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Tuesday, June 6, 2006

Chair

Mr. Gerald Keddy

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● (0900)

[*English*]

The Chair (Mr. Gerald Keddy (South Shore—St. Margaret's, CPC)): I call the meeting to order. We have enough people here to hear witnesses. If we don't start on time then it drags on too long.

Pursuant to Standing Order 108(2), we are studying gravel extraction and enforcement in the Fraser River. We have three witnesses here from the Department of Fisheries and Oceans: Mr. Paul Sprout, regional director general of the Pacific region; Mr. Jim Wild, area director, lower Fraser, Pacific region; and Ginny Flood, the acting director general of habitat management.

Welcome to our witnesses.

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

Mr. Paul Sprout (Regional Director General, Pacific Region, Department of Fisheries and Oceans): Thank you very much. We appreciate the opportunity to be here to speak to this issue.

We have prepared a short deck. I'd like to provide that presentation and intend to do so in the time I've been allowed. I'm going to start on slide 2.

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

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

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

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

So one of the things that took place in the late 1990s was a study to provide advice to the various governments and other interests on how gravel should be removed in the Fraser River, both the amount and the sites. This led to a collaboration among the Department of Fisheries and Oceans and other interests, including the B.C. government, that resulted in a five-year agreement in 2004 that laid out the amount of gravel to be removed on an annual basis and listed or identified the sites that would be considered, and that is the gravel agreement we are operating under today This agreement outlines the process, the timelines, the monitoring, and so forth. I'll speak to this in a bit more detail later on.

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

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

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

● (0905)

When we authorized that site, we had initially considered putting in a bridge to facilitate the passage of water through the side channel. We discovered that because of the high flow conditions at that particular time, and because of the other issues, there were safety issues in constructing a bridge. So rather than constructing a bridge, very large rocks were used as a basis for the foundation of the causeway; when I say large, I mean from the size of a wheelbarrow to a Volkswagen. The idea was that water would be allowed to flow through the interstices of those large rocks to continue the flow in the side channel, which is downstream of the causeway. The causeway was completed, as I said, on March 3 of 2006.

Monitoring of the gravel site indicated that there was flow through the causeway, but at a reduced level. Water was moving through, but not at the level that was flowing into the causeway itself. At the same time that the causeway was constructed and completed on March 3, the river flow was naturally declining. Decline of the Fraser River flow is a natural phenomenon at this time of the year.

So the causeway was going in on March 3, there were design features to try to facilitate the movement of water through the causeway, and at the same time the river flow was declining.

A subsequent decision was made to install culverts to facilitate additional flow through the causeway on March 9. The rationale for that was that we were not getting the flow through the causeway that we thought was appropriate, given the size of the rocks we already mentioned.

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

On March 10 it was determined that those culverts did not facilitate adequate flow through the causeway and a decision was made to cease gravel operations. That then led to the commencement, on March 11, of decommissioning the causeway. We started to remove the causeway on March 11.

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

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

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

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

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

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

● (0910)

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

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

Thank you for the opportunity to speak with you.

The Chair: Thank you, Mr. Sprout.

Mr. Byrne, or Mr. Matthews.

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

Thank you to the witnesses for coming.

On slide 6 you say that regular monitoring of the site indicated that there was flow through the causeway but at a reduced level, and that the causeway had exacerbated the dewatering. Are you indicating that your monitoring picked up this problem, or was it brought to your attention by some other sources?

Mr. Paul Sprout: Both. I certainly was informed by other sources that there was a problem, and the area director, I believe, was informed by other sources. We had our own sources as well, because we had staff on site.

So I think it was a combination of inputs. Personally, I was first apprised of this by other sources.

Mr. Bill Matthews: So what were the implications of that reduced flow? What problems did that cause?

Mr. Paul Sprout: From what we can gather, the reduced flow through the causeway led to dewatering of some of the gravel reaches below the causeway, and that dewatering exposed pink salmon redds. These are locations where pink salmon lay eggs, and those eggs may have suffered mortalities associated with that dewatering.

What we want to do in this review is try to separate what the causeway contributed from the natural reduction in flows that were occurring at that time.

