



CANADA

Standing Committee on Fisheries and Oceans

Paul Sprout – DFO Responds to Fraser Enforcement and Gravel Extraction Issues

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⌚ (0900)

[*English*]

The Chair (Mr. Gerald Keddy (South Shore—St. Margaret's, CPC)):

I call the meeting to order. We have enough people here to hear witnesses. If we don't start on time then it drags on too long.

So pursuant to Standing Order 108(2), the study on the gravel extraction and enforcement in the Fraser River, we have three witnesses here today: Mr. Paul Sprout, Regional Director General of the Pacific region, Mr. Jim Wild, Area Director, Lower Fraser, Pacific region, and Ginny Flood is the acting Director General of Habitat Management. Welcome, to our witnesses.

I'll ask you to proceed. You have 10 minutes.

Mr. Paul Sprout (Regional Director General, Pacific Region, Department of Fisheries and Oceans): Thank you very much. We appreciate the opportunity to be here to speak to this issue. We have prepared a short deck and I'd like to provide that presentation and intend to do so in the time I've been allowed. I'm going to start on slide 2.

I just want to quickly review the purpose. We're here to update the standing committee on the issues relating to the 2006 lower Fraser River gravel operation, and this is particularly in the big bar site which is located near Chilliwack, British Columbia.

Slide 3 is an orientation map for those that may not be intimately familiar with the lower Fraser River. You notice on the far left-hand side of your map there's a dot for Vancouver. As you move upstream through the Fraser River you'll notice another dot that shows big bar site. The big bar site is roughly 100 km upstream of the mouth of the Fraser River, it's about 10 minutes or so south by road of Hope, B.C., just to give you a perspective on where it is situated in the lower Fraser River.

On slide 4 I talk briefly about some of the background around gravel removal in the Fraser River. I just want to make the members aware that gravel removals have been occurring on the Fraser River for over 30 years between Hope and Mission. Now, gravel removal is something the department authorizes but it is something that the municipalities, particularly in the upper part of the lower Fraser--so that's the Chilliwack, Agassiz-Kent area--and the province of B.C. are very concerned about these operations. They're concerned about it because they believe that gravel accumulation leads to flooding, navigational problems and so forth, and there's a very strong interest by the municipalities and the province to have gravel removed on some sort of regular basis to address those two issues.

In 1998 the department and the B.C. Ministry of the Environment issued a moratorium on gravel removal while we put into place a study to determine how much gravel should be removed over what kinds of conditions. Members should be aware that removal of gravel in the Fraser River is the contentious issue. There are individuals who feel strongly that gravel should not be removed for environmental reasons, and there are equally strong views that gravel should be removed for the reasons that I've already indicated.

So one of the things that took place in the late 1990s was a study to provide advice to the various governments and other interests on how gravel should be removed in the Fraser River, both the amount and the sites. That led to a collaboration among the Department of Fisheries and Oceans and other interests, included the B.C. government, that resulted in a five-year agreement in 2004 that laid out the amount of gravel to be removed on an annual basis, and listed or identified the sites that would be considered, and that is the gravel agreement that we are operating under today.

This agreement outlines the process, the timelines, monitoring and so forth. I'll speak to this in a bit more detail later on.

Slide 5, I would like to bring you up to date on what the current events are. First of all, for 2006, the department, under the Fisheries Act, issued authorizations following what are described as CEAA screenings. So we assessed the particular gravel sites that were identified in the five-year plan that I referred to, and preliminary screenings are put into place to evaluate the potential effects of gravel removal, and any mitigation requirements are provided to the proponents at that particular time.

The plan was to remove about 400,000 cubic metres of gravel in the lower Fraser River over about five gravel sites, of which big bar is one of them. The conditions of the approval are provided in the authorizations. Monitoring requirements are laid out in the authorizations. The actual removal of gravel in 2006 was about 245,000 cubic metres.

Slide 6, then, deals specifically with big bar, which I understand to be the point of issue that was the discussion in this group a week or so ago. Big bar, as I've noted, is located south of Hope in the Chilliwack vicinity. To access the gravel removal site at big bar, a temporary causeway was constructed across the side channel on March 3. So the access route was completed on March 3 of this year to be able to get access to the gravel site on this particular gravel reach.

⊕ (0905)

When we authorized that site, we had initially considered putting in a bridge to facilitate the passage of water through the side channel. We discovered that because of the high flow conditions at that particular time, and because of the other issues, there were safety issues in constructing a bridge.

So rather than constructing a bridge, what was put into place were very large rocks used as a basis for the foundation of the causeway. When I say large, I mean from the size of a wheelbarrow to a Volkswagen. The idea was that water would be allowed to flow through the interstices of those large rocks to continue the flow in the side channel downstream of the causeway. The causeway was completed, as I said, March 3 of 2006.

Monitoring of the gravel site indicated that flow was flowing through the causeway, but at a reduced level. So water was moving through but not at the level that was flowing into the causeway itself.

At the same time that the causeway was constructed and completed on March 3, the river flow was naturally declining. This is a natural phenomenon at that time of the year. The Fraser River was declining in river flow. The causeway was going in on March 3, there were design features to try to facilitate the movement of water through the causeway. At the same time, the river flow was declining.

Now, a subsequent decision was made to install culverts through the causeway on March 9. The rationale for that was that we were not getting the flow through the

causeway that we thought was appropriate, given the size of the rocks that we had already mentioned, so a decision was made to install culverts on March 9 to facilitate additional flow through the causeway.

Again, the causeway was completed on March 3. On March 9 culverts were installed based on information that had been collected between March 3 and March 9.

It was determined that those culverts did not facilitate adequate flow through the causeway and a decision was made to cease gravel operations on March 10.

That then led to the commencement on March 11 of decommissioning the causeway, so we started on March 11 to remove the causeway.

In the space of a week--March 3 the causeway was completed, March 11 we were decommissioning it--based on information provided to us from monitors and from the community that there was dewatering occurring below the causeway and that the design features of the causeway were not adequate to allow for the water to flow through that we had initially envisioned in the initial authorization.

On March 24 we initiated a federal-provincial review of the gravel mover operations in Big Bar and elsewhere in the lower Fraser, but particularly Big Bar, with the view that we wanted to learn from the experience of 2006. The questions for us are, what happened in 2006; what kind of features could we learn from this experience that we could build into future gravel operations to address the issues that emerged, and that this year related to the potential effect of the causeway and its downstream effects.

The review itself, as I noted, will be a review carried out by the department and by the Ministry of Environment. For those who are familiar, the review will be carried out by my Vancouver office, assisted by provincial officials.

The objectives of the review are to evaluate the impacts of the temporary access work of the gravel removal sites and make recommendations for improvements; to evaluate the decision-making process which led to the construction of the causeway without a bridge and the access to Big Bar; and to examine the roles of the causeway at Big Bar and the low winter flows and the stranding of fishery resources downstream of the causeway.

As I mentioned to the members, while the causeway was being put in, the river level dropped so there is an issue of the dewatering that occurred downstream and to what effect was that caused by natural flow reductions versus the causeway which exacerbated the situation. So we want to determine what we think the weight of either one was in the outcome that occurred in 2006.

The methodology we're going to use--indicated on slide 9--is that we're going to look at the hydrological regime; we are going to do interviews with various individuals and organizations that have expressed an interest in this matter, two of which appeared in front of this group recently.

⊕ (0910)

We are also going to analyze field work that was undertaken in 2006 and we'll do other associated work to answer the questions and the objectives that I've spoken to. We expect a written report to be prepared and we also anticipate that we will be meeting with BCIT, one of the witnesses that appeared here, and looking at the report that they prepared as we look at responding to the recommendations and objectives in our review.

Finally, on slide nine, the last slide, I want to note that we're in the analyzing phase right now of the review that I just spoke to. We are interviewing individuals. That is underway at this point in time. We anticipate meeting with, for example, BCIT. We have received their executive summary but we have not received their report and we look forward to receiving their report. We do anticipate providing a draft of our report back to those witnesses to have their final feedback before we consider a final report prepared by the department and any actions that may ensue.

Thank you for the opportunity to speak with you.

The Chair: Thank you, Mr. Sprout.

Mr. Byrne, or Mr. Matthews.

Mr. Bill Matthews (Random—Burin—St. George's, Lib.): I'd just like to ask a couple of questions first. I won't be very long, Mr. Chairman.

Thank you to the witnesses for coming. On slide six where you say that regular monitoring of the sight indicated flow through the causeway but at a reduced level and then the causeway exacerbated the de-watering and so on. are you indicating that your monitoring picked up this problem or was it brought to your attention by some other sources?

Mr. Paul Sprout: Both. I certainly was informed by other sources that there was a problem and the area director, I believe, was informed by other sources, plus we had our own sources as well because we had staff on site, so I think it was a combination of inputs. Personally, I was first apprised of this by other sources.

Mr. Bill Matthews: So the reduced flow, what were the implications and what problems did that cause then?

Mr. Paul Sprout: From what we can gather, the reduced flow through the causeway led to dewatering of some of the gravel reaches below the causeway and that dewatering exposed pink salmon redd, so these are locations where pink salmon lay eggs and those eggs may have died because of that dewatering. What we want to do in this review is try to distinguish between what the causeway contributed versus the natural reduction in flows that were occurring at that time.

