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by

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B.A., University of Victoria, 1994

THESIS SUBMITTED IN PARTIAL FULFILMENT OF THE REQUIREMENTS FOR THE DEGREE OF MASTER OF ARTS in INTERNATIONAL STUDIES

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APPROVAL

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ABSTRACT

Between 1996 and 1999 the British Columbia (BC) government adopted a transgovernmental stance to pressure Ottawa and the United States into renegotiating the Pacific Salmon Treaty (PST). BC's stance on this issue defied federal primacy over international affairs and ocean fisheries, and created tension between Victoria and Ottawa. This thesis demonstrates that BC's stance can be explained in part by two factors: "confidence" (specifically, decreased provincial confidence in Ottawa's ability to manage the salmon fishery) and "interest" (specifically, increased provincial interest in salmon). These factors are consistent with existing theoretical explanations for provincial transgovernmental activity. The research also suggests two other factors - political context and symbolism - influenced BC's stance.

"Political context" involves the Clark government's desire to divert public attention away from negative issues affecting it in non-fishery areas. "Symbolism" involves associations between fish and the provincial identity. This study thereby demonstrates the validity of contemporary explanations for provincial transgovernmental behaviour, and exposes a need for the existing theory to be modified to include added factors.
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CHAPTER 1 - INTRODUCTION

FUGITIVE RESOURCES

Pacific Salmon are a "fugitive resource." This term refers to those natural resources for which it is difficult to assign ownership because they ignore social and political jurisdictions and boundaries. As a result of these proprietal uncertainties, such resources tend (by default) to be held in common rather than as private property. In the absence of clearly defined ownership rules, though, fugitive resources are subject to the pitfalls associated with "open access" or "common property" resources. As is explained below, this creates the potential for overexploitation to occur.

In economic terms, common property resources are those resources for which property rights are not clearly defined so that an individual cannot exclude other users (non-exclusive) and the use of the resource by one person prevents the use by another (rival). The common property dilemma hinges on the recognition that when more than one individual has access to the resource that individual is able to obtain benefit while the collective bears the cost ... the individual benefit is greater than the individual cost which provides incentive for individuals to overexploit resources held in common.

Avoiding the aforementioned drawbacks associated with fugitive resources requires that affected jurisdictions cooperate to apply mutually agreeable, binding social enforcement mechanisms that recognize each country's proprietal rights and interests. This typically involves treaties or other formal sharing arrangements.
Since it encompasses proprietal concerns extending across user jurisdictions, the Pacific salmon resource exemplifies these issues surrounding the management of fugitive resources. These aspects of the fishery will now be addressed.

INTERNATIONAL ASPECTS OF PACIFIC SALMON

Pacific salmon adhere to a remarkably complex life cycle and are among the world’s most migratory fish species. They begin their lives having emerged from eggs deposited on the gravel-laden bottom of inland rivers, lakes, and streams, and reside in this freshwater environment for anywhere from several weeks to two years, depending on the species. During this time the juvenile fish feed and grow rapidly, all to attain the strength and vigour needed to progress into the next stage of their life cycle - migration to the open ocean. Those salmon that successfully navigate the complex network of inland waterways leading to the Pacific Ocean often cover several hundred kilometres over the course of their journey. Upon reaching the ocean they converge around river deltas and remain in a holding pattern for several weeks while adapting their physiology to the saline environment. Once they are capable of withstanding full-strength seawater, and having achieved a threshold size, the salmon progress further out into the Pacific. Eventually they disperse and wander broadly, partaking in long migrations through the open ocean. They typically move northward into the Gulf of
Alaska (but some travel as far as the Bering Sea). The salmon spend the next several years of their lives in this ocean environment, constantly feeding, growing, and otherwise maturing into adults.

Two to five years after entering the open ocean the salmon again form dense schools in preparation for the long journey back to the mainland. Almost unerringly they follow their previous migratory route. They travel to the coast and gather around the river mouths from which they once emerged. Eventually the salmon reacclimatize their physiology to freshwater, and then progress up the rivers and tributaries that lead to their specific natal stream. Upon reaching their destination they reproduce and die, thereby completing the salmon life cycle. This migration pattern - as it relates to the American states and to the province of British Columbia - is illustrated in Maps 1 and 2 of Appendix A.

Commercial fisheries in both Canadian and American jurisdictional waters annually target the vast groups of salmon as they migrate through the open ocean towards their natal rivers. These fisheries are based in the states of Alaska, Washington and Oregon, and in the province of BC, and have long assumed important economic and cultural roles within each of these jurisdictions. However, because salmon migrate through each country's territorial waters, and because fish stocks intermingle extensively with one another, there exists the
possibility that fisheries conducted in one nation's waters will catch salmon originating in and returning to the other nation's rivers. These are referred to as "interceptions." Interceptions create a serious impediment to the management of the salmon resource. It is difficult to justify domestic efforts to increase production and preserve the resource when the benefits of such efforts are subject to the uncontrollable harvests of fisheries in another country. Moreover, interceptions contradict the "nation of origin" principle as spelled out in the United Nations Third Conference on the Law of the Sea (UNCLOS), Article 66(1). This principle asserts property rights over the fish by declaring "states in whose rivers anadromous stocks originate shall have the primary interest and responsibility for such stocks."

In the case of Pacific salmon, cooperation in this manner is encouraged by UNCLOS. This implies transboundary fishery resources should be managed by international treaty organizations. Thus, international legal norms and the proprietal nature of the fishery resource compel both the United States and Canada to adopt a cooperative and coordinated approach to managing their salmon stocks. In this context, the PST of 1985 (to be explained below) was the most recent in a series of formal agreements between the two nations aimed at facilitating a mutually beneficial salmon fisheries regime.
HISTORY OF THE PACIFIC SALMON TREATY

Initial bilateral cooperation on the management of Pacific salmon fisheries originated in the early 20th century. In 1913 construction crews working on the Canadian Pacific Railway route mistakenly blasted too much rock from a section of the Fraser Canyon known as “Hell’s Gate.” The resulting massive rockslide blocked all fish passage up and down river and ultimately reduced the take of pink and sockeye salmon for Canadian and American fishers. Authorities from both nations subsequently agreed that all costs relating to the restoration of these runs would be split on a 50-50 basis, and that the catch of salmon would also be shared equally. Restoration work was initiated and, by 1918, the flow of the Fraser River was restored.

This theme of cooperation subsequently led the two countries into formal negotiations over a long-term treaty. The negotiations extended well over two decades. Eventually, in 1937, the Convention for the Protection, Preservation, and Extension of the Sockeye Salmon Fishery of the Fraser River System was signed. This treaty allocated each nation 50% of Fraser River sockeye caught in the Strait of Juan de Fuca, northern Puget Sound, the Strait of Georgia, and off the west coast of Vancouver Island. It also prescribed bilateral cooperation on projects aimed at restoring and enhancing the salmon stocks. To oversee the implementation of these objectives the International Pacific Salmon Fisheries Commission (IPSFC) was
established. As a result, both nations experienced three decades of "relative tranquillity" in their relations pertaining to Pacific salmon.

Despite the cordiality of fishery relations over the decades following the 1937 agreement, it eventually became apparent that "a much broader forum was necessary to solve the overall problem of Canadian and US salmon interceptions." Consequently, in 1970 the two governments agreed to a "Reciprocal Fishing Accord" which called for negotiations "regarding all matters of mutual concern related to the fisheries for Pacific Salmon." Twelve years later a draft agreement was achieved. However, Alaska opposed the draft agreement, claiming it would place "unreasonable limitations" on Alaska's sockeye and pink salmon fisheries. Due to these objections the treaty did not come to a vote on the floor of the US Senate. However, by December 1984, Alaska had been persuaded to accept a revised version of the draft, and the following spring the Pacific Salmon Treaty (PST) was signed by President Reagan and Prime Minister Mulroney during their Shamrock Summit.

The PST of 1985 expanded the terms of its predecessor by incorporating into its regulatory mandate all salmon species from fish-producing rivers between Alaska and Oregon. The objectives of the PST were centered around two core principles - conservation and equity. The conservation principle aimed to
ensure that each nation conducted its fisheries in a manner that prevented over fishing while at the same time providing for optimum production of the salmon resource. The equity principle was predicated on the UNCLOS principles pertaining to anadromous fish species, and sought to guarantee each nation an allocation of salmon equivalent to the production of fish originating in its own waters. The PST also established the Pacific Salmon Commission - consisting of two national sections, each with four appointed commissioners - as its principal decision-making body, and charged it with the task of overseeing the implementation of the Treaty's core principles over six specific fisheries. To assist the Commission in realizing these objectives three regional panels and five joint technical committees were founded. Each nation submitted to the panels annual reports regarding their domestic fisheries, and this data assisted its members in scientifically assessing each fishery and presenting advice to the Commission for annual fishing regimes. The Commission subsequently devised quotas as to where, when, how, and how much each country's fishers could harvest.

From the beginning, the PST's equity principle remained a point of contention between the two nations. On one hand, the Canadians argued that "only the State of Origin can protect and culture salmon and effectively manage the fishery," and, therefore, the country of origin should be recompensed for salmon spawned in its rivers but harvested by the other country's
fishers.' This position echoed provisions of UNCLOS which imply ownership of anadromous fish species, and reflected the need to ensure that the nation making sacrifices and spending money to conserve its salmon stocks could avail itself of the benefits of such efforts. In this context, Canadian negotiators proposed the implementation of a specific accounting formula that interpreted equity on a fish-for-fish basis (essentially, that US interceptions of Canadian fish should be equally matched by Canadian interceptions of US fish). The Americans, however, saw this as an "oversimplification" and were insistent that another aspect of the Law of the Sea also be reflected in the PST, specifically that a nation of origin must "cooperate in minimizing economic dislocation in such other States fishing these stocks, taking into account the normal catch and the mode of operations of such States, and all the areas which such fishing has occurred." In this context, it was clear that the United States (and specifically Alaska) was not prepared to accept a formula that would "whittle away American fisheries that harvested Canadian-origin salmon."

As a result of the competing interpretations of the equity principle, the two parties were unable to come to agreement. However, they were determined that this difference of opinion would not prevent the achievement of a final sharing agreement. Thus, in order to avoid dealing with this divisive issue immediately, it was simply decided "more accurate scientific
information was required before there could be reliable data on interceptions." Consequently, a Memorandum of Understanding was attached to the PST specifying that research on the migratory movements of stocks subject to interception would be "continued for several years." If it was determined during the period that this research was conducted that "one country or the other is deriving substantially greater benefits than those provided from its rivers," the Commission expected that "the parties would develop a phased program to eliminate the inequity within a specified time period." Any such program, however, would have to take into account Article III, Paragraph 3 of the PST, which declares that the goal of reducing interceptions must be achieved in a manner that avoids "the undue disruption of existing fisheries." In the meantime, a set of management plans for each fishing region was attached to the PST via a series of Annexes covering four-and-eight year time periods (or one to two life cycles of salmon). For the most part these Annexes only provided for the "maintenance of existing states of interceptions with some reductions for conservation purposes," implying that the Commission would only assist the two parties in negotiating new harvest limits and allocations of interceptions before the original Annexes expired. Therefore, the existing PST did not offer clear assurances that a definitive resolution to the equity issue would be forthcoming.
PST: IMPLEMENTATION PROBLEMS

At first, as the original Annexes began to expire in 1989, the two countries finessed the annual fishing regimes while negotiations over the equity principle continued. During these negotiations they continued to adhere to their original arguments, with the Canadians insisting equity be determined on a fish-for-fish basis, and the Americans (and specifically the Alaskans) insisting that any resolution must not result in the "undue disruption of existing fisheries." Indeed, given that Alaska’s fisheries were now approaching annual interceptions levels of Canadian salmon estimated to be worth $62 million, the state had little incentive to cooperate with Canada on any plan that would reduce its economic share of the resource. Consequently, by 1993, no new annual fishing allocations were negotiated.

Over the short term Canada’s federal government and representatives from BC’s fisheries Ministry worked cooperatively to address the Americans’ inflexibility on the PST issue. They employed a variety of methods to break the impasse, including remedial discussions, much political gesturing, and mediation. None were successful, and cooperation between Canada’s levels of government began to weaken. For reasons to be explained below, BC’s confidence in Ottawa’s ability to address west coast fishery
issues and deal with the American's inflexible stance on the PST proceeded to dwindle and, as a result, relations became strained.

PROVINCIAL ACTIVISM ON THE PST

In 1996, BC Premier Glen Clark adopted unilateral measures aimed at bringing the Americans into compliance with (Canada's interpretation of) the terms of the PST. The most notable of these actions involved the threatened cancellation of an American lease of provincial land for the Nanoose Bay torpedo testing range. Such action by the province marked the transition from a jurisdictionally-cooperative and coordinated approach on the PST problem, to a more confrontational, independent, and executive-led provincial stance that flouted Ottawa's jurisdictional authority. In response to the province's autonomous stance, Ottawa rebuked Clark's tactics. The premier, however, continued his defiant campaign, offering only a further barrage of criticism of federal fisheries policy. As a consequence, relations between the two levels of governments quickly soured.

The province's aggressive stance on the PST ultimately proved fruitless. As it turned out, Ottawa not only entirely excluded Clark's representatives from negotiations, but also expropriated the provincially owned land at the Nanoose facility, thereby removing the province's primary point of leverage against the Americans. With the Clark government's ability to sabre-rattle constrained, the federal government went on to negotiate -
without provincial input - a new treaty agreement based on the existing terms of the PST. Thus ended the tensions between the federal and provincial governments and BC’s “fish war” of the 1990s.

By directly engaging the Americans on this issue, and thus “going international” with its fisheries policy, the province delivered a blatant challenge to Ottawa’s primacy over international relations and ocean fisheries. But what are the origins of this instance of provincial “transgovernmentalism”? Specifically, what factors led the province to defy federal primacy in international affairs by unilaterally charting an independent course of action on the PST? Is it possible to locate these factors within the broader theoretical of transgovernmentalism? This thesis seeks to answer these questions and assess the Clark government’s behaviour in light of various explanatory factors regarding sources of provincial transgovernmentalism. It subsequently verifies that declined provincial confidence in federal fisheries policy and increased provincial interest in salmon were the major factors influencing BC’s stance on the PST, and confirms that these factors correspond accurately with existing theories of such activity. This process also reveals that other factors, namely politics and symbolism, were important in shaping BC’s stance on the treaty. The methods by which this will occur are spelled out below.
THESIS METHODS

This thesis examines the series of events surrounding a decision or action occurring within a public policy context, and may be therefore classified as a "process case study." The circumstances and events leading to Glen Clark’s decision to take independent international action (between 1996 and 1999) on the matter of the stalled PST are examined in detail. This case was selected because it represents an instance of the political concept known as "transgovernmentalism," which refers to international activity on behalf of sub national units. As such, it offers an opportunity to test the validity of existing explanations for such behaviour.

The core questions to be answered in this analysis are:

1. What specific factors prompted BC to reject Ottawa’s primacy over international affairs and to chart its own course of action on the PST issue?
2. How do the province’s motivations and behaviour correspond to explanatory factors of transgovernmental activism?
3. Are there any other factors influencing the province’s stance that are not identified by the existing theory?

As will be demonstrated below, there are two major factors at play in BC’s fisheries policy during the period in question. The dependent variable is Premier Glen Clark’s transgovernmental approach to the PST impasse. The two independent factors that
are asserted to explain the Clark government's transgovernmental behaviour are:

1. provincial "interest" in the salmon fishery;
2. provincial "confidence" pertaining to Ottawa's ability to manage the west coast salmon fishery.

It will be shown that these two factors largely explain the Clark government's interpretation the PST problem as an issue worthy of aggressive, transgovernmental action.

In the early to mid 1990s the NDP government implemented an extensive set of environmental reforms throughout various sectors of the province. Many of these reforms impacted favorably on, and represented considerable investment in, the federally-controlled Pacific salmon resource, and thereby amounted to an increased "provincial interest" in the fishery. Occurring simultaneously to the implementation of this environmental protection regime was a significant reduction of provincially-held confidence regarding Ottawa's ability to manage both the domestic and international aspects of the Pacific salmon resource. Ottawa's failure to resolve the issue of the stalled PST agreement and thereby end American overfishing of Canadian salmon was a key factor. When Glen Clark became Premier in 1996, these above circumstances laid the groundwork for provincial transgovernmental action aimed at resolving the salmon treaty issue. In essence, by directly challenging the Americans on the
PST issue (and thereby rejecting federal primacy over ocean fisheries) the Clark government envisioned that it could protect provincial interests in the salmon resource and address its declined confidence in Ottawa's ability to manage the fishery. This initial working hypothesis is represented in Figure 1:

**Figure 1 - WORKING HYPOTHESIS**

The relationship between the input and output factors is analyzed through a narrative process that examines the relevant circumstances and events that occurred over the years leading up to and including the time period in question (1996-99). In order to heighten the accuracy of the observations contained herein, a variety of empirical and qualitative data are used to determine the relationships between the independent factors and the province's stance on the PST (the dependent variable). These
data include both primary and secondary information, such as that derived from government documents, media coverage, academic literature, and interviews with informed observers (i.e.: academics) and relevant individuals (i.e. politicians). This comprehensive process will not only enhance the reliability of the observations and conclusions made herein; it will also assist in identifying, in the end, whether or not any other factors were influencing BC’s fisheries policy. The layout of this thesis is explained below.

THESIS LAYOUT

This chapter, the Introduction, spells out the international aspects of the Pacific salmon fishery (a fugitive resource) and addressed the history of cooperation between Canada and the United States on managing the salmon resource (cooperation that ultimately led to the development of the PST in 1985). It also covers the implementation problems associated with the PST, and outlined the transgovernmental actions BC eventually took in order to resolve the impasse surrounding the Treaty. The chapter closes by explaining the working hypothesis and the methodology that will be applied in order to account for BC’s stance.

Chapter Two reviews the theoretical literature regarding sources of provincial international activity. It identifies “confidence” and “interest” as important determinants of provincial transgovernmental behavior.
Chapter Three introduces the 1st independent factor - provincial interest. It details the process whereby a provincial environmental protection regime was established and how this subsequently increased "provincial interest" in the salmon issue.

Chapter Four introduces the 2nd independent factor - provincial confidence. It details the process whereby BC's confidence in Ottawa's ability to manage the domestic and international aspects of the west coast salmon fishery declined significantly.

Chapter Five characterizes the dependent variable - BC's aggressive transgovernmental policy on the PST. It describes the process whereby the interaction of the two independent factors influenced the NDP premier to take charge of and propel what had been BC's jurisdictionally cooperative fisheries policy into a more independent, confrontational and transgovernmental direction.

Chapter Six clarifies that increased "interest" and declined "confidence" were in fact the core motivation behind BC's extra-national pursuit of the PST issue. However, it also identifies the role other factors - namely political context and symbolism/culture - assumed in shaping BC's fisheries policy. The chapter finds that the explanatory power of existing theory on the sources of transgovernmental activity remains intact, but that the theory is in need of refinement in a manner that
accommodates factors relating to political context and symbolism/culture.

Chapter Seven is the conclusion. It includes a revised model of the original working hypothesis.

The end of the document consists of Appendix A (maps), Appendix B (interview documentation), and endnotes.
CHAPTER 2 - LITERATURE REVIEW

Why should students of international politics be interested in BC's policy on the PST? One answer is that the management of fugitive resources such as salmon can be a perplexing task for politicians. As a result, it is important to understand the roles that affected jurisdictions - both national and sub national - assume in shaping policies pertaining to such resources. Another answer is that BC's attempts to forge an independent role in determining the outcome of the PST issue constitute an instance of provincial transgovernmentalism. It is this aspect of BC's stance on the PST that is the primary motivation for this study.

