



SUBMISSION TO THE COHEN COMMISSION OF INQUIRY

from Sabra Woodworth, North Vancouver

Regarding the Terms of Reference (a,i, **A, B, & D**)

in relation to the question:

**What is required to secure the future of
Fraser sockeye?**



March 30-31 2010: a two-day
SUMMIT on FRASER RIVER
SOCKEY SALMON:
UNDERSTANDING STOCK DECLINES &
PROSPECTS FOR THE FUTURE –
A PUBLIC DIALOGUE
@ the Wosk Centre, Vancouver
(an identity of purpose)



PART ONE

DECADES OF REPORTS

beginning... 1992

- MISSING FISH
- DFO MANAGEMENT

REPORTS 1993 – The Fraser River Panel

Report on the 1993 Sockeye & Pink Season^{62 p.}

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9
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**Report of the
Fraser River Panel
to the
Pacific Salmon Commission
on the
1993 Fraser River Sockeye and
Pink Salmon Fishing Season**



Prepared by the
Pacific Salmon Commission
August, 1996



**REPORT 1994 – by The Fraser River
Sockeye Public Review Board 1995**
Chair: Honorable John A Fraser 129 p.

Fraser River
Sockeye
1994

PROBLEMS & DISCREPANCIES

Report of
The Fraser River Sockeye Public Review Board
1995

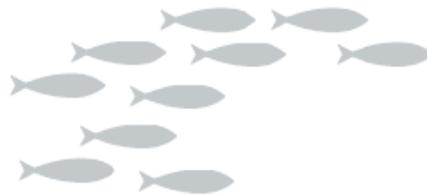


REPORTS – 1995 GETTING THE
MISSING FISH STORY STRAIGHT^{98 p.}

MARCH 1995
FORUM PROCEEDINGS
edited by Patricia Gallagher

GETTING THE
MISSING FISH
STORY STRAIGHT

The East Coast Fishery Crisis and
Pacific Coast Salmon Fisheries:
Facts and Suggestions



continuing studies in SCIENCE

Friday, March 31, 1995 Simon Fraser University at Harbour Centre

SIMON FRASER UNIVERSITY Public Forums on Environmental Issues

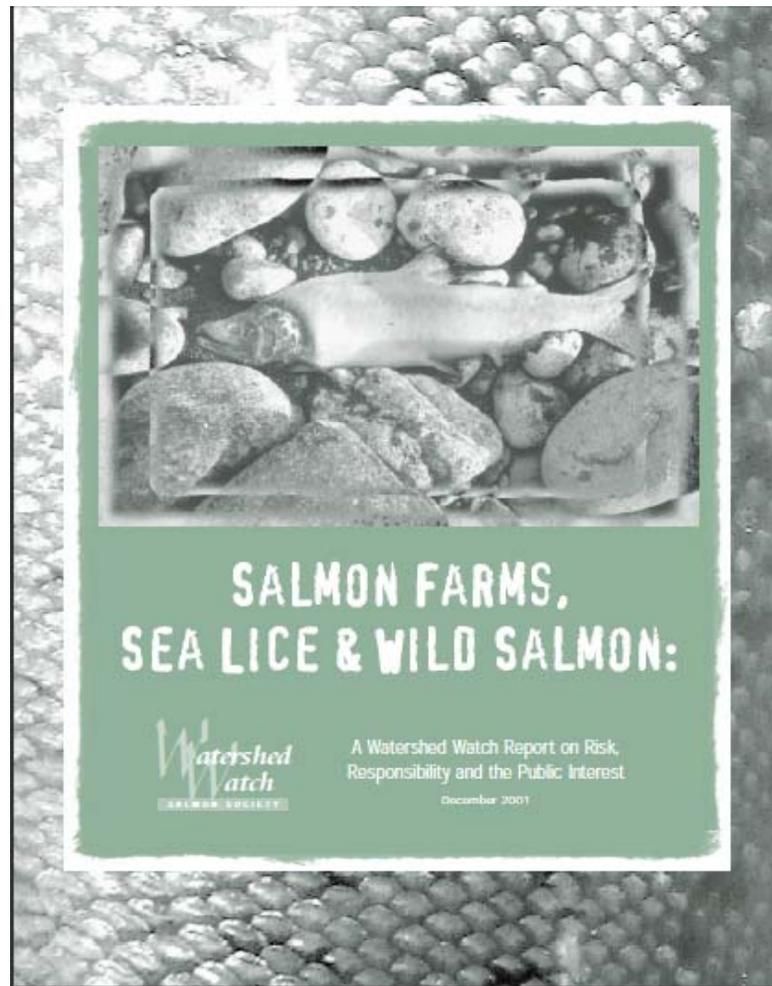


1995–97 A 2nd environmental review of the fish farming industry (the Salmon Aquaculture Review—SAR) is initiated by the Provincial NDP government to

address public concerns:

**SALMON AQUACULTURE IN BC
SUMMARY REPORT By the BC
Environmental Assessment
Office in 1995** (311 pages) (issued
recommendations in 1997).

**REPORTS – 2001 SALMON FARMS,
SEA LICE, & WILD SALMON**
(include lice) 28 p.





REPORTS

...in 2001: “the SENATE STANDING COMMITTEE on FISHERIES called for new regulations that would prohibit fish farms for salmon near migratory routes as well as salmonbearing rivers.”¹³

- “Aquaculture in Canada’s Atlantic and Pacific Regions,” Report of the Standing Senate Committee on Fisheries,

June 2001.

In 2007 January: BC Pacific Salmon Forum B.C. FINFISH
AQUACULTURE REGULATION: AN INFORMATION REVIEW AND
PROGRESS REPORT



**REPORTS – 2003 DFO Review of the 2002
Fraser River SE Fishery** 98 p.

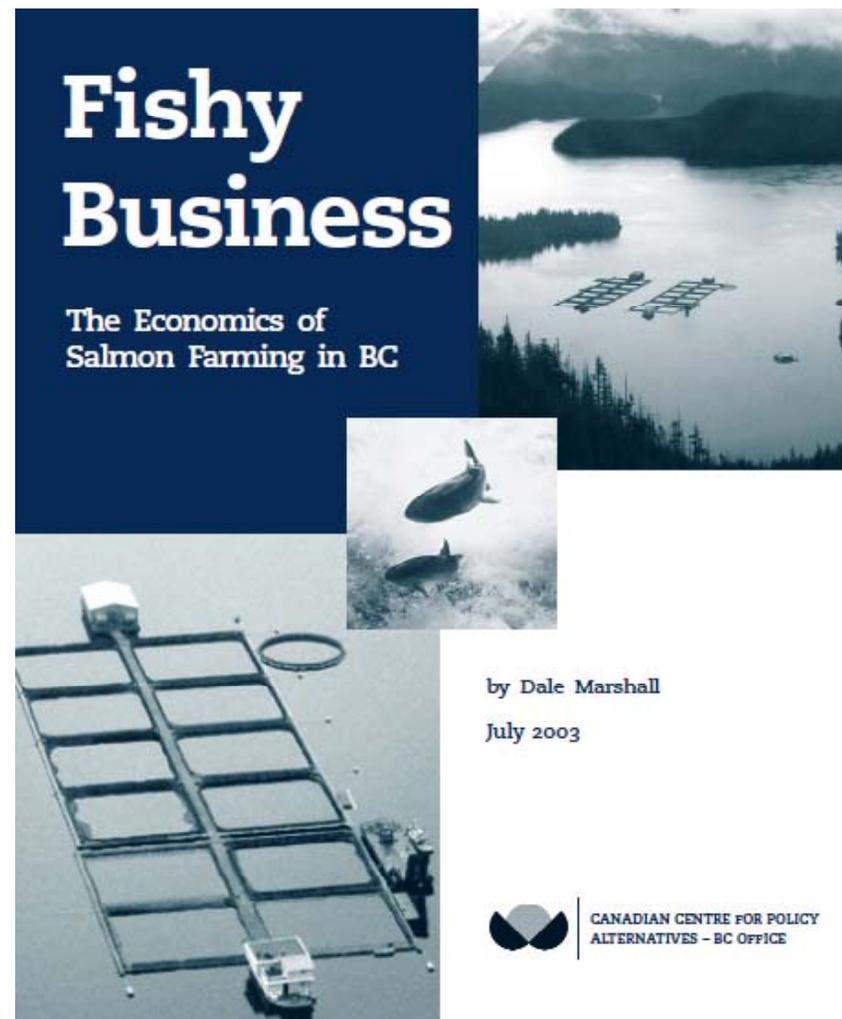
**Review of the 2002 Fraser River
Sockeye Fishery**

