

## **British Columbia's Classified Waters 25 Years Later**

A quarter century ought to be enough of a reference period on which to base a few observations on the original objectives of classified waters implementation (1990) and the evolutionary pathway that has resulted. Having been directly and intimately involved in the formulation of the regulations underlying the initiative, in the delivery and monitoring of it through its first decade and, more importantly, as a resident angler with long experience on most of the (Skeena) classified waters before and after their designation, I'll offer that I am well qualified to comment on the subject. I have less direct experience with the Dean, the mainland coast streams opposite northern Vancouver Island and, more recently, the Kootenay streams that were added to the classified lists but I have enough to know that the implementation processes and outcomes in all these other areas parallel those from the Skeena.

The driving forces for classified waters regulations originated with three of the province's blue ribbon steelhead streams, the Dean, the Bulkley and the mainstem Skeena around Terrace. On the Dean it was largely about the influx of non-resident, non-guided anglers (by legal definition that group is termed "aliens") who were seen as excessive competition with both guides and residents. Guides too were perceived as having too much of the pie. On the Bulkley, it was the rapid expansion of guiding through the mid-1980s that produced a groundswell of opposition from local resident anglers. The invasion and occupation of lower Skeena River bars by western Europeans was equally responsible for local unrest. Neither of the latter two could be treated in isolation of all the other neighbouring Skeena tributaries so most of them were also included in the initial classification thrust. When all was said and done the 1990 classified waters regulations limited the number of guides to those who already held licenses. Their level of guiding was also supposedly capped at the levels that existed over three years leading to the implementation of the new regulations. The southern mainland coast rivers that became classified at the time were more about climbing on the new band wagon than any situation comparable to either the Dean or the Skeena system. The Kootenay streams came much later as guiding for cutthroat and bull trout became lucrative and competition originating from outside British Columbia threatened the business interests of those involved.

It is important to remember that the underlying theme associated with the entire classified waters initiative was quality angling. The difficulty in delivering that is the ceaseless debate about what it means. A lower mainlander who has never fished beyond the Vedder River has no concept of what a Babine River angler expects. Those who have fished the province's best steelhead rivers since the 1960s and 70s rarely share the same perceptions as most contemporary anglers who weren't even born at the time. Small wonder the management authority has never been able to find an acceptable definition, much less sell a diverse angling public on how best to administer it. Great Britain, Norway, Iceland, the best rivers in eastern Canada, the Kola Peninsula, Kamchatka, etc. have sustainable quality fishing for a reason. They

limit the number of people who partake at any point in time. Meanwhile, British Columbia has spent a king's ransom on multiple reviews of the classified waters system through the latter 1990s and in the first dozen years of the next century. The herding cats cliché is entirely applicable. The product of all that process was nothing more than the path of least resistance and a scenario that is far removed from anything resembling those initial objectives of quality angling and resident angler priority. I'll explain.

The two most important results of the 1990 regulations were the rapid escalation of the amount of guiding on the classified waters that were supposed to have been saved from that fate and the impact the restrictions on classified waters had on all the next best unclassified waters. The former was rooted in the indifference of the statutory authority of the day in the Skeena Region who chose not to require reasonable verification of the rod days guides claimed they had used. He contended the safety valve to re-adjust the rod day allocations after a two or three-year introductory period was the "use it or lose it" provision in the regulations. Supposedly, any excess rod days not utilized would revert to the crown, thus bringing the actual use into line with the legislated provisions.

Not a single rod day that was allocated in 1990 has ever been retrieved. Instead, all those rod days that were never supportable were sold and resold to new operators who moved onto the scene and began to pyramid rod day quotas. Short years later all those fictitious days became real. One by one the small operators were replaced, more often than not by non-Canadians more interested in locking up the best fishing opportunities available for their countrymen and corporate friends than quality fishing for British Columbians. That scenario varied between rivers but almost every classified river experienced the same outcome. Rod day quotas that cost their original owner nothing frequently became million dollar gifts from the residents of this province.

There is more. What began as a cottage industry comprised of small operators who seldom had any assistant guides and therefore spread their fishing effort relatively equally over the course of a season morphed into something that bore no resemblance to the 1990 benchmark. The new kids on the block brought a steadily increasing number of boats, ever larger and more powerful, and hired numerous assistant guides to help them sell their inflated rod day quotas. Their collective fishing effort was no longer spread uniformly over an extended season. Instead it became concentrated on all the best times and places. Rivers whose guides operated from lodges with a fixed client capacity per week escaped at least some of this concentration but the inflated rod day totals that were conferred at the outset certainly increased the overall effort on those rivers as well.