This chapter will survey the literature pertaining to the sources of provincial transgovernmentalism. This survey places the Clark government's fisheries policy in a theoretical context and provides the foundation for concluding that the motivations for its transgovernmental stance largely conform to existing explanations.

TRANSGOVERNMENTALISM IN THEORY

Transgovernmentalism refers to "activity abroad conducted by the constituent governments of a federal union or subunits of a central government." For the most part, provincial transgovernmental activity encompasses only "mundane" issues relating to "low level" politics which have "few if any diplomatic
implications." Consequently, transgovernmentalism is "scarcely perceived as international affairs at all." Moreover, in those instances where there are distinct and important provincial concerns to be heeded, provincial authorities typically pursue their efforts in concert with the federal government, and Ottawa makes effective use of a variety of strategies aimed at accommodating such concerns while underlining its role as the main formulator of national foreign policy. Thus, when undertaking transgovernmental activity, it is typical for the provinces to "implicitly or explicitly recognize federal pre-eminence in the making of Canadian foreign policy," and to adhere to the "political consensus" regarding central government authority in this sector. In this sense, most provincial international behavior conforms with arguments for federal primacy over external affairs.

There nevertheless exists a discernable measure of provincial international activity that conflicts with federal foreign policy prerogatives and, therefore, conflicts with widely-held notions that central governments should be the dominant actors in relations among and between sovereign states. Indeed, over the course of Canadian history, there have been several cases of federal-provincial conflict over foreign policy. Some of the more renowned instances are the Labour Convention case in the 1930s, and BC's efforts in the 1950s to develop the Columbia River. The
Clark government's stance on the PST issue is another example in this context.

Elliot Feldman and Lily Gardner-Feldman note that provincial international activity challenges "conventional concepts of sovereignty and the federal view of a national monopoly in the field of foreign policy," and therefore equates to a "pattern of behavior deviating from the accepted norms." This "involvement of domestic constituents in the foreign policy-making process" contributes to a "blurring of distinctions" between the otherwise discrete domestic and international policy fields. Essentially, sub-national units do not easily fit into the usual "typologies employed when analyzing the complexities of international relations." Moreover, this uncertainty has "plagued observers and practitioners of foreign affairs for generations." As a result, students of foreign affairs "have not yet apprehended the political significance" of such activity, nor have they provided "adequate theory to explain their emergence, categorize their present condition, or predict their future direction." Thus, to be certain, there remains a continuing need to investigate the forces that compel provinces to reject federal primacy and project themselves autonomously at the international level.

INCREASING PROVINCIAL INTERNATIONAL ACTIVISM

In recent years, areas under provincial control have achieved heightened international significance. As Roff Johannson states,
"the fields over which the provinces have partial or total jurisdiction have come to occupy an increasing place on the international agenda," and, in many instances, the "international environment has pushed subjects under provincial jurisdiction into the international limelight." As a result of the increased provincial stake in the realm of foreign affairs, jurisdictional exclusion of the provinces from the area of international relations has become "of little importance." There has emerged a "widespread expectation that it is right and proper for governments that might be otherwise technically barred to be involved."

As provincial interests are more frequently affected by the vagaries of the international system, the provinces have developed an "enhanced concern with the foreign dimensions of public policy." In fact, "domestic interests and their elected representatives are becoming more directly involved in the formulation of foreign policy decisions." They now "assume greater prominence and exercise greater influence" in the foreign policy process, and have maintained a presence at this level (even to the point where "provincial international activity is now sufficient to complicate the design and conduct of Canadian foreign policy"). This transformation elevates the possibility that competing notions of foreign policy objectives will arise, as well as acute federal-provincial conflicts over international affairs."
The fisheries policy field is an instance of the increased frequency of provincial transgovernmental activity. To be certain, "fisheries in both Canada and the United States have become more politicized in recent years." The result of this transformation has been a "democratization" of the fisheries policy-making process, with domestic interests now demanding and receiving "a greater collective voice in the formulation and implementation of foreign policy decisions" in this sector. Speaking of sub-national units, Greene and Keating note that it is now possible to discern a trend of "greater government involvement in all sectors of the fishing industry." As will be shown herein, the salmon fisheries case stands as a clear example of this underlying tendency for a greater provincial role in the fisheries policy field.

CONFIDENCE AND INTEREST: INTERGOVERNMENTAL RELATIONS & PROVINCIAL TRANSGOVERNMENTALISM

Provincial interest is shaped by the socio-political attitudes held by a province's citizens, and these assume important roles in shaping collective perceptions of a province's position within Canada. These perceptions can function as either implicit endorsements of the Canadian federation, or as destabilizing interpretations of an invalid or precarious political union. In the latter context, over recent decades a "sense of grievance," suspicion, and antipathy towards Ottawa has come to characterize the political cultures of many provinces, particularly those in
the west. This now seemingly entrenched phenomenon (often referred to as "western alienation" or "regional alienation") is based on the fact that residents of these provinces feel stronger attachments to their respective province than they do to Canada as a whole. From this perspective, provincial governments need to be strong because their citizens have distinct interests that cannot be adequately represented by a single national authority that is charged with the monumental task of mediating the country's many divergent interests. David Elkins expands on this theme of federal-provincial relations, stating that provincial alienation involves:

An attitude or set of attitudes about the place of western provinces (and especially B.C.) in the Canadian confederation. It involves beliefs about the appropriate distribution of powers and jurisdictions between federal and provincial domains of politics, feelings about nation, province, and locale, expectations about policy responsibility and performance, fears about being left out of significant political decisions, and the balance between national and regional or provincial loyalties and identities.

Regional alienation is an expression of a powerful, yet often concealed, sense of discontent among provincialites. At the source of this "protectionist" or "protest" approach to intergovernmental relations are a variety of factors, namely: (1) a belief that the region has been exploited, (2) that there has been neglect on the part of national institutions which has harmed the growth of the region, (3) and, as a result, that national institutions have weakened the region. More specifically, some
observers note that these regional feelings are derived from a legacy of federal policies designed to mitigate discontent among central Canadians and, therefore, are inconsiderate of other regional concerns. In any case, these sentiments serve to reflect and reinforce fears that the federal government is remote and uncaring, that provincial governments are inherently more attuned to distinct regional interests, and that the federal system - if left unchecked - will operate to the detriment of distinct provincial interests. As Garth Stevenson notes (and bearing in mind the context of this thesis), even policy areas under exclusive federal jurisdiction have become sources of federal-provincial controversy, primarily because provincial governments have grown "dissatisfied with federal policies" and "have succeeded in becoming involved in them."

British Columbians, as citizens of both a "western province" and a distinct regional polity, can claim their own discernable sense of alienation and suspicion within the Canadian federation. As historian Keith Ralston notes, such sentiment can be traced back to the early years of the province's history.

A settled community grew up on the Pacific coast and in the valley's and plateaus of the Western Cordillera which owed next to nothing to any link with the Canadas, and practically everything to its oceanic ties to the rest of the world ... It is the existence of this self conscious community which dictated the nature of the initial struggles within the new federation and which called forth and hardened attitudes in British Columbia to the Central government of the federation, attitudes basically unchanged to this day.
The B.C. "state of mind" thereby involves perceptions that it is a province both emotionally and physically separate from the rest of Canada. Studies reflect this disposition, showing that 70.8% of British Columbians report a higher measure of psychological closeness to the provincial government than to the federal government. This tendency exposes the heightened reliance British Columbians confer upon their provincial government to represent and defend their concerns and interests.

Sentiments pertaining to BC alienation is also embodied in the views of provincial leaders. Among provincial politicians there exists "feelings of powerlessness regarding federal institutions," and general understandings that provincial interests are not being adequately served by Ottawa. This sentiment is represented by statements such as "It's 2,500 miles from Vancouver to Ottawa, but 25,000 from Ottawa to Vancouver." As a result, BC's policy positions are guided more by concerns regarding their province's "own affairs and the pursuit of its own destiny" than they are by the goal of establishing the province "as a vital and integral part of the Canadian nation." As such, provincial leaders tend to frame BC's stance within Canada in terms of identifiable (provincial) interests and, when the pursuit of those interests is constrained or negatively affected by federal policy, they do not hesitate to reference existing notions of western/regional provincial alienation. Garth Stevenson explains:
In resisting or opposing federal initiatives, provincial governments make use of a variety of arguments. Sometimes they say that the provincial government is "closer to the people" and better able to understand their needs ... sometimes that their province’s distinctive "way of life" is in danger ... provincial governments argue that federal policies discriminate in favor of Ontario and Quebec.

Indeed, from a provincial perspective, there is usually far too much at stake to leave unchallenged federal policies that threaten discernable provincial interests.

The inherent culture of criticism and suspicion among provincial governments (and in particular western provincial governments) with regard to federal policy is not limited to the domestic arena. In fact, a compelling relationship exists between the politics of provincial discontent and provincial international behavior. As Kettner notes, the "political culture of each province, whether consensual or conflictual, will affect its external relations." It also "makes a great deal of difference to the type of international behavior it will pursue." In this context, we will now survey the theoretical literature pertaining to (domestic) regional disaffection as a source of provincial international activism. This survey relates to the contention that the Clark government became internationally active on the PST issue as a result of reduced confidence in Ottawa’s abilities to defend BC’s (emergent) interests in the salmon resource.
Provincial governments seek to protect the interests of their citizens. When those interests are threatened by the inattentiveness (or perceptions thereof) of federal policy, the provinces have been inclined to complain about the alienating nature of Ottawa's policies. But what happens when those distinct provincial interests are threatened by forces beyond the domestic realm? Indeed, there exists "numerous subjects which may tend to involve, or create interest in, international developments on the part of the Canadian provinces." In these instances, does a province simply bow out, and place confidence in the federal government's ability to represent those interests internationally? The answer is "no." As Leeson and Vanderelst suggest, international issues involving provincial interests are "not singled out for special treatment" merely because they are "related to the international system." Instead, "provincial governments have been disinclined to abandon these concerns at the provincial boundary line," viewing such issues as "legitimate subjects ... to be advanced and protected by provincial governments."

The province's will, whenever possible, pursue their international actions in concert with Ottawa. However, the underlying sentiments of alienation and regional disregard can easily surface, leading to assumptions that Ottawa cannot or will not adequately represent the province's specific concerns at the international level. Indeed, provincial politicians sometimes "do
not think they can rely on the federal government to defend provincial interests abroad."

As Brian Hocking states, when provincial officials suspect that they can "no longer rely" on Ottawa to represent their interests, they can become "sympathetic to the view that their interests can only be served through direct influence in the policy process." Indeed, some observers have noted that provincial ventures on the international scene can often be explained by "provincial suspicions that federal government officials do not always pay sufficient or adequate attention to provincial interests." Kim Nossal also remarks on the role federal disregard assumes in promoting transgovernmentalism:

It is axiomatic that provincial governments exist to protect the interests of those citizens resident in a province; when those interests are threatened, provincial governments are usually quick to try to defend them, directly and concretely ... but there are too many costs involved in letting the federal government alone try to defend a province's interests. The provincial government, if nothing else, must be seen to be defending provincial interests."

Federal disregard for specific regional interests, and the perception thereof on behalf of the provincial leaders, can greatly contribute to a province's propensity for transgovernmental action. Provincial governments are of the disposition that they cannot "always be sure that the federal government is willing (or able) to represent their concerns and
interests abroad satisfactorily." As Roff Johannson states, provincial representatives often believe that their needs are "accorded a secondary place in the development of Canadian foreign policies." Brian Hocking comments:

When regions become primary actors it is often because disaffection with national policies combines with an inability to alter them through mediation with the national authorities. Thus, whereas it’s not impossible for regions’ primary international activities to complement those at the centre, it is equally likely that they will cut across national policies as regional governments respond to the pressures imposed on them by external forces ...

It is also important to consider the role that bureaucratic forces assume in shaping the provincial interest. The development of provincial government bureaucracies can influence provinces to adopt measures aimed at controlling unfavorable variables - including those at the international level - that adversely impact upon their vested (bureaucratic) interest." As Stephen Brooks writes, it is "rational for politicians and bureaucrats ... to behave in ways that are likely to increase their control over factors relevant to the future of the organizations to which they belong." Provincial governments are inclined to stake ground on any issues that may adversely affect the bureaucracy within which they have invested so heavily. When doing so, it makes little difference whether those issues lay within the international or domestic arena. These tendencies are heightened by provincial perceptions of a job poorly done by federal authorities charged with some level of influence/responsibility over these
bureaucratic interests. As Munton and Levy observe, a "decline in federal effectiveness, or at least the perception by the provinces of such a decline, coupled with ... enlarged provincial bureaucracies, has thus led to a greater degree of provincial involvement, not only in domestic but also so-called 'foreign policy' issues."^91

Occasionally, provincial bureaucracies can develop to the point where they match or exceed the expertise and capacity of those at the federal level. History demonstrates that when this occurs, provinces can be instilled with "greater confidence in their ability to promote their own interests, first within Canada but increasingly abroad."^92 Thus, bureaucratic forces can instill in a province a heightened and implicit sense of confidence that it, not the federal government, is the political authority best suited to defend provincial interests."^93 It is precisely in this manner that such forces influenced the Clark government's transgovernmental fisheries policy.

What sorts of actions will a province take when its interests are threatened by forces within federal jurisdiction, such as international affairs? As Brian Hocking remarks, provincial "governments will use their own resources to shape those aspects of the international environment which impinge most directly on them: they do so by adopting policies in areas either partly or exclusively under their control and by direct activity in the
Hocking's also asserts that provinces will defend their interests by "exploiting whatever opportunities for international activity are afforded them by the constitutional allocation of powers and the linkages between foreign and domestic policy." Often, the dynamics of federal-provincial conflicts and their relationship to transgovernmental behavior dictate that disputes in one policy area (in this case, fisheries) can spill over into others, including those touching on defense and military security (in this case, the Nanoose torpedo testing facility).

In the context of this thesis, Clark's threat to cancel the American lease of the Nanoose facility represents each of these tendencies with regard to provincial transgovernmental behaviour.

We should also consider the nature of federal responses to independent provincial transgovernmental activity. Federal responses vary depending on "the degree to which its primacy in the foreign policy field is jeopardized." Reactions can range from "accommodation" to "intransigence." For example, if the extra-national actions of a province are deemed to be in conflict with federal policy, Ottawa will typically "oppose the provincial governments and try to close down their efforts." In this thesis we will see that because the premier’s stance threatened federal interests relating to national security, the federal government made repeated efforts to dissuade him from using the Nanoose torpedo facility to advance his fisheries policy. When Clark refused to withdraw his threats surrounding Nanoose, Ottawa
proceeded to interpret BC's position as compromising its authority over national security, and took steps to expropriate the provincially owned lands at Nanoose. This move by the federal government can clearly be interpreted as an effort to "close down" the province's attempt to link the fishery with other (federally-controlled) issues.

This chapter has surveyed the theoretical literature regarding provincial transgovernmentalism. In this context it has shown that while most provincial international activity conforms to the tradition of federal leadership in this sector, there nevertheless exists increasingly frequent instances of independent provincial international behavior that contradict this norm. There is little in the way of theory that explains this form of provincial international behavior. The literature that does exists, though, indicates that a province's transgovernmental activity is typically motivated by a lack of confidence in Ottawa's representation of discernable provincial interests. It has also shown that the provinces will employ whatever resources are at their disposal when attempting to leverage their position on an international issue, and that Ottawa will typically move to close down these efforts, depending upon the extent to which its primacy over foreign policy is threatened.
CHAPTER 3 - FACTOR ONE: PROVINCIAL INTEREST IN ENVIRONMENTAL PROTECTION & THE SALMON RESOURCE

This Chapter introduces the first factor influencing BC’s transgovernmental policy on the PST issue: provincial interest. This factor gained prominence with the establishment of a provincial environmental protection regime during the early to mid-1990s. This regime resulted in an increased provincial interest in the salmon resource, and helps explain BC’s aggressive PST policy.

JURISDICTIONAL AUTHORITY OVER OCEAN FISHERIES

Natural resource development is universally recognized as a critical component of Canada’s historical development. Indeed, from its beginning as a colonial outpost of the French and British imperial empires, through to its contemporary “continentalist” market alignment with the United States, Canada’s fate has been inextricably linked to the extraction and commoditization of its base of raw resource staples. These resources have been an integral component in determining the pace, pattern, and (regional) character of social and economic development within the nation, and, as one observer notes, “instrumental in determining some of the most important issues of Canadian life.”

Under the terms of Canada’s Constitution, most of the nation’s natural resources fall under the jurisdictional authority of the provinces. Especially pertinent are sections 92 & 109 of the
British North America (BNA) Act, 1867. However, there exists a specific resource sector that defies this logic - Canada’s ocean fisheries, resources that, by virtue of Section 91.12 of the BNA Act, 1867, fall squarely under the auspices of the federal government. Thus, since the time of Confederation, it has been the federal government that has shaped the content, quality, and context of policy in this sector. In the words of Patricia Marchak, Ottawa - via the Department of Fisheries and Oceans (DFO) - has essentially determined “who has the right to fish, the right to manage the fish, and the right to exclude others” from fishing in Canada’s coastal waters. This thesis focuses on the most valuable and culturally integral fishery on Canada’s west coast, Pacific Salmon. Although this resource is controlled and managed by the federal government, the nature of salmon habitat requirements dictates that it is affected by activities that occur in other resource sectors, most of which are under provincial jurisdiction (such as forestry, mining, hydro-electric development, etc.).

HABITAT REQUIREMENTS OF PACIFIC SALMON

Critical linkages exist between salmon and their natural surroundings, and “the relationship between the salmon and their environment can be as subtle as any in nature.” As Stuart Culbertson (former Assistant Deputy Minister for Agriculture, Fisheries and Food) states, “habitat, habitat, habitat is to salmon what location, location, location is to real estate speculators.”
Salmon are dependent on and are adapted to the ecology of an entire watershed. Water connects all components of this environment, is necessary for maintaining the system's overall biological integrity, and is the life-blood of the entire ecosystem. In healthy watersheds numerous riparian zones are arranged in a web-like network of repetitive patterns of plant and animal habitat. Forested areas connect these riparian areas up and down the terrain, and allow a diversity of plants, animals, and insects to exist between habitat patches. Water enters the watershed as snow or rain, then seeps down and percolates through the forest soil until it encounters an exposed water table such as a creek, river, or stream. Small watercourses connect with larger ones until they reach the ocean. With their quality influenced by everything they touch, rivers and streams reflect the physical, biological and chemical characteristics of the surrounding environment.

For millions of years the biogenetics and life-requirements of salmon have been shaped by the diversity of ecological conditions that arise in the watershed environment. In healthy water systems, juvenile and spawning salmon alike rest and seek refuge from predators by hiding under logjams and behind boulder clusters formed by the flowing water. Logs fallen within the river force a diversion of water to create deep, shadowed pools where salmon can shelter themselves from predators and excessive summer temperatures. Where trees and rocks have trapped gravel on the
upstream side salmon find prime spawning locations. The intertwined vegetation that covers the shoreline adds nutrients to the water, attracts terrestrial insect prey for the fish, and prevents erosion by stabilizing the stream bank. Vegetation also serves to regulate the over-production of in-stream algae by controlling the amount and quality of photo-synthetically active radiation that reaches the water. With each of these and other factors contributing to the composition and quality of the inland aquatic environment, it is clear that the health and stability of watersheds is a core requirement for the perpetuation of a healthy fishery resource.

