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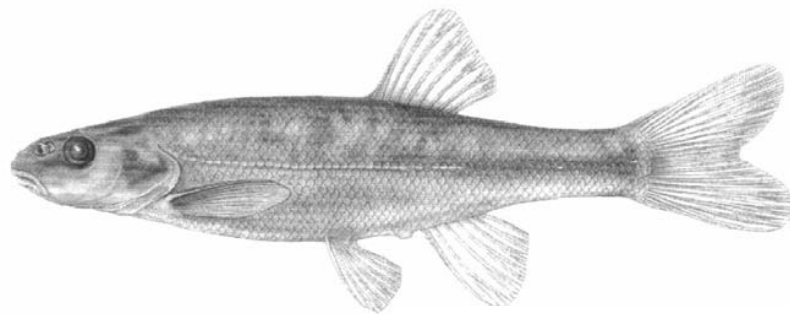
Canada



# SPECIES AT RISK ACT

2007 Legal Listing Consultation Workbook

## SPECKLED DACE, OKANAGAN CHINOOK AND NORTHERN FUR SEAL



Speckled dace (*Rhinichthys osculus*)

Illustration courtesy: Royal British Columbia Museum

# Species at Risk Act- Legal Listing of Aquatic Species Consultation Workbook

## 1.0 Objective of this Consultation

Your views are being sought to assist the Government of Canada in making an informed decision on whether to add any or all of the following three aquatic species to Schedule 1 (List of Wildlife Species at Risk) of the Species at Risk Act (SARA). The species have been designated by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC), and include: Speckled Dace (Endangered), Northern Fur Seal (Threatened), and Okanagan Chinook (Threatened).

This workbook provides background information on SARA and the three species being considered for legal listing. At the end of this workbook, questions are provided to guide your feedback. Please complete any or all of the questions starting on page 12 and provide any additional comments you feel are relevant. Your ideas, knowledge, and advice are important to this process and will help the Government of Canada assess the impacts of adding any or all of these three species to Schedule 1.

A downloadable workbook, additional background information, references and contact information are available at:

[http://www-comm.pac.dfo-mpo.gc.ca/pages/consultations/consultation2006/main\\_e.htm](http://www-comm.pac.dfo-mpo.gc.ca/pages/consultations/consultation2006/main_e.htm) under: Species At Risk Act. For further information on how to submit your workbook please see page 11.

To make sure your comments are considered, please send in your submission by February 28<sup>th</sup>, 2007.

## 2.0 What is the Species at Risk Act?

The *Species at Risk Act (SARA)* was created to ensure the survival of wildlife species and the protection of our natural heritage. It requires Canada to provide for the recovery of species at risk due to human activity, and to manage species of special concern to make sure they do not become endangered or threatened. It provides protection for species, their residences and critical habitat.

## 2.1 Legal Listing - What does this mean?

A species is not protected under SARA until it is included in the List of Wildlife Species at Risk (Schedule 1 of the Act).

Following receipt of COSEWIC assessments and public consultations, the federal government must do one of the following:

- a) Accept the assessment and add the species to the List;
- b) Decide not to add the species to the List; or
- c) Refer the current assessment back to COSEWIC for further information or consideration.

The decision on whether to add the species to the list takes into account the COSEWIC assessment, information received from consultations and factors such as the potential social and economic impacts of the listing.

Once a species is legally listed as extirpated, endangered, or threatened, specific protection measures come into effect barring any harmful actions against species and their residences. In addition, a recovery process must be completed within prescribed timelines.

SARA prohibitions only apply to species listed as extirpated, endangered and threatened, and not to species of special concern. Further, existing protections and prohibitions, such as those authorized by the Fisheries Act, Migratory Birds Convention Act and the Canada National Parks Act, continue to be in force.

## 2.2 Protection

Once species are legally listed as extirpated, endangered or threatened, automatic prohibitions apply. SARA has general prohibitions against killing, harming, taking, possessing, capturing, collecting and damaging or destroying the residences of species that are legally listed. SARA defines a residence as: *a dwelling-place, such as a den, nest or other similar area or place, that is occupied or habitually occupied by one or more individuals during all or part of their life cycles, including breeding, rearing, staging, wintering, feeding or hibernating*. There is a need to define more explicitly what a residence is in the case of aquatic species, and to determine whether the term applies to each species.

