

RECOMMENDED CHANGES TO THE FISHERIES ACT



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Summary

This report will highlight the recommendations made by stakeholders, organizations, and constituents of Pitt Meadows – Maple Ridge in regards to the Fisheries Act review launched by the Federal Government. Since assuming office in 2015, I have been conducting consultations in the riding of Pitt Meadows – Maple Ridge on a range of issues regarding the sustainability of fish and fish habitat. This report outlines what I have heard on this subject and what recommendations our community proposes for the Fisheries Act. I hope this report contributes to legislation that will be put forward by the Government of Canada to make changes to the Fisheries Act.

Background

Since being elected as the Member of Parliament for Pitt Meadows – Maple Ridge in October 2015, I have taken the initiative to engage and listen to constituents on issues pertaining to the Fisheries Act and fish policy at large. Throughout the campaign and even today, I am constantly hearing from constituents in my riding on this matter. Fish and fish habitat are part of the livelihood and identity of Pitt Meadows – Maple Ridge and thus fish and fish protection policy directly impact both the environment and prosperity of the community.

In June 2016, the Honourable Dominic LeBlanc, Minister of Fisheries, Oceans, and the Canadian Coast Guard, announced a comprehensive review of the Fisheries Act to be conducted through summer 2016 to winter 2017, resulting in legislative changes to be tabled before the House in 2017. This review has been, in part, a response to changes made to the Fisheries Act in 2012 as well as public and stakeholder demand to comprehensively review our Fisheries legislation in Canada.

This review process is intended to restore public confidence and legitimacy in the Fisheries Act by ensuring that stakeholders including environmental organizations, industry, Indigenous peoples, and Canadians at large are adequately consulted. As both a Member of Parliament and a citizen of Pitt Meadows – Maple Ridge, I have received an overwhelming amount of feedback and response from our community: that there is, in fact, a need for such a review. It is something I am particularly proud of our Government for taking action on.

In addition to the Minister's own stakeholder consultation process, including a public digital consultation, the Standing Committee of Fisheries and Oceans (FOPO) also conducted a study entitled "Review of Changes to the Fisheries Act".

I am thus very proud to, on behalf of Pitt Meadows – Maple Ridge, present this report that outlines and explains recommended changes for the Fisheries Act. I hope this report demonstrates the importance of our riding's perspective on the issue as well as the rationale behind our priorities as a community.

Relevance

As a watershed community located just in-land of the Pacific Coast, Pitt Meadows - Maple Ridge is home to the Fraser River, Pitt River, Alouette River, and a network of highly interconnected streams, creeks, and bodies of water. The governance of fish and fish habitat has long been an important issue for the community. Because of the riding's proximity to the Pacific Ocean, the region plays both a critical role as spawning grounds and as an important swim channel for up to six different pacific salmon species (Pink, Chum, Coho, Chinook, Sockeye, and Steelhead). The riding is also home to a network of dykes north of Lillooet River (since renamed the Alouette River) and a BC Hydro Dam which has significant and evolving impacts on fish and fish habitat through the region. The geographical landscape has established an environment in which the Fisheries Act plays both a direct and indirect role in our community.

As a riding located on the traditional territory of the Katsie First Nation, the Fisheries Act is also an incredibly important piece of legislation for First Nations people in our community