Mr. Bill Matthews: Just one other thing. We looked at a slide--I think it was last week--where there was a bridge constructed at some other site and it didn't look like the distance was much greater, say at Big Bar, than this one. But you're indicating that there was too much water flow here for safety reasons for the bridge?

Mr. Paul Sprout: Yes. The initial design of the causeway was to put a bridge in place but at the time that the causeway was being put in, the river flow was actually quite high and it was judged that it would be unsafe to put that bridge in, that the foundation wouldn't support a span, and because of a terrible accident, a tragedy in fact, that had occurred previously where we lost a life as a result of a gravel operation, it was determined that it was unsafe to construct a bridge. The decision was made to go with the large rocks of the size that I talked about and then subsequently the culverts were installed to further facilitate flow. Finally a decision was made to postpone the operation altogether.

The Chair: Mr. Byrne. There are another seven minutes left.

⊕ (0915)

Mr. Gerry Byrne (Humber—St. Barbe—Baie Verte, Lib.): Thanks very much for appearing before us. I just want to pick up on the point regarding the bridge itself. You're conducting a review currently of past practices but in particular this practice.

What is the past practice? You alluded to it just a minute ago that bridges are the norm. When did that practice get suspended?

Mr. Paul Sprout: I am going to ask that area director Jim Wild respond to that.

Mr. Jim Wild (Area Director, Lower Fraser, Pacific Region, Department of Fisheries and Oceans): Yes, bridges are not the norm. In most cases, the crossing for the causeway is usually shallower than this specific one. This one was 68 feet deep in the middle, quite deep, and the velocity, as Paul has mentioned, when they went across was too fast for the contractor. The contractor made the decision because it would be his safety responsibility. Normally the causeway is more along the lines of what Paul has suggested, that you could use large rock and let the water flow through it.

We have used bridges and/or conveyors in other places some times and that is usually a cost decision made by the contractors themselves. The bridge itself was for navigable waters purposes. Actually there was still a lot of water going through the causeway when it was first installed.

Hon. Gerry Byrne:

It was mentioned that at this time of year, water levels on the Fraser decrease, not increase. I question the timing, then. What would have been the suitability or sensibility of delaying the dredging, the gravel extraction to a point in time when water levels had

actually reached a point where a much safer condition would have occurred to install a bridge because you'd have a lot less erosion on any breach of the causeway?

Mr. Paul Sprout: The issue is there is a timing window for when the gravel operations can be removed. Typically we want the operations to be discontinued around the middle of March. The reason that we do is that's when young pink fry are emerging from the gravel and are migrating downstream. So there's a very narrow window in which the gravel can actually be removed. The flow of the water in the Fraser River has to be sufficiently low that you can construct a causeway across the channel to access the gravel. At the same time, you want them to finish their operation before the middle of March when these young pink fry are present in the river.

In this particular case, those conditions didn't really arrive until the first week of March. So on March 3 the causeway was completed, and we would have, under normal conditions, wanted that operation to continue until the middle of March; in this case it was curtailed earlier because of the conditions that I spoke about, the lack of flow.

Hon. Gerry Byrne: One element of witness testimony that we heard last week was our witnesses who had very strong points of view about this visited the site with DFO habitat officials on-site as well, and they were asked to reveal reds in the site where the witnesses, the private citizens had examined the destruction of reds. It was alluded that if there were any live fish discovered in those reds, charges could have been laid against the witnesses for disturbing salmon habitat and for destroying fish. Could you tell me if that was a possibility and if that was under consideration?

Mr. Paul Sprout: So if I understand correctly, there was a concern that the community interests who had observed this issue and had brought it to the attention of the department, because they had disturbed gravel, they might actually be charged?

Hon. Gerry Byrne: Correct. You've probably read the transcript.

Mr. Paul Sprout: Our view is that the community that brought this issue to our attention was concerned about the environment, as we are, that their actions were helpful in facilitating our making a decision, which we think was the right decision that we made, and I'm not aware that we would take any repercussions or direct any kinds of actions of the kind that are suggested here toward a group that was actually trying to assist in this particular in ensuring that removal of gravel was done in a safe way.

Hon. Gerry Byrne: Thank you.

The Chair: Thank you, Mr. Byrne. You've finished your questions?

Mr. Rodger Cuzner (Cape Breton—Canso, Lib.): Do we still have a minute there?

The Chair: Actually, there are three minutes left, yes.

Go right ahead, Mr. Cuzner.

Mr. Rodger Cuzner: When you proceed with a project like this, the engineering or the consultative process, is it pretty much in-house or do you secure the resources of outside professionals or outside consultants as well?

⊕ (0920)

Mr. Paul Sprout: In this particular case, the overall gravel plan was the five-year plan that I referred to earlier, which was established in 2004. There was extensive consultation on the development of that plan which involved the province, the Fraser River Basin Council which is a consortium of a broad array of interest, obviously us, and so forth. That plan, then, is the plan that we're following in executing removal of gravel on an annual basis.

So from our perspective we believe that the consultations have already occurred on the broad plan, and on an annual basis we would do the CEAA evaluations for each individual site. Those get posted, people have a chance to respond or react to them, and we would deal with the individual proponents. That's how I would describe the consultation.

I'm going to ask if Mr. Wild would like to add anything to my comments.

Mr. Jim Wild: Specifically, consultants. Before we had the multi-year agreement it was a bit awkward because, for instance, a regional district would go get their technical consultant and do a study. The first nation may get a technical assistant to do a study, the department may do one, and end up with three experts and three different opinions.

What we agreed to, with the help of the Fraser River Basin Council, was to go to one hydraulic model study. I think that's what you're getting. In each of the sites that we have chosen, they have done hydraulic analyses to determine the effect of removal of gravel. That was one we all agreed on so you wouldn't have people disagreeing at the technical level, which I think was a good step forward.

Mr. Rodger Cuzner: Because at this it seemed like it was very much a surprise. If they were out, the hydraulic study, factoring in the decline in the amount of water that was going through, but it just seemed that it very much caught you off guard as to how much the flow was limited by the construction of the causeway. Thus you did you what you thought you had to do, but it just seemed that the calculations or the estimations were significantly off from the outset, from my observation.

The Chair: Monsieur Roy, seven minutes.

[*Français*]

M. Jean-Yves Roy (Haute-Gaspésie—La Mitis—Matane—Matapédia, BQ):
Merci, monsieur le président.

Monsieur Sprout, j'ai de la difficulté à comprendre votre explication. Au fond, ce que vous nous dites c'est que, dans l'examen que vous ferez à la suite de ce qui s'est produit, vous procéderez dans votre méthodologie à une description du régime hydrologique et du cycle biologique des espèces de poisson présentes dans le cours inférieur du Fraser.

Deuxièmement, vous nous dites avec d'autres considérations: « si les données sont suffisantes, la modalisation hydrologique des conditions d'écoulement au niveau de l'eau au site de Big Bar ». Nous dites-vous que vous avez autorisé la construction d'un pont sans avoir préalablement ces données, sans avoir vérifié le régime hydrologique et le cycle biologique au moment où cela s'est produit et sans avoir les données suffisantes au niveau de la modalisation hydrologique pour autoriser ce pont? Vous venez nous dire que vous avez été surpris de constater qu'avec la construction que vous avez autorisée, le niveau du fleuve a baissé. En Colombie-Britannique, ne fabrique-t-on pas des ponceaux assez grands pour permettre l'écoulement des eaux quand on construit une infrastructure comme celle-là? J'ai de la difficulté avec votre explication.

Si on part du principe de précaution, on s'assure que l'écoulement des eaux est suffisant avant d'autoriser la construction d'un tel pont, c'est-à-dire qu'on y installera des ponceaux qui permettront que l'écoulement des eaux ne soit pas affecté ou très peu. Ce que vous avez autorisé est une infrastructure, carrément un barrage, c'est aussi clair que cela. Il n'y avait presque pas de possibilité d'écoulement des eaux. J'ai de la difficulté à comprendre. Je dois vous avouer que votre explication ne me convainc en rien. Cela signifie que le ministère n'a pas fait ou a mal fait son travail, qu'il a mal évalué les choses au départ. Vous nous dites: « on a fait enlever la chaussée le 11 mars », mais vous avez dit ultérieurement que, de toute façon, à la mi-mars vous deviez l'enlever. Entre le 11 et le 15, il n'y a pas une grosse différence. Vous dites que les travaux ont été livrés le 3 mars. Je voudrais savoir quand les travaux ont débuté.

⊕ (0925)

[English]

Mr. Paul Sprout: You may not be surprised that I have a different perspective than the one you've just provided.

It is our view that we really required a comprehensive gravel removal plan for the Fraser River. Removing gravel is controversial, as I've indicated. There are various perspectives on that from various individuals and organizations.

That led the Department of Fisheries and Oceans and the provincial government and other institutions, including the University of British Columbia, to work together and collaborate to produce a gravel removal plan that eventually became the foundation of an agreement between the province and the federal government. That plan lays out the

conditions under which we would remove gravel and it identifies a number of sites and so forth that would lend themselves to gravel removal.

Additionally, there are further constraints and provisions that are in place about how that gravel would be removed, the time of year it would be removed, the manner in which it would be removed and so forth.