## 2.3 Recovery and Management Planning

The recovery process is designed to improve the status of species at risk. There are two parts to the recovery planning process for species listed as either extirpated, endangered, or threatened: 1) the development of a recovery strategy, which identifies threats to the species, describes recovery objectives for that species, and identifies the species' critical habitat; 2) and the development of an action plan, which describes activities to be carried out to promote the recovery of the species. Action plans are the method used to implement the recovery strategies. Recovery

strategies and action plans are only developed for species listed as extirpated, endangered or threatened. For species of special concern, management plans are to be developed (or existing plans may be adopted if adequate) outlining conservation measures and species' habitats.

The timeline for recovery strategies will be one year from the time of legal listing for endangered species, two years for species listed as extirpated or threatened, and three years for species of special concern.

### 3.0 Information on Species Designated by COSEWIC

The rest of this workbook is structured to provide you with specific information on each of the three COSEWIC-proposed species that are being considered for legal listing. Information is provided on COSEWIC status, distribution and biology, the reason for designation by COSEWIC, potential protective measures, and impacts. For the full status report for each species, including the threats and limiting factors, please visit: [www.sararegistry.gc.ca](http://www.sararegistry.gc.ca).

When discussing any impacts associated with legally listing a species, it is important to consider what impacts could result from management actions implemented to:

- comply with the automatic prohibition provisions in the Act for species listed as extirpated, endangered, and threatened; and
- achieve recovery objectives.

In general, actions taken to comply with automatic prohibitions are immediate, while those implemented to achieve the recovery objectives are longer term. A recovery plan will likely expand the initial management measures taken to protect the species and its critical habitat for species listed as extirpated, endangered, or threatened. Any additional or expanded measures will only be implemented after further consultations.

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3.3 Chinook Salmon Okanagan Population (Threatened)	pg. 9

### 3.1 Speckled Dace (*Rhinichthys osculus*)

**Status:** Endangered

**Last Examination  
by COSEWIC:** April 2006

**Species biology  
and distribution:** The Canadian Speckled Dace differs morphologically and genetically from populations in the United States, due to Cascade Falls (30 metres) acting as a natural barrier to upstream migration, allowing the Canadian lineage to evolve in isolation.

Speckled Dace are found in larger bottom substrates of riffle habitats and shallow stream edge habitats. They are small minnows, ranging between 7-9 cm in length. Though no spawning behavior or sites have been documented in BC, spawning is thought to occur in mid-July, with newly emerged fry appearing in early August. Speckled dace live up to four years.

**COSEWIC Reason  
for Designation:** The Canadian population is assessed as endangered because of its small population, restricted distribution, and potential declines due to habitat degradation. The population size is thought to be declining based on inferred trends in the amount of limiting habitat. Speckled Dace in Canada is estimated to occur only in parts of the Kettle River system (Kettle, West Kettle and Granby rivers) in southern British Columbia. However, additional survey work may indicate that abundance and distribution within the Kettle River system is greater than currently estimated.

**Possible  
Protective  
Measures and  
Impacts:** No immediate impacts from the Act's general prohibitions are expected. However, because activities that cause habitat loss are the main threat to the species, future recovery will mean that these activities may need to be reduced, changed or managed differently. Reduced water flows and degraded water quality from agriculture, industry and urban development are considered the main threats.

Examples of recovery measures to comply with future

potential recovery planning objectives may include:

- Changes in treatment of industrial, agricultural, and municipal effluents and pollution
- modification to existing water withdrawal, irrigation and flood control measures
- restrictions on instream and riparian activities
- ongoing research and monitoring of population status, biology, critical habitat, and threats

Therefore, potentially affected stakeholders may include operations extracting water from the parts of the Kettle river system that impact Speckled Dace habitat. Operations discharging effluents into these parts of the Kettle river may also be impacted.

The proposed hydroelectric project at Cascade Falls is not expected to be impacted significantly by these measures, because its recent redesign has taken habitat threats into account.

It should be noted that recovery measures would be developed through the management planning process and implemented after further consultation.

Benefits of protection and recovery of this population would include the preservation of a unique component of Canada's natural history. As well, the Kettle River and the biodiversity it supports have important cultural value to the aboriginal community who live in the area. Speckled Dace are key to this biodiversity as they play an ecological role as predators on aquatic invertebrates and as prey for larger vertebrates. The species can also be considered an indicator of good water quality and any recovery plan for Speckled Dace will include actions to maintain or improve water quality, which will also improve the welfare of humans and other species in the Kettle River ecosystem.

### 3.2 Northern Fur Seal (*Callorhinus ursinus*)

**Status:** Threatened

**Last Examination  
by COSEWIC:** April 2006

**Species biology  
and distribution:** The Northern fur seal is Canada's only fur seal species. Ranging from central Japan and the Aleutian Islands, and the Gulf of Alaska down to the U.S. - Mexico border, the species exists in Canada's Pacific coastal waters mainly off the continental shelf during winter and spring. These offshore waters are used by the species for over-wintering and migration. Individuals found off the BC coast are believed to come mostly from breeding grounds in the eastern Bering Sea (USA). Breeding does not occur in Canada.

