



Second Session, 38th Parliament

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REPORT OF PROCEEDINGS  
(HANSARD)

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SPECIAL COMMITTEE ON  
SUSTAINABLE AQUACULTURE

**Smithers**

**Friday, October 6, 2006**

**Issue No. 22**

ROBIN AUSTIN, MLA, CHAIR

ISSN 1718-1054



**SPECIAL COMMITTEE ON  
SUSTAINABLE AQUACULTURE**

Smithers

Friday, October 6, 2006

*Chair:*

\* Robin Austin (Skeena NDP)

*Deputy Chair:*

\* Ron Cantelon (Nanaimo-Parksville L)

*Members:*

\* Al Horning (Kelowna-Lake Country L)  
\* Daniel Jarvis (North Vancouver-Seymour L)  
John Yap (Richmond-Steveston L)  
\* Gary Coons (North Coast NDP)  
\* Scott Fraser (Alberni-Qualicum NDP)  
Gregor Robertson (Vancouver-Fairview NDP)  
\* Shane Simpson (Vancouver-Hastings NDP)  
\* Claire Trevena (North Island NDP)

*\*denotes member present*

*Clerk:*

Craig James

*Committee Staff:*

Brant Felker (Committee Research Analyst)  
Dorothy Jones (Committees Assistant)

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*Witnesses:*

Lloyd Austin (Suskwa Watershed)  
Ron Austin  
Taylor Bachrach  
Poul Bech  
Gil Cobb  
Nathan Cullen (MP, Skeena-Bulkley Valley)  
Elmer Derrick (Gitksan Treaty Office)  
Dave Evans  
Chief Adam Gagnon  
Chief Alphonse Gagnon (Office of the Wet'suwet'en)  
Curtis Gladstone  
Steve Hidber  
John Kelson  
Ron Langdale  
Tim Lenky  
Conrad Lewis  
David Loewen  
Chief Lucy Namox  
John Nelson  
Kathleen Ruff  
Stefan Schug (Office of the Wet'suwet'en)  
Gordon Tolmie  
Andrew Williams (Friends of Wild Salmon)  
Chief Woos (Roy Morris) (Office of the Wet'suwet'en)



# CONTENTS

Special Committee on Sustainable Aquaculture

Friday, October 6, 2006

	<b>Page</b>
Opening Statements .....	539
Adam Gagnon	
L. Namox	
Presentations .....	540
A. Williams	
C. Lewis	
C. Gladstone	
G. Tolmie	
J. Nelson	
S. Hidber	
N. Cullen	
Alphonse Gagnon	
R. Austin	
K. Ruff	
G. Cobb	
T. Bachrach	
R. Langdale	
E. Derrick	
D. Loewen	
P. Bech	
D. Evans	
S. Schug	
T. Lenky	
L. Austin	
J. Kelson	



MINUTES

# SPECIAL COMMITTEE ON SUSTAINABLE AQUACULTURE



Friday, October 6, 2006  
10:00 a.m.  
Yellowhead Room, Hudson Bay Lodge  
Smithers, B.C.

**Present:** Robin Austin, MLA (Chair); Ron Cantelon, MLA (Deputy Chair); Al Horning, MLA; Daniel Jarvis, MLA; Gary Coons, MLA; Scott Fraser, MLA; Shane Simpson, MLA; Claire Trevena, MLA

**Unavoidably Absent:** John Yap, MLA; Gregor Robertson, MLA

1. The Chair called the committee to order at 10:14 a.m.
2. Opening statement by the Chair, Robin Austin, MLA
3. Statements by Chief Adam Gagnon and Chief Lucy Namox, with Hazel Namox, Wet'suwet'en First Nation
4. The following witnesses appeared before the Committee and answered questions:

- |  |                                     |
|--|-------------------------------------|
| 1) Friends of Wild Salmon                                    | Andrew Williams                     |
| 2) Conrad Lewis  |                                     |
| Curtis Gladstone   |                                     |
| Gordon Tolmie  |                                     |
| John Nelson  |                                     |
| 3) Office of the Wet'suwet'en                                | Chief Woos (Roy Morris)             |
| 4) Steve Hidber  |                                     |
| 5) Nathan Cullen, MP (Skeena-Bulkley Valley)                 |                                     |
| 6) Office of the Wet'suwet'en                                | Chief Alphonse Gagnon<br>Ron Austin |
| 7) Kathleen Ruff   |                                     |
| 8) Gil Cobb  |                                     |
| 9) Taylor Bachrach   |                                     |
| 10) Ron Langdale   |                                     |
| 11) Gitksan Treaty Office                                    | Elmer Derrick                       |
| 12) David Loewen   |                                     |
| 13) Poul Bech  |                                     |
| Dave Evans   |                                     |
| 14) Natural Resources Department, Office of the Wet'suwet'en | Stefan Schug                        |
| 15) Tim Lenky  |                                     |
| 16) Suskwa Watershed   | Lloyd Austin                        |
| 17) John Kelson  |                                     |

5. The Committee adjourned to the call of the Chair at 1:59 p.m.

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Robin Austin, MLA  
Chair

Craig James  
Clerk Assistant and  
Clerk of Committees



FRIDAY, OCTOBER 6, 2006

The committee met at 10:14 a.m.

[R. Austin in the chair.]

**R. Austin (Chair):** Good morning. My name is Robin Austin, and I'm Chair of the Special Committee on Sustainable Aquaculture. I would like to take this opportunity to welcome you to the Aquaculture Committee's public hearings here in the town of Smithers. It's a real pleasure for us to be in your community and to hear directly from you about this important topic.

I would like to begin by recognizing that we are in traditional Wet'suwet'en territory. In just a few minutes, after we've all introduced ourselves, I'll be asking some members, hereditary chiefs from the Wet'suwet'en, to welcome us and say a few words.

For your information, today's meeting is a public meeting which will be recorded and transcribed by Hansard Services. A copy of this transcript, along with the minutes of this meeting, will be printed and will be made available on the committees website at [www.leg.bc.ca/cmt/aquaculture](http://www.leg.bc.ca/cmt/aquaculture).

[1015]

In addition to the meeting transcript, a live audio webcast of this meeting is also produced and is available on the committees website to enable interested listeners to hear the proceedings as they occur. Sometimes technical difficulties prevent a live broadcast, but an archived copy of the audio broadcast is retained on the committees website.

Let me also, for the benefit of the witnesses, read out the mandate that this committee has. The Special Committee on Sustainable Aquaculture was re-struck with the following terms of reference by the Legislative Assembly on February 20, 2006. The committee be empowered to examine, inquire into and make recommendations with respect to sustainable aquaculture in British Columbia and in particular, without limiting the generality of the foregoing, to consider the economic and environmental impacts of the aquaculture industry in B.C.; the economic impact of aquaculture on B.C.'s coastal and isolated communities; and sustainable options for aquaculture in B.C. that balance economic goals with environmental imperatives, focusing on the interaction between aquaculture, wild fish and the marine environment; as well as look at B.C.'s regulatory regime as it compares to other jurisdictions. The committee is to report to the House no later than May 31 of next year, 2007.

This morning we have a number of people working with us. On my right we have Doug Baker and Alison Braid-Skolski, who are here from Hansard Services. They record what is being said and, as I've mentioned, make sure that is available on the Internet. We also have staff here from the Office of the Clerk of Committees. At the front of the room there we have Brant Felker, a research analyst, and Dorothy Jones, a committees assistant. The Clerk Assistant and Clerk of Committees, Craig James, will be sitting on my right, shortly.

You are welcome to help yourselves to the material that Brant and Dorothy have laid out at our information table. Just before inviting the Chief to speak, I would like the members of the committee to introduce themselves, starting on my right.

**D. Jarvis:** My name is Daniel Jarvis, and I'm from the area of North Vancouver-Seymour.

**A. Horning:** I'm Al Horning. I'm from Kelowna-Lake Country.

**R. Cantelon (Deputy Chair):** I'm Ron Cantelon. I'm from Nanaimo-Parksville.

**C. Trevena:** Claire Trevena, North Island.

**S. Simpson:** Shane Simpson, Vancouver-Hastings.

**G. Coons:** Gary Coons, North Coast. I live in Prince Rupert.

**S. Fraser:** Scott Fraser. I'm the MLA for Alberni-Qualicum.

**R. Austin (Chair):** At this time I would like to ask Hereditary Chief Adam Gagnon and Lucy Namox and Hazel Namox to please say a few words.

### Opening Statements

**Adam Gagnon:** [Wet'suwet'en spoken.]

First of all, I'd like to take this time to welcome the panel onto the traditional territory of the Gitdumden band. The Gitdumden band is the Wolf clan in your language. It basically spreads to the top of Hudson Bay all the way over to the.... Chief Woos was supposed to be here to do the welcoming there, but I was asked by the office to come and stand in.

My name is Chief [Wet'suwet'en spoken], and I'm from the [Wet'suwet'en spoken] clan. This here is Chief [Wet'suwet'en spoken]. She's going to be one of the most heavily impacted by fish farms because her territory is up in the Morice, going up into the Morice-Nanika area, which is some of the most prestigious spawning habitat that we have. This is her daughter Hazel. They are [Wet'suwet'en spoken]. That's Big Frog. We were asked to do an opening presentation there as the Wet'suwet'en chiefs.

[1020]

There is not a lot to say about the manipulation of nature. It seems to be that the moment we go ahead and start manipulating nature for greed, we tend to overlook all the fine ecosystems that are so heavily impacted by our decisions. For example, we don't have to look very far to realize the impacts there that will be taking place if we were allowed to make concessions in the way of these live-trap fish farms.

We don't have to look too far. All we have to do is look. Back in the '70s there was Norway. Norway, for example, doesn't have any wild stocks left. They com-

mercialized all their fish. They now have corporations that basically run the fisheries.

It's really important to us as Wet'suwet'en to make sure that there's zero impact to our wild salmon. That's in the best interests of all of the Wet'suwet'en, the Gitksan and the Tsimshian — all of the people that share this watershed with us.

I'd like to welcome my friends from Kitkatla. They've come a long way to be with us today. It's very important here that we as Wet'suwet'en make a plea to them to honour our wishes and requests.

We'd also like for the panel here to be very sympathetic to the needs and the requests of the Wet'suwet'en, because the fish have always been our mainstay. I grew up with it. My mother grew up with it. Her mother grew up with it, and so on.

It's really important that every single scientific study that's taken place doesn't show it to be too promising to have these fish farms. There's been a lot of opposition down on Vancouver Island and the lower mainland, because they've seen first hand the impacts of these fish farms on their wild salmon.

It seems to me that our Premier promised these companies that they could move up the coast a little ways, a little further out of sight and out of mind. It is not acceptable and never will be acceptable.

It is really important that we are all one people. Each and every one of us in this room — we all share the same landscape. We share the same air. We share the same thoughts. There's no way that we could separate ourselves from one another. Whether you're Euro-Canadian, Asian Canadian, Afro-Canadian or the first nations from Canada, we are all the same people. We are one. It's really important that we stand together as one and make all the right decisions for our ecosystem.

We all know the impacts on fisheries. We know that we have a huge amount of detrimental impacts in regards to overpopulations of sea lice wherever these cages are, which impact our migrating smolts, all our fingerlings. When all the signs point in that direction, it's not hard to make the right decision and see to it that there is a complete moratorium on our Pacific coast in regards to fish farms. It's important to us.

There are aquaculture farms in regard to shellfish. They seem to be quite friendly, because the environment is a little more suited to them.

When you start looking at the impacts — the escapement.... When these fish escape, they move into other habitats. What do they bring? We don't know. Whether it be diseases.... We don't understand. We think we can just keep fish caged up, feed them antibiotics, keep them alive just so that we can feed them to people who don't understand.

[1025]

When we have people who are consuming this fish, I think there's really no conscience to the big corporations as to what they're feeding fellow Canadians. It's really important to us that we do everything we can as the Wet'suwet'en to make sure that this does not happen.

[Wet'suwet'en spoken.] Thank you very much.

**R. Austin (Chair):** Thank you, Chief Gagnon.

**L. Namox:** I can't say too much here because I'm grieving. I stand for my grandson [Wet'suwet'en spoken.]. He's out working, and I use his outfits here. He can't make it today. It's really important, so I had to come out this way — would rather be down in Hazelton today.

We got a message there that a grandson is missing in the river.... That's where we are every day, and I had to come on in here today. The last-minute message for me last night was that I had to come on in. I'd like to thank you, all of you — to be with you today, this morning. My daughter Hazel is here, too, who stands for me.

Adam has mentioned everything here. Nobody with us here. Some of them may be busy; they did not make it down today. So thank you, every one of you. After this, I have to go back to Hazelton.

**R. Austin (Chair):** Thank you very much, ma'am, and I'm very sorry to hear of your loss.

At this time I would like to ask the first witness, Andrew Williams, to come forward to the witness table, please. I'd like to just caution everybody who's here to make presentations, and I certainly don't want to limit what it is you have to say. I know this is a very important topic, and people get very passionate when they're making their presentations, but we are, as a group of MLAs, limited in terms of our time availability.

So I would ask that you try and make your comments within ten to 15 minutes, which enables us to have a few minutes to ask you questions. Obviously, if people speak longer than that, it makes it very difficult for others to have their own presentations heard. As I say, we are under a limit to get back to the airport at a certain time today, so I would try.... Please, if all of you would try and limit your comments to ten to 15 minutes, that would be great. Thank you so much.

### Presentations

**A. Williams:** Good morning. Thank you for that reminder, Robin. My name is Andrew Williams. I'm chairman of Friends of Wild Salmon. Thank you for this opportunity to speak to you again.

[1030]

This week I met with Dr. Craig Orr of Watershed Watch Society, one of the member organizations of CAAR. He showed me images of himself and other researchers visiting Marine Harvest fish farms in the Broughton. They were there to monitor sea lice and the company's treatment regime as part of the CAAR-Marine Harvest memorandum of understanding.

I took this as an encouraging sign of one aquaculture company's acknowledgment of the science that links open-pen fish farms to sea lice infestations that have devastated wild sea trout and salmon populations in nearby rivers in Norway, the west coast of Scotland and Ireland and, closer to home, the Broughton Archipelago.

Dr. Orr was hopeful that the CAAR-Marine Harvest cooperation would lead to a more effective use of SLICE, the anti-sea lice chemical, as an interim measure; a process of following Marine Harvest's farms on wild salmon migration routes in the Broughton, which had been shown before to be an effective technique; and further support for research on closed containment fish farms that would effectively filter their effluents. All of these steps would help to reduce or eliminate the existing farms' devastating impact on wild salmon runs in the Broughton.

Friends of Wild Salmon has made it clear that we support the CAAR-Marine Harvest agreement as a necessary step to mitigate the harm that existing fish farms are having in the southern part of this province. Even Dr. Orr acknowledges that the northern situation, where there are no farms, however, is a completely different situation, and there are some significant problems with this memorandum.

Marine Harvest is only one of several companies operating in the region. Grieg foods and Pan Fish, for example, have neither signed a similar agreement nor acknowledged the science linking their farms to the declines in wild salmon runs. Further, the recent merger between Marine Harvest and Pan Fish leaves even the companies unsure of what the memorandum of understanding is going to mean in the future. It has no binding legal obligations.

What is especially discouraging about the debate over the role of coastal aquaculture in this province is the strategy of the B.C. Salmon Farmers Association and the industry to continue to deny the science and to attack their critics. Rather than engage in constructive dialogue, they have chosen to hire the infamous PR firm of Hill and Knowlton to put a spin on this issue. These are the same people who told you there was no definitive cause-and-effect relationship between smoking tobacco and lung cancer, and they're using the same arguments now.

Even the B.C. provincial government now knows that the link between tobacco and lung cancer is true and is even considering suing the tobacco industry to recover the health care dollars spent on medical treatment for the tobacco industry's victims. What is it going to take to get this government to realize that it is generally accepted by fisheries biologists worldwide that where there are fish farms, there are declines and even extirpations of wild salmon?

When I spoke to this committee in June, there were several members who were disappointingly unfamiliar with the research confirming these statements and the dynamics at work between farm fish and wild fish.

Four months have passed since then, and I trust everyone's taken the time to inform themselves on this issue. But just in case, I brought in the latest research. I believe you have a copy. I will do my best to simplify it in layman's terms. Remember, I'm an English teacher, not a science teacher.

The situation is such. In the spring when newly emerged pink and chum fry are swimming downriver into the fjords and estuaries, the adults, who are the

hosts of sea lice, are far out at sea. Thus, nature has arranged it that the tiny fry are not exposed to large concentrations of sea lice at their most vulnerable stage.

When floating net-pens with huge densities of adult Atlantic salmon are placed in these fjords and estuaries, nature's safeguard is removed. Now the pink fry, weighing less than a gram and having no protective scales, must swim through a cloud of sea lice, with deadly impact.

[1035]

As this study by Krkošek, Lewis, Morton, Frazer and Volpe shows, the decimation can be up to 95 percent of the pink and chum salmon fry. Their study concludes that the high — and it's their language, not mine — pathogenicity and abundance of lice resulted in a farm-induced cumulative epizootic mortality of wild juvenile salmon that ranged from 9 percent to 95 percent.