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

Mr. Paul Sprout: Yes. The initial design of the causeway was to put a bridge in place, but at the time the causeway was being put in, the river flow was actually quite high, and it was judged that it would be unsafe to put that bridge in, that the foundation wouldn't support a span. Because of a terrible accident, a tragedy, in fact, that had occurred previously in which we lost a life as a result of a gravel operation, it was determined that it was unsafe to construct a bridge.

The decision was made to go with the large rocks of the size that I talked about, and then subsequently the culverts were installed to further facilitate flow. Finally, a decision was made to postpone the operation altogether.

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

● (0915)

Hon. Gerry Byrne (Humber—St. Barbe—Baie Verte, Lib.): Thanks very much for appearing before us.

I just want to pick up on the point regarding the bridge itself. You're currently conducting a review of past practices, in particular this practice. What is the past practice? You alluded just a minute ago to the fact that bridges are the norm. When did that practice get suspended?

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

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

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

Hon. Gerry Byrne: It was mentioned that at this time of year, water levels on the Fraser decrease, not increase. I question the timing then. What would have been the suitability or sense of delaying the dredging—the gravel extraction—to a point in time when water levels and conditions were much safer to install a bridge, because you'd have a lot less erosion on any breach of the causeway?

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

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

Hon. Gerry Byrne: One element of witness testimony we heard last week was that our witnesses—who had very strong points of view about this—visited the site with DFO habitat officials, and they were asked to reveal redds at the site where the witnesses, the private citizens, had examined the destruction of redds. It was alluded that if any live fish were discovered among those redds, charges could have been laid against the witnesses for disturbing salmon habitat and destroying fish.

Could you tell me if that was a possibility and if that was under consideration?

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

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

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

Hon. Gerry Byrne: Thank you.

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

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

The Chair: Actually, there are three minutes left.

Go right ahead, Mr. Cuzner.

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

● (0920)

Mr. Paul Sprout: In this particular case, the overall gravel plan was the five-year plan I referred to earlier, which was established in 2004. There was extensive consultation on the development of that plan, involving the province and the Fraser River Basin Council, which is a consortium of a broad array of interests, obviously including ourselves, and so forth. That plan is the plan we're following in executing the removal of gravel on an annual basis. So from our perspective, we believe that the consultations have already occurred on the broad plan, and on an annual basis, we would do the CEAA evaluations for each individual site. Those get posted and people have a chance to respond or react to them, and we would deal with the individual proponents.

That's how I would describe the consultation. I'm going to ask if Mr. Wild would like to add anything to my comments.

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

What we agreed to, with the help of the Fraser River Basin Council, was to go to one hydraulic model study. I think that's what you're getting at.

Mr. Rodger Cuzner: Yes, exactly.

Mr. Jim Wild: In each of the sites that we have chosen, they have done hydraulic analysis to determine the effect of removal of gravel. That was one we all agreed on, so you wouldn't have people disagreeing at the technical level. I think it was a good step forward.

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

[*Translation*]

The Chair: You have seven minutes, Mr. Roy.

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

Mr. Sprout, I am having a hard time understanding your explanation. What you are saying is that your methodology will include a description of the hydrological regime and a description of the life history of relevant fish species in the lower Fraser River.

You also say that, among other considerations, if sufficient data is available, you will undertake a hydraulic modeling to simulate river conditions, or water levels, at the Big Bar site.

Are you telling us that you gave the go-ahead to build a causeway without first having these data, before checking the hydrological regime and the life history of the relevant fish species at the time without having enough hydraulic modeling information?

You have just told us that you were surprised to see, after allowing the construction of the causeway, that the water level had dropped. When this type of infrastructure is built in British Columbia, do they not have culverts that are big enough to allow the water to flow through? I am having a hard time understanding your explanation.

As a precaution, one usually starts by checking to see if there is enough flowthrough and culverts are installed to minimize any effect on the river's flow.

To state it clearly, you allowed the construction of an infrastructure, in essence, a dam. There was very little chance that the river would continue to flow. That's what I cannot understand. I have to tell you that you have not managed to convince me. This means that the department either did a poor job, or did nothing at all, since the situation was improperly assessed at the outset.