The Northern fur seal is the smallest pinniped on Canada's West Coast, with males reaching sizes of up to 1.5-2.0 metres, and 100-200 kgs, while females are much smaller in size and weight. Fur colour varies from black to reddish brown on males, and gray-brown on females, though both sexes have brown underfur. Mating and breeding takes place between May and August, while pups are nursed until late October/early November. Predators for the species include killer whales and large sharks, while pups are additionally preyed upon by Steller sea lions and foxes.

**COSEWIC Reason  
for Designation:** The Pribilof Islands population makes up approximately three quarters of the world population of northern fur seals. It migrates to and from the Bering Sea through British Columbia waters and numbered about 629,000 animals in 2004. Although still relatively large, the population, as inferred from pup counts, has declined by 54% over three generations (1974-2004). The rate of decline has been particularly rapid since 1998, but the reasons for the decline are unknown. Entanglement in marine debris, disturbance, pollution, and environmental changes are thought to be contributing factors. Little is known about possible limiting factors in British Columbia and other regions where fur seals migrate. The population has rebounded from small numbers in the past.

**Possible  
Protective  
Measures and  
Impacts:**

No immediate impacts from the implementation of the Act's general prohibitions are expected. Currently, the Northern fur Seal is protected by the Marine Mammal Regulations under the Fisheries Act, which prohibits disturbance. Guidelines for marine mammal viewing have also been developed to protect marine mammals from disturbance.

Examples of recovery measures to comply with future potential recovery planning objectives may include:

- additional research on interactions between fisheries and fur seals, and prey availability
- conducting research on potential threats to the species and the level of impact of various human activities
- establishing guidelines for those who wish to carry out research on the species or in areas of sensitive habitat

Therefore, potentially affected stakeholders may include the fishing sector and others who may impact prey availability.

It should be noted that recovery measures would be developed through the management planning process and implemented after further consultation.

Benefits of protection and recovery of this population would include the preservation of a unique asset to our environmental heritage, as northern fur seals are the only fur seals in Canada. As well, as part of a larger ecosystem, northern fur seals play a role in the maintenance of this ecosystem. Northern fur seals are harvested (under DFO licence) by aboriginal communities for subsistence use and have important cultural value for these communities.



### 3.3 Chinook Salmon Okanagan Population (*Oncorhynchus tshawytscha*)

**Status:** Threatened

**Last Examination  
by COSEWIC:** April 2006

**Species biology  
and distribution:** The Okanagan population of chinook salmon appears to occur only in Canada in the Okanagan River, a tributary to the Columbia River. Currently, the population's northern limit is the McIntyre Dam, near Oliver, BC, and its southern limit may be the north basin of Osoyoos Lake, immediately north of the BC border with Washington State. The population's anadromous members migrate from the Pacific Ocean, through the Columbia River to Okanagan River and Osoyoos Lake, while the non-anadromous animals reside in Osoyoos Lake.

The Okanagan Chinook spawn around the third week of October, and fry rear in the Okanagan River and/or Osoyoos Lake from weeks up to more than a year. The anadromous members of the population likely exit Osoyoos Lake around April/May or in early July. The marine phase of their life history ranges from 1-3 years, with adults returning primarily as four or five year olds. Some Okanagan chinook appear not to migrate, instead residing in Osoyoos Lake. Their reproductive success is unknown.

**COSEWIC Reason  
for Designation:** The Okanagan chinook population is designated as threatened due to its reduced and restricted distribution resulting from the McIntyre Dam; its small population size, and a number of threats including direct loss of migrating juveniles and adults to injury and predation at the mainstem dams and their impoundments; indirect losses due to migration delays; loss of access to habitat upstream of McIntyre Dam; and water quality issues in spawning and rearing habitats.

**Potential  
Protective  
Measures and  
Impacts:** Stakeholders may be impacted from compliance with general prohibitions, development and implementation of a recovery plan, and the identification of critical habitat.

Examples of recovery measures to comply with future potential recovery planning objectives may include:

- restrictions on ocean and in-river fishing of the Columbia River Summer chinook stock
- changes to water management at McIntyre Dam and other water use facilities
- modification to existing irrigation and flood control measures
- restrictions on instream and riparian activities
- changes in treatment of industrial, agricultural, and municipal effluents and pollution
- ongoing research and monitoring of population status, biology, critical habitat, and threats

Therefore, potentially affected stakeholders may include the commercial and recreational fishing sectors, seafood processors, the tourism sector and others.

