

APPENDIX V

Brief to the Department of Fisheries and Oceans in Response to Their Environmental Process Modernization Program (EPMP) and the DFO/ENGO Meeting of Feb 16, 2006.

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I thank DFO for finding time to hold this very pivotal meeting to inform the public how they are attempting to alter their programs to better protect fish habitat in Canada with less resources. However, this meeting should have been properly held two years ago i.e. at the same time DFO found time to meet with Canada's largest industrial lobby groups to agree upon an industry \ government approach to jointly protect fish habitat in Canada.

I find the process of being forced into discussing the merits or shortcomings of the EPMP equivalent to removing a fish from the ecosystem to understand its habitat needs i.e. we are being side tracked on looking at the EPMP as a solution to many DFO habitat protection shortcomings while it is well know that the ineffectiveness of DFO is much more far reaching than a program coated in buzz words and cheer leading slogans can address. This brief will address the EPMP shortcomings as well as the inherent weaknesses of the DFO foundation that will not allow any habitat program, EPMP or any other, work in its ultimate objective – to conserve fish habitat along the lines of no net loss and an overall gain in its productive capacity.

In the matter of the EPM Program it is difficult to determine who one should forward their comments to related to the DFO \ NGO meeting of February 16, 2006. This is because it is clear that this program is directed by DFO NHQ and those in Pacific Region are having a near impossible time of implementing it in a credible or effective manner. It must be recalled that this region has always taken the lead in protecting fish habitat in Canada over the past 40 years. In that most if not all decisions related to this new habitat protection program seems to have taken place over the past two years without any public consultation with Pacific Region ENGOs, it's naïve to believe that comments at this late stage of the game can change much and contribute to a meaningful consultation process.

In that consultation and transparency has been largely ignored and DFO has again alienated the public and has not shown that its new programs can improve the protection of fish habitat, these comments have been directed to those at the workshop and to those that have to be ultimately accountable for the future of the fishery – the Minister and Parliament. It is necessary to draw immediate attention to a program and a Ministry mandate that is not being handled in a responsible nor effective manner and will further allow fish habitat in Canada to slip down the slope of non-sustainability and the non-precautionary way of protecting these living resources and their habitat.

In January I wrote a letter to various DFO staff to make the February meeting more fruitful (copy attached). A response to that letter has never been received. What I had feared did indeed take place on Feb 16th, 2006 i.e. DFO used the meeting to simply

advise ENGOs of what their program was without mailing any materials to attendees to better prepare them for what was an overly short meeting not planned for meaningful input. Further, to make matters worse, the Director of OHEB Pacific Region did not see fit to attend the meeting despite the fact that habitat protection is a real controversial issue in Pacific Region and in that it took months to plans and eventually hold the meeting, attendance should have been arranged In that most recent DFO OHEB Directors have little habitat experience, it should be mandatory that they attend these meeting for their own education and to measure the public concern about how DFO wanders along without much credibility (and often little internal support) in their desperate efforts to better protect habitat with ever fewer resources.

I will not repeat my concerns of January in that they are attached as part of this brief. The questions raised still require a response form DFO. I will limit my comments to materials raised at the meeting and to the presentation outlines forwarded to us after the meeting had concluded. Those should have been made available before or at least at the time of the meeting. My general and specific comments are as follows:

GENERAL COMMENTS

1. Consultation:

I have noted the disastrous job DFO has done in notifying all fish habitat stakeholders of the move to the EPMP program and in meaningful consultation with them. NHQ felt they had consulted with the public. What compromises national consultation on such an important issue? Why did no consultation take place in Pacific Region? Now DFO seems to feel they can begin consultation but it makes little sense in that they have determined the direction of the program and its makeup. Are we to now be consulted on the details even if we feel the program is going in the wrong direction? Even if we are to be now consulted, where are the openness and the materials that have directed the direction of this program and the studies that can rationalize it? At the meeting there did not seem to be much openness about studies that directed this program and when I noted that if DFO cannot be more transparent we will have to ATIP such materials. It was unfortunate to overhear a senior Ottawa DFO staff member mumble – “then we will not protect habitat”. DFO has to someday learn that they have to be transparent and honest if they try and build trust and build meaningful partnerships with ENGOs. To date DFO appears to want it coming and going i.e. not share studies and rationales and then when we threaten to ATIP the material we are chastised that ATIP searches interfere with their ability to do the job. There seems to be a bit of an ethical warp in some DFO thinking.

