

September 21, 2006

The Honourable Loyola Hearn
Minister, Fisheries and Oceans
Parliament Buildings, Wellington Street
Ottawa, Ontario
Canada, K1A 0A6

Subject: REQUESTED REFORMS TO CANADA'S FISHERIES ACT BY INDUSTRY GROUPS - THE NEED FOR CAUTION

Dear Minister Hearn:

We are writing to express our concerns about the efforts of the Canadian Chamber of Commerce and a consortium of British Columbia business interests¹ to lobby Fisheries and Oceans Canada (DFO) to amend the habitat protection and pollution prevention provisions of the federal Fisheries Act.

In effect, these organizations are asking the federal government to repeal all of the relevant sections of the Fisheries Act that can be used by government to hold those that destroy and/or pollute fish habitat accountable for their actions while also amending the act to lawfully permit activities that will cause harm to fish habitat.

These requests are being made by the very industries that have been responsible for the majority of freshwater fish habitat loss in Canada through harmful alteration and pollution. For that reason we must be highly concerned about these proposed changes to the Fisheries Act.

The problems that face industry do not lie with the wording and intent of the Fisheries Act. The problems described by industry are due to the administration of the act, including the lack of necessary monitoring and enforcement capacity. The Auditor General of Canada has clearly demonstrated the inability of your department to meet its conservation mandate and the regulatory requirements of the Fisheries Act.

Internal reviews and audits conducted by the DFO itself have repeatedly shown that where there is government oversight of projects that affect fish habitat, which includes DFO monitoring of projects and enforcement of the law, compliance with the law is highest. Where there is no government oversight, compliance is very poor. Yet the industry is actively lobbying the DFO to significantly reduce their oversight capabilities.

We have documented the failure of deregulation, including current implementation of the Environmental Process Modernization Plan, in protecting fish habitat. Morale is reduced amongst many DFO habitat staff as budgets have been slashed. New policies coming out of Ottawa are hindering their ability to enforce the law.

We implore you to leave the habitat protection and pollution prevention provisions of the Fisheries Act as they are. Government and conservation organizations around the world view these aspects of the act as some of the most forward thinking pieces of environmental legislation in North America, if not the world. Revising the Fisheries Act significantly risks weakening robust legislation rather than simply "modernizing" old legislation.

¹ These groups include the Business Council of British Columbia, the British Columbia Chamber of Commerce, the Council of Forest Industries of BC, the Mining Association of BC, the Association for Mineral Exploration BC and the BC Agricultural Council

The Pacific Marine Conservation Caucus, Wild Salmon Committee would like to set up a meeting as soon as possible with the DFO to discuss habitat modernization and the Fisheries Act further and we look forward to someone contacting us in order to make arrangements. We request that if your department plans to convene meetings with industry to discuss Fisheries Act renewal that we are informed immediately and offered the same level of involvement.

Thank you for your consideration of this issue. We look forward to your reply.

Sincerely,

Wild Salmon Committee, Pacific Marine Conservation Caucus



Craig Orr
Executive Director
Watershed Watch Salmon Society



Nicola Temple
Wild Salmon Project Coordinator
Raincoast Conservation Society



Bill Wareham
Acting Director, Marine Conservation
David Suzuki Foundation

cc: Hon. Rona Ambrose, Minister of Environment
Paul Sprout, DFO, Regional Director General (Pacific)
Al Macdonald, DFO, Director, Program Development
Don Radford, DFO, Regional Director, Fisheries Management and Aquaculture Branch
Patrice Leblanc, DFO, Director, Habitat Protection & Sustainable Development
Nigel Harrison, DFO, Chief, Habitat Management Directorate
Bonnie Antcliffe, DFO, Regional Manager, Habitat Management
Mark Saunders, DFO, Wild Salmon Policy
Shaun Atleo, BC Regional Chief for the Assembly of First Nations
Edward John, Grand Chief, First Nations Summit
Fred Fortier, Inter-Tribal. Fisheries Commission
Olivier Bertin-Mahieux, National Caucus Coordinator, Canadian Environmental Network