You say that causeway removal began on March 11. You then said that, in any case, it was to be removed by mid-March. There is much difference between March 11 and March 15. You also said that the work was completed on March 3rd.

When did the work begin?

● (0925)

[*English*]

Mr. Paul Sprout: You may not be surprised that I have a different perspective from the one you've just provided. It is our view that we really require a comprehensive gravel removal plan for the Fraser River. Removing gravel is controversial, as I've indicated. There are various perspectives on that from various individuals and organizations.

That led the Department of Fisheries and Oceans, the provincial government, and other institutions, including the University of British Columbia, to work together and collaborate to produce a gravel removal plan that eventually became the foundation of an agreement between the province and the federal government. That plan lays out the conditions under which we would remove gravel, and identifies a number of sites, and so forth, that would lend themselves to gravel removal. Additionally, there are further constraints and provisions in place about how that gravel would be removed, the time of year it would be removed, the manner in which it would be removed, and so forth.

We issued an authorization based on screening, consistent with the gravel removal framework I spoke of, and we actually allowed the causeway to be put in place. We discovered, as we moved along, that in a very short timeframe some of the things we had assumed would occur weren't occurring. We were not getting the flow through the causeway to the extent we thought was desirable, so within a week we went from the causeway being completed, to it being dismantled. We went from having a design feature to allow the water to flow through, to adjusting it for culverts, to removing it, all within a week.

Because we were monitoring it, we realized we weren't getting the kind of flowthrough we thought was desirable. All of this was based on thoughtful consideration of a framework that was already in place and had been negotiated with various groups, including ourselves and the province, based on science and our own evaluation this year about when the best time was for that operation to take place.

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

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

[*Translation*]

Mr. Jean-Yves Roy: You did not answer my question. You negotiated a gravel removal plan. I have no problem with that. But I do have a problem with the way in which it was done.

As a precaution, the department was responsible for ensuring that there would be enough water flowing through. That was not done. I do not know why, because you have not answered my question.

Why did the department not install culverts that were big enough to ensure that the flow would not be affected? It's simple. I am sorry, but it isn't rocket science to ensure that you have big enough culverts to allow an acceptable flowthrough. Basically, what you are saying is that you used big rocks then realized that the water was not getting through.

Can you believe it? Come on!

It is all well and good to have a gravel removal plan, but there is a limit to how much you can disregard. Just install culverts that are the right size, and that will take care of it. Nothing could be simpler. It is not rocket science!

[*English*]

Mr. Paul Sprout: If I could just add one final remark, from my perspective the question of why is a good one. It is something we are prepared to look into and are looking into. From our perspective—and even from that of your previous witness last week—there's little dispute about the removal of gravel from that site. That site is generally considered to be a good one to remove gravel.

The issue is, how did you do it? How did that come about? How did you decide to have a causeway there, and did you take into consideration reasonable precautions in putting in a causeway? Were the assumptions you made reasonably valid under the circumstances? Those are the questions you've raised.

We agree that we do need to go back and look at why. That is what the review is designed to do. We are asking ourselves why we put the causeway in. What were the assumptions that we made when we put the causeway in? Were those valid assumptions to make, and if they were not valid and based on good evidence and good information, what can we learn from that for the future?

So we don't disagree with the notion that we have to ask why. We are going to ask why. We're going to have an answer to that, and then we're going to take measures based on that answer.

● (0930)

The Chair: Thank you, Mr. Sprout, Monsieur Roy.

Ms. Crowder, you have five minutes.

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

I'm a westerner. I don't normally sit on this committee, but I read the transcript in preparation for this, and what I observed was that the witnesses who appeared at the committee said it was a normal flow for that time of year.

I also read the letter of agreement, and it very clearly lays out a fish habitat assessment mitigation plan and monitoring plan. And then I went back to the 2004 report from the Commissioner of the Environment and Sustainable Development. The commissioner was very critical of the department's ability in terms of the management of information—whether it had access to good information, whether it was gathering information that was appropriate. Any number of issues were raised about the department in 2004.