2. National Overview.

I found much of the national overview to be heavy on buzz words and wishful hopes for greater effectiveness but with little substance to convince the critical reviewer or practitioner that fish habitat can be protected with “greater certainty”, “transparency”, “more clarity”, “more timeliness”, “with greater predictability”, “with more cooperation with others”, “cohesiveness and proactive” and above all “more effectively”. Efforts over

the past year to obtain the DFO studies and rationale to support DFO these claims have been religiously ignored.

3. Expertise of DFO Habitat Staff as related to Pathways of Effects and Risk Management.

This part of the program indicates that DFO has not properly selected, staffed, and trained many of their habitat protection staff across Canada to do their job as mandated by the Fisheries Act and the National Habitat Policy. Since the 1970's DFO has ignored the needed ecological aquatic competence of staff and by the late 1990s moved to cookbooks so anyone can be a 'good' habitat protection biologist including those not even educated in the field of biology (let alone fish and aquatic ecology). Since anyone can now be a habitat practitioner, a different approach and standards have evolved within Pacific Region and across Canada to try and accomplish a NNL and a net gain in habitat capacity.

The different approaches are often driven by personalities and local jurisdictions and have differed so much one would question if the same objectives were being addressed. In fact at a Halifax habitat protection workshop in 2000 I wrote a discussion paper on riparian protection. Other regions noted that it was not an issue in that they were not protecting this key part of fish habitat. A well educated fishery biologist with competent director level staff should always examine the cause and effect of most perturbations. They would examine risk without developing and depending on cook books to understand these concepts. These cookbooks will allow anyone to dissect the ecosystem into many parts that few will be able to put back together to make a sound ecologically based decision that will err on the side of fish i.e. the precautionary approach.

4. Reality, Opportunity and the Streamlining the Regulatory Review Process.

In the early 1980s habitat staff were getting bogged down in referrals and wanted to find ways to streamline the system. However, as staff talked of streamlining, the opposite was actually accomplished. Staff saw the need to look at more and more projects since habitat was still being lost and the complexity of the job as complicated by new legislation, procedures (including administrative e.g. purchasing, staffing) and national reporting systems (e.g. CEAA, HRTS, Aboriginal consultation, SARA, NWPA, briefing notes, ATIPS, etc.). This greatly increased their workloads and time spent being behind desks.

As part of a new way of doing business, FRAP and the consultants that give rise to the National Blueprint indicated that more effort had to go into proactive work and monitoring and enforcement. Ideally this would be done with new resources and with limited cuts to project reviews (referrals). This was strongly opposed by many habitat practitioners and nothing changed when the resources were there to change the system in the 1990's to 2003.

It is ironic that those that most often opposed habitat planning, greater stewardship and dedicated habitat enforcement staff are now tasked with a habitat modernization program

with less resources. Also some of those very staff is now habitat chiefs or director generals. You cannot make a new program work with the baggage of the past that simply did not see the need for change when the opportunity was ready to make those very changes. To now force those changes as a way to address great resource cuts will simply not work. DFO must accept the fact that it missed a great window of opportunity in the late 1990s to make the right changes at the right time and they now have to upgrade habitat program in a very different manner versus that outlined in the EPMP initiative.