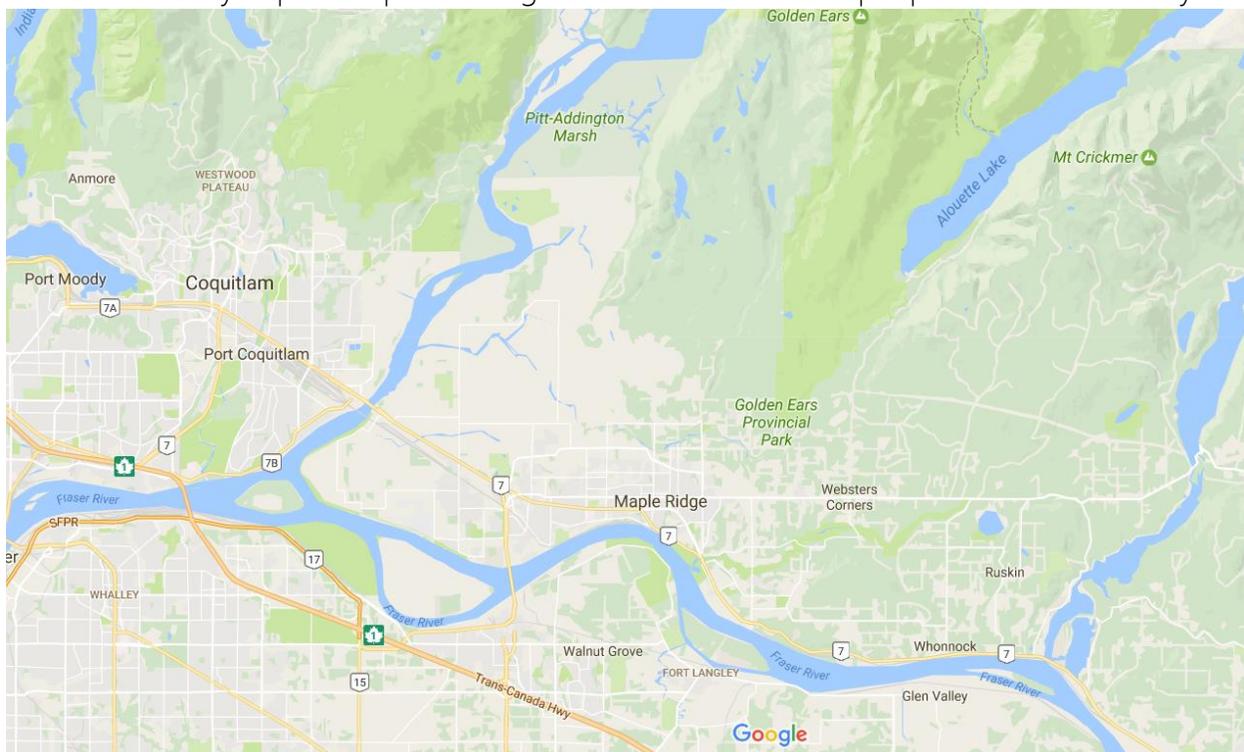


Image courtesy of Google Maps (2017)



Counting the 2016 salmon run with the Pacific Streamkeeper Federation

who primarily live along the Fraser River. It is essential to recognize not only the cultural significance of fish, particularly salmon, to the Katzie First Nation, but also the impact that fish and fish habitat have on the wellbeing of their community. Salmon are part of both the livelihood and identity of the Nation, as a source of nutrition, economic prosperity, and cultural significance. As fish are one of the few federally controlled resources, how the Government proceeds with amending the Fisheries Act has the capacity to be a nation-to-nation building tool and part of reconciliation with First Nations peoples, whom have historically not been engaged on the crafting of this legislation of which they hold such great stake.

Fish and fish habitat are an important aspect of life and identity in our riding. Our waters and our aquatic species are incredibly significant to the people who reside here. For our riding, the Fisheries Act represents an important intersection of the promises our Government made in 2015. How we chose to improve the Fisheries Act will not only speak to our stance on the environment and economy, but will be part of our Government's approach to building a nation-to-nation relationship, making evidence based policy, developing a landscape for research and innovation, and creating good paying jobs for Canadians. While our coasts are home to many federal ridings with many interests and concerns in regards to the Fisheries Act, Pitt Meadows – Maple Ridge represents an important perspective on this issue for its regional relevancy, First Nations population, environmental concerns, and economic interests.

Consultation Process

With an understanding of the importance of fish and fish habitat to the riding, I have been actively engaged on this topic since I obtained office. I have gone to great lengths to not only make myself available to the community, but have taken extensive proactive action to engage with organizations, other levels of Government, and community members on this particular issue.

