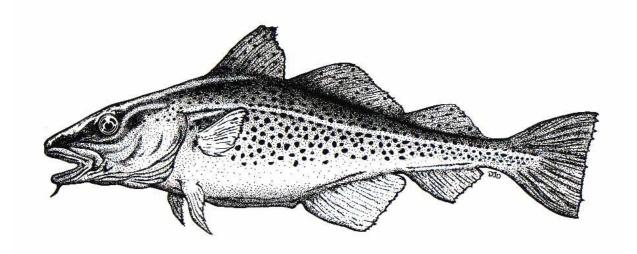


Fisheries and Oceans Pêches et Océans Canada

Canada

# SPECIES AT RISK ACT

# Legal Listing **Consultation Workbook**



# **Atlantic Cod** (Gadus morhua)

Laurentian North Population of **Atlantic Cod** (4RS3Pn3Ps)





# Addition of species to the Species at Risk Act

### **Introductory Information**

### The Species at Risk Act

The Species at Risk Act (SARA) strengthens and enhances the Government of Canada's capacity to protect Canadian wildlife species, subspecies and distinct populations that are at risk of becoming Extinct or Extirpated. The Act applies only to species on the SARA list.

Openness and transparency, including public consultation, is required in making decisions about which species should be included on the SARA list. The process begins with the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) assessing a species as being at risk. Upon receipt of these assessments, the Minister of the Environment, in consultation with the Minister of Fisheries and Oceans, has 90 days to report on how he or she intends to respond to the assessment and to the extent possible, provide timelines for action. Subsequent to the consultative process, a recommendation to the Governor in Council on whether to add certain species to the SARA list or to refer them back to COSEWIC is generated. Once a species is added to the SARA list, specific actions must be taken within specified time periods to help ensure that species' protection and recovery.

### Public consultation

The Government of Canada proclaimed the Species at Risk Act on June 5, 2003 as part of its strategy for the protection of wildlife species at risk. Attached to the Act is Schedule 1, the list of the species that receive protection under SARA, commonly referred to as the 'SARA list'.

The existing SARA list reflects the 233 species the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) had assessed and found to be at risk at the time of the reintroduction of SARA to the House of Commons on October 9<sup>th</sup>, 2002.

For more information on SARA visit <u>www.sararegistry.gc.ca</u>.

### Role of COSEWIC

COSEWIC comprises experts on wildlife species at risk. Their backgrounds are in the fields of biology, ecology, genetics, aboriginal traditional knowledge and other relevant fields, and they come from various communities, including government, academia, Aboriginal organizations and non-government organizations.

Initially, COSEWIC commissions a Status Report for the evaluation of the conservation status of a species. To be accepted, status reports must be peer-reviewed and approved by a subcommittee of species specialists. In special circumstances assessments can be done on an emergency basis.



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COSEWIC then meets to examine the status report, discuss the species and determine whether or not the species is at risk, and if so, assess the level of risk.

For more information on COSEWIC visit www.cosewic.gc.ca

# Terms used to define the degree of risk to a species

The degree of risk is categorized according to the terms Extirpated, Endangered, Threatened and Special Concern. A species is assessed by COSEWIC as Extirpated when it is no longer found in the wild in Canada but still exists elsewhere. It is Endangered if it is facing imminent extirpation or extinction. An assessment of Threatened means that the species is likely to become Endangered if nothing is done to reverse the factors leading to its extirpation or extinction. COSEWIC assesses a species as Special Concern if it may become a Threatened or Endangered species because of a combination of biological characteristics and identified threats.

### New assessments

Since October 9<sup>th</sup>, 2002, COSEWIC has assessed or reassessed additional species as being at risk, making them eligible for addition to the SARA list. Of these, aquatic species are the responsibility of the Department of Fisheries and Oceans and terrestrial species are the responsibility of Environment Canada. Responsibility for species that occur in parks administered by the Parks Canada Agency (both terrestrial and aquatic) is shared between the Parks Canada Agency and either Environment Canada or the Department of Fisheries and Oceans.

For more information on the Environment Canada consultations please see the SARA Public Registry www.sararegistry.gc.ca

SARA has been designed to conserve Canadian wildlife species and the habitats that support them. Public involvement is integral to the processes of listing species as being at risk and protecting Canadian wildlife. The best way to secure the survival of species at risk and their habitats is through the active participation of all those concerned. As such, your comments on this document will be given serious consideration.