Whereas September and October were once the only months when guides operated on most of the high profile Skeena tributaries, the classified waters regulations changed that too. There are no rod day fees or classified waters licenses required other than for the fishing that occurs in those two months. Between the freebee

afforded by adding additional guiding days outside those months and the trend toward milder late fall and winter temperatures, the incentive for guides to extend their seasons is obvious. The end game is that even the former August and November fishing once exempt from commercial exploitation has been compromised. The same can be said for the spring fishing on the lower Skeena and all the more prominent tributaries in the same area.

The second and more pervasive effect of the classified waters era was the fact that when opportunities to guide on the best rivers of the province are locked up by regulation, all the next best waters became the focus of anyone wanting to capitalize on a public resource. One by one unclassified waters were added to the list in the same gold rush pattern that precipitated the original classified waters initiative. The only difference is there are no restrictions on how many guides are licensed or how much activity they can exert on any unclassified water. Furthermore, other than the relatively miniscule cost of an angling guide license (less than the fee charged any client for a single day of fishing), there is no other direct return to the province for this unimpeded access to the fish that belong equally to all. This squeezing the bubble consequence was widely predicted in the early 1990s but not a single step has ever been taken to address it. Today we find ourselves in a situation where every river that has any perceived commercial potential is victimized. Anyone meeting basic residency and age criteria and exhibiting the most basic familiarity with the freshwater sportfishing regulations can be processed through a government website, specifically designed to accelerate licensing and permitting processes, and be issued an angling guide license in a matter of hours.

One might think there is some oversight or monitoring of all these circumstances. Wrong! The angling guide licensing and administration process is now so far removed from the people in regional offices of the Ministry of Forests, Lands and Natural Resource Operations who supposedly manage our fisheries there is no simple way of tracking what is occurring. For example, I have asked repeatedly for a list of the guides who are licensed to fish what is left of the marketable steelhead streams on Vancouver Island (e.g. the Cowichan and Stamp/Somass rivers). Web sites abound with video clips and advertisements by guides selling our fish and fishing but the Ministry can't even tell me who the licensees are and how many assistant guides they employ, much less how much pressure they are bringing to bear on public resources and opportunities.

Government spokespersons will counter they have all sorts of data emanating from river guardian initiatives undertaken on various classified waters over the years. I'll agree there are good data from the captive audience of anglers and guides on the Dean (as well as a long standing administrative system that limits non-guided, non-residents). Some of the data from the Kootenay streams may also be credible. Having no experience on the latter area in recent years I can't speak definitively to that. However, I will state unequivocally if anyone tries to sell the notion there are good data from the Skeena country, they know not whereof they speak. I'll base that on the fact over the past three years I have spent many weeks camped on the

Bulkley River, the most important wild steelhead fishery in this province, without ever encountering one of the guardians who gather all the information that finds its way to higher offices of the Ministry. How can the Bulkley fishery be monitored adequately when a large majority of both the effort and catch is boat facilitated but guardians are strictly shore based? How credible are the license data when the guardians have no authority to demand licenses? Why would anyone who perceived the information requested could be used to their detriment respond truthfully to a canned list of questions asked by neophyte guardians? As for the guide reports, I seriously question whether anyone at the field level in the Ministry even tries to extract them from their Victoria repository and examine what instruction might be there.

If the government of British Columbia can ever be pressured to stand by its commitment toward quality fishing and resident angler priority here is a shopping list of items that singly or in combination could be applied. Some are already on the shelf, others would need to be developed. None are unreasonable or unrealistic if we are serious.

1. A moratorium on the issuance of any new angling guide or assistant angling guide licenses.
2. A major upgrade in the data recording and retrieval system for all angling guiding activity.
3. A permit system for all classified waters anglers, guided or non-guided, resident or non-resident. Presently there are insufficient data on which to base judgements on which class of licensee contributes to alleged crowding on classified waters. Permits for would not be restricted in number unless and until it is proven there are too many applicants to meet some pre-determined "quality fishing" level. Guides would receive the number of permits they qualify for as per their rod day quotas. Permits would be considerably more enforceable than anything that exists today provided that sufficient line agency enforcement personnel are part of the equation.
4. Amendment of the existing regulations re conditions on angling guide licenses such that unclassified waters are also subject to restrictions that might be appropriate (e.g. guide free times and/or zones, number of clients, days of the week, etc.)
5. Amendment of existing regulations to facilitate no guiding on any river, not just those that are classified.
6. Application of boating restrictions such as no fishing from a boat and no power boats where and/or when deemed appropriate.

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2015-10-24

