



October 15, 2021

The Honourable Katrine Conroy, M.L.A.  
Minister of Forests, Lands, and Natural Resources and Rural Development  
Room 248 Parliament Buildings  
Victoria, BC V8V 1X4

VIA EMAIL: [FLNR.Minister@gov.bc.ca](mailto:FLNR.Minister@gov.bc.ca)

Dear Minister Conroy:

**Re: Request that you establish a new *Heart of the Fraser Wildlife Management Area***

On behalf of the BCIT Rivers Institute, we ask that you exercise your powers under section 4(2) of the *Wildlife Act*<sup>1</sup> to designate the Fraser River from Hope to below Chilliwack as a Provincial Wildlife Management Area. (See [Appendix 1](#) for a precise map of the proposed Heart of the Fraser Wildlife Management Area.)

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<sup>1</sup> Section 4(2) of the *Wildlife Act*, RSBC 1996, states: "With the consent of the Lieutenant Governor in Council, the minister may, by regulation, designate as a wildlife management area land that is under the minister's administration and is not in a park, a conservancy or a recreation area." We ask that you seek Lieutenant Governor in Council consent for the new Wildlife Management Area requested.

A wildlife management area (WMA) is an area of land – including submerged lands – designated for the conservation of important fish and wildlife species or their habitats. It is generally an offence to harm wildlife habitat within a Wildlife Management Area. In WMAs, conservation is the priority use, but other resource uses may occur, if compatible with conservation. Resource uses in a WMA are governed by a WMA Management Plan – and by specific protective regulations/orders that may be developed. Any proposed new use of land or resources in a WMA requires written permission from the Regional Manager. However, note that land and resource rights granted before designation as a WMA remain in effect. [See: definition of "crown land" and sections 4, 5 and 7 of the *Wildlife Act* and see: Government of British Columbia, "Wildlife Management Areas (WMAs)," online: <<https://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/wildlife/wildlife-habitats/conservation-lands/wma>>.]

Note that lands within a WMA can also be designated as Critical Wildlife Areas and Wildlife Sanctuaries, to better protect such areas (See *Wildlife Act*, s. 5).



Note that this request is also supported by 28-member organizations of the Fish, Wildlife and Habitat Coalition:



Our submission below demonstrates the compelling public interest for you to take action and seek Lieutenant Governor in Council's consent to a regulation designating a new *Heart of the Fraser Wildlife Management Area*. Prior to taking action, we urge you to ask impacted Indigenous Nations if they would agree to:

- the establishment of such a Wildlife Management Area; and
- if so, are they interested in partnering to create, manage and act as guardians for such a *Heart of the Fraser Wildlife Management Area* that could be – or evolve into – an *Indigenous Protected and Conserved Area*.

## Background

*“The Fraser River is BC’s largest and most ecologically diverse waterway. At its very heart, between the towns of Hope and Mission, it’s a meandering section widely known as one of the most productive stretches of river anywhere in the world. Often referred to as the Heart of the Fraser, this part of the river is a complex, ever-changing landscape of floodplains, side channels, wetlands, and backwaters... lush back eddies, immense gravel bars and numerous beautiful islands.*

*The Heart of the Fraser is a rich ecosystem that supports an exceptional diversity of fish, birds and other wildlife. It’s a truly unique natural bounty that, in turn underlies extensive cultural, spiritual, aesthetic, recreational and economic values for First Nations, local communities, and indeed, for all Canadians. Just an hour’s drive from Greater Vancouver, the area is literally an ‘Eden in our midst’. But this part of the river is at risk. Situated at the edge of BC’s busiest metropolis, the growing pressures of resource extraction, agricultural expansion, urbanization, and land development are rapidly claiming the remains of this once extensive ecosystem.”<sup>2</sup>*

Unfortunately, much of the Heart of the Fraser has been developed, mined for gravel, logged, diked, drained and converted to agricultural purposes. This has dramatically reduced the quantity and quality of habitat – and destabilized the ecosystem. The most significant threat to fish and wildlife in and along the Fraser River are human activities which change the river’s fundamental hydrology.<sup>3</sup>

One of the world’s great salmon rivers – and Canada’s most productive – is at grave risk.<sup>4</sup> The “Heart of the Fraser” – the River’s gravel reach between Hope and Mission – has a “disproportionate importance for wild salmon as a migratory corridor and for the number of populations that rely on the area.”<sup>5</sup> The Heart of the Fraser supports all species of Pacific salmon (pink, Chinook, coho, sockeye, and chum) by providing vital spawning and rearing grounds.<sup>6</sup> Millions of salmon rely on the unique habitat of the gravel reaches in this area. The eddies, shallows, and side channels around midstream islands provide critical rearing habitat for Chinook and other salmon that emerge from the Interior in the spring – including populations like the awe-inspiring Adams River sockeye. Chum and pink salmon spawn heavily on the Heart’s gravel bars, which are ideal for spawning.