It should be noted that management measures will be developed through the recovery planning process, and implemented after further consultation.

Benefits of protection and recovery of this population would include the conservation of a unique and valuable component of the area's aboriginal community culture, and potential opportunities for food, social, and ceremonial (FSC) harvest to the Okanagan Nation.

## Contact Information

If you have questions about the *Species at Risk Act* or the consultation process, or would like to submit a workbook please feel free to contact us.

**Mail:**

Fisheries and Oceans Canada  
Attn: Species at Risk Consultations  
200 - 401 Burrard Street  
Vancouver, BC  
V6C 3S4

**Tel:** (604) 666-2792

**E-mail:** [sara@pac.dfo-mpo.gc.ca](mailto:sara@pac.dfo-mpo.gc.ca)

**In Person:** Any Fisheries and Oceans Office

## 4. Consultation Workbook Survey

The government's decision on whether or not to list a species under the Species at Risk Act will be based on a full description and understanding of the costs and benefits protection and recovery may have on First Nations, individuals, organizations, industries and Canadian society in general. Legally listing a species may provide additional benefits through species recovery and/or may cause disruption in your ability to access the species. SARA prohibitions only apply to species listed as extirpated, endangered, or threatened, and not to species of special concern. Please see section 2.2 of this workbook for further information on SARA prohibitions.

Individuals value the existence of a species for many reasons, including harvest for food, social and ceremonial, income or recreational purposes for present and future generations; the role it plays within the ecosystem in maintaining a healthy, diverse environment; and scientific and academic research. The purpose of this survey is to better understand your values, opinions and preferences in regards to legal listing of the species discussed in this workbook.

The options available for submitting the workbook survey are:

1. Submit written responses at the consultation sessions.
2. Download a Word version of the workbook at:  
[http://www-comm.pac.dfo-mpo.gc.ca/pages/consultations/consultation2006/main\\_e.htm](http://www-comm.pac.dfo-mpo.gc.ca/pages/consultations/consultation2006/main_e.htm)  
and e-mail completed electronic versions to: [sara@pac.dfo-mpo.gc.ca](mailto:sara@pac.dfo-mpo.gc.ca)
3. Download a Word or .pdf version of the workbook, fill it out by hand and fax to: 604-666-3341, or mail to the address above.

Workbooks must be submitted by February 28<sup>th</sup>, 2007.

## 2. Questionnaire

### Contact Information (optional):

Name: \_\_\_\_\_ Affiliation: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

### 1) Which sector(s) do you represent? Check all that apply.

- ☐ Academic
- ☐ Commercial Fishing/Processing/Sales
- ☐ Agriculture
- ☐ Forestry
- ☐ Recreational Fishing
- ☐ Environmental Organization
- ☐ Government
- ☐ Stewardship Group
- ☐ Tourism
- ☐ Other \_\_\_\_\_

### 2) Are you familiar with the Species at Risk Act? Yes ☐ No ☐ Check all that apply.

- ☐ Not familiar
- ☐ I have read all or part of the Act
- ☐ I have received written information (e.g. pamphlets)
- ☐ I have participated in information and/or consultation sessions
- ☐ I have received information from the media
- ☐ Other

### 3) Have you read the COSEWIC status report for any of the 3 aquatic species being considered for legal listing?

Speckled Dace	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Northern Fur Seal	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Okanagan Chinook Salmon	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

4) Where do you reside?

- British Columbia
- ☐ North Coast BC
  - ☐ Central Coast BC
  - ☐ Vancouver Island
  - ☐ Sunshine Coast
  - ☐ Lower mainland
  - ☐ Interior BC
  - ☐ Other In BC \_\_\_\_\_
  - ☐ Outside British Columbia

5) For each species below, please indicate your support for, or against, legal listing. A species is not protected under SARA unless it is legally listed, which means included in the List of Wildlife Species at Risk.

	YES Legal List	NO Don't list	Undecided	Not familiar with species
Speckled Dace	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Northern Fur Seal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Okanagan Chinook Salmon	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

6) If a species is legally listed, a recovery process would automatically start for the species. Recovery measures could curtail activities that negatively affect the species (*see the summary of each species for examples*). In your opinion, what would be the effects of future recovery efforts for each of the following species on you and your family? Please check one box per species.

	Substantial benefits	Moderate benefits	No effects (no benefits & no costs)	Moderate costs	Substantial costs
Speckled Dace	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Northern Fur Seal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Okanagan Chinook Salmon	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

7) Are you of First Nations descent?