The dependency of salmon on their surrounding habitat is so extensive and fundamental that salmon are often referred to as "indicator species." Essentially, indicator species are those living things that are found to occur when their habitats are pristine or near pristine in quality, but do not occur when that environment is degraded or compromised in quality. In this sense, their presence alone is sufficient to indicate that specific environmental conditions are also present. In the case of salmon, their abundance in the rivers and streams of a watershed may be taken as an indication that the comprehensive biological integrity of that complex ecosystem is both intact and functional. Conversely, if studies reveal that salmon numbers have been reduced indications might point to an underlying environmental distortion or anomaly.
SALMON HABITAT AT THE INTERFACE OF OTHER ECONOMIC SECTORS

The watersheds on which salmon depend are valued for their utility beyond that pertaining to fish. As Patricia Marchak explains "we need to consider the total resource rather than only the wild fish ... Fish live in seas, rivers, streams, and lakes for which there are other commercial and non-commercial uses." Human uses of the watershed are numerous and many activities have an adverse affect on the quality of the watershed environment within which they occur. At this point it is important to remain cognizant of the fact that each of these development sectors lay within the jurisdictional purview of the province(s).

Few industries are as detrimental to salmon habitat as forestry. Indeed, the processes associated with accessing and removing timber from forested land can seriously disturb the natural ecology of watersheds. In BC, the sheer size, intensity, and scale of forestry - long the foundation of the provincial economy - exacerbate these detrimental effects. The removal of large stands of trees and the age-old practice of clear-cut logging destabilizes the land base (especially in areas of steep terrain), minimizes water retention, and increases peak water flows throughout the forest. It also removes the riparian vegetation that attracts insects, provides shelter, and creates shaded pools. The excessive run-offs (particularly in the advent of heavy precipitation levels) that are an inevitable result of industrial logging contribute to the obstruction of fish migration as stream and river
gullies become loaded with discarded logs, stumps, and other debris. Also, as water rushes through the altered forest landscape it creates landslides down to the stream banks, thus increasing the quantity of sediment carried into the watercourse. These elevated sediment levels negatively affect the salmon by clogging spawning gravel, smothering aquatic insects on the streambed, filling in pools, and blocking side channels otherwise occupied by juvenile salmon. Furthermore, in areas where logging roads have been poorly situated, chronic surface erosion and the air-borne transport of fine sediments combine to impair water quality. In sum "the concentration of logging practiced in B.C. causes severe degradation of local forests - soil, water, plants, animals, and human uses ... [It] treats a diverse, heterogeneous ecosystem with a harsh, homogenous approach."

Logging is not the only human activity to have a negative impact on salmon and their habitat. The mining industry introduces tailings saturated with acidic compounds, heavy metals, and other toxic wastes into the soil and groundwater systems (in the United States it has been estimated that some 12,000 miles of rivers and 180,000 acres of fish habitat have been severely polluted by the mining industry). The agricultural sector clears forested land for farming, diverts or blocks rivers for irrigation purposes, and introduces inorganic pesticides into the water table. Similarly, urban development blocks, diverts, alters or simply eradicates critical salmon streams and habitat areas. Industrial activity
(i.e.: pulp mills, refining, etc.) discharges harmful pollutants into waterways. The construction of hydroelectric dams can completely impede certain salmon stocks from reaching their spawning grounds, and (through reduced flows) may dramatically alter temperature fluctuation ranges to the point where waters become entirely unreceptive to the fundamental health requirements of salmon. Clearly there is a wide range of human activity that can negatively impact on salmon habitat.

HISTORY OF BC GOVERNMENT EFFORTS TO PROTECT SALMON HABITAT

The fact that the province has jurisdiction over those resource and development sectors that affect salmon habitat in a negative manner has not, until recently, translated into fish-sensitive policies. In fact, the habitat needs of salmon have traditionally been low on the priority list of BC governments. A legacy of provincial inattentiveness to such issues reflects this disposition. Geoff Meggs comments:

The dumping of toxic mine tailings by Utah Mines in Quatsino Sound poisoned kilometers of the inlet. Pulp mills rose on the Fraser. A full twenty years later, public protest would force fisheries studies which proved that the mills routinely dumped effluent exceeding both in volume and degree of contamination the amounts set out in their permits. Estuary land in the Fraser delta was dyked and filled ... [resulting in] the steady erosion of fish stocks and fish habitat which threatened the ultimate collapse of the salmon runs.
Over the course of BC history provincial governments have displayed a strong pro-development bias. For example, in 1954 Premier W.A.C Bennett made a unilateral agreement with the Kaiser Corporation to build a giant dam on the Columbia River to provide downstream power for the US. This initial agreement was invalidated by Ottawa, though, which sought to control the terms of development for the Columbia on the "grounds that international relations were at stake" and promptly enacted legislation requiring a federal license to make alterations to any transboundary rivers. Eventually, negotiations between the two countries led to the signing of the Columbia River Treaty in 1961 - an agreement that called for the development of BC's portion of the Columbia River basin. The disruption this project imposed on fish stocks caused widespread controversy. Opponents argued "tremendous fish losses" already occurred in the US where no less than ten hydroelectric plants had been built on the Columbia. These concerns went largely unheeded, though, and over the next decade three dams were constructed in BC.

Another example of the province's willingness to forego fishery concerns occurred in 1952 when W.A.C. Bennett gave serious consideration to allowing the construction on the Fraser River of what would then have been the world's largest dam. A 270 meter-high dam was to be constructed twenty kilometers north of Lillooet, and the reservoir would have extended over 260 kilometers from Lillooet to Quesnel. Although estimated
hydroelectric benefits were unmatched (the electrical capacity would have been equivalent to the Grand Coulee and two Hoover dams combined), the impact on the river's salmon stocks would have been nothing short of disastrous. As Federal Fisheries Minister Jack Davis argued at the time, the dam (a "monstrosity") would have "permanently altered the ecology of the Fraser River Delta." Although (unlike the Columbia River) this project was eventually shelved due to public protest, the fact that it was even considered is testimony to the pro-development bias of the province and its willingness to ignore the environmental needs of fish in the pursuit of such ends.

The federal government has taken steps to constrain those provincially endorsed development activities that have an adverse impact on salmon and their habitat. In this context, protection measures contained within the Canada Fisheries Act are the primary legal tool by which Ottawa seeks to place limitations on such activities. Since, however, the contractual property rights of resource industries "constitute powerful claims against the fish resource" there is a potential for federal-provincial conflict when Ottawa enforces its fisheries law. Norman Ruff explains:

Collisions between provincial policies on logging, mining or industrial development and federal policing of BC's migratory salmon habitats and the Canada Fisheries Act present the greatest potential for conflict.
Discord between the federal and provincial levels has occurred on several occasions. In the 1970s, for instance, Ottawa attempted to resist logging efforts that threatened salmon habitat in the Riley Creek-Rennell Sound area of the Queen Charlotte Islands. Also, on various occasions it has taken legal action to order the release of water from Alcan's Kemano dam, so as to increase flow levels in the Fraser River and to keep water temperatures at appropriate levels for fish. These federal actions are evidence not only of its willingness to intervene where provincially endorsed industrial activities threaten salmon habitat, but also of its reluctance to leave salmon habitat protection to the vagaries of BC's pro-development governments.

There are numerous instances where the province has attempted to counter federal efforts to place limitations on provincially endorsed development activities and policy measures. In 1977, for example, the BC government unsuccessfully challenged Ottawa's efforts to strengthen the Canada Fisheries Act. It argued that such a move would "be out of step with multiple resource use essential to a healthy economy." Later, in a test case regarding the subsequently strengthened federal Fisheries Act, the province reiterated these claims. Again, conflicts such as these are indicative of the gulf that traditionally separated the priorities of the province from those of the federal government as they pertain to the interface of the fishery with other development sectors. Moreover, these conflicts expose the manner
by which the province interpreted Ottawa’s representation of fishery values as being a threat to its own obligations to those sectors for which it has explicit constitutional responsibility, most notably forestry and mining.

Despite the province’s tradition of opposing federal efforts to place limitations on development sectors within its purview of powers, in the late 1980s Victoria did in fact take steps — albeit meager steps — to protect fish habitat from degradation. This occurred in 1988 when Bill Vander Zalm’s Social Credit government introduced the Coastal Fisheries-Forestry Guidelines (CFFG). These guidelines, however, were administered on a purely voluntary basis and, in that sense, amounted to nothing more than recommendations for forestry companies on how to mitigate the environmentally negative impact of their logging efforts. Indeed, the move was more symbolic than substantive, and in no significant way were the logging companies compelled to alter their environmentally destructive practices. Thus, despite the creation of the guidelines (and the symbolism inherent in such a policy measure) the development of the forest industry at the expense of critical salmon habitat continued unabated towards the end of the 1980s. Indeed, the fact that such measures achieved “very little” is not surprising given the traditional “pro-business,” “hyper-capitalist” ethic in Victoria. Only a dramatic shift in government ideology and priorities, it appeared,
could reshape provincial policy to consider salmon habitat. This transformation soon came.

ESTABLISHING A PROVINCIAL ENVIRONMENTAL PROTECTION REGIME

Towards the end of the 1980s a significant value shift took place within both British Columbian and Canadian society. The public became increasingly aware of the negative environmental consequences of uncontrolled industrial growth and development. Comparatively, whereas in 1987 only 37.5% of British Columbians reported themselves to be "very concerned" about the quality of the environment, by 1989 that figure had climbed to 56.1%. The incumbent Social Credit government, however, failed to gauge the power of the emergent environmental movement. As Daniel Gawthrop comments "many of them still held on to a nostalgic vision of the past" - the "boom period" when "the great Soared patriarch, W.A.C. Bennett, was able to do indulge in a spree of development and forest harvesting without worrying about the consequences." As Kathryn Harrison reflects, this naivety on behalf of the incumbent government was carried through into the provincial election of 1991:

No mention of the environment was made in Social Credit campaign literature, and the environment minister at the time decried the NDP's 'pie in the Sky' environmental platform as 'ignoring economic reality.' The premier, Rita Johnston, promised to favor jobs over 'environmental terrorists.'
Unlike the Social Credit Party, Mike Harcourt's New Democratic Party (NDP) accurately gauged the public's sympathy for environmentalism. Indeed, the NDP staked out green policy positions long before the 1991 election, and this theme was pursued in the October campaign. As part of its election strategy the NDP published and widely distributed a document outlining the twenty-four bills pertaining to the environment that its Members of the Legislative Assembly (MLAs) introduced while in opposition. They also released a detailed 48-point election platform, a full one-third of which specifically addressed provincial environmental matters. Among these initiatives were pledges to establish a comprehensive and inclusive land-use process, a clean air and water management strategy, a series of waste management and recycling programs, wildlife protection initiatives, a "Protected Areas Strategy" (promising to double the extent of protected areas in the province to 12%), and environmental assessment processes. Bolstered by a slate of health care reform proposals, the environmental portion of the NDP's election platform resonated positively with the electorate. In conjunction with the distinct lack of popular support for the scandal-plagued Social Credit incumbents, this combination of policy platforms contributed significantly to the NDP's success at the ballot box. Eventually, as we will soon see, it would also contribute to an increased "provincial interest" in the federally controlled salmon fishery.
After achieving its mandate in October of 1991, and with environmental issues continuing to dominate public concern, Mike Harcourt’s New Democrats moved swiftly to implement an ambitious slate of environmental policies. One of the first initiatives was a review of BC logging practices - a process that involved a very general and limited survey of compliance to the environmental protection regulations spelled out in the Coastal Fisheries-Forestry Guidelines (CFFG). The report subsequently exposed that the regulations appeared to be ineffective and that "the standards of fish habitat protection implied by the CFFG were frequently not achieved." 

With concerns about BC logging practices now sufficiently elevated, in 1992 the government hired Tripp Biological Consultants to conduct an in-depth study of the effectiveness of the CFFG on Vancouver Island. This study confirmed the existence of serious compliance problems. Of the 53 stream ecosystems examined, 34 had experienced serious habitat damage because of environmentally insensitive logging practices. In fact, six prime salmon bearing streams had suffered complete habitat loss. The report stated that although the guidelines had the potential to "reduce the number and severity of the impacts experienced on streams in recently logged areas," compliance was "generally poor." The Tripp report thereby exposed the ineffectiveness of the Coastal Fisheries-Forestry Guidelines.
Provincial Forest Minister, Dan Miller, reacting angrily to the report's findings, commissioned Tripp to conduct yet another audit of CFFG compliance levels. This subsequent inquiry was more thorough, though, and covered the entire BC coast, not just Vancouver Island. It focused on seventy-nine cut-blocks in five forest regions harvested since the CFFG were introduced in 1988. The findings bore strong similarities to those from the previous Vancouver Island studies. It revealed that the conditions on the Island were "fairly representative of conditions in the other districts audited." One-half to two-thirds of streams with fisheries concerns had experienced a major or moderate impact of some type. The damage occurred primarily because of poor road siting, construction, and maintenance, contributing to surface erosion, poor drainage controls, and encroachment on streams. Also cited were inadequate debris cleanup, poor falling and yarding practices, stream misclassifications, and inappropriate activities beside, in, or over streams, the result of which was stream torrents, slides, or blow-downs, most of which occurred after the actual logging process.

The existing regulatory regime was, from the perspective of the Environment, Lands, and Parks Minister, Moe Sihota, and the Forest Minister, Andrew Petter (whom had replaced Miller in this portfolio), "out of date, inadequately enforced, and incapable of deterring poor practices." Both declared that, given the severity of environmental neglect by the forest companies and the
obvious fact that they could not be relied on to police themselves, it was now incumbent on the province to impose a code of environmental conduct to protect BC’s environment.

Subsequently, in May 1994, the “Forest Practices Code” was introduced to the provincial legislature. It was later proclaimed law in April 1995, and the regulations took effect in June of that year.

The NDP’s Forest Practices Code consisted of numerous regulations and guidelines, all of which expanded and codified BC’s forest-based environmental protection regime. The Code includes specific provisions aimed at insulating salmon habitat from degradation due to industrial logging operations. Under the terms of the Code, before logging permits are issued audits are conducted on streams, rivers, and aquatic bodies that occur within the proposed cut-blocks to determine if there are significant risks to sensitive and “high value” fish-bearing streams. Depending on the extent to which logging threatens the stream environment, non-harvest zones of up to 50 meters and buffer zones of up to 30 meters (where logging is strictly regulated) can be imposed on logging operations that occur in the vicinity of such waterways. For the forest companies, however, increased regulations equate to increased production costs. Government estimates projected that the Forest Practices Code would cost the industry roughly $500 million per annum, but the forest companies arrived at a much larger figure: between $1.1 and $1.9 billion
dollars. Clearly, the costs associated with protecting fish habitat imposed significant economic constraints on BC forest operations.

Because the Code imposed limitations on the operation of BC's most important resource industry, a serious dilemma arose for the Harcourt government: how could the frustrations of workers displaced by the government's environmental policies be addressed? The government's answer to this question was the "Forest Renewal Plan," announced in April 1994. The plan established a new crown corporation - "Forest Renewal BC" - to oversee the allocation of funds derived from increases to stumpage fees. These funds - approximately $2 billion over 5 years - were subsequently used to hire forestry workers adversely affected by the government's green regime (to fulfill the premier's very public promise that "not one forest worker will be left without the option to work in the forest as a result of a land use decision"). As with the Forest Practices Code, the Forest Renewal Plan also contained initiatives that focused on improving the biological integrity of salmon habitat. These were contained under the Watershed Restoration Program. This program aimed to "accelerate the restoration of logging-impacted watersheds" by rectifying the "loss of summer and over-winter habitat for rearing salmonids" that would otherwise "require a century or more to recover." Efforts under the Watershed Restoration Program involved the
The proactive environmental approach of Mike Harcourt’s government was not limited to forests. Indeed, the decidedly green policy regime established by his administration extended far into other sectors. Thus, to understand the increased “provincial interest” in the salmon resource, we must also briefly examine fish protection policies relating to these sectors. These are discussed below.

PULP MILL EFFLUENTS

By-products of the paper-milling process are discharged as toxic effluent and constitute the largest source of industrial pollution in Canada. These effluents kill salmon and other fish, and also destroy kelp, poison aquatic invertebrates, and emit bio-accumulative, cancer-causing/hormone-disrupting chemicals into the ecosystem. On numerous occasions the accumulation of such pollutants has resulted in fisheries closures along the BC coast.

One of the Harcourt government’s first environmental policies dealt with water quality protection and the regulation of pulp mill effluents. In January 1992, the NDP government legislated that all pulp mills operating in the province adhere to an AOX standard of 1.5 kg/Adt by the beginning of 1996, and, by
December 31 2002, completely eliminate these pollutants. As a result of this law AOX discharges across all BC mills dropped by 50% between 1991 and 1993, and the average total daily dioxin discharges—when compared to 1990 levels—dropped by 95%. Again, fisheries habitat was a clear beneficiary of these policies.

THE PROTECTED AREAS STRATEGY

Another major provincial environmental directive of the Harcourt government was the Protected Areas Strategy. Again, this policy bore a direct relevance to the salmon resource. The Protected Areas Strategy emerged in association with the Harcourt government’s Commission on Resources and the Environment (CORE), a department established in 1992 and headed by former ombudsman Stephen Owen. CORE’s mandate was to revise BC’s relatively ad-hoc and woefully ineffective land use management system and replace it with a much more collaborative, comprehensive, and inclusive system based on the recognition of a plurality of interests and concerns. Moreover, CORE was to assist in fulfilling the government’s commitment to meet the United Nations’ recommendation that, in the name of sustainability, polities throughout the world protect 12% of their representative ecosystems.

Via the CORE process, wilderness areas throughout BC were designated as “study areas” to be considered for protected area status by virtue of their combined ecosystemic, cultural, and
recreational value. In such areas land and resources would not be subject to sale, and mining, logging, and hydroelectric activities were forbidden. From a green perspective, this environmental protection program proved to be rather successful: between 1993 and 1996 CORE and the Protected Areas Strategy established more than 200 new parks and protected areas throughout the province (eventually, these designations did succeed in bringing the province to its 12% objective). It is critical to acknowledge that throughout the decision-making process concerns relating to salmon habitat were of "paramount importance" in determining which areas would become off-limits to development.

The significance of salmon habitat issues in government designations of protected areas is well illustrated in the creation of the Tatshenshini-Alsek Wilderness Park. In the decades following the Second World War, BC (along with some other Canadian provinces) experienced a phenomenal rate of economic development and expansion. BC’s endowment of natural resources fueled this post-war boom. Early in this period (1958), one of the many companies seeking to exploit BC’s resource base conducted mineral evaluation studies in a remote, uninhabited area in the northwest corner of the province (situated between the southern tip of Alaska and the Yukon). The company was searching for deposits of copper and other minerals. It succeeded. One of the world’s largest copper deposits was discovered beneath Windy Craggy Mountain near Tats Creek (which eventually flows into the
Tatshenshini and Alsek Rivers). Moreover, the copper was surrounded by other valuable metal deposits. The cumulative value of these minerals was estimated to be $8.5 billion.

It was not until the late 1980s that Geddes Resources (the company holding the access rights to the Windy Craggy mineral deposits) submitted a proposal to the provincial government to construct massive underground and open pit mines to begin extractions of the minerals. This proposal spawned almost instant criticism from environmental groups which proceeded to lobby against the project in an "unprecedented" manner. The strength of their convictions stemmed from the fact that the ore deposits under Windy Craggy are interlaced with high concentrations of sulphur, which, when released in the extraction process, would mix with air and water to form sulphuric acid. They claimed that the waste rock and tailings generated during the extraction process would create enough acidic leachate to eradicate all aquatic life in the Tatshenshini and Alsek Rivers.

