

# Probe prompts some farmland owners to improve fish habitat



LARRY PYNN/PNG

Biologist Mike Pearson at Bertrand Creek in Aldergrove where JRT Nurseries completed extensive remedial work after a Vancouver Sun series exposed alteration of fish habitat.

## Vancouver Sun's Minding The Farm series leads to remedial work on fish streams impacted by Fraser Valley farming

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VANCOUVER SUN

Two farmland owners in the Fraser Valley have conducted wide-ranging remediation work — and a third is under a provincial order to do so — following a lengthy Vancouver Sun investigation into the environmental impact of farming on fish streams.

The Sun's Minding The Farm series, published in June, probed several cases in which farmers had altered important fish habitat, and it also exposed the B.C. government's lax laws on farm manure run-off into fish streams compared

with neighbouring Washington state.

More than six months later, The Sun has confirmed the following developments in the story:

- A nursery in Aldergrove has completed extensive remediation work at Bertrand Creek, a critical fish stream in the Fraser Valley.
- Landowners in Abbotsford have also taken steps to undo damage to the headwaters of the Salmon River.
- An Agassiz farm family is under a provincial Water Act order to restore aquatic habitat converted to blueberry crops.
- Washington is planning ever-tougher restrictions on manure

applications, while B.C. continues to talk to farmers about the issue.

In Aldergrove, JRT Nurseries has completed numerous measures on Bertrand Creek, including rip-rap rock along a stretch of exposed shoreline, grass seeding and tree planting, page-wire fencing, silt fencing, and an irrigation system. The Sun investigation exposed alteration of fish habitat on the creek, including removal of riparian areas and the dumping of concrete blocks and plastic planting pots into the creek.

Biologist and Fraser Valley fish expert Mike Pearson assisted in the investigation of Bertrand Creek, which is home to the

Oregon spotted frog, Salish sucker and Nooksack dace — all listed as endangered under the federal Species At Risk Act — as well as coho salmon, steelhead and cutthroat trout.

During a recent revisit to the site, Pearson acknowledged JRT's measures to stabilize the banks and limit further erosion into the creek. "It wouldn't have happened if The Sun hadn't shown interest in it," he said, emphasizing that many more such cases go unreported and without investigation.

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He also cautioned that riprap represents a "biological desert" for fish and that the area should have been restored to natural habitat. He added it's unfortunate government officials have allowed the nursery to maintain areas where fill was dumped on floodplain and riparian areas to increase the size of the nursery operation.

"Has there been a net habitat loss — clearly," he said. "The land area that the nursery gained has been secured. That's the game with this kind of thing. Just do what's necessary to get the sign-off."

Leri Davies, spokesperson for Fisheries and Oceans Canada, would only say that the nursery has voluntarily "done work stabilizing and planting to restore habitat and has put up fencing to prevent any future impacts. At this point, DFO plans to continue monitoring the success of these efforts through the next couple of years and charges are not currently being contemplated."

To which Pearson, who has worked on federal recovery plans for endangered fish, said: "What does it take to get charged? You really have to try hard."

Davies added that charges are also not contemplated in a second case of habitat alteration investigated by The Sun — channelization of the headwaters of the Salmon River in Abbotsford as part of the conversion of forest lands to blueberry production.

The province issued a Water Act order to property owners Gurmail Singh Dhani, Kulwant Singh Dhani, and Jagbir Singh Deol, requiring development of erosion and sediment control measures, reshaping the channel bank, replanting riparian vegetation, and replacing a culvert to meet one-in-100-year flow levels.

The landowners' plans for meeting the terms of the order were approved by the province last August.

During a revisit to that site, Pearson said the level of remediation undertaken along the streambank falls short of the Bertrand Creek work. The Salmon River is an important stream for coho and chinook salmon, steelhead, cutthroat trout and the endangered Salish sucker.

In a third case investigated by The Sun, the province has ordered an Agassiz farm family to undo the damage caused to two streams or provide the equivalent habitat elsewhere.

