

SPECIES AT RISK ACT

Legal listing consultation workbook



Cusk (Brosme brosme) Aussi disponible en français



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 9th, 2002.

For more information on SARA visit www.sararegistry.gc.ca

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 nongovernment organizations.

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

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.

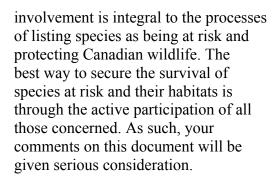
New Assessments

Since October 9th, 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



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.

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

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 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 beginning on page 11 and return in person or by regular mail to the address below. In order to consider your



comments, responses are required no later than Oct. 29th, 2004.

Species at Risk Coordination Office Bedford Institute of Oceanography P.O. Box 1006 1 Challenger Drive Dartmouth, NS B2Y 4A2

Alternatively, please e-mail your comments (with the species name in the subject line) to

XMARSARA@mar.dfo-mpo.gc.ca

or complete the electronic version of this survey at

www.sararegistry.gc.ca

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

Species specific information

Cusk

Cusk, *Brosme brosme* is a slow-moving, sedentary and solitary bottom-dwelling Gadoid fish. It can be distinguished from other cod-related fishes by its single dorsal and anal fins. Cusk can grow to approximately 100 cm in length and 12 kg in weight. They vary in color from reddish brown to green shading to cream to white on the belly.

In Canada, cusk are found primarily in the Gulf of Maine and on the southeastern edge of the Scotian Shelf.

Cusk generally prefer a rocky bottom but are occasionally found over gravel and mud (rarely over sand). They are often caught in deep water (> 200m) and,

based on DFO summer survey data, in a temperature range of 6-10⁰ C.

Spawning on the Scotian Shelf occurs from May to August, peaking in June but may be earlier in the Gulf of Maine.

The diet of cusk is difficult to determine because, when brought to the surface, their stomachs are often everted. However, cusk are thought to feed primarily on marine invertebrates (crab, shrimp and krill) and occasionally on fish.

COSEWIC assessment

COSEWIC provides the following rationale for designating the cusk as *threatened*:

The main population of this large, slow-growing, solitary, bottom-living fish resides in the Gulf of Maine/Southeastern Scotian Shelf and has been in decline since 1970. Over three generations, the decline rate is over 90 %, and the fish occurs in fewer and fewer survey trawls over time. Fishing, unrestricted until 1999, is now capped but remains a source of mortality. This species is a monotypic North Atlantic genus.

Threats to Cusk

Current threats to cusk are poorly understood. However, fishing mortality is thought to be the biggest threat facing the recovery of this species. Although there is no directed commercial fishery for cusk, they are known to be taken as bycatch in a number of fisheries including longline fisheries that target



other groundfish species such as cod and haddock and trap fisheries.

Protecting Cusk

In 1999, a bycatch cap of 1000 tons was placed on cusk landings in the 4VWX fixed gear fishery. This cap was reduced to 750 tons in 2003.

Since cusk is primarily taken as bycatch in other fisheries, it may be difficult to limit catches of cusk without affecting landings of the target species.

Potential Impacts on Stakeholders

Once added to the List of Wildlife Species at Risk, cusk will be protected. If particular activities are assessed to be a threat to the survival and recovery of a listed species, management measures will 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 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 cusk may be considered.

Fishing Industry

It is important to fully determine the extent of potential threat to cusk 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 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.

Military Operations

Maritime Forces Atlantic may be asked to prepare guidelines for naval exercises or underwater site remediation in areas of cusk habitat. They may be asked to refrain from undertaking specific types of exercises in these areas or in areas that could impinge on critical habitat (if and when identified). As identified in SARA, these requirements would be waived in emergencies or if national security were affected.

Research Activity

Those wishing to carry out research on cusk 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 on cusk and may lengthen the preparation time required for planning research projects.



References

COSEWIC 2003. COSEWIC assessment and status report on the cusk Brosme brosme in Canada. Committee on the Status of Endangered Wildlife in Canada. Ottawa. Vi + 30 pp.