Faced with a looming controversy surrounding Windy Craggy, the NDP government decided in July 1992 that the Geddes proposal should be submitted to the CORE process for review. The preliminary CORE report revealed that the project did in fact pose a clear threat to the health of aquatic life throughout the region. "Fish and pristine aquatic habitat" were not only deemed to be a "vital part" of the local ecosystem, but also the Alsek
River system was identified as one of the three major salmon
bearing rivers along the northern Pacific coast. Moreover, the
report concluded that the Tatshenshini River contributes 95 of
the Chinook salmon, 90 of the sockeye salmon, and 75 of the coho
salmon to the commercial fishery at the river's mouth. Because
of the abundance of salmon, the Tatshenshini-Alsek region is also
home to a flourishing grizzly bear population and the largest
gathering of bald eagles in the world. The final CORE report,
issued in January 1993, concluded that the interests of mining and
those of the regional environment were entirely "incompatible."
Premier Mike Harcourt announced the rejection of the Windy Craggy
plan, and proposed the establishment of the Tatshenshini-Alsek
Wilderness Park. Thus neither now nor in the future would the
fish and wilderness values inherent to the region face compromise
at the hands of resource developers.

The economic costs of protecting the fishery habitat of the
Tatshenshini-Alsek Wilderness area were not modest. Realizing
that Royal Oak Mines (which purchased Geddes Resources shortly
after the CORE report) would demand compensation for the lost
development opportunity, the province began remunerative
negotiations with the company. Eventually, in 1995, the
government paid $104 million in compensation for the cancelled
project, and also agreed to assist in funding two of Royal Oak's
new mine developments. Clearly a significant price was to be
borne for assuring the protection of the province's fish and
wildlife. These costs, however, did not deter the province from continuing in its effort to fulfill the mandate of the Protected Areas Strategy (and thereby improve protection for fish habitat). In 1994, for example, Environment Minister Moe Sihota announced Class A park status was to be established near Chilko Lake. This park (called "Ts’yl-os Park"), like the Tatshenshini, "was rich in vulnerable wildlife ... [and] home to the third largest salmon run in the province."\(^5\)

THE KEMANO COMPLETION PROJECT

The Harcourt administration’s willingness to stop previously arranged development initiatives that threatened salmon (and their habitat) did not end with the cancellation of the Windy Craggy project. Another example is the termination of the Kemano Completion Project (KCP). In 1950 an agreement between the Alcan Corporation and the Province provided the company with water diversion (rental) rights to both the Nechako and Nanika Rivers. These diversion rights were granted to Alcan so that it could develop a massive hydroelectric facility to power an aluminum smelter in the town of Kitimat. These water rental rights were to be exercised prior to the end of the century, upon which time the company would receive a license in perpetuity for the water required to operate hydroelectric facilities constructed before the millennial deadline. The first phase of this project was completed in 1954, and resulted in reversing approximately three-quarters of the original flow of the Nechako River.\(^6\)
The KCP was an extension of Alcan's original project. The deadline for the company to exercise its water access rights prompted Alcan to make plans for a second water diversion and hydroelectric development facility, despite the fact that the additional electrical power generation capacity was not yet required. Concerns over the KCP's further impact on resident salmon stocks, however, were evident long before the second proposal was tabled. By refusing to release what DFO officials deemed to be sufficient levels of water for salmon, the company had demonstrated that it would not hesitate to marginalize the interests of fish in order fulfill its corporate agenda. Ottawa's concerns, along with those of Alcan and the provincial government, were later addressed in 1987 when (in an effort to avoid court action) the three parties came to an agreement regarding water flows. Shortly thereafter, in 1988, Alcan began construction of the project's $1.3 billion final stage.

Although Alcan and the two levels of government were themselves satisfied with the 1987 agreement, the citizens and lobby groups concerned about the environmental impact of the KCP were not appeased. Aboriginal, environmental, and citizens' groups persisted with their arguments that the KCP posed a clear and obvious threat to salmon. The Rivers Defense Coalition, for example, stated that "even with the proposed remedial measures in place, [KCP] poses unacceptable risks to the fish resources and
Later, more controversy emerged as it was revealed that undue pressure had been placed on federal fisheries scientists to tone down their criticisms of the KCP, and their specific concerns that the project would result in a 90% reduction in the salmon runs of the Nechako, Nanika-Bulkley, and Kemanc River systems. The opposition groups eventually rallied to challenge the project in the federal courts, arguing that KCP required a federal energy Assessment Review Process Certificate before further construction could occur. In May 1991 the federal court ruled in favor of the environmental groups and Alcan ceased work on the project immediately.

The Harcourt government conducted a full inquiry into the project’s potential for negative environmental impact. In January 1993, the premier announced that the BC Utilities Commission (BCUC) would hold public hearings on the issue. In its final report of December 1994, the BCUC reported that the KCP would have an acutely negative impact on the salmon resource. It recommended three specific remedial actions that could be adopted to minimize the project’s adverse impact on fisheries. In January 1995, though, Harcourt stated he would side with the 64% of British Columbians who felt the project should be cancelled because it “threatened the Nechako and Fraser River fish stocks.” The premier himself later reflected on the reasons for the decision:
the evidence was pretty conclusive ... it was going to bring water down to a trickle and have adverse effects right throughout the Nechako River system, and great potential for serious harm to the Fraser River fishery.\textsuperscript{14}

There remained an obvious problem, though: how to remunerate Alcan. In July 1995, a framework for remuneration was tentatively reached between the province and Alcan.\textsuperscript{15} Eventually, in March 1996, the province and Alcan finalized an agreement to settle the outstanding legal issues related to the project's cancellation. This expensive compensatory package involved major commitments by the province to provide electricity to future Alcan projects and to make future purchases of assigned quantities of surplus power from the existing Kemano facility.\textsuperscript{16} Again, the lengths the provincial government was willing to go to protect salmon reflects its increasing interest in the resource.

THE BC HERITAGE RIVERS SYSTEM

While the NDP government was busy attempting to bring closure to the KCP issue, it was also proactively pursuing the implementation of other environmental policies. Again, the notion of protecting salmon habitat from development and industrial activity assumed a pivotal role in such initiatives, and thereby further contributed to the increasing provincial interest in the salmon resource. In May 1995, for example, the province announced the creation of the BC Heritage Rivers System and established the BC Heritage Rivers Board - a public advisory body charged with the task of identifying
provincially-significant rivers and providing legal protection for them according to their "ecological, historical, recreational or cultural value." As the Board's first annual report implies, salmon and fishery values were integral in determining which rivers would be considered for Heritage status:

The health of the land and all its inhabitants are compromised without healthy rivers. Rivers are the veins and arteries of the earth carrying life-giving waters from their origins in glaciers, snowfields, lakes and wetlands down to the sea. They provide habitat for aquatic and land species ... First Nations' cultures have been shaped by their associations with these great waterways, from dependence on the salmon to their use as inter-tribal trading routes.

The Board's report subsequently nominated several BC rivers for heritage status, and in each case specific reference was made regarding their value to the salmon resource. The Adams River, for example, was deemed to have an "extremely high significance to salmon protection in the province," and represented "the most significant sockeye enhancement opportunity in the Fraser Basin." In the same context the Babine River was stated to have "an extremely productive fishery of anadromous fish species," the Cowichan River was acknowledged as one of the "world's best" salmon rivers, and the Fraser River's "most significant" quality related to "the salmon populations it supports."
A COHESIVE PROVINCIAL FISHERIES STRATEGY

In September 1995, senior officials in the province's Ministry of Agriculture, Fisheries and Food (MAFF) incorporated all of the government's habitat protection policies under a single, cohesive policy framework - the "BC Salmon Habitat Conservation Plan." This measure symbolized the elevated provincial interest in the fishery resource that had emerged out of BC's environmental protection policies. As Stuart Culbertson recalls:

We suddenly realized that we had a collage of policies designed - in various shapes and forms - to preserve salmon habitat. We thought it might be expedient ... to combine these into a coordinated plan.

The BC Salmon Habitat Conservation Plan declared that the province "has a key role to play in the conservation, protection and enhancement of salmon stocks and their habitat." It went on to state that "the British Columbia government has taken action to protect fish habitat and water quality through various ministry initiatives" and referred to policies such as the Forest Practices Code, Forest Renewal BC, pulp mill effluent restrictions, waste management programs, the cancellation of the Kemano Completion Project, BC Heritage Rivers, and others. It also announced a new directive: the Urban Salmon Habitat Program - a program aimed at helping urban communities, groups, and agencies to restore and enhance their local salmon streams. The program's stated objectives were "to ensure sustainable wild salmon stocks
and habitats" in the highly urbanized Georgia Basin, and to "increase public awareness of salmon and their habitats." The fact that the "direct and indirect economic value of the Georgia Basin salmon runs is hundreds of millions of dollars" was also cited when the program was announced. Designed to operate over five years, it was initially funded at $12.5 million.

By coordinating and reinterpreting existing and emergent (environmental) policies into a cohesive fisheries strategy, the province became more interested in and raised its profile in the federally controlled fisheries forum. In November 1995, for example, during the federal-provincial conference of fisheries ministers, comments by the BC fisheries minister indicated that BC was willing to make politics out of its emergent interest in the salmon resource. At this time a cooperative relationship existed between the federal and provincial governments on fisheries issues.

CONCLUSION

This chapter describes the first factor (provincial interest) influencing the Clark's government's transgovernmental policy on the PST impasse. It spelled out the process whereby Mike Harcourt's government broke with the pro-development legacy of past provincial governments and aggressively pursued establishment of a provincial environmental protection regime. Many of the policy measures that were a part of this environmental regime incorporated
(or were motivated by) values pertaining to fishery habitat, and these elevated the provincial government's "interest" in the federally controlled salmon resource. The heightened provincial interest in salmon set the groundwork for future transgovernmental action on the PST. Before spelling out the province's transgovernmental actions, though, it is necessary to examine the other major factor that influenced BC's stance - the significant decline of provincial confidence in Ottawa's ability to manage the west coast salmon fishery. It is to this task that the next chapter is devoted.
CHAPTER 4 – FACTOR TWO: CONFIDENCE IN FEDERAL FISHERIES POLICY

This Chapter examines the other major factor influencing BC’s transgovernmental policy on the PST issue - the decline in the Clark government’s confidence regarding Ottawa’s ability to manage the salmon resource in a manner adherent to the province’s best interests. What follows is a description of how that decline in confidence came about.

While BC’s NDP government was busy establishing its environmental protection regime - thereby increasing its vested interest in the salmon resource - a concurrent series of issues and events emerged that raised serious questions regarding Ottawa’s capacity to manage (domestically and internationally) the west coast fishery. However, it should first be pointed out that Ottawa’s policies in this sector have long been subject to criticism by west coast salmon fishers. Indeed, from BC’s perspective, a legacy of federal incompetence is discernable throughout the fishery’s 125-year history. During the early 1990s, however, criticisms of the Department of Fisheries and Oceans began to occur with increased frequency.

THE EARLY STUART SOCKEYE RUN

In the early 1990s DFO personnel were optimistic regarding the plight of BC’s major salmon runs. Since the mid to late 1980s salmon runs throughout the province were considered “in good
shape," and the size of the fish returns had "steadily increased" to the point where they were assumed to be approaching near record sizes.  

Disappointment loomed, however. This began in 1992 with the disappearance of significant quantities of fish from the valuable Early Stuart River sockeye run. With estimates hovering around 700,000, the run had originally been forecast to arrive in record numbers. When the Early Stuart fish arrived in the Strait of Juan de Fuca, however, their numbers were drastically under the projected estimates. Indeed, a mere 350,000 fish - half of the figure the DFO expected - showed up. As a result, the DFO quickly moved to cancel all commercial fisheries targeting Early Stuart salmon. But the problems with the Early Stuart fish did not end here - by the time the salmon had traveled into the Fraser River, another 116,000 fish had seemingly disappeared. Ultimately, only 65,000 fish were able to reach their spawning grounds.

Many salmon were missing despite the DFO's shutdown of the Early Stuart sockeye fishery. This apparent contradiction spurned a "storm of protest" from the BC fishing community, and the question was raised: "where did all the fish disappear to?" The fishing community had already made up its mind, though - it was Ottawa's Aboriginal Fisheries Strategy that was to blame.

The Aboriginal Fisheries Strategy was a by-product of the 1990 Supreme Court of Canada decision on a case known as Regina vs. Sparrow. In the spring of 1984, Musqueam band member Ron Sparrow
was charged for using an illegal net while fishing for salmon in the Fraser River. The charges stemmed from the fact that, under the Fisheries Act, fishers were restricted to using only drift nets up to 46 meters in length (Sparrow's net was 82 meters in length). Sparrow defended his actions by arguing that he was merely exercising his aboriginal right to fish and, six years later, the Supreme Court ruled in his favor stating that aboriginal fishing for food and ceremony was a practice protected by the Constitution. At the time it was also ruled that after valid conservation measures are taken to sustain the fish resource, aboriginal fisheries are entitled to take priority over other fisheries, such as those for commercial and sporting purposes.

Ottawa promptly initiated an inquiry into the matter of the missing Early Stuart fish. Chief investigator Peter Pearse subsequently determined that the commercial fishers were correct in their assumption that the aboriginal fisheries were to blame. He concluded that the DFO's Aboriginal Fisheries Strategy had resulted in a 1992 native fishery that was characterized by "unprecedented intensity, management confusion, weak surveillance and enforcement, and general excess." BC fishers up and down the coast promptly called the federal government's management style "massively misdirected" and their policies woefully "inappropriate." The criticisms did not end there. Members of the Fishermen's Survival Coalition, consisting of various commercial fishing interests and
established to scrutinize DFO policy, demanded the immediate resignation of federal Fisheries Minister John Crosbie."

MORE MISSING FISH

Yet another dilemma followed the 1992 missing fish fiasco, one that served to heighten the lack of confidence among west coast fishers when it came to DFO policy-making. In 1994, the DFO forecasted that sockeye returns to the Fraser River would total 30 million fish, even going so far as to make the early claim that the runs would be “as strong as they had ever been.” When test fisheries were conducted, though, it quickly became apparent that this original DFO estimate was well off its mark. It was subsequently revised downward to 19 million — a level still deemed sufficient to allow the scheduled fishery openings to continue. Ultimately, however, when the fish reached their spawning grounds, they were well below what were expected, with certain runs reaching their lowest levels in over fifty years. This seemed to re-affirm perceptions among BC fishers that Ottawa was demonstratively inept when it came to fulfilling its duties pertaining to the management of the west coast fishery, and again raised the question “why did the fish disappear?” In an effort to answer the pressing questions surrounding this missing fish issue, yet another inquiry was initiated by Ottawa. This time the probe was headed by former Tory fisheries minister John Fraser. In his final report Fraser determined that several forces had combined to deplete the number of fish reaching their spawning grounds.
One of the main factors, according to Fraser, was the disfunctionality of the PST. That year, in the absence of a PST fishery regime, Canadian authorities estimated Alaska had opportunistically intercepted some 2.28 million coho bound for Canadian waters (this figure represents approximately 40 percent of the entire Alaskan coho fishery for that year). Interceptions of other salmon species were deemed to be equally sizeable. In an effort to try to dissuade the Alaskans from over-fishing Canadian-bound salmon in the absence of a workable PST agreement, Ottawa opted to pursue an aggressive fishing strategy. This strategy entailed that the Canadian salmon fleet engage in particularly heavy fishing efforts when the fish moved through Canadian territorial waters, essentially ensuring that the Canadians received their "fair share" of the salmon runs. At the time this tactic was initiated, however, it was unknown to policy-makers that the size of the salmon runs had been misjudged and were significantly smaller than anticipated. Consequently, the aggressive fishing strategy put further pressure on already depleted runs of salmon. Once the true size of the salmon runs was revealed, the policy was quickly retracted and fisheries were closed down. One more 12 hour opening would have eliminated that year's Adams River run in its entirety. The closures resulted in losses estimated around $20 million for BC's commercial fishers (a group already reeling from the 1992 stock declines). Fraser promptly concluded that the aggressive fishing strategy was deeply flawed.
Fraser’s accusations did not end with criticisms of the aggressive fishing strategy. In fact, he went on to place further blame for the missing fish on federal cost-cutting measures. Fraser stated that “cutbacks and budget reductions were made to the extent that the department was left in charge without clear lines of accountability or necessary tools to enforce its regulations with any credibility.” He also asserted that Ottawa’s mismanagement of the in-land aboriginal fishery had (again) figured into the negative outcome for the 1994 fishery. Geoff Meggs reflects on Fraser’s findings:

By identifying cutbacks and budget reductions as part of the problem, Fraser put his finger on just one manifestation of the profit-before-conservation policy which had undermined every aspect of fisheries management. That policy had driven the Conservatives to sign a salmon treaty with the United States which compromised Canada’s ability to manage its own stocks. It had made property rights and protection of capital a priority of fleet management rather than conservation and employment. It had produced a piecemeal Aboriginal Fishing Strategy rather than comprehensive treaties with First nations. It had put global trade rules ahead of conservation and Canadian jobs. It had guaranteed that fish habitat would be sacrificed to make way for development... It had made a holy grail of deficit reduction, cutting fisheries department resources so drastically that, to cite just one example, no money was available to pay for enforcement at night. The 1994 runs would end up paying the consequences of each of these decisions.

The reaction to the 1994 fishery problems was frustration and anger among BC fishers, and these sentiments were quickly directed towards Ottawa. “Monumental federal blunders” and “years of mismanagement” were deemed to be the heart of the problems.
surrounding the west coast fishery, as were "11 consecutive years of budget cuts" imposed by the Liberal government on the DFO. These budget reductions created admittedly difficult operating conditions for DFO staff, to the point where departmental morale had been severely compromised. All these criticisms being heaped on the federal fisheries authorities, however, did not persuade Ottawa to address the issues at hand. In the words of one observer, Ottawa "was not yet prepared to abandon the philosophy which had led to the brink of disaster."

FEDERAL-PROVINCIAL COOPERATION ON THE PACIFIC SALMON TREATY

Despite the aforementioned problems and the criticisms directed at the DFO's fishery policies, Ottawa's effort to resolve the emergent difficulties surrounding the PST were, from the provincial government's perspective, still functional. Indeed, at least at this point, there seemed to be a cooperative, cohesive, and coordinated relationship between Ottawa and BC, Brian Tobin and David Zirnhelt on the issue. In June 1994, for example, the duo traveled to Washington D.C. in an effort to sway US politicians in Canada's direction. The province also supported federal Fisheries Minister Tobin when he later imposed a $1500 transit levy on American fishing vessels moving through BC to Alaska. This cooperative approach to the PST problem continued through 1995. That year the two levels of government worked closely to devise Canada-first (unilateral) fishing plans, and held a joint news conference in Seattle in an effort to bolster
public opinion (both American and Canadian) in Canada's favor."

Zirnhelt and Tobin also ventured to New York to voice their concerns about US overfishing, this time addressing delegates of the United Nations Conference on Straddling Fish Stocks. The fact that there was cooperation between the levels of government was evident, and it was noted that "Zirnhelt has remained foursquare behind Mr. Tobin in the latter's sabre-rattling with the Alaskans."

The provincial minister's own comments affirm that, at least at this point, his government was confident in the leadership Ottawa was providing on the PST. Zirnhelt states that:

I felt that Tobin was not afraid to deviate from the broader objectives of the federal government in order to protect BC's interests. He appeared to take pride in countering the Americans. In one instance the Department of Foreign Affairs tried to exclude BC representatives from attending meetings with American representatives, and he went against their wishes by insisting that we be present at the table. All in all, I felt we had a solid working relationship with Tobin, and that was key to keeping things together.