### Purpose of the consultation

Having received the COSEWIC assessment of the species' status, the Minister of Fisheries and Oceans must provide the Minister of the Environment with a recommendation to the Governor in Council. This recommendation must be one of the following:

a) that the COSEWIC assessment
be accepted and the species be
added to the SARA list;
b) that the species not be added to
the SARA list; or
c) that the species be referred back
to COSEWIC for further information
or consideration.



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The Government of Canada is required to take one of these actions within nine months of the Governor in Council having received the assessment from the Minister of the Environment.

COSEWIC bases its assessments solely on the biological status of each species. However, consultation with Canadians regarding the potential social and economic impacts of the addition of each species to the SARA list will occur before the Government of Canada arrives at informed decisions on listing. Of particular interest in these consultations is the identification of the benefits and costs of adding each of the species to the list relative to the potential impacts on these species and on society of not adding them.

Therefore, before the government makes decisions regarding the SARA list, affected Canadians will have the opportunity to express their views and concerns. This consultation allows those affected to contribute to the government decision-making process.

# Role and impact of public consultation

The results of this public consultation are of great relevance to the entire process of listing species at risk. The comments received will be carefully reviewed and evaluated. They will then be documented in a Regulatory Impact Analysis Statement (RIAS). The RIAS is an integral part of the federal regulatory process and is published with all regulatory proposals in the Canada Gazette Part I.

Following initial consultations, a draft Order (an instrument that serves notice of a decision taken by the executive arm of government) proposing to list all or some of the species under consideration will be prepared. This draft Order will be published along with the RIAS in the Canada Gazette Part I for a comment period. Based on the outcome of the comment period, a recommendation to the Governor in Council on whether to add certain species to the SARA list or to refer them back to COSEWIC will be generated. The final decision will be published in Canada Gazette Part II and on the Public Registry.

Significance of the Addition of a Species to the SARA list

The protection that comes into effect following the addition of a species to the SARA list depends upon the degree of risk assigned to that species.

#### Protection for listed Extirpated, Endangered and Threatened species

Under the Act, prohibitions protect individuals of Extirpated, Endangered and Threatened species. These prohibitions make it an offence to kill, harm, harass, capture or take an individual of a species listed as Extirpated, Endangered or Threatened, or to damage or destroy the residence of one or more individuals (and the



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critical habitat, if and when identified) of an Endangered or a Threatened species. The Act also makes it an offence to possess, collect, buy, sell or trade an individual of a species that is Extirpated, Endangered or Threatened or a part or derivative of one. These prohibitions come into force when a species is listed on Schedule 1 of the SARA.

The focus of protection will be on those species for which the federal government has direct legal authority. The protection will be in force for all listed birds protected under the Migratory Birds Convention Act, 1994 and for listed aquatic species. The prohibitions will also apply to all listed species on federal lands.

For all other listed Endangered, Threatened and Extirpated species, the provinces and territories have the responsibility to ensure that they receive adequate protection.

Exceptions to the prohibitions on aquatic species may be authorized by the Minister of Fisheries and Oceans, provided that the survival or recovery of the species is not jeopardised. The Ministers may enter into agreements or issue permits only for (1) research relating to the conservation of a species or (2) for activities that benefit a listed species or enhance its chances of survival or (3) that incidentally affect a listed species.

### Protection for listed species of Special Concern

The prohibitions of SARA for species listed as Extirpated, Endangered and Threatened will not apply to species of Special Concern; however any existing protections and prohibitions, such as those authorized by the Migratory Birds Convention Act or the Canada National Parks Act, continue to be in force.

### Recovery strategies and action plans for Extirpated, Endangered and Threatened species

The addition of an Extirpated, Endangered or Threatened species to the SARA list triggers the requirement for the preparation of a recovery strategy and action plan which will be the subject of separate consultations.

Recovery strategies will be completed and made available on the SARA Public Registry to allow for public review and comment, within one year for Endangered and within two years for Threatened and Extirpated newly listed species.