We then issue an authorization based on screening, consistent with the gravel removal framework that I spoke of. Then we actually allowed the causeway to be put into place and we discovered that as we moved along, in a very short timeframe, that some of the assumptions we had assumed would occur weren't occurring. We were not getting the flow through the causeway to the extent that we thought was desirable, so within a week we went from the causeway being completed to being dismantled. We went from having a design feature to allow the water to flow through to adjusting it for culverts to removing it, all within a week, because we were monitoring it. We realized we weren't getting the kind of flow-through that we thought was desirable, but, that being said, all of this is based on thoughtful consideration of a framework that was already in place that had been negotiated between various groups, including ourselves and the province, based on science and then our own evaluation this year about when the best time was for that operation to take place.

In the end, what we have is the causeway being constructed on 3 March and being dismantled on 11 March with action taken in between those two places based on evidence that suggested to us that it was not passing water the way we had assumed it would. Further, we put in a review to determine what we can learn from that.

From our perspective, we believe we've taken concerted effort to arrive at a consensus on a gravel framework that involved a wide array of people. We believe we've taken specific measures in 2006 to try to ameliorate the impacts of that particular site, but, having said that, we discovered that there were issues in 2006. We're going to learn from those and take them into consideration in the future.

[Français]

M. Jean-Yves Roy: Cela ne répond pas à ma question. Vous aviez un plan global d'enlèvement du gravier qui avait été négocié. Je ne le conteste pas. Je conteste la façon dont cela s'est fait. En vertu du principe de précaution, le ministère avait la responsabilité de s'assurer que le débit d'eau serait suffisant. Cela n'a pas été le cas. Je ne sais pas pourquoi parce que vous ne répondez pas à ma question. Pourquoi le ministère ne s'est-il pas assuré d'installer des ponceaux suffisamment larges pour que le débit d'eau ne soit pas affecté? C'est simple. Je m'excuse mais c'est une niaiserie de s'assurer que les ponceaux sont assez gros pour que le débit puisse continuer à être acceptable. Vous nous dites que vous avez mis de grosses roches mais que vous vous êtes rendu compte que l'eau ne passait pas. Cela se peut-il? Voyons donc. Vous avez beau avoir un plan global d'enlèvement du gravier, il y a une limite à avoir les yeux fermés. Installez donc des

ponceaux qui ont du bon sens, point à la ligne. C'est simple. Pas besoin d'être ingénieur pour penser à cela.

[English]

Mr. Paul Sprout: If I could just add one final remark, from my perspective the question of why is a good question. That is something that we are prepared to look into and are looking into. From our perspective, and even from your previous witness last week, there is little dispute about the removal of gravel from that site. That site is generally considered to be a good site to remove gravel. That's generally not the issue.

The issue is how to do it. How did that come about? How did you decide to have a causeway there, and did you take into consideration reasonable precautions in putting in a causeway? Were the assumptions you made reasonably valid under the circumstances? That is the question of why which you have raised.

We agree that we do need to go back and look at the why. That is what the review is designed to do. We are asking ourselves why we put the causeway in, what were the assumptions that we made when we put the causeway in, were those valid assumptions to make, and, if they were not valid, if they were not based on good evidence and good information, then what can we learn from that for the future. We don't disagree with the notion that we have to ask the question why.

We are going to ask why. We're going to have an answer to that and then we're going to take measures based on that answer.

⊕ (0930)

The Chair:

Thank you, Mr. Sprout.

Merci, Monsieur Roy.

Ms. Crowder, for five minutes.

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): I want to thank you for appearing today.

I'm a westerner. I read the transcript. I don't know why I sit on this committee, but I read the transcript in preparation. And what I observed was that the witnesses who appeared at the committee talked about it with a normal flow for that time of year. So I want to come back a bit.

I also read the letter of agreement and it very clearly lays out a fish habitat assessment mitigation plan and monitoring plan. And then I went back to the 2004 report from the

Commissioner of the Environment and Sustainable Development. The commissioner was very critical of the department's ability around management of information, whether it had access to good information, whether it was gathering information that was appropriate, any number of issues were raised around the department in 2004.

I guess what I would like to hear from you is specifically what steps were taken before this plan was developed in March? Now I know you're undergoing your review, but I think I would like to hear specifically what it was that was in place before this operation began, given the fact that we know what the water flows look like in the Fraser River. So I wonder if you could comment on that.

The second piece I'd like to hear is the specific monitoring methods in place because this plan clearly lays out a responsibility for DFO around gravel removal supervision. It's very clear about what actions the department has to take. And I think what I heard you say was that other people pointed this out rather than the department itself.

Mr. Paul Sprout: Thank you.

I think I'll start and then I'm going to ask Mr. Wild to fill in some of the gaps, based on my understanding.

First of all, as I've indicated, there is the broad framework that you've referred to and you've noted that does provide general guidance in terms of provisions for gravel removal on the Fraser River. So that lays out the amount of gravel to be removed on an annual basis over the five year period and does identify the procedures we would use to do that. Then, secondly, there is a CEAA review that's done each year for each site which is an environmental assessment which provides us the basis for identifying particular mitigating circumstances, if that turns out to be the case, and what that might be required, from the proponent, to allow that operation to occur. So that also occurred for this particular site.

You made two other points, one about water flow. You commented that we do know what the flow is like--

Ms. Jean Crowder: Based on historical data. I mean, we can't know exactly, but my understanding is that the witnesses said that it was within the normal range for that time of year.

Mr. Paul Sprout: Okay. I just want to speak to that.

The reality is that on the grounds, at the site, there are conditions under which you can access that gravel site in a safe way and there are conditions in which you can't do that. We have to actually make a on-site decision at the time. We have to actually evaluate the flow of the river at that time relative to the conditions that would safely permit access to that gravel location to remove it. So that's made at the time, that takes into considerations the river conditions.

The river conditions in the river last year, earlier than the removal of the gravel, were that the river was very high and then began to drop quite rapidly at about the time that the decision was made to allow the causeway to be put into place. The point I'm trying to make here is that you do have to take into consideration local conditions and the ability to use average flow conditions and so forth to shape what you actually do on the ground is limited. You have to use the conditions that exist at the time the decision is being made to put in that causeway.

With respect to the community, which is another point that you raised, it is true that I certainly received calls from some of the individuals, at least one of them who spoke at your group and others. That certainly caused me to want to talk to my staff about what was going on and, in addition to their own observations, led to the changes that I've already spoken about: the installation of the culvert, and then finally the decision to cease the operations and remove the causeway.

Again, I would just say that all of this is occurring in one week: the completion of the causeway, the decision to stop the gravel, and start to decommission the causeway. And this is all happening while the river is dropping and we're taking into consideration the local conditions. So, I think in summary, we have to respond to the conditions that exist in the river at that time. The river conditions were that the flow was lower than normal, but it wasn't the lowest flow we've ever observed. Clearly, that was not the case, but it was slightly below average, is my understanding. We took into consideration the conditions of the river flow at that particular moment. The input into that decision was certainly supported, based on advice from the community, of which some are the members you've spoken of today, and our own observation from staff on-site.

I'm going to ask if Mr. Wild wants to talk a little bit about the monitoring issues that you've raised?

🕒 (0935)

Mr. Jim Wild: Quickly on the flow, when the causeway was put in to the day we took it out, the flow actually dropped by about one-third. So on site it dropped quite a bit, and that's why we reacted very quickly.

On the monitoring, simply put it's a condition of the work that day-to-day monitoring is mandatory. In addition to that, I actually went up four times, and I had technical people up there as well and there were other private citizens doing a pretty good job of monitoring and keeping pictures and such as well, so there was a lot of monitoring.

The Chair: Thank you, Mr. Wild.

Thank you, Ms. Crowder.

Mr. Kamp for ten minutes, please.

Mr. Randy Kamp (Pitt Meadows—Maple Ridge—Mission, CPC): Thank you, Mr. Chair, and thank you for appearing.

Just at the outset I would just mention as well that I think we may have some questions about enforcement as we go, and so as long as you're prepared for that as well, but let me just follow up on a few things on this gravel extraction first.

The CEAA evaluations that are done, would they have been done...it seems to me that one of the key components of this whole enterprise would be how you're going to get from the bank to the gravel bar, so would the CEAA evaluations have been done with the notion that this kind of causeway that was actually built was the way that it was going to be used to get out there, or was it considering some other method of getting over the gravel bar?

Mr. Paul Sprout: My understanding is that the evaluation would have assumed or been based on how we would access the gravel site, but I'm just going to confirm that with Jim.

Mr. Jim Wild: Yes, that's correct.

Mr. Randy Kamp: My question is so the CEAA evaluation thought it was all right to build the kind of causeway that was actually built. Is that correct?

Mr. Paul Sprout: That's correct. The CEAA evaluation, we would have assumed there'd be certain design features to facilitate the movement of water, of which I've already spoken about, and the evaluation would have assumed that in its screening.

Mr. Randy Kamp: I think you said though that the contractor, or perhaps it was Mr. Wild who said that the contractor decided not to put in the bridge, so how much latitude did they have to adjust this plan as they went, or were you involved in this as well?

Mr. Paul Sprout: I'm going to ask Jim to respond. Maybe I'll just open. I think the proponent ultimately has to make the decision about the safety issues. That individual is responsible for the people who have to work under his direction. That said, my understanding is that there was discussion between the department and the proponent, that we were aware that the conditions were very challenging, and that this appeared to be a reasonable decision under the circumstances, but I'll ask Jim to talk to that.