Throughout this process, I have received feedback on the issue through a community stakeholder roundtable, constituent meetings, fish and fish habitat related activities in the riding, telephone calls, emails, and social media posts. I am proud of the level and extent of conversation our community is having on this important subject. While not all constituents are fully familiar with the intricacies of the Fisheries Act, many have expressed values and perspectives on fish habitat, wild salmon policy, job creation, respect for Indigenous land, and

other related subjects that contribute to a larger dialogue about fish policy in Pitt Meadows – Maple Ridge and Canada.

Through this process, I have had the privilege of working very closely with five core local organizations and initiatives, other levels of Government in the riding, and the Katzie First Nation, all of which operate within the scope of the Fisheries Act each and every day. I have heard their concerns, but also their innovation in how we can best secure the productivity and utility of fish for generations to come through the protection of our environment. The recommendations that follow reflect these many conversations.

Recommendations

One. Review and re-write language and definitions within Section 2 of the Fisheries Act to institute precise understanding and prerogative

Section 2 reads: “fish includes (a) parts of fish (b) shellfish, crustaceans, marine animals and any parts of shellfish, crustaceans or marine animals, and (c) the eggs, sperm, spawn, larvae, spat and juvenile stages of fish, shellfish, crustaceans and marine animals”

One of the top concerns brought forward during consultations was the need to redefine many terms within the Act itself. The lack of specificity and ambiguous nature of some of the most important definitions under Section 2 has led to varied interpretation by both the Government and those attempting to follow the Act.

Most frequently raised in consultations was the very definition of “fish”. Currently the Act does not clearly define whether “fish” encompasses strictly salmon, native species of fish, or fish for commercial purposes. Because of the lack of specificity the Act is thus vulnerable to interpretation and can be applied at will, rather than explicitly enforceable. This is vital as the very heart of the Act does not set clear parameters around many of the laws with the legislation.

There are also concerns that by failing to explicitly include all fish and fish habitat under the jurisdiction of the Act, it subsequently ignores the inter-connectedness of fish species and risks failing in its purpose to appropriately protect fish and fish habitat. While one species of fish may not be governed by the Fisheries Act depending on one’s interpretation, it does not remove the impact that species may have on other species governed by the Act. An example of this in Pitt Meadows – Maple Ridge is the impact of the introduction of Small Mouthed Bass in the Katzie slough and other non-resource fish such as the Salish Sucker. While both the Small Mouthed Bass and Salish Sucker are not used for commercial purposes, the interconnectedness of fish species demonstrate that these other species must be taken into

consideration within the jurisdiction of the Act. This issue could be resolved by establishing an explicit definition of fish that considers the implications of non-commercial fish, anticipating the impacts of different species in different habitats.

Two. Remove Section 35(1) and replace with language that more adequately protects fish and fish habitat

Section 35(1) reads: "No person shall carry on any work, undertaking or activity that results in serious harm to fish that are part of a commercial, recreational or Aboriginal fishery, or to fish that support such a fishery"

It is strongly recommended that section 35(1) be removed and replaced with language that not only further protects fish and fish habitat beyond "serious harm" as currently depicted in the Act, but more clearly articulates what constitutes "harm" to fish.

Many stakeholders shared their concerns that current wording seriously limits the ability of the Fisheries Act to legitimately protect fish from harm. Under section 2(1), serious harm is defined as "...the death of fish or any permanent alteration to, or destruction of, fish habitat." The limited nature of the definition, coupled with self-reporting mechanisms (that will be further mentioned below), has the potential to only restrict activity that kills fish, rather than activity that could eventually lead to the death of fish or significantly alter the wellbeing of fish. Harm to fish habitat has been associated with changes to fish migration, spawning habits, size of runs, and even the biological adaptations for the purpose of survival.

This very limited definition must be amended in order to ensure the sustainability of fish overtime. While "serious harm" may not always be evident at the time of the evaluation, serious harm can occur over time as a result of environmental changes or direct impacts on fish. The new language should not merely define "harm" in terms that will protect fish from damage beyond simply "death" and take into consideration the long term impacts of activity to fish and fish habitat, but also as such that it protects other harmful impacts on fish such as damaging changes to migration, spawning, and the biological makeup of the fish itself.