"The unauthorized works have resulted in a significant impact to the environment, specifically harming habitat and potential individuals of federally endangered amphibian, Oregon spotted frog ..." the Water Act order to John, Casey and Ina Guliker states. It adds that properties upstream of one of the tributaries run through a pipe are at an increased risk of flooding and/or erosion due to "reduced flow capability and/or risk of blockage."

The Sun reported that a stream that



Staff from the Washington state department of agriculture regularly come into Canada to take water samples along Zero Avenue in south Langley to test for fecal coliforms from farm operations.

Natural Resource Operations deemed it unsatisfactory.

The Gulikers are now appealing the order to the Environmental Appeal Board Feb. 3-6 in Harrison Hot Springs. In their written appeal, John Guliker writes, in part, that no individual Oregon spotted frog had been observed in the two tributaries and that "no serious harm to fish was identified," which, under Section 35 of a revised Fisheries Act is defined as "the death of fish or any permanent alteration to, or destruction of, fish habitat."

On the issue of farm manure, the Lummi Nation in September was forced to close about 135 hectares to the commercial and subsistence harvesting of clams and oysters for the first time since 2006 due to excessive fecal coliform counts flowing to the mouth of the Nooksack River north of Bellingham. Another 200 hectares may be closed in 2015. During the 10 years prior to the opening in 2006, the U.S. tribe says it lost an estimated \$8.5 million US in revenue.

Merle Jefferson, Lummi natural resources director, said the latest closure is "devastating" for about 200 families on the reservation, adding that "tribal members who did not pollute the water nevertheless have to suffer the consequences of actions or inactions of our upstream neighbours."

Several tributaries of the Nooksack, including Bertrand Creek, flow south from Canada past Zero Avenue in south Langley township.

The Washington pollution target for Bertrand Creek is a maximum 100 fecal coliforms per 100 millilitres of water, reduced to a maximum 49 fecal coliforms in the receiving marine waters to protect public health and avoid polluting Lummi shellfish beds.

Water-quality samples in Bertrand tributary ditches for October on Zero Avenue revealed levels as high as 9,500 fecal coliforms — almost 100

cross-border pollution issues.

Officials from Washington state routinely cross into Canada to take water-quality samples along Zero Avenue. "I guess it may seem strange that we are sampling rather than B.C. officials," acknowledged Ginny Prest, program manager for the state's dairy nutrient management program. Her department started sampling last September, adding to testing already in place by the state's department of ecology.

While Whatcom County dairies also contribute to pollution in the Nooksack River, B.C. lacks the safeguards and enforcement of Washington state.

In 1998, the agriculture department developed a water-quality program backed by law. Dairy farmers are required to develop and follow manure management plans and there are regular inspections.

Now, efforts are underway to make the rules even tougher. Larry Sheahan, policy director with the state department of agriculture, told a Senate committee meeting in November that his office is drafting a new law to ensure that people applying manure — not just on dairy lands — are knowledgeable enough to ensure it is not applied in excessive amounts, at the wrong time and in the wrong place.

The goal of the new manure land-application program is to establish in part: minimum record keeping requirements for land applications of manure; requirements for certification and licensing of persons who apply manure; and enforcement, inspection and reporting requirements.

The effort will help farmers to maximize the benefit of manure, while helping to protect human and environmental health, Sheahan said.

In January 2012, the Ministry of Environment released a discussion paper on changes to the Agricultural Waste Control Regulations aimed at a code of practice — legally binding requirements for farms promoting sound practices for using, storing and

flowed through farmland on the east side of Sutherland Road disappeared on the west side as it ran through the Guliker farm. The stream had been run through a pipe, covered over and the soil planted with blueberries.

The Gulikers hired Scott Resource Services to prepare a "remediation works" plan to repair the damage, but the Ministry of Forests, Lands and

times the desired limit. Heavy rain is usually responsible for spikes in fecal coliforms as the water washes manure off farms such as dairy and mushroom operations.

Communications officer David Karn released a statement from the Ministry of Environment saying provincial staff will continue to work with "colleagues in Washington State" on

managing wastes, such as manure and compost.

Farmers resisted the move and three years later the issue remains unresolved.

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