Mr. Jim Wild: Yes, very quickly.

The contractor placed the causeway and the plan was to then take out a section from either side and lower in an 18-foot bridge, not very large bridge. The main reason for the bridge was navigable waters to allow the passage of, for instance, a kayak or a canoe, and at that time the contractor advised us that he was unable to do that because of the bridge and the water and the velocity. He said if anyone does come by here, they'll get sucked under there and possibly killed. So at that time they decided not to put the bridge in.

Paul mentioned earlier the velocity. It's deeper here than normal for most crossings, quite a bit deeper, and the velocity was higher and that was taking away the gravel base, so actually the bridge could have failed as well.

So that was his call for his insurance purposes.

⊕ (0940)

Mr. Randy Kamp: There is a notion out there, and I think it probably needs to be mentioned, that built into some DFO contracts are provisions about gravel removal. In other words, people get paid more if they facilitate certain gravel removal projects. Is there any truth to that?

Mr. Paul Sprout: I observed that in the minutes of the last meeting and was stunned to know that my bonus was tied to how many permits we might authorized. That is simply incorrect. I entered into an accord with, in this case, the deputy minister that sets out some broad objectives for me, things like managing fisheries in a sustainable way and so forth, and it is true I have that kind of arrangement and I am responsible for adhering to these public objectives, but I can say unequivocally that allegation is false, baseless, and is of no merit.

Mr. Randy Kamp: Back to the other issue.

Your own expectations and what was based on the CEAA evaluations, were you expecting to lose a bunch of fish? I mean you say that CEAA was based on what actually...a causeway was built and the water at the very most you would expect water flows at least once every four years, so you should have expected the possibility of what you got in terms of what you got in terms of water flow. You must have expected then a certain dewatering of beds, or weren't you? I mean, did this catch you by surprise?

Mr. Paul Sprout: I think from my perspective...first of all that's a very good question.

My sense is that we did not anticipate that we would have the dewatering effects that I think we have served. The issue is we have to tease apart to what effect the causeway was the cause of that versus the natural flow reduction. That being said, we realize that the installation of the causeway clearly affected passage of water through the causeway and we have to determine to what effect that disruption dewatered gravel sites further downstream that ultimately were affected. So that is the part of the review that we're looking at now.

You asked the question though, I think a bigger question, which is in allowing for operations of gravel removal on the Fraser River, do you do so knowing that there may be some impacts? I would shape the question even more broadly. The reality is that when you develop habitat anywhere, we are trying to minimize the impacts of that habitat on the resource, we're always trying to minimize and, where possible, avoid impacts. But there's always a risk when you develop habitat, whether it's to construct a bridge over a

river, a road along the river, a house near a river, or a well that draws water from an aquifer, that in all those instances you are managing risk, always.

In the case of gravel removal, what we are trying to do is to minimize the risk. We're trying to have the gravel operation occur at a time of the year where the impact on, in this case salmon, is made as small as possible. We're trying to have the operation occur in a way that the chances of it affecting fish are low. But short of having no gravel operations, no road development, no bridge crossings, it's hard to say that there is ever zero risk. We try to manage the risk. We try to come up with something that we think makes sense through a scientific evaluation and a scientific base.

We're always conscious of the fact that ultimately we're trying to manage risk and arrive at something that we think is reasonable given the fact that we have conflicting objectives. On the one hand we have provinces and municipalities that are worried their communities are going to be flooded, that the gravel accumulation causes the river to divert, to go into channels, and into slues, and into fields, and into farmers' areas, and so forth, and disrupt crops and cause huge economic damage. On the other hand, as the Department of Fisheries and Oceans, we're concerned about the preservation and management of Pacific salmon.

So it's a constant balance that we are trying to seek. We believe we arrived at a reasonable balance with our understanding of the science in this particular case. But as we've noted, we're prepared to learn from that experience.

⊕ (0945)

Mr. Randy Kamp: Do you have any questions, James? You have two minutes.

Mr. James Lunney (Nanaimo—Alberni, CPC): Only two minutes, okay.

My first question might have been addressed, I missed the first remarks, I think questions were already underway. This is for Mr. Wild.

There were some concerns expressed—and perhaps you've already addressed this—by Dr. Roseneau, that you made some remarks in the media concerning his motivation of his group and being concerned about gravel extraction, that they are motivated by other issues than biology, but by racial concerns. Is that correct? Or have you perhaps already addressed this, but was that an accurate assessment of what happened in the media? We around this table do recognize that once in awhile we get misquoted or misunderstood by the media. Could you clarify that for me first, please.

Mr. Jim Wild: That was reported in the Chilliwack paper by a reporter who we've actually talked to for several years in the area. I might preface my comment by I think Marvin also noted that occasionally reporters twist the stories a bit. In my opinion that was the case here.

In that report there were quotes from Dale Paterson who actually happened to be on holidays for two weeks at the time. There is theme in there though which is not totally unrelated. We have set up a forum through the Fraser Basin Council for it could be sport fishermen and first nations to talk and dialogue away from the river to help settle down some of the issues that are in the area. The reporter in this case was quite aware of that issue. He's a local reporter in the Chilliwack area. I think this report came out, it cobbled together some information from a few of his discussions over the time. I at not time made any critical comments about Marvin or specific individuals like that at all.

Mr. James Lunney: Thank you for clarifying that for us. Because time is short I'll move right on to this other issue about water.

Engineering is challenging, especially with something the size of the Fraser River and de-watering concern challenges. You mentioned risks and we understand certainly that all risks have to be compared with other risks and in a risk benefit analysis, obviously. The estimates that there were millions of fry that were killed—I think the estimate was something like two million based on the reds they examined and so on—is that, in your opinion, an accurate assessment?

In the overall scope we know that pink are very prolific, as I understand it, being a two year fish and low end. The river does change, water levels are coming and going which is why you evaluate them. Is that an accurate assessment of the number of fry that might have been lost? In perspective of how many young fry there might be in the river system, what percentage are we talking about here?

Mr. Paul Sprout: That is part of the review that we've asked to look at and to see whether we can answer that question. I would start off by noting the following. It's going to be challenging to precisely answer that. The reason is that we know the natural flow in the river is dropping anyway. For example, above and below the site we're talking about this morning, there is natural de-watering occurring. Salmon reds are being exposed naturally and there is some natural loss occurring.

The issue in Big Bar is to what extent the causeway exacerbated that and therefore, what could we identify as lost to Big Bar. That is part of the review and I don't have a specific answer.

I can say this about pink salmon in the Fraser River, the population is at an historical high. We've had very strong returns of pink salmon to the lower Fraser River for the last decade-and-a-half. The population from a conservation perspective in contrast with other salmon populations is in very good condition. That's not to justify this or to rationalize it, it's just to provide a bit of background. That particular population in the lower Fraser is doing extremely well. In fact, often we have additional fish that could be harvested based on the strength of that population.

We will be looking in trying to answer that question more precisely, but I'm unable to provide that kind of detail today.

The Chair: For clarification for the committee and further study and review of this it would be important if you sent this information to us. The question was fairly direct, on the estimated two million young salmon killed, is that a correct assessment?

⊕ (0950)

Mr. Paul Sprout: I appreciate that and we will try to respond to that question given my comments.

The second thing we'll be able to provide you at that time is we are doing what's called a pink downstream enumeration program right now and we are actually trying to estimate how many young pink fry are migrating out of the Fraser River. We'll be able to provide you potentially the two figures, how many have left the whole system, and how many we think may have been affected by this. You'll be able to draw the comparison between the two numbers.

The Chair: Thank you.

Mr. James Lunney: Do I have time for one more?

The Chair: Unfortunately, you are already over by two minutes and I allowed our witnesses to answer.

Thank you, Mr. Lunney, and thank you, Mr. Sprout.

Mr. Matthews or Mr. Cuzner, questions?

Monsieur Roy.

[*Français*]

M. Jean-Yves Roy: Je poserai une dernière question puisque vous n'avez pas répondu à ma question.

Au fond, tout ce que vous nous dites que vous allez faire dans l'examen, après coup, cela n'aurait-il pas pu être fait avant? N'auriez-vous pas pu vous assurer auparavant, avant même l'autorisation, de faire un examen suffisant, afin d'être justement capable d'empêcher ce qui s'est produit? Au fond, il s'agit là de la question. Le rôle du ministère, c'est la protection de la ressource. Or, ce que vous nous dites, c'est que vous faites l'examen après coup, après que le mal soit fait.

Ce n'est pas possible. Je veux dire que cela ne se peut pas. N'est-il pas possible de faire ce genre d'examen avant, afin de s'assurer que ce genre de situation ne se produise pas. Il me semble que l'enlèvement du gravier dans le fleuve Fraser, ce n'est pas nouveau. Ce n'est pas quelque chose qui a été inventée en 2006. Il me semble que l'examen aurait dû être fait avant. L'interrogation que l'ensemble des membres du comité se pose c'est

comment se fait-il qu'une telle chose s'est produite avec les outils que nous avons aujourd'hui en 2006 pour prévenir ce genre de situation.

On se retrouve à faire un examen après, et non avant. Ce que vous nous dites, c'est que le ministère est incapable de faire des prévisions de ce qui se produira et on bâtit un barrage. Voilà le problème. De plus, vous ne répondez pas à ma question. Est-ce que le ministère possède les ressources suffisantes afin d'évaluer que c'est impossible avec une construction semblable de ne pas réduire le débit?