The concept of streamlining also has other great challenges that cannot be met as outlined. The program assumes that low and probably medium risk activities can be delegated to industry and other parties and DFO will put their reduced resources on high priority issues. This sounds great but will not work in the foreseeable future with the staff, the prevailing industrial stewardship will and resources available. DFO talks about accumulative impacts but then has not outlined how they will relate to this reality. To date DFO has often deliberately attempted to scope a project as narrow as possible to stay in their field and to avoid additional work. Also the Fisheries Act is very site specific in its intent.

Other than the catastrophic impacts of dams and such project that directly and irreversibly harms habitat and fish populations, most fish habitat are harmed by countless lower risk activities that have a giant cumulative impact on habitat on thousands of streams across Canada. Salmon and many other species are especially prone to cumulative impacts such as logging, hydrology changes, temperature change, farm and urban activities, sedimentation, contaminants and then you soon reach a point of no return i.e. no habitat – no fish! All of these activates are piecemeal over a period of many years and they each can be tolerated but when combined over time, they are very destructive and if one ignores some of the major impacts such as dams, these smaller projects have harmed the most fish habitat in Canada i.e. death by a thousand cuts.

To believe you can now have industry look after a thousand cuts on each stream is naïve especially with the resources you have and the resource distribution you have outlines i.e. DFO must have more significant resources in project reviews. Often you must set your priorities by the sensitivity of habitat and its value and not on industrial rated high priority projects. Often DFO will have to put significant effort into lower risk project reviews. Installing a culvert should be low risk activity.. Installing a culvert in sensitive habitat in highly erodable soils with an uneducated or uncaring bulldozer operator will result in a high risk situation. Worse yet, DFO has pretended that with a program of ‘industrial stewardship’ enforcement needs will fade away. The opposite will be the case when you depend upon others, with very different priorities, to do the right thing.

Therefore an effective enforcement program is one of your best teachers. Our many years of stewardship programs in Pacific Region have shown that enforcement is a key factor or make stewardship work i.e. a safety net and powerful education tool. When FRAP developed the 1990s Salmon River (Langley) watershed stewardship pilot, the volunteers and others most complained that they were wasting their time doing good

work when DFO and the Province simply failed to get after the few bad actors that were ruining the good work they were doing.

Has DFO's past years of experience in this area disappeared? Is this because politicians and industry want to live in dream world where industry are all environmentalists and enforcement no longer is needed? You do have to work towards that utopia but presently you are decades away from that make believe world and DFO simply has decided to take a very high risk route to address resource shortages. When the 5 year stewardship programs began, it was known from the very start that to get industry into being industrial stewards was a 15 year process. What DFO has done is about 7 years of its work and has now jumped to implementation in year 15. Without the partnership building from years 7 to 15, the program as outlined will not work. The consistency to build a cohesive industrial stewardship program in DFO failed in 2003 when several years of good stewardship work died on the fiscal cut table.

5. Progress on EPMP.

In this part of the DFO update, they ignore a key point I raised above i.e. the education and competence of staff. Presently most habitat protection staff do not have formal education in fish and aquatic ecology ecology and many positions that need staff with a good fish/biology background including management positions are filled by those that are engineers, accountants, economists, lawyers, geographers, etc. These other disciplines are good to have in the team but the prerequisite of have competent biologically educated staff with proven ability to negotiate and understand decision making processes (including political) are essential to effectively protect fish habitat.

Should this not be recognized, all the manuals and national training (where is the money to do this) will not accomplish a reasonable similar product. You will have a cadre of staff that fills in countless boxes on risk management frameworks and other biologically irrelevant activities that dissects the fish habitat into units that fish do not recognize and that cannot be put back together so as to make as much sense to a fish as it would to an accountant or a misinformed Minister. Also if DFO is to be a partner with the Province, DFO should accept the concept of registered professionals and DFO resources should go into training staff and consultants so as they can be legally certified to do the job DFO used to try and do.

