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MEMORANDUM FOR THE MINISTER

DAVID SUZUKI FOUNDATION REPORT ON HABITAT ENFORCEMENT

(Information Only)

**SUMMARY**

- The David Suzuki Foundation (DSF) released a report entitled “High and Dry: An Investigation of Salmon - Habitat Destruction in British Columbia”, on September 18, 2007 (**Tab 1**).
- The report cites 9 investigations conducted by staff of the David Suzuki Foundation.
- The report uses data from the Annual Reports to Parliament indicating a downward trend in habitat charges and warnings in the Pacific Region. This data is used to reinforce their concerns that the department does not have the capacity or the resources to enforce habitat protection provisions of the *Fisheries Act*.
- The report recommends that Fisheries and Oceans Canada (DFO) invest more resources into improvement of habitat protection policy and regulation, and getting more DFO staff into the field.

**Background**

- In October 2006, the DSF released a report entitled “The Will to Protect- Preserving BC’s Wild Salmon Habitat” which focused on perceived DFO shortcomings regarding habitat protection and enforcement in British Columbia (BC). A comprehensive response to these recommendations was provided to DSF in a letter from the Minister dated April 24, 2007.
- The most recent “High and Dry” report focuses on 9 specific investigations conducted by staff of the David Suzuki Foundation between January 2003 and June 2006. DSF alleges that each of these cases constitutes a contravention of Section 35 of the *Fisheries Act* and that since none of these were prosecuted, DFO is not enforcing the Act.

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MECTS

- The report contends that lack of enforcement is due to decreasing DFO inspection and enforcement capacity and new policy directions that increase reliance on industry self-regulation with less DFO oversight.
- Based on data from the Annual Reports to Parliament, the report highlights a downward trend in both warnings and charges over the last 5 years.

#### **Analysis**

- DFO Pacific Region reviewed approximately 9,000 referrals between January 2003 and June 2006, therefore, this report represents 0.1% of all referrals reviewed.
- The case studies presented do not provide a full picture of the nature and cause of some of the habitat issues observed by the DSF or the actions that DFO undertook to ensure impacts were mitigated. DFO did conduct investigations in several cases; however, there was insufficient evidence to recommend prosecution.
- A vigilant community of Environmental Non-Government Organizations in BC will continue to bring compliance and enforcement issues to DFO's attention.
- The Department is committed to increasing its compliance monitoring capacity with the addition of 12 full-time employees in the Pacific Region.

#### **Recommendations / Next Steps**

- The Department will continue to meet with environmental non-governmental organizations, including David Suzuki Foundation, to explain our program and to identify areas for collaboration in the conservation and protection of fish and fish habitat.
- With additional compliance monitoring staff there will be an increase in field monitoring activities and reporting on compliance with the habitat protection provisions of the *Fisheries Act*.



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Attachment

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