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**EVIDENCE**

**Thursday, June 1, 2006**

**Chair**

**Mr. Gerald Keddy**

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## Standing Committee on Fisheries and Oceans

Thursday, June 1, 2006

• (0900)

[English]

**The Chair (Mr. Gerald Keddy (South Shore—St. Margaret's, CPC)):** Gentlemen, subject to Standing Order 108(2), we are studying gravel extraction enforcement in the Fraser River.

I'd like to welcome our witnesses, Frank Kwak and Marvin Rosenau. I would also like to mention that both of these gentlemen have gone to a fair amount of trouble and effort. They have an excellent presentation here, so the clerk tells me. So we'll proceed right along.

You have ten minutes each, gentlemen.

**Dr. Marvin Rosenau (As an Individual):** Thank you, Mr. Chair.

Thank you, members of the committee, for inviting us here. I'd like to talk to you for a few minutes about the Fraser River and gravel removal situations that are occurring there currently. In major part, I would like to discuss what I feel is DFO's inability to meet its statutory obligations in regard to the Canada Fisheries Act, and specifically section 35 of the Canada Fisheries Act with regard to habitat, and the Canadian Environmental Assessment Act.

I'll just give you a brief overview. I've had extensive experience with regard to gravel removal, both on and off the Fraser River, mostly gravel removal in streams for flood protection. I'm a fisheries biologist with 25 years of experience, and I did work on the Fraser River in a variety of different capacities for about ten years, until the committee dealing with gravel removal was disbanded and I was sent elsewhere. Right now I'm a fisheries instructor at the British Columbia Institute of Technology.

What I'd like to do for a few minutes today is to give you an overview of something that happened this winter, to provide you with an example of how I feel the Department of Fisheries and Oceans is not meeting its statutory obligations. It regards a fish kill associated with the gravel removal project in the gravel reach of the Fraser River.

The gravel reach of the Fraser River, as you can see on the first slide, is in the southwestern part of British Columbia. It's 100 to 150 kilometres long, just between Hope and Mission. The Fraser is 1370 kilometres long, from Mount Robson to the Gulf of Georgia. This is a very short section but an extraordinarily productive section. It's very fish-rich. It's the most fish-species-rich freshwater environment in British Columbia, with about 30 species. It has the largest sturgeon population in all of British Columbia. I worked extensively on sturgeon in my capacity as a Ministry of Environment employee up until three years ago. The largest salmon run in British Columbia

spawn in the gravel reach. Sometimes there are in excess of ten million fish. At least five listed species at risk are contained in that gravel reach.

This is an aerial photograph of the gravel reach. This is a chunk of river between roughly Laidlaw and Chilliwack, the confluence with the Harrison. It's a very braided section, a very habitat-rich section. You can see the large islands and the large gravel bars between the green lines, which are the diked areas.

There is an idea—and there's an element of truth to it—that there is sedimentation, in other words, aggregation of gravel and sand in this area, causing flood profile difficulties, possibly requiring that sand and gravel be moved out, at least in some locations. There's a lot of equivocal science in regard to that, in terms of how much, when, and where.

This leads us to the agreement the Department of Fisheries and Oceans made with Land and Water B.C. two or three years ago with regard to removing 500,000 cubic metres of gravel for flood protection. I maintain that while gravel may need to come out, what Land and Water B.C. and Department of Fisheries and Oceans have agreed to is simply a gravel grab. It has nothing to do with flood protection. The situation we saw here in March of 2006, which we in effect audited, exemplifies that this and other projects that DFO has authorized do not meet those objectives.

Here, some time in early March, a causeway was put across a large side channel of the Fraser to an island, a bar, where gravel was to be removed. I'd point out that this gravel bar where the removal took place is probably one of the better places to remove gravel for flood protection, in my opinion. A number of other spots, the one immediately upstream, at Popkum, for instance, simply presented an opportunity for the local interests to get gravel. They had nothing to do with flood protection.

DFO's decision to authorize these folks to take gravel out at this particular location, Big Bar, was very egregious because of its implications for habitat. They cut off this large side channel; the large side channel was probably larger in flow than 95% of the streams at this time of year, in all of British Columbia, so it was a very large channel. And as you can see from the yellow line, as the channel was cut off, there was a residual flow through the rip-rap berm. Most of the river was cut off on this side channel, and up to 40 metres in a lineal distance was de-watered. Multiple hectares were de-watered. This slide is the close-up of the causeway where gravel was taken across.

What was most disturbing was that very large spawning beds were dewatered. You could see that these were spawning beds.

● (0905)

Pink salmon, as I indicated earlier, spawn in the main stem of the Fraser River. The bar and spawning beds I'm pointing out were de-watered. Several million fish were killed as a function of this, in our estimation.

I teach at the British Columbia Institute of Technology, and my students went out and did physical surveys. This picture shows the ultimate objective for gravel removal: to take large amounts of gravel out of the river. We had our students out there digging up redds, doing surveys, transects, elevations, and so on. In pretty well every redd we dug into, we found dead fish. As I say, we used biostandards to determine that several million fish were killed.

Just to give you a sense, the DFO manager suggested this was a natural event caused by low water. Well, the before side, the left-hand side of the slide, is the de-watered area. At the end of March the causeway was pulled out. Instantaneously this area was re-watered, and we surveyed it. So we have very good, concrete data to show this.

Here I am showing the surveyed area of the redds. The red line is the outer perimeter of the de-watered redds. What we ended up with was about three-quarters of a hectare. If we add up all the other sites on the island and downstream and upstream, we figure we had a whole hectare of de-watered redds. Some fish were pulled out right at the water's edge, so it wasn't just up at the outer perimeter; mortality occurred right down close to the water.

The upper figure in the slide shows our zero point, when the causeway was in. You can see that the staff gauge, which is basically a stick but was pretty accurate, shows the zero point with the causeway in. With the causeway out, which is shown in the lower picture, the water surface elevation of the side channel went up almost a metre. At the point depicted, it was 0.84 metres.

This figure shows the Water Survey of Canada gauge. The black line is the gauge at Hope and right about where the red line takes off.... The red line shows the elevation of the channel, so rather than de-watering, what it shows is the re-watering of the channel at various intervals of the channel's being re-watered. In effect the elevation was again almost a metre.

Our transit surveys.... You can't see the little numbers, but if you go horizontally from the blue line to the red line, again the re-watering of the channel, using a transit, was about a metre.

DFO said they were going to put some culverts in to allow flow-through in the area I am showing. Directors ordered this, and you can see how absurd the direction was from the area director. The actual installation of those culverts was very messy—a lot of silt went into the river—and the monitor basically pooh-poohed the notion that this would have any impact. The area habitat chief said, "Well, you know, we're really lucky. The fish had probably all emerged, or close to all emerged." The red line shows, at the beginning of March, the out-migration of pink salmon at Mission—these are data from DFO—and it shows that in the Fraser River watershed, the pink salmon juvenile out-migration had barely started. So again, the area habitat chief was way out to lunch. He either didn't know what he was talking about or was basically making up stories.

To get to the final point, DFO suggested it was an inordinately low-water year. In fact it wasn't a low-water year if you look at the percentiles above and below normal flows. Our green star shows exactly where the flows were during this time period, and it was a very normal year. There was nothing environmentally, in a natural sense, unusual about this. The mortalities were clearly a result of a DFO-authorized incident.

DFO understands how to get gravel out. As I said, I was part of the Fraser gravel committee up until 2003. Here is a picture showing how gravel was taken out from Harrison Bar in 2000 and into a channel. You can do it cleanly and without impact. What I would say is that the Department of Fisheries and Oceans has turned around, and instead of protecting the environment the authorizations have become political; they have become politicized. Executives and the senior managers are making decisions, and the local biologists and engineers are basically being cut out of the decision-making process. What you have is extreme habitat damage as a result.

● (0910)

Thank you, Mr. Chair.

**The Chair:** Thank you very much, and thank you for staying on time.

Mr. Kwak, do we have another ten minutes? Go ahead, please.

**Mr. Frank Kwak (As an Individual):** Mr. Chairman and honourable members, my name is Frank Kwak, and on behalf of myself and my members I wish to express thanks for providing us with the opportunity to meet with you today to discuss this important issue.

In addition to serving as president of the Fraser Valley Salmon Society, I also serve as the chairman of the Upper Fraser Valley Sport Fishing Advisory Committee, which is part of the SFAB. I am also privileged to serve as a director of the B.C. Federation of Drift Fishers, and the Sportfishing Defence Alliance. I also currently sit on the first nations fisheries dialogue sessions. Both the Fraser Valley Salmon Society and the B.C. Federation of Drift Fishers are active members of the Sport Fishing Defence Alliance, and all these organizations have interest and concern in the issues that we are to discuss today.

With regard to enforcement on the Fraser in the Chilliwack area, first and foremost I wish to say to the members present that my experience with the DFO enforcement staff in that area has for the most part been very productive, and I have found the staff to be cooperative and professional. I have also found them to be frustrated at times at their inability to do the job they were hired and trained to do.

The fact is that for six or more years prior to the Williams review, and before some changes were made in 2005, the enforcement staff were being expressly directed to avoid any enforcement action against members of the Cheam Band, and by default they were therefore forced to avoid many actions against other bands. This lack of action was and is dictated by the fact that you cannot, under law, have selective enforcement of the law on an ongoing basis. Therefore if the Cheam were absolved of their prosecution, so then must be all other users.

The enforcement situation has improved following the Williams review, but it's still not satisfactory. In 2005 we had improved coverage in the Chilliwack area, with the infusion of enforcement staff from other parts of Canada and the Pacific region. While this was certainly an improvement over recent years, it still fell far short of what was and is required. For one thing, using temporary staff, particularly those unfamiliar with the area and issues, for a short time period on an ongoing basis is simply not productive or cost-effective.

Officers were brought in from all over who had no knowledge of the area or the issues, so the local staff ended up spending their time educating the new officers about the area and issues. By the time the new officers had a grasp of what they had to do to, they had to return to their regular positions. This system continued throughout the summer. It looked good on paper, but was not very effective in the real operations.