Harris, L.E., Comeau. P.A., and D.S Clark. 2002. Evaluation of cusk (Brosme brosme) in Canadian Waters. CSAS Res. Doc. 2002/104. 39 pp.

Oldham, W.S. 1966. Some aspects of the fishery and life history of the cusk (Brosme brosme(Muller)). Thesis (M. Sc.) – University of Western Ontario. 86 p.

Scott, W.B. and M.G. Scott. 1988. Atlantic Fishes of Canada. Can. Bull. Fish Aquat. Sci. 219. 731 p.



Consultation Workbook Survey - Cusk

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, First Nations, industries, and Canadian society in general.

This survey form can be used to provide your opinions about listing Cusk under SARA. It also begins with some general questions about conservation priorities and your awareness of other aquatic species at risk.

Comments are welcome from individuals of all backgrounds, whether you are engaged in activities that may be affected by cusk conservation efforts or are a citizen with an interest in cusk.

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 cusk. 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 October 29, 2004, to: Species at Risk Coordination Office Bedford Institute of Oceanography P.O. Box 1006 1 Challenger Drive Dartmouth, NS B2Y 4A2

Alternatively, you may email comments to XMARSARA@mar.dfo-mpo.gc.ca or visit http://www.sararegistry.gc.ca to complete an electronic version of this survey. In addition to this survey, public meetings will be held in the Maritimes during the consultation period. For specific times and locations of public meetings, please check http://www.sararegistry.gc.ca.

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



Your Opinion on Government Priorities

Commercial fishing, sport fishing, First Nation food and ceremonial fishing, industrial use and conservation needs are all considered when the government makes decisions about conservation policies and programs. How would you rate the importance of these considerations if you were making decisions about the management of aquatic species at risk?

	Please choose an option that reflects your rating of the importance of these considerations in ocean management				
	Very Low Priority	Somewhat Low Priority	Moderate Priority	Somewhat High Priority	Very High Priority
Recreational Fishing					
Commercial Fishing					
Marine Industries					
Conservation					
First Nations Food and Ceremonial Fishing					
Do you have any other comments about how conservation priorities should be determined? If so, please use the space below.					



Your Awareness about Aquatic Species at Risk in the Maritimes

This table shows a number of listed and proposed species at risk in the Maritimes (COSEWIC designations are provided). For each, please indicate your knowledge of this species.

	I am not familiar with this species	I am somewhat familiar with this species	I am very familiar with this species
Inner Bay of Fundy Atlantic Salmon (current SARA status: endangered)			
Atlantic Whitefish (current SARA status: endangered)			
Lake Utopia Dwarf Smelt (current SARA status: threatened)			
Leatherback Turtle (current SARA status: endangered)			
Atlantic Wolffish (current SARA status: special concern)			
North Atlantic Right Whale (proposed SARA status: endangered)			
Blue Whale (proposed SARA status: endangered)			
Northern Bottlenose Whale (proposed SARA status: endangered)			
Cusk (proposed SARA status: threatened)			
Porbeagle Shark (proposed SARA status: endangered)			
Yellow Lampmussel (proposed SARA status: special concern)			



Your Opinions about Conservation Priorities for Aquatic Species at Risk in Atlantic Canada

Please choose an option that reflects your rating of what level of priority should be placed on conservation efforts for this species.

	Very Low Conservation Priority	Somewhat Low Conservation Priority	Moderate Conservation Priority	Somewhat High Conservation Priority	Very High Conservation Priority	I am not Familiar with this Species so Cannot Sav
Inner Bay of Fundy Atlantic Salmon (current SARA status: endangered)						
Atlantic Whitefish (current SARA status: endangered)						
Lake Utopia Dwarf Smelt (current SARA status: threatened)						
Leatherback Turtle (current SARA status: endangered)						
Atlantic Wolffish (current SARA status: special concern)						
North Atlantic Right Whale (proposed SARA status: endangered)						
Blue Whale (proposed SARA status: endangered)						
Northern Bottlenose Whale (proposed SARA status: endangered)						
Cusk (proposed SARA status: threatened)						
Porbeagle Shark (proposed SARA status: endangered)						
Yellow Lampmussel (proposed SARA status: special concern)						



Your Opinions about Threats to Cusk

Please indicate your opinion about how significant a threat this factor is to the cusk population in Canadian waters.