In other words, continuing research shows that fish farms produce sea lice, sea lice attack wild salmon fry, and wild salmon fry die when they get attacked. These are the same conclusions reached several years ago by researchers like Dr. Paddy Gargan, head of the Irish Fisheries Board in Dublin, after studying for ten years the role of fish farms in the severe declines of wild salmon and sea trout on the west coast of Ireland.

Like so many other fisheries researchers, he's probably wondering why it has taken Canadians so long to accept the obvious. I understand that he and other European researchers are being invited to B.C. to a conference soon. I believe it will be in the spring. You'll be able to hear his observations first hand.

What I am sure you've heard in your travels from Rupert to Smithers is that fish farms of any sort are not welcome up here. We're not prepared to wait for that far-off day when the whole aquaculture industry decides to act responsibly and put our concerns about protecting wild fish before their profits.

One of the reasons these Norwegian corporations are so eager to operate off our coasts is that their own country has already taken drastic steps to control this industry and keep it away from their precious wild salmon rivers.

Again, you've got a copy of a summary of the Norwegian legislation. In June 2002 the Norwegian government proposed the establishment of national salmon rivers and fjords with the goal of protecting 37 of their most important wild salmon stocks. They've already lost 50 or more. This is to be increased to 50 in the coming years — about three-quarters of the wild salmon resource in Norway.

There is to be no human activity such as fish farming in 13 of 21 nearby fjords or coastal areas, and strict regulations will govern those farms which already exist. There'll be no new fish farm licences issued in any of the national fjords or rivers.

This proposal was accepted by the Norwegian government in February 2003, and there is supposed to be an update in 2005, which I have not been able to find at this point.

Given the problems with existing fish farms in the south of our province and given that the wild salmon rivers in the northern part of B.C. are a precious resource to all the people, as you've heard Mr. Gagnon explain, Friends of Wild Salmon ask this committee to propose similar legislation to the provincial government as that which the Norwegians now have.

Require all existing fish farms to operate in a way which does not harm the marine environment or wild fish stocks. Declare the Skeena, the Nass and all the wild salmon rivers of northern British Columbia to be national salmon rivers that will be kept fish-farm-free to preserve their valuable wild salmon stocks as a heritage for all Canadians.

**R. Austin (Chair):** Thank you, Andrew.

Do our members have any questions?

Your words were self-evident, and there are no questions.

At this time I'd like to invite Conrad Lewis up to the witness table. If all of you are going to speak, I just ask that before you speak, mention your name first so that we have on record who is saying whatever it is.

**C. Lewis:** My name is Conrad Lewis of [Sm'algyax spoken]. That's the house I belong to. My crest is [Sm'algyax spoken] or Killer Whale, and I am a descendant of Kitkatla. I'm pleased to be accompanied by fellow Kitkatla members, and maybe they could just introduce themselves.

**C. Gladstone:** My name is Curtis Gladstone from Kitkatla.

[1040]

**G. Tolmie:** Gordon Tolmie from Kitkatla.

**J. Nelson:** John Nelson from Kitkatla.

**C. Lewis:** I'm very pleased to have these guys stand beside me as we make our presentation.

First of all, I'd like to take a moment to personally thank the chiefs and the elders of the Wet'suwet'en and all its members for allowing me and my fellow Kitkatla members to come and speak to you, the Special Committee on Sustainable Aquaculture, in their beautiful territory, especially at this time of year. [Sm'algyax spoken.] Thank you.

Having said that, now to the committee. Surely I am no stranger to you, for I was inspired by the love of my people — all of Kitkatla, both on and off reserve — to deliver a message to you in Prince Rupert, a strong message from the heart.

Later, as I read the words that I was inspired to speak to you in the transcripts on the special committee website under appendix A, I was in awe to actually read every word that was spoken. It was very enlightening and was exemplified by the number of elders and members of Kitkatla as well as neighbours from Lax Kw'alaams, Kitsumkalum and Kitselas; as well as Haida Gwaii; and up the Skeena and Nass rivers, the

Gitksan, Nisga'a and Haisla. They rose from their chairs because the message being delivered was indeed the heart and soul of issues which we face daily from people who say they are our leaders and say they represent us.

I now submit to you appendix A. Before I do that, I'd like to read a letter that accompanies it from Lax Kw'alaams Band Council.

October 5  
Without Prejudice  
Robin Austin, Chair  
Special Committee on Sustainable Aquaculture  
Dear Mr. Austin:

We were surprised and unhappy to discover that presentations of first nations chiefs, elders, at the Prince Rupert hearing on June 19, 2006, were not considered to be on the record due to a technicality. We now attach the printed transcripts and request to be formally put on record and be considered in your committee's deliberations.

Importantly, this letter and its subsequent attachments are not intended to be considered as consultation.

Sincerely,  
Stan Dennis

On behalf of first nations presenters in Prince Rupert

The letter that I have is similar to that. It's just signed by me, Conrad Lewis. Again, we were both there, and I presented that to you, so I submit this to the committee.

To continue, we also met your group prior to the departure to our village to present you with submissions stating the hardship of having to continually go to Kitkatla for meetings concerning a wide variety of important issues, and in this particular case, open-pen fish farms.

I thank S. Fraser for raising the issue with Chief Councillor Clifford White — or C. White. His response was simply, "No, because you have another meeting tonight, and I will be there tonight as well," implying transportation is not a factor.

Later in the transcripts, the issue does, in fact, come up with at least a couple if not three speakers referencing the remoteness definitely being a factor when it comes to getting out and back to that community, especially if you have family — except, it seems, if you're one of the councillors on the Pan Fish campaign.

I have a submission that I've forgotten. Basically, it's a submission the same as I delivered to you guys prior to catching a plane to our hometown. It's from a young lady of Kitkatla descent who is of the same agreement. I'd also like to submit that. I don't have a copy to keep, so if I could get a copy to keep, too, that would be great.

[1045]

Now, I've presented you with the submission which is to be included, and the same ones which I gave you prior to boarding the plane to Kitkatla. I know I have till the end of the month to produce more. With my job and trying to qualify for EI, I have not had the opportunity to canvass as much as I would have liked to. I will definitely work on presenting more of those submissions.

Reference was also made by the chief councillors to being displeased that most of the people who signed the agreement were amongst the delegation that saw you guys off that morning. The response to that from the delegation that went down states that without a doubt only three people wilfully signed. The rest are very curious as to how their signatures showed up on such a document. They only recall signing a sign-in sheet for meetings down there.

We don't have copies of that document, but like I say, out of all the numbers on there, the delegation says that there are only three who actually consented to signing that document. Everybody else is trying to figure out how their signatures got on there.

Our hereditary system is a matrilineal system. We follow our mother's clan. Our house system follows that as well. These fish farm sites, and the minority group in favour of them, all are located in sites which belong to different houses within the community. No consultations were made, and if there were, they were neglected in opposition.

To bring it even one step further, the bulk of the few people in favour of fish farms are not stewards of the land, which means they belong to another house in another community.

I submit to you, having said that, a letter which was sent to the Department of Fisheries and the Minister of Agriculture by the late Chester Bolton, who was one of my uncles on my dad's side. He's my dad's late uncle. This one was dated July 11, 2005. On there, again, it states lack of consultation and disregard to what he says in his own territory.

Chester's letter was in 2005. Vern and others who supposedly say they need people are in fact misleading, pushing their own separate agendas, making statements that we had an agreement — a majority of Kitkatla people in favour of fish farms. This agreement in 2001 and the mysterious appearance of signatures.... Kitkatla members on reserve sent a strong message. There was 60 percent-plus on-reserve Kitkatla members who presented a petition against fish farms in our territory. I present that to you now, dated July 12, 2001.

The representative at that time looks to be Dora Moody, and there are a lot of on-reserve Kitkatla members who signed this petition at that time, displeased with what was going on, the lack of consultation and the disregard for the majority's wishes. That was submitted to the Kitkatla band, by the way, and to the Hon. Stan Hagen.

It was also painful to hear from the person who says he represents Kitkatla's economic development. Just about every last word he spoke seemed like it came out of a Pan Fish economic development handbook. This is small compared to what other potential economic opportunities could have been explored on Kitkatla's behalf.

I would like to convey to A. Okabe that right now within the wild salmon industry there are approximately 2,500-plus first nations employed in shore-worker jobs in our region. Out of that, easily 600 to 700-plus are of Kitkatla descent. So you would need an

awful lot of fingers on your hands to count the first nations people who benefit directly from wild salmon in plants.

[1050]

I stand on the teaching of my grandparents, my parents, my aunts and uncles and the elders of Kitkatla both on and off the reserve on our ways, our laws and our stories, our *ayaawx* and *adawx*. I speak for all, for we are all equal. We all have the right to speak freely, barring getting hostile. I may not like some things said or done, but I respect the things said and done.

Unfortunately, there are some that cannot say the same, for when they look the other way with you standing right in front of them and they pretend not to see you, it's painful. Yes, especially if they are a nephew or a niece. You take it with a grain of salt, for what is accomplished is true democracy, and time will heal all wounds. Thankfully, there are only a few of them that are doing that.

I now submit letters to the editor. I'll back up just one second here. I forgot with my uncle Chester's submission.... The house of Wiita Lii has now rectified its house, or is starting to set up its house again to stand strong as it was once before. Greg — and my uncle — is now the holder of that name, and he submitted a letter which we want to submit as well. It's a letter of caution. This letter of caution, believe it or not, deals with land-use plans. We think that fish farms are the only issues where we have lack of consultation and disregard with what the majority of house leaders and elders say. It happens in every facet of our band, so I'd like to submit that as well, along with Chester's submission.

So now I submit the letters to the editor, and this basically is me submitting it with the backing of my mothers, my aunts and my cousins who are all within the same house — trying to get our *ayaawx* and *adawx* in order, trying to explain to people that this is the way we do things, and the way that it's being done is not. We submit these as letters just to show examples of the things that we represent and say.

The last thing on my agenda is to quantify Kitkatla's opposition to fish farms. It would have been easier to list or quantify those in favour of fish farms. There'd be less paper — way less paper. Nevertheless, I now submit a petition that we circulated in April of this year. There are a bunch of people, both off and on reserve, in this one that are in Dora Moody's, the one I submitted earlier. The same names appear in there.

Some people have put Kitkatla beside them; some have put Prince Rupert. I was going to put a star beside the ones that put Prince Rupert that are actually of Kitkatla descent. I would do that after the submission if you don't mind. I haven't had the opportunity to do that at this point.

So we seem to have more time now to accumulate more signatures as they've cancelled the fall sitting of the Legislature and won't reconvene, I believe, until January. This is for your purpose. These petitions that I submitted to you were in hopes that our MLA will give us the honour of submitting them to the Legislative Assembly whenever it reconvenes. Whenever that

is, we plan on accumulating more signatures and submissions.

[1055]

Within the petitions, if you notice, along with Kitkatla — the very last paragraph on page 2, I'm halfway in it — other bands have displayed overwhelming support in the petition, in particular, huge numbers of support from Lax Kw'alaams and Gitksan and Wet'suwet'en. I didn't have Wet'suwet'en in there, but yes, they're in there.

If you really look at the speakers list from Kitkatla, the majority of speakers there who spoke in favour of fish farms were from Lax Kw'alaams. One was Gitksan. Only a couple from Kitkatla have creeks and land there. That's interesting to me. No disrespect to Lax Kw'alaams, Kitkatla or Gitksan is intended. It's just to show you that even within the minority of people that say they represent us, there are people that aren't even from that reserve or have houses or land or creeks.

In summary, the region's first nation cultures and identity are based on wild salmon. The north has a vibrant wild salmon economy that we wish to protect through the IBM report. Based on the present weight of scientific evidence, net-cage salmon aquaculture is neither sustainable nor safe for the marine environment. People on the north coast are united in opposition to any expansion of salmon aquaculture into the northern waters. We also definitely wish to see any and all salmon farms on the south coast phased over to closed containment to ensure the continued safekeeping of southern wild salmon.

Special Committee on Sustainable Aquaculture, our message has been suppressed long enough. We constantly hear the issue addressed as "split." The term split would indicate that there is an ability to go either way, for or against. I say to you and to all out there that indeed the message is controversial. The majority of Kitkatla people are saying no. A tiny minority is saying yes. So controversial, yet the message is so clear: no fish farms in the north. Let us move on to other more positive things so that the true north can be strong and fish-farm free.

Wet'suwet'en, chiefs, matriarchs, elders and members of your community, thank you very much for allowing me to come and participate in these proceedings. The majority of Kitkatla members are against fish farms and appreciate wholeheartedly the support from the estuaries of the Skeena and the Nass to the headwaters of the Wet'suwet'en all the way up to the Babines and way up in the north.

*Wai waa. Nim al git nee gin.*

I am Conrad Lewis. *Nawaaps Wiita Lii.*

**R. Austin (Chair):** Thank you, Conrad. Do members have any questions?

**G. Coons:** Thank you, Curtis, Greg, Conrad and John, for attending today.

Yes, I'd be pleased to present any petition that you may have when we do sit again. Thank you very much.

**C. Lewis:** Let us know when that is — okay?

**A Voice:** We hope February.

**R. Austin (Chair):** Thanks very much for coming forward and making your submission today — appreciate it.

I understand that we have another chief from this territory who has arrived — Chief Woos. I would like to invite him to come and say a few words if he's here. I welcome Chief Woos, and I believe he's going to be accompanied by David DeWit from the Office of the Wet'suwet'en.

[1100]

**Chief Woos:** Good morning, everyone. I just came back from Princeton. I got short notice when I got home. I'm sorry I didn't bring my regalia here. In our territory we would usually put our regalia on.

I just want to welcome everyone in Chief Woos's territory, which is the Grizzly house.

While I'm on the mike here, I want to say that we supported Prince Rupert last spring. Not at one time did you see our ancestors go out and have fish farms. We're all against that. Twice I went down there, and we supported.

Every year it seems like fishing is going down. Over in Vancouver we're looking at the fish returning — pretty good there. I wouldn't support that fish farm in Prince Rupert. I can tell you that. That's our food fishing.

All the way down the Skeena, the Gitksan people and the Bulkley, the Wet'suwet'en people, all the way up to Burns Lake. There's nothing returning. I'm just telling you what I've seen. You talk about fish farms. Our ancestors didn't have those. We're all against it.

Everything's been taken away from us Wet'suwet'en and Gitksan people. I support — up north, wherever we're being called... Adam and Alphonse have been with me. I went with them twice. I can tell you, forests — taking everything away. Mining — taking everything away. We keep saying no as Wet'suwet'en and Gitksan people. Yet they pulled the rug out from underneath us. They go ahead.

It doesn't matter how many letters we sign, we still lose out. Take a good look at the mining around, which surrounds us. Now the last thing, our food fishing — they want to take it away. We have mining right on Huckleberry Mine — tried to stop it about 12 years ago. Now we've got another one here in my territory.

The government keeps signing everything away from Wet'suwet'en and Gitksan people. What's next? What do you guys want next? Everything's been taken away. Take a good look at the world. They wouldn't let us cut a single tree. Forestry took everything away. Mining took everything away. Now another mine's started at Telkwa. One up here, Hudson Bay Mountain — ski hill. We cannot get off-road. Now you're going to do the same thing with these fish farms if they ever start it.

[1105]

I saw in 1949 you could just about walk across on so many fish in Moricetown Canyon. Every year we have to beg for the fish in Rupert. I don't like what's going on. I support Metlakatla and all those people, the coast people.

I can tell you the truth, what I've seen in my life. I was here way before the white people. I can tell you, they leave me with dirty water. You guys make enough money, and then you take off and leave everything behind. That's all the government is doing to us.

With this, I'd like to thank you very much for coming to my territory.

**R. Austin (Chair):** Thank you very much, Chief Woos.

At this time I'd like to invite Steve Hidber to come forward to the witness table, please.

**S. Hidber:** This is just a little three-part presentation for you: an introduction, something about the timing of the meetings and then a statement from my point of view.

My name is Steve Hidber. I've been in the sporting goods business ever since I was a little person, actually, because it's a family business that we've had in Smithers here since 1953. Fishing is a big part of our business. It constitutes about 45 percent of our revenues.

Our business regarding fishing runs basically May 1 through to the end of October, though we do a lot of business at Christmas time when people head out to the ocean ice fishing, and November 1 through to the first part of May as well. So it's all round through the year.

Even though we are four hours from Prince Rupert, I know Smithers and area benefit from the sport fishing industry, and I believe you probably all have seen and read the IBM study that attaches a value to the Skeena watershed. It's quite significant. I think it's in the range of \$110 million. That's kind of interesting.

The benefit goes to the guides; grocery stores; gas stations; hotels; motels; B and Bs; tackle shops, of course; restaurants; gift shops. I've probably missed a few there too. My comment is that without those fish and a healthy environment, I believe Smithers and area would suffer economically and socially.

Regarding the timing of these meetings from a business standpoint, the time of day and the season, this is a really busy time. I see there are a couple of guides here, head guides; it's pretty tough for them to be here. There are not a lot of business people or guides either, because of the timing during the day. Also, this is one of our busiest times of the year — September, October — because of the fishing industry.