FURTHER DECLINES IN DFO CREDIBILITY

After consecutive, disastrous salmon fishing seasons, and with public scrutiny increasingly directed towards the federal government, the last thing the Ottawa needed was to upset the province's remaining confidence in Ottawa's fisheries leadership. In early 1996, however, it became apparent that Ottawa was oblivious to this exigency. Word was spreading throughout the fishing community that Ottawa, instead of pursuing the Americans more...
vigorously on the PST issue, would soon be moving to reorganize the west coast fishery through reductions in the size of the salmon fleet.’ This controversial policy move, however, was not the work of Brian Tobin (who, from BC’s perspective, was one of the only remaining reasons to maintain a tolerable level of confidence in Ottawa’s ability to manage the west coast fishery). Instead, it was the workings of a new federal fisheries minister - Fred Mifflin. He quickly revealed to BC that he lacked the commitment and resolve of his predecessor.’ According to Zirnhelt, Mifflin promptly acquired “a reputation of thinking that British Columbia consisted solely of the 10 square miles around the Vancouver airport,” and he “became notorious for landing at Vancouver International, giving a 20 minute speech, then flying back east immediately afterward.” He also recalls that the new federal minister demonstrated a “remote and piecemeal approach to fisheries management.” The comments of Stuart Culbertson, then BC’s Assistant Deputy Minister of Agriculture, Fisheries and Food, affirm that the province’s faith in Ottawa’s leadership waned after Mifflin assumed the portfolio. He states that “Before Mifflin, there was a good working relationship between Tobin and Zirnhelt. Unlike Mifflin, Tobin was not afraid to defend BC’s interests.” Clearly, the confidence that BC had thus far maintained when it came to Ottawa’s leadership on fishery issues had, by this point, declined considerably.
CONCLUSION

This chapter chronicled BC's declining confidence in Ottawa's ability to manage the salmon resource. Problems relating to its domestic and international fisheries policies detracted from the already tenuous provincial support for Ottawa's authority on fisheries issues. This was exacerbated by Mifflin's "remote and piecemeal" approach to the west coast fishery, and the developing controversy over his yet to be tabled fleet reduction initiative. This initiative was, in essence, "the last straw" that broke the province's remaining confidence in Ottawa's ability to provide effective leadership and policy in the fisheries sector. Confidence deteriorated even further after the arrival of a new premier. In the next chapter the manner by which BC's transgovernmental policy emerged and unfolded for the newly elected Clark government is discussed.
CHAPTER 5 - TRANSGOVERNMENTALISM AND THE PST

The preceding chapters have spelled out the two main factors influencing the Clark government to adopt an autonomous, transgovernmental policy on the PST issue. To reiterate, these are the increased provincial interest in the salmon resource (stemming from the establishment of a provincial environmental protection regime), and the substantial reduction of provincial confidence in Ottawa’s ability to manage the fishery at both the domestic and international level. The manner in which these factors influenced Clark’s transgovernmental fisheries policy is explained below.

A NEW PST STRATEGY FOR BRITISH COLUMBIA

In February 1996 an event occurred that would prove critical in changing the federal-provincial dynamics surrounding the west coast salmon fishery and the PST. On the 22nd day of that month, following a weekend leadership convention, former provincial Finance Minister Glen Clark was sworn in as the new BC premier (replacing Mike Harcourt). As Richard Sigurdson observes, Clark quickly “set about distinguishing himself” as a “young, dynamic, scrappy partisan who gives every impression that he is firmly at the helm.” This brazen, bellicose, and often controversial political style would soon spill over into the increasingly contentious fisheries sector, the result of which would be the emergence of an independent, transgovernmental fisheries policy for BC.
Clark assumed the leadership of a government nearing the end of its 5-year mandate and was faced with a decidedly unreceptive electorate. This was, however, exactly what confronted Glen Clark when he became premier. Consequently, Clark, his cabinet, and an entourage of senior NDP strategists promptly held meetings to devise a plan that would improve the government's popularity and establish its policy priorities. Such a plan would necessarily aim to convey to the public that the new administration was in control, not only of its own agenda, but also the economy, the environment, and other issues of primary public concern.

In late February 1996, during one of the aforementioned strategy meetings, the issue of the PST was brought to the table by Dave Zirnhelt, then Minister of Agriculture, Fisheries, and Food. He relayed, in detail, the circumstances surrounding the PST and the west coast fishery. To the minister, it seemed clear that Ottawa's domestic and international fisheries policies had become increasingly problematic and, since Mifflin had assumed the portfolio, there was now little reason to remain confident in Ottawa's representation of the provincial interest in the salmon resource (and, thereby, in the PST issue). He explained to the premier that it would be wise for BC to chart its own policy course on the PST, and that such a move might assist in the aforementioned strategical context. Zirnhelt reflects on this meeting:
I realized we had an issue of some substance and utility here, one that we could possibly appropriate in a politically-beneficial manner. I explained to Glen that this was something that he could run with. This was the first time the matter was discussed at that level ... in an explicitly strategic context."

Thus, it became apparent that by adopting an independent stance on the PST province could simultaneously address Ottawa’s shortcomings in this policy sector and defend the heightened provincial interest in the salmon resource. In the process of doing so, it would also contribute to improving the popularity of the Premier and his government.

Clark was highly receptive to the PST strategy for which his cabinet minister was “very supportive” of the government pursuing, and he promptly set about incorporating it into his political strategy. The remainder of this chapter will outline the manner by which this transgovernmental strategy on the PST issue emerged and unfolded after February 1996.

THE PACIFIC SALMON TREATY AND THE FAILURE OF MEDIATION

Earlier, in the summer of 1995, with the dysfunctional provisions of the PST clearly incapable of bringing the two parties to consensus, the US and Canadian governments had agreed to a mediation process aimed at resolving the dispute. On August 25 it was announced that Christopher Beeby – former New Zealand Ambassador to France – would begin mediating the matter in October
with the intent of concluding the process by December. His specific agenda was:

... to assist Canada and the United States in finding a solution to the problems that have been encountered in implementing the PST, which entered into force in 1985. While the mediation will have no binding effect, both governments are hopeful that this process will enable them to overcome past differences and to fulfill the promise of the Treaty to rebuild west coast salmon stocks and to provide to both sides the benefits of their salmon production.

Unfortunately Beeby did not accurately assess the monumental difficulty of the task that confronted him. His proposals, which were (privately) presented to the parties in January 1996, sided with Canada's view that its fishers were being shortchanged, and suggested an accounting formula that would force the US to curtail its fishing or pay Canada cash as compensation. However, according to Canadian officials, the US delegation privately refused to accede to the proposal and eventually dismissed the mediated recommendations. Beeby was extremely frustrated with the intractable stance of the US negotiators, and he subsequently resigned as mediator in March 1996.

BC'S TRANSGOVERNMENTALISM ON THE PST ISSUE

In March 1996, in anticipation of Canadian action on the PST stalemate in the upcoming fishing season, the US Congress asserted that international law guaranteed American fishing vessels free access to waters within BC's Inside Passage. Congress also
demanded that American fishers be reimbursed for the $300,000 they paid in transit fees levied against them during the 1995 fishing season. Clearly the Americans were eager to assure that Canada authorities would not interfere with the movement of its commercial fishing vessels during the 1996 season.

The Clark government, with its new fisheries strategy now in place, reacted swiftly, angrily, and very publicly to the Americans' demands for reimbursement. Not only did the premier call on Ottawa to re-impose the transit fee, he also went so far as to engage himself and his government in the "high politics" of territorial sovereignty. "We must be firm, we cannot tolerate US legislation that attempts to reach into BC ... this has to be taken very seriously," said the new premier. Clark and United Fisheries and Allied Workers Union (UFAWU) Vice President Dennis Brown also deemed Foreign Affairs Minister Lloyd Axworthy to be "terrified" of the Americans, and NDP cabinet minister Moe Sihota privately reflected that Ottawa was engaged in a form of "submissive diplomacy" with its American counterparts. These confrontational accusations were not lost on the Federal representatives. David Anderson, Minister of Transport, responded by stating that Clark was "jumping the gun," and Lloyd Axworthy defined the premier's bellicosity as potentially "damaging."

Clearly, tensions on the PST issue were beginning to rise. For advice on this matter, Clark turned to the former federal fisheries
minister Brian Tobin, the man whose proactive approach to the PST problem had previously won and maintained the province's support. On March 12, 1996 Clark placed a telephone call to Tobin (who was now the Premier of Newfoundland) to beg his advice on how to handle the Americans' reaction to the transit fee threat. Clark reflects on the response he received from Tobin: "Brian Tobin proved how important it is that Canada stand up to Americans or anyone else who want to attack us on our sovereignty ... He encouraged me to be strong when it comes to dealing with the Americans."

BC'S RESPONSE TO THE MIFFLIN PLAN

On 29 March 1996, in a move already anticipated by the Clark government, federal fisheries minister Fred Mifflin announced that the west coast fishing fleet was being cut in half under the terms of the new "Fleet Revitalization Program." The rationale offered was that the salmon were in desperate need of protection from fleet over-capacity, and that such a move was essential to restore the ailing stocks. The federal fisheries minister's plan did not resonate favorably with BC's fishing interests. Indeed, the reaction was negative in the extreme. UFAWU Vice President Dennis Brown, for instance, called it "human bludgeoning" and circulated to industry officials a letter of petition calling for Ottawa to issue a moratorium on the plan. Environmental groups referred to the policy as "draconian." UBC fisheries Professor Carl Walters drew similarities between the plan and one previously proposed by
Ottawa in the 1960s under Jack Davis’ leadership, stating that it would have similarly “catastrophic consequences.”

Glen Clark’s transgovernmental policy surrounding the Pacific salmon fishery solidified through the spring of 1996. Mifflin’s announcement that the DFO was moving to restructure the salmon fishing fleet prompted angry words from the premier. Clark called the federal government’s policies with respect to the province’s salmon fishery a “failure” and the Mifflin Plan’s compensation package an “insult.” He also contended that Ottawa had given BC “the back of their hand ... anytime an East Coast fishery is in jeopardy, they have moved significantly.” Zirnhelt subsequently bolstered Clark’s accusations, stating that “the salmon problem stems from a long history of poor federal fisheries management.”

CLARK RAISES THE ANTE

BC’s faith in Ottawa’s fisheries and PST policy had clearly deteriorated. Indeed, there was little confidence that Ottawa could pressure Americans into accepting a new PST agreement. Acknowledging that the fishery was federal responsibility, and arguing that Ottawa had neglected to fulfill its obligations to devise effective fisheries policy for BC, the premier hinted that his government was “preparing to take action” that involved (unilateral) plans aimed at bringing the Americans into compliance with the PST. This led one reporter to comment “heavens knows what that means - unilateral action by BC, federal jurisdiction be damned, to stop Alaskan over fishing?” The premier subsequently
demanded a meeting with Prime Minister Chretien and a seat at the Canada-US negotiating table on the PST."

From a provincial perspective the federal government had proven that it could not adequately manage the salmon fishery in the best interests of BC. Ottawa had encountered numerous, highly publicized and consecutive policy problems in this sector, including its inability to reign-in the over-fishing Americans. Consequently, in the months leading up to the provincial election - held on May 28, 1996 - Clark moved to solidify his controversial, confrontational, and transgovernmental approach to the fisheries dilemma. This began on April 19, 1996 when the premier released an "action plan" aimed at resolving the matter or, depending one's perspective, promoting confrontation. He declared that in order to expedite a workable salmon treaty his government would adopt its own course of action aimed at bringing the Americans into compliance. First, he threatened to cancel the US lease on the Nanoose Bay torpedo testing range. Then, in conjunction with BC fishing groups, the premier sent a letter to the Prime Minister in which he criticized Ottawa as hypocritical for cutting back the size of BC's salmon fleet while simultaneously allowing US fishers to harvest BC salmon. It was further asserted that "if the Americans will not act as good neighbors ... Canada must demonstrate that there are consequences."
Ottawa did not receive Clark's threat favorably. Foreign Affairs minister Lloyd Axworthy said the premier's stance was "irresponsible" and "grandstanding," and that he was "treading in very dangerous waters" by "linking issues related to fisheries to other issues." These allegations were, however, quickly countered by the truculent Clark. "We're not going to sit back and let the federal government mismanage our fish stocks the way they have on the east coast ... I believe this is an appropriate and prudent response and will get the attention of the Americans," said the premier. Meanwhile, the linkages the province was making between Ottawa's failures in the fisheries sector and the province's salmon habitat protection policies were clearly acknowledged in the Clark government's first throne speech:

There is another resource that requires urgent attention. Like our forests, thousands of BC families rely on it for employment. Like our forests, it is very much a part of our history and identity as British Columbians ... this resource is in imminent danger of disappearing for generations to come ... I speak of Pacific Salmon - a living symbol of British Columbian identity. My government is committed to a comprehensive program to protect our salmon. This government has introduced new pollution control rules, worked with communities to rehabilitate salmon habitat, invested in sewage treatment, and cancelled the Kemano completion Project because it threatened a vital salmon river ... Ottawa's plan to cut fishing licenses is an affront to BC's fishers ... (Ottawa) must tell the Americans that if the US is unwilling to conclude an agreement that puts conservation first, they will face consequences. We are determined not to fail."
As spring turned to summer in 1996, the provincial attack on both Ottawa and the United States escalated. The premier stated that "British Columbians have lost faith in Ottawa’s ability and Ottawa’s political will to do whatever it takes to keep BC’s fisheries alive and healthy." On the same day the premier announced the creation of a new crown corporation - "Fisheries Renewal BC." The mandate new crown agency was consistent with the province’s emergent fisheries policy. It was to "lead the fishery out of this crisis to a new, more sustainable future" because the people of BC have "lost confidence" in Ottawa’s ability to do so. Fisheries Renewal BC would also aim to "conserve fish and maximize jobs" by using a "comprehensive and strategic vision" to "turn the tide on decades of ad hoc decision-making by Ottawa."

The Fisheries Renewal plan was complemented by other actions on the fisheries front. In late May the province joined with members of the Pacific Salmon Alliance and other interest groups to seek a court injunction against the Mifflin Plan. Then, in July, the premier requested that Doug Kerley - BC’s Job Protection Commissioner - assess the potential economic impacts of the Mifflin Plan for coastal communities. Clearly, Glen Clark was moving fast-forward in his effort to portray Ottawa as being "decidedly bureaucratic, controversial, and at best,
schizophrenic in its approach to west coast fisheries policy and the PST.

STAFFING THE PREMIER’S OFFICE

Towards the end of summer in 1996, the premier began to staff his office with experienced fisheries experts. The first notable appointment came in August when Stuart Culbertson, an individual with a strong background in fisheries issues and international law, was appointed head of the BC Fisheries Secretariat. Culbertson’s duty was to oversee this new office and its staff of 10 while adhering to its objective to “pursue a more meaningful role for the province in fisheries.”

On September 12 Dennis Brown, former member of the Pacific Salmon Commission, Vice President of the UFAWU and an avowed critic of the DFO, was named the premier’s “Special Advisor” on the PST. Then, on September 19, Geoff Meggs, the former UFAWU administrator and fisheries author, was hired on as Clark’s personal Communications Director. Indeed, by surrounding himself with a “cadre of senior advisors” with distinctive fisheries expertise, Clark was providing clear indication that the smoldering PST issue - and the province’s approach to this impasse - would emerge as a vanguard for his administration. Moreover, as Norm Ruff states, this staffing would assist the premier in “ensuring that his office would remain the nerve centre of the government and that he would have as staff and close advisors men
and women with political and administrative expertise” in an issue area that he chose to elevate and pursue.”

Meanwhile, the premier and his fisheries cohorts continued to take an independent approach towards addressing the matter of the US over-fishing of Canadian-bound salmon. In mid-September, for example, (and without consulting Ottawa) Clark sent a letter to the governors of Alaska, Washington, and Oregon encouraging them to cooperate in an effort to curb the Alaskan take of BC salmon.” Indeed, it was now evident that “the government's efforts in the fisheries sector were being directly driven by the premier's office.”

THE ELEVATION OF DISCONTENT

As 1997 began, all indications were that BC would continue to disregard Ottawa's authority on salmon fishery issues. In early January the premier sent provincial fisheries minister Corky Evans on a tour of coastal fishing communities. The purpose of his trip was to rally support for the Fisheries Renewal Plan and to field concerns about the Mifflin Plan.” Shortly after this tour, Evans declared that the “made-in-Ottawa approach is killing jobs and destroying communities” and there was a subsequent “need for a made-in-BC approach to fisheries management.” He also issued a statement explicitly attacking the DFO: “what I heard was the people who built this industry are worried that their work will be
At the end of January 1997, with the fishing season fast approaching and Ottawa still seemingly incapable of resolving the PST impasse, the premier again stepped into the fray by chastising both the Americans and Ottawa. Speaking at the UFAWU annual general meeting, Clark threatened his government would act unilaterally to create "an international incident" if the dispute was not resolved by March 15. Later (in February) while Canadian and American negotiators met in Portland, Oregon, the premier again reiterated his pessimistic view that the process was doomed to failure. "We are watching this process and the March 15 deadline is a real deadline," Clark declared. "We simply can't tolerate just continuing to talk about this when certain salmon runs in British Columbia could become extinct because of Alaskan over-fishing." In his continued efforts to forge a role for himself and his government on the PST issue, Clark even went so far as to place direct pressure on the Prime Minister. In mid-February, the premier announced that he fully expected Chretien to raise the matter with US President Bill Clinton.

In March, during the throne speech, the centrality of the fisheries issue to the Clark government, and the immanency of provincial transgovernmental action, was confirmed. However,
there were also indications that BC had not yet entirely abandoned the notion of cooperating with Ottawa on the issue:

My government intends ... to ensure a future for the Pacific salmon, a resource that has nourished countless generations among BC’s first nations and coastal communities. My government is ready to work with the federal administration or, if necessary, to take direct provincial action to ensure our salmon can return to our rivers and streams.

Indeed, it did appear as though Clark was willing to tone down his stance and "work with" the federal government on the PST issue. This was evident in April when the province and Ottawa signed the "Canada-BC Agreement on the Management of Pacific Salmon Fishery Issues." Acting as "a framework for better salmon management in BC," this agreement amounted to an attempt by federal authorities to placate the province’s concerns surrounding Canada’s approach to the PST problem and other west coast fisheries issues. It states that "no major decision on salmon will be made without the active involvement of the BC government."

The agreement did appear to quell the province’s concerns regarding the PST over the short-term, but Clark continued to take a proactive stance in promoting his government’s fisheries policies at the provincial level. One month after signing the agreement with Ottawa, for example, the premier unveiled the “BC Fisheries Strategy” which sought to "provide a substantive vision for collective efforts towards fisheries renewal and the leadership
that is needed to ensure a bright future for BC's salmon fishery. Yet another attempt to coalesce the province's initiatives in the fisheries sector - went so far as to assign an explicit dollar value to its fisheries habitat protection efforts. It was estimated that between 1996 and 1997 provincial funding for fish habitat increased more than four-fold, from $23 million to nearly $103 million. The BC Fisheries Strategy also marked the introduction of the "Fish Protection Act" - legislation intended to reflect the "government's continued commitment to environmental protection" by providing "powerful tools to protect water flows and habitat needs for fish."

THE LONG, HOT SUMMER OF 1997

Up until this point, the Clark government's pugnacity towards both Ottawa and Americans was rhetorical. The province had not yet taken overt, transgovernmental actions. This situation, however, changed dramatically over the summer of 1997.

The first change came in late May when bilateral negotiations to resolve the PST impasse again failed. The defiant Clark reacted by stating "stronger action is not only required, but absolutely necessary" and both Ottawa and the Americans can "expect BC to take unilateral action." He continued to say that "Canada has drifted for three years without concluding this treaty and now we have poor leverage on the Americans." The unilateral action the premier referred to was the cancellation of the American lease on the
NanOOSE Bay facility - a move he confirmed was again under serious consideration. And the premier acted quickly on this threat. On May 22, 1997 the province formally served 90-day notice to Ottawa that it would end the Nanoose seabed lease agreement. Strong words, it seemed, had now morphed into transgovernmental action.