Recovery strategies will address the known threats to the species and its habitat. They will identify areas where more research is needed and population objectives that will help ensure the species' survival or recovery, and will include a statement of the timeframe. Recovery strategies and action plans will identify, to the extent possible, the critical habitat of the species. Action plans will include measures to address threats, help the species



recover and protect critical habitat. Measures to implement the recovery strategy will also be identified in the action plan.

Recovery strategies and action plans will be prepared in cooperation with aboriginal organizations, responsible jurisdictions, and relevant management boards directly affected by them. Stakeholders affected by the recovery strategy will also be consulted.

### Management plans for species of Special Concern

For species of Special Concern, management plans will be prepared and made available on the Public Registry within three years of their addition to the SARA list, allowing for public review and comment. Management plans will include appropriate conservation measures for the species and for its habitat.

Management plans will be prepared in cooperation with aboriginal organizations, responsible jurisdictions, and relevant management boards directly affected by them. Stakeholders affected by the management plan will also be consulted.

# Public comments on the addition of species to the SARA list

The species described in this workbook has been assessed or reassessed by COSEWIC as a species at risk, and is being considered for addition to the SARA list. Please complete the survey and return in person or by regular mail to the address below. In order to consider your comments, responses are required no later than Nov. 19, 2004.

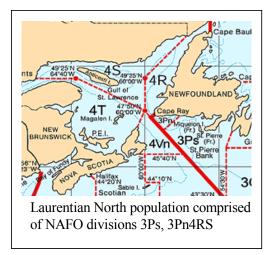
Resource Management- Species at Risk Unit 200 Kent Street- Stn 13S029 Ottawa, Ontario K1A 0E6

In addition to this survey, public meetings will be held throughout Atlantic Canada and Quebec\_during the consultation period.

If you would like more information on the other populations of Atlantic cod and/or wish to provide comments relating to the proposed additions of those populations to the SARA, please visit <u>www.sararegistry.gc.ca</u> to access an electronic version of the Atlantic cod consultation workbooks.

Your comments will be reviewed and used to consider whether or not to place each species on the SARA list.

### **Species Specific Information**



# Cod – Laurentian North population of Atlantic Cod (4RS3PN3Ps)

Cod in this population combine the stocks identified for management purposes by DFO as St. Pierre Bank (NAFO Division 3Ps) and Northern Gulf of St. Lawrence (NAFO Divisions 3Pn4RS). Respectively, these stocks are located north of the Laurentian Channel, along the south coast of Newfoundland and bordering Quebec.

### **COSEWIC** assessment

COSEWIC provides the following rationale for designating the Laurentian North population of Atlantic cod (4RS3Pn3Ps) as *threatened*:

"Cod in the Northern Gulf of St. Lawrence and along the south coast of Newfoundland comprise an assemblage of stocks within which there is considerable mixing. They are currently at low levels as a group and overall have declined by about 80% over the past thirty years. However, there is evidence that current levels of abundance are not unprecedented for cod along the south coast of Newfoundland, and the population there has been stable since 1974. Threats to persistence include fishing (now halted in the Northern Gulf), predation by fish and seals, and natural and fishinginduced changes to the ecosystem."

### Threats to cod

COSEWIC provides the following overview of threats for the cod:

1) "Fishing (including legal, illegal and unreported catches),representing a greater threat to Northern Gulf Cod."

2) "Fishing-induced and natural changes to the ecosystem, resulting in altered levels of inter-specific competition and predation, notably predation by seals and fish on Northern Gulf cod."

3) "Alteration of the bottom habitat by fishing gear represents a potential but unevaluated threat."

### **Protecting Cod**

If added to Schedule 1 of SARA, there would be prohibitions on killing, harming, harassing, capturing, taking, buying, or selling of individuals of the Laurentian North population of Atlantic cod. Only under certain circumstances could fishing for this population of cod be allowed. These reasons include: (1) scientific research that benefits the species, (2) activity that benefits the species or is required to enhance its chances of survival in the wild, (3)





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affecting the species is incidental to the carrying out of the activity, as long as the activity will not jeopardize the survival or recovery of the population. In cases where cod is taken as by catch in other fisheries, it may be difficult to limit catches of cod without affecting landings of the target species.

### **Potential Impacts on Stakeholders**

If added to the List of Wildlife Species at Risk, the Laurentian North population of Atlantic cod would be protected. If particular activities are assessed to be a threat to the survival and recovery of a listed species, management measures would be put in place to limit those activities and ensure the protection of species at risk.