A statement from myself: I'm not in favour of fish farms until such time that they prove to me that they don't harm the environment or the aquatic life. At this point the only thing I see viable, and I guess it costs a little bit of money, is to go to closed containment systems.

I believe the onus is on industry to prove that they will not harm the environment. This is a public resource that they're using, and it is for industry to prove that it is safe beyond doubt, as they will benefit from the use of the environment if it ever comes to the point where they can prove that it is a viable business. I'm not against business, but when it harms the environment and then harms other businesses and people who are using it, there's a problem with that.

The Skeena watershed. We have many other uses for the watershed which I feel would be adversely impacted by fish farms. Why would we sacrifice or put in jeopardy the other uses for an industry that we feel has not proven to be safe?

In closing, I find it interesting to note that we see many international anglers — obviously from all over the world — and I have yet to hear any excitement regarding the positive aspect of fish farms. They'll talk of loss of wild species and destruction of their fisheries.

[1110]

**R. Austin (Chair):** Thank you very much, Steve. Do members have any questions?

**S. Simpson:** Thank you for your presentation. Could you just tell us a little bit about the volume of business you do, in terms of not just yourself personally but the industry up here — the sport fishing industry and its importance to the area?

**S. Hidber:** I'm going to have to go back to the study to see what the total value is worth. I'm not going to tell you what my value is.

**S. Simpson:** I'm not asking for your....

**S. Hidber:** It's 45 percent of my business, which is significant. In September and October you walk the main street and go into any of the restaurants, hotels or motels. A lot of fishermen and a number of hunters, as well, frequent the area.

I'd say that we rely on that heavily at this time of year, especially in September and October. But we do see it through May 1 to the end of October, into November. It's worth a lot of money to us to keep that going.

**S. Simpson:** Big piece of the local economy.

**R. Austin (Chair):** Thanks, Steve, for your presentation.

I'd like to invite up to the witness table the Member of Parliament for Skeena-Bulkley Valley, Nathan Cullen.

**N. Cullen:** Good morning.

Let me first apologize for my costume. I just got off the plane from Ottawa and, for some strange reason, thought I'd leave my tie on. But sitting in this room with so many friends and colleagues that work hard on keeping this area a viable place to live and raise families, I feel a bit out of sorts in having this head choker of a tie on — and my monkey suit. But it is the costume that we wear, and I think it's important as an elected official representing this area of some 110,000 people that stretches from Fort St. James down to Bella Coola and Bella Bella, all the way up to the Alaska and Yukon borders — an area a little over 300,000 square kilometres, just a little bit bigger than France.

It takes in the interests and perspectives of an extremely diverse group of people. I'm sure that as colleagues and representing people, it's often a challenge in striking a balance between our own personal convictions and the diversity of views within our constituencies.

The context I want to speak to first. Let me start with a newsletter that we sent around the region more than a year ago, raising the question of open-net fish farms on the north coast. We attempted to provide a balance of views. This is what the proponents of the industry are saying, and this is what the opponents are saying. There was no newsletter I sent out that had a response card on the bottom that received more input than that single newsletter — almost more than all of our other ones combined.

What was most striking to me as an elected official was the diversity of opinions and views responding in direct opposition to the concept of open-net fish farms coming to the north coast. People would very clearly and forthrightly say: "I don't vote for you. I'm not planning to ever vote for you. I don't like your party much, but on this issue you must simply stop open-net fish farms coming into our region."

It struck me — and it struck many people who we showed these responses to — that on this one issue, if no other, the communities that rely on fishing for cultural or economic reasons found this particular concept the most challenging and difficult to accept of all the challenging ideas that are put forward in our fishing communities.

Of course, you've heard about the economic impact of what fishing is for us. It is vying with our logging industry right now. For Steve and the others who work in the industry, this is an extremely difficult time of year.

[1115]

I appreciate the committee, first of all, coming to our region and spending the time. I really do hope you're able to get out of these rooms of inspiration and talk with some of the people who rely on this resource for their livelihood and to put food on their table.

With the science being what it is right now — report after report in the peer-reviewed journals pointing to some serious concerns about, in particular, sea lice infestations on smolts — it seems that if you apply even the narrowest definition of what is known as the precautionary principle.... I'm sure committee members are familiar with this. It's a simple concept that says that when you are not 100 percent certain of all the risks involved, you must take the cautious approach rather than putting all those other things at risk.

People survive on this not only economically and culturally. I tend to think of this issue as one degree of separation. Everybody either fishes, knows someone who fishes or relies on fishing for their income or for their cultural supports. There is no separation of this from the communities and the cultures that I represent.

The decisions made about our watersheds and about this resource are removed from the communities that you are visiting. If there's no other thing that must be fixed in our system, it's the return of the decision-making power to the communities that are most affected by those decisions. When decisions about fish

farms get made in Victoria and when decisions about fisheries and oceans get made in Ottawa, the ability of people within our regions to actually effect change and make known the knowledge that is there is not only hindered; it's completely tossed away.

The fishing resources in these communities have been managed and managed well for thousands of years. To simply toss away that information, that wisdom and that experience is an error of the greatest proportions.

You as a committee have a very difficult challenge. Open-net fish farming and the concept of fish farming have become hot political issues. It has become a partisan issue. But in coming and consulting with our communities and hearing the testimony — from across the political spectrum, I would suggest — there's a certain responsibility.

I'm sure members of the committee who live in rural communities have experienced government consultation before. They have experienced what it's like to watch your community put forward its testimony, its opinions, its views and its knowledge and take the process seriously, only to have government come back with the conclusion that was likely drawn before the consultations even began. It can lead one down a path of cynicism quite quickly. Why engage? Why involve?

The committee has come forward and engaged communities in a consultation process. Your responsibility is to sincerely listen to those things and to draw your own conclusions from an intellectual but also intuitive basis.

Communities in the northwest, right from Fort St. James to the coast and out to the Queen Charlottes, have been hit economically over the last ten years again and again. While there are some prospects for economic prosperity around the corner, there's certainly no certainty. People are challenged. People are worried and concerned.

When the concept of open-net fish farms is presented to communities as some sort of viable economic option, immediately people must ask themselves what is put at risk. What is put at risk is one of the few things that actually works — the sport, commercial and residential fishing industries. The ability, the honour to be able to walk out and run a business with what is considered a world-class fishery — to put that at risk for minimal economic opportunities seems irresponsible.

Let me speak for a moment about the Department of Fisheries and Oceans. Not my nemesis. It's a bit strong. But a challenge to all elected officials that come from British Columbia.... There are many, many excellent and qualified people working in the DFO at the field level, trying to do good.

I can remember standing on the steps of one of the buildings in parliament last year with the Minister of Fisheries and Oceans. I grabbed him as soon as he'd stepped out of his car with his driver. I said, "Minister, I want your peer-reviewed science that tells us that open-net fish farming is safe to do," because he'd told me that the DFO had this in its possession and that it would be presented soon.

[1120]

He said: "Nathan, I'll get that to you in a month." Eight months later I cornered him again: "Please just

give me your evidence. Give me the thing that the DFO uses to say that it is okay to go ahead with the process of approving more open-net fish farms." The election came and went.

Now we have a new Fisheries Minister and a new government, and I've asked for the same evidence: "Let's have a debate on the merits of the science." Sadly, I'm still waiting. Sadly, I think all of us are still waiting. In that waiting, the risks are taken by the communities that are most involved.

The last thing I would like to leave you with as committee members is that if there is any recommendation — if there is any power that this committee has to step beyond the immediate politics, to step beyond even the immediate issue of open-net fish farms — recommend to the provincial and potentially federal governments that decision-making must be made on a more localized basis, that people in the communities... The wisdom and knowledge we've gathered over hundreds and thousands of years must be applied in how it is we manage this resource. This will actually give us the tools we know we can manage with. It will actually give us the authority and credibility in these regions to manage our resource.

I think it was Gandhi who once said, when asked about the British leaving India and what a mess the Indians would make of managing their own government: "We'd rather be managed poorly by ourselves than well by another." I think there is an important sentiment in that.

These communities are willing to take on the responsibility of managing our resources. We have examples of our success in doing that. We do it better than Victoria. We do it better than Ottawa. Recommend and allow us to make those decisions, and I can clearly tell you that one of the first decisions we would make is a complete ban and moratorium on open-net fish farms on the north coast.

**S. Fraser:** Thanks, Nathan, for coming all the way here. I know you just got off a plane, and I apologize if you heard my comment that I made to Gary about your tie. I meant it with no disrespect.

One of the issues that you touched on we've heard a number of times. It's around DFO. Since you're the MP for the area, I will keep my comment to that. There's been a seeming contradiction in mandates with that particular department as far as protecting the wild stock and de facto promoting the industry. That's been raised to our committee a number of times. Is that something you have probed at all, or are you planning on doing...?

**N. Cullen:** It's an interesting question. At the base level I believe the Department of Fisheries and Oceans is in a profound conflict of interest. I think it's a real challenge to the department that is given both the mandate to protect something and then, also, the mandate to promote an activity that may threaten the thing it was meant to protect. At an intuitive level, that doesn't make a lot of sense for me. On a bureaucratic level, it's a complete mess.

What you have is siloing — bureaucrats working against bureaucrats, departments not talking to each other because one has been given the mission to go and make as much open-net fish farming happen as possible and the other has been mandated to make sure that everything is done safely for wild fish. When evidence comes forward that says that might be in contradiction, who is meant to resolve that? Clearly, that goes up the chain. Someone's got to hold the bag on that, and that's the minister.

I can tell you that around Ottawa everyone wants into cabinet, but no one wants onto the DFO file. It's a lose-lose file. It's a place where politicians generally go to die. It's stressful, and they tend to leave with a lot less hair than others. It's a problem.

As an example, at a Fisheries Committee more than a year and a half ago I asked the head of the departments to please give me just the dollars and cents that they spend on the promotion, monitoring and science of open-net fish farms. "Just tell me what our tax dollars do in respect to this industry." "Yes, Mr. Cullen, we'll have that for you right away." There has been nothing. They have refused. It's a real challenge.

[1125]

**S. Fraser:** All right. If you get any answers at that level, I think the committee would appreciate hearing of that too.

**N. Cullen:** Absolutely.

**R. Austin (Chair):** Thank you very much for your presentation, Nathan.

At this time I would like to call forward a couple of Wet'suwet'en chiefs who have arrived here. They'd like to say a few words. If Ron Austin — no relation — and Alphonse Gagnon would like to come forward and say a few words.

**Alphonse Gagnon:** [Wet'suwet'en spoken.]

I'm Kloum Khun, one of the hereditary chiefs of the Wet'suwet'en, one of the house chiefs.

We are very concerned about the open-net fish farms at the mouth of the Skeena for the simple fact that as Wet'suwet'en, we're getting hit from both ends. We're getting hit from mining on the headwaters of the Bulkley and Morice rivers, Nanika. Then we got threats from fish farms at the beginning of our river.

We've got major issues already in the amount of fish that are coming back up the Bulkley. Chief Woos spoke about the amount of fish that there used to be when he was a boy, and it was very powerful. In the early to mid-'60s, when I was a little boy, I used to see major, major fish coming up the Bulkley.

Right now we're sitting in a situation where, as Wet'suwet'en, we have to start conserving some of the fish. We stepped up to the plate when the coho stocks were suffering. What we have to do there is just voluntarily get our people, the Wet'suwet'en people, to take less coho than they would normally have taken.

We're in a situation right now with the sockeye. The sockeye stocks are way down, and they have been down for probably ten years, I'm going to say, but the scientists are going to say it's probably quite a bit different than that.

As Wet'suwet'en, we're very concerned about all of this stuff that's going on, because our way of life includes fish, majorly. If you take a look at each and every one of the Wet'suwet'en freezers, you're going to find frozen fish in there. You're going to find canned fish in their pantries or in their kitchens. You're going to find dried fish. You're going to find half-dried fish. Not only that, but we're going to go a little bit deeper. Trade is still going on very strongly with the coastal communities — with the Haisla, with the Tsimshian, with some of the people from the Haida Gwaii.

You take a look in our homes. Again, you're going to find seaweed. You're going to find herring eggs. You're going to find oolichan, and you're going to find oolichan grease. This is very, very powerful for us. We're very connected to the coastal people.

The threat of fish farms is already doing that, for the simple fact that a lot of the foods we're getting are coming from the shoreline. Scientists are proving that we've got all kinds of fish waste washing up onto the shores. What it's doing is creating a very difficult situation for us as Wet'suwet'en to try to get some of the fish and the different sea life that we get in trade.

The other thing that I don't know enough about — but it's something that's slipping through — is section 35 of the Indian Act dealing with native food fish. We feel that we've got a right to the fish. We feel that we are a major voice in this whole thing because what happens at the headwaters is definitely going to affect how the Wet'suwet'en live our lives.

It's very important for us to be paying attention to all of this stuff. Section 35 has given us protection for the type of living that we have, and we believe very strongly that Wet'suwet'en need the fish. We don't need any more threats, because we've got it from mining, and we've got it from fish farms.

[1130]

As Wet'suwet'en, in our meetings it's not just Chief Woos. It's not just one of the chiefs. It was unanimous that the chiefs do not support open-pen fish farms. They never will, as long as it creates the threat that it is. If the B.C. government would seriously take a look at the detrimental effects it's had on other continents — South America — and realize that the same thing is heading our way, it would make it a lot easier.

There was some science that was produced last week on the news from the western universities. They made some comments about how detrimental fish farming was going to be along the coast of British Columbia. I'm not sure which minister came on right after and said that he wasn't really prepared to listen to just their science. What other science is he listening to?

I don't believe that the B.C. government or the federal government are putting enough resources to do their own science work. I believe that industry is lead-

ing them along, and I'm getting very frustrated about that.

I do believe that the people who are doing the work in the universities are genuine scientists that are working up and doing a very good job. I believe in their science a lot more than the words I heard from one of the ministers who commented after the scientists were over.

We as Wet'suwet'en wholly don't support fish farms at all. We believe that we're a major voice in this. That's how we stand as Wet'suwet'en. [Wet'suwet'en spoken.]

**Ron Austin:** My name is [Wet'suwet'en spoken], one of the chiefs from the Little Frog clan. My English name is Ron Austin.

I've been working with the fisheries since 1993. We've seen a decline that's increased in the past five or six years. It was in '93 that we had problems with the steelhead. The population dropped. The stocks had gone down. Next came the coho. The coho suffered. Stocks went down. Then came our food fish. Our main food fish, sockeye, also dropped.

We've noticed in the past few years the increase of sea lice and jaundice in the fish that are coming back from the ocean. That should be studied and carefully looked at.

Like Kloum Khun here, I do not support open fish farms. If there are going to be fish farms, they should be taken inland. That's the safest place for them, not out there in our environment and aquatics.

That's all. [Wet'suwet'en spoken.]

**R. Austin (Chair):** Thank you to both of you for coming here and presenting. I appreciate it.

**S. Fraser:** Just a comment and a question.

The report I think you're referring to was out of the University of Alberta. The primary funder for that was the federal government. It was the National Research Council, or it could be the National Sciences and Engineering Research Council of Canada. That's where the primary funding came from.

You touched on section 35. It is a good point. There's a federal issue that maybe should be looked at.

My question. I've probed this in various areas along the river systems here that are off the coast but still linked to the salmon. Has the council been consulted? I know your position on fish farms as a chief in council, but have you been consulted regarding fish farm sitings?

**Alphonse Gagnon:** Okay. The Wet'suwet'en office doesn't run with the same traditional government electoral system.

**S. Fraser:** Yeah, I know a little bit about it, but you'll have to educate me.

**Alphonse Gagnon:** We are a hereditary system, the same as Conrad's, one of the presenters. We've got exactly the same system. As coastal aboriginal communities, we do operate all the same.

I can't speak to that for the simple fact that we were expecting that our person hired to do this job was going to be looking after our concerns. That's why we're scrambling right now, because he never showed up. It was our fisheries manager. He had to go to another meeting somewhere else.

[1135]

As far as what I know, for Moricetown itself, I don't believe they've been consulted properly — just an initial meeting to consult with them that they would consider to be appropriate consultation. I'm not sure about the Office of Wet'suwet'en, because it was left on Walter Joseph's plate.

**Ron Austin:** I sit on the council, also, in Hagwilget as a member of the council. We have not been consulted. As far as I know, the Office of Wet'suwet'en has not been consulted on fish farms.

**D. Jarvis:** I appreciate your concerns about fish farms, but you got into the question of mining. Is that affecting your fish stocks?

**Alphonse Gagnon:** Yes, mining is another major problem we've had as Wet'suwet'en. We've got nothing but bad examples on our territory right now. When you take a look at the Equity Mine and you take a look at the fish stocks that used to be in what I used to call the Buck river — they changed it to Buck Creek — the effluent that was coming out of the Equity Mine has done big damage to the stocks that used to go up Buck Creek, or Buck river as I used to know it.

When we take a look at another old mine that was shut down before that... I knew it as Bradina. I don't know their major company name. It was operating just off the side of Owen Lake. That mine was shut down, and there were some heavy metals left behind or running into Owen Lake, again causing us some trouble inside that water.