[English]

Mr. Paul Sprout:

I think, if I were to distill your question, what you're asking is, could we have predicted that what did happen would have happened? I think that's the essence of your question. Could we have predicted that?

My response is that with the information we had at the time, we felt we took responsible measures that were designed to address the conditions we were facing and our understanding of the situation at the time. So with the information we had, based on the review that I've spoken of plus the evaluations we made this year, we think we took the responsible measures required at the time.

Now, the question is, can we learn from that? Are there things we have learned from this experience that are going to help us next year or in the future when gravel removal is being considered once again?

We are going to do a review, as I've indicated, and based on that review and the recommendations that emerge, we will factor that into the future. But again, from our point of view, I think to the extent we could predict what happened and take into consideration, we did.

What we found in the space of a week was that some of our assumptions did not prove to be valid and that we did not get the flow we anticipated through the causeway. We made the adjustments and adjusted rapidly under the circumstances. Now we have to evaluate what happened and determine what we should do in the future.

[Français]

M. Jean-Yves Roy: La réalité, c'est que les ponceaux auraient dû être installés dès le point de départ, et qu'ils auraient dû être de dimension suffisante afin de s'assurer que le débit serait suffisant. Il s'agit là de la question. Et ce n'est pas ce qui a été fait.

Le ministère est-il incapable de s'assurer que les ponceaux soient suffisamment gros et que le débit sera là? Il me semble que ce n'est pas sorcier. En vertu du principe de

précaution, comme je l'ai dit plus tôt, on installe quelque chose qui permettra d'avoir un débit suffisant. On ne se pose même pas la question. Et c'est là que se situe le problème.

[*English*]

Mr. Paul Sprout: I would like to respond to that final remark, if I could.

I think that in all the things we do--we carry out a series of actions, we make decisions in hundreds and thousands of cases.... We have to make assumptions in almost all of those cases before we take the action. So you make assumptions about how fish are going to behave. In this case, we make assumptions about water flow. You make assumptions about dewatering or not dewatering. All those are assumptions. And then you make a decision. As a department, a responsible institution, we evaluate those assumptions. If some of those assumptions turn out to be valid, then we make corrections in the future.

In my view, it's a proactive approach that acknowledges that we learn as we go. In this case, as we've indicated, we believe we took responsible measures for our decisions. But that being said, we did see effects that we had not anticipated. We need to learn from those effects and we need to make changes in the future.

⊕ (0955)

[*Français*]

M. Jean-Yves Roy: Vous ne me convaincrez pas. Vous savez, j'ai été maire d'une municipalité et si j'avais agi comme vous, à peu près toutes les résidences de ma municipalité auraient été inondées. C'est aussi simple que cela.

Par exemple, lorsqu'on installe les égouts pluvieux d'une municipalité, on les installe suffisamment gros afin de s'assurer que cela répondra au débit, sinon toutes les résidences seront inondées. Si vous étiez maire d'une municipalité, toutes les résidences auraient été inondées. C'est aussi clair que cela. Ce n'est pas compliqué, c'est cela. On s'assure au point de départ d'avoir une installation suffisante. Or, ce n'est pas cela que vous avez fait. Je ne comprends pas pourquoi le ministère n'a pas fait cela.

[*English*]

The Chair: Merci, Monsieur Roy.

Ms. Crowder, five minutes.

Ms. Jean Crowder: Great. Thank you.

I want to come back to a comment you just made about the information you had at the time and the assumptions you made. I think it, again, highlights the criticism that the commissioner made in 2004 about the inadequate information the department has access to.

I have two questions for you.

I wonder if you could comment about whether additional resources are required or what it is, because clearly this not a new decision-making process. I think it's a major concern for the committee when there is such significant impact that was unanticipated by the department. That's one question.

The second one is, you mentioned managing risk. And again, I'm coming back to this report. It stated there were some major concerns about the fact that the province of British Columbia had moved to a results-based process and that the department is concerned that this results-based process, as set out by the province, is likely to have significant impact on its own work. I wonder if there is a larger issue at play here that is impacting on the department's ability to make decisions that are not going to have unanticipated outcomes.

Mr. Paul Sprout: On the first question on whether or not our resources are an issue, I don't believe in this instance that it is resources. I think, as we've already pinpointed, is what were the assumptions behind the decision to allow for the causeway to go in, what were the assumptions that the view that water would be permitted to be passed through with the very large rocks that form the basis of that, and so forth.

Ms. Jean Crowder: I'm sorry to interrupt, but when I'm talking about resources I'm also talking about information and if you're making assumptions based on faulty information.

Mr. Paul Sprout: Again, I think we made assumptions about the ability of those large materials to pass through with the information that we had. It's not clear to me that would have changed with additional information. That being said, we are looking at this and as we've indicated, we've called for a review. One of the things we'll be looking at is the information that was used to make those decisions. Based on that assessment we'll be in a position to know whether we thought the information was adequate or whether in fact additional information would have been required. If additional information was required, then it's whether additional resources are required to support that decision. The review itself I think will answer that question and we're open to that. I think that would be the right approach at this time.

With respect to the results based approach, again my response is that the results based approach is designed to try to put the emphasis in terms of the how the department utilizes resources in the areas that have the highest impact to the resource itself. It's designed to acknowledge that we have to prioritize how we do our work to ensure that we achieve the best value for Canadians. Again, I think the results based approach is designed to actually help us do a better job.

In this particular case, I think with the space of time we've already referred to, the framework that was already in place, the rapidity in which we responded over the course of a one week period, our commitment to review, in my opinion, I think we've taken all the responsible measures. It's not clear to me that there's a particular issue associated with our policies so much as it is, okay, what was the information used to make this particular decision, how valid was it relative to the assumptions that were implicit, and what can we learn from it?

🕒 (1000)

Ms. Jean Crowder: I wanted to clarify, again, the recommendation from the commissioner was that the department needed to use a risk based approach, not just a results based approach as the province was moving towards. I think it's important that my colleague referred to the precautionary principle earlier and that risk based approach would look at the precautionary principle and look at some contingency plans in the event that things went completely off the rails.

Mr. Paul Sprout: I think that's fair enough. We would agree that a risk based approach is the right approach to take. Additionally, we have acknowledged that in managing any habitat development there's always risk and we have to try to minimize it. That point is well made and we would not dispute that.

The Chair: Thank you.

Mr. Cummins.

Mr. John Cummins (Delta—Richmond East, CPC): Thank you, Mr. Chairman.

The Chair: Try and keep it to five minutes.

Mr. John Cummins: We've got lots of time. We have an hour, Mr. Chairman.

Mr. Wild, when my colleague asked you about comments that were made in the Chilliwack progress you dismissed them. I don't personally know the report of Robert Freeman, but I have given many interviews with him over the years and from my understanding I've never found him to be manufacturing information. In that particular story he quotes you and he puts in quotation marks the words "local animosity". He says that you suspect that local animosity with the Cheam First Nation fueled sport fishermen's outrage over the gravel removed. Are you denying that? I'm asking you, Mr. Wild, are you denying that?

Mr. Jim Wild: I understand and I've responded to that question earlier.

Mr. John Cummins: I'm just asking you again.

Mr. Jim Wild: That the local animosity between the two groups caused the problem on this site, no.

Mr. John Cummins: That it fueled local sport fishermen's outrage.

Mr. Jim Wild: I don't believe I said that, Mr. Cummins.

Mr. John Cummins: That's fine.

You also said that Mr. Paterson was on two weeks holiday. Mr. Paterson, his comments were that many of the salmon alevins had emerged from their nesting sites called reds before the low water levels exposed them. Do you know that Mr. Paterson made those comments?

Mr. Jim Wild: I don't believe he made those comments at that time because he was—

Mr. John Cummins: Would they be accurate?

Mr. Jim Wild: We start our fry migration work on February 17, and some of the initial sampling we did at the site by our technician indicated that some of the reds were empty, that the fry had left.

Mr. John Cummins: Just for your information, I did attend that site when the causeway was in place and there were many reds that...well, not many, but the ones that were dug up, that I saw, the fish were dead.

There's a public perception here that DFO was negligent in allowing this causeway to be built. The public is rather upset because they see the department as shutting a farmer down, disallowing a farmer from digging and clearing a ditch on his property because they say it's fish habitat, or some other guy from pulling yule grass around his float because some how or other it's going to damage fish habitat, and yet you guys go ahead and you allow a causeway to be built that destroys probably tens of thousands, or probably even more if some of the testimony we've heard is correct.

How do you get your mind around that?

Mr. Paul Sprout: I'd like to come back to why we authorize gravel removal on the Fraser River. This is not—

Mr. John Cummins: I know why you authorize it.

Mr. Paul Sprout: This is not the Department of Fisheries and Oceans suggesting we want to remove gravel. It's not the Department of Fisheries and Oceans.

Mr. John Cummins: That's not the issue.

Mr. Paul Sprout: These are other institutions, in this case the province or municipalities, mayors of municipalities, who are concerned about the removal—

Mr. John Cummins: That's not the issue here, Mr. Sprout.

Mr. Paul Sprout: I would like to have the chance to respond.

Mr. John Cummins: You're wasting your time. I'm asking you why you allowed this to happen.

Mr. Paul Sprout: And I'm trying to explain.