I am told that for 2006 there has been a change in the system. Outside officers will be brought in for a minimum of three weeks, and the majority of officers will come from our region. It needs to be recognized that while this current plan will improve the situation somewhat in Chilliwack, it will raise havoc in other parts of our region. We submit that moving staff from other areas on a temporary basis is workable in dealing with short-term issues, but it is neither practical nor productive over the long term.

We understand that representatives from regional C&P recommended hiring retired fishery officers under contract for the summer, who are familiar with the area and the issues and live in the lower mainland, eliminating the need for payment for accommodation, meals, and familiarity training. The Sport Fishing Advisory Board

also made a similar recommendation, and this would still be our strong recommendation.

Another major enforcement issue on the Fraser is the incredible number of ceremonial permits issued on an almost continuous basis by DFO in our area. I understand that there are more ceremonial permits issued from Hope to Mission than for all the rest of the first nations bands in the Pacific region. In 2006 DFO reached a special deal, a pilot project, with the Cheam Band, and is now allowing them to fish with drift nets for their food, social, and ceremonial fisheries five days a week. The only requirements are that they advise DFO 24 hours in advance of when they are going to fish for ceremonial purposes, keep nets out of the river two days a week, and fish to a number. However, who monitors 24 hours a day? Certainly not DFO.

The end result is that we have net fisheries—many now drift gillnets—going on in the river seven days a week. The public has no knowledge of what is legal and what is illegal, and often when we phone to check, the local enforcement staff has no knowledge of whether the permits were even issued.

• (0915)

Speaking personally, I can advise you that this system is most frustrating. People in the community tend to call me regarding fisheries, to see if they are legal or not. I have not been able to get the information from DFO on when and where these extended fisheries are taking place, so I cannot advise the public of the facts. The upshot is that they give up in frustration and no longer report illegal fisheries, as they cannot tell which is which. We thus lose an important enforcement tool on the river.

We would also remind members of the recommendation from the Williams review regarding enforcement to the effect that the people heading up this division should have an extensive enforcement background. The Pacific region still has no one with enforcement experience in the senior position in Ottawa heading up the conservation and protection division.

On a final note on enforcement, we would like to point out that having a never-ending supply of enforcement people is of little use if those apprehended are not facing some form of punishment when breaking the law. The simple fact is that under the current legal system, there is no real requirement for anyone to pay their imposed fine if they do not choose to do so.

We are informed that if the outstanding penalty is more than \$100,000, Justice Canada will look into taking action to collect it, but for amounts less than this, they do not. Just this last February, one of my organizations, the SDA, was informed, as a result of a specific request, that there is currently in excess of \$1 million in outstanding fines for offences committed in fisheries in the Pacific region. This amount is up from \$500,000 reported in 2003, and has more than doubled in two years. The fines go back to 1994 and range from \$100 to \$20,000.

Simply put, it makes little sense to employ an enforcement staff who quite often put their lives on the line to locate, apprehend, and charge violators if the end result is that when the violators are convicted there is no real penalty. Respect for neither the law nor the resource is maintained under this type of system. We feel that we need to see a real commitment by the department and the government to a long-term enforcement program, one that is properly staffed, and a legal system that ensures those who broke the law will in fact see real punishment.

With regard to the gravel issue, Mr. Chairman, I feel it is critical, as an on-site witness to the gravel removal activity, that I give you some of my impressions as well. First and foremost, I would advise you that the issue currently at hand, and at hand at the time of the extraction of this gravel, was not the removal of the gravel itself but the impact of the construction of the causeway to allow the removal of the gravel.

I saw the water completely blocked off to the side channel from the construction of a dike across this arm of the river. I saw the water level decline by over three feet in depth, and for hundreds of feet many salmon reds were exposed and allowed to dry up. I saw the dead alevins and fry; they were not dead prior to the construction of the dike.

I have brought along some photographs, which I have given you, of what I saw and what really went on at this site. I can tell you also that I witnessed the river being three feet higher on the upstream side of the dike than on the downstream side.

Given these facts, I was truly disappointed when the area director for the lower Fraser River, Mr. Jim Wild, made a public statement to the effect that the dike had not reduced the water flow and caused the death of these alevins and fry. I cannot understand why Mr. Wild would and did make such statements. Those of us on site could clearly see, yet neither Mr. Wild nor anyone in DFO has yet to retract their claim that the dike did not cause the loss of these fish.

I must say also that I was upset when Mr. Wild stated publicly that people such as me and others in my organizations who are opposing the destruction of the salmon resource were doing so for racial reasons. He stated that our reason for such action was that we did not like the first nations.

Mr. Chairman, committee members, I wish to categorically tell you that nothing could be further from the truth. Our concern in this instance was due solely to our concern over the loss of those salmon and the fact that DFO was not carrying out its responsibilities properly. I would say also, on behalf of all those involved, that we have yet to receive an apology, never mind a public one, from either Mr. Wild or anyone else in DFO for the racist remarks Mr. Wild made as the area manager in DFO. We find this action, or lack of it, appalling.

In conclusion, Mr. Chairman, members of the committee, I would also like to say that in my experience with the Pacific region DFO staff, there is a host of very competent, dedicated, and committed individuals working in the field. I have to say, however, that their current leadership, particularly at the senior level—Vancouver headquarters and above—leaves much to be desired.

Again, thank you for the opportunity to appear before you today. Hopefully I have added something to your understanding of the problems in British Columbia, especially as they relate to the lower Fraser River.

• (0920)

Thank you very much.

**The Chair:** Thank you very much, gentlemen, and thank you for staying within your timeframes. You were both excellent and stayed directly there.

For the sake of our committee, obviously we have two important issues here: the gravel extraction and the enforcement issue.

We'll go to our first questioner, Mr. Byrne, for ten minutes.

**Hon. Gerry Byrne (Humber—St. Barbe—Baie Verte, Lib.):** Thank you very much, Mr. Chair.

I live close to the banks of another great salmon river, the Humber River in Newfoundland. I'm not as familiar with the Fraser, although I have spent some time there. But obviously members from B.C. and western Canada will be more familiar with this particular issue. I think you've made interventions on them in the past.

For my sake, I would like to ask a couple of quick questions on background. I want to dig in on—pardon the pun—the gravel issue. What was the purpose of this construction to begin with? What was the objective?

**Dr. Marvin Rosenau:** There is this perspective or view that the Fraser River is aggrading. In other words, there is sediment from upstream areas filling up the river and causing dike deficiencies. The view is that sediment has to be removed to lower the river bottom in order to increase the flow-away capacity.

**Hon. Gerry Byrne:** So the causeway was constructed as a dike?

**Dr. Marvin Rosenau:** No, the causeway was constructed to get the vehicles across to a bar from which gravel was being extracted. In effect, this gravel is being taken out for aggregate.

The aggregate companies are very anxious to get their hands on as much gravel as possible in the eastern Fraser Valley, because of the extreme development that's going on there now. Ten or fifteen years ago, there was not the push for this from the development industry. Aggregate companies are more than happy to take out whatever gravel they can handle economically.

In this particular case, it was not economical to simply put in a large conveyor belt, as I showed in one picture. So the provincial government, through Land and Water B.C. and the provincial emergency program, said, hey, we'll give you \$150,000, and you can build this causeway that will get your gravel trucks across to the site where gravel removal was going to take place.

**Hon. Gerry Byrne:** So was it DFO that paid for the causeway, as part of their contract?

**Dr. Marvin Rosenau:** No. There are two levels of government working here. Land and Water B.C. is part of the provincial government, and the Department of Fisheries and Oceans is the overseer of habitat issues. They authorized it through section 35 of the Fisheries Act of Canada. Through the provincial emergency program, Land and Water B.C. paid to have this causeway put in. The causeway was simply to get the vehicles across to a gravel bar that was authorized for extraction.

**Hon. Gerry Byrne:** So the issue here then is that....

I'm sorry, Frank, do you have a—

**Mr. Frank Kwak:** If you look at that picture you can see it's just like a road. They built a road right out into the middle of the river where there's a gravel bar. And that road—

**Hon. Gerry Byrne:** Was it the whole Fraser River or a tributary?

• (0925)

**Mr. Frank Kwak:** No, it was a large side channel.

**Dr. Marvin Rosenau:** A large channel.

**Mr. Frank Kwak:** The road has been violated now. They've dug it out and the water is coming back in. But you can see what's left, which is the main part of it. So it's a road that goes right out into the middle of the Fraser River onto a gravel bar.

**The Chair:** Where is the other picture, if I can put it up for a second, Gerry, where they had a Bailey bridge built, so there was no loss of water?

**Dr. Marvin Rosenau:** This was a 2000 extraction about the same size as one that occurred in a channel downstream. It was about a quarter of the total Fraser River flow, and the DFO authorization included a requirement to have a flow-through. What we would suggest is that even a bridge, which was originally suggested for this particular causeway—and a bridge would have gone in a hole of about that size—still would not have met the obligations to protect fish habitat, because the channel is so large, so wide, and the discharge was so immense that a small cut through like this didn't meet the grade.

**Hon. Gerry Byrne:** If I'm understanding you correctly, Marvin, basically your charge is that this was all perfectly legal from the point of view that DFO gave an authorization, which was obviously below standard. DFO actually allowed this, but under the habitat protection agreements, if you're going to cause destruction to habitat, you have to have a mitigative plan to create an equal amount of habitat, versus what you destroyed.

Regarding this process, you are making two charges: one is that irreparable damage was done in the conduct of the project, and two is that habitat was not fully restored post-project. Would that be correct?

**Dr. Marvin Rosenau:** The habitat component.... This particular site was more along the lines of unauthorized destruction of fish.

**Hon. Gerry Byrne:** So DFO never gave an authorization?

**Dr. Marvin Rosenau:** DFO never authorized the destruction of fish. They authorized the causeway construction, and my understanding is that there is a requirement for an authorization under the Navigable Waters Protection Act as well, which was never authorized. The real key on this particular site was that a huge

number of fish were destroyed through de-watering, and that was never authorized.