We've got a major problem now with Huckleberry. I think it was last December that they got approval from cabinet to release — I'm going to be shooting off the top of my head — 25,000 litres of effluent or tailings pond water into Tahtsa Reach. Again, these are some of the things that have us as Wet'suwet'en concerned, because they are going to have a detrimental effect on us.

The other thing that was a major concern... We hear about the new sciences and the proof of new science, and we don't believe that the new science is any better than the paper it's written on. All of the stuff that's being done through due diligence is done on paper, and the protective measures we get are from the slick talk from industry coming along and telling us how well they're doing.

I went on the tour up to Huckleberry Mine, and I had a concern about the tailings pond. It was around about November. I asked if there was any chance that the tailings pond could slip, could break, and it was one of the managers of the Huckleberry who said: "Absolutely not." At that time there was shifting going on in the pond already. They were working on it, and they didn't release anything to the media about it until, I

believe it was, late January, early February, when they said that the tailings pond shifted by six inches.

This is the stuff we pick up on. We pick up on stuff from the media. We pick up some of the information that's out there. Some of it is fairly silent. Some of it just goes by the wayside, but it's really important to us. We as Wet'suwet'en feel that we are the keepers of the land, and we have to take a look at every sector of industry that's working on our territory.

We've got a lot of other people that will focus on just mining or on tourism. They'll just focus on lumber. They'll focus on something. We as Wet'suwet'en find ourselves having to learn a little bit about everything that's going on in our territory, and it's very overwhelming for us.

**D. Jarvis:** Two quick, little questions. Was there any leakage from that shifting? And the sockeye runs this year are pretty high. Have you not seen any effect up here?

**Ron Austin:** That watershed runs to the Fraser, so it wouldn't affect the Bulkley and the Skeena, but it would affect the Fraser.

**Alphonse Gagnon:** But it's on our territory.

We're using that as an example, but another thing that's happening is that the Huckleberry Mine is running out of ore in its present situation. It's looking at ore a little bit more northwest of where they're sitting. It's the headwaters of the Nanika that the waters will be flowing into. It is a situation that we're monitoring right now and are very concerned about.

[1140]

**R. Austin (Chair):** Thank you to both of you.

I'd like to invite Kathleen Ruff up to the witness table.

**K. Ruff:** I'd like to thank the members of the committee for the opportunity to participate today. I'll say right off the bat that I'm not a fisher. I don't do fishing. I'm someone who cares about the well-being of this area, about the environment, the local economy, the community. I think there are a lot of people like me.

I've spoken to people I've met — my neighbours, my friends — about the fish farm proposal, and I've found that just overwhelmingly they are against it. They think it's a bad idea. I have to say that the people I talk to, my friends and neighbours, don't always agree with me. But on this one I found that they do.

Water and air are part of the commons that belong to all of us. They're a public trust, not just for us but for generations to come. For sustainability and the health of the planet and for future generations, this is our responsibility. We can ignore it, but it's there. It's our responsibility.

I know it's not news to you, but we are destroying the planet and we are destroying the sustainability of the world. We're destroying a healthy planet and a healthy environment, and ultimately we're destroying a healthy economy. It might seem pompous, but you

may have seen a picture of the planet from space and it says: "Love your mother. She's the only one you've got." And it's true.

This may sound very airy-fairy and big words, but it's not airy-fairy. Ask the insurance industry, which is not involved with airy-fairy, feely stuff, as to whether these issues about global warming and destruction of the environment are serious and real. They will tell you for sure that they are very real.

We have a global crisis in water, in the way we've managed water and fish resources. We've seen the crash of the cod stocks. We've seen the depletion of fish stocks around the world in a hugely serious way. We've done this in a very short period of time. We've destroyed the commons, the fish that were available to people, and instead we've gone for quick profits with industrialized fishing and industrialized farming.

We think we know what we're doing, and we're told all these projects will make money and they're good for the economy. I'd just like to stop and look one moment and look at what happened in New Orleans with Hurricane Katrina. You can say, "That's a natural disaster," but was it? If you look at most natural disasters around the world, you find that in fact what was at the root of it was all projects going ahead without any thought of the consequences.

In New Orleans there was the destruction of the wetlands, the building of canals, the building of barricades so that the normal process of nature couldn't work. So we had a huge catastrophe. We see these kinds of catastrophes for water and for fish happening all around the world. We have a responsibility to think of the implications and the repercussions of these projects which we're told have no problems.

We've seen over and over again that there are problems, and we are depleting the fish stocks. A large part of the problem is coming from industrialized agriculture and industrialized fishing. We're told that these make quick profits, that they make sense, that they create jobs, but the long-term impact is unsustainable and is destructive.

For the fish farming, as I understand it, they use enormous amounts of fish to feed the fish in the fish farms. Again, we're depleting the resources of the world. We see massive use of antibiotics. And again, if you look at the evidence, this is an incredible threat to our health as humans and to our children.

We see the problem of the sea lice. A recent study — many studies — has shown it's more serious than what we thought. Again and again we see the same pattern. We see, "Let's go for quick profits."

[1145]

We ignore the warnings coming from environmentalists, coming from independent researchers, coming from academics. As the public, we're told: "Go to sleep. Don't worry. Just let these things go ahead." I think it's about time that we thought about the precautionary principle and our responsibility to the planet and the next generations, and that we allow independent voices to be heard and be part of the process.

We haven't looked at the cumulative impact of all of these endeavours. We have mining; we have fish

farms; we have coalbed methane proposals — on and on and on. Each one is looked at in isolation. That's not how the planet works; that's not how the environment works. It's like in New Orleans. Let's drain the wetlands; let's put up barricades; let's make canals — each separate. Each time we're being told, "Don't worry. Don't worry," with no one looking at the cumulative effect which led to the catastrophe and the destruction.

So we have these short-sighted grabs-for-profit, and it's sold as job creation. In the meantime it jeopardizes our local economy, which works, and a fishing economy that provides millions for the sustainability of this area and provides jobs and well-being for all of us in this area.

I have a question, also, about what kind of consultation is taking place. I appreciate very much the committee being here and totally respect each member of the committee, but it seems to me that what happens is that we get "consulted" after the effect, after the decision-making and after the idea to put forward these proposals. It feels that we're going through a form, a song and dance routine. The same thing happened with the coalbed methane hearings, the so-called consultations, last week here in Smithers.

My question is: why is it that first nations are not involved at the very beginning before any of the proposals are put forward? Why aren't the wisdom and knowledge of this area listened to before these proposals go forward? Why are environmental groups, independent academics and people knowledgeable about this issue who disagree with what the government is putting forward and who have other evidence to put forward not there right at the beginning? I always thought that was what democracy was about — that both sides get heard from the outset.

What we are left with here in the north is a feeling that we're being ignored. Our roots, our experience and our concern are being silenced and not heard until way down in the process. It raises the question: when these decisions are being made in Victoria, are we considered second-class citizens up here? I want to say to you, from my own self and all the others I've spoken to in this area, that we say no to these open-net fish farms.

**R. Austin (Chair):** Thank you, Kathleen. Thanks very much for your presentation.

I'd like to call Gil Cobb up to the witness table.

**G. Cobb:** I'd like to thank the hereditary chiefs of this territory for allowing this to happen. Thank you for being here.

I discovered this community in 1974. You'll have to bear with me. This is quite emotional for me. I was accepted with open arms as an outsider. I've worked in government in this province for 20 or 25 years. I am now retired. I live in two worlds. I own a house on Vancouver Island just across from Mitlenatch Island.

Claire, I believe you are the representative from that area.

[1150]

I've fished those waters since 1970. There were fish there; there aren't now. I believe that the demise of this resource has many facets. We're all part of the problem,

myself included, but I think it's time we all need to sit down and be part of the solution, as opposed to part of the problem.

I thank you all for coming to hear us on such very short notice. I'm somewhat appalled that I can only see the British Columbia flag on the wall and want to know where the Canadian flag is, because this is a Canadian issue. This is the very lifeblood of these communities.

I choose to live here. I do not have to live here. I live on the river. My native friends laugh at me. They say: "Gil, when are you going to stop playing with your food?" I understand their sense of humour, and I appreciate their sincerity. I've become part of their community.

I have a son who lives in another world — in the U.S. I have a son who lives on this river. My question is: what will be left for him? We are being attacked from all sides with this government of the day. The mining interests have a free hand. The Ministry of Environment doesn't exist any longer — they're not involved — because we now have the Oil and Gas Commission.

We have one party, the enabling party for fish farms, represented here, but we don't have the other party that should be at this table also. We're losing rapidly what is the last remaining wild fish in the world — well, in this world.

When I worked for government my only time out was in fact when I stood on the river on the opposite side of this town. My last job was managing development in this town. This town has very good standards. This community is inclusive. Everyone has a right to be part of it, and everyone has a responsibility to be part of the solutions.

I've been up since four o'clock this morning trying to write something. I don't know where to start because I'm seeing an end to a quality of life and to a community, whether it be logging at the expense of the future, whether it be mining at the expense of the future, or whether it be fishing. God knows I've killed a lot of fish. I try not to kill any steelhead. That's my personal preference. I only kill for my personal consumption. I've had the opportunity to be in the sports industry, but I've chosen not to.

As a sport fisherman and a member of this community these fish have given me sanity. We cannot afford to lose them. We cannot afford to risk it.

[1155]

The fish farm industry is well known throughout the world for its past record. I can't risk seeing that happen here. The fish farm industry's record is well known. I'm totally opposed to any open-net-pen fish farms on the west coast of Canada — period.

If you want to farm fish, farm them in your own damn back yard. I will rent you the water, and you will return it to me the same way I gave it to you — as clean water.

I want to see the Ministry of Environment charged with the management of these things. I want to see fisheries inspectors attached to the Ministry of Environment, not the Ministry of Agriculture, so they can do their jobs.

My personal opinion is that the Ministry of Agriculture is the ministry of yes. The Ministry of Environ-

ment is the ministry of no. The way we get around that is to simply move the provincial fishing inspectors over with the Ministry of Agriculture.

The solution to this, I believe, and to all of these is that the province, the first nations, municipal, federal and every person in these communities must in fact be involved in these decisions first.

**R. Austin (Chair):** Thank you very much, Gil, for your presentation. No one has any questions of you. I think you've spoken very passionately, and people have seen what it is you came to tell us.

I'd like to invite Taylor Bachrach up to the witness table.

**T. Bachrach:** Thank you to the committee and also to the Wet'suwet'en people, whose territory we're on today.

I'll try to keep this quite brief. My name is Taylor Bachrach. I live here in Smithers, where I work as a communications consultant.

Today I wanted to present to you some facts, but I can't help but preface them with some personal feelings on this issue. I do think that this is one of the most important issues we're facing with regard to the management of our environment and the stewardship. I think that the decision and the recommendations that this committee makes to government will certainly be remembered as significant.

I grew up on the upper Fraser River just outside McBride, B.C. I always knew that there were salmon that made it up that far. It wasn't until I was quite a bit older that I actually came to terms with the distance that they swim. They swim 1,300 kilometres up from the ocean.

I think that wild salmon are such a miraculous species and hold such an important place in our culture that we must take every chance we can to protect them. I think that your work as a committee is extremely important in this regard.

What I would like to present today.... Just speaking briefly about the mandate of the committee — as I understand it, it's to collect stories from individuals around B.C. about the impacts of aquaculture on them.

[1200]

I think we've heard a lot of those, and you've heard many more that are very compelling individual experiences about wild salmon and the aquaculture industry.

What I'd like to do today is to sort of present information at a more generalized level. I think that one of the — if not a stated purpose of the committee — obvious implications is that there's also a political role that will be played by your recommendation to government, with regard to the political feasibility of either instating a moratorium on fish farms on the north coast or pushing ahead with fish farm expansion.

The information I'd like to share with you today relates to that. I'm sure many of you will be familiar with a public opinion poll that was conducted in 2005 — lots of nods. I know that we're in the basement of the Hudson Bay Lodge around lunchtime under fluorescent lights, so listening to a detailed, statistical analysis is not going to meet with too much favour.

I'd like to just go through some of the key findings from that opinion poll. I think it does communicate some key messages about how people in this region feel about the fish farm issue, which we've heard from many people. This will sort of lend some numbers to that.

The opinion poll is called *Salmon Farming on the B.C. North Coast*, and it was conducted in April 2005, just prior to the last provincial election, by the firm McAllister Opinion Research, based in Vancouver. What the poll consisted of was a random sample of 600 B.C. adults residing in the three ridings of North Coast, Bulkley Valley–Stikine and Skeena, with 200 from each riding — also randomly sampled.

The margin of error is plus or minus 4 percent for the sample of 600, out of a population of 100,000, 19 times out of 20. Within the ridings, the sample of 200 has a margin of error of plus or minus 6.9 percent, 19 times out of 20, and plus or minus 5.8 percent nine times out of ten. It's good to get that out of the way.

I think what that means is that this is a representative sample conducted by a professional firm and that the findings hold some weight. All respondents were interviewed by telephone between April 21 and April 23, 2005.

I'm going to run through the questions. Some of the questions had to do with voter preference. I don't know if those are terribly salient today, a year later, but the questions regarding what residents of this area feel are the important issues around fish farming are quite interesting, as well as some of the cross tabs dealing with voter preference and how people with certain voting preferences felt about the fish farm issue. I think it brings up some interesting trends.

The first question deals with what residents feel are the important issues. The question is: "When you think of the various environmental and natural resource issues affecting the region in which you live today, what one issue concerns you most?" There were approximately 20 that were given. I'll just run through the top ones.

The first issue: forestry issues and deforestation, with 22 percent of respondents saying that is the one issue that concerns them the most. Following at 11 percent, salmon farms, fish farms and aquaculture. Further down, wild salmon and fisheries garnered another 5 percent. One interesting thing is that one of the options was, "environmentalists having too much influence," which none of the respondents chose as their top concern.

Moving on. The next question deals with support or opposition for fish farms on the north coast. The question is, as posed to the people polled: "Some people say that allowing open-net salmon farms on the north coast will benefit northerners due to economic benefits offered. Others say that open-net salmon farms should not be allowed because of the risks they pose to wild salmon that spawn in the Skeena. Based on what you currently know, would you say you support or oppose allowing open-net salmon farms on the north coast?"

[1205]

The results showed — I would say the most telling numbers — that the total number opposed to salmon farms on the north coast was 72 percent of respondents, with those who strongly oppose at 53 percent

and somewhat oppose at 19 percent. Total support for salmon farms was 15 percent, of which 9 percent only somewhat supported salmon farms. There were fairly insignificant numbers for neutral, don't care and refused — at 5 percent and 9 percent respectively.

The interesting thing here is that, as I said before, they did poll on party preference. From that you can get an idea of the decided voters who were going to vote for the three main parties in the election: the NDP, the Liberals and the Green Party. Of respondents who said they were decided voters who were going to vote NDP, 83 percent opposed fish farms on the north coast. This is the interesting number: of decided Liberal voters, 66 percent opposed fish farms on the north coast. I think what this shows is that it is an issue that cuts across party lines and concerns people regardless of political stripe. I think that's something that Nathan alluded to as well.

The next question has to do with the approach moving forward. The question is: "Gordon Campbell's Liberals have supported the expansion of salmon farms in B.C. coastal waters after having revoked a moratorium on new farms imposed by the NDP. Carole James's NDP say they would reinstate the moratorium on new salmon farms and encourage alternatives. In your opinion, which is the best approach?"

We see a similar response here: 62 percent supporting the NDP's policy of a moratorium and only 15 percent supporting the B.C. Liberals' policy of expansion of salmon farms on the B.C. coast.

This actually did end up being quite short. The last question, which I thought was interesting, deals with something we've heard about today, which is: how many people are either directly or indirectly involved in the fishing industry in this riding? The question was: "In the past 12 months, have you or any member of your household taken part in salmon fishing as a recreational activity?" And 47 percent said yes, so nearly half in the last 12 months had been involved in salmon fishing. I think that really speaks to the significance of these fish to the culture of the northwest.

That's all I have for you today. If you have any questions, I'd be pleased to do my best to answer them.

**R. Austin (Chair):** Thank you, Taylor. Shane has a question for you.

**S. Simpson:** Not just a question. I don't believe we actually have a copy of that poll in our records. I don't know whether we have that. I wonder if you could maybe just make the details available to the Clerk, and we'll be able to access a copy of that. It would be good information to get the full poll.

**T. Bachrach:** Absolutely.

**R. Austin (Chair):** I'd like to call Ron Langdale up to the witness table.

**R. Langdale:** Good morning. In 1954 I was still a teenager when I started commercial fishing, and I

fished continuously for 40 years, mainly on the north coast. For 30 of those years I was a seine boat skipper. I just retired a few years ago, not really by choice. I kind of got pushed out of it because it was getting so tough to make a living at it anymore.

Mainly, I have a little bit of knowledge I'd like to share with you. I appreciate what everybody is saying about the Skeena River fish when we're talking about this project of fish farms in this Ogden Channel area. I'd also like to bring up something that I haven't heard yet — the fact that there are a lot of local creeks in that area that produce a lot of fish.