6. The World of MOUs.

In the mid 1990's DFO communications staff began to measure progress in protecting fish by the number of partnerships DFO had developed or the number of MOUs they had signed. It appears that we have now reached that reality. In 2000 I noted that it would accomplish little to spend years of activity on developing and signing MOUs with BC when they were about to elect a government that would downsize environmental staff and allow fish habitat protection to drift into the sunset. This has happened and the more fish unfriendly they have become the more DFO depends upon them to do their job. There must be partnerships with BC because it is the province or their agents that directly harms

or permits the harm to 85% of all habitat damage in BC. However you have to build responsible and accountable partnerships to benefit fish and not MOU counters and politicians and managers. It must be done at a high level, incorporate accountability, legislation symmetry and have dedicated resources set aside (not bone cutting slashes) to accomplish the same agreed upon objectives e.g. better protect and restore salmon habitat and populations.

7. Reality, Myth and the Political Art of Repackaging of Resources into Smaller Packages to Accomplish More

It is highly misleading announcing the dedication of 26 new habitat monitoring positions in BC, Prairies and Ontario when you know that massive resource cuts have been made to such staff and a small amount is being returned as new staff. In BC DFO HEB had resources that were dedicated to monitor habitat and my habitat assessment and planning unit had two dedicated staff to do nothing but to monitor DFO's success in achieving NNL. I and those two staff, that pioneered an examination of no net loss assessment, left DFO Pacific Region and were not replaced.

8. EPMP and the Habitat Compliance Continuum - is it New and Realistic?

EPMP is not new thinking or a new way of doing business. It was advanced at least 10 years ago and due to the inherent weaknesses in DFO it was never accepted or implemented in any significant manner. EPMP is a rediscovery of what was rejected by staff many years ago because they only understood project review as a way of doing business. Some of those same staff members are now to implement something they rejected or sabotaged several years ago when the resources to do it properly existed. It is now being adopted as a response to ever shrinking resources and with those minimal resources it will not work as outlined.

EPMP greatly depends upon stewardship as the new way of doing business. That is an old idea but when it was advanced 10 years ago it was accompanied by at least \$10M of new resources per year. The total HEB habitat protection budget was \$6M. Also funds were available for restoration etc. to the tune of over \$3M or more per year and about \$26M went into SEP. Now DFO has received significant cuts and they must show in a proper balance sheet (accompanied by realistic studies which we have requested and yet to receive) that show what their budget is and how can they accomplish a major shift in programs by taking resources from minimal project referral programs and putting those resources into an overly heavy stewardship program.

Further DFO proposed to monitor the end result to see if industry is doing the right thing. This is not balanced by a realistic enforcement program to get after the bad actors. A self compliance program will not work until there is a strong deterrent in place i.e. enforcement. Also monitoring is not a new program. It should also be noted that the need to monitor projects was first applied in about 1970 on a pipeline crossing of the Thompson River at Savona. We forced West Coast Transmission hire a monitor to report to DFO. Since that time countless projects have been monitored by industry paid for

monitors and in the mid 1990s we put a million dollars into compliance monitoring. What we learned and is presently noted by many fishery consultants is that DFO is not looking at the monitoring results. Between 1996 and 2006 my old group initiated about 10 monitoring and compliance studies that were all published i.e. from a review of NNL in the Fraser Estuary to urban referral compliance to a national review of NNL in Canada. In that this was done only a few years ago, it is insulting to competent staff that they must get into Change Management Strategies such as vision statements, performance measurement, etc. Much of it was there but the leadership to adopt it was missing. What is needed is a program to find and hire competent habitat managers that can show the necessary leadership at regional and especially at the Ottawa level. Leadership in the past has encouraged DFO to jump from one new program to another every 5 years to cover their failures.

To put together past ideas and programs and call it 'new' under the illusion of assured success is a cruel hoax and is nothing more than a program of senior bureaucrats to fool the Minister and the public that a better job can be done with less and less.