During the annual spring freshet, the instream islands themselves become fish habitat. During this period of high water, large parts of the islands get covered with water and subsequently inundated by

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<sup>2</sup> Mark Angelo, “An Eden in our Midst”, from *Heart of the Fraser*, edited by Ken Ashley, (North Vancouver: Fernando Lessa Photography and Storytelling, 2019) at p. 19.

<sup>3</sup> See “Defend the Heart of the Fraser” (Last visited 28 June 2020), online: [bcwf.bc.ca/initiatives/initiatives-heart-of-the-fraser/](http://bcwf.bc.ca/initiatives/initiatives-heart-of-the-fraser/), and Rivershed Society of British Columbia, “Issues Affecting the Fraser River,” online: [rivershed.com/get-informed/issues-affecting-the-fraser-river/#:~:text=The%20Fraser%20River%20is%20one,river%20systems%20in%20the%20world.&text=Fish%20Habitat%3A%20Impacts%20to%20key,in%20urban%20and%20agricultural%20lands](http://rivershed.com/get-informed/issues-affecting-the-fraser-river/#:~:text=The%20Fraser%20River%20is%20one,river%20systems%20in%20the%20world.&text=Fish%20Habitat%3A%20Impacts%20to%20key,in%20urban%20and%20agricultural%20lands).

<sup>4</sup> Sarah O’Neal and Dr. Carol Ann Woody, *Canada’s Fraser River: Reasons for sockeye salmon declines with a comparison to Bristol Bay*, p. 1, Fisheries Research and Consulting, online (pdf):

[http://www.pebblescience.org/pdfs/Fraser\\_River\\_White\\_Paper\\_22\\_Aug\\_2011.pdf](http://www.pebblescience.org/pdfs/Fraser_River_White_Paper_22_Aug_2011.pdf). Also, see: J. Lewis Robinson and Brandi Newton, “Fraser River” (last modified 31 January 2017), online: [The Canadian Encyclopedia](http://www.thecanadianencyclopedia.ca/en/article/fraser-river) [www.thecanadianencyclopedia.ca/en/article/fraser-river](http://www.thecanadianencyclopedia.ca/en/article/fraser-river).

<sup>5</sup> Riley JR Finn et al., “Quantifying lost and inaccessible habitat for Pacific salmon in Canada’s Lower Fraser River” (2021) 12:7 *Ecosphere*, online: <https://esajournals.onlinelibrary.wiley.com/doi/10.1002/ecs2.3646>.

<sup>6</sup> “Defend the Heart of the Fraser” (Last visited 28 June 2020), online: *Defend the Heart of the Fraser* [www.heartofthefraser.ca](http://www.heartofthefraser.ca) at Ecological Significance.

millions of juvenile salmon seeking refuge from fast-moving high flows in the main stem of the river.<sup>7</sup> Up to 75% of the islands become seasonal fish habitat during spring freshet.<sup>8</sup> This vegetation-rich habitat is an excellent food source for salmon species such as the Chinook and the coho. The vegetation also protects juvenile fish from predators.<sup>9</sup>

The Heart of the Fraser also contains the largest concentration of White Sturgeon in Canada and provides critical spawning grounds for the legendary species.<sup>10</sup> These fish are the largest (six metres/600 kg) and longest-lived (150 years) freshwater fish in North America,<sup>11</sup> and have great spiritual, cultural, and economic significance to many Indigenous communities.<sup>12</sup>

Altogether, the “Heart of the Fraser” supports more than 30 different species of fish – including critically important fish like the endangered Thompson River steelhead. And all of these millions of fish supply the nutrient foundation for a remarkably rich ecosystem. Extensive bird populations are found there – including red-tailed hawks, green and great blue heron, ducks, sandhill cranes, and turkey vultures. Indeed, the world’s largest gathering of bald eagles, the Bald Eagle Festival at Harrison, gathers to feast on Heart of the Fraser salmon.<sup>13</sup>