Report by the External Steering Committee



March 2003

REPORTS – 2003 Canadian Center for Policy Alternatives: Fishy Business





REPORTS – 2003 Pacific Fisheries Resource Conservation Council



Pacific Fisheries Resource Conservation Council

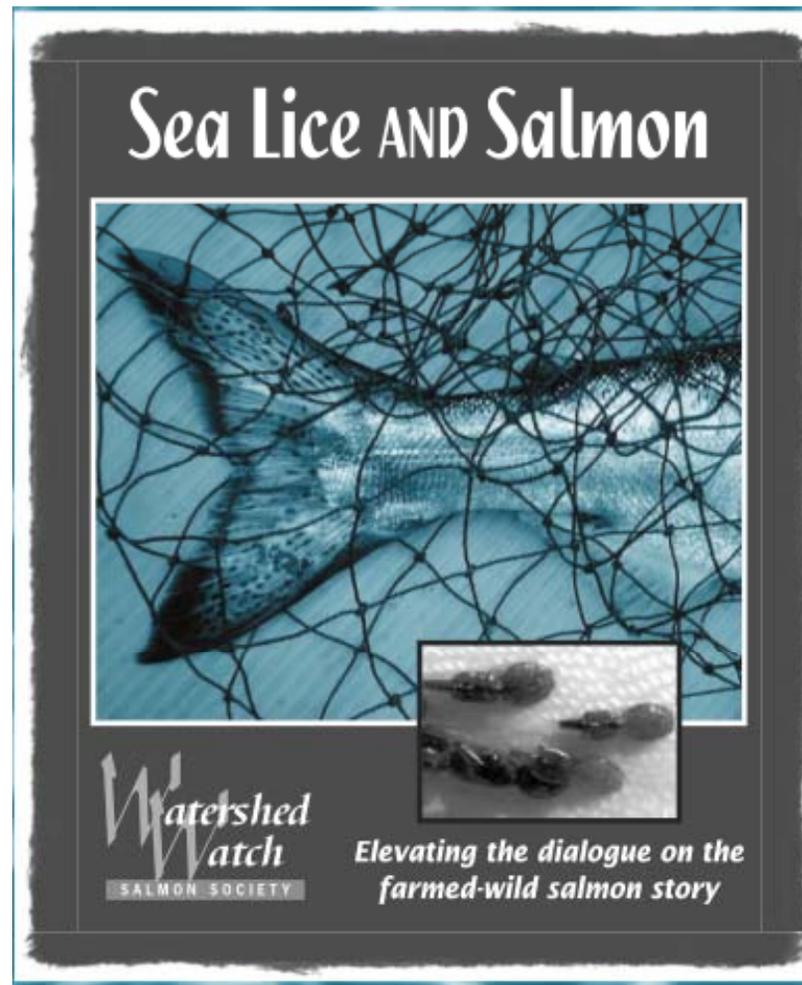
Making Sense of the Salmon Aquaculture Debate— Executive Summary

*Analysis of Issues related to
netcage salmon farming and wild
salmon in British Columbia*