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

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

Mr. Paul Sprout: Thank you.

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

First of all, as I've indicated, there is the broad framework, which you've referred to, that provides general guidance in terms of provisions for gravel removal on the Fraser River. So that lays out the amount of gravel to be removed on an annual basis over the five-year period, and it identifies the procedures we would use to do that.

Secondly, there is a CEAA review that's done each year for each site, which is an environmental assessment that provides the basis for identifying particular mitigating circumstances, if there turn out to be any, and what might be required from the proponent to allow that operation to occur. So that also occurred for this particular site.

You made two other points. One was about water flow. You commented that we know what the flow is like—

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

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

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

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

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

Again, I would just say that all of this was occurring in one week: completing the causeway, deciding to stop the gravel, and starting to decommission the causeway. And this was all happening while the river was dropping, and we were taking into consideration the local conditions.

So I think, in summary, we have to respond to the conditions that exist in the river at that time. The river conditions were that the flow was lower than normal, but it wasn't the lowest flow we'd ever observed. Clearly that was not the case. It is my understanding that it was slightly below average. We took into consideration the conditions of the river flow at that particular moment. The input into that decision was certainly supported, based on advice from the community, some of whose members you've spoken of today, and our own observations from staff on-site.

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

● (0935)

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

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

The Chair: Thank you, Mr. Wild.

Thank you, Ms. Crowder.

Mr. Kamp, for ten minutes, please.

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

Thank you for appearing.

We may have some questions about enforcement as we go; be prepared for those as well, but let me follow up on a few things on this gravel extraction first.

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

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

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

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

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

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

Mr. Paul Sprout: I'm going to ask Jim to respond. Maybe I'll just open.

I think the proponent ultimately has to make the decision about the safety issues. That individual is responsible for the people who have to work under his direction. That said, my understanding is there were discussions between the department and the proponent; we were aware the conditions were very challenging, and this appeared to be a reasonable decision under the circumstances.

I'll ask Jim to talk to that.

Mr. Jim Wild: Yes, very quickly.

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

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

So that was his call for his insurance purposes.

● (0940)

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

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

Mr. Randy Kamp: Let's go back to the other issue.

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

Mr. Paul Sprout: From my perspective.... First of all, that's a very good question.

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

You asked the question, though—I think a bigger question—which is: in allowing for operations of gravel removal on the Fraser River, do you do so knowing that there may be some impacts? I would shape the question even more broadly. The reality is that when we develop habitat anywhere, we are trying to minimize the impacts of that habitat on the resource; we're always trying to minimize and, where possible, avoid impacts. But there's always a risk. When you develop habitat, whether it's to construct a bridge over a river, a road along the river, a house near a river, or a well that draws water from an aquifer, in all those instances you are managing risk, always.

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

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

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

● (0945)

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

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

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

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

Mr. Jim Wild: That was reported in the Chilliwack paper by a reporter whom we've actually talked to for several years in the area. I might preface my comment by.... I think Marvin also noted that occasionally reporters twist the stories a bit. In my opinion, that was the case here. In that report there were quotes from Dale Paterson, who actually happened to be on holidays for two weeks at the time.

There is a theme in there, though, that is not totally unrelated. We have set up a forum, through the Fraser Basin Council, for sport fishermen and first nations to talk and have a dialogue away from the river, to help settle down some of the issues in the area. The reporter in this case was quite aware of that issue. He's a local reporter in the Chilliwack area. I think this report came out cobbling together some information from a few of his discussions over the time.

I at no time made any critical comments about Marvin or specific individuals at all.

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

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

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

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

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

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

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

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

● (0950)

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

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

The Chair: Thank you.

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

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

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

Mr. Matthews or Mr. Cuzner, do you have any questions?

Monsieur Roy.

[*Translation*]

Mr. Jean-Yves Roy: I have one last question for you, since you have not answered my previous one.

Could the work that you will be doing after the fact not have been done beforehand? Could you not have done enough work previous to granting the permit in order to prevent what did happen? That is essentially the question. The department has a mandate to protect the resource. Now you are telling us that you will look into it after the harm has already been done.

