



Mr. Bill Wareham  
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Marine Conservation Program  
David Suzuki Foundation  
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**APR 24 2007**

Dear Mr Wareham:

Thank you for your correspondence of November 21, 2006, and the copy of your report entitled "The Will to Protect-Preserving BC's Wild Salmon Habitat.

Further to your meeting with Fisheries and Oceans Canada (DFO) staff on March 2, 2007, I wish to thank your organization for your efforts in providing detailed recommendations on possible improvements to the Habitat Management Program, and for participating in the recent DFO workshop on the Environmental Process Modernization Plan (EPMP) in Victoria, where I understand some of these recommendations were discussed.

At the outset I would like to take this opportunity to clarify that the objective of the EPMP is to provide a framework for delivery of the Habitat Management Program in a manner which conserves and protects fish habitat effectively and efficiently, with transparent and predictable decision-making, and which is integrated with the priorities of governments and stakeholders. It is a continuous improvement plan aimed at aligning service delivery consistent with principles of sustainable development. It is not about lowering fish habitat conservation and protection requirements it is about establishing those requirements based on risks to fish and fish habitat.

With specific reference to your request for a detailed response to your recommendations, I am pleased to provide the following response.

#### **Restoring the department's will to protect**

DFO remains committed to the conservation and protection of fish and fish habitat. Changes to the Habitat Management Program, specifically the introduction of EPMP, reflect the department's need to focus efforts to achieve results with available resources, particularly during a period of unprecedented economic growth in British Columbia. Key areas of the Habitat Management Program are being augmented. For example, twelve new positions are being established for compliance and effectiveness monitoring in Pacific Region. Both habitat research and enforcement are recognized as important contributors to the Program's goals and, as such, previously contemplated resource reductions to Habitat Science and Conservation and Protection have been rescinded.

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## **Improving habitat protection policies and regulations**

In order to conserve and protect fish habitat, the department must collaborate with other agencies, other levels of government, non-government organizations, the public, First Nations and industry to be effective. Under the partnering provision of the EPMP, DFO will continue to respect the authority and mandate of other agencies and regulatory authorities but will seek to build partnerships to further conserve and protect fish habitat.

Revitalization of the 2000 Canada/British Columbia Agreement on Fish Habitat Management is a key priority. Agreements are also being pursued with other agencies and levels of government as well as with various industry sectors to develop and incorporate habitat protection standards into industry-specific regulations and guidelines.

I am pleased to see your reference to conservation objectives. Conservation objectives are an important part of an ecosystem-based management approach. They establish targets for management which are easily conveyed to proponents and regulators alike. The department is currently developing conservation management objectives for Pacific salmon as part of the implementation of the Wild Salmon Policy. Several marine ecosystem conservation objectives are also being developed for the Pacific North Coast Integrated Management Area (PNCIMA) as part of Canada's Oceans Strategy.

Performance or results-based standards for protection of fish habitat are also being developed and embedded in guidelines and other forms of departmental advice. Examples include receiving water standards for suspended sediment and turbidity, as well as stormwater runoff volume and flow rates.

I appreciate the emphasis you place on the need for riparian area protection and flows for fish. These issues highlight the need for strategic discussions with the province. For example, the emerging British Columbia Water Strategy represents an important opportunity for incorporating flows for fish into water allocation and management decisions made by the province. We will continue to work with the province to address these issues.

The department is also active in a variety of initiatives pertaining to both water flows for fish and riparian protection. Some examples include the following:

- Water Use Planning with BC Hydro and the province to ensure fish flows are achieved during hydro-electric facility operations;
- Development of joint Canada/British Columbia instream fish flow guidelines for small hydro-electric facilities – available at  
< [http://www.env.gov.bc.ca/wld/BMP/instreamflow\\_wkgdrft.html](http://www.env.gov.bc.ca/wld/BMP/instreamflow_wkgdrft.html) >;

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- A variety of collaborative community watershed based water use planning exercises that are underway with partners such as regional districts, agriculture interests, First Nations, environmental non-governmental organizations (ENGOS) and others in several areas, including the Cowichan, Sooke, Nicola and Chilliwack watersheds; and
- Working with the provincial Ministries of Environment and Forests on the development and application of the Riparian Assessment Regulation (RAR) for settlement areas and the *Forest and Range Practices Act* riparian management guidebook for crown forest lands.

### **Closed containment systems for aquaculture**

With respect to your recommendation that the department support and facilitate closed containment systems for aquaculture, DFO remains fully committed to a sustainable aquaculture strategy. As you know, a proposal has been received by the Aquaculture Collaborative Research and Development Program to support a pilot commercial scale in-water closed containment salmon production facility in BC. Previous research into such technologies has raised significant questions with regard to feasibility of such systems particularly in northern temperate areas. In order to assess the viability of such a venture, DFO aquaculture scientists are currently undertaking a performance analysis of various closed containment technologies.