The area is also home to amphibians such as the Oregon spotted frog, western red-backed salamander, and the Pacific giant salamander. Other species supported by the Heart of the Fraser include seals, sea-lions, beaver, bears, deer, cougars, and coyotes. This extraordinary abundance has sustained First Nations for thousands of years and today provides exceptional cultural, recreational, aesthetic, and economic values for all those who live in southwestern British Columbia.<sup>14</sup>

As Mark Angelo points out: “All of this is made possible by the wild, rambling nature of this stretch of the Fraser...”<sup>15</sup>

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<sup>7</sup> “Defend the Heart of the Fraser” (Last visited 28 June 2020), online: *Defend the Heart of the Fraser* <[www.heartofthefraser.ca](http://www.heartofthefraser.ca)> at Ecological Significance.

<sup>8</sup> Personal communication with Ken Ashley, Ph.D., Director, BC Rivers Institute and editor and author of *Heart of the Fraser*, (North Vancouver: Fernando Lessa Photography and Storytelling, 2019).

<sup>9</sup> Brenna Owen, “UBC researchers map Pacific salmon habitat, finding much is lost or inaccessible” *Times Colonist* (2021 August 14), online: <<https://www.timescolonist.com/ubc-researchers-map-pacific-salmon-habitat-finding-much-is-lost-or-inaccessible-1.24350960>>.

<sup>10</sup> “Defend the Heart of the Fraser” (Last visited 28 June 2020), online: *Defend the Heart of the Fraser* <[www.heartofthefraser.ca](http://www.heartofthefraser.ca)> at Ecological Significance.

<sup>11</sup> Fraser River” (last visited 28 June 2020), online: *Canadian Heritage Rivers System* <[chrs.ca/en/rivers/fraser-river](http://chrs.ca/en/rivers/fraser-river)>. Government of Canada, “White Sturgeon, *Acipenser transmontanus*” (last modified 19 December 2016), online: *Fisheries and Oceans Canada* <[www.dfo-mpo.gc.ca/species-especes/profiles-profil/white-sturgeon-esturgeon-blanc-eng.html](http://www.dfo-mpo.gc.ca/species-especes/profiles-profil/white-sturgeon-esturgeon-blanc-eng.html)>. “Fraser River White Sturgeon,” (last visited 28 June 2020), online: *Fraser River Sturgeon Conservation Society* <[www.frasersturgeon.com/fraser-river-white-sturgeon/](http://www.frasersturgeon.com/fraser-river-white-sturgeon/)>.

<sup>13</sup> Personal communication with Ken Ashley, Ph.D., Director, BC Rivers Institute and editor and author of *Heart of the Fraser*, (North Vancouver: Fernando Lessa Photography and Storytelling, 2019). Also, see <http://fraservalleybaldeaglefestival.ca/maps/CFBESP-MAP.pdf>

<sup>13</sup> Personal communication with Ken Ashley, Ph.D., Director, BC Rivers Institute and editor and author of *Heart of the Fraser*, (North Vancouver: Fernando Lessa Photography and Storytelling, 2019). Also, see <http://fraservalleybaldeaglefestival.ca/maps/CFBESP-MAP.pdf>

<sup>14</sup> Personal communication with Ken Ashley, Ph.D., Director, BC Rivers Institute and editor and author of *Heart of the Fraser*, (North Vancouver: Fernando Lessa Photography and Storytelling, 2019)

<sup>15</sup> Mark Angelo, “An Eden in our Midst,” from *Heart of the Fraser*, p. 20, edited by Ken Ashley, Fernando Lessa Photography and Storytelling, North Vancouver, 2019.

Yet today the Heart of the Fraser is deteriorating, and action must be taken to preserve this critical global heritage. In recent years, different populations of Fraser River salmon, including coho, sockeye and Chinook have been designated as threatened, endangered, or of special concern.<sup>16</sup> Interior Fraser River steelhead are on the brink of extinction.<sup>17</sup> A massive rock slide in 2019 near Big Bar further threatens most upper Fraser salmon stocks that migrate through the Heart of the Fraser.<sup>18</sup> The steady degradation of river habitat is sharply exacerbated by climate change. In fact, Fisheries and Oceans Canada closed almost 60% of the commercial salmon fisheries this season, citing climate change, habitat degradation, and harvesting impacts as the combination of sources that have brought many runs to the “verge of collapse.”<sup>19</sup> Recent research indicates that if current harms are not reduced, the Lower Fraser River white sturgeon may also not survive in the long run.<sup>20</sup>

