



Reference: 162609

MAR 22 2012

Claire Dansereau
Deputy Minister
Fisheries and Oceans Canada
200 Kent Street
Ottawa ON K1A 0E6

Dear Ms. Dansereau:

I am writing to follow up on my letter of February 24, 2012, acknowledging your letter of January 9, 2012, which was addressed to Mr. Wes Shoemaker, Deputy Minister for the Ministry of Agriculture, requesting the position of the British Columbia (BC) Government with respect to seven aquatic species being considered for listing on Schedule 1 of the *Species at Risk Act* (SARA). I am pleased to respond on behalf of my colleague.

We have no concerns with the listing of **Mountain Sucker**, **Darkblotched Rockfish** and **Humpback Whale** as special concern under the SARA.

Since the listing of **Rocky Mt. Ridged Mussel** as Endangered and **Umatilla Dace** as Threatened will result in identification and subsequent protection of critical habitat for this species, we are reluctant to advise on our position at this time. We note that recovery potential assessments (RPA) for these species identify a number of threats, management of which may impact the local agricultural and mining industry, recreation sector and local governments. We would, therefore, like to be briefed on the results of your consultations with these sectors when these are complete.

Prior to offering our position on these freshwater species, we would also like to have a better understanding of the potential implications of identification and protection of critical habitat and other potential recovery actions on provincial management authorities, particularly those related to any proposed changes in water management or management of invasive species.

In summary, while we are generally supportive of the assessment and proposed listing of **Rocky Mt. Ridged Mussel** and **Umatilla Dace**, clarifications regarding implications of critical habitat designation are required prior to determining our position.

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The potential listing of **Yellowmouth Rockfish** and **Quillback Rockfish** as Threatened concerns some of our commercial fishing stakeholders. There is industry concern over potential cumulative costs and revenue losses resulting from prohibitions on various directed fisheries and on by-catch of these fishes. Quillback is the mainstay for 230 ZN licensed commercial hook and line vessels; listing it will devalue all these licenses, effectively resulting in their cancellation. Also, additional costs may be incurred by vessels required to fish less productive fishing areas, times and gears in order to avoid listed species. This may also mean lost revenue from reduced catch on other quota species. As both rockfish species are commercially important by-catch there is concern regarding lost revenue from the sale of the lucrative by-catch as well as possible associated disposal costs. We have provided additional details on our socio-economic concerns with the listing of these species under a separate letter to Ms. Bonnie Antcliffe, Regional Director, Ecosystem Management Branch (Vancouver).

We note that the RPA for Quillback Rockfish is not available and the RPA for Yellowmouth Rockfish does not identify critical habitat. Therefore, we may have further comments and suggestions once we have had a chance to review your reports on socio-economic impacts for these rockfish.

In support of efforts to conserve these marine species, we encourage DFO to consider increased conservation measures complementary to the existing marine protected area network associated with British Columbia's provincial parks. Numerous requests have been presented to the Department of Fisheries and Oceans to limit or prohibit fishing in provincial marine protected areas. Some progress has been made towards this objective, especially in the implementation of the Rockfish Conservation Strategy. However, there are major gaps between the implementation of spatially-defined fisheries conservation measures and past requests that BC Parks has submitted to DFO. The Province has participated in joint federal-provincial marine protected areas strategy planning in part to achieve the complementary federal actions for conservation in a robust marine protected area network.

As listing of many of these species under the SARA will require identification and protection of critical habitat, we would like to take this opportunity to reiterate British Columbia's concerns with this process. We believe that scientific advice must be clearly separated from decision-making regarding identification and effective protection of critical habitat, socio-economic implications of "effective protection" of critical habitat must be fully considered and provincial decision-making authority and processes must be respected.

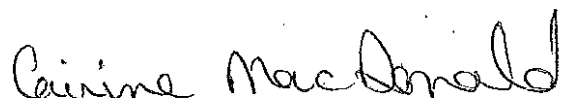
Given the current level of uncertainty as to how protection measures for Yellowmouth and Quillback rockfish and their habitats would be implemented, British Columbia cannot endorse legal listing of these species under the SARA at this time. Our potential future support for these listings rests on the assumption that federal agencies will have consulted with any parties directly affected by proposed species protection measures or critical habitat identification and will have resolved any outstanding issues.

