste

discharges, transportation, fisheries, First Nations activities and aspirations, etc. Generally, groups such as these meet regularly, have a broadly representational structure, identify key areas for emphasis and try to coordinate activities of various organizations, levels of government, etc. Our staff members actively participate in these deliberations and bring the DFO contributions and perspective to the table. I think the broad directions and activities of the groups are quite transparent. Any inquiry could be directed to various publications and most likely to some web sites that support these organizations and processes.

*How is DFO dealing with the inter-government and multi-sector nature of the work around SARA at the provincial level, particularly with respect to such ministries as Agriculture, Environment, Fisheries and Municipal Affairs? Could you comment on what the adversarial issues you are facing in BC in such councils?*

We are involved in a number of activities with the province and need to work with the various ministries responsible for activities around water and fish, as well as with the Provincial Treaty authorities. Recently, the Minister formed a Pacific Council of Ministers that meets regularly and will be a good forum for high-level discussions on issues. Periodically, the Minister also meets with his provincial colleagues bilaterally, as well as at CCFAM as described above. Senior officials also meet regularly and address issues of interest and concern, such as aquaculture and habitat matters, aboriginal issues, fisheries issues, etc. At the official level, on many fronts there is regular dialogue on specific issues; this is essential because we share jurisdiction. In the field, our enforcement staff work closely with provincial enforcement staff, sharing information and keeping each other informed on areas of mutual interest.

*How is the farm fishing industry likely to impact on the SARA mission and environmental issues generally? Does DFO have sufficient powers within its Fisheries Act to address any concerns that may arise, or are such matters handled within provincial legislation?*

SARA requires a case-by-case consideration of factors affecting a given species or population. If fish farming was judged to be a concern for a given species or population being considered under SARA, the recovery team would identify this as part of its problem identification and make recommendations on the nature of the problem and the risk. A good example might be a proposal to locate a fish farm close to productive abalone areas. These shellfish are protected under SARA and SARA considerations would be taken into account when the site application for the fish farm was reviewed. This is also a good example of the Fisheries Act being used to complement SARA.

*What are the international ramifications of SARA and the protection of aquatic species? Could you address this question in terms of Canada/US relations as well as UN obligations?*

Canada signed the UN Convention on Biological Diversity in 1992, in which countries committed to protect endangered and threatened wildlife. In 1996 governments across Canada signed the Accord for the Protection of Species at Risk, agreeing to work together on legislation, programs and policies to protect wildlife species at risk throughout Canada. At least six provinces now have legislation in place to protect species at risk while others are developing legislation and programs. A National Aboriginal Council has also been formed to advise Ministers on SARA. Internationally, countries work jointly to address these issues

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under the UN Convention on Biodiversity. We also discuss SARA-related issues in fisheries with US agencies and have had joint presentations at the Canada-US Pacific salmon treaty forum from both sides, although to date each country addresses endangered species through domestic regulation. We share science and information with the US as we do with other countries.

In his concluding comment Mr. Davis stressed the contribution being made by a variety of granting groups and endowment funds. For example, the Pacific Salmon Foundation is contributing to the Action Plan to protect and rebuild Sakinaw sockeye salmon. Mr. Davis also stressed that modern approaches are being employed to track marine life through the Pacific Ocean Shelf Tracking (POST) project.

The Alfred P. Sloan Foundation funds the Census of Marine Life (CoML, [www.coml.org](http://www.coml.org)) projects. There are currently 13 CoML projects around the world. POST is one of them. POST is also receiving funding from the Gordon & Betty Moore Foundation. The POST project ([www.postcoml.org](http://www.postcoml.org)), managed through collaboration between DFO and the Vancouver Aquarium Marine Science Centre, develops, sets up, runs and maintains the tracking system used by scientists. Currently, scientists are submitting proposals for funding from various sources, including the Pacific Salmon Foundation (PSF) Endowment Funds, to use the POST tracking array (e.g. funds to buy acoustic tags) to answer questions on marine survival, life history, fitness comparisons of wild vs. hatchery salmon and population census studies.

In 2004 POST tagged over 1,000 smolts from seven river systems, including Coldwater coho, Cultus Lake and Sakinaw Lake sockeye – key Canadian salmon stocks with major conservation concerns. With the help of local fishermen, we installed 137 receivers along six major listening lines. The receivers stayed in place and the detection rates were over 90%. We recorded fish moving at two to three body lengths per second. The data challenge a number of previous assumptions on marine survival and differences between hatchery and wild smolt survival. Differences in survival and migration patterns between species and stocks within the same species were also noted. Mortality appears to occur throughout the freshwater and marine system with a steady attrition in numbers wherever we have measured. The 2004 lines also detected green sturgeon that traveled 480 km from California to Brooks Peninsula.

Work is underway to prepare for the establishment of a permanent system, capable of determining the migration tracks and survival of more than 250,000 tagged animals simultaneously, including sea turtles, sharks and marine mammals. The modular receiver units, which

will have a life span of five to 10 years, can also host sensors for measuring temperature, salinity and other oceanographic information. Small boats dragging hydrophones will periodically pass over the lines to retrieve the data from the receivers.

**Figure 2: The Pacific Ocean Shelf Tracking (POST) Concept.**

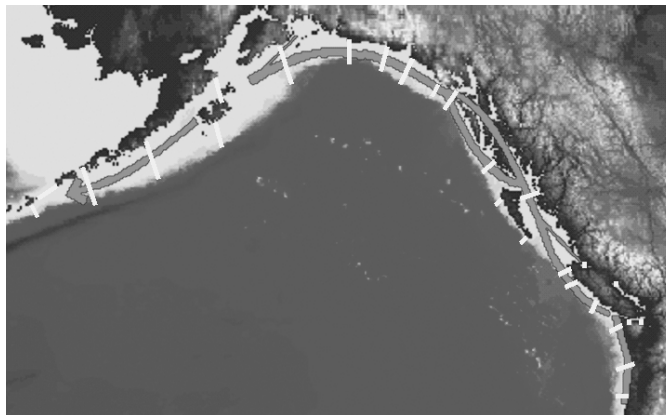



Figure 2 shows the conceptual outline of the POST vision. The red (dark) line along the shoreline is the area along the continental shelf slated for tracking the movement of salmon and other marine animals. The yellow lines (cross bars) are the locations where the receivers will be located along the continental shelf, and they will form the permanent tracking array. This system is practical and relatively inexpensive. Participating fishers will put the lines down and they will periodically drag a hydrophone behind their boats, which will talk to the receivers and download the data via acoustic signals; no cables or expensive equipment is involved.

The over-arching mandate of all federal agencies is to promote “peace, order and good government” across Canada. Through its institution of these dialogue sessions, and through facilitation of initiatives such as POST, Fisheries and Oceans Canada, working in partnership with many Canadians, is striving to live up to these aims. Clearly the common mission among all parties is to amend past errors so that our children will inherit a country that is close to the way it was when we inherited it from our parents.

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