[1210]

If we're going to assume that sea lice are a problem that affects the small fish when they come out of the creeks.... I saw the map a while ago, which showed where these fish farms were projected to go. Some of them are projected to go right in the mouth of spawning creeks in the bay, at the mouth of the creek. In that case, there might be a chance that some of the Skeena fish — the Skeena fry, when they're going out of the creeks — could avoid the fish farms. There's no way that a fish coming out of a local creek could avoid it if the pen is right in the way, right in front of it.

I think there were two or three of the applications that were right in.... They're not major fish creeks, but they're substantial creeks. One of them is Alpha Bay, for instance, which is right in the middle of Ogden Channel. I've seen as many as half a million fish try to spawn in Alpha Bay — pink salmon, particularly, and they're the ones that are most affected by the sea lice, apparently.

I'm not going to go on about federal fisheries. I could be here for two days telling you what I know about them. I just wanted to share that little bit of information with you just in case nobody's brought it up before.

**R. Austin (Chair):** Thank you. I appreciate you coming forward.

Does anyone have any questions?

**S. Fraser:** You were talking about.... You've seen as much as half a million.

**R. Langdale:** Oh yeah.

**S. Fraser:** When was that?

**R. Langdale:** It has happened more than once. It's not every year by any means, but there is a year when it happens.

I would estimate that in that area there are six or seven of those kinds of streams that are right in that projected area — right on that path where those fry are going to go out. The Skeena fish also. Not only the local fish but the Skeena fish are going to go right through that path too — through Ogden Channel, Petrel Channel, Principe Channel and Browning Entrance. That is the major migration route for those fish.

I would say that just those local streams alone, on a good year, will produce probably a million fish — never mind the Skeena run, which is major, besides that. It'd be very major. If somebody is finally admitting that sea lice are a problem, it's going to be a major problem for those local fish.

We call them local fish. That's what they are. They're mainly pink salmon in that area, but there are also others — coho and pink salmon — that spawn in there, and dog salmon. It's not mainly a sockeye area. Sockeye don't mainly come that way. They come a different route altogether. Ogden Channel is mainly the pink salmon route.

On some years when the weather conditions are right on the outside, when the run is hitting the coast, if we have a major push of westerly weather in that given year, it'll push the whole Skeena run down. They'll all come across the southern entrance to the Skeena — Browning Entrance and Ogden Channel.

If the prevailing winds are from the west in that given year, a major part of the run will go through the Ogden Channel. I'm assuming, although I don't know, that if the adult fish run goes in that way, the fry would more than likely go out the same way — I would think, anyway — when they go out to sea again.

If you have a prevailing southerly wind on a given year, then the fish is pushed mainly north. It comes in on the northern entrance to the Skeena, but those years when they come in the southern here, I've seen as many as — oh, I don't know.... Basically the whole Skeena run comes in through Ogden Channel. That's not every year, but it happens quite often.

**R. Austin (Chair):** Thanks. Gary has a question for you.

**G. Coons:** Just a comment, I think. Something that we have found out during our travels.... We were in Bella Bella and Bella Coola yesterday. Equally important to the science, and I've heard quite a few speakers talk about the science.... Equally important in my mind — and hopefully, as we move along here, in the minds of the committee — is local knowledge and traditional knowledge. I'm finding out that's a key to our deliberations, and that's a key factor. So the more we hear, Ron, the better. Thank you so much.

[1215]

**R. Austin (Chair):** I'd like to call up Elmer Derrick from the Gitksan Treaty Office.

**E. Derrick:** First of all, I want to thank the Wet'suwet'en *sm'ooygit* for allowing us to be on their territory. Thank you very much for letting us make a presentation here.

I wanted to thank the committee for allowing us to say a few words. I know that you've come a long way to hear what we have to say, so thank you very much for taking the time to listen to our views on this very important subject.

The Gitksan Nation has been quite forthright in terms of how we view what's been proposed in area 4.

We'll leave you with some very, very specific thoughts with respect to our views and the work that this committee has to do.

I know it's vital to our nation that you make the right decision. It's vital to the survival of our people who have very severe economic hardships to face at all times. It's important that you make the right decision at the end of the day so that we can continue to survive where we live.

In the past number of decades we've had a very difficult time trying to make a living where we are. Most of our communities around the Hazelton-Kitwanga area face unemployment rates of around 90 percent at the best of times.

I know that this doesn't relate to what's known as facts that you guys receive from Canadian statistics, but the reality of our community is that a lot of our people have to survive on \$185 a month in their welfare. We haven't had any people starve, and the simple reason is because they can fall back on the stores that they keep together throughout the summer and winter.

All of us depend on salmon. It's too bad that none of you have taken the time to go to any of our communities and experience how we live, but if you'd spent seven days in our communities, you'd have had at least seven meals of salmon. That's basic survival for us. That's basic survival. That's what our people live on — the salmon.

Over the past 30 years we've encountered very severe realities in the forest economy. Successive provincial governments over the past decades have allowed the forest economy to die on us. There's no sustainability in that forest economy in our area, simply because of the way the economy was allowed to develop.

A lot of the trees we have left are worthless, and as you know, the forest economy has died several times in the past 20 years. We have no real hope for anybody to make a living in the forest economy these days, and that reality is what our people face — both the natural Gitksan and the other Gitksan who live in the Gitksan territories.

[1220]

Public policy has not worked too well for us. Public policy has worked against us over the past several decades. We tried very early on in the game to warn successive provincial governments to be careful about how the wood was harvested, and nobody listened. Now it's at the point where we have to wait about 90 years before we see some kind of recovery, before we see some kind of sustainable forest for our people in the forest industry to make a living again.

The economy needs help, but our mode is survival right now. The economy needs help. You as a provincial government have to reinvest back in the land base. We've been trying very hard at our forestry agreement negotiations to get the Ministry of Forests to invest even \$5 million a year back in the land base. We're going to need to find a way to reinvest in the land base so that it becomes sustainable again. Right now it isn't, and there's no way that any person, any logger, any

lumberman can make a living in our area. That's part of the background that I wanted to give to you.

Our access to salmon is what keeps us alive. We have a right to survive as Gitksan within British Columbia, within Canada. The courts acknowledge that we have a right to be Gitksan in this province and in this country. It's up to you to listen and to enable us to do that. We can't do that without the survival of salmon. That's why we are strongly taking a position against any approval of a licence to establish a fish farm at Strouts Point.

With that background I'll go into our technical presentation. The Gitksan have responsibility to protect fish and their habitat for future generations of Gitksan. In furtherance of this responsibility, our fisheries department — which is called the Gitksan Watershed Authority, or GWA — sought consultation with British Columbia over plans to establish aquaculture on the north coast.

I am not the chief that's generally in charge of the Gitksan Watershed Authority. My name is Yoobx, and I hold title for negotiations over the treaty. My colleague Chris Barnes is the person who's in charge of the Gitksan Watershed Authority. I know that Chris and his staff have been in direct contact with your group.

Gitksan Watershed Authority is engaged in consultation regarding three sites. Petrel Point, Anger Anchorage, where all permits have been received.... Aquacultural licences from the ministry require yearly renewal, and we're being consulted on the first renewal of each of these licences. As you know, Petrel Point expired on February 16, 2006. The Anger Anchorage permit expired on December 11, 2005, and Strouts Point has received all the federal approvals and its licences of occupation from the province but still requires its agricultural licence from the provincial ministry.

The Gitksan Watershed Authority first wrote to the province requesting consultation in early 2002; the specific date is March 25. The first consultation meeting did not happen until late 2003 — December 11, 2003. The subsequent meeting did not happen until mid-2005 — May 13. Within these periods of delay all three sites received their licences of occupation, and the Petrel Point and Anger Anchorage sites received all of their required permits. British Columbia failed to uphold the honour of the Crown by granting these approvals prior to engaging in meaningful consultation with the Gitksan.

[1225]

We are particularly concerned about the proposed Strouts Point location. Over the past 25 years Lake Babine sockeye have comprised from 61 percent to 86 percent of Gitksan food fish each year, and I point out the importance of our access to that resource. DNA analysis done on stocks migrating past Strouts Point shows that the majority of fish passing by that site are Lake Babine sockeye. We have told British Columbia that our review of the science and the results of finfish aquaculture in Broughton Archipelago and other coun-

tries lead us to conclude that fish farms are not good for wild salmon.

The Gitxsan Watershed Authority has experienced great reluctance on the part of provincial scientists to seriously consider the implications of science work the Gitxsan Watershed Authority has been involved in on the north coast.

These implications are as follows: (1) the proposed salmon farm sites are in critical juvenile pink salmon habitat for the Skeena pinks; (2) the proposed Strouts Point site faces on Ogden Channel, and sockeye smolts from Lake Babine use this area; (3) the Anchorage area is within a high-prevalence zone for sea lice.

Despite having been engaged with the province in consultation over the Strouts Point site for some time now, we have yet to receive any indication that our concerns will be taken seriously and that our aboriginal rights to the salmon passing by this site will be properly accommodated.

Newly published peer-reviewed research by Martin Krkošek and others underlines the link between lice from fish farms and mortality of wild smolts. The researchers believe that fish farms undermine a key natural defence that salmon have evolved to protect their young from sea lice. In the natural environment young smolts travel to the open ocean along migration routes and do not cross paths with adult salmon that are likely to have lice, thus reducing the risk of transmission. However, fish farms that are placed directly in the path of migrating smolts cause a breakdown in this natural process and expose the smolts to sea lice infection from the farms.

In the study the number of juvenile salmon killed by sea lice increased over the migration season, rising from a low of 9 percent early in the spring when lice levels were low to a high of 90 percent in late spring when the area was teeming with lice. The study also showed that a fish farm will increase the abundance of sea lice on wild juvenile salmon for a distance of 80 kilometres from the farm site. There are references that you can find from this documentation.

Our studies on the north coast have demonstrated a similar pattern of habitat use and sea lice transmission. Existing problems in the Broughton Archipelago lead us to fear that there will be a similar future for Skeena smolts with fish farms located at Strouts Point, which is on a major migration path for Gitxsan food fish.

We say that with publication of this latest research, the debate is over. Lice from fish farms kill wild salmon. British Columbia must enact regulatory measures to protect our wild salmon for our survival. Fish farms should not be allowed at any time on or near migration routes used by juvenile salmon. While she stops short of agreeing that lice from fish farms cause problems for wild salmon, provincial fish health veterinarian Joanne Constantine did say that we had reason for concern in the meeting held late in 2005. With publication of these latest findings, it has been proven that fish farms have dramatic adverse effects on juvenile wild salmon.

Given the significance of salmon to our nation, we will be satisfied with nothing less than denial of the aquaculture licence to the Strouts Point location. Anything else will mean that the province has not meaningfully considered our perspective and what is at stake for us. We are asking the Special Committee on Sustainable Aquaculture to recommend that there be no expansion of salmon farms to the Skeena estuary, where the risk to wild salmon is greatest.

[1230]

**R. Austin (Chair):** Thank you very much, Elmer.

**S. Fraser:** The consultation, such as it was, happened in.... You had a first meeting in 2005 after requesting that meeting in 2002?

**E. Derrick:** Yes.

**S. Fraser:** In your opinion, was that consultation...? I don't want to judge whether it was good or bad, but in 2005.... Would that have occurred if you had not pushed for that consultation?

**E. Derrick:** It's hard to say, but we've been persistent. The only way we can be heard is to be persistent.

**S. Fraser:** Would Gitxsan normally be part of that consultation process automatically, do you think?

**E. Derrick:** We would hope for that.

**S. Fraser:** Yeah, you'd hope for that.

**S. Simpson:** In our last few days in Bella Bella, Bella Coola and here today, as well as in our earlier trips up the north coast, we have heard from many first nations. The positions have been passionate and unequivocal, and they are positions that share yours: that under no circumstances do first nations want fish farms in the north or the central coast. We're hearing that very strongly.

The exceptions to that are the Kitsoo in Klemtu, who have fish farms, and with respect to Conrad, of course, a portion of the Kitkatla who also are supportive of those farms. The advice that I would like from you, because I'm looking for some advice here, is that if we were to look at saying that the message is very clear that the first nations in their traditional territories are delivering us a very clear message that we should respect around this....

There are questions, though, around some shared territories where there are some differences of opinion within the first nations community. I would ask your advice. Would the proper thing for us to do in addressing those differences of opinion be to put those matters back in the hands of the first nations in those territories to resolve those matters among themselves?

**E. Derrick:** That's a good suggestion.

**S. Simpson:** Would that be a suggestion that would be supported by yourself?

**E. Derrick:** Sure.

**R. Austin (Chair):** Thank you very much for your presentation. I appreciate it.

I'd like to call up to the witness table David Loewen.

**D. Loewen:** Chiefs, elders, ladies of high esteem, ladies and gentlemen in the panel, I spoke to you in Hazelton and welcome the opportunity to be able to speak to you again here now, a few months later. I'm sure that your heavy reading over the summer has been rather enlightening for you.

A few things I wanted to touch on. Last time I spoke to you I was speaking more from an emotional point of view, and I'll try not to do that today, but I know that's pretty much impossible. As I told you in Hazelton, I was born in the Haisla territories in Kitimat. I was pretty much raised from about six months old in the Haida territory in Haida Gwaii. Now I live in Wet'suwet'en territory in the Gitdumden clan here in Smithers.

As you're hearing today and as I mentioned before, wild salmon's a pretty emotional issue, as is farmed salmon. What I wanted to touch base on today is I wanted to speak directly to your mandate and some of your positions there.

Before I do that I wanted to go back to some questions that I asked of the panel when we spoke in Hazelton. A couple of comments were made. Unfortunately, Mr. Jarvis isn't here at the moment. I wanted to correct maybe some misinformation that he had. Maybe I need to be corrected as well — I'm sure some of the Wet'suwet'en folks here could correct me — but from what I understand, the sockeye run in the Skeena River was not healthy this year.

[1235]

The Babine run may be healthy, but it's heavily enhanced. From what I understand, and I could be corrected if I'm wrong, it was a voluntary.... The Morice sockeye run is in a lot of trouble. It was a voluntary release up in Moricetown Canyon, I believe. So I wanted to make sure that was known, that the sockeye run was not healthy in the Skeena this year. Maybe the enhanced run was but not the wild runs.

Interjections.

**D. Loewen:** Yes, Bulkley is very poor, and the Babine run is healthy. I'm very fortunate that I'm able to fill my freezer with sockeye fish from the Babine run. It is enhanced, and that's a benefit. Just to correct that.

The next question that I wanted to raise has to do with your mandate about the economic and environmental impacts of the aquaculture industry in B.C., mandate one. This number keeps coming up that I'm really confused about, and I asked Ron about it specifi-

cally — where the \$600 million is that the B.C. aquaculture industry has. I just wanted to confirm with you that you had told me that it was from Agriculture Canada's stats that the aquaculture industry in B.C. puts \$600 million into the economy.

**R. Cantelon (Deputy Chair):** It's from agricultural stats, and there are a couple of numbers that are varied. One is the wholesale versus the retail value, so you get a wide range of interpretation of the value. But one of the things that we're doing — because there are numbers, there are numbers, and there are numbers, and we all know about that — is that we've engaged a third party, a highly reputed management consultant, to give us real numbers throughout the spectrum. So I don't want to deal or quote more numbers until we have the results of that study, and it will be very useful and helpful to see.

**D. Loewen:** Yeah, I would say so. Mr. Austin, you had made a comment, too, in the Campbell River hearings. You had corrected someone who had said \$6 million. You said \$600 million, and then I noticed in conversation with Gregor, who's not here, questioning that....

I searched everywhere for anything in B.C. that said \$600 million, and I've got to tell you that I can't find it anywhere. When I looked on the government of B.C.'s ministry, aquaculture revenue was about \$287 million — \$600 million total in all of Canada. So that includes the east coast as well. Yeah, nowhere close in there. So that's all the ministry forums.

I've looked here as well. I've got the agrifood industry and farm community, Statistics Canada — searched through there. Again what I find is that in 2004 British Columbia leads the pack by far. In 2004 its production was worth \$227.8 million for 43 percent of the total.

Going on the Stats Canada website I found a 12.2 percent drop in 2004 — \$283.2 million. Checking other Stats Canada again, the 2004 total for all of Canada — \$726 million; B.C. in 2004 — \$316 million. Aquaculture statistics from Statistics Canada in 2004 are again the same numbers — \$200 million, maybe \$300 million. It's nowhere close, so my hope is that you do get some reliable information.

Also, my hope is that the panel doesn't continue to put out misinformation in terms of how much the aquaculture industry in B.C. puts in, because we can see that that's not quite true.

Moving on, one of the things that I wanted to speak to you about in terms of that mandate number one was jobs. I went to the B.C. Salmon Farmers Association website and I found some numbers there. We've heard rough numbers again. I know it's hard to estimate this — about 1,800 direct jobs in the industry. There are 83 active farm sites and 121 tenures.

When I do the division on that, and I know there have been some questions about that, I do divide the 1,800 direct jobs by 83 active farmsites. I come up with about 21 to 23 employees per farmsite. That seems a little high to me. That doesn't seem very accurate.

