



Ocean Ecology

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March 26, 2012

The Honourable Keith Ashfield
Minister of Fisheries and Oceans
200 Kent Street
13th Floor, Station 13E228
Ottawa, ON K1A 0E6
via email: min@dfo-mpo.gc.ca

RE: Ocean Ecology Response to Potential Amendments to Section 35 of the *Fisheries Act*

Dear Minister Ashfield,

I am an independent scientist, a registered professional biologist, and the co-owner of a small business (Ocean Ecology) in British Columbia. I have been working on marine habitat related projects along the British Columbia coast since 1994. I am writing to you because I am concerned that habitat protection is about to be removed from the *Fisheries Act*.

As a scientist and a working professional, I believe that the proposed changes are inconsistent with what is known regarding aquatic biology and the management of aquatic resources based on the best available science. It is well documented in the scientific literature that the protection of species habitat is the most effective means of ensuring that species do not become extinct. This is reflected in legislation, such as the *Species at Risk Act (SARA)*, which acknowledges that “*the habitat of species at risk is key to their conservation*”. Sound resource management means maintaining a healthy ecosystem which provides all the necessary resources, such as food and spawning habitats, for the species which live in that ecosystem, including fish as well as a vast myriad of other interdependent species. The relationship between functional, intact ecosystems and increased biodiversity has also been clearly demonstrated in scientific literature. However, the conclusion of the 2012 Royal Society of Canada’s Expert Panel Report entitled *Sustaining Canada’s Marine Biodiversity: Responding to the Challenges Posed by Climate Change, Fisheries, and Aquaculture* was that “*Canada has fallen well short of the progress made by most developed nations in fulfilling national and international commitments to sustain marine biodiversity*”. The proposed changes to the *Fisheries Act* will seriously impact our ability to protect the biodiversity in many habitats, and this does not reflect the application of sound biological principles.

I am concerned that these proposed changes have been put forward without appropriate scientific consultation from bodies such as DFO’s Science Sector. According to the DFO website, “*science is the basis for sound decision making*”. And yet, as a scientist actively working in marine habitat, I have no evidence to suggest that such consultation has taken place.

Finally, the effectiveness of many other pieces of legislation relies, in part, on habitat which is protected under Section 35(1) of the *Fisheries Act*. For example, riparian areas protected under the current *Fisheries Act* and the BC *Fish Protection Act* (S. 12) also serve as terrestrial wildlife habitats and corridors for many potentially at risk species, such as those protected under the *Migratory Birds Convention Act* and the provincial *Wildlife Act and Forest & Range Practices Act*. Removing habitat protection from the *Fisheries Act* would have serious impacts on SARA, and our ability to prevent the extinction of aquatic wildlife species, such as the Coastal Tailed Frog, Red-Legged Frog and Pacific Water Shrew. Other rare and globally unique ecological

communities, such as sponges and cold water corals, which are considered central to the Convention on Biological Diversity's (CBD) commitment to the protection of marine biodiversity (as described in the *Pacific Region Cold-Water Coral and Sponge Conservation Strategy*), but which presently have little or no protection, are afforded some degree of protection through the *Fisheries Act*, since they provide rearing and feeding habitats for several commercial rockfish species. Also, unlike provincial or municipal legislation, protection of habitat by the *Fisheries Act* is broad in its scope, being applicable on all lands in the country, whether they are privately-owned, provincially managed, or tenured for industrial purpose. Thus, it forms an underlying building block on which other legislation has been developed. If you remove this foundation, much of the legislation involving habitat conservation may become ineffective or inapplicable.

Based on the principles of sound biological science in resource management, I would strongly request that you not make any changes to Section 35(1) of the *Fisheries Act*.

Yours truly,

A handwritten signature in cursive script that reads "Barb Faggetter".

Barb Faggetter, Ph.D., R.P.Bio.

cc:

The Right Hon. Stephen Harper, Prime Minister
The Honourable Joe Oliver, Minister of Natural Resources
The Honourable Peter Kent, Minister of the Environment
Mr. Nathan Cullen, Member of Parliament, Skeena-Bulkley Valley