Prepared by
Julia Gardner, PhD and David L. Peterson

January 2003

2004 Watershed Watch: Sea Lice & Salmon

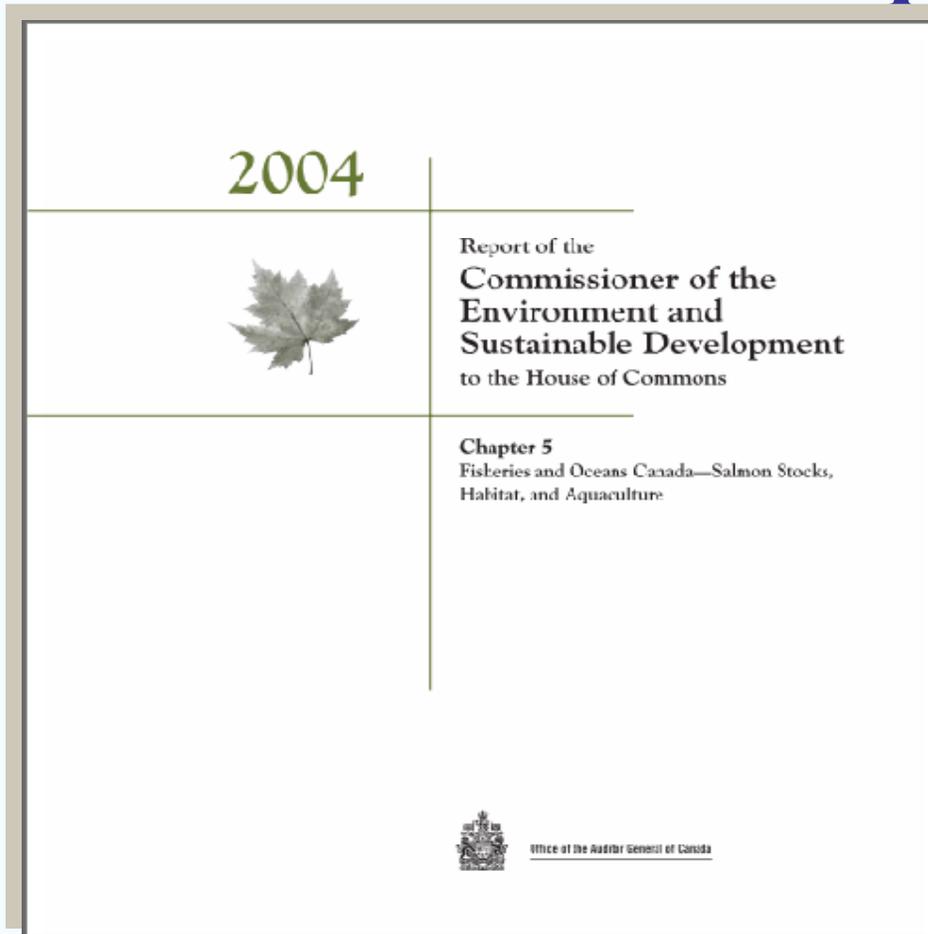




...reports... reports... reports... reports

- a multitude of recommendations many never implemented!
- This Commission has a massive job: if it were to **ONLY REVIEW** all those recommendations, & **ASK WHY** they weren't implemented, it would still have a **MASSIVE TASK!**

2004 OAG Report, Federal Commissioner of the Environment & Sustainable Development





2005 FEDERAL STANDING COMMITTEE REPORT 98 p.

**HERE WE GO AGAIN... OR THE
2004 FRASER RIVER SALMON FISHERY**

**REPORT OF THE STANDING COMMITTEE
ON FISHERIES AND OCEANS**

**Tom Wappel, M.P.
Chairman**

March 2005

AUDITOR GENERAL REPORTS

2000, 2004, 2005, 2009



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[December 2000 Report](#)

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Chapter 30—Fisheries and Oceans—The Effects of Salmon Farming in British Columbia on the Management of Wild Salmon Stocks



PART TWO

THE TERMS OF REFERENCE

vis à vis **THE DEPARTMENT OF**

FISHERIES & OCEANS



**THE TERMS OF REFERENCE OF
THE COMMISSION in “B”**

**(of A/B/C/D) task the Commissioner
with considering “the policies and
practices of the Department of Fisheries
and Oceans” – not unlike THE
AUDITOR GENERAL’S REVIEW OF
DFO, or, *at least, parallel* to the OAG’s
REVIEW.**



REGARDING
THE TERMS OF REFERENCE OF
THIS COMMISSION,
it is imperative that the directives in
A, B, and D regarding the Department of
Fisheries and Oceans be understood
in the full context of

- ❑ 15 years of Auditor General Reports, and
- ❑ historic good management at DFO, the wisdom of which has mostly walked out the door, but which nonetheless continues to exist & care.... elsewhere.



The Terms of the Commission in “B” are specifically detailed for consideration:

- **the Department’s scientific advice,**
- **its fisheries policies and programs,**
- **its risk management strategies,**
- **its allocation of Departmental resources and**
- **its fisheries management practices and procedures,**
 - **including monitoring,**
 - **counting of stocks,**
 - **forecasting and**
 - **enforcement**



The Terms of the Commission specify in “D” the goal in relation to DFO:

- **to develop recommendations** (for improving the future sustainability of the sockeye salmon fishery in the Fraser River) **including, as required, any changes to the policies, practices and procedures of the Department in relation to the management of the Fraser River sockeye salmon fishery.**



The Preamble to the Commission's Terms also places emphasis on the need to consider **“change”** at DFO in relation to the decline of the Fraser River Sockeye:

- **“Whereas the Government of Canada wishes... (to take all feasible steps)... & to determine whether changes need to be made to fisheries management policies, practices and procedures.....”**



YOU MIGHT ASK...