**R. Austin (Chair):** The majority of jobs that we've observed in our visits don't actually take place on the fish farms themselves. I think it's fair to say that the average fish farm on any given shift has maybe three or four people working there.

**D. Loewen:** A handful.

**R. Austin (Chair):** A handful. The majority of the jobs that are tied to aquaculture are actually in the processing side. They're in the fish processing plants that are close to the fish farms. I would probably say that 80 percent or 70 percent of the jobs are tied to that.

**D. Loewen:** I can appreciate that.

**R. Cantelon (Deputy Chair):** I think you make a good point. We not trying to give out information; we're trying to gain information. That's why we've instructed the firm.... Do you have the name of it offhand?

**R. Austin (Chair):** MMK Consulting.

**R. Cantelon (Deputy Chair):** MMK Consulting. It's going to amass all these numbers that you're very interested in, and so is the panel. We'll have good empirical data that we will then refer to once we have it in our hands.

**D. Loewen:** Good. I hope that's in the final report.

**R. Cantelon (Deputy Chair):** It certainly will be.

**D. Loewen:** I just wanted to raise that point, that it's pretty high. Even if we look at the total tenures, that's about 12 to 16 per farm or per tenure. It just seems very high to me.

[1240]

Last night one of the other speakers said he was up at four this morning. It was about the same for me. I was taking a look over this. I looked at the government of Norway website, and this has been brought up in the past as well. There are about 3,000 sites in Norway and 1,288 installations. This is from their website, October 2000. These are their numbers — 3,700 jobs total. Norway is the leader in aquaculture in the world, and they only have 3,700 jobs.

They're pumping out 414,000 tonnes of salmon and 42,000 tonnes of sea trout. That works out to about one job per 120 to 150 tonnes. If you look at B.C., we're putting out 72,700 tonnes. We've got about 1,800 jobs. That's about one job for 40 tonnes. That's a pretty big discrepancy.

At some point in time — now that there are only six major corporations running fish farms on the coast — if you look at economies of scale, it's not going to increase employment by putting up more fish farm sites. It's not even close.

Think about it for a moment. I'm a consultant. If I have a little company and I'm one employer and I hire

one person.... If I hire five people, I don't hire someone else to take over. If I hire ten people, I can probably still manage. Then if I hire 15, maybe I need to hire someone else to give me a hand.

Just because a fish farm company has one site, that doesn't mean it's going to double when they have another site, and it's not going to double again when they have four sites. It doesn't work that way.

What I would like to ask the panel is: is it really worth it? Is it really worth it to be increasing fish farm aquaculture for 3,700 jobs in aquaculture? As I've already heard today from the fellows that travelled here from Kitkatla, there are 2,500 jobs in the wild salmon fishery, and a lot of those go to first nations descent. That's what we should be concentrating on, not on aquaculture development — not even close.

I've already gone a little bit local, but I wanted to go a little bit global. Again, in the mandate of the panel, number 1: "The economic and environmental impacts of the aquaculture industry in B.C." This goes to some comments that came up in previous panel hearings about the ratio: how much feed does it take to produce salmon?

As we know, the United Nations Food and Agriculture Organization has warned that fisheries are on the decline worldwide, with virtually every commercial fish species "overexploited, fully exploited or depleted."

Fish species are being taken from the seas faster than they can regenerate. In a quarter of the world's marine fishing regions, the catch has shrunk by more than 30 percent. That's according to the Worldwatch Institute, not the United Nations. There are also threats from pollution and so on.

The question came up in your Tofino hearings on June 6. I was kind of concerned about the comments, but I don't want to take it out of context. Ron, what you had said to Celina Tuttle, I think, who was making a.... You asked: "Could you quote the source so we could look at that, examine that as a fact? I can't take it from you as a fact, since you admit you're not a scientist."

I wanted to add that there are quotes in a *Science* magazine article, October 1998, volume 282, number 5390, pages 883 to 884. The source, coming from the International Aquafeed Directory, is: "Carnivorous in the wild, farmed salmon currently depend on a diet that is 45 percent fishmeal and 25 percent fish oil. Research is leading to reductions in fishmeal contents of feeds and improved conversion efficiencies of feed to salmon flesh. Nevertheless, in 1997" — this is a bit old, but maybe we're moving along and doing a little better — "about 1.8 million tonnes of wild fish for feed were required to produce 644,000 metric tonnes of Atlantic salmon."

That's a ratio of 2.8 to 1 of how much we need to take of marine protein to make salmon. I can actually pass that reference on to you. "The European salmon farming industry requires a marine support area for feed estimated at 40,000 to 50,000 times the surface area

of cultivation, and equivalent to about 90 percent of the primary production of the fishing area of the North Sea. Consequently, it depends heavily on fishmeal imported from South America."

It takes a lot of fish to feed fish. It takes a lot of fish to be involved in aquaculture. If we take a look at the numbers and think about globally....

I pulled this off the Canadian Aquaculture Industry Alliance website, in looking at the environmental scan. "The annual sustainable yield of marine-captured fisheries is estimated at no more than 100 million metric tonnes. The bulk of the increase in supply, therefore, will have to come from aquaculture."

[1245]

To meet the growing demand for food fish globally, fisheries production reached 130.2 million tonnes in 2001. That means that we're 30 million tonnes over what's considered sustainable. If you look at what they said in their report, ten million tonnes went to aquaculture feed, and — I was kind of surprised by these numbers — 22 million went to pigs and cows.

Going back to the *Science* magazine report from 1998, about 29 million tonnes of finfish and shellfish were farmed worldwide in 1997, a significant contribution of world fish supplies until you subtract the additional ten million tonnes of wild fish harvested for feed that year.

In other words, ten million tonnes of herring, mackerel and sardines that could have been directly consumed by people or wildlife ended up as processed fishmeal instead. Another 22 million tonnes, as I mentioned, went to pigs and cows.

We're already 30 million over what's considered sustainable; 32 million or 33 million, give or take some change, is going to pigs, cows and farmed fish. If we're already pushing the limits, then maybe we should be finding other ways to reduce and take on a global responsibility, not just a B.C. responsibility.

Number 2 of your mandate: "The economic impact of aquaculture on B.C.'s coastal and isolated communities." I've already spoken to that in terms of the jobs.

One of the really big things that I wanted to bring up today, and one of the themes that you heard from Mr. Cullen earlier and from some other folks as well, is: who really has the burden of proof? Should it be the proponents of aquaculture that have the burden of proof, or should it be the opponents of aquaculture?

When you start to look at aboriginal rights and title in treaty settlements, which is where I'd like to finish off.... I'll come back to that. I think the burden of proof lies more with the proponents.

As well as the sustainable options, which is your mandate 3.... I'd like to touch on that. I know I'm pushing on time here.

Number 4 is the regulatory regime. I made comments in Hazelton where I said that it's pretty hard to find any information on the regulatory regime. Luckily, I found some information. I found this four-page salmon aquaculture comparison of regulations on the MAFF, the B.C. Ministry of Agriculture....

One thing that I found really interesting on these two pages — it's probably more than that; I've printed it off on a couple — is the comparison of regulations in terms of the issues of fish health.

The first thing it says is that B.C. is a world leader in fish health regulation for marine finfish aquaculture. I thought that was a rather subjective statement when you're comparing regulations. Why are you not just stating facts? Why are you stating opinions when you're comparing regulations? How can I really start to compare here?

If I move to waste management: "Although jurisdictions require environmental monitoring, MAFF" — Agriculture — "and WLAP" — the earth, wind and fire ministry — "the requirements, in conjunction with federal Canadian environmental assessments, far exceed those of other jurisdictions." Rather than telling me that, why don't you show me, if I'm going to go in and make educated comments about this?

One thing I found really interesting in looking at escape prevention and at other areas is that there's the best management practice. Best management practice is one of these great things we're seeing thrown all over the place. It can be used well in some places.

I wanted to read you a best management practice code of ethics from a particular company. This code of ethics was of such wide interest that the political history division of the Smithsonian's National Museum of American History accepted it for its permanent exhibit.

I'll read it to you. The code included the following declarations. "We do not tolerate abusive or disrespectful treatment. Ruthlessness, callousness and arrogance do not belong here. We work with customers and prospects openly, honestly, sincerely. Every employee is expected to conduct business with other employees, partners, contractors, suppliers, vendors, customers, keeping in mind respect, integrity, communications and excellence."

It goes on and on, on how they don't.... It includes but is not limited to the U.S. Foreign Practices Act.

"Agreements, whether contractual or verbal, will be honoured. No bribes, bonuses, kickbacks, lavish entertainment or gifts will be given or received in exchange for special position, price or privilege. Relations with the company's many publics — customers, stockholders, governments, employees, suppliers, press and bankers — will be conducted in honesty, candour and fairness."

You might guess whose code of ethics that is. That comes right off of Enron's website. So we do have to be diligent, when we adopt best management practices, that there is some enforcement behind it.

Some questions came up today — I'm running out of time; there's so much to cover here — about DFO mandate. Again, I don't want to get into it, because I could go for days. But when you're dealing with a schizophrenic organization such as that, which has conservation of wild stocks on one side and managing aquaculture on the other, you've got some serious problems.

I'm hoping that in the final report, there's some serious consideration given to the problem there. DFO should be involved here. They're a very important part of it.

DFO is the federally responsible ministry for conservation of salmon. They carry the honour of the

Crown when we're dealing with aboriginal rights and title. That's a very important thing that this panel needs to consider, which I haven't seen brought up a lot until I was hearing some of it today. You're hearing it from some folks. I'll leave the DFO file for another day.

[1250]

Moving on, I found this interesting quote from your May 18.... I know I'm getting tight on time here. It's from Ron again. Sorry to pick on you, Ron.

**R. Cantelon (Deputy Chair):** Feel free.

**D. Loewen:** This is where you guys were bickering about who should be presenting where, when, who from which ministry, who should be coming and who was responsible for being there — back when you were first starting. Ron, you made the point: "Certainly, the point was made very clear to us by people that the regulations in the '90s were hopelessly inadequate."

I think we all knew there were virtually no regulations. When I start to hear stuff about how Atlantic salmon are not colonizing the streams and so on, I wonder how many escapees there were during the '90s when there were no regulations, and we know they were hopelessly inadequate. How big a problem do we have out there?

The salmon life cycle is four to six years. Through the '90s, how many escapees did we have, and how many Atlantic salmon are we having in those streams? As you heard in Hazelton, the owner of the Alpenhorn pub here in town caught an Atlantic salmon in the upper end of the Morice last year. They're in there. They're out there. You can't depend on the Atlantic salmon watch program to be giving you the numbers.

One, I need to know how to identify Atlantic salmon. Two, I need to know that there's a number to call and that this program is in place. You can't be using those sorts of numbers, and I've seen that put out there a lot.

Quickly moving on. "Fish farms kill wild salmon, study finds." Right off the CBC's website. We've already heard that today; 95 percent of wild young salmon that pass by them are being killed by fish farms. You look at the time lines, the salmon aquaculture and the amount of escapes. Right now 40 percent of the salmon in the North Atlantic are from fish farms. I could give you the sources for it. It comes right off the specific sites.

I found some interesting stuff from the West Coast Vancouver Island Aquatic Management Board, a very neutral organization. Some 33,000 fish escaped into Muchalat Inlet when they had to mate. They didn't know what the problem was. It was reported to the ministry. The ministry said: "Well, you don't have to report that right now."

Lars Petter Hansen, Norwegian Institute for Nature Research. One-fourth of the salmon spawning in the Norwegian rivers and streams are escapees from fish farms. In 1990, during a series of storms, which we have a lot of on the B.C. coast — I grew up on Haida Gwaii, and I know about them — four million fish escaped Norwegian fish farms.

In 1992 another large breakout occurred during a hurricane. In 1995, 200,000 to 650,000 escaped. In the Salt Fjord near the city of Bodo, 90 percent of salmon netted over several weeks in 1996 were identified as farm fish. Also, DNA studies in the Magaguadavic River in New Brunswick, which has been very prevalent in scientific studies, show there has been an unwelcome cross-breeding between wild and farmed salmon.

Major problems. *Review and Synthesis of Environmental Impacts of Aquaculture*, from the Scottish Association for Marine Science, Escapes 7.9: "Escapes from salmon farms probably represent a serious threat to wild populations of salmonids.... The magnitude of escapes varies over time, but typically escaped salmon may be greater in number than the estimated population of wild salmon in farming areas." It's a real problem, which brings me down to a couple of final points I want to make with the little bit of time I have.

A legal review recently in Washington found that farmed salmon as an introduced species could be considered a pollutant. When it comes down to aboriginal rights and title, I wonder where the government takes a review and finds out how much of a pollutant is allowed to go into certain systems. We already have the pollutants here. We have introduced wild salmon coming through the system.

I quickly want to mention that the Fraser Institute released a report called *Escaped Farmed Salmon: A Threat to B.C.'s Wild Salmon?* About five PhDs attached their names to it, but there's no research.

A quick analysis of the law. The duty to consult originates in the fiduciary duty imposed on the Crown under its responsibility for aboriginal peoples, as discussed by the Supreme Court of Canada in *Guerin v. the Queen*. In *Haida 1*, Justice Lambert confirmed this when he wrote:

"The roots of the obligation to consult lie in a trust-like relationship which exists between the Crown and aboriginal people of Canada. The duty to consult is an enforceable legal and equitable duty. The question of whether the duty was fulfilled arises in the context of the Sparrow test for justification. Assuming that an aboriginal right and its infringement has been established, the courts look at whether the Crown can justify the infringements."

I ask whether the Crown can justify its infringement right now of introducing pollutants into Wet'su'wet'en and Gitksan territories. One of the considerations is whether the aboriginal group whose interests were infringed was consulted, and we're hearing that that is a bit of a challenge right now.

[1255]

"Whether the aboriginal group has been consulted is relevant to determining whether the infringement of aboriginal title is justified. To justify the infringement, the Crown must demonstrate it was acting pursuant to a valid legislated objective and that its actions are consistent with the fiduciary duty of the government towards aboriginal peoples.

"In the wake of Gladstone, the range of legislative objectives that can justify the infringement of aboriginal title is fairly broad. Listed objectives include the development of agriculture, forestry, mining, hydro-electric power, the general economic development in

the interior of B.C., protection of the environment, endangered species, the building of infrastructure and so on and so forth."

It is a question of fact whether a particular measure can be explained by reference to one of those objectives.

The second aspect of the test involves examining the fiduciary duty. The duty to consult becomes important at this stage. In *Haida 1*, Lambert cited Sparrow, R. v. Gladstone and Delgamuukw in holding that the duty, if discharged, is an element among the circumstances that would justify a prima facie infringement. The Crown must satisfy all aspects of the test.

Thus, in *Halfway River First Nation v. B.C. Ministry of Forests*, even though all the criteria were met, "justification of the infringement has not been established because the Crown failed in its duty to consult." We've heard that all day. It would be inconsistent with the honour and integrity of the Crown to find justification when that duty has not been met.

I don't want to keep on reading here. I want to respect that there are other people to speak behind me. What I'm holding here is the provincial policy for consultation with first nations, October 2002. It lists aboriginal rights defined from the Van der Peet decision of 1996 and the integral test.

I also wanted to read this one, the third bullet of the Van der Peet decision: "Aspects of aboriginal society that are true of every society such as eating to survive do not qualify as aboriginal rights, nor do activities that are incidental or occasional to the aboriginal society. However, particular sustenance activities that were integral to the aboriginal society, such as fishing for salmon by first nations, will qualify."

I wanted that point made pretty clear. Then there's the Sparrow decision, where the Sparrow test is to see if there is an aboriginal right — which I've just determined there is. Nobody will question that wild salmon is an absolutely integral part of first nations society and life.

So there's the Sparrow test to run through. There's also the Delgamuukw decision. How do you infringe on the aboriginal title? I don't think any of those tests have been met at all.

Final conclusion. When you're dealing with migratory species, it's a pretty tough aspect. In 2002 I asked one of the Queen's Counsel lawyers for the Haida title case how you deal with the migratory species issues. It has been met in other areas. It's been met in the Nunavut treaty. It's been met in the Inuvialuit treaty where you deal with comanagement. We heard the importance of that.

Her quote was: "Well, there was also law that we can borrow from dealing with other migratory species, like animals that go in and out of people's territory and water that flows in and out of territory and migratory fish that go in and out of territory. If we establish title, which we are going for, and fishing rights, which we have already got — and this is dealing with the Haida title case — inside their legal principles there is some capacity to reach outside the territorial waters of Haida Gwaii to protect fish."

In the case of water, you can protect against downstream pollution coming into your area. In the case of

fish, you can protect against interception, which prevents the exercise of the rights. That has happened in the case of Alaska, with the Alaska fisheries case up there. In the case of animals, you can reach beyond the territory if there is going to be some impact to the animals that migrate into your territory from an event outside of the territory. Although all of this needs to be determined, there are principles in the law which allow for extraterritorial jurisdictional arrangements to protect the integrity of territorial resources.