These measures may lead to a variety of impacts on stakeholders, including additional costs. The following list of stakeholders is not exhaustive; please use this consultation as an opportunity to list omissions:

### Aboriginal

Management strategies that could affect aboriginal people fishing for commercial species in areas inhabited by cod may be considered.

### Fishing Industry

It is important to fully determine the extent of potential threats to cod by

any fishing activities. If a particular fishing activity is identified to be a threat to the survival and recovery of a listed species, management measures will be taken to address the threat. These measures could include increased fisheries closures, observer coverage in certain areas, closed areas, gear modifications, or other measures developed in collaboration with industry that will help prevent and minimize interactions.

### Oil and Gas Industry

The effects of the oil and gas industry on groundfish populations are poorly understood. Seismic testing may have a deleterious effect on demersal fish, eggs and larvae. Proposed oil and gas activities that fall under the Canadian Environmental Assessment Act (CEAA) will need to address the impacts on SARA listed species in accordance with this legislation.

### Research Activity

Those wishing to carry out research on the Laurentian North population of Atlantic cod or in areas of their habitat may be required to comply with strict guidelines. This may limit the types and/or durations of research permitted and may lengthen the preparation time required for planning research projects.





### References

COSEWIC 2003. COSEWIC assessment and update status report on the Atlantic cod Gadus morhua in Canada. Committee on the Status of Endangered Wildlife in Canada. Ottawa. xi + 76 pp.

### **SECTION II:**

# Consultation Workbook Survey – Laurentian North population of Atlantic Cod

The government's decision on whether or not to list a species under the Species at Risk Act (SARA) will be based on a full description and understanding of the costs and benefits of the impacts of protection and recovery on individuals, organizations, Aboriginal groups, industries, and Canadian society in general.

This survey form can be used to provide your opinions about listing the Laurentian North population of Atlantic cod under SARA as a threatened species. Comments are welcome from individuals of all backgrounds, whether you are engaged in activities that may be affected by Atlantic cod conservation efforts or are a citizen with an interest in Atlantic cod. For the purpose of this workbook survey, Laurentian North population of Atlantic cod means **4RS3Pn3Ps**.

# You should read the consultation workbook before completing these questions.

### About the Consultation Workbook Survey

The consultation workbook survey asks you to answer a series of questions that require reflection about your views relating to the conservation and recovery of Laurentian North population of Atlantic cod. There are a variety of question formats in this survey. There are also numerous opportunities for personal responses to further explain your views. If you would like to keep the introductory sections of this workbook, please feel free to detach this section and return only the survey.

### Please return your workbook by November 19, 2004, to:

Resource Management – Species at Risk Unit 200 Kent Street – Stn 13S029 Ottawa, Ontario K1A 0E6

If you would like more information on the other populations of Atlantic cod and/or wish to provide comments relating to the proposed additions of those populations to the SARA, please visit <u>http://www.sararegistry.gc.ca</u> to access an electronic version of the Atlantic cod consultation workbooks.

The information that you provide is important! We very much appreciate the time and effort you take to complete this survey!

#### 1. Which best describes you?

		Commercial Fisher			Private Sector
		Recreational Fisher			Academic
	_			_	
		Aboriginal			Government
		Fish Plant Worker			Non-Government Organization
		Forestry/Farming			Retired
		Oil and Gas			Other
		Professional Services			
2(a)	lf you	are a fisher, identify the NAFO D	ivision	of you	r homeport/residence:
	□ 2G	HJ 🗆 3K 🗆 3L 🗆 4R		3Pn	3Ps      Other     Specify
2(b)	lf you	are a fisher, identify the fleet you	u are in	1:	
		ess than<35' 🛛 35' – 64'		65' — 10	0' Greater than 100'
3.	What i	s your age category?			
		< 20 Years		50 – 59	Years
		20 – 29 Years		60 – 69	Years
		30 – 39 Years		> 70 Ye	ars
		40 – 49 Years			
4.	What i	s your gender?			
		Female D Male			
5.	Where	do you live?			
		Newfoundland and Labrador			Ontario
		Nova Scotia			Western Canada or Territories
		New Brunswick		□ Canadia	Outside Canada – I am a n Citizen or Permanent Resident
		Prince Edward Island		□ Canadia	Outside Canada – I am not a n Citizen or Permanent Resident
		Quebec			

