

March 31, 2008

John Sokolowski
Audit Director OAG
250 - 757 West Hastings Street
Vancouver, BC
V6C 1A1

Re: DFO's Habitat Management Program Effectiveness.

Dear Mr. Sokolowski

The Marine Conservation Caucus (MCC) is a loose affiliation of a several BC conservation organizations with a strong interest in the fish, fish habitat and the fishery in the Pacific Region. We were formed four years ago to represent a cross section of mainstream conservation interests to provide consultations to DFO on a number of issues including fisheries management, Wild Salmon Policy, habitat, groundfish, eulachons and sea mammals.

It is our understanding that a number of groups, including some of our members, have forwarded detailed briefs to your office concerning your present audit on '*DFO's Habitat Management Program effectiveness, success and ability to conserve and protect fish habitat in Canada*'. We will accordingly keep our submission brief and restrict our comments to four theme issues.

We find your audit to be very timely in that we have a great concern that DFO and sister agencies in the federal and provincial governments are not doing an adequate job to maintain the habitat base across Canada and especially in British Columbia and our adjacent oceans waters. The present approach will not ensure the survival of healthy stocks of fish for future generations and healthy ecosystem functioning.

The general public and the MCC members have been very aware of the troubled status of fish stocks and problems affecting the overall conservation of their habitats for many years. The level of environmental awareness in BC is extremely high. It is with great disappointment that we see the many stocks of fish in BC being subjected to ever greater fishing and habitat loss pressures and their decline is very evident in many areas. There are a number of causes however it is appreciated that your audit is related to the effectiveness of DFO in habitat management so our comments will be restricted to that issue in the Pacific Region.

There is an abundance of information from DFO studies, ocean and watershed groups and the general public that since the 1986 DFO adoption of a policy of 'net gain' as supported by the principle of 'a no net loss' of existing habitat productive capacity, DFO has not succeeded in reaching this overall objective. That is despite the fact that DFO has

now been working towards this goal for the past 22 years. There are a number of overarching reasons why this has not happened.

1. A need for science to drive a conservation agenda.

Overall it is apparent that DFO is often driven by a political rather than a conservation-centered agenda and the best science is not done or applied to address problems and challenges of the day. For instance, DFO has dedicated staff and resources to encourage Atlantic salmon farming along this coast but has put very little effort into studying the possible conflicts such an exotic introduction will cause. Further, when there is information indicating conflicts with the conservation of wild stocks of fish and their habitat (the real DFO mandate), little is done by that agency including a total absence of enforcement.

The above scenario has been played out many times and we feel it is contrary to the legal legislative mandate of that agency. Other examples of this deferral of responsibility exists for Fraser River gravel mining, Yukon placer mining, and the impacts of bottom trawls on ocean bottom fish habitat including the protection of rare coral and sponge beds along our coast.

2. Resources and the will to do the job.

One cannot ignore the great challenge to effectively protect aquatic habitat in the face of continuous human population and industrial growth. This is compounded by confusing jurisdictional mandates at several levels of government and the inability or unwillingness of government to put top priority on an effective seamless organizational approach to protect our ecosystem that allows all forms of life, including fish, to thrive. The will and the financial resources to implement an effective conservation program from public stewardship to hiring the staff to protect the habitat and enforce legislation not adequate.

Recent cuts to staff and to stewardship programs by DFO as they try a new way of protecting habitat (Environmental Process Modernization Program) is subject to a high risk of failure resulting in a continued loss of habitat. Despite these shortcomings, DFO presently does have adequate habitat legislation and policy to do a better job than it is now doing.

3. Need for Better Coordination and an Ecosystem Approach.

The multi-levels of government with split and contradictory mandates do not allow DFO to take an ecosystem approach to protect all facets of an ecosystem or watershed that are most often responsible for the creation and maintenance of habitat. It is confusing to even DFO staff how they will integrate an integrated fishery into habitat protection needs and programs. Also how does that seamlessly relate to CEAA, SARA, Oceans Act and many forms of Provincial legislation? Key to all of this is Environment Canada (DOE) which manages water quality separate from the more physical habitat that DFO manages. In the present era, the split jurisdictional approaches and the complexity of laws and strategies

and approaches will not allow a great improvement in the basic protection of the overall habitat base of the fishery resource.

A new cooperative approach to achieve a no net loss of habitat can only work when the Federal and Provincial governments agree at the First Ministers' level to take a new and effective joint approach to protect the aquatic ecosystem. The needed level of cooperation to establish habitat protection priorities to achieve a no net loss of habitat has not been evident to date. Despite that DFO can do a much better job with its present powers and resources.

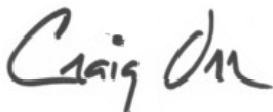
4. To Rehabilitate Habitat Protection One Must Rehabilitate DFO.

For DFO to do a much better job, the organization must evolve and fulfill commitments of moving towards ecosystem-based management. This must start with much better leadership at the Ministerial and senior management levels. Protecting the status quo and controlling noise is simply not good enough. Canadians demand more. DFO must, at the highest levels, develop an overall habitat protection life cycle that includes inventory, habitat classifications, research, guidelines, awareness and stewardship, project review, monitoring, enforcement and evaluations. We do not see the leadership, resources and the organization in place to develop and deliver upon a balanced program in a diligent manner. The most obvious present shortcoming in that cycle is habitat enforcement.

Part of the rehabilitation of DFO is to greatly improve upon their ability to effectively relate to and consult with the public before the decisions are made. This is essential in that DFO says transparency, public participation and stewardship is important to a new way to better protect habitat. An example is the recent attempts to pass a 'new' Fisheries Act. The Minister would sooner spend efforts in rationalizing consultation instead of having staff engage in public discussion and jointly determining any upgrades of legislation and strategies (e.g. EPMP). To date all work is more or less done behind closed doors and then staff have to sell the product to the public. We are well beyond that time in cooperative fisheries management.

It is hoped that these brief overview comments will be of assistance in your review. It would be appreciated if members of the MCC could meet with your audit staff to further discuss these issues and get into any possible detailed discussions which we have not covered in this submission. To arrange a meeting please feel free to contact the MCC Secretariat, Trish Hall, at hall@watershed-watch.org.

Sincerely,

A handwritten signature in black ink that reads "Craig Orr". The signature is written in a cursive, slightly slanted style.

Craig Orr, Ph.D.
MCC Chair