

From: "Minister / Ministre (DFO/MPO)" <Min.XNCR@dfo-mpo.gc.ca>
Subject: Reply from Fisheries and Oceans Canada / Réponse de Pêches et Océans Canada
Date: December 5, 2018 at 12:18:38 PM PST
To: "aburger@uvic.ca" <aburger@uvic.ca>
Cc: "ENV.Minister@gov.bc.ca" <ENV.Minister@gov.bc.ca>, "FLNR.Minister@gov.bc.ca" <FLNR.Minister@gov.bc.ca>, "AGR.Minister@gov.bc.ca" <AGR.Minister@gov.bc.ca>

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Attached is the signed response to your correspondence addressed to the Honourable Jonathan Wilkinson, Minister of Fisheries, Oceans and the Canadian Coast Guard. For your convenience, the response is reproduced in the text below.

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Veuillez trouver ci-jointe la réponse à votre correspondance adressée à l'honorable Jonathan Wilkinson, Ministre des Pêches, des Océans et de la Garde côtière canadienne. Pour votre commodité, la réponse est produite ci-dessous.

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Dr. Alan E. Burger
President, BC Nature
Federation of BC Naturalists
< aburger@uvic.ca >

Dear Dr. Burger:

Thank you for your correspondence of October 17, 2018, regarding Herring and Carey Islands. I regret that we have no record of receiving your letter of January 11, 2018.

Fisheries and Oceans Canada (DFO) shares your concerns for the protection of habitat. Sustainable and healthy ecosystems are both economically and culturally integral to the people of British Columbia and Canada.

DFO protects fish and fish habitat through provisions of the *Fisheries Act*, and aquatic species at risk through provisions of the *Species at Risk Act* (SARA). The Department's Fisheries Protection Program (FPP) is responsible for reviewing projects that require a *Fisheries Act* paragraph 35(2)(b) Authorization, or a permit under the *Species at Risk Act*.

I can confirm that DFO is looking into alleged violations that took place on Carey and Herrling Islands related to the fish and fish habitat prohibitions of the *Fisheries Act*. A final course of action has not been determined at this time. Departmental staff visited the site at Strawberry Island in 2015 and determined that no serious harm to fish and fish habitat had occurred due to land clearing.

The FPP is reviewing two separate proposals to construct bridges to Carey Island and to Herrling Island. The goal is to determine whether the proposed works are likely to cause serious harm to fish, including white sturgeon. The FPP works with proponents to avoid and mitigate impacts to fish and fish habitat. If minor residual impacts remain, DFO considers ways to appropriately offset them.

The FPP has completed its review of both bridge proposals and has determined that serious harm is likely to occur. The proponents were advised that an Application for Authorization under the *Fisheries Act* will be required. DFO has not received an Application for Authorization on the Carey Island bridge proposal.

The proponent of the Herrling Island bridge proposal has submitted an Application for Authorization. FPP's review, in accordance with regulatory requirements and policy guidance, is ongoing at this time. As part of this review, FPP will be considering the potential impacts to important and sensitive habitats that support valuable fisheries resources, including white sturgeon and salmon.

Thank you for your suggestion to designate these areas as ecologically significant areas (ESAs) under the proposed revisions of the *Fisheries Act*. This new provision of the *Act* would allow designation of ESAs through regulation to protect sensitive, highly productive, rare or unique areas. As DFO moves towards its mandate of restoring lost protections through revisions to the *Fisheries Act*, regulations, and policies, and through revitalizing program delivery, we will be in a position to revisit this request.

Thank you for writing. I appreciate the opportunity to respond to your concerns.

Yours sincerely,

Original signed by

Jonathan Wilkinson, P.C., M.P.
Minister of Fisheries, Oceans and the Canadian Coast Guard

c.c.: The Honourable George Heyman, M.L.A.
British Columbia's Minister of Environment and Climate Change Strategy
The Honourable Doug Donaldson, M.L.A.
British Columbia's Minister of Forests, Lands, Natural Resource Operations and
Rural Development
The Honourable Lana Popham, M.L.A.
British Columbia's Minister of Agriculture