I highly suggest that you do some research in the 1990s Alaska fishery. They have subsistence fisheries up there that are law, which are non-aboriginal and aboriginal. Extraterritorial jurisdiction was brought in because the state of Alaska was failing the people of Alaska in terms of managing the subsistence fishery. The federal government stepped in and took over. There is still a battle going on in the courts. It's been going on for 16 years.

In 2004 extraterritorial jurisdiction was brought in again, and now the federal government of the U.S. only manages fish in certain areas. Take a look at it, because when title gets proven or treaties get signed, the province of B.C. is going to be in a world of hurt.

To conclude, science is not going to solve this issue. I want to give you one of the biggest conundrums. Robin, you're from Terrace — right?

**R. Austin (Chair):** Yeah.

**D. Loewen:** A big conundrum that science has been trying to solve for a long time.... If you're making your trip back to Terrace.... Say you're walking, and you travel halfway today, and then tomorrow you walk half that distance. The next day you walk half that distance again, and then you walk half that distance again. When do you get to Terrace? You never do.

Science is not going to solve this problem. It's a precautionary principle if we deal with principles. A precautionary principle is what's going to deal with this.

What about the new relationship with first nations? There's no question that there is a right and title involved here. There are migratory species going through one area that are impacting first nations in other areas that it's absolutely an essential right to be harvesting this animal — salmon.

[1300]

Why continue this adversarial approach? Why not sit down? Why instigate more litigation, which costs everybody money and time? Why not sit down and start — as Nathan Cullen mentioned earlier — doing comanagement agreements as they've done in the north in Nunavut, as they've done in northern Quebec, as they've done on the east coast and as they've done in the Yukon with the umbrella final agreement treaties?

They're going to be settled. It's great stuff that's going on in certain areas, but pumping fish farms into the north and central coast is just setting up more adversarial relationships with first nations. It does not respect the right of every first nation on a watershed to harvest fish and have them there.

Is this province willing to accept these risks — more and more litigation? Is the federal government willing to accept these risks? The precautionary community-based management is the only management approach with aboriginal rights, and a conservation imperative is the only way to move forward and give back community control.

**R. Austin (Chair):** Do any members have any comments or questions? No. Thanks very much for so much information in 22½ minutes.

I'd like to call Poul Bech to the witness table, and Dave Evans.

**P. Bech:** My name is Poul Bech. I'm a steelhead angler who lives in Langley, British Columbia. I'm up here on a fishing trip, and I'm going to give a little bit of perspective from an outsider regarding Skeena steelhead and the prospect of fish farms on the north coast. Dave Evans is going to give a more local perspective, so we're going share our time.

I worked for the B.C. fish and wildlife branch from 1977 to 1996, mostly working with steelhead trout. Fish biology is an inexact science compared to other things like forestry, engineering, accounting and that sort of thing. One of my mentors in Fisheries once said that trying to figure out what's going on in a steelhead population is like looking through a heavily frosted window, trying to figure out what's going on in the outside world.

Just as a comparison to forestry, we've heard about huge problems regarding mountain pine beetle and the huge amounts of resources being expended to try to find a solution and manage that. You can just imagine how much more complicated that process would be if pine trees were migratory and if they were invisible most of the time. That's what we're dealing with, with fish.

This is one of the reasons that fisheries managers have such a hard time saying no to developers. It's because they don't really have any hard answers a lot of the time. They're going on instinct. You go off, do a study and spend a bunch of money. At the end of the study you have some information, but you probably have more questions than when you started. That's not a strong basis for saying no to someone. That's one of the frustrations of fisheries science.

That's where the precautionary principle came from. Essentially, what it means is if you're not sure, you don't mess with Mother Nature, or she'll smack you. I anticipate that fish farm proponents will try to get decision-makers to ignore the precautionary principle because if they don't ignore it, there's no way they could approve new fish farm licences.

[1305]

In 1997 I changed careers, and now I work as a union representative. I was kind of surprised to learn that union representatives have a more objective approach to dealing with issues than biologists. For example, some of things I would consider if I'm thinking about taking a grievance to arbitration are: first, what's the worst and the best possible result if we proceed; sec-

ond, which party bears the onus of proof; and last, what's the standard of proof that we need to meet?

In labour law the normal standard of proof is the civil test — balance of probabilities — which is essentially which version of events is more probable. If the allegation is serious, that test slides and becomes more onerous. For instance, if potentially there are criminal charges, the test requires clear, cogent evidence to meet the test.

A theoretical example to show how these things work. Suppose someone approaches you and shows you a gun and offers you \$10,000 if you put it to your head and pull the trigger. You object, saying: "Well, that sounds pretty dangerous. You know, \$10,000 is good, but there's a high level of risk there." And they say: "Well, you can't prove this gun is loaded." And you state: "Well, all the guns I've seen on TV and everything else, when you pull the trigger, there's a deadly result." And they say: "Well, this is a new type of gun. It's not the same type of gun you've seen on TV and everywhere else."

I'd expect you'd want some very good evidence that pulling the trigger wouldn't result in death or injury before you took them up on their offer. On the bright side, at least that decision isn't being made in Victoria.

Take another proposal. The same person offers you \$10,000 to pull the trigger of a gun pointed at a target. It's the same action — same best-case scenario. You get \$10,000, but a much different worst-case scenario. So there the standard of proof would be less onerous obviously.

What's at risk in the Skeena Valley? A couple of weeks ago Tom McGuane, the novelist, spoke at a function here in Smithers. I think this quote is accurate. He said: "The Skeena is the last stand for wild steelhead." And that's absolutely correct. This is the last of the best steelhead streams left on the planet. Anglers from all over the world travel to the Skeena to connect with these fish and the wild rivers that they live in. That's what's at risk. I'm not just talking about steelhead. There are other things at risk too.

What kind of evidence are we looking at? I have called this prima facie evidence. It's very basic. Everywhere else on the planet where there are fish farms, there have been impacts on wild salmon and trout — for example, Scotland and Ireland, sea trout; Norway, Atlantic salmon.

Another piece of evidence. It's not hard evidence, but from time to time you'll see a map of British Columbia with little red dots wherever there are fish farms. In the past decade or so we've seen huge declines in steelhead populations in a lot of our B.C. steelhead rivers, particularly on Vancouver Island and in the lower Georgia Basin. If you just look at that map and compare where the dots are to where the steelhead declines are, there seems to be a pretty good correlation. I'm not sure if anybody has actually done the math and looked at that more closely, but it would be an interesting project.

[1310]

There is very persuasive evidence regarding pink salmon and sea lice and the effects. I think it's persuasive, as well, that Alaska and Washington don't appear

to allow fish farms in their jurisdictions. The United States is not exactly governed by an anti-development administration, yet they're not prepared to take that risk with their fish.

Regarding the onus of proof. In the case of new fish farms on the north coast, I think there's a very strong onus on fish farm proponents to prove that there won't be impacts. It's not enough for fish farm proponents to simply poke holes in the other side's arguments. They have to prove the case, I think.

I note that in the case of existing farms, that onus might be different. But I think there's a very clear distinction between applying for a new farm and trying to shut down an existing farm.

My recommendations to the committee and your decisions-makers are: firstly, uphold the precautionary principle at all costs. Secondly, be extremely cautious with new licences in the north. I submit that the risks are simply too great to proceed without very strong evidence that wild steelhead and salmon populations will be not impacted.

In other words, referring to my earlier example, make them prove the gun isn't loaded.

**D. Evans:** My name is Dave Evans. I've been involved in tourism and floating rivers around the world for about 30 years. I now make this my home. I started out as a fishing guide here and moved here, and now I have my own fishing lodge.

I just wanted to talk a little bit about an industry that I don't know if you're quite aware of or not. You've heard many stories about the greatness of the Skeena, but I think this needs to be told loud and clear. There's no more. This is it — right? The responsibility for it is being left in your hands. Please don't take the decision of the potential impact of one small industry. You're affecting many other industries, many other cultures, many different fish runs — okay?

People come from all over the world to fish for steelhead. They come to one of my lodges. They come to many more throughout the upper Skeena watershed. Like I said, it is well-known around the world. It's a multi-million-dollar industry that provides great work for a lot of people locally. The economy around this town definitely booms around this time of year. It is an industry that is sustainable. It can go on for ever and ever. It's not a bust-and-boom industry. It can go on for a long time.

Lots of the people that work in this industry — their lives are like a puzzle. We have to do multiple, different things throughout our lives. This is a key component of their work, their income for their families and for themselves. They get paid well. It provides lots of employment for folks in town and in the upper Skeena watershed.

One of the things I was a bit worried about when I heard about this meeting and that a committee was coming to speak about that... What worried me most was that, obviously, they don't understand our industry or they would never have held it at this time of the year — right? We have three months to make a living, or part of our living. It's the worst possible time that

you could hold it — I don't know how many other guides are here, because they're all working — not only the time of the year, but the time of the day. That makes me a bit worried that you don't quite understand our industry and the significance of it.

One of the things I'm going to speak about here you've already heard before, but I'm going to give it to you again.

[1315]

We don't want fish farms on the Skeena system. The potential impacts to many things that you've heard through all these people today is not worth the risk. I don't quite understand why we're even debating it, actually, when you see the potential impacts for the gain — back to the risk versus benefits. It doesn't seem to be a decision that would take that long to make.

Once again, the approach seems to be backwards to me. We have to prove that it's not going to impact us instead of the other way around. They need to prove to us that it can happen.

To me, it's not rocket science that it's not worth the potential impacts. There's a book on the demise of the east coast cod fishery, and I suggest that you all read it. It's a fascinating book. It's a bit depressing, and it's really about the history of the destruction of a fishery that will never be as diverse, vast and productive as that. It's completely destroyed. What becomes apparent in that book is a series of lack of decisions that nobody wanted to make. They're tough decisions. So we sat on the fence, nobody made a decision, and now we have no industry, no fish, nothing there anymore. It won't rebuild itself by the sound of things — right?

What I want to urge you guys is to not sit on the fence and to make some tough decisions. You've heard, I'm sure, through most of the north where the potential impacts are going to be, that we don't want them. We want you to make those tough decisions that say: "No, we don't want them up here."

The industry seems to work that... Because we have some, it needs to expand. Does it have to? Why do we think that if an industry works somewhere or it doesn't work here — lots of evidence that it doesn't even work that well — we have to expand it and we have to expand it everywhere? We can simply say: "No, we're going to leave one of the greatest intact, diverse watersheds of the world alone. We're not going to mess with it because of the slight chance that a decision that this pal is going to make is going to ruin it forever, for the world."

Let's err on the side of caution. Make the tough decision. We don't want them.

Thank you very much.

**R. Austin (Chair):** Thanks to both of you for coming and making presentations. I'm just going to see if the committee members have any comments or questions.

Seeing none, I'd like to invite Stefan Schug to the witness table.

**S. Schug:** Thank you for giving me the opportunity here to speak. I am here for Walter Joseph, who is

the fisheries manager for the Wet'suwet'en office of the hereditary chiefs. Walter and I have worked together for over 11 years. We are both on staff with the Wet'suwet'en.

I'd just like to fill in the gaps here that stayed open during this whole discussion on fish, because we worked in the watershed here with the Wet'suwet'en and collected the data, so I'll just try to fill in the gaps. Bear with me because I didn't prepare for this meeting. Walter is in Vancouver — he was supposed to speak here — so I am just filling in for him, but I am trying to get you some information here.

First let me start, as you heard from our chiefs here, how this impacts their cultural way of living. I can't emphasize enough how intrinsically interwoven the Wet'suwet'en culture is with fish. Fish is one of their main country foods out here. Caribou was another one, but we lost caribou through management in the valley here, so now they rely on moose as a second part of their sustenance. Fish absolutely play the most important source of food for them. It's so important that I can't state that enough.

[1320]

I just want to mention here the Delgamuukw, which the Wet'suwet'en actually started with the Gitksan, stated that there has to be consultation within the process. Now, these projects are of course off Wet'suwet'en territory, which the Wet'suwet'en have proven boundaries for, but they affect the Wet'suwet'en in an extremely difficult way. Anything that goes wrong here could eliminate the stocks of the Wet'suwet'en, and we have established in Wet'suwet'en Moricetown canyon an enumeration project together with DFO years ago, for conservation.

I'm just trying to explain to you how the Wet'suwet'en fit into this. The Wet'suwet'en, under section 35 have the right, the first right, if there aren't the conservation concerns for fish, to have access to these fish. Now, the DFO approach with the Wet'suwet'en in this project employs — of course seasonally — Wet'suwet'en to enumerate these stocks. And I can tell you from '95, when I started here, the sockeye runs were in excellent shape at that time.

The Wet'suwet'en in '96 had still an allocation of ESSR fisheries. They could do road sales of surplus fish, of sockeye — 5,000 in quota. Then the fish stocks started declining, and it's a cumulative impact of a lot of things that fall together here. But I want to just get into this. The sockeye stocks started collapsing. At about the same time, the coho stocks started collapsing, so the Wet'suwet'en voluntarily went into a program where they started protecting fish, without the other sectors, like the commercial sector, being totally cut out to recover these stocks.

Conservation. If the right hierarchy would have been followed, it would have gone: if the Wet'suwet'en don't get their food fish, nobody fishes until these stocks are recovered. That's how it should have happened. No, it was: "We keep the commercials open, because we have too much pressure out there. We want to see the Wet'suwet'en involved, so we throw a

little bit of money for taking on projects." And I must say that over the time, from 1995 to right now, we are very successful at getting good numbers in this part of the watershed.

Now, the difficult part is this. I don't think that everybody understands. I mean, the commercial fleet out there sees fish — okay? There's the Pinkut and the Fulton enhancement projects in Babine Lake that produce a surplus of more than 3.5 million fish a year, on average. So sometimes that goes down a little bit, but they see a surplus.

Our Morice fish here, which have declined from close to 100,000 fish in '95, down to — and I'm talking only sockeye now, because I want to be a bit specific here — about 6,000 fish or 5,000 fish that spawned in the Nahornyk and the upper Morice. Let's say we have some late spawners in the Morice too.

These fish swim together with these millions of fish. Now, you can imagine, just when you catch 100 fish, and you're catching one or two of these fish in your net, you're having a huge impact on these stocks up in the Morice watershed. So the Wet'suwet'en are trying to get into agreements with commercial fisheries to get some food fish here in the communities — which, by far, are not enough fish to make up for the 15,000 to 20,000 sockeye that the Wet'suwet'en had in normal years. And DFO tells the Wet'suwet'en that it's going to take 15 to 20 years to rebuild the stocks to normal levels.

Now, with coho we were a little bit more.... That project, the second project, started actually at the time when the coho were in decline. They went to really low numbers — under 10,000, anyway. So then we started rebuilding coho stocks. The Wet'suwet'en didn't take coho, as a conservation effort, for their food fish — to build up the stock. And we were very successful in that.

In the last 11 years here the coho numbers went up, and so did the steelhead numbers, because of that conservation effort. That's just background knowledge to know here how the Wet'suwet'en like their fish, and they're willing to make this commitment to conservation, but they don't see the same commitment around this.

[1325]

Now, when it comes to consultation, I see a lot of people walking into the Office of the Wet'suwet'en, talking about projects: "Oh, we're going to consult with you here." We weren't consulted, just by the way, to let you know. Walter wrote three letters to the minister that said we are opposed to fish farms and gave some reasons in some of them. But we were not consulted. Nobody consulted, probably because it's off the project area.

We were consulted by the government and by some companies in other areas. I tell you that these projects result in.... We listen to your traditional ecological knowledge, and then what happens most of the time is that traditional ecological knowledge is integrated into the western ways of thinking. It takes a long way to understand how traditional ecological knowledge is intrinsically interwoven with these people's social structures and all the other things around it.

When you talk about the fishing industry.... I hear on the radio that there are 1,000 jobs that are at risk. I

mean, the Wet'suwet'en communities are 90-percent unemployed during the year, and fishing is their livelihood. They live on their territories; they try to protect their territories. I don't even want to go into the use and talk about the precautionary principles, which I agree with 100 percent. Everybody says: "Oh, we're going to do projects on your territory, not affecting Woos here or other chiefs with their normal traditional activities." The track record isn't really good. We have a results-based code — right? — but the results aren't really impressive.

As you hear with my German accent, I have been from Oslo to Narvik in Scandinavia up there on the Norwegian coast, and I have seen the detrimental impacts there. They had to poison streams, and how it works.... I hear Klemtu was mentioned here, and I had to talk to Al Gottesfeld. He promoted it still as a fairly decent project, but nobody monitors these statements and if there is, for example, kidney disease and other things getting into the wild salmon, which happened in Scandinavia quite a bit.

I just wonder sometimes, when you look at all these projects. Accumulated impacts came up too. Who is doing things? In 2004 Walter and I were at the fisheries conference in Vancouver. Carl Walters put it right on the head, and these are his words, not mine: "There are managers that make decisions who don't have a clue, and they shouldn't be there in the first place." That was his comment on decision-making.