	Very Low	Somewhat Low	Moderate	Somewhat High	Very High	I Have No Opinion On This Factor
Fishing by Lobster Fishers using Traps						
Fishing by Snow Crab Fishers using Traps						
Fishing by Groundfish Fishers using Handlines						
Fishing by Groundfish Fishers using Gillnets						
Fishing by Groundfish Fishers using Longlines						
Fishing by Groundfish Fishers using Trawl Nets						
Fishing by American Fishers in U.S.A. Waters						
Seismic Exploration						
Oil & Gas Drilling/Production Activities						
Contamination by Human Pollutants						
Climate Change and Effects on Marine Ecosystems						







Your Opinions about Possible Interventions to Help Cusk Conservation and Recovery

For each factor, please indicate what level of impact you think this measure will have on cusk recovery.

	Very Low	Somewhat Low	Moderate	Somewhat High	Very High	I Have No Opinion On This Factor
Conduct Scientific Research to Better Understand Cusk Behaviour and Distribution						
Increase the Size of Fines for Harming Cusk						
Increase Awareness within the Fishing Industry about Cusk Conservation						
Modify Fishing Gear so that Less Cusk are Landed						
Close Areas with High Concentrations of Cusk to Fishing						
Close other Fisheries after a Certain Amount of Cusk is Landed as Bycatch						
Close Areas with High Concentrations of Cusk to Oil and Gas Activities						
Do you have any other comments about how other interventions might help cusk conservation and recovery? If so, please use the space below.						



Your Opinion about the Potential Direct or Indirect Costs of Cusk Conservation and Recovery

Please choose an option that reflects your rating of the likely economic impacts (direct and indirect) of cusk conservation and recovery to this industry or group.

	Negligible	Somewhat Low	Moderate	Somewhat High	Very High	I Have No Opinion On
Costs to Fixed Gear Groundfish Fishers						
Costs to Mobile Gear Groundfish Fishers						
Costs to Lobster Fishers						
Costs to Snow Crab Fishers						
Costs to the Oil and Gas Industry						
Costs to Scientific Researchers						
Costs to my Personal Household						
Do you have any other comments a costs on other people or industry se costs? Costs might be direct (e.g., in indirect (e.g., lost opportunities for below.	ectors, or a ncreasing	bout what the cost or	your sugg f doing bu	gestions ar siness) or	e to mining they migh	nize 1t be



Your Opinion about the Potential Benefits of Cusk Conservation and Recovery to Canadian Society

Please choose an option that reflects your rating of the likely benefits (economic or social) of cusk conservation and recovery to this industry or segment of society.

	Negligible	Somewhat Low	Moderate	Somewhat High	Very High	I Have No Opinion On This Impac
Benefits to Maritime Coastal Communities						
Benefits to Canadian Society as a Whole						
Benefits to First Nations						
Benefits to the Scientific Community						



Your Opinion about Other Potential Benefits of Cusk Conservation and Recovery

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	I Have No Opinion On
I think that cusk are valuable because they play an important role in maintaining healthy marine ecosystems.						
I think that cusk will be valuable to future generations.						
I think that many people in Canada value cusk even though they may never personally see a cusk.						
Do you have any other comments all how important this benefit might be		-			ervation a	nd