Three. Establish enforcement requirements to remove dependency on self-reporting and equip the Department of Fisheries and Oceans with the capacity to enforce the Fisheries Act

A frequently reported concern was the current reliance on self-reporting and regulation of the Fisheries Act. While the DFO largely relies on self-reporting of compliance with the Act, there remains to be no legislated oversight mechanism to actively enforce the laws, relying on complaints of violations rather than proactive oversight. Due to the sensitivity of fish and

fish habitat, unchecked violations can have swift, significant impacts on fish and fish habitat. It is recommended that the DFO increase resources and establish oversight requirements that include working cooperatively with partners. It should not be determined by the discretion of the Minister how much the Government will enforce the laws of the Act. Clearly outlined and on-the-ground enforcement mechanisms would improve compliance with the Fisheries Act, acting proactively rather than reactively, a change that would significantly improve the successful implementation of the Act.

Four. More explicitly institute the DFO's responsibilities for accountability and transparency

Without clear responsibilities from the DFO and the Minister, accountability and transparency are up to the discretion of the Minister of the day and may alter over time without necessarily requiring legislative changes. Just as expectations for Canadians to comply are outlined in the Act, the responsibilities of the Government, the Department, and the Minister should be explicitly drawn as well. While certainly technology and the Department's ability to share information may change over time, parameters for how much information, in what format, and how often it should be distributed, should be communicated will instill more legitimacy. This change will ensure the Government and by extension, the DFO is accountable to their responsibilities to uphold the Act and will preserve the responsible implementation of the Act for years to come.

Five. Establish parameters for inter-governmental partnership and information sharing

There is a necessity to increase the DFO's coordination with other levels of Government and to institute more information sharing in order to maximize the success of the Act. Put quite simply by a stakeholder I met with, "a fish doesn't stop swimming because it has swum from federal to provincial jurisdiction". The governance of fish and fish habitat must be a coordinated approach working with provincial and municipal governments. Currently, too often, regulations governing fish and fish habitat overlap and expectations between Government's are not consistent. For example, while the BC Provincial Government oversees the building and maintenance of Hydro Dams or other natural resource developments, the federal Government oversees the protection of the fish and fish habitat of these waters. While approaches to resource development may change over time, instilling coordination between other levels of Government will improve the legitimacy of the Fisheries Act. These proposed changes also include the need for municipalities to have channels to provide more feedback for the federal governments on fish related matters. This includes a need to increase the DFO's physical representation in communities so that department officials can work directly

with communities, businesses, fisheries, hatcheries, local Governments, and First Nations on achieving the desired outcomes of the Fisheries Act.

Six. Establish Salmon specific policies to ensure the protection of salmon and salmon habitat

It is further recommended that salmon specific regulations be implemented to ensure the targeted protection of salmon species in Canada. Salmon are an incredibly important part of not only the bio-diversity and economic prosperity of the region, but also represent an essential part of life and culture for the community, including the Katzie First Nation. Like other marine organisms within the Fisheries Act, salmon and salmon habitat should be subject to a regulatory framework that ensures their sustainability for generations. These regulations should recognize the significance of salmon to Indigenous communities as well as adequately address specific concerns pertaining to wild salmon sustainability in light of the increasing number of salmon fisheries in BC. In an effort to preserve the sustainable livelihood of wild salmon, such a regulatory framework should also take into consideration the Commission of Inquiry into the Decline of Sockeye Salmon in the Fraser River (Cohen Commission). Explicitly outlining regulations for salmon will set parameters to ensure fish farming and recreational activities may continue, but in such a manner that protects wild salmon. Precise legislation on salmon will enable a balance between the environment and the economy, establishing a framework that will secure the wellbeing of our communities for generations.

