

September 23, 2004

Larry Murray
Deputy Minister, Department of Fisheries and Oceans
200 Kent Street 15 Floor Room S009
Ottawa ON K1A 0E6

Dear Mr. Murray:

At the close of the September 20 meeting between the Marine Conservation Caucus and Minister Regan in Vancouver on Monday, you asked me to provide you with a list of the unfulfilled commitments I was referring to in my comments. Please accept this letter as my response.

These unfulfilled commitments are many, and they go back to the time of David Anderson's tenure, when British Columbians were promised a "wild salmon policy" that would guide all of the department's decision-making with respect to wild salmon, to ensure that wild salmon were conserved in the public interest.

Minister Dhaliwhal, too, agreed to a very bold and ambitious reform agenda in the matter of rockfish conservation, much of which was never implemented. Similarly, Minister Thibault made a series of widely-reported and clear promises, along with assurances about explicit instructions he had given his officials. Those commitments, too, remain unfulfilled.

Things do not seem to have changed much since 1995, when noted fisheries biologist Carl Walters observed that it takes the Fisheries and Oceans department ten years, on average, between the time a necessary action is identified, and a necessary action is taken. Dr. Walters cited the case of Strait of Georgia chinook, which the scientific community warned were close to extinction in 1979, but which were not protected by any appropriate remedies until the early 1990s. He also noted that scientists were warning about grossly over-optimistic stock assessments and dangerously high harvest rates on Newfoundland cod in the mid 1980s, but no action was taken until 1992, by which time it was too late. Strait of Georgia coho declines were widely known to have been crashing in the late 1980s, and departmental staff were clear that action was immediately necessary, but no effective action was taken until Minister Anderson's tenure in the late 1990s. Again, it was too late.

This dangerous inertia within Fisheries and Oceans is well known, within and without the department. It is the "common problem" I was referring to Monday. It is the problem the MCC shares with the fisheries minister, with First Nations, with the fishing industry, and with all those dedicated and hardworking public servants within the department.

Given your honorable record of military service, and your experience at the helm of warships, I'm sure you know far more than I can ever imagine about the importance of

maintaining a line of authority sufficient to ensure a commanding officer's orders are carried out. This was a point I was trying to make Monday, and I'm sure I did not make it very well. We were all quite saddened by the revelations about the calamity that had befallen the Fraser's ancient sockeye runs. The news cast a pall over the meeting. But since the management of the Fraser's sockeye fisheries are a case in point with respect to this matter of unfulfilled commitments, I will focus in this letter on certain especially relevant promises that Minister Thibault made, and which remain unfulfilled, arising directly from public anxieties about the management of Fraser sockeye fisheries.

In April 2003, Minister Thibault announced publicly that he had accepted each and every recommendation arising from the 2002 Fraser Sockeye review – a process undertaken in response to a major public controversy arising from the management of the 2002 sockeye fisheries. The review report reflected an unprecedented consensus among a broad cross-section of stakeholders appointed by the minister.

Among the stakeholders were the B.C. government, First Nations, representatives, the Pacific Fisheries Resource Conservation Council, the commercial and recreational sectors, the conservation sector, and senior regional fisheries staff. I served on the review committee the Marine Conservation Caucus.

Among the recommendations Minister Thibault said would be implemented – and implemented according to the specific timeframes set out in the 2002 Fraser Sockeye Review – was a “science based risk management framework” to guide decisions in the event of such unforeseen circumstances as high water temperatures and low water levels.

The decision rules were to take into account the probable effects of a wide range of management options covering a broad range of possible responses to changing circumstances, including “pre-spawning mortality” of the precisely the sort your officials are now identifying as the prime reason for the tragedy that has unfolded in this year's sockeye spawning returns to the Fraser.

There was nothing like this framework that we can identify in the fisheries management plans for Fraser sockeye, either in 2003 or 2004.

Minister Thibault also promised that conservation groups were to be consulted in the development of salmon fishing plans. Indeed, we were to be directly engaged as a full stakeholder interest in a new decision-making process, governed by a three-stage mechanism. That process was to specifically consider conservation objectives, and risk-management, and it was to ensure consistency between conservation objectives and proposed fisheries, and any “cross-sector integration” issues to be addressed. We would also participate in a post-season review.

None of this has happened.