Yet development pressures continue to threaten and degrade some of the most productive fish and wildlife habitat left in the world. For example, Carey and Herrling islands are two of the last remaining undeveloped island complexes in the Heart of the Fraser. They are particularly important, providing both spawning gravels and nursery habitat when they flood each spring.<sup>21</sup>

Yet, clearcutting, agricultural development, and diking<sup>22</sup> threaten these islands and their critical fish habitat. Diking of these islands for farming and other development would be environmentally devastating – because dikes prevent seasonal flooding and disrupt the natural water flows and nutrient exchange essential to fish. Diking would prevent the spring freshets critically important to fish – and

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<sup>16</sup> Committee on the Status of Endangered Wildlife in Canada (COSEWIC), “COSEWIC Assessment and Status Report on the Chinook Salmon *Oncorhynchus tshawytscha*, Designatable Units in Southern British Columbia (Part One – Designatable Units with no or low levels of artificial releases in the last 12 years), in Canada” (9 October 2019), online (pdf): *Government of Canada* <[wildlife-species.canada.ca/species-risk-registry/virtual\\_sara/files/cosewic/ChinookSalmon-v00-2019-Eng.pdf](https://wildlife-species.canada.ca/species-risk-registry/virtual_sara/files/cosewic/ChinookSalmon-v00-2019-Eng.pdf)>; Committee on the Status of Endangered Wildlife in Canada (COSEWIC), “COSEWIC Assessment and Status Report on the Coho Salmon *Oncorhynchus kisutch*, Interior Fraser population in Canada” (24 October 2017), online (pdf): *Government of Canada* <[wildlife-species.canada.ca/species-risk-registry/virtual\\_sara/files/cosewic/sr\\_Coho%20salmon\\_2016\\_e.pdf](https://wildlife-species.canada.ca/species-risk-registry/virtual_sara/files/cosewic/sr_Coho%20salmon_2016_e.pdf)>.

<sup>17</sup> Technical Summaries and Supporting Information for Emergency Assessments Steelhead Trout *Oncorhynchus mykiss* (Thompson River and Chilcotin River populations) John Neilson, Co-chair, Marine Fishes Subcommittee, COSEWIC Eric Taylor, Chair, COSEWIC February 2018

<sup>18</sup> Fisheries and Oceans Canada, “Big Bar landslide response summary” (2020 December 09), online: <<https://www.pac.dfo-mpo.gc.ca/pacific-smon-pacifique/big-bar-landslide-eboulement/response-reponse-eng.html>>.

<sup>19</sup> Brenna Owen, “UBC researchers map Pacific salmon habitat, finding much is lost or inaccessible” *Times Colonist* (2021 August 14), online: <<https://www.timescolonist.com/ubc-researchers-map-pacific-salmon-habitat-finding-much-is-lost-or-inaccessible-1.24350960>>.

<sup>20</sup> DFO recently assessed the conservation status of at risk Lower Fraser River White Sturgeon and the Canadian Science Advisory Secretariat Pacific Region Science Advisory Report Recovery Potential Assessment analysis was published in 2021: “Although the population is expected to be above the survival threshold into the foreseeable future; if juvenile recruitment declines further (i.e., to half of the 2010-2019 levels), adult abundance could drop below the survival threshold within 50 years. Critical to the sustainability of this population, harm needs to be reduced relative to current levels. This may be addressed through changes to habitat that would improve juvenile growth and survival, changes to fisheries, and increases in food availability.” See: Department of Fisheries and Oceans. “Canadian Science Advisory Secretariat Pacific Region Science Advisory Report 2021/011. Recovery Potential Assessment for Lower Fraser River White Sturgeon,” (2020) online: <[https://www.dfo-mpo.gc.ca/csas-sccs/Publications/SAR-AS/2021/2021\\_011-eng.pdf](https://www.dfo-mpo.gc.ca/csas-sccs/Publications/SAR-AS/2021/2021_011-eng.pdf)>.