Seven. Establish clear protections of Riparian Zones

It is also recommended that Riparian Zones or Riparian Areas, the region within 30 metres of the water course, be explicitly included in "fish habitat" and provided with special protections. While there is mention of regions surrounding bodies of water is included in the Fisheries Act, this is only on the basis of interpretation and is not explicitly definitive. Including Riparian Zones in the Fisheries Act is an important step towards protecting fish habitat. These regions, whether in watersheds or directly on the coastline, play an exceptionally important role in the protection of fish and fish habitat. Impacts to the geographical makeup, including soil composition of the areas surrounding bodies of water, can make a significant impact on the waters itself and thus the fish population.

Acknowledgements

I would like sincerely thank each and every constituent, stakeholder group, and Government official who shared their insight and experience in order to form the recommendations outlined in this report. I would specifically like to highlight and thank the following individuals and organizations who have been champions on this issue in our community, participating in one of many Fisheries related roundtables I have hosted. Your advocacy is essential to the prosperity and wellbeing of our community and I thank you.

- Chief Susan Miller – Katzie First Nation
- Rick Bailey – Katzie First Nation
- Mayor Nicole Read – City of Maple Ridge
- Susanne Sloboda – City of Pitt Meadows
- Watershed Watch Society (Lina Azeez)
- Alouette River Management Society (Sophie Smith, Greta Borick Cunningham, Cheryl Ashley, Ken Stewart)
- Pacific Streamkeeper Federation (Zoann Morten)
- Kanaka Education and Environmental Partnership Society (Ross Davies)
- Along the Fraser (Jack Emberly)



Meeting with Special Assistant to the Minister, Ashraf Amlani and local stakeholders to discuss local challenges

I would also like to thank each and every constituent who has written to me via email or social media, called my office, or met with me in person to discuss various issues pertaining to fish and fish habitat policy. Each of you contributed not only to my deepened understanding of the importance of these issues to our community, but also the perspective our community on such a complex subject. I know just how important the sustainability of fish and fish habitat are to our constituency and that is because of constituents like you who have taken the time to voice their opinions. I am proud to represent you and present your priorities in this report.

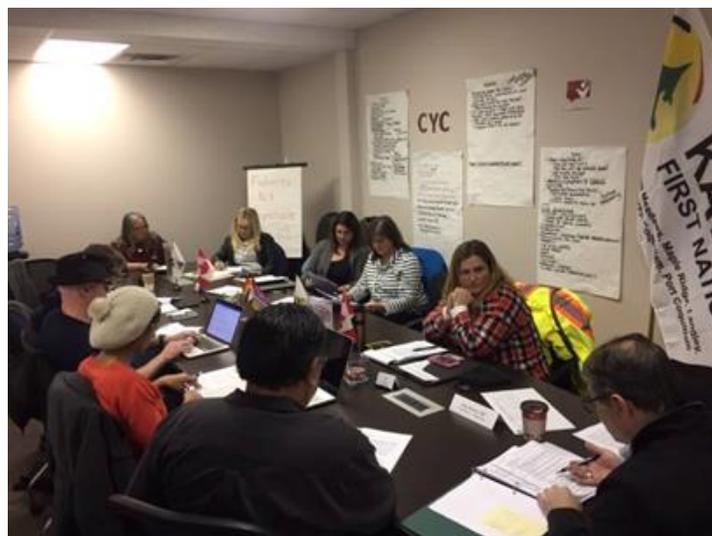
Finally, I would like to thank the Honourable Dominic LeBlanc for leading the initiative to review and improve the Fisheries Act. I know how important this Act is to you both professionally and personally. Your passionate advocacy to reinstate legitimacy in the Fisheries Act by opening channels of dialogue and listening directly to communities is the leadership that makes me proud to be a member of our caucus. I hope this report helps guide your review and shape the future of the Fisheries Act.

I am incredibly proud to represent the riding of Pitt Meadows – Maple Ridge and I continue to encourage constituents to contact me should they have any thoughts or questions regarding this report.

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Hosting a Fisheries Act roundtable with local stakeholders