A technical workshop is also being planned to develop a virtual (simulation) model of a closed containment facility that would permit a full cost accounting of the potential benefits and costs of such a facility. This workshop, which is anticipated this fiscal year, is being developed in collaboration with the province of BC and DFO Aquaculture Management Division and will engage the private sector, academia, ENGOS and other potential partners.

The outputs from the technical workshop and the full cost/benefit analyses will be used to assess environmental and economic feasibility of such a facility under current production and market conditions and will be used to inform decisions regarding funding support for a commercial large scale multimillion dollar trial production facility in BC.

### **Information requirements from proponents**

On the matter of requiring better information from proponents for project assessment, a number of information guides for proponents already exist, and work continues to improve and expand upon these resources. Examples of some of the standard guides to information requirements in Pacific Region include the following:

- A guide to information requirements in support of aquaculture applications  
< [http://www.al.gov.bc.ca/fisheries/siting\\_reloc/marineff\\_applic\\_guide\\_main.htm#Guide](http://www.al.gov.bc.ca/fisheries/siting_reloc/marineff_applic_guide_main.htm#Guide) >;

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- A comprehensive project assessment guide which includes detailed information requirements in support of proposals to dam, divert or extract water from streams in BC  
< [http://wlapwww.gov.bc.ca/wld/documents/bmp/assessment\\_methods\\_instreamflow\\_in\\_bc.pdf](http://wlapwww.gov.bc.ca/wld/documents/bmp/assessment_methods_instreamflow_in_bc.pdf) >;
- Templates for DFO project review information requirements – an example from the Lower Fraser area can be viewed at < [http://www-heb.pac.dfo-mpo.gc.ca/publications/pdf/dfo\\_proj\\_review\\_info\\_e.pdf](http://www-heb.pac.dfo-mpo.gc.ca/publications/pdf/dfo_proj_review_info_e.pdf) >;
- Information needs to determine involvement of various federal agencies (including DFO) in the *Canadian Environmental Assessment Act*  
< [http://www.ceaa-acee.gc.ca/012/017/Project\\_Description\\_Guide\\_under\\_CEEA\\_BC\\_e.pdf](http://www.ceaa-acee.gc.ca/012/017/Project_Description_Guide_under_CEEA_BC_e.pdf) >.

### **Holding violators accountable**

The current *Fisheries Act* is an important regulatory instrument to hold accountable those responsible for the harmful alteration, disruption or destruction (HADD) of fish habitat. Proposed amendments to the *Fisheries Act* (Bill C-45) are intended to further strengthen the ability to proactively protect fish and fish habitat. These include but are not limited to inspectors' orders for activities resulting in HADD, enforceable conditions of authorizations for HADD, and duty of proponents to notify and remediate at their own expense any activity resulting in HADD. I encourage you to read Bill C-45 to understand how these changes will strengthen the ability of DFO to protect fish and fish habitat and to support Bill C-45 during the parliamentary process.

### **Resources to protect and restore fish habitat**

With respect to implementation of the Wild Salmon Policy, while additional resources would accelerate conservation unit population and habitat assessments, the current level of funding (approximately \$1M/year) will support its implementation. The department remains committed to its implementation and a phased approach has been adopted. With respect to habitat, there has been considerable progress made on identifying salmon habitat indicators for assessment and monitoring. Discussions are also underway with other agencies and data custodians respecting additional collection of, and access to, data and information needed to establish both strategic large scale Tier 1 habitat (pressure) indicators and field assessment scale Tier 2 habitat (status) indicators. Once the work on identifying appropriate habitat indicators is complete habitat assessments within conservation units will commence.

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The department also continues to support community-based activities focussed on protecting and restoring salmon and salmon habitat in strategic areas. Most recently the department committed \$10M over 5 years to support the Fraser River Salmon and Watersheds Program, which is jointly managed by the Pacific Salmon Foundation and the Fraser Basin Council. The program is a multi-year initiative aimed at conserving and restoring the diversity and abundance of salmonids with the Fraser Basin.

In closing I would also like to extend an invitation to the David Suzuki Foundation to participate in the emerging DFO-ENGO National Fish Habitat Management Coordinating Committee. This committee provides an established venue for organizations such as yours to provide regular advice to the department on fish habitat management issues.

Sincerely,

A handwritten signature in black ink, appearing to read "Loyola Hearn". The signature is fluid and cursive, with a large initial "L" and "H".

Loyola Hearn, P.C., M.P.

c.c.: Mr Randy Kamp, M.P.