9. Are New Smart and EPMP Initiatives Fulfilling your Promise of Success?

Lets look at a few examples that have been sold by DFO as the new 'smart' regulatory approach.

9.1. Yukon Placer Regulations: At the meeting it was noted that the placer mining industry in the Yukon was "happy" with the new EPMP approach to develop a new regulatory approach to that very stream destructive industry... In that that industry has shown very little interest in protecting fish and habitat unless forced into compliance, it is probably naive to believe that because the miners like the new approach it will therefore work to better protect fish and fish habitat. What you have done in the Yukon was to make the process much more convoluted than necessary and with risk analyses etc. it will make it more difficult to apply the provisions of the Fisheries Act. I will not comment on this any further in that the Sierra Legal Defense Fund has presented a brief on this issue other than to say – you have gone through a great deal of DFO person resources to come up with something that will offer little more protection than the old inadequate approach. Here, as in other areas, DFO has confused the higher political objective of building partnerships and friends with industry and other parties with its sole mission and legal mandate of conserving and protecting fish and fish habitat.

9.2. Fraser River Gravel Removal: A year ago, under oath, DFO senior managers testified to the Williams Inquiry that old methods of protecting habitat did not work and DFO had to go in a new direction (as outlined by smart regulations and EPMP) and the agreement with the Cheam Band was used as an example of how the new ways would better succeed. Despite the new partnership, physical conflict was evident between DFO and the Band in 2005 and the new way to build partnership was to allow the Cheam to mine gravel. DFO staff was advised that this was to be approved regardless of their views and DFO became a facilitator of an activity that would be a high risk to fish habitat. DFO testified that habitat was not being harmed because the habitat chief had approved the

removal of gravel by the band. Further he wouldn't approve the removal of gravel if it was going to harm habitat. One could only understand this bafflegab if they ignored habitat concerns.

Then in March 2006 DFO authorized the removal of gravel in the band's Ferry Island area. The band was allowed to conduct the works with the assistance of a monitor. This monitor advised me that he had no DFO objectives given to him. Causeways were built across channels containing thousands of redds and flow was cut off to them. The consultants had the company install culverts but only in an area where the dammed up water wouldn't threaten the causeway. This resulted in no relief to the dehydrated redds and millions of alevins died.

Further, when the works were being put in place a very large amount of sediment was being washed down onto the redds. I advised the consultant that as the monitor they should sample this. They felt the sediment should "disperse" onto the spawning grounds and saw no need to do this monitoring. The sediment release was over 10,000mg/l and was a obvious violation of the Fisheries Act. DFO was not present and I could not get hold of field staff (office hours only from 10AM to 2PM of each day – another real habitat protection issue). The project proceeded as encouraged by the EPMP mentality i.e. build new partnership to keep industry happy and delegated your responsibility to the proponent and hired monitors. Further DFO staff was on site at times and felt they were powerless to do anything. You must see the pattern and where 'smart' EPMP approaches will lead?

Making matters worse, DFO senior managers then told the public that this screw-up was not as bad as documented by the public and nature was partly to blame. The area director, who 'politically authorized' the work, said that the river levels had dropped and the causeway did not result in the watering of the spawning grounds. This is an absolute misrepresentation of the truth. Any responsible observer could see that the causeway created a dam and a head difference of up to 100cm. The head pressure was so great that the consultants wouldn't allow culverts to be installed where the water depth was great enough to fill the culverts because the whole causeway would be blown out.

It was obvious that gravel removal and money was more important than fish conservation. Also the habitat chief then advised the press that almost all the fish had emerged prior to the works being allowed installed in early March. To be charitable, I would call this new logic – wishful thinking and forgive DFO for not having staff that really understand habitat protection and salmon ecology let alone simple habitat protection needs. Years ago one would not have been allowed to put such works in the Fraser in time sensitive March let alone to harm a spawning ground. Is this the new direction we want to take to improve fish habitat more efficiently? Again, EPMP is accomplishing the opposite of what it says it will do.