The province's decision to serve notice on the seabed lease agreement seemed to be an effective maneuver. Just hours after Clark announced this action, the American representatives agreed to return to the bargaining table with an explicit mandate to negotiate a new PST arrangement. Said Clark of the Americans' sudden conciliation: "Clearly it's the result of putting some pressure on Canada and the United States." The response Clark received from BC fishers was entirely supportive, and they cheered loudly when the premier announced his actions at a False Creek rally. Speaking in the BC Legislature on a Motion Without Notice, Clark rationalized the move to cancel the Nanoose lease, citing both BC's increased investment (i.e. interest) in the resource and its symbolic nature:

Conservation of our Pacific salmon ... It's a symbol of our province's riches and ... strong environmental stewardship ... We've taken a series of initiatives to deal with that resource... All of it means nothing if we don't have a Pacific Salmon Treaty. Because if we don't have a Pacific Salmon Treaty and the Americans can catch fish raised in British Columbia in our waters, it means, in fact, the conservation is for naught; it means that those jobs are jeopardized; and it means that the investment we're making is not for our benefit but for the benefit of another country."
Deeming the Nanoose threat by itself to be inadequate, the premier continued his defiant actions into the summer. A short two weeks after threatening to cancel the Nanoose lease, Clark pulled BC’s representatives from the Pacific Northwest Economic Region conference. "Until we see cooperation in the form of a renewed salmon treaty ... we are not prepared to cooperate in other areas" said Clark. Then, in early July, the province began to run ads in the Washington State media. These ads stated that US officials had failed to match BC’s efforts to conserve the fragile Pacific salmon fishery, and urged American citizens to complain to their state and federal representatives. Furthermore, when refusing requests from Ottawa to drop the Nanoose lease cancellation, Clark stated that he "finds it inconceivable that the federal government of Canada would side with the United States." BC’s position was bolstered by the fact that premiers from other western provinces declared themselves to be supportive of Clark’s stance. Clearly, the premier and his fisheries advisers were moving full-steam ahead in their attempts to defy Ottawa and directly pursue the Americans on the PST matter.

In mid-July 1997, Glen Clark further affirmed that his government was more than willing to defend its interests in the salmon resource. With no workable treaty arrangements in place at the beginning of the fishing season allegations quickly arose from the BC camp that the Alaskans had taken advantage of the situation by harvesting half a million Canadian sockeye (under the original
treaty arrangements the Alaskans were only allocated 120,000 of these valuable fish). In response to these allegations Clark declared "a full-scale fish war," and contended that "the silence from Ottawa is deafening. The gloves are off - there has to be some response." The premier also fired an open letter off to President Bill Clinton and Prime Minister Chretien, within which he scathingly criticized the Americans for over-fishing and urged the two leaders to intervene to resolve the matter.

Meanwhile, tempers flared among BC fishers, and on July 19 they took action. At that time the Alaskan tourist ferry "Malaspina" - which shuttles tourists between Juneau (Alaska) and Prince Rupert - was surrounded and blockaded by a 300-vessel strong armada of BC fishing boats. The fishers sought support from the premier - not Ottawa. Clark did not disappoint. The premier was seen as "sympathetic" to the fishers' cause, as he "attacked both the U.S. and Ottawa for inaction in the continuing fish war." He also stated that British Columbians prefer he "stand firm" on the side of the fishers, and went on to say:

We have not got a treaty for four years now. Now it's reached a crisis point. The people in Prince Rupert, the fishermen, the people whose livelihood depends upon this resource, are all being threatened because of the failure of the Canadian government to get a treaty. So not doing anything isn't really an option in my view."
The latter half of 1997 saw a continuation of the Clark government’s confrontational actions and words regarding the PST. In September the province made public the findings of a legal opinion it had solicited from Dr. Alan Beesley, a renowned Canadian expert on international law. Beesley’s report indicated that Alaskan claims to BC fish under their “pasturage” concept was “unfounded and legally frivolous” and should thereby be rejected. Shortly thereafter, the province aligned with the UFAWU to launch a joint legal suit in the U.S. District Court seeking to require the American fishers to adhere to the PST’s principles and to provide financial compensation for past over fishing of BC salmon.

Towards the end of 1997 it become clear that Americans were growing tired of the premier’s confrontational stance. In October, for example, Mary Beth West – the US negotiator on the PST – publicly questioned whether or not the treaty served any utility at all for her country, and that American fishers would perhaps be better off if they were free to fish without the constraints of a formal sharing agreement.

The now familiar tensions between BC, Ottawa, and the United States continued into 1998. The year began with the province sponsoring a series of prime-time television programs expanding upon the government’s initiatives to protect the salmon, and linking saving fish with job protection in coastal communities.
In February, the Clark administration further prioritized the fisheries issue by establishing a freestanding Ministry of Fisheries aimed at mitigating "the impacts of federal restructuring in the commercial fishing industry on the lives of thousands of people and their communities." Then, in May, the premier recalled BC’s representatives from PST talks, showing again that he would not allow BC’s fishing interests to be sold out by Ottawa. Federal Fisheries minister David Anderson reflects on Clark’s actions:

Clark had an inability to understand that pulling out of negotiations was a step far backwards. Given that the BC NDP were aligned with integral Canadian fishing interests - commercial interests - I wanted that representation at the table.

Then, at the annual first ministers’ conference held that June in Calgary, Clark made a rather off-handed and unrealistic $700 million offer to take-over jurisdiction for the salmon fishery from Ottawa. As Clark himself later reflected, "I also felt that if jurisdiction were moved to the province and if this were part of future constitutional discussions it might have encouraged BC to be more generous to other regions of the country."

In June 1998 the province released a document titled "Save Salmon BC." It placed blame for the salmon crisis at the feet of the federal government, and demanded that Ottawa devote a corresponding measure of attention and funding to BC fisheries as had been afforded to the east coast fisheries. The ire of the
province and BC fishers was significantly elevated when (with little or no consultation\textsuperscript{101}) the federal government reached a one-year agreement with Washington State over the sharing of the Fraser River sockeye run.\textsuperscript{102} Meanwhile, pundits observed that Clark’s “summer salmon routine” was now “wearing thin”\textsuperscript{103} on British Columbians and Ottawa. The premier persisted in his efforts though, not only by reiterating his threat to cancel the Nanoose lease but also by taking his fisheries advisors (and a contingent of lower mainland media) on a flight over the BC-Alaska ocean border where American fishers could be observed catching salmon bound for BC waters.\textsuperscript{104}

As the summer of 1998 drew to a close, the province continued its defiant stance against Ottawa and the US. In August, Victoria issued yet another scathing critique of DFO policy on the PST. In it Clark charged that David Anderson has “negotiated away our ability to conserve endangered salmon. He has completely shut down British Columbia’s fishery at the same time he has agreed to allow the Americans to continue fishing.”\textsuperscript{105} Clark simultaneously revealed that provincial counsel would be proceeding with legal action against the United States for violation of the PST\textsuperscript{106} - a move that Anderson promptly refused to support.\textsuperscript{107} Furthermore, acting on the resurgent anti-DFO sentiment among fishers, the province announced it was considering buying the west coast salmon fleet and leasing it back to BC fishers.\textsuperscript{108} It was also announced that Clark had appointed former Newfoundland Premier Brian Peckford
to inquire into the rationale leading to the DFO's decision to close the Fraser River fishery.\textsuperscript{ii} Political commentators observed that Peckford's inquiry was not only a "kangaroo court," \textsuperscript{iii} "flagrantly wasting taxpayers"\textsuperscript{iv} money, but also that he was being used as a "political pawn"\textsuperscript{v} in Clark's efforts to embarrass Ottawa and the federal fisheries minister.

To nobody's surprise, Peckford's interim report asserted that the 1998 west coast fishery had been poorly managed by the federal government. He declared that fishers felt "betrayed," "angry," and "desperate."\textsuperscript{vi} This affirmed the premier's belief that the DFO had implemented an "over-zealous preservation policy" that ignored the valuable, first-hand knowledge of local fishers.\textsuperscript{vii} Again, with Peckford's claims against the DFO, the province was continuing in its efforts to build a transgovernmental fisheries policy on perceptions that Ottawa's fishery management practices were myopic and insensitive to BC's interests. Some observers thought this might be a successful strategy.\textsuperscript{viii}

Early in 1999, prior to the resumption of bilateral discussions with the United States, senior officials from BC and Ottawa held high-level meetings aimed at resolving their differences regarding the PST. These efforts were unsuccessful. To the chagrin of Anderson's team, and despite Clark's own public statement that he accepted "some of the responsibility for the deterioration of the relationship with the federal government,"\textsuperscript{ix} the premier refused to
back down on his threat to use the Nanoose issue as leverage to secure better treaty arrangements. The federal government, however, maintained that Clark’s use of Nanoose as a bargaining chip was a “serious problem.” Consequently, after BC rejected an offer to lease the facility for $125 million over 30 years, Ottawa initiated legal proceedings to expropriate the land, and forbid the province from partaking in bilateral negotiations to renew the PST. Seemingly, Ottawa had grown tired of the premier’s confrontational, independent, transgovernmental stance, and thus took more decisive action aimed at clipping the premier’s international wings.

In response to Ottawa’s decision to expropriate the land at Nanoose, the province began to spin the matter into one pertaining to nuclear warheads and environmental security. Clark attacked both Anderson and Ottawa for not heeding the interests of British Columbians when it came to guaranteeing that nuclear warheads not be allowed on the test site. Said the premier of the federal government, “they would rather expropriate the exclusive jurisdiction in order to allow Americans to carry nuclear warheads in British Columbia waters.” Ottawa quickly countered this line of attack. Defense minister Art Eggleton rebutted that the continued operation of the Nanoose facility was essential in terms of Canada’s international obligations. He also explained that his government had turned to expropriation only as a last resort after it had become clear that the province would not cease to link
its efforts on fisheries matters to Nanoose. David Anderson simultaneously claimed that, by picking a fight with Ottawa and the Americans, Clark was attempting to deflect attention away from other negative issues plaguing his government.

The outcome of Glen Clark's haphazard foray into the international realm did not favour the province or its premier. On September 13, 1999, after holding a series of public hearings on the matter, Ottawa confirmed that it would fulfill its intentions to expropriate the seabed at Nanoose. Subsequently, on January 20, 2000, after numerous appeals by the province, the Federal Court of Appeal decreed that objections to the expropriation had been sufficiently heard by the courts, that any further appeals would be moot, and that the expropriation was finalized. Ultimately, this sequence of events served to remove BC's primary point of leverage when it came to pushing the Americans into compliance with the terms of the PST, and bypassing Ottawa's authority on this matter. It also undermined the efforts of the Clark administration to politicize the matter, and thereby reap the political benefits of engaging in a two-front, David versus Goliath transgovernmental conflict.
CHAPTER 6 – DISCUSSION

The preceding chapters analyzed the Clark government’s transgovernmental fisheries policy as it pertained to the dysfunctional PST agreement. By studying the actions of the Clark government surrounding this matter, this thesis has confirmed its earlier assertion that increased “interest” and declined “confidence” are the dominant factors explaining BC’s fisheries policy.

Comments by the Premier himself lend further credence to this statement. With regard to the first factor (increased interest), Clark recalls “it was clear to me that it was good politics for us to connect these issues and pursue the PST,” and that doing so would be “standing up for British Columbia.” He reflects that his government’s PST policy “was a logical extension of our environmental policies.” He also acknowledges the emergent provincial interest in salmon, as it relates to BC’s investments in fish habitat:

Pacific salmon ... It’s a symbol of our province’s riches and ... strong environmental stewardship ... We’ve taken a series of initiatives to deal with that resource ... All of it means nothing if we don’t have a Pacific Salmon Treaty. Because if we don’t have a Pacific Salmon Treaty and the Americans can catch fish raised in British Columbia in our waters, it means, in fact, the conservation is for naught; it means that those jobs are jeopardized; and it means that the investment we’re making is not for our benefit but for the benefit of another country.”
Dave Zirnhelt also recognized that the province’s environmental protection regime was the foundation of BC’s fisheries policy. He states that the government considered its “collage of policies designed ... to preserve salmon habitat” when it opted to combine these policies into a “coordinated plan” which ultimately led to its stance on the PST.

Other comments by the Premier’s verify that the second factor (decreased confidence) was also a central component of his government’s fisheries policy. Clark states that he felt obligated to “protect salmon from both Ottawa’s incompetence and the Americans’ disregard for a legitimate international agreement,” and also admits his belief that “the federal government cared little about BC fisheries and their record had been a bad one.” He described their policy approach as “ad hoc,” that the federal government wasn’t listening to BC’s concerns, and had given BC “the back of their hand” when it came to provincial fisheries interests. As a result, Clark declared that British Columbians had “lost faith in Ottawa’s ability” to manage the fishery. These realizations led his government to conclude BC should “play a greater role in managing its fisheries,” and help to “reverse the decline in coastal fishing communities” wrought by a legacy of poorly contrived fisheries policy.

Commentary by other observers of and players in BC’s salmon war validate the Premier’s assertions that “declining confidence” was
integral in shaping the Clark government's refusal to allow "Ottawa the privilege of quiet diplomacy in dealing with the Americans on the treaty." For instance, BC's Deputy Minister of Fisheries stated "Ottawa did not seem prepared to take the necessary measures to bring the Americans into compliance with the PST agreement." Dave Zirnhelt noted that "the salmon problem stems from a long history of poor federal fisheries management," and that Ottawa's fisheries policy was considered "remote and piecemeal," indeed a "failure," by provincial politicians. In the same context, Corky Evans cited "mismanagement from 5000 kilometers away," and proclaimed that the "made in Ottawa approach is killing jobs." Finally, Norman Ruff noted "the reason the province started to get involved was because the feds gave the impression that they could not adequately administer the fishery on both sides of the country."

OTHER MOTIVATIONS FOR CLARK'S TRANSGOVERNMENTAL FISHERIES POLICY

The above comments and the previous analysis revealed that increased interest and declined confidence were central determinants of BC's international behaviour surrounding the PST issue. Again, these motivations fit neatly with existing explanations for provincial international behaviour. This being said, however, it is important to consider the possibility that other factors may have also influenced BC's transgovernmental stance on the salmon treaty. Indeed, it is apparent that there were other factors. Most notable in this regard is that the provincial government was motivated by
the "political context" outside the fisheries arena, and also by the "symbolism" that surrounds the Pacific salmon resource. The next section will assess the significance of these factors.

POLITICAL CONTEXT: A STRATEGY OF DIVERSION

Early in Premier Clark's mandate it appeared that there were adequate reasons to make "politics" of the fishery issue. This occurred largely as part of an effort to divert public attention away from negative issues affecting the administration. One reason for diverting attention came shortly after the 1996 provincial election. During the 1996 campaign Clark's NDP party claimed that the provincial budget was balanced. After the election, however, concerns were raised that this claim was false. Allegations arose that the NDP cabinet had conveniently ignored otherwise reliable advice (from the Treasury Board's fiscal and economic analysis branch) indicating that the budget numbers would be drastically off mark - a move purportedly done to maintain the positive electoral rapport that eventually carried them to victory. The criticisms that befell the government as a result of this revelation were significant, especially after it was revealed that a sizable portion of voters would not have supported the NDP had they known beforehand that the budget numbers were deficient.

Later, another event emerged to detract from the government's overall popularity: the "Jobs and Timber Accord." On June 19, 1997, the Clark government announced that it was launching this program in
an effort to create 22,400 new direct forest jobs by the end of 2001." Less than a year later, though, it was revealed that instead of gaining jobs, employment in this sector had actually declined by 12,680 jobs. Significantly public outcry followed, and the Jobs and Timber Accord was called a "dismal failure" and "bogus." Thus, between this matter and the aforementioned improprieties surrounding the provincial budget, there existed considerable motivation for the Clark government to pursue a proactive stance on the salmon treaty issue, and thereby deflect popular attention in a more favorable direction.

The literature suggests that BC's stance on the PST could have been at least partially motivated by a need to divert attention away from negative public sentiment. Donald Blake asserts BC governments have been inclined to "make political capital" by "visiting the sins" of the federal government against the province. Indeed, "fed bashing" has proven to be a useful tactic when it comes to advancing/defending provincial interests within the Canadian State. By doing battle with federal authorities, provincial governments can achieve much in terms of reward. For example, if some issue, event, or occurrence has had a negative effect on the popularity of the provincial government, then taking steps that "prey on and activate regional sentiments" can serve to deflect the corresponding "internally divisive sentiments onto an external enemy."
Clark's strategy of diversion may also have been reinforced by the fact that provincial leaders often stand to gain popularity points by acting defiantly against Ottawa. Garth Stevenson notes "provincial premiers often have no strong incentive" to be cooperative and "may even gain popularity by being as unreasonable and intransigent as possible." Indeed, occasional provincial intrusions into federal jurisdiction are thought to be politically valuable for premiers who are willing to display concern for issues that adversely affect their province's interests.

In assessing the political context behind BC's stance on the PST we must also reflect upon the "electoral" issues surrounding the new Clark government. Reference here is to the NDP strategy meeting held in February 1996. To reiterate, when Glen Clark became Premier shortly before the 1996 election he took charge of a government facing an unreceptive electorate. Consequently, the government was desperate to devise a plan that would improve its popularity. Part of the strategy eventually arrived at involved the pursuit of a fisheries policy based upon the government's emergent interest (and investment) in the salmon resource, and its reduced confidence in Ottawa's administration of the fishery. By using this combination as the foundation of an aggressive, transgovernmental approach to the PST impasse, it was posited that the new premier could pursue the issue in a "politically-beneficial manner." In essence, Clark could address Ottawa's shortcomings pertaining to the fishery,
defend the provincial interest, and, by doing so, help improve the popularity of his government going into the provincial election.

SALMON & SYMBOLISM

In assessing BC’s stance on the PST issue and the motivations behind its transgovernmental fisheries policy, we cannot discount the important, symbolic role salmon assume in the political culture of the province. Because symbolism affects and influences understandings of provincial identity, which in turn shapes conceptualizations of specific regional “interests,” this must be considered an implicit, background variable that affects understandings of the “provincial interest” (albeit not as acutely as the environmental factor does).

The use of symbolism is not unprecedented in the development of provincial policy. As Walter Young and Terence Morley observe, former premier W.A.C. Bennett also recognized “the importance of overt symbols in establishing a sense of provincial pride and loyalty - a loyalty that would also enhance his authority as the head of government.”

Indeed, the notion of taking political action on the PST can in part be explained by the symbolism that exists between these fish and BC identity. Pacific salmon have been described as being “closely related to the aspirations and beliefs of the people who surround them,” and, in this sense, are "enormously important in
As Geoff Meggs explains, British Columbians "see salmon as our common heritage and a symbol of our apparently inexhaustible natural wealth." This observation is validated by Norman Ruff, who states, that BC's position on the PST issue was influenced by the fact that "there is something very symbolic about salmon and BC's identity as a resource province." This theme was evident when, in 1998, BC's Job Protection Commissioner reported on the challenges facing the salmon fishing industry:

Salmon are special to British Columbians. Beyond their economic importance salmon are part of the intrinsic identity of our province, admired by those who live here and those who visit from somewhere else ... salmon and the people, businesses, and communities that depend upon them, are a rich part of our cultural heritage and psyche.