<sup>21</sup> Personal communication with Ken Ashley, Ph.D., Director, BC Rivers Institute and editor and author of *Heart of the Fraser*, (North Vancouver: Fernando Lessa Photography and Storytelling, 2019)

<sup>22</sup> This exacerbates the loss of 1,700 kilometres of streams in the area that have been lost to development. See: Riley JR Finn *et al.*, “Quantifying lost and inaccessible habitat for Pacific salmon in Canada’s Lower Fraser River” (2021) 12:7 *Freshwater Ecology*, online: <<https://esajournals.onlinelibrary.wiley.com/doi/full/10.1002/ecs2.3646>>. See also, Brenna Owen, “UBC researchers map Pacific salmon habitat, finding much is lost or inaccessible,” *Times Colonist* (2021 August 14), online: <<https://www.timescolonist.com/ubc-researchers-map-pacific-salmon-habitat-finding-much-is-lost-or-inaccessible-1.24350960>>.



stop the constant sinuous evolution of the river that makes this ecosystem so remarkably fecund. This is a critical threat – a recent UBC study found that dikes and other development have already cut off salmon from 85% of their historical floodplain habitat in the Lower Fraser River.<sup>23</sup>

Numerous environmental and wildlife organization oppose the deforestation and diking of Carey, Herrling, and Strawberry islands. The BCIT Rivers Institute, Watershed Watch Salmon Society, Outdoor Recreation Council of BC, BC Wildlife Federation, Raincoast Conservation Foundation, Pacific Salmon Foundation, Georgia Strait Alliance, and others have called for the long-term protection of these islands.<sup>24</sup>

As Dr. Marvin Rosenau and Mark Angelo have written:

*From a biological perspective, a key aspect in maintaining a diverse instream and riparian ecosystem in this gravel reach is the regular and routine seasonal flooding of the lowland stream-side landscapes... Nutrients, sediment, water and organisms are transferred laterally in all directions—both inland away from the main channel, and back out into the river from the vegetated floodplain—and this can only occur where the stream is not constrained by dikes... Thus, the back-and-forth movement of nutrients and biota in the Fraser gravel reach is a function of the rising flood waters and must be maintained along the undiked portions of the river if this ecosystem is to be maintained.*<sup>25</sup>

The Heart of the Fraser – and Fraser River salmon – are at a crisis point. In the past, governments have responded to the need for wildlife management areas to protect the Fraser River and its incomparable fish and wildlife values. For example, in 2009 the Bert Brink WMA was established to protect undiked floodplains of the Fraser River near the City of Chilliwack, where the Vedder Canal meets the Fraser (and

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<sup>23</sup> This exacerbates the loss of 1,700 kilometres of streams in the area that have been lost to development. See: Riley JR Finn *et al*, "Quantifying lost and inaccessible habitat for Pacific salmon in Canada's Lower Fraser River" (2021) 12:7 Freshwater Ecology, online: <<https://esajournals.onlinelibrary.wiley.com/doi/full/10.1002/ecs2.3646>>. See also, Brenna Owen, "UBC researchers map Pacific salmon habitat, finding much is lost or inaccessible," *Times Colonist* (2021 August 14), online: <<https://www.timescolonist.com/ubc-researchers-map-pacific-salmon-habitat-finding-much-is-lost-or-inaccessible-1.24350960>>.

<sup>24</sup> Personal communication with Ken Ashley, , Ph.D., Director, BC Rivers Institute and editor and author of *Heart of the Fraser*, (North Vancouver: Fernando Lessa Photography and Storytelling, 2019).

<sup>25</sup> Dr Marvin L Rosenau and Mark Angelo, *Saving the Heart of the Fraser: Addressing Human Impacts to the Aquatic Ecosystem of the Fraser River, Hope to Mission, British Columbia*, (Vancouver: Pacific Fisheries Resource Conservation Council, 2007), at p. 24.

Scientists have pointed out that the entire Heart of the Fraser gravel reach needs to be protected, because the islands and the riverbed are interconnected and transitory, and the five islands today may not be there in 300 years, but could be replaced by five new islands. The important principle is to allow natural fluvial process to continue unimpeded, so the rivers continues a continual process of deposition, island formation and island erosion. See Mike Church and Stephen P. Rice. 2009. "Form and growth of bars in a wandering gravel-bed river," *Earth Surface processes and landforms*, 34 (1): 1422-1433.

"Rivers moving through such environments tend to meander, particularly when they are unconstrained by natural or man-made barriers such as dykes. Currents erode the riverbed and move laterally until they encounter a hard valley wall or some other obstruction. This triggers a reversal, and erosion then moves in the opposite direction to another unmovable obstruction, and things reverse again. Over tens, hundreds or even thousands of years, the patterns repeats. The end result is a continuously sinuous river channel." – Mike Church, in Terry Glavin and Ben Parfitt. *Sturgeon Reach: Shifting currents at the Heart of the Fraser*. (Vancouver: New Star books, 2012) at p. 34.

includes part of Strawberry Island).<sup>26</sup> In 2016, government created the Lhá:lt / Harrison-Chehalis WMA to protect a portion of Harrison River and Chehalis Rivers (tributaries of the Fraser). But now the need for protection is greater than ever. More dramatic action is needed, to protect the very heart of the river, from Mission all the way to Hope.