- ☐ Yes ➡ Did you participate in or were you able to access any of the species being considered for legal listing (those listed in Q.1) for Food, Social and Ceremonial purposes? ☐ Yes ➡ Which species? \_\_\_\_\_
- ☐ No ☐ No \_\_\_\_\_

8) For which species are you answering the question below? *(This question is repeated at the end of the survey in case you would like to answer for more than one species)*

- ☐ Speckled Dace  
☐ Northern Fur Seal  
☐ Okanagan Chinook Salmon  
☐ All of the above species

Please select one of the following for each statement below:

	STRONGLY DISAGREE	SOMEWHAT DISAGREE	INDIFFERENT	SOMEWHAT AGREE	STRONGLY AGREE
I believe this species needs special protection or care from human interactions and/or activities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I believe protection of this species will have a positive effect on my business/career.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I believe listing is the best way to have the Government of Canada allocate federal funding to support recovery of this species.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	STRONGLY DISAGREE	SOMEWHAT DISAGREE	INDIFFERENT	SOMEWHAT AGREE	STRONGLY AGREE
I believe a legal listing of this species may restrict my recreational, employment or personal activities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I am prepared to suffer a loss in revenue to protect a species at risk.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I value this species even though I may never see one personally.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please specify any additional reasons for your decision to either support or oppose listing of this species. In particular, please provide information that you feel the Government of Canada should use in making its decision.

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\*\*\*\*Workbooks must be submitted by Wednesday, February 28, 2007

If you wish to fill in another questionnaire for a different species, an additional blank questionnaire follows this page.

8) For which species are you answering the question below?

- ☐ Speckled Dace
- ☐ Northern Fur Seal
- ☐ Okanagan Chinook Salmon
- ☐ All of the above species

Please select one of the following for each statement below:

	STRONGLY DISAGREE	SOMEWHAT DISAGREE	INDIFFERENT	SOMEWHAT AGREE	STRONGLY AGREE
I believe this species needs special protection or care from human interactions and/or activities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I believe protection of this species will have a positive effect on my business/career.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I believe listing is the best way to have the Government of Canada allocate federal funding to support recovery of this species.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



	STRONGLY DISAGREE	SOMEWHAT DISAGREE	INDIFFERENT	SOMEWHAT AGREE	STRONGLY AGREE
I believe a legal listing of this species may restrict my recreational, employment or personal activities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I am prepared to suffer a loss in revenue to protect a species at risk.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I value this species even though I may never see one personally.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please specify any additional reasons for your decision to either support or oppose listing of this species. In particular, please provide information that you feel the Government of Canada should use in making its decision.

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*THANK YOU*

## Appendix 1: Glossary of Terms

**Action Plan:** A document that sets out specific ways to put a recovery strategy into effect.

**Aquatic species:** All ‘fish’ including:

- a) parts of fish;
- b) shellfish, crustaceans, marine animals, and any parts of shellfish, crustaceans, or marine animals; and
- c) the eggs, sperm, spawn, larvae, spat, and juvenile stages of fish, shellfish, crustaceans, and marine animals.

**Competent Minister:** The Minister of Fisheries and Oceans is the competent minister for listed aquatic species. The Minister of the Environment, through Parks Canada Agency, is the competent minister for listed species found in national parks, national historic sites, and other national protected heritage areas. The Minister of the Environment is also the competent minister for all other listed species and for the overall administration of the law.

**COSEWIC:** Committee on the Status of Endangered Wildlife in Canada.

**Critical habitat:** The habitat that is necessary for the survival or recovery of a listed wildlife species and that is identified as the species’ critical habitat in the recovery strategy or action plan.

**Habitat:** In respect to aquatic species, spawning grounds and nursery, rearing, food supply, migration, and any other areas on which aquatic species depend directly or indirectly in order to carry out their life processes, or areas where aquatic species formerly occurred and have the potential to be reintroduced.

**Endangered species:** A wildlife species that is facing imminent extirpation or extinction.

**Extirpated species:** A wildlife species that no longer exists in the wild in Canada, but exists elsewhere in the wild.

**Recovery Strategy:** A document prepared by the competent minister in cooperation and consultation with other governments, wildlife management boards, Aboriginal organizations, landowners, and others who are likely to be affected by the strategy. It identifies the population goal and objectives, and broad recovery approaches to abate threats.

**Species of special concern:** A wildlife species that may become a threatened or endangered species because of a combination of biological characteristics and identified threats.

**Threatened species:** A wildlife species that is likely to become an endangered species if nothing is done to reverse the factors leading to its extirpation or extinction.