Mr. John Cummins: No, gravel removal, we all know why it's there. There are ways of doing it that are not going to damage the environment, or they're going to minimize it.

You said, for example, you didn't anticipate the flow of water would be diminished through these large rocks. Well, if you put an obstruction in the river.... The river's not a pipe, it's not forced to go through the holes that are remaining, it'll go around. So when you put rocks, large rocks, in the river, the water simply goes around. That's what happened there. It was obvious to the naked eye that the water level was considerably lower below the causeway than it was above.

My question is simple: why did you allow that fish habitat to be destroyed in that manner?

🕒 (1005)

Mr. Paul Sprout: Okay, I'd like to come back to the why, and I need to explain it in two ways.

First of all, the why. Why we allow gravel removal is for flood control and navigational purposes.

Mr. John Cummins: Precisely.

Mr. Paul Sprout: And the how is: we instituted a design of the causeway to try to facilitate water passage. Water was passed through the causeway, but it was not adequate, so it appears, to provide for sufficient water in some sites below the causeway. We were doing a review to determine to what extent the dewatering was caused by the causeway versus natural flow reductions and we're doing a review to learn whether, in fact, in the next future request for gravel removal, how we should approach the issue of the causeway the next time.

Mr. John Cummins: It's not as if you've never done it before. If there's one thing that bothers me about the department, Mr. Sprout, it's the fact that you don't seem to learn from your mistakes and you don't seem to learn from what you did well.

I asked you a question when we were doing hearings in Vancouver a number of years ago about why you hadn't learned from the previous...you were supposed to provide me with some information on that, you never did.

But this wasn't the first time that you removed gravel from the Fraser. You had to know that these things were going to happen. As my colleague across the way said, there was a fish habit monitoring plan that was in place that seemed to have been completely ignored until this issue became public.

Mr. Paul Sprout: I'm not sure if that's a question or an observation.

Mr. John Cummins: Well, it's an observation. You can comment, if you like.

Mr. Paul Sprout: My comment would be along the lines that I've already characterized. We had a framework that we were operating under, which was based on science. Gravel removal on the Fraser is contentious, as I've noted. The particular framework proposed and identified an approach which we have adopted, which has been signed off by the levels of government and the Fraser River Basin Council. We followed that framework. Issues occurred in 2006, in spite of that framework, and we need to learn from that to make an adjustment for the future.

Mr. John Cummins: Well, I think that the reputation of the department has taken another hit in the handling of this, Mr. Sprout. It's going to take a while to get that back.

I'd like to question you on another issue. It's related to enforcement, and an issue that I know you're aware of. That's on this Cultus Lake harvest rate.

Is it true that the department's been advised that a 25% to 40% harvest rate on Cultus is acceptable?

Mr. Paul Sprout: Are you referring to the subgroup, Mr. Cummins?

Mr. John Cummins: No, I was referring to that particular....The question was quite simple, is it true that the minister's been advised that a 25% to 40% harvest rate of Cultus is acceptable?

Mr. Paul Sprout: We have not provided any advice to the minister to date on what the exploitation rate for Cultus should be. We have advised him, though, on the deliberations that are occurring in the industry and elsewhere about what their recommendations might be, but we have yet to provide him any formal advice in terms of what Cultus exploitation should be.

Mr. John Cummins: Isn't it a little late, by agreement with the Americans you're supposed to provide them with advice? Have you given them any advice as to what the CultusLake harvest rate will be?

Mr. Paul Sprout: We've given them advice on what we think the late-timing population of Sockeye should be, preliminary advice. We've advised them and in providing them that, that ultimately the fishing plan will have to be determined and approved, frankly, by the minister. So the advice we've provided is provisional subject to the minister's final approval.

We have not provided specific advice on Cultus. We have advised them of an exploitation range that could be considered, that is being explored internally and with various clients, but so far we've not provided final views.

Mr. John Cummins: Thank you.

The Chair: Mr. Cuzner.

Mr. Rodger Cuzner: I'll give my time to Mr. Cummins.

The Chair: You can, there are other witnesses.

Ms. Crowder.

Mr. Lunney has a question.

Mr. James Lunney: I have a brief question, then we can go back to Mr. Cummins, if that's all right.

It was suggested that Pink being a two-year salmon that, okay, peak runs in every second year, can we not simply confine the gravel extraction to off-years? I kind of thought perhaps that was a little bit be too simplistic an answer. Could you comment on that?

🕒 (1010)

Mr. Paul Sprout: I think that's actually a good question.

In the actual framework that I've described that we entered into with the province which we are adhering to right now, so we've been consistent with the framework, but the issue I think....That is a reasonable question and potentially in particular sites. So it may well be that in some sites in even years when the Pink are leaving the system, so they're spawning in odd years and they're exiting the Fraser River system in even years, it may be desirable not to have gravel removal operations. That's one of the questions that we'll have to reflect on.

I'm not commenting on that today. I'm saying we are consistent with the framework. We did take measures, as I've noted, in terms of our assumptions this year, but I think that's a reasonable question to ask for the longer term.

Mr. James Lunney: There are two points, one, I accept what you're saying about assumptions. In science it's perfectly acceptable to make assumptions, it's just never acceptable to forget them. So I'm glad you're examining the assumptions.

A last question coming back to habitat and I don't know, perhaps this is one for Ginny Flood being in habitat. It's really my region I'm concerned about which is west coast Vancouver Island, Tofino, in particular and small craft harbours. It was a peripheral issue in the last discussion, but it's about eel grass.

I have people there with harbours, resort owners that have harbours, tremendous tidal flow in that inlet, in and out, silted in and eel grass is growing into some of these resort harbours and they just can't permission to remove it without having to go through expensive transplant operations. Tonnes of eel grass in the area. What can be done to expedite this? Somebody gets the bright idea to protect eel grass, but there's lots of it in the area and surely, traditional use has to be taken into consideration.

Mrs. Ginny Flood (Assistant Director General, Habitat Management, Department of Fisheries and Oceans): I'll attempt to answer that, but I'm not really familiar with the eel grass. I look after a lot of the major projects across Canada, but I think what we're trying to do is actually trying to simplify some of that approval process through some streamlining and looking at helping deal with some of these issues that we're getting criticized for, the time it takes to actually get the approval processes through so that people can get on with their work.

It is an issue we're aware of and we are looking at it. But with eel grass specifically, I would have to get back to you on that.

Mr. James Lunney: Thank you. If you're not specifically Pacific Region, perhaps Mr. Sprout would care to comment on that.

Mr. Paul Sprout: Well, the challenge, as you know fully, is that we're bound by our policy which is a no net loss policy.

So the challenge is exactly as you characterized it. There's a proposal to put in a small craft harbours. It's in a site that is occupied by eel grass, so from our perspective to be able to approve that and if that requires eel grass being removed or destroyed, we have to compensate. That means we have to find either a site adjacent or nearby or some way of compensating for that loss. In some cases that's straight forward, that's reasonably well done and we can manage it; and in other cases it's quite a bit more complicated and I think those are the ones you're referring to in the case of the west coast Tofino area.

Mr. James Lunney:

Well Mr. Sprout, on the west coast, particularly in the Tofino area, if you haven't visited there, there's lots of eel grass in the area--it's prolific. it's a very small area but if

they can't get their boats in and out. Are we trying to kill these businesses with regulation?

Mr. Paul Sprout: No, I don't think so. As I've explained and as you've commented, appropriately, in my opinion, this is about managing risk and we do have to take into consideration the benefits of these projects versus the risk to the environment. But in the end we have a responsibility as an environmental organization to adhere to these policies. And these policies do require us to address issues of eel grass. So we would take into consideration the biological implications of removing this eel grass. What is our assessment of that? And to what extent is reasonable compensation required to accommodate the loss of that particular location or that particular site?

This does require us to look at the issue of risk. That's what we would employ in this particular instance. The challenge though is that we are guided by policy constraints and so forth. I can't pretend otherwise.

🕒 (1015)

Mr. James Lunney: Just a final comment, perhaps, on this. If it's a public good for eel grass and we're taking a place that's been used traditionally as a harbour for years, it's silted in and some eel grass has taken opportunity of that. If it's a public good, surely it's incumbent on the department to just go ahead and plant some other eel grass somewhere that's satisfactory to them and let them clear the harbour so they can use their facility.

Mr. Paul Sprout: Well we can't--

Mr. James Lunney: Otherwise there's tremendous economic loss and the public should be responsible for that, frankly.

Mr. Paul Sprout: Fair enough. The policy is flexible enough that we can compensate outside of the immediate location, so there is opportunity within the policy to accommodate much of this. Now, I don't know the specifics but I have observed the eel grass issue that you've been talking about in Tofino. It's not just isolated to Tofino, as you know.

Mr. James Lunney: Thank you.

The Chair: Thank you, Mr. Sprout.

Mr. Kamp and then Mr. Cummings.

Mr. Randy Kamp: Someone said that the reduction of water flow was affected by the shutdown of the Seton generating station in March. I just want your comments about whether you think that was a factor. Did it reduce the water flows? My understanding is that that was a scheduled shutdown. And the second question would be if DFO and B.C. Hydro coordinated these efforts and if DFO knew that Seton was going to be shut down

at that time, reducing the water flows, would they have taken that into account in authorizing this gravel extraction?

