

Oral/ Written Submission to the Cohen Commission
Jack Emberly, March 22, 2009

My submission is based on the premise that the survival of Fraser River salmonids is, in part, dependent upon the collaborative efforts of the public, Environment Canada, and the Department of Fisheries and Oceans, the two agencies mandated to protect the streams and tributaries of the Fraser, and that this should be the goal of all participants. The better we function as partners, the greater our chances of reducing fish mortality, or minimizing fish habitat disturbance/ destruction. I believe the public partner is being short changed.

I make this submission almost one full year after reporting a massive kill of fry sized fish on the North Alouette River May 25th, 2009 –file DGIR90048- samples of which experts in the area of salmonid enhancement have observed and declared were salmon. I note that just prior to my discovery of those 100,000 or so dead fish in the N. Alouette River, Allco Fish Hatchery, located just above the kill area, released 200,000 chum, and 150,000 chinook fry (Alouette River Management Society data, Maple Ridge, April 27th-29th). I believe a large portion of that population may have perished by a cause that neither DFO or EC has yet identified, but might have with a quicker and more effective response, and that this failure leaves the efforts of this hatchery to return a healthy salmonid population to the N. Alouette in jeopardy. Furthermore, that the noble efforts and dedication of the Alouette River Management Society, currency of another fashion, and the contribution of other volunteers who have selflessly dedicated themselves to fish and habitat in this area may be in vain. Is the Alouette Watershed the only area in BC where this scenario might play out? It is not.

I make this submission after being frustrated and disappointed at the response of both agencies mentioned above. Try as I might I was not able to get either to show any passion similar to that of the public partners I've mentioned to begin a timely and effective investigation process, even after being implored to do so on several occasions, or to show any desire - DFO or EC - to go beyond an "inspection" of the fish kill site, not even to take the fish I had collected for analysis. It just didn't seem important to them.

The efforts of the EC, for example, were also fruitless from the start. The officer who reluctantly agreed to visit the kill site did so only after a lot of encouragement. When she did come on May 26th, she arrived without any preparation for an investigation – no boat, no hip waders, no net. I know this because I asked. It was pouring rain that morning. You can't see the edge of the water by walking the dyke, and you would not see fish unless you were close. The officer reported seeing perhaps 2 dead fish. When she reported this to me on the morning of the 26th by cell phone, I was dumbfounded. I asked her to come back when it was not raining. My request was refused. Did EC senior staff think to order a second, more prepared visit? They did not. It wasn't important, I guess. By the way, I returned later that day with a butterfly net from the Dollar Store. It wasn't raining. The fish were still there. I collected about 100 and froze them. Kids and dads fish on the N.Alouette, people swim, kayak in it. We don't know to this day what killed 100,000 dead fish on the N.Alouette River, or whether this summer a similar event might kill more than fish. Does it matter?

DFO opened and closed its efforts in this area on the same day, May 25th prematurely and without justification. The lack of interest was clear from my first

conversation with a senior officer in this organization. I was asked what the cause of mortality was. How was I to determine that? “Come out and investigate,” I suggested. Isn’t that what they do? The senior officer wasn’t prepared to do that, but he assured me someone, “the right person” would get back to me right away. It was a phrase I would hear from several senior officers in the DFO and Environment Canada over the next several weeks as Environment Canada and the DFO debated with me, the question of which department should conduct the actual investigation. Nobody seemed to want it.

DFO had decided unilaterally – and at one particular of that organization, I believe, that the kill was likely the result of “toxic substances”, EC’s mandate according to a 1985 Memorandum of Understanding which portioned off responsibilities for investigations. This is a claim that DFO officials as a whole have repeated countless times in “media lines” issued by them whenever the M.R. News, Global TV or CBC’s Go Public asked why they didn’t respond immediately with someone on the ground. DFO’s answer: we look after sediment, EC handles toxic substances. The fish kill was most likely toxic substance.

DFO and Environment Canada officials both repeatedly refused to take the fish I had collected but, after relentless media coverage of the fish kill, EC accepted my samples a month after I offered them. The M.R. News snapped a photo of the handover on or about June 26th. Test results were reported as inconclusive. I was told by EC that they received the fish too late. The Memorandum of Understanding was supposed to be a temporary solution to a mounting workload, and a way perhaps of avoiding duplication of effort, but it’s not working. In fact, it may be reducing the effort along with the workload.