**Hon. Gerry Byrne:** I don't want to be prejudicial to anything. With DFO normally, the hoops and barriers you have to go through to put so much as one rock out of a very unproductive stream is amazing. It's amazing what regulatory hoops you have to jump through, and to do this to a major highly productive salmon river with not a huge plan in place as to what the consequences are going to be just seems incredible.

**Mr. Frank Kwak:** In my documentation I have included the terms of reference, and if you go through the terms of reference you will see that all kinds of things were violated. They never did them or did them improperly.

**Dr. Marvin Rosenau:** I think the point that you make is really important, and the issue on the Fraser River in regard to Fraser gravel removal is that the decisions are taken out of the technical field because it's been so politicized, and the direct decisions of where and how gravel will be taken out is being made at the senior executive level or senior management level. So the scenario that you described about not being able to take a rock or a stick out of a stream has been flipped totally to the other side of the coin here on the Fraser. It's been politicized and a process is not being undertaken.

**Hon. Gerry Byrne:** I don't want to take up any more time, but I appreciate just the background information because I didn't have it, and I hope that it might have been helpful to others who were new to the issue as well.

**Dr. Marvin Rosenau:** And this isn't the worst site. There are other sites upstream that were done this year, where fish weren't killed but habitat was destroyed and there's absolutely no benefit to flood protection, there's no benefit to gravel aggregation.

**Hon. Gerry Byrne:** Thank you.

**The Chair:** Thank you, Mr. Byrne.

Monsieur Roy, seven minutes.

[Translation]

**Mr. Jean-Yves Roy (Haute-Gaspésie—La Mitis—Matane—Matapédia, BQ):** Thank you, Mr. Chair.

As I listened to Mr. Byrne asking questions, I wondered whether I didn't understand very well what you said. You are saying that DFO didn't authorize the building of the road in question or that, if they did, they didn't commit themselves to enforcement. Am I right?

• (0930)

[English]

**Dr. Marvin Rosenau:** There was an authorization that included an opportunity for a causeway or a mechanism to get the gravel across, but this particular design, as we read the authorization, was not authorized.

The issue surrounding the mortality of fish was not authorized. There's no indication that DFO knew that there were fish downstream of the causeway. There's no indication that they knew that there was a mortality that occurred. We were the first folks to actually inventory or assess this particular mortality event.

[Translation]

**Mr. Jean-Yves Roy:** I have some difficulty to believe that DFO didn't know that there was fish downstream. There is a problem here.

[English]

**Dr. Marvin Rosenau:** From my perspective, I think it's the cavalier attitude of the senior management toward the Fraser River. The Fraser River has been sort of treated separately in terms of its habitat values. It has not been recognized in terms of its extraordinary fish community, so it has been treated very separately. And because of the intense politicization of gravel removal by the provincial government, the local government and DFO, the process has been sort of subverted.

We know how to take gravel out from rivers for flood protection. There's a watershed nearby that actually flows into the Fraser, called the Vedder-Chilliwack, and it's a very transparent process. It's a very iterative process. The technical guys go in and measure how much gravel has come in from the previous two years. Pink salmon spawn every two years, so we always do it in the off year when pink salmon are not adversely affected. So we measure how much gravel has come in, we conduct a hydraulic model to determine where the surface elevation of the water has increased to the point at which it's endangering dikes, then once we've figured that out the technical staff go in and figure out which locations gravel should come out. It's then taken out and the decision is based solely on technical advice.

The direction at the political and executive level is to maintain flood protection, and the politicians or the executive or senior managers don't interfere in terms of where, how, and how much gravel should come out. In the case of the Fraser, it's totally different. It's "this is where it's going to come out and these are the guys who are going to take it out".

[Translation]

**Mr. Jean-Yves Roy:** If I am right, you think that gravel extraction was politicized by the provincial government and by the executive of the Department. Even when politicized, things can be done in a proper way. I cannot understand why it was not the case. I wonder why the gravel couldn't be removed in a proper way. You are saying that this was politicized but to what extent was it politicized?

That guy who extracted the gravel could have abided by the regulations. Why didn't he do so? Why did the Department not stop immediately the work as soon as he knew the regulation wasn't met? I think that, in this case, the problem is mainly that the executive has been incompetent by not being aware of what was happening.

[English]

**Dr. Marvin Rosenau:** I agree with you in many regards that it can be done properly. I'll put it this way: when it comes to the difference between protection of human life and property and fish, human life and property always win. There's no question about that. In effect, I have worked on these issues for 25 years. I know those are the hard, cold facts.

I think that you have to go back in the history of the Fraser River in this area. Gravel removal is very valuable for the aggregate companies. There's been a lot of history with regard to aggregate companies trying to get their hands on these very valuable gravel resources. The local community and some of the aggregate producers were very frustrated throughout the 1990s and early 2000s, viewing the agency technical staff as interfering with gravel removal. So in 2003, the technical team—which I was part of—was disbanded and was, in effect, removed from the decision-making process. Staff were in fact reassigned.

I was basically—in part because of Fraser River gravel removal—taken out of the provincial government and actually seconded out of the government for a year and a half. And as the assistant deputy minister told me, there was nothing wrong with my science vis-à-vis these particular issues; it was only that the eastern Fraser Valley MLAs didn't want me meddling with gravel removal. She was very clear about that.

The politicization of gravel is very strong.

• (0935)

[Translation]

**Mr. Jean-Yves Roy:** This answers my question. Thank you.

[English]

**The Chair:** Merci, Monsieur Roy.

Mr. Stoffer, five minutes.

**Mr. Peter Stoffer (Sackville—Eastern Shore, NDP):** Mr. Chairman, thank you very much.

Sir, that woman that you mentioned, what was her name, the one who talked about the MLAs not wanting to be politicized?

**Dr. Marvin Rosenau:** That was Nancy Wilkin, the assistant deputy minister. She reassigned me on October 30, 2003.

**Mr. Peter Stoffer:** Is she still there?

**Dr. Marvin Rosenau:** Yes, she's still the assistant deputy minister of the Ministry of Environment.

**Mr. Peter Stoffer:** Mr. Chairman, these two fine gentlemen gave a great presentation; they also made some fairly serious allegations.

Sir, I assume—and correct me if I'm wrong—that there are aboriginal groups within your various associations, the associations you're part of. Is that correct?

**Mr. Frank Kwak:** There are no aboriginal groups within the people I represent. I represent the sport fishery.

**Mr. Peter Stoffer:** There are no aboriginal fishermen?

**Mr. Frank Kwak:** They fish with nets; we fish with hook and line.



**Mr. Peter Stoffer:** When you mentioned these ongoing concerns, you were met, as you had indicated, by Mr. Wild, who said your comments were based on racism and anti-aboriginal concerns, as compared to dealing with the problems you see in representing your organizations in terms of fish habitat and protection. Is this the first time Mr. Wild has made this accusation against you?

**Mr. Frank Kwak:** To the best of my knowledge, yes. It was done in the press.

**Mr. Peter Stoffer:** Do you have any indications as to why he may have done that?

**Mr. Frank Kwak:** I think possibly he was looking for an excuse to get out of how he was going to deal with the situation.

**Mr. Peter Stoffer:** What's Mr. Wild's official title at DFO?

**Mr. Frank Kwak:** He is the area director.

**Mr. Peter Stoffer:** He is the area director.

Sir, you mentioned a habitat officer in your presentation earlier. Who was that person you were referring to?

**Dr. Marvin Rosenau:** I think you're referring to Dale Paterson.

**Mr. Peter Stoffer:** You said this person was either out to lunch or making up—

**Dr. Marvin Rosenau:** That's right; that was Dale Paterson, the area chief.

**Mr. Peter Stoffer:** Dale Paterson—is he still with them?

**Dr. Marvin Rosenau:** Yes, he is.

**Mr. Frank Kwak:** There was an on-site person there too, from DFO, by the name of Vince Busto. Now, he wasn't always there, but he certainly had to give approval from time to time as they proceeded. I spoke with him almost at the beginning. We were talking about the fact that the river was higher on one side of the dike than the other. He agreed that was the situation, but he assured me that a big bridge was going to go in and it wasn't going to drop the river more than a foot. It had already dropped about foot, and he said that once this bridge was in, that'd be the extent of it.

The bridge never went in, and even if the bridge had gone in, it still would have taken the river down two feet or more.

**Mr. Peter Stoffer:** This now has been removed—is that correct?

**Mr. Frank Kwak:** That is correct.

**Mr. Peter Stoffer:** How long did it take to remove it?

**Mr. Frank Kwak:** A couple of days.

**A voice:** Maybe four days.

**Mr. Peter Stoffer:** It was about four days; okay.

The damage has been done, but now that there's been a precedent set—correct me if I'm wrong—you're obviously fearful that this is going to happen again.

**Mr. Frank Kwak:** Absolutely.

**Dr. Marvin Rosenau:** From my perspective, I question whether DFO would be so cavalier as to authorize something like this particular development. The media picked it up; if you googled media shortly after some of the news releases went out, it was picked up as far as North Korea and Malaysia. I would suggest that if DFO did it again, they would be utterly foolish. The issue surrounding

large-scale removals at sites where there is absolutely no flood benefit is, I think, the more longstanding concern.

Gravel removal maybe will take place—likely will take place—but what we really want to see is an open and transparent process that is technically driven, provides flood benefits for Canadians, and minimizes impacts to fish.

• (0940)

**Mr. Peter Stoffer:** Sir, when you talked about what Nancy said about the fact that the MLAs didn't want you guys to be involved in terms of that, is there anything in writing? Did she put anything in writing to you on that?

**Dr. Marvin Rosenau:** Absolutely not. The meeting took place on October 30, 2003. There were two managers at the meeting, and she flew over. It was unprecedented for an executive to basically remove a junior-level technical person, which I was, with the Ministry of the Environment at the time. We had this hour-long meeting and she finally said, "Look, there's nothing wrong with your science. We're just removing you from your position because the eastern MLAs don't like what you have to say." The issues I was dealing with were basically twofold: one was large-scale flood plain development, which is tied into the Fraser River habitat issues as well; and the other was Fraser River gravel removal.