Would it not be possible to undertake this type of review before the work begins to ensure that this type of situation will not be repeated? I don't think this is the first time that gravel will be removed from the Fraser river. This is not a new idea. It seems to me that the review should have happened earlier. All of the committee members are wondering how this type of thing could have occurred. With all of the tools at our disposal, in 2006, this situation could have been prevented. But the review is being carried out after the work has been done, and not before. If I understand you correctly, the department is unable to forecast, but it went ahead and built a dam. That is the problem! And to top it all off, you have not answered my question.

Does the department have enough resources to determine if this type of construction can go ahead without reducing the flow?

[*English*]

Mr. Paul Sprout: If I were to distill your question, I think what you're asking is whether we could have predicted what did happen would have happened. I think that's the essence of your question, whether we could have predicted that.

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

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

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

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

[*Translation*]

Mr. Jean-Yves Roy: Basically, the culverts should have been installed at the outset and they should have been big enough to allow enough water to flow through them. That's it, in a nutshell. The problem is that it was not done.

Is the department unable to ensure that the culverts are big enough to allow for sufficient flowthrough? There is nothing complicated about it. As a precaution, as I said earlier, the structure that is built should allow for enough water to flow through. It's elementary. And that's where the problem lies.

[*English*]

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

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

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

● (0955)

[*Translation*]

Mr. Jean-Yves Roy: I don't buy it. I was the mayor of a municipality and if I had acted as you did, just about every house in the area would have been flooded. It's as simple as that.

For example, when you install storm sewers, you make sure that they are big enough to accommodate the flow of rain water. Otherwise, all of the homes will be flooded. If you had been the mayor of a municipality, everyone would have been flooded out. It's as simple as that. There are no two ways about it. You start by making sure that the infrastructure will be up to the task. But that is not what you did. I can't understand the department's actions.

[*English*]

The Chair: Merci, Monsieur Roy.

Ms. Crowder, five minutes.

Ms. Jean Crowder: Thank you.

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

I have two questions for you.

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

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

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

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

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

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

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

● (1000)

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

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

The Chair: Thank you.

Mr. Cummins.

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

The Chair: Try to keep it to five minutes.

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

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

Are you denying that? I'm asking you, Mr. Wild, are you denying that?

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

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

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

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

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

Mr. John Cummins: That's fine.

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

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

Mr. John Cummins: Would they be accurate?

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

Mr. John Cummins: For your information, I did attend that site when the causeway was in place, and in the redds that I saw that were dug up, the fish were dead.

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

How do you get your mind around that?

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

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

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

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

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

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

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

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

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

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

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

My questions is simple. Why did you allow that fish habitat to be destroyed in that manner?

● (1005)

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

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

Mr. John Cummins: Precisely.

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

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

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

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

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

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

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

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

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

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

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

Mr. John Cummins: No, I was referring to that particular....The question was quite simple.

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

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

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

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

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

Mr. John Cummins: Thank you.

The Chair: Thank you, Mr. Sprout.

Mr. Cuzner.

Mr. Rodger Cuzner: Can I give my time to Mr. Cummins?

The Chair: You can. There are other witnesses.

Ms. Crowder?

Mr. Lunney has a question.

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

It was suggested that since pink are a two-year salmon and there are peak runs in every second year, we could simply confine the gravel extraction to off years. I thought perhaps that answer was a bit too simplistic. Could you comment on that?

● (1010)

Mr. Paul Sprout: I think that's actually a good question. Right now we are adhering to the actual framework I've described that we entered into with the province. We've been consistent with the framework, but the issue, I think....

That is a reasonable question, potentially, in particular sites. So it may well be that in some sites, in even years when the pink are leaving the system—they're spawning in odd years and they're exiting the Fraser River system in even years—it may be desirable not to have gravel removal operations. That's one of the questions we'll have to reflect on.

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

Mr. James Lunney: I have two points. One is that I accept what you're saying about assumptions. In science it's perfectly acceptable to make assumptions; it's just never acceptable to forget them. So I'm glad you're examining the assumptions.