This theme also resonated with Clark. For example, he stated that Pacific salmon are "a symbol of our province's riches and ... strong environmental stewardship." He also acknowledged that his belief that "wild Pacific salmon are a powerful symbol to British Columbians" influenced his desire to pursue the PST matter, and that this issue could serve as something that could define his government. Thus, the symbolic elements of the salmon resource must be taken into consideration when assessing BC's "interest" in the PST issue.
CHAPTER 7 – CONCLUSION

In the beginning, this case study of the BC government’s policy on the PST set out to test and explain the importance of two factors in shaping the province’s transgovernmental stance on this issue: increased "interest" and decreased "confidence." In Chapter 2 a review of the theoretical literature on transgovernmentalism identified these as dominant variables explaining provincial transgovernmental behaviour. The increased "interest" factor was then discussed in Chapter Three, in this case involving the establishment of a provincial environmental protection regime between 1991 and 1996. Much of this regime insulated salmon habitat from the adverse effects of economic development, and thus elevated the "provincial interest" in the salmon treaty. The declined "confidence" factor was then addressed in Chapter Four, through a narration of the forces behind the wearing away of BC’s confidence in Ottawa’s ability to manage the west coast salmon fishery. These forces included a long series of controversial DFO policy initiatives; Ottawa’s persistent failure to reel-in American overfishing of Canadian salmon in the absence of a workable PST agreement; a poorly contrived aboriginal fisheries strategy; and a controversial fleet restructuring initiative. Ultimately, it was shown that the increased interest and declined confidence factors created a situation that invited provincial international action to resolve the PST affair. By showing that these factors assumed a central
role in determining the province's PST stance, we have validated existing theoretical explanations for independent provincial activity.

However, this study goes further than just affirming the usefulness of current theories regarding the sources of transgovernmentalism. It also exposes the need to address other factors. These include the "political context," such as the need to divert public attention away from domestic issues outside of the fisheries realm (issues that were negatively affecting the popularity of the Clark government), as well as the government's desire to improve its popularity (and electoral prospects). Other factors include "symbolism" & "culture," specifically the role salmon assume in shaping conceptualizations of the provincial culture and identity (which in turn shape understandings of the provincial interest). Neither the symbolism/culture or political context factors are highlighted in existing explanations of provincial transgovernmentalism. Figure 2 (below) is a revised version of the original hypothetical model, and includes the added factors.
FIGURE 2 - REVISED HYPOTHETICAL MODEL

Input: Independent Factors

- Reduced provincial confidence in federal fisheries policy
- Increased provincial interest in the federally-controlled salmon resource
- Political Context
- Symbolism

Output: Dependent Variable

BC's PST POLICY
Thus, to reiterate, this thesis has demonstrated that current transgovernmental theory is a useful tool for assessing and accounting for sources of provincial transgovernmental activity. This affirmation of the utility of the theory is complemented by insights into other possible sources of transgovernmentalism, specifically political context and symbolism/culture. It thereby reveals a need to expand transgovernmental theory. The academic contribution of this analysis is that it will allow students of politics to apply transgovernmental theory more usefully to explain provincial international activism. This analysis underscores the importance of incorporating factors relating to political context and symbolism/culture when conducting analyses of transgovernmental activity.
MAP 1 - GENERAL MIGRATORY PATTERN OF PACIFIC SALMON

General Migratory Pattern of Pacific Salmon
APPENDIX B – INTERVIEW SCHEDULE

Note: Permission to be quoted was freely granted by the subjects of each of the following interviews.

AUTHOR'S INTERVIEW WITH GLEN CLARK (JANUARY 10, 2001).

Question 1:
To what extent would you say that your government’s proactivity on the Pacific Salmon Treaty was a conscious attempt to build on the existing environmental protection initiatives established by NDP governments over the 1990s?

Response:
"It was a logical extension of our environmental policies to protect salmon from both Ottawa’s incompetence and the Americans’ disregard for a legitimate international agreement. Really, though, the previous NDP Premier did not aggressively pursue the salmon treaty, and at that time our policy on the Treaty was largely driven by the Minister of Agriculture, Fisheries and Food. In fact, most provincial politicians thought it was foolish to be involved in what was a complicated, no-win, federal issue."

Question 2:
In terms of electoral support the UFAWU and fishery dependent communities are well known to be allegiant to the NDP. To what degree did this reality factor into your government’s decision to pursue a proactive fisheries policy?

Response:
"There is no question that the fact that fishery-dependent communities voted NDP was a motivating influence on me. It is my strong, long-held view that the province has an obligation to defend workers and coastal communities. I also believe that wild Pacific salmon are a powerful symbol to British Columbians, and this strengthened my resolve on the matter."
Question 3:
Throughout the early to mid 1990s the federal government (DFO) received considerable public criticism for being ineffective in terms of its fisheries policies. Would you say that it was a conscious move on behalf of your government to capitalize on these federal shortcomings by touting BC’s fish-protection initiatives and taking a more autonomous stance on the PST issue?

Response:
"I do share the view that the federal government cared little about BC fisheries and that their record had been a bad one. For these reasons I felt BC should play a greater role in managing its fisheries. I also felt that if jurisdiction were moved to the province and if this were part of future constitutional discussion it might have encouraged BC to be more generous to other regions of the country."

Question 4:
Given (1) Ottawa’s poor record on fisheries policy, and (2) the pre-existence of a slate of NDP fish-protection/environmental policies, would you agree that it made sense (in political terms) for your government to link these issues and chart an independent stance on the PST issue?

Response:
"It was clear to me that it was good politics for us to connect these issues and pursue the PST, and I believed it was something that could define my government. My motivation was also to induce change for the west coast fishery, to help reverse the decline of coastal communities, and to stand up for British Columbia."

Question 4:
Did David Zirnhelt suggest to you in 1996 that the PST was an issue that you, as Premier, could "run with" and (profitably) elevate in terms of the government’s priorities?

Response:
"Yes, Dave did suggest that I handle the file, and he remained very
supportive of my doing so.”

Question 5:
Would you say, at the time, that your stance on the PST issue amounted to a "no lose" situation for the province?

Response:
“I think initially the issue was politically "no lose," but, because of our aggressiveness and because of my high level of involvement, it became more of a loser politically when we weren't successful. Of course, the real losers were coastal communities.”

AUTHOR'S INTERVIEW WITH DAVID ANDERSON (JANUARY 11, 2001).

Question 1:
What impact did Clark's anti-Ottawa, anti-American stance on the PST issue have on the negotiations over the PST impasse?

Response:
"Negotiations with the Americans were actually rather amicable, save for Clark's approach. Clark had an inability to understand that pulling out of negotiations was a step far backwards. Given that the BC NDP were aligned with integral Canadian fishing interests - commercial interests - I wanted that representation at the table. The province's stance on the PST was an ideological one ... Ideology in negotiations predisposes an unaccommodative approach, and negotiations are an exercise of diplomatic compromise."

Question 2:
Was there any benefit derived from Clark's aggressive stance?

Response:
"Actually, despite the antics, I do rather like Glen and I admire his principles on the issue. He fell into the role of good cop/bad cop, and the province's position did clarify many of the issues at stake. But, ultimately, he overplayed his hand."
Question 3:
What are your thoughts on the province’s use of the Nanoose facility as a bargaining chip against the Americans?

Response:
“It was ridiculous. You simply cannot link issues – particularly defense issues – against the Americans. Of course in Ottawa we knew this was a severely counterproductive measure, and that’s why in the end we had to expropriate. The province’s approach was amateurish and they could not see the broader problems associated with their position.”

AUTHOR’S INTERVIEW WITH NORMAN RUFF PROFESSOR OF POLITICAL SCIENCE, UNIVERSITY OF VICTORIA (JUNE 3, 1998).

Question 1:
How would you characterize BC’s emergent stance on the Pacific Salmon Treaty?

Response:
“Well, the BC government’s fisheries policy is now being directly-driven by the premier’s office, and he has stacked the premier’s office with fisheries experts. For the time being it would seem that Clark is essentially the Minister of Fisheries for this province.”

Question 2:
Why do you think the province has attempted to elevate its role in the PST issue?

Response:
“A large part of the reason the province started to get involved was because the feds gave the impression that they could not adequately administer the fishery on both sides of the country. This lack of confidence, along with the fact that there has been an obvious lack of progress on the PST, has resulted in BC not being content to allow Ottawa the privilege of quiet diplomacy in dealing with the Americans on the Treaty. One should also remember that there is
also something very symbolic about salmon and the BC's identity as a resource province."

Question 3:
Would you say that Clark is trying to get further utility out of the previous government's environmental regime?

Response:
"One must bear in mind that Clark is not Harcourt - he is not an environmentalist. Regardless, he is more than happy to build his fisheries policy upon Mike's [Harcourt] environmental programs."

Question 3:
Would you agree that BC's stance on the PST amounts to transgovernmentalism?

Response?
"Yes, quite clearly."

RELEVANT QUOTES FROM AUTHOR'S DISCUSSION (JUNE 5, 1998) WITH STUART CULBERTSON, FORMER ASSISTANT DEPUTY MINISTER OF AGRICULTURE, FISHERIES & FOOD, AND BC FISHERIES SECRETARIAT.

Re: Linkages between salmon and habitat:
"Habitat, habitat, habitat is to salmon what location, location, location is to real estate speculators."

Re: The role of salmon habitat issues in shaping the content of the CORE process and Protected Areas Strategy:
"Throughout the decision-making process concerns relating to salmon habitat were of paramount importance."

RE: The transition from Brian Tobin to Fred Mifflin as federal Minister of Fisheries and Oceans:
"Before Mifflin, there was a good working relationship between Tobin and Zirnhelt. Unlike Mifflin, Tobin was not afraid to defend BC's interests."
RE: The initial elevation of the PST as a policy issue for the province:
"It was Dave (Zirnhelt) who first really pursued this matter and got this issue and our approaches to the PST up and running."

RE: Coordinating existing environmental policies into one, cohesive provincial fisheries strategy:
"We suddenly realized that we had a collage of policies designed - in various shapes and forms - to preserve salmon habitat. We thought it might be expedient, from a purely provincial perspective, to combine these into a coordinated plan."

RE: Christopher Beeby and the failed mediation process:
"He was so frustrated that the US wouldn't heed his advice, he quit."

RELEVANT QUOTES FROM AUTHOR'S DISCUSSION WITH BILL LAFEAUX-VALENTINE, DEPUTY MINISTER OF FISHERIES (JUNE 24, 1998).

RE: BC's investments in protecting fish habitat.
"In terms of quality, the trees being protected from logging in the name of salmon habitat tend to be much more valuable than trees found in areas that are less integral to fish habitat. Protecting salmon habitat therefore represents a considerable economic investment on behalf of the provincial government."

RE: PST Negotiations.
"Ottawa did not seem prepared to take the necessary measures to bring the Americans into compliance with the PST agreement."
RELEVANT QUOTES FROM AUTHOR’S DISCUSSION WITH DAVID ZIRNHELT, FORMER
BC MINISTER OF AGRICULTURE, FISHERIES, AND FOOD (JUNE 5, 1998).

RE: Bringing the PST Issue to the Premier’s attention:
“I realized we had an issue of some substance and utility here, one
that we could possibly appropriate in a politically-beneficial
manner. I explained to Glen that this was something that he could
run with. This was the first time the matter was discussed at that
level, in the premier's office, in an explicitly strategic context.”

RE: BC’s relationship with Ottawa on the PST issue while Brian Tobin
was the federal fisheries minister:
“I felt that Tobin was not afraid to deviate from the broader
objectives of the federal government in order to protect BC’s
interests. He appeared to take pride in countering the Americans. In
one instance the Department of Foreign Affairs tried to exclude BC
representatives from attending meetings with American
representatives, and he went against their wishes by insisting that
we be present at the table. All in all, I felt we had a solid
working relationship with Tobin, and that was key to keeping things
together.”

RE: BC’s relationship with Ottawa after Brian Tobin was replaced by
Fred Mifflin as the federal fisheries minister:
“Mifflin quickly showed us that he had a remote and piecemeal
approach to fisheries management. He developed a reputation of
thinking that British Columbia consisted solely of the 10 square
miles around the Vancouver airport. Mifflin became notorious for
landing at Vancouver International, giving a 20-minute speech, then
flying back east immediately afterward. Now if that isn’t turning a
cold shoulder I don’t know what is. Then, at the beginning of ’96
there were indications that he was going to take drastic measures to
reorganize the pacific fishery. This exacerbated our concerns over
both his and Ottawa’s direction.”
ENDNOTES

Fugitive Resources have been defined as "Those resources such as marine fisheries, groundwater basins, or stocks of fresh air having the characteristic of being difficult or impossible to partition. Such resources tend to be held as common property rather than private property." From Steven C. Hackett, Environmental and Natural Resources Economics (Armonk, NY: M.E. Sharp, 1998), as quoted on the Lobster Conservation website (visited March 19, 2002) <www.lobsterconservation.com/glossary/>

Since rightful ownership is unclear, and because there is no method of excluding other users, users of "open access" resources have access to the resources but bear no corresponding duty to constrain their use of those same resources. Daniel W. Bromley, Environment and Economy: Property Rights and Public Policy (Oxford: Blackwell Press, 1991), 15.

University of Manitoba, Natural Resources Institute website (visited January 21, 2002) <www.umanitoba.ca/institutes/natural_resources/mountain/book/6/1.htm>

There are five species of Pacific salmon, Chinook (referred to as "King" salmon in the United States), Coho, Pink, Chum, and Sockeye.

Pacific salmon are an anadromous species of fish. "Anadromous" refers to fish that are born in freshwater rivers and streams, migrate out to sea, then return to their natal stream to spawn and then die.


"Interceptions" refer to the harvesting of fish that originate in foreign streams and rivers. Interceptions as such are common among "fugitive resources." This term refers to those resources that are transitory in nature and are difficult to assign property rights over because they "ignore political, social, and legal boundaries." See website for John A. Baden, The Common Pathologies of Overfishing (visited March 2002) <www.free-eco.org/pub/Fishery.ST1995.html.>

The "nation of origin" principle is spelled out in the United Nations Third Conference on the Law of the Sea (UNCOLS), Article 66(1). This article gives states with anadromous fish populations primary authority to regulate fishing for "their" fish both within their Exclusive Economic Zone (EEZ) and beyond those territorial limits. Where anadromous fish migrate through the EEZs of neighbouring states, those states are obliged to cooperate with the state of origin in managing the stocks. Huppert, *Why the Pacific Salmon Treaty Failed to End the Salmon Wars*, 22.


For a historical overview of the Convention, see Roos, *Restoring Fraser River Salmon*. In 1956, pink salmon were incorporated into the commission’s regulatory mandate.


Waldeck and Buck, *The Pacific Salmon Treaty*, 4. Changes were necessitated by the extension (in the 1960s) of offshore fishing rights from 3 to 12 miles, and by the subsequent push by both nations to implement the 'nation of origin' principle. Ibid.


The protracted negotiations reflected the "challenges involved in dealing with the interceptions of migrating schools of salmon ... This problem of interceptions has to do with the complex ecological realities of salmon, which include not only migratory paths in the open ocean, but also their movement up freshwater rivers and streams
to spawn. The interface between these complex ecological realities of the various interests in the Pacific Northwest - which resulted in Canadian and American fishers catching salmon bound for the other country's rivers - necessitated the complex negotiations leading up to the treaty." Rogers and Stewart, "Prisoners of their Histories," 256.


The brokering of an agreement that was acceptable to all parties, including Alaska, was largely attributable to the proactive efforts of the Reagan administration. As T.C. Jensen indicates, the Reagan administration had earlier been "stung by Canadian and domestic criticism of its slow action on the transboundary acid rain issue and, generally desirous of improved relations with the Ottawa government, turned its eye to this opportunity to improve relations with Canada." Ibid, 397.

The two leaders ratified the Pacific Salmon Treaty on March 18, 1985.

The core principles of the Pacific Salmon Treaty are spelled out in Article III, 1 Pacific Salmon Treaty.

Article III, 1(a) Pacific Salmon Treaty.

Article III, 1(b) Pacific Salmon Treaty.

The six fisheries under the purview of the Pacific Salmon Commission include the transboundary rivers of BC and the Alaskan panhandle; the maritime boundary between Alaska and BC; Fraser River Sockeye and Pink salmon; and chinook, coho, and chum fisheries, which occur in various areas throughout the U.S. Pacific Northwest, Alaska, and British Columbia.

The Panels included the Northern, Southern, and Fraser River Panels, each consisting of 3 representatives from both nations. The duty of the five Joint Technical Committees was to develop technical
and scientific data relating to run size, escapement, and catch origin for each fishery covered under the terms of the Treaty. The Fraser River fishery was not assigned a Technical Committee because, at the time the Treaty was negotiated, it was expected that IPSFC staff would be rehired to serve in this capacity. Joy Yanagida, "The Pacific Salmon Treaty," *American Journal of International Law* 3 (1987), 589.


Article 66 (1), *The United Nations Third Conference on the Law of the Sea*. This article gives states of origin of anadromous fish primary authority to regulate fishing for "their" fish both within their Exclusive Economic Zone (EEZ) and beyond those territorial limits. Where anadromous fish migrate through the EEZs of neighbouring states, those states are obliged to cooperate with the state of origin in conservation and management of the stocks.

Huppert, *Why the Pacific Salmon Treaty Failed to End the Salmon Wars*, 22.


Memorandum of Understanding, *Pacific Salmon Treaty*.

Ibid.

Article III (3b), *Pacific Salmon Treaty*.


Ibid.


Article III (3b), *Pacific Salmon Treaty*. 123
Caldwell, "The Pacific Salmon Treaty," 385. Other figures indicate that while US interceptions of Canadian fish rose from 6 million per year in 1985 to 9 million in 1994, Canadian interceptions of American fish declined from 3.5 million to 2.5 million over the same period. Rogers and Stewart, "Prisoners of their Histories," 256. See also Waldeck & Buck, The Pacific Salmon Treaty, 15.


Details of the 1999 PST agreement can be seen at Canada's Department of Fisheries and Oceans website (visited January 2001) <www.dfo-mpo.gc.ca/pst-tsp/main_e.htm> See also the State of Washington's Department of Fish and Wildlife website (visited January 2001) <www.wa.gov/wdfw/factshts/pst.htm>.


The ocean fisheries Section 91.12 of the BNA Act, 1867 invests the federal government with control over the nation's Sea Coast and Inland Fisheries. With regard to federal primacy over international relations, however, there is an element of ambiguity in role definitions. For the most part Ottawa maintains a "national monopoly on foreign policy," and possesses decisive control over what it sees as a discrete policy area and the sole reserve of the federal government. See Elliot J. Feldman and Lily Gardner Feldman, "The Impact of Federalism on the Organization of Canadian Foreign Policy," Publius: The Journal of Federalism 14 (Fall 1984), 33.

'Transgovernmentalism' is defined as "activity abroad conducted by the constituent governments of a federal union or subunits of a central government." Feldman and Gardner-Feldman, "The Impact of Federalism on the Organization of Canadian Foreign Policy," 34. According to Keohane and Nye, transgovernmentalism refers to "sub-units of government on the occasions when they act relatively autonomously from higher authority in international politics" Robert Keohane and Joseph Nye, "Transgovernmental Relations and International Organizations," World Politics 27 (October 1974), 41.

‘Narrative Research’ is defined as "descriptions of events, drawing upon multiple sources of information, to understand more fully what has happened." White, *Political Analysis*, 413.

My analysis of this issue was constrained by several factors. For example, because of the prescribed maximum length of the thesis document allowed only a select few elements of BC’s PST stance were able to be investigated. There were also time and fiscal limitations to conducting a more thorough investigation.


Roff Johannson, “Provincial International Activities,” 366.

"... most provincial governments implicitly or explicitly recognize federal pre-eminence in the making of Canadian foreign policy." Kim Richard Nossal, *The Politics of Canadian Foreign*


Brian Hocking, "Regional Governments and International Affairs: Foreign Policy Problem Or Deviant Behaviour," 478.