The whole ministry knew about it after some time, and to be "Marvinized"... "Marvinization" is a term for a person being removed from government because they're trying to do their job. What I have to say is one person like me is not necessarily right. You can't have one person understanding the whole gamut of technical issues, but to basically squash open debate and open technical and scientific discourse leaves Canadians, in my view, with a black hole. We've been referred to as third world in terms of our habitat protection by people from outside of the country, and basically on the recognizance of some of my descriptions of fish habitat management.

So from my perspective as a habitat professional, that's a very disturbing turn of events.

**Mr. Peter Stoffer:** In conclusion, Mr. Kwak, you say that enforcement officers were told not to enforce the law or to go after certain people who were violating the law. And, sir, you're telling me that scientific evidence was either ignored or not done, and for obvious political reasons, for other aspects, of some sort, of the economy. And you're not only dealing with the federal government; you have to deal with the provincial government as well.

**Mr. Frank Kwak:** Well, I can tell you that if you look at the very first picture I provided, which is the picture of the gravel truck and the excavator, we were on site there. These were my pictures, or people who were with me took them. On the day that we were there, there were two enforcement officers there from the Chilliwack local office, and I was very fortunate because there were also a number of other people there.

We had a camcorder, and we did six hours of taping with a number of different enforcement people and the DFO personnel who were there. When these two fisheries officers came, I asked them about what was going on there, and the fact that this was going to cause some de-watering downriver. And they shrugged their shoulders and said yes, but they were at the lower end of things, and things were being approved higher up, so they weren't about to do anything.

In order to verify my point, the next day I went there and I got some formalin and I went to the site immediately below this gravel bar, and I dug two redds. And out of those redds, I collected a number of alevins and I put them in formalin and I took them immediately, with a witness, to the local DFO office and suggested that charges be laid or that this work be stopped. I was told by local enforcement that I ought to notify the regional director general, Paul Sprout, about it, and they didn't think there was a lot they could do.

So that's where it went, and then it really got full-blown, and we went into full-time mode of going there every day. I was there every day for a number of weeks watching the river go up and down, mostly down. When the culverts went in it even went down further instead of up, and Marvin's group was very much involved and we helped them all do this analysis and discover that there were lots of redds.

The other thing we need to point out is we're talking here about this one issue, but there were two other causeways just like this put in a month before, upriver and also downriver, which also had an impact.

• (0945)

**The Chair:** Thank you.

We'll have our next questioner, Mr. Cummins, ten minutes.

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

On the gravel, approximately what was the flow of the river through that channel? How much of the flow of the Fraser would be through that channel?

**Dr. Marvin Rosenau:** My guess is it was probably about one-fifth of the total Fraser. The Fraser was running at about 750 cubic metres per second during the initial construction of the causeway across the channel. It was probably well over 100 cubic metres per second, so it was a large flow.

**Mr. John Cummins:** Frank, it was your group and friends who you're associated with, I think, who first brought this to the public's attention and made it an issue.

DFO said they were not aware there was a fish kill. But on the day I was there, you folks made it very evident that the redds were easy to spot. It was obvious to anyone, once it was pointed out, that there was a problem; it's quite clear. Is that not correct?

Could you explain to the committee how you can identify the redds and what the process is for finding these fish?

**The Chair:** Mr. Kwak, you mentioned another technical term.

**Mr. Frank Kwak:** Formalin.

**The Chair:** Could you explain that word as well, please?

**Mr. Frank Kwak:** Okay. Formalin is a preservative, a liquid preservative that keeps the alevins from rotting.

Yes, you're right, John. The reality is that originally there was a legal document in the local paper, which said there was going to be some sort of a bridge built. We had 30 days to respond to this bridge or whatever it was they were building. One of my associates went out there the following day, after the article appeared. To his absolute amazement, they were already in the process of construction, and yet we had 30 days to respond to this.

E-mails immediately went out all over, and Marvin immediately got involved. We went down to the gravel bar, as you can see. Although it's difficult to see right here in these pictures, you can very clearly see what redds are. They're little hills that the fish dig out, they drop their eggs, and then they fill the gravel back in. If you look at one of the pictures that I have, you can see.

**Dr. Marvin Rosenau:** Do you see how it's kind of lumpy there?

**Mr. Frank Kwak:** One of the clearer pictures that you can see is actually picture number eight. If you look at picture number eight, you can see all those little humps.

**Dr. Marvin Rosenau:** All those little scallops are fish redds, so they're everywhere.

Every time a fish digs out gravel, it digs a hole, drops its eggs in, and spreads a bunch of gravel on top of that, and then there's a hump behind that. Hydraulically, the hump forces water through the embryos and the alevins and makes sure that the oxygenated water percolates across the fish. They're very easy to see once you're out there.

**Mr. Frank Kwak:** The following day, I went again with a film crew and got hold of CBC, CTV, or one of them. We went down there, and I dug out two redds. I took the fish, the little alevins, as you can see, put them in formalin, took them to the fisheries officers, and said this was going on.

The very next day when we were there again, field staff were present, and they actually happened to run into me. One of the things that happened was they said that they wanted to talk to me and asked me to come over. They asked me to show them the redd that I dug up. It was very easy to see, so I said I would.

They immediately went over and dug the whole redd out. I think one of the reasons they did it was that the possibility existed that I had violated a redd where there were still live fish. If that had happened, then I might have been charged. But there were no live fish; they were all dead, and they saw that. They then went digging around, looking for themselves.

**Mr. John Cummins:** There is another point that I want to make before I move to enforcement. The gravel extraction site on the big island really had little or perhaps nothing to do with flood control, did it?

**Dr. Marvin Rosenau:** From my perspective as a biologist, I have been immersed in gravel removal for some time. I actually conducted or managed a couple of hydraulic models on the Fraser River to try to determine the difference between aggradation and channel alignment. River elevations go up and down as a function of all sorts of things, such as the amount of water that's going through, whether aggradation is occurring, and the alignment of the river. It's far more complicated than just a bunch of gravel that might be settling.

From my perspective, the location where the gravel was being taken out, if you're going to use it for flood protection, was a good spot to take out gravel. It wasn't a bad spot. It's how DFO authorized the gravel being taken out and how land and water basically managed the process that really was egregious. If you're going to take out gravel, do it properly and don't do it this way.

The thing that really brought it home was when one of the conservation and protection field officers said that DFO should be charged. They actually brought out the sections of the Criminal Code that DFO should be charged under. To us, it was absolutely stunning that one of the staff from DFO should be articulating that DFO itself should be charged, and not under the Fisheries Act, but under the Criminal Code for failing to meet their statutory responsibilities.

● (0950)

**Mr. John Cummins:** That's interesting.

Frank, I'd like to go to the enforcement document. You're concerned that enforcement levels in the Fraser this year are going to be no different from what they were in 2005, and in 2005 you found them inadequate. You also talked about the use of ceremonial permits.

It's my understanding that by the end of April of this year, the Cheam Band was fishing, beginning April 8, I think 19 days out of 23.

**Mr. Frank Kwak:** I'm not sure about that. I do know that they got a ceremonial permit to fish from May 9 to May 29, which was 20 days. That's when they got permission through this pilot project. Instead of having to apply constantly for ceremonial permits—and what that means is that if there's some kind of ceremony such as a wedding, a funeral, the first of the season fish, or whatever—they're given a permit to go and catch *x* number of fish for their ceremony. There are all kinds of reasons. So DFO decided, since the Cheam Band was asking for so many of these permits on an ongoing basis, to do a pilot project instead and to just give them a blanket opening from May 9 to May 29. They could fish 24 hours a day, seven days a week, with whatever type of gear they wanted to fish with, with the provision that they let DFO know what they were going to do 24 hours in advance.

Our concern is that they're fishing all the time. And DFO enforcement staff really doesn't know whether they have a permit issued exactly then either, because they can, on a whim, all of a sudden say that they are going fishing. If they forget to ask for the permit, they just say, "Oh, well, we forgot to ask. It started 12 hours ago." So there really is no enforcement in the sense that enforcement doesn't know themselves when they're legally fishing or illegally fishing.

**Mr. John Cummins:** My understanding is that in May, the only restriction was that for two consecutive days in a week they were supposed to refrain from fishing. But that could be any two days of the week, so that confusion reigns.

**Mr. Frank Kwak:** That's correct, absolutely.

**Mr. John Cummins:** The number of fish caught, obviously, are far in excess of what is needed for personal use or ceremonial use. That's a given, isn't it?

**Mr. Frank Kwak:** From my perspective, yes. In this particular 20-day period, they could catch 115 chinook. That feeds an awful lot of people at an awful lot of weddings.

**Mr. John Cummins:** What is the average size of a chinook?

**Mr. Frank Kwak:** It is 15 or 20 pounds.

**Mr. John Cummins:** The fact of the matter is that we don't have adequate enforcement. DFO is making it even more difficult for the enforcement officers to work because of the uncertainty around these openings. They're allowing these ceremonial openings. The fish caught are not to be sold, but it's impossible for DFO to monitor. It is absolutely impossible, whether or not those fishery officers are in place.

**Mr. Frank Kwak:** That would be my observation.

**Mr. John Cummins:** In fact, if you do phone in when you're observing an ongoing illegal activity, they're just as likely as not to respond by saying that they'll be down sometime later. Are they not?

**Mr. Frank Kwak:** That is probably the case. And I can cite numerous incidents when I have reported a fishery that I absolutely knew was illegal. I reported it on a Friday, reported it on a Saturday, reported it on a Sunday, and Monday morning I've gotten a call to my cell phone from a fisheries officer saying, "Oh, by the way, you left this information with ORR. They left it on my cell phone. I'm just coming to work now. What's going on?" In the meantime, it's been going on all weekend.

● (0955)

**Mr. John Cummins:** Yes, I have had the same experience.

From what we've seen, and from the reports that are out there, it's going to be no different this season. Is it?