Mr. Paul Sprout: I don't know the details around that but I think it's a good question and I'm going to ask if Mr. Wild could respond.

Mr. Jim Wild: Good question. When you look at the larger picture that amount that they shut down wouldn't be seen as that important. It was approximately 100 cubic metres per second. Unfortunately for us, when we first put the causeway in, we had good flow through the causeway at 900 cubic metres per second, a relatively high flow. And then it dropped quite quickly. When we saw it, it was fairly low as well.

That was a significant factor. It was roughly one-third of the drop in flow. We did not know at that time that that was going to happen and very, very quickly, B.C. Hydro got hold of us and let us know that they could adjust, help monitor, or do whatever. They had no intention of complicating an already difficult situation. But again, that would be something that we would take into account in the future. Just check with B.C. Hydro to see when they're scheduling and whether they could wait for a month?

Mr. Randy Kamp: So that wasn't a normal part of your procedure.

Mr. Jim Wild: No, it's a good point, Mr. Kamp.

Mr. Randy Kamp: Thank you.

The Chair: Thank you, Mr. Kamp, Mr. Wild.

I just would address the committee for one second, if you bear with me. The Standing Committee on Foreign Affairs is meeting in this room at 11:00. So it is my intent to suspend this meeting at around 10:40, and that'll allow us our 15 minutes for briefly going into camera. We have a few issues we have to discuss from our steering committee.

So we will resume this with Ms. Crowder.

Ms. Jean Crowder: I just have one very quick question, which goes back to something from 2003. The DFO Regional Director, John Davis, had written a letter to Deputy Minister Larry Murray. In that letter he said that there was a general lack of analysis information that demonstrates that gravel removal has a real reduced flood hazard and one of the underpinnings of the letter of agreement on the lower Fraser is around reduction of flood hazard. Is there any new information since 2003 or has analysis been conducted that says that gravel removal actually does what Davis said it may or may not do?

Mr. Paul Sprout: As I indicated in my opening remarks, the issue of gravel removal on the Fraser River is contested. It is true, there are different perspectives on this within the science community, and obviously among different interest groups. That's why we

supported a study that led to the framework that I spoke of. That study was supported by the Fraser River Basin Council, the province, and ourselves, and it is the basis of the gravel plan that we have today.

Ms. Jean Crowder: In your view, is it comprehensive enough? Clearly if there is so much dispute over there, you haven't enough information that is persuading the opponents of this.

Mr. Paul Sprout: The issue, I think, from the Department of Fisheries and Oceans view is we understand that other agencies, in this case the province of B.C., the municipalities, and so forth, but particularly the province, has certain views and expertise in this, and they are requesting that gravel be removed. From our perspective, as an authorization or a regulatory body, what we're saying is if the intent is to remove gravel we want to do it in a way that minimizes the impact on fish. That's where we come into the picture, is how can we do it in the safest way possible, understanding that there will always be risk.

You're asking the question about what my professional views are on gravel removal. Is it sound or not? I'm saying that I know it's contested, that I know there are diverse opinions on it, but I do know that we collectively came together with a study, that study suggested a certain approach that became the basis of this framework, and that we're trying to adhere to that as best we possibly can. From a departmental perspective, what we're concerned about is how we remove gravel in a way that is as safe as possible, recognizing that there is always risk.

🕒 (1020)

The Chair: Thank you.

Mr. Cummins.

Mr. John Cummins: Thank you, Mr. Chairman.

A couple more questions, if I could, on this exploitation rate.

Is there a rate that the department is considering now, and if so, what is it?

Mr. Paul Sprout: We are in the process of evaluating a proposed exploitation that a sub-group of commercial fishermen and first nations are recommending to the department of 30% exploitation. That's under review at this time.

Mr. John Cummins: I find that comment unusual. Your exploitation rate should be based on science and on your management ability considerations, not on consultation necessarily or recommendations from someone else. What's the department's view of this?

Mr. Paul Sprout: In fact, our view is that we should consult on the exploitation rate, and here's why: because there are many different exploitation rates we can apply to. One is zero, we don't harvest them at all, and one is another level very high, 50% or higher. From the department's perspective, we believe that there is a level that we can't go below, but above that low level it's really up to society to provide advice or actually to come to a consensus on what those kinds of exploitation rates should be.

In the case of , we think that we should be consulting on what the exploitation rate should be, that we should get advice on that, and that we should analyze that advice against conservation objectives. But ideally if people can come together and have consensus on some of these very contentious issues, that's more desirable than the Department of Fisheries and Oceans trying to divide between positions. So we would seek the advice of groups, we would analyze that relative to our objectives before providing advice to the minister.

Mr. John Cummins: I appreciate your comment there. I guess I misstated my question. What I really should have asked or pointed out is that this is not an issue of consultation necessarily on what groups are recommending, but there was some arm twisting that we'll consider 30% if the commercial industry would recognize the legitimacy of these economic opportunity fisheries for natives so that it was put in those terms. That's the perception now that's out there, and of course that is not an acceptable way to be making decisions in departments, you agree to this, we'll allow that. Not in that matter. I think that's the problem.

This issue of enforcement on the Fraser, it's been a concern for a number of years and we could review the history of it if we wanted. Most particularly, the department indicated last winter that there was going to be a cut in enforcement or the numbers would be reduced through and whatever. What's the status of enforcement numbers on the lower Fraser this year?

Mr. Paul Sprout: Can I deal with the first observation that you made, Mr. Cummins, which is the perception that there's a linkage between what the culled exploitation rate might be in 2006 and perception that the department was coercing or somehow forcing individuals to accept a higher exploitation rate for recognizing first nations fisheries.

Mr. John Cummins: Sure.

Mr. Paul Sprout: Okay, that's a false assertion. That is not correct. The fact is, as I've indicated, the department definitely would like to see groups come together and agree on exploitation. We think that's a much more desirable approach than the department simply trying to arbitrate. That said though, the department will analyze what it is the groups come up with relative to our objectives before providing advice to the minister. But in no way was there any pressure or coercion or direction provided to parties that we would agree to a certain level of exploitation rate only if they agreed to something in lieu of that.

With respect to issue of attrition on the Fraser River, we do have an attrition issue generally with the department and certainly in the Pacific region. We're an aging public service, frankly, and we have a number of people that are retiring. These are fishery officers, scientists and others and that is true. Our challenge on the Fraser River is to meet the direction from our minister.

The minister has indicated that he would like to see our enforcement effort on the Fraser equivalent to what it was in 2005 which was augmented over 2004. We're still faced with the reality that we have an aging—and in some cases where our work force, particularly scientists and fishery officers and some of those people are exiting—they're leaving. They're retiring. But the challenge for us in 2006 is to maintain the same level of fishery officer effort on the Fraser River as we had in 2005 in the face of the demographics that we have. So that is what we're planning on doing and we intend to do, but it will be a challenge.

🕒 (1025)

Mr. John Cummins: The difference between 2004 and 2005 was not considerable. Could you perhaps briefly describe what it was?

Mr. Paul Sprout: I would argue that it was considerable. In terms of action on the ground, I don't have the figures about the number of fishery officers in 2004. But in 2005, we had between the lower and the upper river, around 57 or 58 fishery officers that are permanently stationed in the Fraser. In addition, we transferred in a small number of fishery officers on a temporary basis during the summer season to augment the permanent numbers that I just referred to. In 2005, we were operating about 57 fishery officers plus the ones that we transferred in temporarily. In 2006, we're trying to achieve the same level of fishery officer effort.

The other thing that happened in 2005 is that we received additional operational money. The operational money allowed us to do over flights, helicopters, fixed wing, vessel patrols and so forth. That's where we had substantial activities relative to 2004. So from our perspective, at least 2005 was a significant bump in terms of actual work on the grounds, in terms of over flights and so forth.

Mr. John Cummins: Well the interesting thing is that this year there's going to be significantly more fish than there was in 2005. In 2005 there was no commercial fishery. The only fishery that you had to contend with the native food /black market fishery. This year you're anticipating a run of 17 million fish. There may or may not be a commercial fishery but there sure as hell going to be a lot of fishing effort in the Fraser River.

In my view, the effort in 2005 is simply not going to be enough to manage properly or to control illegal activities that will probably be quite rampant in the Fraser this year.

Mr. Paul Sprout: Well, you're right that 2006 is going to be a different year than 2005. You're also correct that we are predicting— God willing—a strong return of Fraser River sockeye. We hope to have a strong commercial fishery and a first nations fishery.

Mr. John Cummins: Let's consider the Chilliwack office, for example. How many folks do you have in that office, roughly? I'm not going to hold you to it exactly, but roughly?

I've just got a short series here, chair, if you don't mind.

🕒 (1030)

Mr. Paul Sprout: I'll have to ask if Jim can respond to that.

Mr. Jim Wild: I think it's about five.

Mr. John Cummins: About five?

Mr. Jim Wild: I'm not positive. I'll confirm and get a message back to you.

Mr. John Cummins: All right, so you've got five guys in the Chilliwack office, and their patrol responsibilities on the river would range from where?

Mr. Jim Wild: Depending on their patrol, they might go right up into the canyon.

Mr. John Cummins: Up into the canyon, and how far down-river do they go from Chilliwack?

Mr. Paul Sprout: Langley covers off down below there, so it's not that far below.

UNKNOWN UNKNOWN: For the benefit of the committee, how many kilometres is that?