My last question comes back to habitat. Perhaps this is one for Ginny Flood, as she's in habitat.

The region I'm concerned about, of course, is the west coast of Vancouver Island, Tofino in particular. It was a peripheral issue in the last discussion—small craft harbours and eel grass.

I have resort owners there who have harbours. There's a tremendous tidal flow in that inlet, in and out, silted in. Eel grass is growing into some of these resort harbours, and they just can't get permission to remove it without having to go through expensive transplant operations. There are tons of eel grass in the area.

What can be done to expedite this? Somebody gets the bright idea to protect eel grass, but there's lots of it in the area, and surely, traditional use has to be taken into consideration.

Mrs. Ginny Flood (Assistant Director General, Habitat Management, Department of Fisheries and Oceans): I'll attempt to answer that, but I'm not really familiar with the eel grass. I look after a lot of the major projects across Canada.

I think we are actually trying to simplify some of that approval process through some streamlining and looking at helping deal with some of these issues we're getting criticized for, the time it takes to actually get the approval processes through so that people can get on with their work.

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

Mr. James Lunney: Thank you.

If you're not dealing specifically with Pacific region, perhaps Mr. Sprout would care to comment on that.

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

So the challenge is exactly as you characterized it. There's a proposal to put in a small craft harbour. It's in a site that is occupied by eel grass. From our perspective, if that requires that eel grass be removed or destroyed, to be able to approve that we'd have to compensate. That means we'd have to find either an adjacent or nearby site, or some way of compensating for that loss.

In some cases that's straightforward; it's reasonably well done and we can manage it. In other cases it's quite a bit more complicated, and I think those are the ones you're referring to in the case of the west coast Tofino area.

Mr. James Lunney: Mr. Sprout, on the west coast, particularly in the Tofino area, if you haven't visited there, there's lots of eel grass in the area; it's prolific. It's a very small area, but if they can't get their boats in and out.... Are we trying to kill these businesses with regulation?

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

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

● (1015)

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

Mr. Paul Sprout: We can't—

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

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

Mr. James Lunney: Thank you.

The Chair: Thank you, Mr. Sprout.

Mr. Kamp and then Mr. Cummins.

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

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

Mr. Jim Wild: Good question.

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

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

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

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

Mr. Randy Kamp: Thank you.

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

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

We will resume this with Ms. Crowder.

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

Mr. Paul Sprout: As I indicated in my opening remarks, the issue of gravel removal on the Fraser River is contested. It is true, there are different perspectives on this within the science community, and obviously among different interest groups. That's why we supported a study that led to the framework I spoke of. That study was supported by the Fraser Basin Council, the province, and us, and it is the basis of the gravel plan that we have today.

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

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

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

● (1020)

The Chair: Thank you.

Mr. Cummins, go ahead, please.

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

I'd like to ask a couple more questions, if I could, on the Cultus exploitation rate.

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

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

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

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

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

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

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

Mr. Paul Sprout: Can I deal with the first observation that you made, Mr. Cummins?

Mr. John Cummins: Sure.

Mr. Paul Sprout: It's the perception that there's a linkage between what the Cultus exploitation rate might be in 2006 and the perception that the department was coercing or somehow forcing individuals to accept a higher exploitation rate for recognizing first nations fisheries. It's a false assertion; it is not correct.

As I've indicated, the fact is that the department would definitely like to see groups come together and agree on exploitation. We think it's a more desirable approach than the department simply trying to arbitrate. The department will analyze what the groups come up with relative to our objectives before providing advice to the minister. In no way was there any pressure, coercion, or direction provided to parties that we would agree to a certain level of exploitation rate only if they agreed to something in lieu of that.

In respect to the issue of attrition on the Fraser River, we have an attrition issue generally within the department and certainly in the Pacific region. Frankly, we're an aging public service and a number of people are retiring, fishery officers, scientists, and others.

Our challenge on the Fraser River is to meet the direction from our minister. The minister indicated that he would like to see our enforcement effort on the Fraser equivalent to what it was in 2005, which was augmented over 2004. At a time when we're still faced with the reality that in some cases we have an aging workforce, particularly scientists and fishery officers, some of those people are exiting, leaving, or retiring.