**Mr. Frank Kwak:** I would say probably not, although if indeed they have enforcement staff coming in from the Pacific region, that will help a little. And the fact that this enforcement staff is going to remain for three weeks, rather than for two weeks, will probably help a little, as well. But seeing as we have an abundance of sockeye in the pre-forecast of somewhere around 17.5 million fish, there is going to be an absolute zoo out there on the river, and the first nations are going to be doing a lot of fishing. Yes, it's going to be a real problem.

**Mr. John Cummins:** But I'm not aware of any area in the Pacific region that has an overabundance of fisheries officers who can afford to give people up to send them into the Fraser area.

**Mr. Frank Kwak:** No. They are few and far between. As a matter of fact, I sit on the sport fish advisory main board, and one of the things I've had to deal with is criticism from my colleagues who say I am taking fisheries officers away from their region and they need them. They understand it's not me who is doing that, but it's just the idea that we're taking somebody from Campbell River where that guy is needed, because there is not enough staff in Campbell River, yet that fisheries officer is going away for three-week intervals to Chilliwick and leaving Campbell River short.

What we need to understand is that these fisheries officers need to be trained in the region. If I phone in a complaint and I say the complaint is at Emory Creek and the fishery officer lives in Ottawa, he wouldn't even really know what the Fraser River is, never mind where Emory Creek runs into the Fraser River.

**Mr. John Cummins:** Thank you very much.

**The Chair:** Thank you, Mr. Cummins.

Mr. Matthews, five minutes.

**Mr. Bill Matthews (Random—Burin—St. George's, Lib.):** Thank you very much, Mr. Chairman.

First of all, welcome. I apologize for being a bit late, and if I ask you a question on something you've already disclosed to the committee, I apologize.

When was the gravel removal completed on this project? When did it actually cease to happen?

**Dr. Marvin Rosenau:** March 15. It was somewhere around the beginning of the third week of March. The causeway was finished, I think, around March 3 or March 4. My students and myself were on the causeway and taking pictures on March 5 and I think the extractions started to take place full bore on March 6. Then it took place for a couple of weeks. Then it was apparently stopped short because of all the complaints and the media interest it was generating.

**Mr. Bill Matthews:** Why I asked the question is that from the information I have here the notice of the decision regarding the project was placed on the CEAR website dated March 16. From your information, the removal had already ceased then or was about to cease prior to the notice being posted. That's why I wondered when it actually concluded. That's the information I have. I'm wondering why the project would be winding down or completed before the notice was posted on that website. That's why I asked the question.

**Dr. Marvin Rosenau:** I know that my students and I were out on March 9, and then the Sunday after March 9 I was on-site as well. Then we went back out on March 17, and on March 17 there was no extraction taking place. I believe the causeway was completely removed by March 17, which is why our pictures show the re-watering of the stream on March 17.

**Mr. Bill Matthews:** The reason I'm asking the question is I'm wondering why the notice would be posted about the same time the removal was completed. That's why I'm asking the question. It seems to be somewhat suspicious, but maybe that's just my nature, I don't know.

This project authorized the removal of 50,000 cubic metres. Is that the case?

• (1000)

**Dr. Marvin Rosenau:** In that neighbourhood, yes.

**Mr. Bill Matthews:** It was for a total of 500,000 total on the river.

**Dr. Marvin Rosenau:** The authorization and the targets are different things. Individual sites.... I think the Popkum site was around 130,000. This site was about 50,000, and they try to hit around 500,000.

**Mr. Bill Matthews:** Sure.

Maybe you've answered this before. How many projects were authorized out on the river for this year?

**Dr. Marvin Rosenau:** I don't know exactly, but I think it was about half a dozen.

**Mr. Frank Kwak:** There were three that were actually being run, right?

**Dr. Marvin Rosenau:** No, there was Popkum. There was the Big Bar. I believe there were two down at Gill Road. I think there were a couple of smaller ones, one up at Seabird and one at Hamilton Bar. So there were roughly half a dozen sites.

**Mr. Bill Matthews:** So the Big Bar one was about one-tenth of the total allowed to be removed, I guess.

**Dr. Marvin Rosenau:** That's correct.

**Mr. Bill Matthews:** Okay, that's all I wanted to know.

Thank you.

**The Chair:** Thank you, Mr. Matthews.

Mr. Stoffer for five minutes.

**Mr. Peter Stoffer:** Thank you.

Sir, you estimated about two million fish may have been killed because of this. Is that correct?

**Dr. Marvin Rosenau:** That's correct. That was our ballpark guesstimate. We basically took the surface area of the redds at that particular site, used biostandards out of the published literature, and basically did our multiplications and divisions as a function of that.

**Mr. Peter Stoffer:** Was it at all possible to determine if any of that fish may have been endangered? You said there were five listed species at risk. Would any of those fish possibly have been endangered?

**Dr. Marvin Rosenau:** No, that's unlikely. The species that are endangered don't spawn at that time of year and don't spawn in that kind of habitat, so these would not have been listed species.

**Mr. Frank Kwak:** But there was also chum salmon here, not just pink.

**Dr. Marvin Rosenau:** There was another species that was impacted in a smaller way. When you drop the water surface elevation on these big bars, you also affect the local hydrology. Chum salmon don't spawn in main channels, as pink salmon do; they spawn in dead-water side channels. At the far perimeter of the bar, there is a dead channel, a groundwater channel, which, when we first went to observe it, was completely dry. We thought it was the natural de-watering.

When the water levels came back up, all of a sudden this spawned area that had been de-watered was re-watered again, and we realized we should have assessed it as well, because obviously the de-watering of the channel affected the groundwater that would go through the bar and irrigate this other species of salmon.

**Mr. Peter Stoffer:** I'm trying to wrap my head around this. If DFO did this willingly, along with provincial assistance, to assist the gravel extraction companies to get access to the gravel, they did it for economic reasons, I assume. But if they did this and two million fish were killed, I'm wondering what the economic value of two million fish would be to B.C.

**Dr. Marvin Rosenau:** Well, they're pink salmon, and pink salmon don't have a huge economic value in the province of British Columbia. Pink salmon—Mr. Cummins can probably enlighten us a little bit more—are maybe worth a couple of bucks a fish, as opposed to sockeye.... If this had been a sockeye population that was impacted, you wouldn't have heard the end of it.

But pink salmon are an important ecosystem component. They provide food, nutrients, and they're part of the nexus of ecosystem linkages and webs. But they're still salmon, and at some point in time they may have a very large economic value, which they don't right now.

**Mr. Frank Kwak:** Could I also add that although the pink salmon don't have economic value from a commercial fishery perspective, from a recreational fishery perspective they're a very valuable fish, because these fish are plentiful and very easy to catch. You can take any six-year-old child down to the river and he can catch pink salmon.

To an awful lot of people a salmon is a salmon. It's only people who fish salmon all the time who want to catch a sockeye salmon or a chinook salmon. A guy who fishes three or four times a year with his children is just thrilled to be able to go down to the river and catch pink salmon.

So pink salmon recreationally have a tremendous value, and the fishing stores and suppliers sell lots and lots of tackle for pink salmon fishing.

**Mr. Peter Stoffer:** So the reality is this is the loss of millions of dollars of possible economic opportunity.

**Dr. Marvin Rosenau:** In terms of actual numbers of pinks, we figure there are probably the redds—the spawning nests—of about 10,000 females, and there would have been another 10,000 males, one for each female. So it was basically the destruction of a population of about 20,000 fish. That is our rough gross estimate.

I'm not an economist, so I'm a little hesitant to say what the economic value is, but whatever 20,000 pink salmon are worth is what, in effect, was impacted.

• (1005)

**Mr. Peter Stoffer:** In all your years of experience in working on the Fraser, have you ever heard of a DFO employee saying that DFO should be charged?

**Dr. Marvin Rosenau:** This is the first time I have heard of it. My jaw dropped when the C&P officer said, "If it were my area, I would start an investigation." Then, as part of the further conversation he pulled out the relevant sections of the Criminal Code. I think it was

sections 336 and 122.... I could find the numbers for you. Basically, we were thinking that when a DFO officer is suggesting senior managers should be investigated, there's a problem here.

**The Chair:** Thank you, Mr. Stoffer.

Mr. Lunney, you have five minutes.

**Mr. James Lunney (Nanaimo—Alberni, CPC):** Mr. Chair, I apologize for being a little bit late for the meeting. I missed a good part of the beginning of the presentation, so I may also be a bit redundant. If I missed something, please excuse my questions.

Coming back to this extraction of gravel, I have been looking at the pictures that were provided. It's quite a lengthy area, and you mentioned about six areas. My copy is not easy to read. I was asking Mr. Cummins to point out where this big bar was. It looks to me like quite an extensive area of gravel along the river here.

My question is this. Even where I am, on Vancouver Island, they're concerned about siltation out in Tofino and so on, with things filling in, and certainly on the Fraser we're worried about water levels. If we're going to maintain the river levels without losing Richmond and Delta, we have to extract gravel somehow to maintain the river flow.

I was curious about your comment, if gravel's going to be removed, about doing it properly. I don't think you're saying we shouldn't extract gravel. I just wonder, is what we are doing at the wrong time? Did they do it at the wrong time? Or did they do it the wrong way? Could you describe what the right way is to extract gravel?

**Dr. Marvin Rosenau:** First of all, the gravel agreement was based on a UBC study that took bed elevation measurements, in other words, a bathymetric profile, from 1952, and then compared it to 1999. This is based primarily on a PhD thesis by Dr. Darren Hamm, of the department of geography.

There was an enormous amount of to-ing and fro-ing in terms of the accuracy and precision of this particular study over the period of those years. In my view, a PhD study, while being academically important in providing guidance, is not sufficient to provide actual management of precise locations and volumes of extraction.

Again, we will go over to the Vedder-Chilliwack, which is immediately adjacent. Gravel extraction occurs there every two years. There is a very clear protocol, in that every other year the river is measured in terms of gravel inputs, the hydraulic model is undertaken, and you have a very precise measurement. Here, it's like, well, we had 50 years of data, and gee, what's the right number? We're going to start taking large volumes of gravel out as a function of that?