To prepare this brief I have approached DFO five times to obtain a copy of the Ferry Island screening report and authorization for this project. Despite the passing of 3 weeks, I have received nothing. Is this the new and smart transparency in DFO? It is obvious that

the EPMP approach with inept habitat practitioners and politically motivated managers will do great damage to the fishery resource.

9.3. SSPD and RAR: In the 1990s DFO worked closely with the Province to develop the Streamside Protection Directive and were indeed awarded the Silver Metal for those efforts. As part of that work DFO researched out fish protective needs and published a peer reviewed study on riparian setback needs in the urban environment. Then when a new government got into power in BC they accepted the Urban Development Institute's lobby efforts to change the SSPD so as developers could develop closer to streams. UDI opposed all streamside protective initiatives in the 1990s and even went to PM Chrétien and Premier Harcourt to prevent the publishing of an innocent Greenways stewardship document.

Then in about 2003 DFO adopted the new BC government\UDI approach and conspired with Victoria and UDI to water down the +30 meter protection regime to one that is a minus 30M setback rule. Further DFO said the new approach was more objective and supported by good science. We asked for the science but have yet to see it. Why under the old way of protecting habitat would DFO publish peer reviewed technical reports on salmon needs and then water down that approach and not be transparent about their science that gives rise to a more convoluted and inconsistent approach that the OHEB director called a new "smart regulation"? Now communities like Coquitlam are trying to change their bylaws (that adopted SSPD) to the new RAR because the developers like it better. Is the new DFO performance measurement to determine what is best for developers and the provincial government or what is best for fish?

There are many more new examples of how DFO is adopting the smart regulatory way of doing business that is the foundation of EPMP and it is harming more fish habitat. When will DFO be honest and provide us with the studies to show that this new approach can benefit fish more than developers?

Further to the RAR example, DFO studies should show how you can allow developers to take a different approach to each lot along a stream and give rise to a more timely and consistent approach. The old SSPD treated all lots in a consistent manner and did not encourage developers to hire consultants to try and get by with less protection on each lot. The new 'smart' approach has accomplished exactly the opposite of what you are claiming you are accomplishing.

Conclusions and Recommendations:

1. DFO has made no attempt to consult with the non-industrial public on how to better protect habitat in Pacific Region. They have now decided to consult after all the key decisions have been made. This totally undermines DFO promises of consultation and transparency. DFO OHEB has yet to demonstrate what is the concept and process of consultation.

2. DFO has gone out of their way to sign agreement and consult with industry on how to build a partnership to benefit industry and protect fish habitat. This has undermined any meaningful consultation that can now take place with ENGOS.
3. DFO claims of a more cohesive and proactive program is nothing more than a propaganda claim and it's not backed up by studies and a well thought out approach based on science and compliance logic.
4. Early examples of the application of the EPMP philosophy indicate that DFO is actually achieving the opposite (i.e. more habitat destruction) of what they claim they will accomplish (i.e. better habitat protection). This has to be expected once other DFO systemic weaknesses, that are not being addressed, are taken into account.
5. A new program, even one with merit, has a greatly reduced chance of success when the real problems in DFO are examined and accepted as not allowing a more cohesive and proactive program of habitat protection. DFO's promotion of wishful thinking has to be replaced by a more realistic approach and with a staffing program to recruit and hire better professionals that understand the ecological imperative and can lead in the face of political expediency.
6. The risk analyses of EPMP tears the aquatic ecosystem into isolated parts and can give rise to misleading information and poor decisions. Risk thinking should be part of the mental makeup of habitat staff and that should normally be found in staff educated in aquatic ecology and an understanding of a truly precautionary way to protect other life forms.
7. What does more to undermine "cohesive and proactive" approach in DFO is the musical chairs in the OHEB director's office. In the past 10 years OHEB has been directed by no less than 12 different directors or acting directors. Worse yet, many of these directors have no fishery or habitat formal training or experience. This problem along with the Pacific organization where you have 5-6 independent areas, that often do their own thing, makes DFO EPMP claims an impossibility. This area to area inconsistency is often personality based and their inconsistent approaches have been documented in past DFO compliance studies. This is management failure and will not be not addressed in any new direction program.
8. The habitat protection life cycle or 'continuum' is a valid concept but the DFO view of what is a "fragmented and reactive" program versus a "cohesive and proactive" program is total propaganda and not based on a realistic review of the facts. In the past too many resources did go into project review and not enough into stewardship and monitoring/enforcement. The stewardship weakness was addressed by FRAP and CFAR. Cuts jeopardized those programs and old staff held on to their only known way of doing business i.e. project review. Now excessive amount of a much diminished resources goes into stewardship and wishful thinking is allowed to hope for the best. This is not a balanced nor responsible decision.