I want to address just a little bit on the gap between real science.... I think that today we are more — because the money is always coming from the interest groups — in hypothesis-driven science than we are in hypothesis-generating science. This means that looking at things neutrally, without having profit in the back of your head, is important to do good science. The gap gets so difficult in today's world. I mean, I'm just working as a biologist, and I've got a geographical background too. Like, the left hand doesn't talk to the right one.

Just to give you an example, the ski hill here comes out as one of the prime areas for development on tourism. Then, on the next token, a project next to it, coal-bed methane, is supposed to not impact that? Americans, Europeans, whoever wants to be in the settings that are natural, get coalbed methane next door.

I wonder who is doing this kind of synthesis of projects. How do they come to conclusions that this is a good thing or a bad thing? Even in Fish and Wildlife, in LRMPs — you've seen through all this stuff. The Fish and Wildlife guys and areas located for aquaculture that are the most important wintering areas for moose and deer in the valley. I don't get this. Who makes decisions?

The science is getting so complicated recently that, if you look.... I don't want to take your time too long. I just want to get a little bit in on what we did too. We're afraid of contamination of water sources and food sources — country foods. Just to hit the nail on the head, we did some salmon analysis on the sockeye. We looked at each metal. They tell us that we have to look at the total suspended substances in the water and

stuff, but it's totally different if you have poisonous ones or not.

[1330]

I tell you one thing: we looked at cadmium because it's not a transitional heavy metal. I have a little bit of a background in heavy metal toxicity and stuff, because I did my master's on that. When you look at cadmium, it accumulates in the body. Mercury and others, quite often they are transitional, so they go through, so no impact. But we looked at the sockeye in.... Our Babine stock came out a little bit higher than what people would have expected. So we looked at these fish in the Moricetown Canyon and the Morice stock seemed still to be good.

People here eat — this you have heard — seven times a week, probably, fish in their households. The first data that we got from Babine was: "Oh, you can eat fish once a week without having an attack on your health and your body." You tell that to people that live on fish? I mean, we have to keep things clean. We have to look at things in detail, because the devil is in the detail of these projects. I have the feeling that profit is rated way up here, and all the little devil details are not even looked at.

We have to be careful that these things don't backfire. Monitoring is worthwhile on a lot of these things, and I don't see monitoring. I don't see any monitoring of these result-based codes, where we actually have them. I can't see them.

I don't want to bore you here too long with all these things. Just one other thing is how complicated it can get. If somebody has read Thomas Quinn about salmon.... I don't know if any of you have. His capacity in the States there that deals with salmon.... He mentions that salmon are way more flexible in some of their genetics, so they mutate fairly quickly.

Now, when you look at the new antibiotic-resistant strains of shigella, listeria or salmonella that we have already that are resistant to even vancomycin, which is the most potent antibiotic that we have right now, we're waiting for a time bomb here. We are just creating things — that we are getting in our bodies — to explode. Now it takes so many more units of penicillin and stuff to.... That's all because we have these kinds of problems. We don't look far enough in a lot of these things.

As a final statement, you have heard the Wet'suwet'en chiefs. They have this gut feeling. I have a scientific background, and I like to look at things in detail and in science. But I still believe that a gut feeling is important. People who have gut feelings and just common sense when they approach these things, are better off than any science some people try to prove in tests.

Just one example, and then I'm finished my talk here. We had people with capacities, like doctors that come here and tell the Wet'suwet'en: "No, don't worry about these pesticides." Their approach is always hypothesis-driven and isn't wide enough. The methodology is standardized in their own way, so they can't even be attacked, because they did it the right way. What I'm saying is that science can prove whatever it sets out to prove, and statistics can lie.

Thank you for your time.

**R. Austin (Chair):** I'd like to ask Tim Lenky to come to the witness table, please.

**T. Lenky:** Thank you for saving a little bit of time. I won't keep you very long.

I'm not a scientist, but I do run a small hatchery in Hazelton. I can only tell you what I've observed in operating that hatchery: taking broodstock, looking after the hatch, releasing fry, doing whatever.

Just a brief history of what we've done and where we've come from, from when we started. First of all, we formed a society called the Chicago Creek Enhancement Society, and then we started the hatchery shortly after that. Let's see. It was 12 years ago that we started, and when we first observed the fish population in the creek that we started the work on — that we chose — there were three adult coho in that creek. That was all we could find.

[1335]

In order to get enough eggs to set a hatch, to make any impact on anything, we had to borrow the eggs from Toboggan Creek Hatchery, which is just outside of Smithers.

Anyway, to make a long story short, over the period of time from the humble beginnings of three adult fish in that creek, last year we handled, installed in that creek, 503 adult coho. So it's come a long way.

The one other point I want to make is the noticeable increase in sea lice. Of course, the lice falls off when it gets in the fresh water. But we have adult coho coming back that are literally riddled with the marks of sea lice, and it has gotten worse over the past four years.

When we first started, we might have just the odd one or two. Some years we didn't have any. But in the past four or five years the number of fish that have been infected with sea lice has increased. I can just imagine what must be happening to those little guys when they're going by. They're getting a real beating out there.

Another thing that struck me is that normally from the 15th of August until the end of September or beginning of October, we have pinks in that creek wall to wall. They start about the 12th of August and come in. This year there have been 18 pinks in that creek — only 18. Normally, from the 15th of September to the 15th of October, we probably have 125 to 130 coho that show in a little early spurt. This year we've had three. We're concerned, very concerned. But one little consolation is that our normal heavy-push run doesn't usually start until the 18th of October, and it's almost as if they read a calendar. You can go there on the 17th, and you might find three fish. If you go there on the 18th, it's wall-to-wall fish

We're hoping that will be the case today. According to our numbers, we should get a thousand coming back this year. But we're not sure until we count them. In my humble opinion, if the increase of sea lice continues, it is the marine version of the mountain pine beetle.

**R. Cantelon (Deputy Chair):** Tim, could you give me the name of that stream again?

**T. Lenky:** Mission Creek. Actually, it's three creeks. It's Waterfall Creek in one section, Station Creek in another, and when the two combine, it becomes Mission Creek. That's the way that works.

**R. Austin (Chair):** I'd like to call Lloyd Austin from the Suskwa Watershed.

**L. Austin:** I'm so pleased to see you all here and to be part of this and participate in the talks concerning the fish farms in the ongoing debate. From our standpoint, I work with Tim as well as the coalition with the Chicago Creek fish hatchery as well as the New Hazelton Streamkeepers Society.

One example where we've had a lot of failures with regard to the trust agreement of lands and resources and all the integrated systems of biological regimes of aquaculture.... Then we have all the other resource bases impact, and they're all integral systems. It's the thing that all of the discussions that one of the first presenters brought in here earlier....

[1340]

It was pretty straightforward, and the underlying principle is the consultation with first nations with regard to environmental issues and ecological problems that may negatively impact or infringe upon our aboriginal rights. I think those were already brought forward today. But it is a compulsory obligation on the part of the government, federal and provincial, to consult with first nations on anything that will impact or infringe upon our rights.

One of those areas is the fisheries. The Sparrow case points out quite clearly our rights with regard to the fisheries and the implementation of programs and precautionary measures and sustainability measures and where we can take.... The Wet'suwet'en have taken the initiative of the cultural heritage resource inventory system — Stefan spoke on it a little earlier — and the Gitksan.

I'm from the Suskwa Watershed. We have technicians available that go out and do the actual profiles of these territories — the profiles of all of the wetlands and streams — and do assessments and stream assessments and all those biological elements that go along with it. So we have technicians that are capable, and they complement sustainability.

First nations have that degree and capacity to carry out those initiatives to a much higher level than what has gone on in the past right into the current state of affairs with regard to the Department of Fisheries and Oceans and the Ministry of Environment with their environmental management systems and all of that in place with the provincial and federal regimes. It's their best management practice. I've put a different acronym on there. It was WMP — worst management practice. They've failed me in critical areas where the stream assessments and the impacts, the cumulative effects of negative deleterious substances going into the water....

By the way, the Department of Fisheries and Oceans regulations and policies are very stringent that there's to be no disruption of streams — the sides of the streams or any deleterious substances into the water.

I've done extensive work in and around the Suskwa watershed and Waterfall Creek and Station Creek and Chicago Creek.

The municipality of New Hazelton has coliform at a high-level rate, and there's fuel and oil going into the system. Then there are other impacts. There's a boardwalk within the habitat, in the area where the sockeye spawn.

Basically, they're defeating the purpose by approving all of these different impacts on a stream and at the same time hauling the adult sockeye salmon from the lower because the culvert is too high. The sockeye couldn't get by. What Tim and they have to do is truck sockeye from the lower Station up to the upper to get it over that passage there.

Those are the types of things we're working on: watershed restoration and trying to enhance the resource to fit the bill of sustainability and to be able to come to terms with saving our rivers, saving our water, saving our salmon, saving our wild stocks. All of the tourist economy that comes out.... As the fish guides have indicated earlier, very significant details of the world-renowned rivers are all endangered as a result of these fish farms.

[1345]

With all these fish farms, all these streams, rivers and estuaries are endangered as a result. The fact of the matter is that the Bulkley, the Nanika, the Morice, the Buck River, the Skeena, the Babine, the Nass River system — all those areas in the northwest here are endangered as a result.

I think it's time that we take a firsthand stand and begin to collaborate our efforts and make a collective approach as a coalition, to work together as a team for the betterment of the future of our people, our children and our grandchildren. Your grandchildren may be affected as well.

With all the things going down into the food chain — all the pesticides and herbicides — we're standing against those things, because we know that the fact of the matter is that those things will come down into the food chain. Who knows? Maybe our grandchildren will get cancer 20 or 30 years down the road in their lifetimes. Those precautionary measures we need to really heavily consider and look at and try to work along with first nations, because we have various structures in place that can offset a lot of these impacts and bring more sustainability to our people and to our communities.

We're not just one-sided. We're not just looking at our own people. We're looking on a community level as well, and trying to build relations, actually, with the New Relationship fund. So far we've run into dead ends, with people trying to block our process of moving forward on various initiatives and diversifying ourselves into the various fields to be able to generate some of the benefits of the resources that have been taken up by outsiders, basically, all along. Now we would like to be participants in those areas, as well, to sit on that side of the table as participants in those areas of higher-level planning, in administrative and operational areas — all those areas where first nations representation can impact on and make some positive change in what we're doing here.

I'd like to call on you to commit to working together with us and to achieving the goal of ousting this proposal right out of northwest B.C., because it endangers our lives, our livelihoods and our children's and grandchildren's futures. All of those things should have something to say to our consciences. It's really on an urgent basis and critical for us to work along those lines.

I thank you for the opportunity to make a presentation here on behalf of the Suskwa-Tachick watershed. We do have watershed technicians that have the geographic information systems, GPS and cultural impact assessment initiatives, botany and all of the other things that relate to the resources. They've done studies and are doing profiles for those areas whereby we can make recommendations and stuff like that in order to make a clean job of any kind of development. That's what the CHRIS — the cultural heritage resource inventory system — is all about, and the SWAT — the strategic watershed analysis team — technicians of the Gitksan and Wet'suwet'en respectively.

**R. Austin (Chair):** Thank you very much, Lloyd. I'd like to call John Kelson.

**J. Kelson:** My name is John Kelson. I'm a fisheries biologist who lives in Smithers here. I'd like to talk to you about oolichans as an example of the potential impact of fish farms on forage fish. So a quick, meaty, little talk on oolichans.

Oolichans are the steelhead of the smelt world. They're anadromous smelt, which means they live in the ocean and try to spawn in fresh water. So they're trying to get up the river, where they can, to spawn.

[1350]

There are about 15 significant runs in B.C. The Skeena is one of the most important. I've personally worked on Rivers Inlet, Bella Coola, all five rivers in Haisla territory. I worked on the Skeena for two years.

For a first nations people, you may or may not know, oolichan are.... For people who do have them, they're nutritionally as important as any single salmon species. They're of huge importance, nutritionally, for people trying to eat them.

Basically, what's happening in a changing climate right now is that oolichan are suffering in the south, and the farther north we go in the warming ocean environment, they're doing better. The Skeena is one of the best rivers left for oolichan.

They did very well in Alaska this summer, but the Fraser, the Columbia.... The Columbia had most of the oolichan abundance in the world. It's pretty well gone. To the south — Rivers Inlet, all these kinds of places — almost no oolichan return anymore.

Basically, what happens with the oolichan is that it spawns in fresh water. The eggs stick to the bottom like herring eggs. As soon as they hatch, these tiny, little larvae drift out into the estuary. Then the larvae reside in the estuarine circulation, along with all these other forage fish.

What tends to happen is that they stay out there until there's enough meat on them that they can swim

out, and they go out into Georgia Strait down south or into Hecate Strait up here or just offshore not too far.

What happens with fish farms is that a lot of fish farms leave the lights on at night to try to attract in free food. All these little forage fish that are swimming around will go to those lights, and the farmed fish will eat them. That's something that I haven't heard anybody else talking about — the wild ecosystem subsidizing the fish farms.

The other thing I absolutely know that no one's ever looked at is: what is the impact of those lice on forage fish? There are herring out there. There are oolichans. There are sand lance. There's all this other stuff out there that nobody.... It's hard enough to figure out what the impact of lice on salmon is. Well, what's the impact of lice on herring? Who's going to figure that out? They'll never know.

The thing about it is that forage fish are like the gas in the engine. If you do anything to reduce the abundance and productivity of the forage fish in the system, everything else will suffer. So in my mind, it's absolutely inconceivable to put something in there that has an undeniable and obvious potential impact on forage fish — at risk for something that is, you know, obviously just a business.

Maybe what I'd also like to talk about, another thing that occurs to me, is the sustainability of fish farms. The most basic rule in biology — fisheries biology, anyway — is that there's a 10-percent conversion from any trophic level. If you've got the bottom in the food chain, 10 percent of that gets to the next level, and 10 percent of that to the next level as you go up. So what you basically have to do is feed ten pounds of food to a salmon to get one pound of salmon.

But what are you feeding the farmed fish? Fish. We could eat that fish, so an obviously better use of that ten pounds of fish that you're feeding is to turn it into food. I don't really like fake crab either, but I'm sure that with some effort, something could be made that people could eat where you're not throwing away 90 percent of the food just because people would rather eat farmed fish, because they'd rather eat salmon. I don't understand people who want to eat that farmed salmon anyway.

It's kind of a burden here. I don't want to summarize this whole thing. Maybe I don't have to. Obviously, wild salmon are critically important, but there are a lot of other fish that are ecologically, nutritionally and culturally significant that are potentially being threatened by fish farms.

I would just like to echo Dave Evans's comment that the whole process is backwards. Why should we have to say, "Why should we not have fish farms?" when the opposite is so obviously the question that has to be proven? Why should people that live in the Skeena have to accept this potential when it's indefensible? It can't be justified rationally.

[1355]

**R. Austin (Chair):** One second, John. Claire has a quick question for you.

**J. Kelson:** I hope it's about oolichans.

**C. Trevena:** It is about oolichans. We were in Bella Coola yesterday, and the first nations fisheries officer was talking about oolichans and the decline that they've seen in Bella Coola.

It's the impact of sea lice. I know you say it's impossible to study it when looking at the sea lice on salmon, and that's where the focus has been, but is there any sign, any evidence? I mean, do you see sea lice on oolichans, or is it just a potential threat there?

**J. Kelson:** Basically, no one that I know has ever seen any sea lice on oolichan, but oolichan don't really stay in that area long enough to get.... Well, actually, that's not true. By the time oolichan have passed out of that coastal environment and get a little bit farther offshore where they're actually going to grow up bigger, they could be maybe ten centimetres. Nobody has really tracked that very well.

I'm just saying that the potential impact on oolichan is being eaten by the fish in the pens, but definitely the lice can attack forage fish. It's just that that's not been looked at, at all.

I worked for those people, the Nuxalk, in Bella Coola. They're really just dying for oolichan down there. It's definitely part of the story of the fish farms.

The other biggest impact on oolichan is shrimp trawl bycatch. Everywhere there's shrimp offshore is where oolichans go because the shrimp are on the bottom in the sandy bottom areas, and oolichans go there to grow before they come back when they're three.

Oolichan spawners are three to five years old. They're going to these offshore areas, and they're shrimp-trawled. The biggest shrimp trawl bycatching in B.C. is oolichan, and that's like 40 percent or something like that of their bycatch at least. It's not just adult fish. They're catching a lot of juvenile fish. So they're just loading up with oolichans trying to catch shrimp, and that's part of the reason why they're doing better in the north. The shrimp trawl has moved to the north now.

I've heard stories that the shrimp trawlers are trawling right off the mouth of the Stikine. I don't know that for a fact. That's secondhand information, but I've heard that. Anywhere there's shrimp is where oolichans are. So if you want to try to protect oolichan, don't eat shrimp. I know that sounds crazy, but it's a fact.

**R. Austin (Chair):** Thank you very much. This is remarkable; it's almost two o'clock. We started off with six people who had signed up previously to speak to us, and I believe we've heard about 20 different presentations.

I'd like to thank all of those who came and took the time and trouble to make those presentations. I'd like to thank all the community members here in Smithers who came out to listen to what's been said today.

With that, I would like a motion to adjourn these hearings.

The committee adjourned at 1:59 p.m.



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