The challenge for us in 2006 is to maintain the same level of fishery officer effort on the Fraser River that we had in 2005, in the face of the demographics that we have. That is what we are planning to do and what we intend to do, but it will be a challenge.

● (1025)

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

Mr. Paul Sprout: I would argue that it was considerable.

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

The other thing that happened in 2005 is we received additional operational money. The operational money allowed us to do overflights, with helicopters and fixed wing, vessel patrols, and so forth. We had substantial activities relative to 2004. From our perspective at least, 2005 was a significant bump in terms of actual work on the ground, in terms of overflights, and so forth.

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

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

Mr. Paul Sprout: Well, you're right that 2006 is going to be a different year from 2005.

You're also correct that, God willing, we are predicting a strong return of Fraser River sockeye. We hope to have a strong commercial fishery and a first nations fishery.

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

I have just a short series here, Chair, if you don't mind.

● (1030)

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

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

Mr. John Cummins: About five?

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

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

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

Mr. John Cummins: Up into the canyon? And how far downriver do they go from Chilliwack?

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

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

Mr. Paul Sprout: The run into the canyon would be an extensive one. It could be 80 kilometres.

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

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

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

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

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

The Chair: Thank you, Mr. Sprout, and thank you, Mr. Cummins.

I have a couple of quick questions at the end here that I'd like to get some clarification on.

Listening to the witnesses and yourselves on the gravel extraction, it was interesting that really none of the witnesses have said they've been absolutely against the mining of aggregate on the riverbanks. There have been a number of questions about the process. So I think you have a process that for all intents and purposes has frankly failed.

There are a number of questions about that process. First of all, there is a lot of discussion about how you minimize and avoid risk and manage it, but in the scope of the project, under the original environmental assessment, the scope under section 3(1) clearly read:

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

Given that—and I recognize your comments earlier, Mr. Sprout, that conditions change, and the water levels were too high, and there was too much current, and you did take safety into account as a factor—how do you change your original environmental assessment? What's the process for changing it? Can you simply change it on the fly?

● (1035)

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

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

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

The Chair: I have two more questions, and I'll try to be quick, because we're certainly going to be jammed for time here.

In your screening reports for Big Bar, you also mentioned that four other sites were screened and developed as well. Could we have the screening reports for those four other sites as well, please? And along with that, you mentioned there was an assessment done of the redds, where the salmon spawn, at Big Bar. Could we have that report as well? You said a number of those redds were empty when you did the assessment, but we've not seen any redds that were empty in any of the evidence that's been presented to us. So I think that would be important.

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

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

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

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

The Chair: I appreciate that, Mr. Sprout, but the scientific assessment seems to have some holes in it, and it's been pointed out by all the members of the committee that it certainly appears, upon the surface, to be quite problematic.

I appreciate what you're saying about the timeframe, and it is only a personal assessment here, but I've certainly removed a few thousand yards of gravel in the past—not from riverbanks, but it can be done—and quite frankly, I still have difficulty. If the long-term purpose of this is to actually remove enough gravel to deepen the channel somehow and increase flood protection, and if you could remove the risk from the pink salmon totally by that narrow window of time, by simply doing it every second year instead of every year, on a continual basis, with no mitigation at all, no environmental damage whatsoever to the salmon resource, then perhaps that would be better than not allowing any extraction at all, if that's where this ends up.

● (1040)

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

The Chair: Very quickly, please.

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

The Chair: All right, go ahead.

Mr. Paul Sprout: The Fraser River has five species of Pacific salmon that spawn in it, and a number of non-salmon species. Those fish are present in the river, migrating downstream, after March 15. So even if you were to only remove gravel every other year, you would still have a problem of other salmon species being present. It's not just pink salmon. It's a very complex system.

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

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

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

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

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

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

The Chair: Thank you.

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

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

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

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

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

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

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

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

That is the notice of motion.

The Chair: Thank you.

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

[*Proceedings continue in camera*]

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