

QUESTIONS & ANSWERS

* Transcribed

BC Pacific Salmon Forum Final Report & Recommendations

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Comment: (22:24) We are being asked to — indirectly — support the recommendations of the Pacific Salmon Forum and there’s so many recommendations — there’s some good and there’s some not so good, from my perspective. For example, I don’t share the vision of EBM as is defined in the slide show, because I can’t see alternate harvesting in migratory channels, for example, in the Broughton. I’m not sure if that means [inaudible]. In the heavy application of lice, or SLICE I should say, which is actually toxic to the marine environment there might be applications where it won’t be effective in the future. That has been the case with historic applications of pesticides on sea lice. There is a lot of sentiment here in the Skeena Watershed that it is still an ongoing experiment with the Broughton, but I do recognize in the slide show that the Skeena system is used as a control for baseline data and I encourage the Pacific Salmon Forum in its recommendations to ensure the north is fish farm free for that experimentation that is continually going on in the South Coast. That’s my comment.

Answer: (24:05, Fraser) If everybody had as learned a set of comments as this gentleman we wouldn’t have even have had to come here, because you would have all read the report from one end to the other. First of all, we’re not saying that all our recommendations are perfect. Or that they necessarily will be adequate in some time in the future. But what we have said is that we know what the target is. The target is, make sure that the lice on smolts is no greater where there are fish farms than in natural areas where there are no fish farms. We of course heard from our scientific friends that there is a legitimate scientific concern about the long-term consequences of SLICE, and I’m going to ask Jon O’Riordan to comment on this, not just in terms of its potential toxic effect, but also the fact that its effectiveness may wear off. So don’t feel at all hesitant about taking a look at some of these detailed aspects of our recommendations and asking questions about them because in the implementation of them those questions are there. Remember that those are the recommendations we made now with what was available to us and to some degree we had to take advantage of a high level of collaboration, at least from some of the companies. And the criticism that, well, this year you have one escape route felled or clear, but the other one isn’t, is not a perfect answer. Well it isn’t a perfect answer. And there are some implications of trying to make that perfect that get very complicated, because there are interests that aren’t at the moment persuaded that their cooperation would assist very much. But then again you are up against another issue and that is that there are a lot of people who just don’t want fish farms, period. One of the things you may notice in our report, which we worked very hard on for several years, and that is we said, look, until the public is satisfied that we are doing it right in the Broughton, for goodness sakes don’t fill the North Coast full of fish farms. And you will remember that about two years ago now the then-minister said, “No more fish farms north of Cape Caution”. There are organizations in this valley who had a lot to do with that decision. I just

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want you to know that so did we. Jon, would you comment?

Answer: (26:54, O’Riordan) Thanks, Len, for your question. Just two points I would like to add. One is that the forum did recommend integrated pest management, so we have a specific recommendation that did go in to move toward non-SLICE applications to control lice. The second thing is that in BC the application of SLICE is really only one, at the most two, in the whole fish cycle. In other words, 18 months grow out SLICE may be applied but usually only once, occasionally twice. In Scotland and Norway it is applied six or seven times. So there is a huge difference in BC compared to other producing countries where resistance of lice to SLICE is now a major concern. So the forum was very clear that SLICE should only be looked at as a stop gap and we should be moving toward an integrated pest management regime over the next few years.

Comment: (28:02, Brian Riddell) I would encourage people not to overly focus on the aquaculture recommendations of the forum report. If you’ve read it, I think the first thing that really struck me is the breadth of the report and, particularly in the context of our conference here, there are many recommendations about broader ecosystem management, such as the water and land department. So there are much broader types of recommendations than simply the fish farms. That certainly was the profile of it but please think about it in the much broader context.

Question: (28:35) I just wanted to say I really appreciated the “outside the box” thinking that was there in terms of the recommendations. You guys have alluded to the lack of implementation of the report and I guess I’m wondering was there ever an official government response to the report? Is it sitting in the premier’s office? Is that where the political push needs to happen? Have any of the recommendations actually officially been adopted?

Answer: (29:13, O’Riordan) Well, the report is sitting primarily with two ministries. The Ministry of Agriculture and Lands, which has the responsibility for fin fish aquaculture regulation, and ILMB, which deals with watersheds. Brian Fuhr is here and he will probably be able to speak more on it or the next speaker. My understanding is that there is some effort being made through regional coordination committees in each of the regions under ILMB to bring together the provincial agencies that decide on issues of watersheds in a more coordinated manner, someone can speak to that, but so far the province has not accepted the recommendation of having a single decision maker in a watershed. We didn’t necessarily say all the agencies had to be coalesced, but we just said there should be one person, as John Fraser said, who is in charge so that we don’t have multiple decisions on run-of-the-river projects, forestry, or resource shorts and natural gas eating away natural capital in watersheds without anyone keeping an eye on overall ecosystem health.