9. DFO is abdicating its legal mandate and fettering the powers of the Act and the Minister by adopting this EPMP approach as outlined. Although DFO has denied this, they are fooling themselves in that you cannot delegate decisions yet pretend the Minister has the final say in the matter. This was one of the greatest weaknesses in the Yukon Placer Regulation and past misguided partnership programs like the Vancouver Island Pipeline Committee. DFO experience and DOJ expertise will clearly note that you should not promote a program whereby the risk of failure is great and you have unwittingly built in 'due diligence' and 'officially induced error' defenses. DFO does not have a strength in learning from past experiences. This is again a failure in management as they look for desperate new ways to solve old problems.

10. Further to point 8, the role of enforcement in the protection continuum is not understood or is deliberately downsized and hidden. DFO must use better science and experience to find a workable and effective balance. A workable balance would be:

- Stewardship – 30%
- Project review – 50%
- Monitoring and enforcement 20%.

11. Building partnerships with parties that have reduced interest in the environment and/or a great interest in industrial development is a high risk approach and does not fit into what should be a new DFO precautionary approach to reduce the continual loss of habitat. It is silly to rely upon the Province to do your job when no common First Minister goals exist on areas of divided or interacting jurisdiction and especially when the government in power is deregulating environmental protection and cutting environmental staff to nearly non-existent levels. What makes it worse than ever now is that DFO and the Province are both cutting resources and trying to streamline systems to benefit industrial development at the expense of better habitat protection.

12. As part of any new approach to protect habitat better, DFO must invest in many other supplemental initiatives beyond what has been outlined to us. Some of this information has been asked for but not provided. Other considerations would include the certification of consultants, a seamless C&P/Habitat streamlined enforcement program, habitat ticketing for minor offenses, habitat ombudsman, a habitat conflict resolution panel, etc.

DFO and above all its leadership, including the Minister, have to take a real self examination of what is DFO's role in terms of its moral, ethical, legal and public interest goals and come up with programs that will work to conserve fish habitat and truly balance the needs of the environment against the pressures of industry on fish habitat. This DFO EPMP approach has gone too far to balance the needs of industry with their goal of making more money. This EPMP approach is not in the spirit of a workable scientifically driven approach that is understandable, effective, and precautionary so as the interests of fish, no net loss and net gain of habitat capacity get at least balanced treatment in our pro-development economy. Further I am extremely concerned that most

experienced habitat protection staff and Fishery Officers that I have spoken to agree with me.

If DFO would take assured habitat protection and consultation more seriously, the implementation of EPMP would be adjourned until an independent and open minded and transparent review could be undertaken to understand where DFO habitat protection has come from, where it now is and where it has to go to stem the loss of fish habitat and fish populations in Canada. Leadership is now required, not more band-aides with buzz words and colorful diagrams printed on them. Such an approach will work with children that cut their fingers but it will do little for the habitat base that has been cut and is bleeding profusely.

Respectfully submitted by

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