What do these TERMS OF REFERENCE have to do with the OVERSIGHT of the Department of Fisheries and Oceans that is offered by the Auditor General of Canada?



**...for example: THE MOST
RECENT AUDITOR GEN.
REPORT in the SPRING of 2009
from the COMMISSIONER of the
ENVIRONMENT... generally...**

1.23 Required review processes. Our review of ministerial authorizations indicated that while there was much project-related information in the files, **documentation required by departmental policies was often not found, such as:**

- 
- **identification of the project's potential impact on fish habitat**
 - **risk assessments of the impacts on habitat to determine their significance (for example, only 25 percent of the files we reviewed contained documentation on risk assessment)**
 - **the Department's assessment of a proponent's analysis of habitat impacts;**
 - **reasons why the Department required additional mitigation measures; and**
 - **monitoring plans on mitigation measures and documentation of compensatory work prepared by the proponents.**



...impacts on fish habitat... risk assessments... mitigation measures... monitoring plans

- **these all have to do with the practices of fish farms... pesticide and chemical use... repairing marine environments**
- **Indeed, DFO has virtually no monitoring of Georgia Strait waters for the impacts of IHN or lice infestations on salmon smolts migrating past fish farms**

In DFO files, you won't find pictures like this showing either **the lice** or **the white slime** created on baby salmon smolt while they pass the fish farms. Lice, or caligus, infect baby fish and grow larger as the baby fish grow larger, staying with them for life.





This isn't JUST ONE... but MILLIONS of salmon fry that become covered in slime when infested with sea lice.



The vast majority of our Fraser sockeye smolts pass approximately 60 different fish farms, or disease culturing zones, and there isn't ONE sample taken of them after they pass. They could all contract a disease during their out-migration if there was an outbreak at the farms and we would have no idea what ever happened to them.



WHO'S MONITORING?

- **CANADA cannot be STRIVING TO MEET ALL THE NEEDS OF THE AQUACULTURE INDUSTRY, MODIFYING ENVIRONMENTAL LAWS TO MEET THEIR NEEDS**
- **And MONITOR the many impacts those farms have on our environment: it's a contradiction of mandates.**

- 
- **1.24 For the 30 projects we (AUDITOR GENERAL) reviewed that received letters of advice, we found that required steps were not followed consistently.**
 - **None of the project files we reviewed contained all of the information that the Department requires to assess a project.**
 - For example, there was *no documentation of how mitigation measures were arrived at in 27 (90 percent) of the project files.*



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PART THREE

- **DFO's DIVIDED MANDATE**
- **SIDE-STEPPED RESPONSIBILITY**
- **SERVING WHAT ENDS?**
- **AQUACULTURE: whose baby?**



THE GREATEST SINGLE CHANGE in DFO

- is the addition of a 2nd mandate which is in direct competition (in the real world) with its original mandate of protecting wild salmon & their habitat: **PROMOTING SALMON AQUACULTURE**
- This change (as our entire nation realizes) constitutes a very real conflict – indeed, a **CONFLICT OF INTEREST** that hamstringing DFO.



A BOGGLED DEPARTMENT

- Since 1988, the GOVERNMENT OF CANADA has avoided regulating salmon aquaculture **AS A FISHERY** by deeming salmon farms **NOT A FISHERY**... so....
- responsibility for salmon aquaculture has been spread across a multitude of jurisdictions over its unconstitutional 22-year **EVOLUTION of NOT BEING A FISHERY**.



SALMON AQUACULTURE FOR TWO DECADES HAS BEEN “NEITHER FISH NOR FOWL”

- The industry has not been subject to Fisheries Regulations (not being a fishery)
- It hasn't been subject to Agricultural Regulations (not being a farm on land)
- Any fisherman or farmer in our country would be **heavily fined** for carrying on as the salmon aquaculture industry has been allowed to carry on.



PERHAPS A USEFUL EXAMPLE

At one time, the BC Government found it necessary to divide a single Ministry of Forests and Parks into two separate Ministries to enable the Parks Branch to make some real headway.

Similarly, the Canadian government needs to divide DFO into a **Department of Aquaculture** and a **Department of Fisheries** so DFO can fulfill its original mandate.