It is important to note that the *Heart of the Fraser Wildlife Management Area* is not a new idea. It has been considered for almost two decades. Indeed, the Fraser Valley Regional District demonstrated political support for this idea in its 2004 Fraser Valley Regional Growth Strategy that proposed that the Fraser River from Hope to Mission be protected as Wildlife Management Area. (See the map of the area proposed in the Growth Strategy in [Appendix 1](#)).<sup>27</sup> It is possible to build on these previous initiatives.

Furthermore, in March of this year the Outdoor Recreation Council of BC, Watershed Watch Salmon Society and the BC Wildlife Federation asked the federal Minister of Fisheries and Oceans to take action to protect the Heart of the Fraser. They asked the Minister to designate the Heart of the Fraser as an Ecologically Significant Area under the federal *Fisheries Act* (see [Appendix 2](#)). Thus, there is now a great opportunity for the federal and provincial governments to collaborate to protect this global asset.

As Federal Fisheries Minister Bernadette Jordan recently stated in response to questions about Fraser River Chinook stocks of concern: "... no fisheries minister wants to be the minister when the stock collapses, and that's where we are right now with [Fraser River] Pacific salmon – it's a stock on the verge of collapse. **If we don't do everything we can, we won't have salmon.**"<sup>28</sup>

We must not only "do everything we can" to protect the salmon. We must do everything we can to protect the health of the Fraser River itself – our *Canadian Heritage River* that is home to one quarter of all British Columbians, includes hundreds of municipalities and 98 First Nations, and lies at the very centre of British Columbia's social, economic, cultural, recreational and environmental life.<sup>29</sup>

The salmon, sturgeon and other wildlife of the Heart of the Fraser have been at the centre of the lives and culture of Indigenous Nations in the entire Fraser Basin and all up and down the British Columbia

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<sup>26</sup> British Columbia, "Find Conservation Lands – Map and Primary Contacts," online: <https://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/wildlife/wildlife-habitats/conservation-lands/find-conservation-lands> [Accessed 5 March 2021]. Also see: Government of British Columbia, "Lhá:lt/Harrison-Chehalis Wildlife Management Area," online: <https://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/wildlife/wildlife-habitats/conservation-lands/wma/wmas-list/lhlt-harrison-chehalis> and Government of British Columbia, "Bert Brink Wildlife Management Area," online: <https://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/wildlife/wildlife-habitats/conservation-lands/wma/wmas-list/bert-brink>.

<sup>27</sup> See the proposed Wildlife Management Areas here: Fraser Valley Regional District, by-law no 0569, *Fraser Valley Regional Growth Strategy* (2003) at pp. 28-29, online: <https://www.fvrd.ca/assets/About~the~FVRD/Documents/RGS/RGS%202004%20Choices%20for%20our%20Future.pdf> [https://perma.cc/4D2Z-M4QW].

Also see the original news release about this study here: Mel Turner and Betsy Terpsma (Ministry of Environment, Lands and Parks), "Fraser Lowlands Protected Area Process Underway," *BC Gov News* (20 May 1998), online: *BC Government News Archive* <<https://archive.news.gov.bc.ca/releases/archive/pre2001/1998/may/ib312.asp>> [perma.cc/BNB3-MVL9].

<sup>28</sup> Marc Fawcett-Atkinson, "DFO shuts most B.C. fisheries in desperate effort to save salmon," *National Observer*, June 29, 2021. [emphasis added], online: <<https://www.nationalobserver.com/2021/06/29/news/dfo-shuts-most-bc-fisheries-desperate-effort-save-wild-salmon-fish>>.

