

June 12, 2012

The Honourable Stephen Harper  
Prime Minister of Canada  
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The Honourable Keith Ashfield  
Minister of Fisheries and Oceans  
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Dear Mr. Harper and Mr. Ashfield:

As the former senior regional directors of the Department of Fisheries and Oceans responsible for Canada's freshwater ecosystems from Ontario and the Great Lakes across the prairies and to the Arctic, we are deeply disturbed by your government's proposed changes to diminish protection of Canada's freshwater ecosystems and to cut habitat research programs like the Experimental Lakes Area (ELA) field station in Northwestern Ontario.

We believe that you have been ill advised either by political staff with little understanding of federal constitutional responsibilities and with little appreciation of the importance of clean water and viable aquatic ecosystems to the well-being of all Canadians or by federal bureaucrats with a bias towards the management of marine fisheries.

The founders of our country gave the federal government primary responsibility for fisheries under Section 91 of the Constitution Act (originally British North America Act). The Fisheries Act has been the strongest national legislation for protecting fish and the marine and freshwater environments. These responsibilities were strengthened in 1976 by the addition of specific provisions in the Act to protect fish habitat. The federal role was further emphasized by numerous national and international court decisions, taking into account that major rivers and many large lakes cross provincial, territorial and national borders thus necessitating federal involvement and obligation.

In our opinion, the major failing in the proposed changes to the Fisheries Act is that freshwater will only be considered of significance if there are important commercial, recreational, or Aboriginal fisheries. Canadians benefit from clear uncontaminated fresh water for drinking, swimming, boating, industry and many other purposes in addition to fishing. Many small rivers and lakes throughout the country, particularly in the Arctic, do not currently support fisheries but they are an important part of Canada's fresh water networks. Potential effects and impacts should not be ignored when highways or pipelines cross small streams and rivers that do not currently support fisheries. As well, there are many rivers that do not currently support fisheries because they have already been degraded to a significant effect by pollution and habitat disturbance. While some might argue that the loss of a few streams or lakes should not impede industrial development – we urge you to remember that the cumulative effects of many small

decisions can be devastating. For example, at one time, Lake Ontario teemed with Atlantic salmon but small local industries built dams on the many spawning streams. Each dam stopped an insignificant number of fish but the total impact was the destruction of the species in the entire lake. Today there are few small dams on the lake and many rivers run freely but the salmon are gone and they will never return.

The closure of a number of science programs, including the ELA, and support libraries will erode research on contaminants and the protection of freshwater habitats. We agree that the proposed change to include penalties for destruction of fish habitat is positive but it does not replace a proper fish habitat protection program. Enforcement is important but it is something that comes after the damage is done. Fines did not stop the oil spill on the Red Deer River or the continuing nutrient enrichment of Lake Winnipeg or the mercury pollution in the English River in Northwestern Ontario. And they will not have helped in the very expensive clean ups afterwards.

A full range of environmental protection to reduce the likelihood of such disasters includes public understanding, planning, impact assessment, guidelines for operations and conditions for licenses and permits. Scientific knowledge and understanding are essential for all of these activities. It is important that government have the expertise and will to support and carry out independent scientific research. Federal decision makers cannot depend solely on industry research to fully understand and consider the consequences of developments on fisheries and habitats.

According to your officials the contaminants program and the programs at the Experimental Lakes Area are no longer "aligned with the department's mandate and are not responding to our research priorities". As former federal senior managers we understand the need to periodically refocus, reduce or end programs. As federal senior managers we were each directly involved in reduction and restructuring initiatives. No program should continue indefinitely if it is no longer effective or relevant. As former senior managers we also understand how phrases like "no longer meets our mandate" or "does not address departmental priorities" are used as code phrases to end discussion about certain decisions or actions. However, the protection of fish habitat and aquatic ecosystems does continue to be a federal responsibility. The erosion of the legislation, research and services as proposed by the federal government effectively abrogates this responsibility.

For more than a century Canada's freshwater aquatic research from federally supported field stations has been considered the best aquatic science in the world. Canadian research and the resulting programs, regulation and protocols led to important management decisions to protect and improve water quality and fish habitat throughout Canada and the world. If Canadians are to ensure a sustainable future we must be guided by the statement from Gro Harlem Brundtland's World Commission on Environment and Development, "Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs" and we must remember that the three pillars to sustainability are environmental protection and social and cultural sustainability not just economic growth.

When we managed these programs we were proud that Canada was a world leader in freshwater research and protection of freshwater aquatic ecosystems. The need for environmental protection and the research that supports it has not diminished. This is not about a few fish in drainage ditches. At the end of the day, Canadians need to assure the long term sustainability of nearly 30% of the world's surface freshwaters and 9% of the world's stream and river flows.

Yours Sincerely,

G. Burton Ayles,  
Regional Director General, 1993-1995

G. Herbert Lawler,  
Regional Director General, 1973-1986

Paul Sutherland,  
Regional Director General, 1986-1993

Rick Josephson,  
Regional Director Fisheries and Habitat  
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cc.

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