THE PRESENT

2010... this year!

CHANGES IN THE TIDE:

- responsibility for salmon aquaculture is returning to the Government of Canada, now to be regulated as A FISHERY
- four aquaculture companies promise NOT TO DISCLOSE DISEASE INFORMATION if it's to be made public

2010 Office of the Information & Privacy Commissioner Order F10-06

re refusal to report



OFFICE OF THE
INFORMATION & PRIVACY
COMMISSIONER
— *for* —
British Columbia

Order F10-06

MINISTRY OF AGRICULTURE AND LANDS

Michael McEvoy, Adjudicator

March 1, 2010



2010 Office of the Information & Privacy (2)

[93] **The Ministry submits that there is no statutory duty on the part of fish farms to provide mortality breakdowns or the information dealing with sea lice monitoring. It contends there is also no obligation on the fish farms to provide divers or boats to bring up fish samples for inspection and analysis.**⁶³



Order F10-06 - Office of the Information & Privacy Commissioner for BC (3)

... two examples:

- [95] Mainstream flatly submits that *it will not supply* similar information when it is in the public interest that similar information continues to be supplied.⁶⁶
- [96] Marine Harvest submits there are “no regulations or laws” which require it to release the information it gives to Ministry veterinarians or designates during on-site visits. It states that *release of the requested information would result in Mainstream no longer supplying the requested information.*⁶⁷



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- It is a great puzzle to me:
- how it is that the major aquaculture companies...
- ...can publicly proclaim...
- ...and be quoted in the Order from the Information & Privacy Commissioner...
- that they will not report disease & lice information to the government?

... in PUBLIC WATERS?



2010 NEW NATIONAL **AQUACULTURE REGULATIONS**

- **The recent COURT DECISION to regard salmon aquaculture as “a fishery” under constitutional federal jurisdiction... was made with the conviction that *fisheries regulations should apply to the aquaculture industry in place of the two-decade practice of exempting the industry from many fisheries regulations.***
- **The consequences of deeming salmon aquaculture a fishery must result in significantly different regulations from the regulations (developed over the past two decades) based on deeming salmon aquaculture NOT a fishery.**



IN CONCLUSION - 1

- The current DUAL mandate of DFO is unworkable
- In serving the aquaculture industry for the past two decades, DFO has ceased to do the disease monitoring of our waters that it used to do, that **more than ever needs to be done.**
- Environmentalists are doing more monitoring of what's happening with lice than anyone from DFO.
- If farms don't report diseases, what other monitoring exists?



IN CONCLUSION - 2

- **DFO has too few people in the field any more to do a fraction of the monitoring of lice & disease that's needed even to begin to inform us of what is happening out there.**
- **Blatantly, we don't know what diseases exist in our waters, nor do we have anything more than a cursory understanding of lice infestations due to minimal (virtually non-existent) field research.**



- **5 REFUSAL** by major salmon aquaculture companies **TO REPORT DISEASE**

- review recommendations from previous reports & attempt to determine why so many have gone unimplemented
- establish a joint effort with the Auditor General regarding a reform of our Department of Fisheries



One baby salmon fry is **ONE IN MILLIONS** of wild pink, coho, sockeye fry – **COVERED IN CALIGUS** – found all around fish farms: a relatively new problem in our part of the world: baby fry **DISTANT FROM FARMS** are, & always have been, relatively free of caligus.



wild pink salmon fry



EPIC SALMON

Salmon know the geography of our
province

... the straits, the inlets, the rivers,
the streams, the lakes...

it is their geography, their home



**THE FRASER RIVER IS THE
LARGEST
SALMON PRODUCING RIVER IN
THE WORLD**

2010 Evidence



CANADA

Standing Committee on Fisheries and Oceans

EVIDENCE NUMBER 07,

UNEDITED COPY -

Monday, April 12, 2010

* * *



Order F10-06 - Office of the Information & Privacy Commissioner for BC (4)

[97] Creative Salmon argues that it provides audit information on a voluntary basis and *if the applicant's access request is granted it will "immediately cease to volunteer further information to the Ministry."*⁶⁸

[98] Grieg Seafoods contends there is no statutory requirement that allows the collection of audit data and that it only provides data on the understanding the data would be kept confidential. It states **it will no longer submit the data if the applicant's access request is granted.**⁶⁹