The other thing is that the gravel extraction sites are high-grading gravel bars. It is easy and cost-effective, from the gravel operators' perspective, to get out there and basically take a scorched earth approach.

As you can see on that figure, there are only a half dozen gravel bars between the confluence of the Harrison and the Agassiz-Rosedale Bridge, where the real zone of gravel aggradation takes place. Because those gravel bars are slow-growing, very long-lived, and they don't recoup very quickly. Once they're gone, they're gone.

These guys have gone in over the last two or three years, taken those gravel bars, and all of a sudden there's no opportunity, so they do these dirty and nasty ways of getting gravel out, as we saw on Big Bar this winter. The question of flood protection is unequivocal; we need to have flood protection. Going in and doing it with such loose information I think is a disservice to the habitat and a disservice for flood protection. It just doesn't make sense.

• (1010)

**Mr. James Lunney:** I'm still trying to understand what you mean by doing it properly. If you're trying to remove gravel from this area, is it the time, the season, the wrong place?

**Dr. Marvin Rosenau:** The season may be correct.

**Mr. James Lunney:** They have to do it when it's low flow.

**Dr. Marvin Rosenau:** Not necessarily.

We try to do riffle dredging, which is basically taking gravel out of riffles. These gravel bars have very high habitat value. In effect, all these high habitat value bars are being high-graded. We tried to have gravel taken out of the big riffles in the adjoining areas during the summer when there are no fish in the middle of the river, turbidity is very high, and the background turbidity addition would not cause any fish habitat impact. Of course, there's a cost associated with it.

The cost of doing it properly is high. The gravel operators don't want to do it. On the Vedder-Chilliwack, where there's true gravel removal for flood protection, you get lots of negative bids. In other words, the gravel operators have to be paid to take gravel because the city needs that gravel, needs the flood profile, and needs the protection. The fisheries' guys aren't going to object to it. So somebody has to actually pay to have these guys take out low-quality gravel or low-quality sediments because they have to get the flood profile.

On the Fraser, there's never been a negative bid. The operators refuse to take gravel where it's going to cost them, and the city, the province, and the federal governments have never ponied up to the bar to say they would pay \$100,000 to get the gravel out for flood protection. It has always been, what's economics? There has been a "no net negative" in terms of economics.

**Mr. Frank Kwak:** If you look at Marvin's last slide, there is a proper way to take the gravel out.

Marvin, do you have it there?

**Dr. Marvin Rosenau:** Yes. If this had happened at Big Bar, nobody would have complained. There wouldn't have been one complaint. This happened at Minto Channel, Harrison Bar, in 2000. It was a clean operation. Gravel was taken out. I, as a biologist, didn't like to see gravel taken out, but flood protection is

predominant, and they did it right. But in 2006, at Big Bar, they didn't do it right.

**Mr. James Lunney:** So the cost of this type of operation with a Bailey bridge—

**Dr. Marvin Rosenau:** Actually, it's a conveyor belt. It's not even a Bailey bridge; it's a conveyor belt.

**Mr. James Lunney:** And again, I support it's site-dependent in terms of the reach and flow and all of that.

**Mr. Frank Kwak:** That's right, but this is the same reach as the other one at Big Bar.

**Dr. Marvin Rosenau:** It's the same size of channel, though, the same relative flow. This might even have been a little bit more flow, but it's costly to....

In this particular case, all of the vehicles and all of the excavators were barged across to the island—

**Mr. James Lunney:** Rather than a causeway.

**Dr. Marvin Rosenau:** That's right, and all of the gravel was taken to the conveyor belt. The conveyor belt moved the gravel across to the mainland and then all the vehicles and the excavators were barged back to the mainland so there was never any impact within the wetted perimeter.

And 2006 is an even year, so pink salmon would have been incubating in the gravel during even years in the Fraser River gravel reach.

**Mr. James Lunney:** I want to go back to the pink just for a minute again. The pink are a two-year salmon, as opposed to others that are for a longer life cycle, and they're hugely prolific compared to other species, being on the lower end of the food chain, as I understand it. And I know there are concerns about pink obviously, along with all species of salmon, but I recall that with the controversy about pinks and sea lice and so on, when there was a concern about returns, that there was such an abundant return of pinks that they were something like ten cents a pound.

We respect the value, and certainly, as you say, they are valuable fish, but in this stretch of river, is this a prime pink spawning area or are there other areas upriver and throughout the entire Fraser basin where pink also spawn?

**Dr. Marvin Rosenau:** This past year and 2005 seemed to have a bit of a crash, as opposed to 2003, which may have exceeded 20 million fish, which may have exceeded 30 million fish throughout the whole watershed. In 2005 they were far less abundant.

Within the gravel reach, which is in effect from just above Mission to Hope, is the most densely spawned salmon spawning area in all the province, and we think that it may have exceeded 10 million fish in 2005. So these rich gravel beds are the basis of the habitat in which pink salmon spawn in this particular part of the Fraser River.

•(1015)

**Mr. James Lunney:** In that span that you showed us, I wonder if you could just give us the distance that was actually shown on the scale on that area.

**Dr. Marvin Rosenau:** The Big Bar area?

**Mr. James Lunney:** Just on the entire map there with the six or seven bars that you pointed out there.

**Dr. Marvin Rosenau:** There would have been two bars right here. Big Bar is right over here. Popkum is right there and then Hamilton is right there and Seabird Island—if there was some taken out, which I think there was—is somewhere up there.

**Mr. James Lunney:** Are we looking at a span of ten miles?

**Dr. Marvin Rosenau:** About fifteen miles, I would think, in total.

**Mr. James Lunney:** Thank you very much.

**The Chair:** Mr. Stoffer, five minutes.

**Mr. Peter Stoffer:** I have just one question.

Concerning your obvious frustration with local management and senior management of DFO within British Columbia, were you at all able, in writing, to address these concerns to the minister? Because obviously you weren't getting the responses you were looking for, or the action you requested, did you then make representation either through your local MPs or whatever, or did you make representation to the Minister of Fisheries?

**Mr. Frank Kwak:** Included in my package of material, which I didn't speak on but which is there, there are numerous letters written to Paul Sprout, the regional director general, Jim Wild, and to a number of other people with concerns that we have.

**Mr. Peter Stoffer:** But you didn't address any of these concerns to the new Minister of Fisheries, Mr. Hearn?

**Mr. Frank Kwak:** Yes, there was also a letter written to Minister Loyola Hearn.

**Mr. Peter Stoffer:** Did you get any response from the minister?

**Mr. Frank Kwak:** I'm not sure.

**Mr. Peter Stoffer:** Okay. Thank you.

**The Chair:** Mr. Kamp.

**Mr. Randy Kamp (Pitt Meadows—Maple Ridge—Mission, CPC):** Thank you very much, Mr. Chair.

Thank you, gentlemen for coming all this way.

Dr. Rosenau, I suppose you find it somewhat ironic that the current B.C. Minister of the Environment is one of those eastern Fraser Valley MLAs. In fact, he's the MLA for this area where Big Bar is. He wasn't the Minister of the Environment in 2003.

Dr. Rosenau, I was out there as well, not right at the time when you and Frank and others were out there, but I did walk the area and on that bar. DFO told me that they realized there were certainly some lessons to be learned and that mistakes were made. My understanding is that they're preparing some sort of comprehensive report after having done a review on this. It should be ready by the middle of June or so. They also told me they would be doing some sort of multi-sectoral review, including talking to other people who were close to it.

My first question is whether either of you have been asked recently, within the last month or so, to actually contribute to that review.

**Mr. Frank Kwak:** I was at a sport fish advisory main board meeting and Paul Sprout, the regional director general, was there. He told us at that meeting that a Mr. Woo was going to be doing some investigative research into this with the committee. He told me privately that Mr. Woo would be contacting me very shortly. I have yet to hear from Mr. Woo, although there have been numerous e-mails back and forth with Marvin and Mr. Woo.

The only contact that I have received is from Ross Neuman, and he wanted to meet with me privately, as I am a signator on a paper that we prepared along with BCIT—well, BCIT is the main proponent of the paper. It was decided after talking with the others that it was probably not a good idea for me to just speak individually, because what we want to see happen is a dialogue going two ways so that we can ask questions as well as answer questions. It appears at the moment that the only way DFO is prepared to deal with this is for them to ask us questions. We can lay all of our cards on the table, but they're not prepared to answer any questions and concerns we have.

That's the only contact I have had.

•(1020)

**Dr. Marvin Rosenau:** Basically, the BCIT group has had some dialogue with the Department of Fisheries and Oceans, with Ed Woo, specifically, who is chairing the review committee, and they have told us they'd like to come out and see our report, basically talk about what we found and how they can do things better next time.

I've taken the position that I'm totally prepared to talk about our report and give them all the information—we've given people practically all the information already—but we want it to be a two-way dialogue; we want to be able to ask them questions. They have steadfastly refused to have a two-way dialogue. A lot of the stuff we're talking about today, the comments by Jim Wild or Dale Paterson, are in the media. We're very cognizant of the fact that the media can often twist things around. So we want to get the real goods on it, and DFO has steadfastly refused to have a two-way conversation.

We've set out a series of questions that we would ask and we would like to get answers for—really simple questions like how they could come to the conclusion that a rock berm would have enough porosity so that enough water could get through, what their inventory and assessment was, or why they picked this particular mode of transport.

We've been told through my boss, Mark Angelo, and Greg Savard that DFO is now prepared to have a two-way dialogue. This might happen on July 12 or 13. We're going into the meeting taking a positive approach that DFO will answer our questions to the best of their ability. One of the reasons we wanted to talk to the DFO technical staff was basically to try to error-proof our report. We don't want to say a bunch of stuff in our report that is just wrong. If our interpretation is wrong, tell us now.

There was, I think, a lot of embarrassment in DFO when our executive summary was released. I think the heart of the matter in the report is potentially even more embarrassing. But if there's something wrong in the report, tell us. We'll modify the report; we'll pull back our criticism—or we may even increase our criticism of it. But make it technically strong so that you guys don't do this again.

**Mr. Randy Kamp:** Is that all the time I have?

**The Chair:** We're out of time on that round, unless any members have more questions. I don't want members to leave, because we have an issue that we need to settle today after the witnesses leave.