<sup>29</sup> Fin Donnelly, "It started with a swim," from *Heart of the Fraser*, p. 34, edited by Ken Ashely, (North Vancouver: Fernando Lessa Photography and Storytelling, 2019). Note that In 1998 the Fraser was formally designated a Canadian Heritage River – Government of British Columbia, "Fraser River" (last visited 28 June 2020), online: *BC Parks* <[bcparks.ca/heritage\\_rivers\\_program/bc\\_rivers/fraser\\_river.html](https://bcparks.ca/heritage_rivers_program/bc_rivers/fraser_river.html)>; "Fraser River" (last visited 28 June 2020), online: *Canadian Heritage Rivers System* <[chrs.ca/en/rivers/fraser-river](https://chrs.ca/en/rivers/fraser-river)>.

coast. The Supreme Court of Canada recognized this foundational relationship in a case considering Indigenous peoples at the Fraser mouth:

*It is no exaggeration to say that their life centered in large part around the river and its abundant fishery.*<sup>30</sup>

It is critical that the rights and multiplicity of interests of Indigenous peoples are reflected in the response to this issue. This is only possible with collaboration that respects the treaty rights, and Aboriginal rights and title of all impacted Indigenous nations. We once again urge you to work with the impacted Indigenous nations in the creation, implementation, and management of any initiative in response to the dire situation in the Heart of the Fraser.

The simple fact is that the things that make the Fraser River important to all British Columbians depend directly on a healthy *Heart of the Fraser*.

You must now *act* for Indigenous fishers – from the BC coast, to the mouth of the Fraser, to the remote reaches of the Adams River. You must *act* for the recreational anglers on Chilliwack sand bars, teaching grandkids how to catch dinner. You must *act* for the multitude of hotel, restaurant, recreation, and tourism workers of the Fraser Basin who ultimately draw their living from the river's bounty. You must *act* for all the commercial fishers along the coast.

In addition, you must act for the sake of the salmon-eating orcas that leap in the Gulf of Georgia. You must act, to preserve the magic of a red-tailed hawk diving and a sandhill crane stalking fish at dawn. You must act for the primeval sturgeon that lurked in these river waters for millennia. You must act for the disappearing Thompson River steelhead. You must act so that the ancient gatherings of bald eagles will long endure.

Most important, we must join together and act to preserve this wondrous place for future generations. We must act to ensure that the Heart of the Fraser does not die on our watch, but begins recovery. We must act to meet our highest moral duty – to pass on to grandchildren an undiminished world. The children must inherit what we were bequeathed – an undiminished Fraser River, with a vibrant living Heart.

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<sup>30</sup> *R v Kapp*, 2008 SCC 41 at para 4.



For the above reasons, we respectfully request that you partner with Indigenous Nations to designate the Heart of the Fraser as a Wildlife Management Area under the *Wildlife Act*.

Yours sincerely,

“Calvin Sandborn”

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Calvin Sandborn, QC, Barrister and Solicitor

“Justine Jarvid”

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Justine Jarvis, JD Student

“Christa Croos”

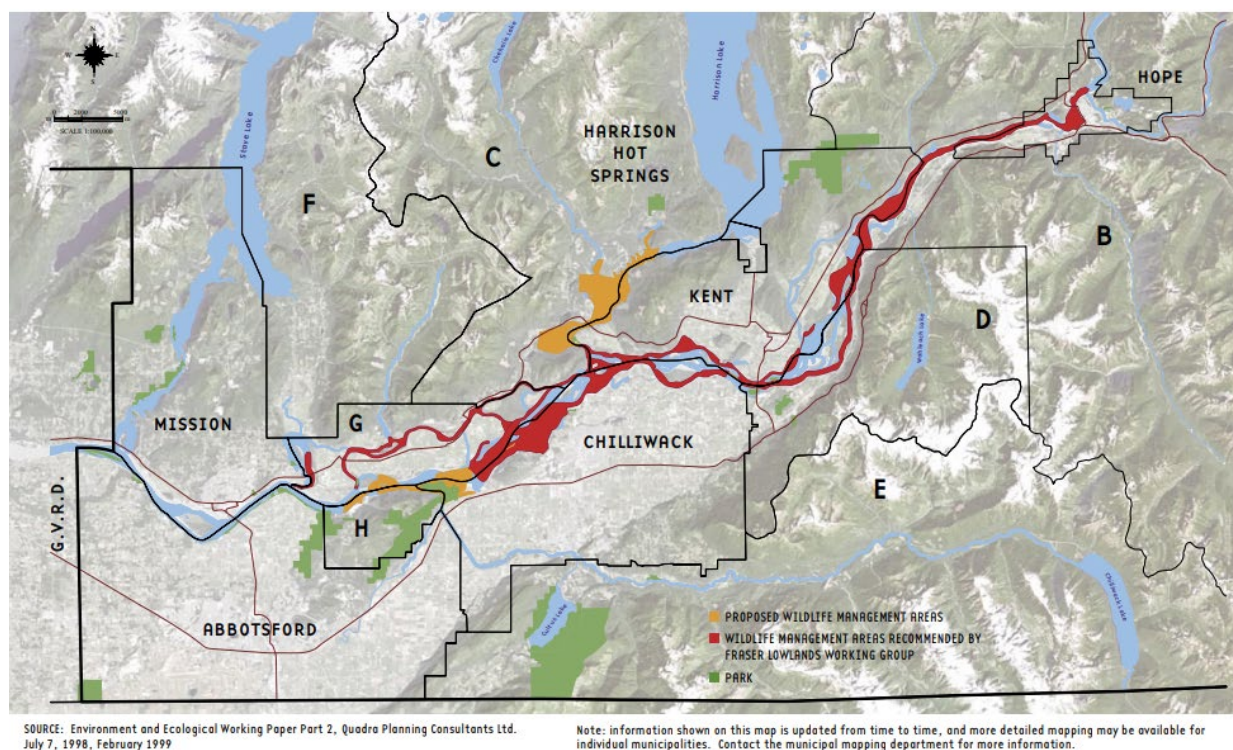
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Christa Croos, Articled Student