It is not just my opinion that the Memorandum needs revisiting. Reporter, Phil Melynchuk, in the News, Friday, March 19th wrote that MP Randy Kamp said that the incident shows there could be improvements in how Environment Canada, which deals with pollution, and Fisheries and Oceans Canada, which protects fish habitat, respond to incidents. Kamp is quoted as saying, "I think probably we could benefit from taking a look at how those are divided, whether the boundaries are clear, and whether there's a way to coordinate that better."

Good ideas, all. My question is why didn't DFO do this earlier. Were they waiting for the public to point out that the memorandum needs overall, that it actually might impede the processes put in place to protect salmon habitat? How long would that go on if it wasn't for private citizens sounding the alarm, and demanding effective action? The public pays a lot for protection of our salmon by maintaining the operations of the DFO and EC. It needs to be money well spent.

Finally, I am making this submission after reading and re-reading inter-departmental DFO memos shared between communications officers in Vancouver, the Conservation & Protection office in Aldergrove, and the Habitat Protection branch, senior officers, and area biologist. These various memos focus on the fish kill from my report to DFO on May 25th. They suggest to me that communication within the DFO was ineffective and confused about its own roles and responsibilities, and that some officers may not have know what others were doing or not doing. Some officers asked colleagues to clarify the DFO role in the fish kill event well after it occurred. One wrote, "Is this something we normally would investigate? Should we follow up with testing these 100 fish this person has collected?" Some DFO personnel, suggest they may have had an

early role to play if “silt” was an investigative consideration. One wanted to know if other officers had any knowledge of reports of “silt”. He writes, “I was not advised of any concern regarding “silt” (i.e. sediment, turbid water) during May or any other time I recall. Other than that I have no knowledge of whether or not such a report was made or to or received by DFO.”

The same person wrote, “It is important to note that C&P has treated the report of dead fish separately from the report of habitat disturbance.” There is much more along these lines.

Memos like these have created a lot of questions for me. I think the answers might reveal information we can use to strengthen the partnership for protecting salmon. So, were any personnel within the DFO privy to information about “silt” or sediment about the same time I reported 100,000 dead fish in the river? Was that information from concerned citizens thoughtfully considered, or relayed to personnel within the department who would be expected to act upon such information, perhaps through formal investigation on site, and right away? Was handing over the investigation to Environment Canada the best course of action? Was time and effort wasted if the answer to any of these questions is yes? Can we afford that if we hope to protect and sustain salmon in BC? These are questions that need to be looked at closely. Finally, I refer you to the M.R. News, or www.savethealouette.ca a website established by citizens along the N.Alouette who have voiced concerns about low water levels to the Water Stewardship Division of the BC Ministry of the Environment. Both sources have noted that last year there was hardly enough water in our river for salmon to spawn successfully and yet licencing for irrigation of cranberry fields proceeds seemingly without the DFO on site to assess

potential impact on fish habitat. In the News the WSD has stated it sends these applications to the DFO for review and did so for one pipe installation where work was observed by the citizens I have mentioned. DFO in the same newspaper denied it received them. To this date we don't know the facts. Where's the accountability here? The system needs correction.

The Alouette Valley Association, I am sure, would like to be assured that fish and habitat, and a water needed to sustain fish will be guaranteed by regulations, legislation, the DFO, and Environment Canada. They know what it costs to maintain these two latter agencies and think they should get bang for their buck. The 1997 BC Fish Protection Act, not in force, but not yet rescinded could do that, but it collects dust on the shelves in Victoria. Let me say, finally, that we are in danger of losing more than salmon in BC. I am proud of the fact that my fellow citizens love to see salmon spawn in our rivers. It's what makes them pick up the phone and call the DFO if they see something happening that could negatively impact them or their habitat. BC can't do without those calls, but they will stop, and the apparent disconnect between the public partners and government will become cavernous, if it isn't so already. This will happen if people become convinced that it's not worth the effort to pick up the phone and call the DFO.