Mr. Cummins, do you have another question?

**Mr. John Cummins:** Yes, I do.

I'd like to get back if I could, Frank, to your business on enforcement. It was one of the issues that we wanted you to address this morning.

We talked briefly a few minutes ago about the ceremonial fishery and the extent to which that's been operating the last couple of months. In the written documentation that you presented, you noted that one of the key issues in the Williams report was the lack of the ability of the department to account for fish moving through cold storage, and what not, and that some accommodation has been made there.

You mentioned that in 2005 there were two million pounds of sockeye salmon taken in the first nations food, social, and ceremonial fisheries that's being held in cold storage. That number is fairly accurate and is a DFO number, is it not?

**Mr. Frank Kwak:** To the best of my knowledge, yes, it is a number that is still outstanding.

We're actually wondering what's going to happen to those fish. This year they're probably going to have some pretty good economic opportunities, and it is my considered opinion that some of the cold storage fish will be moved out of the freezers through that economic opportunity.

**Mr. John Cummins:** On that number, DFO personnel have advised me that there were about two million pounds of sockeye salmon taken in those first nations fisheries that ended up in cold storage. There has already been some bleeding away of that and there may be only about 500,000 pounds left, from what I understand.

Once there's an economic opportunity in fisheries, these fish aren't marked in any way. Isn't it impossible for enforcement people to tell whether those fish were caught in a commercial fishery or in a food, social, and ceremonial fishery?

• (1025)

**Mr. Frank Kwak:** You're absolutely correct. There is no way to mark those fish.

**Mr. John Cummins:** The same could then apply to the fish that the Cheam are now harvesting. From your experience and the experiences of other people, I guess that most of those are eventually going find their way into the marketplace.

**Mr. Frank Kwak:** Absolutely. They're intended for food, social, and ceremonial purposes, which means for their own use, but they will ultimately end up as a sale item, somewhere down the road.

**Mr. John Cummins:** You may or may not buy into it, but this is my opinion. By continuing to allow the food, social, and ceremonial fisheries, when the department is fully aware that these fish are going to illegally enter the marketplace, they are in fact aiding and abetting an illegal activity, in my view.

**Mr. Frank Kwak:** I would agree with you.

**Mr. John Cummins:** It's good that we agree.

You talked about 25 enforcement positions that will be reduced due to retirement or even promotion. That number was tossed about earlier in the year. Do you know if that number for the reductions in the Pacific region enforcement is still the case?

**Mr. Frank Kwak:** I think it is, but I'm not positive. Those numbers came from Bill Otway. He's the one who inspects all of those numbers, being the president of the Sportfishing Defence Alliance, but I assume that is correct.

**Mr. John Cummins:** One of the justifications given for the department's lack of concern was that these positions weren't going to come out of enforcement per se but out of the habitat side of enforcement. The suggestion was that we shouldn't be alarmed. Did you hear that excuse given?

**Mr. Frank Kwak:** I think that is also correct.

**Mr. John Cummins:** In other words, issues like the one we're dealing with today on gravel were of little consequence to the department, because gravel is essentially a habitat issue. The department is saying they're going to lessen their ability to monitor these kinds of situations.

**Mr. Frank Kwak:** Absolutely. The interesting thing, as a sideline, is the gravel from the Big Bar area that's being piled up right now is actually slowly being washed away because we have a freshet right now, and some of the gravel is actually going back into the river.

**Mr. John Cummins:** There you go.

In the area that we're talking about above Mission, how many fishery offices are now operating between Mission and Hope? Do you have any idea?

**Mr. Frank Kwak:** I do not have that number, but I think it is around six. Marvin, maybe you could help me out. I'm guessing it's six.

**Dr. Marvin Rosenau:** There's one in Mission, one in Chilliwack, and one in Cloverdale.

**Mr. Frank Kwak:** If you include those...I'm really not sure.

**Mr. John Cummins:** Isn't it the case that only Mission and Chilliwack are on the river? Have you any idea how many officers operate out of those?

**Mr. Frank Kwak:** No, I'm not sure.

**Mr. John Cummins:** But we do know that over the last number of years there has been very little in the way of availability on a 24-hour basis and on the weekends. Isn't that correct?



**Mr. Frank Kwak:** I think you're absolutely correct there. Locally in Chilliwick there are maybe six or eight officers, so if they were to operate on a 24-hour-a-day basis, you can do the math; you just don't have the time. Also, they do not travel by themselves anymore; there are always at least two, and usually three, so they're all tied up in one incident at one time—two or three at a time.

**Mr. John Cummins:** It's hard to understand unless you've been there, but this is not an easy section of the river to patrol. It's easy to get lost if you're not familiar with it.

**Mr. Frank Kwak:** If there were a fog, you and I would both get lost. That's how difficult it is.

**Mr. John Cummins:** We've gone upriver by Island 22, come back down on the wrong side of an island, missed the launching point completely, and had to come back up the river. It's very easy to do.

My point is that if you're not experienced in that area as a fisheries officer, you could get yourself into trouble; if you're called upon to assist somebody else, you may not be able to find them if you don't know the area.

• (1030)

**Mr. Frank Kwak:** Not only would you possibly miss the landing site you're trying to get to, but you will also probably run into a gravel bar somewhere along the river and wreck your motor in the process.

**Mr. John Cummins:** Yes. Thank you.

**The Chair:** Thank you, Mr. Cummins.

Mr. Stoffer is next, and then Mr. Kamp.

**Mr. Peter Stoffer:** Mr. Chairman, it would be nice if Mr. Jim Wild and Mr. Paul Sprout would be asked to be here on Tuesday when the DFO appears before us. They've made some pretty serious allegations towards them, and I'd sure like to hear their side of the story to see if they have rehabilitated themselves in this regard.

Gentlemen, I want to thank you very much for your opportunity here.

I want to ask you a sidebar question. In the papers now, DFO is talking about a new agreement regarding a commercial fishery for some aboriginal groups on the river. Some fishing groups here with us last week indicated that because of the large potential for fish to go up the river, they would agree to that kind of a proposal, but we've also heard from other people, such as Mr. Phil Eidsvik, that they would disagree with that proposal.

What are your views on that possible agreement to allow a limited commercial fishery with some first nations groups along the river?

**Mr. Frank Kwak:** That's difficult to answer, because I haven't seen the full MOU. I have looked at some of it—at the initial one that came out.

The one thing I can tell you is that from a recreational perspective, we are very upset that this CSAB commercial whatever-it's-called has negotiated on their own with first nations some kind of memorandum of understanding that is going to give the first nations folks an economic opportunity on their own without any consultation whatsoever with the recreational fishery; we have been totally left out of that picture.

How that originally happened was that at some high-level meetings the Cultus Lake issue came up, and a sidebar group got together. It turned out that although first nations had been given an opportunity to attend these high-level meetings, they refused to do so or did not show up, so the commercial sector decided they would like to meet with them on their own, because they were told by DFO that in order for them to be able to fish sockeye with a higher exploitation rate on Cultus Lake, they would have to get first nations on side, so they had some of these meetings. From what I understand, they have come up with some sort of agreement that has not received approval from DFO and certainly has not involved recreation in any way, shape, or form.

Other than the fact that we have been copied on this from a friendly source such as Phil Eidsvik, as you were mentioning, we really know nothing about it.

**Mr. Peter Stoffer:** Thank you.

**The Chair:** Thank you, Mr. Stoffer.

Mr. Kamp, you have the last question.

**Mr. Randy Kamp:** Thank you, Mr. Chair.

Just to follow up on that, the department's perspective on that MOU is that it's advice to the department. They will take it into consideration, along with other advice that they get on what the fishing management plan should be for this year, as well as information from their own scientists, etc., and will present their own recommendations to the minister, and he'll decide. The notion that this is somehow binding on the department at this point I think is just not right.

Just to follow up on the gravel and end this, did either of you, when you were out there, go up the river and find other de-watered redds that were obviously not due to this road, this causeway?

**Dr. Marvin Rosenau:** Yes, there's natural de-watering of redds all over the place. That's not an unusual circumstance. You can point those out; they are very clear in their demarcation. Recently de-watered gravel has a very different colour. It hasn't dried out yet; it is still moist. De-watering of redds is a natural occurrence on the Fraser.

**Mr. Randy Kamp:** So potentially a certain percentage of fish always die?

**Dr. Marvin Rosenau:** I would say so. But the thing about these pink salmon, particularly in this channel, was that the bulk of the redds were below this particular perimeter. There were some above the perimeter that had been de-watered, so there would have been—it looked to us like there were some naturally de-watered redds. Nature is a cruel mistress. But they tend to be below those low-water-discharge elevations.

• (1035)

**Mr. Randy Kamp:** Okay. Good.

I'd like to go back to the ceremonial block—licence I guess they are calling it now—that is available to the Cheam. I actually saw the calendar on which the band had to identify how many fish they wanted for which event, and I guess it came out to 115. But as of just a few days ago, I was told that only 37 of those had been caught, largely because the river is not fishing very well right at the moment with the high water.

Would you think that figure is likely to be wrong, a long way off the real number?

**Mr. Frank Kwak:** If I could convince you that they've caught only 37 fish, there's a bridge that I'd like to sell you.

**Mr. Randy Kamp:** Tell me why you think that.

**Mr. Frank Kwak:** The reason is that the Cheam Band has been assigned all sorts of names. The reality is that the Cheam Band is a very militant band. They have blocked a railroad. They have dug up the road and refused access and stood there in balaclavas, and all sorts of things. It seems to me that they are continually rewarded for their vigilance and their stand-firm sorts of presentations.

Unfortunately, what happens with the Cheam ultimately winds up happening farther downriver with other bands as well. What the Cheam get, the rest ultimately get, and driftnet fishing is a perfect example of that.

But I would caution you against thinking that only 37 fish have been caught, because to be able to say that for sure, there would have to be proper monitoring. And to prove that proper monitoring was occurring—if they were fishing 24 hours a day, seven days a week, over any given timeframe—they would have to show me who the monitors were and what they recorded, because we have found in past practice that they, of all people, are not very accurate in their monitoring.