## Appendix 1

## Proposed FVRD Wildlife Management Areas

Map 5b  
Proposed Wildlife Management Areas



## Appendix 2



Outdoor Recreation  
Council of BC



March 12, 2021

Honourable Bernadette Jordan, P.C., M.P.  
Minister of Fisheries, Oceans and the Canadian Coast Guard  
min@dfo-mpo.gc.ca

Dear Minister,

RE: Designating the Heart of the Fraser as an Ecologically Significant Area

Over the past century, a majority of the foreshore wetlands, marshes and islands within the Heart of the Fraser have been logged, diked, drained and converted to farming. In 2017, three major islands that remain un-diked – Herrling, Carey and Strawberry – were bought by developers and extensively clear cut, often to the river's edge, to the detriment of vital fish habitat. Recent news of off-roading trucks crashing through the incredibly productive channels and gravel bars of this reach of river and damaging sensitive habitat has brought to light unsustainable practices your ministry is allowing to occur. Indeed, this message is quite counter to the excellent work your ministry is also doing to improve fish passage further upstream at the Big Bar slide.

Stretching over 80 kilometres between Mission and the town of Hope, this stretch of the lower Fraser River is an extremely productive network of channels, islands and wetlands for all Fraser salmon, endangered white sturgeon and the over two dozen other species that use these waterways. Beyond its importance for fish, the Heart of the Fraser provides multiple benefits to Indigenous, commercial and recreational fisheries, ecotourism operators, regional recreation clubs and countless others. Lower Fraser Nations have on many occasions highlighted the importance of this reach of river, the songs and stories attached to it and recognize its value for their future. Indeed, we can all agree this area has tremendous value to B.C. and Canada.

The Outdoor Recreation Council of BC, Watershed Watch Salmon Society and BC Wildlife Federation ask that the Heart of the Fraser be recognized and listed as an "Ecologically Significant Area" under the *Fisheries Act*, with special focus placed on the un-diked islands as they provide important habitat for numerous species including salmon and sturgeon.

As a new tool under the modernized act, we believe there is no better initial candidate in the country than the Heart of the Fraser for the extraordinary role it has in supporting the Fraser ecosystem and the numerous threats it faces from development. This designation would result in the application of a precautionary approach to management and further strengthen the need to develop a much more thorough conservation plan with First Nations, experts and stakeholders. At present, there is no collaborative management plan for this region and without it, we know the area could ultimately suffer from severe biodiversity collapse.

While education efforts and enhanced enforcement are key to ensuring compliance with the *Fisheries Act*, this will not be enough to protect the ecological integrity of the area and ensure the future sustainability of fish populations. Considering the exceptional pressures from ongoing development activities and past habitat damage and loss, extraordinary actions are urgently needed to sustain these important ecosystems.

We look forward to having a conversation with you about how we can support the Federal Government in moving forward with this designation.

Sincerely,

Mark Angelo, Rivers Chair, Outdoor Recreation Council of BC  
Aaron Hill, Executive Director, Watershed Watch Salmon Society  
Bill Bosch, President, BC Wildlife Federation

CC:

Rebecca Reid, Regional Director General  
Andrew Thomson, Regional Director, Fisheries Management  
David Didlock, Regional Director, Reconciliation and Partnerships  
Mike Carlson, Regional Director, Conservation and Protection  
Fin Donnelly, BC Parliamentary Secretary for Fisheries and Aquaculture