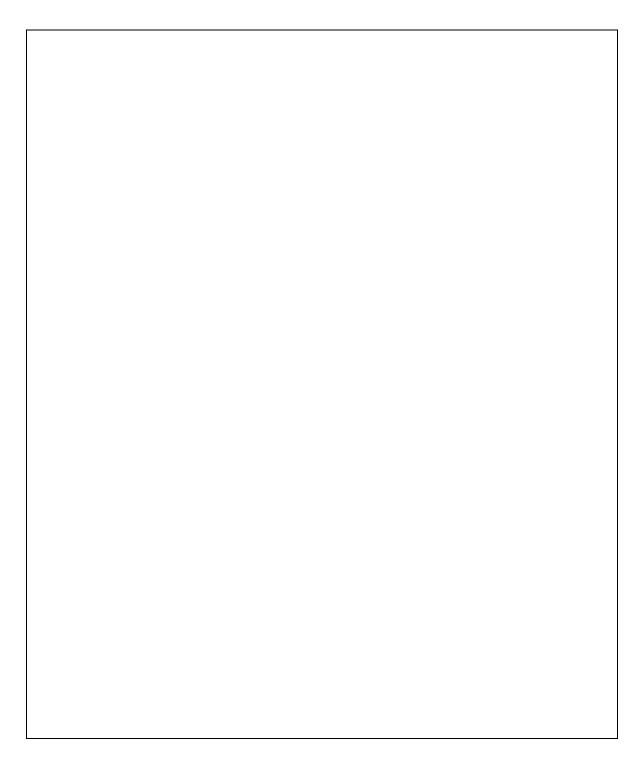
#### THREATS TO COD

6.(a) Please indicate your opinion on how significant a threat each factor is to the Laurentian North population of Atlantic cod.

	No Impact	Somewhat Low	Moderate	Somewhat High	Very High	No Opinion
Fishing by Foreign Vessels Outside Canadian Waters						
Fishing for Groundfish using Handlines/Longlines						
Fishing for Groundfish using Gillnets						
Fishing for Groundfish using Trawl Nets						
Bycatch in Other Fisheries						
High Grading and Discarding						
Illegal Fishing - Domestic						
Illegal Fishing - Foreign						
Predation of Cod (eg. Seals, Other)						
Impact on Cod Habitat by Fishing Gear						
Seismic Exploration						
Oil & Gas Drilling/Production Activities						
Contamination by Human Pollutants						
Climate Change and Effects on Marine Ecosystems						



6.(b) Do you have any comments about other possible activities or factors that may impact the conservation of the Laurentian North population of Atlantic cod? If so, please use the space below.

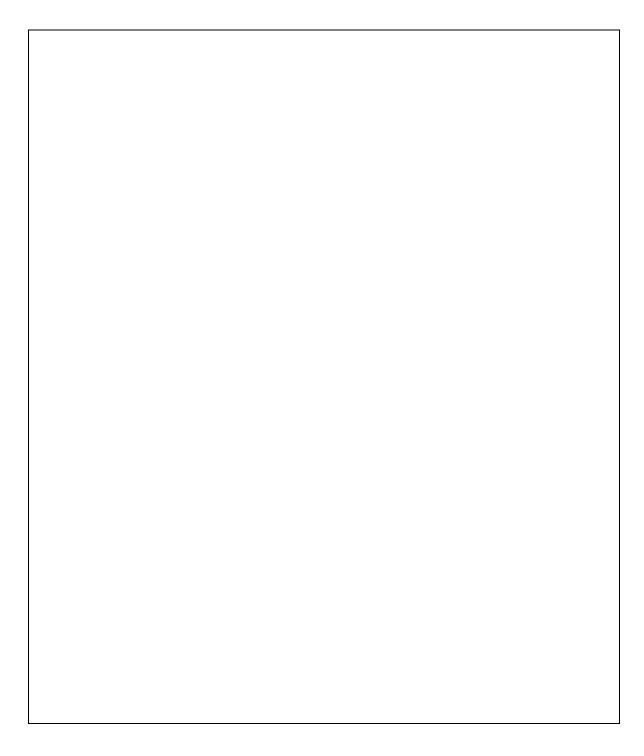


#### POSSIBLE INTERVENTIONS TO HELP ATLANTIC COD CONSERVATION

7.(a) Please indicate the level of impact you feel each factor will have on the conservation of the Laurentian North population of Atlantic cod.