Answer: (30:25, Fraser) After we gave our report you may remember that the British Columbia Supreme Court, in a civil action brought by Alexander Morton and others, ruled that the 1987 agreement between the federal government and the provincial government transferring responsibility to provincial government for the operation of fish farms was constitutionally invalid. It may interest you to know I was no longer fisheries minister in 1987. I was Speaker of the House. But I knew about the 1987 agreement. And being a lawyer I had grave doubts about its constitutionality. I thought it was too big

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a giveaway. Mr. Justice Hinkson, a couple of months ago, and I say he agreed with me or that I agreed with him, but in any event that happened just after our report went out. And the judge suspended the implementation of the court ruling to give both the federal government and the provincial government a chance to sort out what it was ever going to do. And interestingly enough DFO didn't even appear at the hearing. They didn't argue. The British Columbia government has not appealed the decision. Marine harvest has, but only on one point, and that point is that the fish in the pens are private property. And they have conceded the constitutionality decision of Mr. Justice Hinkson. Now, that decision came down in the end of February or the beginning of the next month and as yet I don't think they know just what to do. But let me say this, the federal government ought to be looking very closely at our recommendations, especially the recommendations on fish, wild fish, and habitat, because those recommendations will be very important to the federal government if it takes over, if it comes back and is running fish farms. So will the other recommendations. But just because the court said, back to you federal government, doesn't mean that the provincial government should sit around and do nothing. The provincial government has got clear constitutional authority in forestry, agriculture, mining, gravel, energy, municipalities, roads, a whole series of things. Clear constitutional authority to do everything you need to do to save anadromous fish from tide water into their spawning beds and back out again. And after all, that is what the premier also asked us to tell them how to do it. So, the fact that there has been a law suit and a decision does not mean that the basic thrust of our recommendations should not be pursued. Sometime after we put our report in and we were no longer functioning as a forum, I wrote to Jessica MacDonald who is the premier's secretary, a very senior public servant, and I said some of us would be prepared to sit down with you to discuss how these recommendations could be implemented. And I got a very polite letter back from her saying, thank you very much but right now we are trying to figure out what to do about the decision, the court decision, and I got a further letter from the deputy minister saying that it had been brought to his attention and they were very appreciative of our offer. But at the moment it's not there and it needs to be followed up.

Comment: (34:26, Riddell) Thank you for bringing us to the broader point and we see what happens. We've bounced right back to aquaculture. We can probably have a fairly extended discussion about that. The federal government is going to maintain responsibility, but the formal announcement hasn't come out yet. I have seen the announcement that the province is going to step out as much as they possibly can. But let's put that aside.

Question: (34:50) One of the recommendations was the development of collaborative governance models out of certain watersheds. I'm interested in your analysis of why you think those conditions may or may not be in place in the Skeena Watershed for such a pilot.

Answer: (35:18, O'Riordan) Well, the reason why we recommended a collaborative model is because watersheds are under jurisdiction of all levels of government. So the provincial government has responsibility for Crown lands on watersheds, and is a vital interaction between the way land is managed and the way water functions. The federal government has responsibility for fisheries, which is only one part of the ecosystem, a key part. The local

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government has responsibility for private lands within urban and rural development areas. And First Nations got constitutional rights relative to their interest and title in resource development. So no one level of government can manage the watershed. So we coined the phrase "Thinking like a Watershed" and we have to get away from the government silos that look at each of their separate jurisdictions and say that all four levels of government have to think like a watershed, act and manage a watershed as a whole system. Not as in its component parts: forestry here, oil and gas there, rural agriculture in the next place. So one level of government could be doing the right thing for one part of the watershed, while another level of government could be trashing another part of the watershed. At the end of the day, the watershed is not acting as a healthy ecosystem function. So we said, the only way that will operate in the constitutional situation we have in Canada is to have all four levels of government come together as a collaborative and have a common vision about maintaining ecosystem function in the watershed. The Skeena is a large system to do that, so we have a big challenge. But this conference to me indicates there are a lot of people with a vital interest in the health of the Skeena. I'm not sure who's here representing federal, provincial, local, First Nations governments, but my suggestion is that over the course of the next two days you seek out people who can get commitments from each of these levels of governments to start working together. Certainly, there is a commitment from the civic sector here. The question is whether the public institutions can follow suit.

Comment: (37:25, Fraser) I just want to add one thing which is important and that is, as Jon O'Riordan has set out, there are different levels of government and he has described them. But what we have to be sure we don't fall into is the terribly stupid error of having in-house lawyers decide that under the division of powers under the constitution of Canada that these things can't be done. You will hear that sort of stuff, you have probably heard it all your lives. These guys are errant nitwits. The fact of the matter is you can put all those levels of government in a room and say, let us draw up a memorandum of understanding and an agreement as to how we are going to function together. There is nothing under the constitution or the history or the law that says that that can't be done. Of course it can be done. And it should be done. And as far as British Columbia is concerned, British Columbia has an absolute moral right to say to the federal government, you sit down here and work out an agreement, because this is our piece of the country, these are the resources that matter to us socially, historically, culturally, and economically, and it can be done. But you have got to get them into a room and in order to do that, to get a collaborative meeting, you've got to persuade everybody that you are all trying to act in good faith. That's a challenge, but it's not an unbeatable challenge. It can be done.