Mr. Paul Sprout: Into the canyon, that would be an extensive run. That could be 80 kilometres.

Mr. John Cummins: So you've got five guys who are covering 80 kilometres of the Fraser River where the illegal activities in the past have been rampant. Five guys really wouldn't cover a day shift, would they, let alone nights and weekends?

Mr. Paul Sprout: But it won't just be five officers. That's the point I was raising earlier. We are proposing to transfer in on a temporary basis officers from outside the Fraser to assist those individuals in that section of the river. In addition, we're proposing to augment the operational budgets that we can do overflights, helicopter flights, and so forth, so that we can try to make the 80 kilometres a more manageable size through access to helicopters, over-flights, and we would transfer in fisheries officers from

outside of that area to augment the staff temporarily during that summer. It is going to be a challenge. I acknowledge that, but that's the plan.

Mr. John Cummins: For example, if you've got five guys there and you augment, you can't be sending people out up into the Fraser Canyon who don't have experience on that part of the river. Mr. Wild has been there, you've been there, I'm sure that you can agree. It takes experienced people to navigate that part of the river. Mr. Kwak was in here last week and I asked him the same question. You can get lost there in the web of islands quite easily. I've done it myself, and it's an easy thing to do. So you need experienced people in there.

A lot of this activity is night time activity. You can't send one or two guys out there in the dark of the night to deal with some of these thugs who are fishing illegally at night. There has to be a sufficient number, probably a half a dozen guys anyway. How are you going to effectively patrol that large area with five fisheries officers and augmented with a few people from outside? How can you possibly do it?

Mr. Paul Sprout: I think the first thing is, it is a challenging area, to be sure. The individuals who we would propose to transfer in there will be trained fisheries officers. They will have done whitewater training and so forth. Additionally, the officers who actually live in the area will be the ones who are mostly connected with doing the canyon work and so on, where the, frankly, water conditions are very challenging for those who have never observed the canyon. It's a really exciting, but difficult, area to work in, so we'll be using the most experienced staff in those key locations. The other staff that will be rotated in there will be experienced staff. These will be officers of long tenure, well regarded, and so forth, working under the general direction of the more experienced staff, to the best of our abilities to try to manage that site.

The Chair: Thank you, Mr. Cummins.

I do have just a couple of quick questions that I'd like to get some clarification on.

It was interesting in listening to the witnesses and yourselves on the gravel extraction. There were really none of the witnesses who have said that they've been absolutely against the mining of aggregate on the river banks. There have been a number of questions about the process, so I think that you have a process that, for all intents and purposes, has, quite frankly, failed. There are a number of questions about that process.

First of all, there is a lot of discussion about how you minimize and avoid risk and risk management, but in the scope of the project, under the original environmental assessment, the scope under section 3(1) clearly read:

The scope of this project includes construction and removal of the temporary access road that includes causeways and the bridge, and extraction of up to 50,000 cubic metres of gravel from Big Bar.

So given that, and I realize your comments earlier, Mr. Sprout, that conditions change, the water levels were too high, there was too much current, you did take in safety as a factor, but how do you change your original environmental assessment? What's the process for changing that, that you can simply change it on the fly?

🕒 (1035)

Mr. Paul Sprout:

It's because we do need to adjust to the circumstances, for safety reasons and in fact for resource reasons. For example the initial authorization permitted the operation to continue to the middle of March, but a decision was made to stop before that. Why? Because of conditions that we observed over the course of the week that that operation was in place.

The Chair: So my point is there is a process in place to allow for changes in environmental assessment within very short time frames and that would be in place for every environmental assessment that's made.

Mr. Paul Sprout: For gravel removal operations, as I've indicated, the short answer is yes. The longer answer is that we make assumptions about gravel removal operations. We go to the grounds to see what is actually happening and then if we have to make an adjustment based on what we see on the grounds, we can make an adjustment. In this case we did. An adjustment was made within one week, including stopping operation. But the issue I've taken from the members is maybe you need to ask yourself whether you should have permitted it in the first place. And that's what we're taking away in our review.

The Chair: I have two more questions, and I'll try to be quick because we certainly are going to be jammed for time here. In your screening reports for Big Bar, you also mentioned that four other sites were screened and developed as well. Could we have the screening reports for those four other sites as well, please? And along with that, you mention that there was an assessment done of the reds, where the salmon spawn, at Big Bar. Could we have that report as well? Because you said a number of those reds were empty when you did the assessment but we've not seen any reds that were empty in any of the evidence that's been presented to us. So I think that would be important.

And finally, and I asked this question of the last group, pink salmon spawn every two years. There seems to be a willingness from all parties to look at the extraction of aggregates, so that's not the question. The question that I have is why would you allow for the removal of aggregate during the spawning season when you could very easily have your gravel extraction occurring in a non-spawning year?

The Chair:

Mr. Paul Sprout: I think the rationale for that is that the gravel accumulation occurs on an ongoing basis and there's a concern about only harvesting gravel in an off year or in an even year and having to take very substantial quantities in a short time. You'd be effectively doubling up. Right now we take gravel every year. If you only did it every other year, which is what you just noted, you'd be doubling the amount of gravel that you'd be removing in any one year.

So for example, let's roll back Big Bar, so let's pretend Big Bar is next year. Instead of taking 50 000 cubic metres we would be taking 100 000 cubic metres. So the issue is how feasible is it to take 100 000 cubic metres from one site in a narrow time window, taking into consideration when you can access the site, because of the safety issues, and when you have to leave the site because of other salmon that are present in the system, that are not pink salmon? So the challenge is how do you distribute the gravel removal over a reasonable period of time?

Again, the basis upon which we are doing this is based on a science assessment. This is the recommendation that we're following.

The Chair: I appreciate that Mr. Sprout, but the scientific assessment seems to have some holes in it and it's been pointed out by all the members of the committee that it certainly appears upon the surface to be quite problematic. I appreciate what you're saying about the time frame. I've certainly removed a few thousand yards of gravel in the past--not from riverbanks but it can be done--and quite frankly, my assessment is that I still have difficulty if the long-term purpose of this is to actually remove enough gravel to deepen the channel somehow and increase flood protection. If you could remove the risk from the pink salmon totally by that narrow window of time, simply doing it every second year instead of every year, on a continual basis, with no mitigation at all, and no environmental damage whatsoever to the salmon resource, then perhaps that would be better than not allowing any extraction at all, if that's where this ends up.

🕒 (1040)

Mr. Paul Sprout: Could I provide a bit more background on this?

The Chair: Very quickly, please, you could.

Mr. Paul Sprout: First of all, we know from the experience we had in 2006 that we have to learn from it. I want to make that point. I don't want to lose sight of that in my response, but I would like to respond to the last point you just raised, when you have a moment.

The Chair: All right, go ahead.

Mr. Paul Sprout: The point is that the Fraser River has five species of Pacific salmon that spawn in it, and a number of non-salmonid species, non-salmon species. Those fish are present after March 15 in the river, migrating downstream, so even if you were to

only remove gravel every other year, you still would have a problem of other salmon species being present. It's not just pink salmon. It's a very complex system.

All of these were taken into consideration when the science was done by scientists and others, leading to this framework that I spoke of. What we need to now is take back from this committee and from the community what it is that we can learn from the experience of 2006 that recognizes that the Fraser River is a complex environment. It's not one species that we're dealing with. It's many species. We have strong interests to remove gravel and, at the same time, to preserve salmon, so what we need to do is learn from this, and it may well be that at certain sites the answer is don't remove it in even years, as you've suggested, but at other sites it's fine.

It may end up being more complicated, but, in the end, that's what we have to learn from this, and that's what we intend to do.

The Chair: Thank you, Mr. Sprout and thank you to our witnesses.

I'm going to allow Mr. Cummins a 30-second final question.

Mr. John Cummins: What area in British Columbia has a surplus of fisheries officers that would allow for even the temporary transfer of those officers to the Fraser River?

Mr. Paul Sprout: I do not believe we have a surplus of fisheries officers in B.C. We will transfer officers to the Fraser because that's considered the highest priority. That will mean we will not have the kind of level where they're coming from that we would like to have in those years, but we are going to be working with the officers in the area that is judged to be the highest priority.

The Chair: Thank you.

Mr. Paul Sprout: Thank you, and I appreciate the committee allowing me the opportunity to speak.

The Chair: I appreciate the three witnesses appearing today. It was a very informative discussion.

I do have a notice of motion here from Mr. Matthews.

Mr. Bill Matthews: Mr. Chairman, I would like to follow up on last week's conversation about food, social and ceremonial fish on the Fraser River and significant amounts of fish in cold storage. I said last week I thought the committee should make some recommendations about that so I proposed a motion for the committee's consideration at least.

The Chair: I would ask the clerk to read the motion, but I understand there is going to be some discussion.

It is simply a notice of motion. It's not the motion.

The Clerk of the Committee (Mr. James M. Latimer): Mr. Matthews has given notice of motion that reads as follows:

That this committee report to the House recommending that the Minister of Fisheries and Oceans prohibit further harvesting of salmon by the Cheam Band for food, social and ceremonial purposes until the band members consume the salmon currently held in cold storage.

That is the notice of motion.

The Chair: Thank you.

If we could suspend for a minute or two minutes just long enough to shut down everything, then we'll go in camera.

[Proceedings continue in camera]