	No Impact	Somewhat Low	Moderate	Somewhat High	Very High	No Opinion
Scientific Research to Better Understand Cod Behaviour and Distribution						
Increase the Size of Fines for SARA Infractions						
Increase Awareness about Cod Conservation within the Fishing Industry						
Modify Fishing Gear so that Fewer Cod are Landed						
Close Areas with High Concentrations of Cod to Fishing						
Close other Fisheries after a Certain Amount of Cod is Landed as Bycatch						
Close Areas with High Concentrations of Cod to Oil and Gas Production						
Reduce Harvest Levels in Areas Where Cod Quotas Exist						
Increase Harvest of Seals						

7.(b) Do you have any other comments about how other interventions might help the conservation of the Laurentian North population of Atlantic cod? If so, please use the space below.

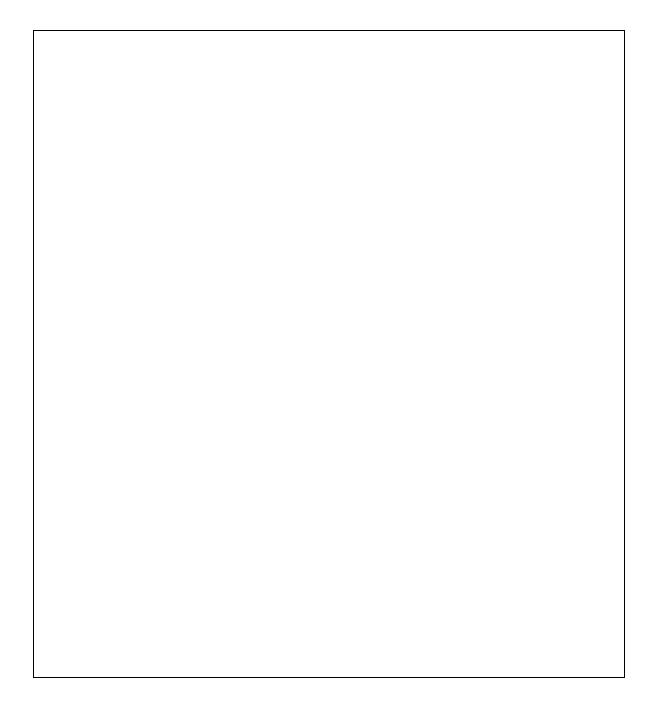


### THE POTENTIAL DIRECT OR INDIRECT COSTS OF THE CONSERVATION OF THE LAURENTIAN NORTH POPULATION OF ATLANTIC COD

8.(a) Please indicate what you feel the likely economic impacts (direct and indirect) the conservation of the Laurentian North population of Atlantic cod would have on each group.

	No Impact	Somewhat Low	Moderate	Somewhat High	Very High	No Opinion
Costs to the Commercial Groundfish Fleets						
Costs to the Other Fishing Fleets						
Costs to Aboriginal Groups						
Costs to the Fish Processing Sector						
Costs to Recreational Fishers						
Costs to the Tourism Industry						
Costs to the Oil and Gas Industry						
Costs to Scientific Researchers						
Costs to my Personal Household						

8.(b) Do you have any other comments about how conservation interventions might cost other people or industry sectors, or on your suggestions to minimize costs? Costs might be direct (e.g., increasing the cost of doing business) or indirect (e.g., lost opportunities for commercial activities). Please use the space below.



#### THE POTENTIAL BENEFITS OF THE CONSERVATION OF THE LAURENTIAN NORTH POPULATION OF ATLANTIC COD TO CANADIAN SOCIETY

9. Please choose a rating that best indicates the likely benefits (economic or social) the conservation of the Laurentian North population of Atlantic cod would have on each group.