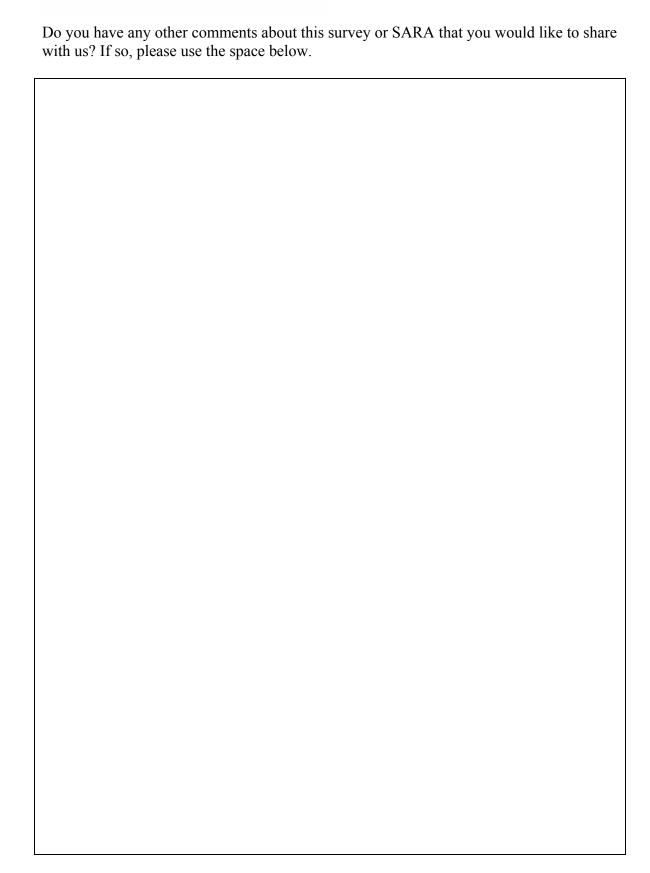
Comments about the Proposed Listing Status of Cusk

Have you read the COSEWIG	C status report for cusk?		
Yes No			
	reflects your level of support for the Government of species under the <i>Species at Risk Act</i> .	of Canada	
I Strongly Disagree with list	ting cusk as an threatened species		
I Somewhat Disagree with 1	isting cusk as an threatened species		
I Neither Agree nor Disagree with listing cusk as an threatened species			
I Somewhat Agree with listi	ng cusk as an threatened species		
I Strongly Agree with listing	g cusk as an threatened species		
If you disagree with listing of	cusk as a threatened species, could you please tell u	ıs why?	



If you agree with listing cusk as a threatened species, could you please tell us why?
How can you as an individual, or your industry, organization or community, participate in the recovery of this species? Please give examples of particular activities if you can.







Background Information about You

What is Your Age Category?				
< 20 Years				
20-29 Years				
30-39 Years				
40-49 Years				
50-59 Years				
60-69 Years				
> 70 Years				
What is Your Gender?				
Female				
Male				
Where do you live?				
Nova Scotia				
New Brunswick				
Prince Edward Island				
Newfoundland and Labrador				
Quebec				
Ontario				
Western Canada or Territories				
Outside Canada but I am a Canadian Citizen or Permanent Resident				
Outside Canada - I am not a C	Canadian Citizen or Permanent Resident			



In which sector are you employed?

Retired				
Full-Time Homemaker				
Student				
Commercial Fishing/Processing				
Farming				
Forestry				
Oil and Gas				
Professional Services				
Private Sector – Other				
Academic				
Federal Government				
Provincial Government				
Non-Governmental Organization				
I am Between Jobs				
I am Employed in another Field				
If you work in the commercial fishing or processing industry, what types of commercial fishing activities have you engaged in over the past 5 years? Please check all the applicable boxes.				
Work in a Processing Plant				
Fish for Groundfish on a Fixed Gear Vessel	(<45') □			
Fish for Groundfish on a Fixed Gear Vessel (>45') □				
Fish for Groundfish on a Mobile Gear Vessel				
Fish for Lobster				

You've now finished the survey – thank you very much for your help!



Fish for Scallops

Fish for Snow Crab

Fish for Large Pelagics on a Longline Vessel

Fish for Other Species or Using Other Methods

Industry Association Representative or Consultant

Work in the Aquaculture Industry