In 2003, there were ten meetings with the commercial sector and five meetings with the recreational sector prior to the establishment of fishing plans. There were no

consultations with conservation groups, despite the best efforts of certain officials such as Bilal Cheema and Paul MacGillivray, who directly intervened in attempt to ensure the minister's promises were being kept. We were assured that by the 2004 season, the new decision-making process would be up and running.

It was not, and it still isn't. We were promised opportunities to participate directly in post-season reviews. This has not happened, either.

Perhaps most importantly, we were promised that the department would begin immediate consultations on a wild salmon policy and its associated guidelines, and the policy would be in place by December, 2003.

No such consultations have occurred, and as you are aware, no wild salmon policy is in place.

In recognition of the widely-held sense of "alienation" from fisheries decision-making generally that undermines public confidence in the federal government in British Columbia, there was to be a province-wide "policy steering committee" to represent the full range of interests in Pacific fisheries resources. It was to provide a "venue for broadly based dialogue" involving First Nations, commercial and recreational groups, conservation groups, community groups and the provincial government. Several issues were to be referred to this body, including a means by which dangerous "mixed stock" fisheries might be shifted to more terminal areas.

This body was not established by the fall of 2003. A radically watered-down version of this body is only now being considered by certain of your officials.

The list goes on, but I will stop here, for brevity's sake. All of these commitments are a matter of public record.

On the matter of improved decision-making – more accountable, defensible and transparent decision-making – the events of 2004 provide a tragically graphic illustration of the reasons why the pledges Minister Thibault made in 2003 should have been implemented. They were good ideas, supported by a broad cross section of interests, and enthusiastically endorsed by a fisheries minister.

But they were not implemented, and the result is that once again, the public's confidence in the department, and in the federal jurisdictional authority over fisheries, is once again being sorely tested.

We are now contemplating the very real possibility of the commercial extinction of an entire cycle year of the Fraser River's once-bountiful sockeye runs, and the conservation sector has been rendered completely unable to come to the department's defence, in any way. It would have been cold comfort, perhaps, but had the department implemented the minister's promises of April 2003, and had the conservation sector been fully engaged in the fisheries-management decisions of 2004 as we had been promised, we might now be

in a position to say to the public that what happened on the Fraser in 2004 was a tragedy, but the department acted responsibly, and did everything it could.

But we cannot say that. We are not in a position to say anything of the sort. We were not there. We were supposed to be involved, and the minister promised we would be involved, but were not.

We are thankful to hear from such officials as P. MacGillivray and B. Cheema that we should be directly engaged in a post-season review of this year's events on the Fraser River. However, I must confess that unless this larger problem of the apparent breakdown in the department's line of authority is remedied, this could be simply another public controversy that leads to yet another post-season review, and yet more broadly-supported recommendations that prompt a minister to make more solemn promises that once again end up disregarded or unfulfilled.

It goes without saying that the department's credibility continues to be eroded by this kind of thing. What I would also ask that you consider, with respect, is that the credibility of those conservationists who counsel a more cooperative and collaborative approach with the fisheries minister's office, and with this department, is also on the line now. Indeed, after Minister Thibault's announcements, several conservationists, the Sierra Club's Vicky Husband especially, took pains to ensure that the minister and the department were praised, publicly, in the news media. It has been brought to our attention more than once, publicly, that perhaps our praise was misdirected.

This is a very difficult time in the history of your department. Your fisheries managers are already being put in the untenable position of deciding whether to authorize fisheries in the absence of basic information, because the department can no longer afford to gather that information. And your department is again facing budget cuts.

We cannot afford to forego any opportunity for conservationists to build and maintain broad public support for your department – support wide enough to allow fisheries ministers to argue more effectively against such budget cuts. Our support for your department unavoidably depends upon whether the department can be trusted to do what its minister says will be done.

While many of your officials have stated their sincere hope that the minister's promises of 2003 are implemented, and have assured us that they would like to do everything they can to see that the minister's promises fulfilled, I sincerely request that you personally take this matter in hand.

I respectfully request that you contact either or both of the MCC co-chairs (Vicky Husband and Craig Orr) about this most urgent situation, at your earliest convenience.

Sincerely,

Terry Glavin, Marine Conservation Adviser, Sierra Club of Canada (B.C.)

Cc Vicky Husband, Conservation Chair, Sierra Club of Canada (B.C.)
Craig Orr, Executive Director, Watershed Watch