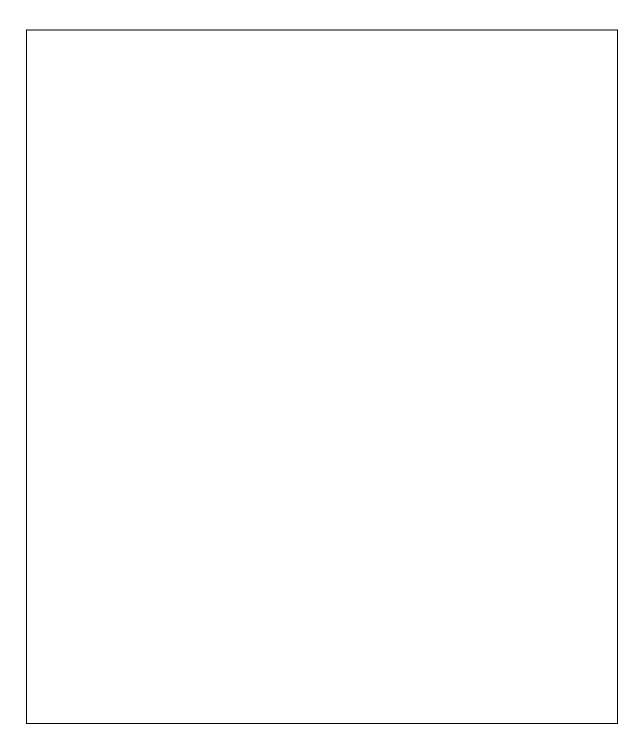
	No Impact	Somewhat Low	Moderate	Somewhat High	Very High	No Opinion
Benefits to Coastal Communities						
Benefits to Canadian Society as a Whole						
Benefits to Aboriginal Groups						
Benefits to the Scientific Community						

#### OTHER POTENTIAL BENEFITS OF ATLANTIC COD CONSERVATION

10.(a) Please choose an option that reflects your level of agreement or disagreement with the following statements.

	Strongly Disagree	Somewhat Disagree	Neither Agree Nor Disagree	Somewhat Agree	Strongly Agree	No Opinion
I think that Atlantic cod are valuable because they play an important role in maintaining healthy marine ecosystems.						
I think that Atlantic cod will be valuable to future generations.						
I think that many people in Canada value Atlantic cod even though they may never personally see an Atlantic cod.						

10.(b) Do you have any other comments about who might benefit from the conservation of the Laurentian North population of Atlantic cod and how important this benefit might be? If so, please use the space below.



### THE PROPOSED LISTING STATUS OF THE LAURENTIAN NORTH POPULATION OF ATLANTIC COD

11.(a) Have you read the COSEWIC status report for Atlantic cod?

Yes
No

- 11.(b) Please choose an option that reflects your level of support for the Government of Canada listing the Laurentian North population of Atlantic cod a Threatened species under the *Species at Risk Act*.
- □ I **Strongly Disagree** with listing the Laurentian North population of Atlantic Cod as a Threatened species.
- □ I **Somewhat Disagree** with listing the Laurentian North population of Atlantic Cod as a Threatened species.
- □ I **Neither Agree nor Disagree** with listing the Laurentian North population of Atlantic Cod as a Threatened species.
- □ I **Somewhat Agree** with listing the Laurentian North population of Atlantic Cod as a Threatened species.
- □ I **Strongly Agree** with listing the Laurentian North population of Atlantic Cod as a Threatened species.

11.(c) <u>If you disagree</u> with listing the Laurentian North population of Atlantic cod as a Threatened species, could you please tell us why?

11.(d) <u>If you agree</u> with listing the Laurentian North population of Atlantic cod as a Threatened species, could you please tell us why?

12. How can you as an individual, or your industry, organization or community, participate in conservation efforts for this species? Please give examples of particular activities if you are able.

13. Do you have any other comments about this survey or SARA that you would like to share with us? If so, please use the space below.

### You've now finished the survey.

Thank you very much for your help.

Return Address:

Resource Management – Species at Risk Unit 200 Kent Street – Stn 13S029 Ottawa, Ontario K1A 0E6

#### SCHEDULE OF CONSULTATIONS

Tuesday, November 2	Iles de la Madeleine	centre-civic 460 ch Principal Cap-aux-	7 p.m.
		Meules	
Wednesday, November 3	Gaspésie	Ecole C.E. Pouliot, 85 Boul. Gaspé Auditorium	7 p.m.
Thursday, November 4	Sept-Iles	Auberge des Gouverneurs	7 p.m.