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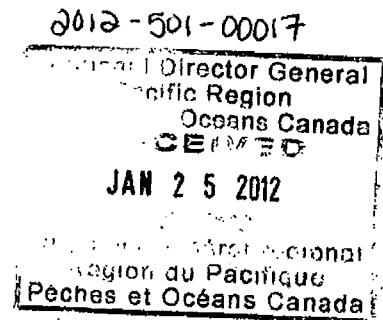
Thank you for the opportunity to respond to the proposed legal listings under the SARA. Should you have any further questions please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Cairine MacDonald". The signature is written in a cursive, flowing style.

Cairine MacDonald
Deputy Minister

cc: Wes Shoemaker, Deputy Minister, Ministry of Agriculture
Mark Zacharias, Assistant Deputy Minister, Environmental Sustainability and Strategic
Policy Division, Ministry of Environment
Alec Dale, Director, Ecosystems Protection and Sustainability Branch, Ministry of
Environment



Reference: 157091

January 13, 2012

Bonnie Antcliff
Regional Director, Ecosystem Management Branch
Fisheries and Oceans Canada
200 - 401 Burrard St
Vancouver BC V6C 3S4

Dear Bonnie:

Thank you for your letter of October 27, 2011 addressed to Kaaren Lewis. She is on a temporary assignment until October 2012, and I am currently acting in her position.

In your letter you asked for our agency's views with respect to 7 aquatic species being considered for listing on Schedule 1 of the Species at Risk Act (SARA). Comments on **Darkblotched Rockfish, Humpback Whale, Mountain Sucker and Rocky Mt. Ridged Mussel** were requested by December 31, 2011. While we regret not being able to meet this deadline due to several staff changes, we do appreciate the efforts to consult earlier in the process and with a longer review period.

We offer the following comments on the four species of interest:

Darkblotched Rockfish (Special Concern)

Some of our client groups believe the BC abundance for this species to be different compared to US population(s), based on their experiences. The development of a management plan, which should result in improved stock assessment trends and abundance data, is welcomed. We look forward to participating in the management plan development process for this species where our client groups can integrate their knowledge and experience with this species, and share concerns of increased operating costs resulting from additional management measures.

We see this listing as a progressive step to expand knowledge and avoid overfishing of this species and possible future prohibitions on co-occurring, more abundant and commercially targeted species such as Pacific Ocean Perch.

Humpback Whale (Special Concern)

We support reclassification of Humpback Whale as Special Concern in recognition of the increase in population. What are the anticipated implications to already designated critical habitat, and required gear modifications to commercial crustacean trap fisheries?

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Mountain Sucker (Special Concern)

We have no concerns with the listing of **Mountain Sucker** as Special Concern.

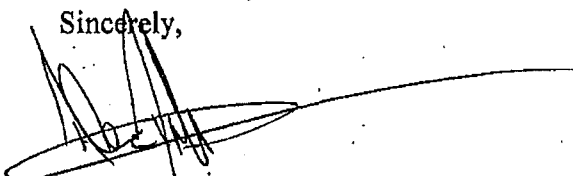
Rocky Mt. Ridged Mussel (Endangered)

Because the listing of Rocky Mt. Ridged Mussel as Endangered will result in identification and subsequent protection of critical habitat for this species, we are reluctant to advise on our position at this time. We note that recovery potential assessment for this species identifies a number of threats, management of which may impact the local agricultural industry, recreation, and local governments. We would, therefore, like to be briefed on the results of your consultations with these sectors when these are complete.

Prior to offering our position, we would also like to have a better understanding of the potential implications of identification and protection of critical habitat, and other potential recovery actions, on provincial management authorities, particularly those related to any proposed changes in water management or management of invasive species.

Comments on the proposed listing of the remaining 3 species in your letter of October 27, 2011, will be forthcoming, prior to the end of February, and we will look forward to further information and discussions with you or your staff on the questions and concerns outlined above.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alec Dale', is written over a horizontal line.

Alec Dale
A/Director
Ecosystems Protection & Sustainability Branch

pc: Susan Farlinger, Regional Director General Pacific Region