We have other first nations bands that are excellent at monitoring, but the Cheam certainly are not.

**Mr. Randy Kamp:** I certainly understand that perspective.

Just for clarification, what we were told was that there were 37 out of that ceremonial block. They are also catching sea fish. I think 170 is the total number that I've heard about.

**The Chair:** Mr. Lunney, you said you had a brief question?

**Mr. James Lunney:** Yes. I would just like to follow up on Mr. Kamp's question—and I am going back to something I was maybe a little slow on processing.

When you're talking about the 400,000 fish in cold storage, which were cultural and ceremonial, is this the same band, the Cheam Band, that you're talking about?

**Mr. Frank Kwak:** That is correct.

**Mr. James Lunney:** Am I getting something right here? Those fish are cultural and social, and they were supposed to take up to 115 fish per person. Is that last year you were talking about?

**Mr. Frank Kwak:** The fish that are in cold storage are fish from last year, mostly sockeye. The fish they're talking about now are fish they need for food, social, and ceremonial reasons. They could go to their cold storage and actually take these fish out of cold storage and

use them, but they're down in Vancouver in cold storage facilities, and they're not prepared to do that; they want fresh fish.

**Mr. James Lunney:** There seems to be a disconnect somehow here. If they have 400,000 surplus that weren't needed for food, social, and ceremonial and are just in cold storage, why are they taking more fish this season that are not being monitored? Was there some question mark about the 37?

**Mr. Frank Kwak:** I think they would tell you they don't have them.

**The Chair:** Thank you.

Thank you very much, Mr. Lunney.

**Mr. John Cummins:** Would it be possible for Mr. Kwak to make available for the committee copies of those newspaper articles where Mr. Wild was making his comments?

**The Chair:** Sure.

**Mr. Frank Kwak:** I'm sorry, what was the question?

**Mr. John Cummins:** Can you bring those newspaper articles?

**Mr. Frank Kwak:** Our local newspaper articles? Yes, I could get them to you; I can do that.

**The Chair:** Mr. Matthews had a point he wanted to bring up.

**Mr. Bill Matthews:** Just getting back to this refrigerated fish, has the department recognized that this fish is what it is?

**Mr. Frank Kwak:** My understanding is that these numbers are coming from enforcement staff who have been doing secretive investigations this year—probably more this year than in the past—and have indeed identified fish in cold storage plants in the lower mainland.

● (1040)

**Mr. Bill Matthews:** Well, if such is the case, why doesn't the committee recommend that until all that fish is eaten by those people there be no more ceremonial or whatever fish? If that is the case, it is obscene, really; that's what it is. There's no other way to describe this but obscene, if that is the fact.

It's fine for me to eat refrigerated fish, but it's not fine for someone else, because they want to sell it and make big money off what's supposed to be ceremonial fish. There's something really out of whack with this, and I don't know how we get to the bottom of this, Mr. Chair.

I don't mean to bog down our witnesses with it, because they've come here and presented a case. But from one member of this committee's point of view, if we as a committee are not able to influence what's happening in this situation, then I think we should seriously consider what we're doing here. This is blatant and obscene. That's all I want to say about it this morning. I'll say some more about it later on.

**The Chair:** Thank you, Mr. Matthews.

To our witnesses, I very much appreciate the fact of your coming here today. It was an excellent presentation; it was well appointed; there was a lot of documentation with it. It's probably one of the better presentations I've ever seen at committee.

I have two very brief questions for you. The first one is on the moratorium that was placed on gravel removals in the Fraser River in 1998. That moratorium was lifted. Why? Why was it implemented in 1998? What was the basis of the science behind it?

**Dr. Marvin Rosenau:** The basis of the science was to try to come up with a true estimate of gravel recruitment. Money was vetted to the department of geography at UBC to come up with a total estimate. The objective was that once the estimate was derived, the extraction would continue as a function of that estimate.

The second issue....

**The Chair:** Why was it implemented?

**Mr. Marvin Rosenau:** Oh, it was implemented to be able to have a timeframe for measurement, to look at the biology. I basically got money for a couple of graduate students to do some primary fundamental biology to try to get an understanding of the habitat value of these large gravel bars. The moratorium was just a kind of breather space to get the information in place.

**The Chair:** Thank you.

My second question, and for the life of me I can't quite figure it out, is this. We have very severe restrictions on any disturbance of habitat across the country, from coast to coast to coast. We've looked at the degradation of our rivers and have begun to understand the importance of our riparian strips and looking after the tributaries and streams coming into our main rivers. Anything that affects a stream bed is just about off limits anywhere in the country.

This is a huge aggregate grab of some sort, and maybe we can understand the reasons behind it, with the housing boom and the need for the aggregate. You've said yourself that it can be undertaken in a responsible manner that really has minimal effect on fish habitat. But I don't understand why they would consider it if we have a species of fish that are spawning in the area, the pinks that spawn every second year.

Can you answer the question—because I can't—why we would allow it in a spawning year, when we could simply allow the gravel extractions in the years when the pinks are not spawning?

**Dr. Marvin Rosenau:** I guess the first thing is that gravel removal for flood protection doesn't have the same kind of diligence as riparian and other issues. It's such a hot topic—and it doesn't matter whether you're talking about the Fraser, the Vedder-Chilliwack, the Chehalis or whatever—that if people's property and/or lives are being affected, removal has precedence, and we understand that.

The second thing is that it is such a hot political issue that the decision-making behind how to achieve gravel removal and flood protection—the flood profile—has been taken out of the hands of the technical staff. The technical staff has in effect been disbanded for the Fraser River. The senior managers are making the decisions—the where, the when, the how.

So gravel removal for flood protection is in a different category in terms of habitat protection. In this special case on the Fraser, where it has been taken out of the hands of the technical staff, the technical staff has been poorly supported. DFO doesn't have a single biologist working on Fraser River gravel. I was the Ministry of Environment

biologist again up until 2003, and all gravel removal committee discussions were disbanded in 2003.

The one person who basically is working at gravel removal on a technical basis is an engineer, Vince Busto. He's a very competent engineer, but he is spread out over the whole southern Fraser region. It's impossible to believe that one sole engineer, competent as he is, with a myriad of other issues, can focus his time properly on the Fraser River and achieve the objectives under the no-net-loss policy.

● (1045)

**The Chair:** Thank you very much.

Thanks to both of you for appearing here today. It was a very informative discussion, and much appreciated.

**Mr. Peter Stoffer:** Mr. Chair—

**The Chair:** Just one second, Mr. Stoffer. We do have a bit of committee business here.

I'd like to deal with one issue first, if we have approval of the committee, and that is that Jim Wild and Paul Sprout appear as part of the DFO officials on Tuesday, June 6, 2006, regarding gravel extraction and enforcement in the Fraser River.

**Dr. Marvin Rosenau:** Could I ask just one question? Or is that too late?

**The Chair:** Perhaps we could deal with this first. Then I'll go back to you.

Mr. Stoffer, you brought it up earlier, and now I just want to have formal approval.

It's moved by Mr. Stoffer.

(Motion agreed to)

**The Chair:** Thank you.

There are just two more issues I want to deal with on future business. I want to get these out of the way.

The first one is that two witnesses—whose names shall be provided by Mr. Cummins—be invited to appear on Thursday, June 8, 2006, for one hour in relation to the herring-spawn-on-kelp fishery.

These are steering committee recommendations.

(Motion agreed to) [See *Minutes of Proceedings*]

**The Chair:** The third motion is that a budget for the committee's study on the herring-spawn-on-kelp fishery in the amount of \$6,400 for the period of June 1, 2006, to June 30, 2006, be adopted.

Otherwise, we can't afford to bring these two gentlemen in.

(Motion agreed to)

**The Chair:** Mr. Stoffer, thank you for your patience.

**Mr. Peter Stoffer:** No worries.

Mr. Kamp, you indicated that this proposal isn't in stone yet, and it's going to go to the minister for approval. Would it be at all possible, sir, to ask the department for a review of all this, a description of what's going on—in other words, a briefing on what the minister will be saying soon?

**Mr. Randy Kamp:** Sure. Do you want just a verbal briefing, or what do you want?

**Mr. Peter Stoffer:** Whatever it is you think would be necessary to at least allow us the opportunity to ask the right questions when they come around.

**Mr. Randy Kamp:** Okay.

**The Chair:** Dr. Rosenau, I think you had a final point you wanted to make.

**Dr. Marvin Rosenau:** Yes, just a quick question.

We've been advised that senior managers or executives have, within their work plan or work contract, provisos for achieving certain target levels for gravel removal, and bonuses attached to that. I guess the question we're asking is whether this committee can look into that and see if that's the case.

**The Chair:** That is a question we can quite easily ask.

In closing, I think there's a very important point that has come up here several times. We have, certainly, an expert here on salmon and

someone who has monitored gravel extraction on the Fraser who is saying we can do this in a responsible manner without any major degradation of the stream bed or the salmon population. And the other very obvious point that keeps coming up is the fact that if the pinks only spawn every second year and we have a quota of gravel that we want to meet, we could still meet that quota by extracting it in the off years when they're not spawning. I fail to see the challenge here.

● (1050)

**Dr. Marvin Rosenau:** Sir, we had a little meeting with the Cheam Band—I'm separate from the issue associated with Frank—and the Cheam Band was quite concerned about the negative media they were getting as part of the Big Bar extraction. They were quite concerned about various issues—I'm talking about BCIT—and we were empathetic with the Cheam Band in regard to that because they were authorized by DFO to do this. The discussion came up about why this work was being done in pink salmon incubation years. We sat around the table with the Cheam Band executive and both BCIT and Cheam were scratching their heads. They were authorized. They were allowed to take the gravel out, so they were going to take it out, but they still couldn't figure out why DFO would authorize it on a pink salmon year either. So if it's done in the dry, that's one thing, but if there's impingement on the wetted perimeter, there's an impact.

**The Chair:** Thank you very much for clarification of that.

The meeting is adjourned.

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