Ibid, 731.

Hocking, "Regional Governments and International Affairs," 483.


Ibid, 377.


Ibid.

Hocking, "Regional Governments and International Affairs," 478.

Greene and Keating, "Domestic Factors and Canada-United States Fisheries Relations," 750.

Ibid.

Levy and Munton note that "the involvement of all ten provinces in international affairs has steadily ... increased." Levy and Munton, "Federal-Provincial Dimensions of State-Provincial Relations," 23. Meekison also states that "All provinces to some degree are developing an interest in and awareness of international relations." Peter Meekison, "Federalism, the Provinces, and Canadian Foreign Policy," Tom Keating and Don Munton, eds., *The Provinces and Canadian Foreign Policy: Proceedings of a Conference, University of Alberta, Edmonton, Alberta, 28-30 March 1985* (Toronto: Canadian Institute of International Affairs, 1985), 81.

Johannson, "Provincial International Activities," 357. It should be noted that instances of transgovernmentalism are perhaps part of the broader shift in the direction of increasing the power and importance of the provinces. Garth Stevenson, "Federalism and Intergovernmental Relations," in Michael S. Whittington & Glen Williams, *Canadian Politics in the 1990's* (3rd. Edition) (Scarborough: Nelson Canada Ltd, 1990), 381. Also, Hocking notes that there has been "a general movement in favor of enhanced power and status for the provinces at the expense of the federal government." Hocking, "Regional Governments and International Affairs," 480. Also, see Robert J. Jackson and Doreen Jackson, *Politics in Canada, Culture, Institutions, Behaviour and Public*
Between Ottawa and the provinces, and between the province's themselves, there are often divergent interpretations of what Canada's foreign policy objectives should consist of. Johannson, "Provincial International Activities," 372. Moreover, it is "inevitable that federal-provincial conflicts would arise over international affairs." Ibid, 359.


Ibid, 750.
Ibid.
Ibid, 743.
Jackson & Jackson, Politics in Canada, 207.

Stevenson, "Federalism and Intergovernmental Relations," 388.


Donald Blake and David Elkins, "B.C. in Confederation," Peter M. Leslie, ed., Canada: The State of the Federation, 1986 (Kingston:


Paddy Sherman, Bennett (Toronto: McClelland & Stewart, 1966), 290. Other instances of BC leaders acting to defend the province's interests while touting the concept regional alienation include: (1) Walkem's rebuke of Ottawa's shortfall's in fulfilling the 1871 Terms of Union; (2) McBride's efforts to secure "better terms" of union from Ottawa in 1907; Oliver's rejection of Ottawa's discriminatory freight rates during the 1920's; Pattullo's stance against the recommendations of the Rowell-Sirois Commission on Dominion-Provincial Relations from 1938-40; WAC Bennett's disregard for Ottawa's plans for equalization payments among the provinces between 1950 and 1970; and WAC Bennett's pursuit of a "two-river" hydroelectric power development policy and the 1961 negotiations leading up to the Columbia River Treaty. Ruff, "British Columbia and Canadian Federalism," 295-9.

Stevenson, "Federalism and Intergovernmental Relations," 392. Stevenson also notes that politicians will sometimes "argue that provincial governments should be given more influence over federal policies and more freedom to pursue their own." Ibid, 398.

Ibid, 119.


"To be sure, provincial governments will seek to defend threatened interests in cooperation with the federal government if possible." Nossal, "Anything But Provincial," 513.


"In response to demands emanating from their domestic arena, regional governments develop their own international arena and no longer rely entirely on national governments to do so." Hocking, "Regional Governments and International Affairs," 491.

Ibid, 501.


P.R. Johannson, "British Columbia's Relations With The United States," Canadian Public Administration, Volume 21, No. 2 (Summer 1978), 229.

Hocking, "Regional Governments and International Affairs," 485.

"Provincial governments engage in international relations because ... they have the bureaucratic and fiscal wherewithal."

Brooks, Public Policy in Canada, 84. Moreover, we must consider that the establishment of provincial bureaucratic empires strengthens the policy positions of provincial leaders in the face of federal pressures. W.L. White, R.H. Wagenberg, & R.C. Nelson, Canadian Politics and Government (5'th Edition) (Toronto: Holt, Rinehart & Winston, 1990), 55.


It should also be pointed out that BC's NDP government has been noted for its use of a "corporatist approach to handling challenges and setting priorities within and across sectors." In this sense, its reaching out into the international sector to defend its bureaucratic investments in the salmon resource seem congruent to such an approach to public policy. Evert A. Lindquist and Karen B. Murray, "A Reconnaissance of Canadian Administrative Reform During the Early 1990's," Christopher Dunn (ed.), Provinces: Canadian Provincial Politics (Ontario: Broadview Press, 1996), 279.

Hocking, "Regional Governments and International Affairs," 484.

Hocking, "Regional Governments and International Affairs," 486.

Ibid, 487.

Nossal, The Politics of Canadian Foreign Policy, 273.

Ibid.

Nossal, "The Impact of Provincial Governments on Canadian Foreign Policy," 240.

For an explanation of the 'staples hypothesis' see Harold Innis, Essays in Canadian Economic History (Toronto: University of Toronto Press, 1956).

"The pace of development has been set by the rise and decline of the great staple trades: fur, fish, timber, gold, wheat, and, more recently, pulp and paper and the base metals." W.T. Easterbrook & Hugh G.J. Aitken, Canadian Economic History (Toronto: Macmillan of Canada, 1956). The role a staples economy has had in determining regional settlement and cultural patterns is discussed in N.H. Lithwick, "Is Federalism Good for Regionalism?" Garth Stevenson, Federalism in Canada: Selected Readings (Toronto: McClelland & Stewart, 1989), 229-30.


The BNA Act, 1867, affords the federal government with control over the nation's "Sea Coast and Inland Fisheries." Over the post-Confederation period, however, the central government has opted (via various administrative and regulatory mechanisms and initiatives) to delegate major aspects of its control over inland fisheries to the provinces. See Geoffrey S. Moyse, "Untangling Some of the Tangled Lines of Federal/Provincial Jurisdiction Over Fisheries," The Advocate 50, Part 6 (November 1992), 939-47.

The Federal Department of Fisheries and Oceans was established in 1978. Prior to that the nation's fisheries were administered by the Department of Environment.


This fishery has a long history. Its origins easily predate the arrival of Europeans to the region. For a thorough historical overview see Cicely Lyons, Salmon, Our Heritage: The Story of a Province and an Industry (Vancouver: BC Packers, 1967).


"Salmonids have adapted to B.C. streams in direct relation to the physical attributes of the coastal and interior watershed." Dan L. Hogan & Bruce R. Ward, "Watershed Geomorphology and Fish Habitat," Fish Habitat Rehabilitation Procedures (Watershed Restoration Technical Circular No. 9) (Vancouver: Ministry of Environment, Lands, & Parks, 1997), 2-1.


"Salmonids have adapted to B.C. streams in direct relation to the physical attributes of the coastal and interior watersheds." Hogan and Ward, "Watershed Geomorphology and Fish Habitat," 2-1. It should also be noted that salmon reciprocate the health benefits
they receive from the watershed. Salmon carcasses strewn throughout
the forest by bears and other forest creatures actually function as
fertilizer and provide up to one-half of the nitrogen stored in old
growth trees. "Bears a Vital Link for Salmon, Trees." Victoria
Times Colonist, 14 September 1999, A13. See also J.A. Schuldt &
A.E. Hershey, "Effects of Salmon Carcass Decomposition on Lake
Superior Tributary Streams," Journal of the North American
Benthological Society 14 (2), 259-68. Also, Victoria Times

"All species use the gravel bottom of streams or upswelling
groundwater for spawning." Government of Canada & the Province of
British Columbia, Stream Enhancement Guide, 3

Ibid, 6.

Terrestrial insects are an important component to salmon living
in relatively small streams with extensive overhanging cover, and
also in summer when stream flow is low. Streamside vegetation
serves to attract these insects and bring them within reach of
feeding salmon. Ibid.

Erosion of the stream bank can result in a variety of negative
consequences for the aquatic habitat of fish: excessive solar
radiation and water temperatures, loss of protective cover,
suspended solids, and over sedimentation. Scott Babakaiff, Duncan
Hay, & Christian Fromuth, "Rehabilitating Stream Banks," in Fish
Habitat Rehabilitation Procedures (Watershed Restoration Technical
Circular No. 9) (Vancouver: Ministry of Environment, Lands, & Parks,
1997), 6-1.

Balanced levels of in-stream algae are highly beneficial to
salmon since they attract prey such as True Flies and Mayflies,
which feed on algae growth on the rocks of the streambed.
Government of Canada & the Province of British Columbia, Stream

N.T. Johnston & P.A. Slaney, Fish Habitat Assessment Procedures
(Watershed Restoration Technical Circular No. 8) (Victoria: Ministry
of Environment, Lands, & Parks and Ministry of Forests, April 1996),
4.
For an overview of the many riparian habitat requirements of salmon see various chapters of *Fish Habitat Rehabilitation Procedures* (Watershed Restoration Technical Circular No. 9) (Vancouver: Ministry of Environment, Lands & Parks, 1997).

The dependency of salmon on their surrounding habitat is so extensive and fundamental that salmon are often referred to as "indicator species." Essentially, indicator species are those living things that are found to occur when their habitats are pristine or near pristine in quality, but do not occur when that environment is degraded or compromised in quality. In this sense, their presence alone is sufficient to indicate that specific environmental conditions are also present. In the case of salmon, their abundance in the rivers and streams of a watershed may be taken as an indication that the comprehensive biological integrity of that complex ecosystem is both intact and functional. Conversely, if studies reveal that salmon numbers have been reduced indications might point to an underlying environmental distortion or anomaly.

Open Network on Trade Resource Access website, Resource Description & Analysis (visited January 2001) <www.ontrac.on.ca/BPNP/2536.htm>


As Jeremy Wilson notes, British Columbia has a long history of "politics of exploitation" with regard to the appropriation of the natural resources. Jeremy Wilson, "Wilderness Politics in BC: The Business Dominated State and the Containment of Environmentalism," William Coleman & Grace Skogstad, *Policy Communities & Public Policy*
in Canada: A Structural Approach (Ontario: Copp, Clark, Pitman, 1990), 141-69.


The ratification of the Columbia River Treaty of 1961 was delayed for three years due to federal-provincial wrangling over its terms. Under the terms of the 1961 agreement the US would make a lump-sum payment to BC for the downstream power benefits and also return half of the power generated to the province. However, Bennett’s government did not want to see the power returned and instead demanded that it be sold off to the Americans. Ottawa came to realize that it had limited constitutional and political means to deny the province its wishes and eventually acceded to the premier’s demands. See Ibid. Also, Norman J. Ruff, “British Columbia and Canadian Federalism,” in Morley et al, The Reins of Power 298-9.

Meggs, Salmon, 202. In the United States, the National Marine Fisheries Service asserts that the hydroelectric dam system on the Columbia has been a significant factor contributing to the decline of Pacific Northwest salmon decline. Columbia River Conservations website, FAQs (visited February 2001) <www.columbiaconversations.org/pages/FAQs/FAQs2.html>


Meggs, Salmon, 202.

Given its inherent lack of power over those sectors and industries that adversely affect fish habitat, the Ottawa (DFO) has been forced to achieve its conservationist objectives via legislative measures and through bargaining with the province. Wilson, “Wilderness Politics in BC,” Coleman & Skogstad, Policy Communities, 147.

How often do Federal Authorities use the Canada Fisheries Act? An indication can be derived from a survey of habitat enforcement efforts (through Sections 35.1 and 36.3) in British Columbia from 1994 to 1997. It reveals that there were a total of 146 convictions over that period. Pacific Fisheries Resource Conservation Council

In the early 1970s the B.C. Court of Appeal acquitted a logging company for allegedly bulldozing a portion of stream bank and destroying fish eggs. Subsequently, from the perspective of Ottawa, the Canada Fisheries Act was deemed to be too weak because the term 'eggs' was not specifically applied in the definition of fish. As a result of this decision Ottawa was compelled to establish a more expansive definition of fish under the terms of the Fisheries Act, and moved to have it include spawning grounds, nursery, rearing, food supply, and the migration paths on which the fish rely. Peter H. Pearse, Conflict and Opportunity: Towards a New Policy for Canada's Pacific Fisheries: A Preliminary Report of the Commission on Pacific Fisheries Policy (Ottawa: Government of Canada, 1981), 98.

"Now or Never for B.C.'s Endangered Salmon," The British Columbia Environmental Report Volume 10, No. 3 (Fall 1999), 6.


Wilson, "Wilderness Politics in BC," Coleman & Skogstad, Policy Communities, 141-69.

During the development and expansion years of the forest industry the thought of incorporating conservationist/environmental values into forest policy was typically unheard of. See Jeremy Wilson, "Forest Conservation in British Columbia, 1935-85: Reflections on a Barren political Debate," BC Studies 76 (Winter 1987/88), 3-27.

The Canadian public's elevated regard for environmental issues and concerns in the late 1980s is discussed by Kathryn Harrison in Passing the Buck: Federalism and Canadian Environmental Policy (Vancouver: UBC Press, 1996), Chapter 6.


Ibid, 294.

Ibid, 294.


Much of the popular sentiment for environmental issues stemmed from the aggressive media campaigns waged by the relevant international environmental organizations. Groups such as the Sierra Club, Greenpeace, and the Western Canada Wilderness Committee had launched consistently "unflattering" media portrayals of forest

In 1991 Keith Moore was asked by the BC Ministry of Environment to examine the effectiveness of the Coastal Fisheries Forestry Guidelines. After interviewing over 98 agency personnel in 9 forest districts, Moore’s report subsequently indicated that concern over the actual effectiveness of the guidelines was widespread among staff in both departments and levels of government. Keith Moore, *A Review of the Administrative Use & Implementation of the Coastal Fisheries Forestry Guidelines* (Victoria: Ministry of Environment, 1991).

Ibid.


Ibid.

Tripp et al, *The Application and Effectiveness of the Coastal Fisheries-Forestry Guidelines*, iii.


Ibid.

Ibid, 77-8.


The stated objectives of the Forest Practices Code are to: (1) manage forests to meet present needs without compromising the needs of future generations; (2) provide stewardship of forests based on an ethic of respect for the land; (3) balance the productive, spiritual, ecological, and recreational values of forests to meet


Vancouver Sun, 28 March, 1994), D1.

Another fact to consider is that the trees removed from the accessible logging areas for the purposes of protecting salmon habitat are considerably more valuable than those stands of trees in non-fish sensitive areas. Bill Valentine, Deputy Minister for the BC Fisheries Ministry, notes “In terms of quality the trees being protected from logging in the name of salmon habitat tend to be much more valuable than trees found in areas that are less integral to fish habitat. Protecting salmon habitat therefore represents a considerable economic investment on behalf of the provincial government.” Author’s interview with Bill Valentine, Deputy Minister, BC Fisheries Ministry (June 24, 1998).

“Forest Renewal BC Restructuring Announced” (news release), Forest Renewal BC (February 2, 1999).

Vancouver Sun (28 March, 1994), A10.


Harrison, “Environmental Protection in British Columbia,” 297.

Organochlorides from pulp mills have been demonstrated “to cause genetic damage and low survival rates of salmon and other fish.” Delores Broten and Jay Ritchlin, “The Pulp Pollution Primer,” Watershed Sentinel Volume 9, No. 6 (December 1999/January 2000), 16.

Ibid, 15.

The pollutants emitted from the pulp milling process include ammonia, carbon sulphide, chlorine and chlorine dioxide, chloroform,

- "AOX" refers to adsorbable organic halides - a class of chemical by-products formed as a result of pulp mill chlorination processes.
- "Kg/Adt" refers to kilogram per air-dried tonne.
- "More Rainforest Protected" (news release), Ministry of Environment, Lands and Parks (Victoria: Queen's Printer, 1994).
- "Protected Areas Strategy Update" (news release), BC Land Use Coordination Office (Victoria: Queen's Printer, 1996).
- Ibid.
- Author's interview with Stuart Culbertson, Assistant Deputy to BC's Minister of Agriculture, Fisheries & Food (June 5, 1998).
- "Environmental Protection in British Columbia," 299.
- The environmental groups lobbying against the Geddes proposal numbered over 50, many of which were based outside of Canada. The main players in this controversy, however, were the US organization American Rivers and the Canadian group Tatshenshini Wild.
- J.S. Peepre and Associates, Tatshenshini-Alsek Region Wilderness Study (July 1992), 22.
- Ibid, 23.
Royal Oak Mines file for bankruptcy on February 15, 1999. American Bankruptcy Institute website, Royal Oak Mines Files for Bankruptcy (visited January 2001)<www.abiworld.org/headlines/99febl6.html> In doing so, the company walked away from its mine at Yellowknife, NWT, leaving behind a "270,000 tonne toxic nightmare" and "one of the worst contaminated sites in North America," with clean-up costs for the site estimated in the $70-900 million range. Canadian Arctic Resources Committee website (visited January 2001) <www.carc.org/whatsnew/cleanup.htm>

Gawthrop, High Wire Act, 193.

Ibid, 194.

Murray Rankin, Alcan’s Kemano Project: Options and Recommendations (report submitted to Premier Mike Harcourt, October 5, 1992), 80.

Until a second smelter was constructed Alcan proposed to sell the excess electricity to BC Hydro. Harrison, "Environmental Protection in British Columbia," 302.

Prior to 1980 Alcan and the DFO reached an impasse in discussions pertaining to the appropriate amounts of water to be released from the Kennedy dam to protect migrating salmon. In 1980 the DFO went so far as to obtain an injunction from the BC Supreme Court requiring Alcan to release additional flows of water. BC Utilities Commission, Kemano Completion Project Review: Summary Report (December 1994), i.

In the 1987 agreement Alcan agreed to waive its rights to access water from the Nanika River and pledged to adopt remedial measures to protect salmon. This included the construction of a cold water release facility capable of drawing draw water from deep within the reservoir at required intervals, as well as other remedial measures designed to maintain salmon stocks. In exchange for these concessions Ottawa promised not to conduct environmental hearings on
the project, and both the federal government and the province were
to grant the necessary approvals to initiate the development. Ibid, ii - iii.

For an analysis of the entire KCP issue, see Bev Christensen,
Too Good To Be True: Alcan's Kemano Completion Project (Vancouver:
Talon Books, 1995).

"Final Written Arguments," submitted to the BC Utilities
Commission by the Rivers Defence Coalition (1994).

D.W. Burt and J.H. Mundie, Case Histories of Regulated Stream
Flow and its Effects on Salmonid Populations (Ottawa: Department of
Fisheries and Oceans, July 1986).

Gawthrop, High-Wire Act, 199.

BC Utilities Commission, Kemano Completion Project Review:

Ibid, ix -xiii.

Gawthrop, High-Wire Act, 199.


"Government Moves Forward in Implementing Cancellation of the
Kemano Completion Project" (news release), Office of the Premier
(July 6, 1995).

Mike Harcourt as quoted in Gawthrop, High Wire Act, 201.

"The agreement ... lays the groundwork for the resolution of
outstanding issues, and commits the government and Alcan to
protecting jobs at Kitimat and working to create new job
opportunities in British Columbia." "Government Moves Forward in
Implementing Cancellation of the Kemano Completion Project" (news
release), Office of the Premier (July 6, 1995).


BC agreed to deliver 285 megawatts per year to Alcan for a
period of 60 to 80 years, for which Alcan would pay the province a

"News Release," BC Ministry of Environment, Lands and Parks (May
2, 1995).

BC Heritage Rivers Board, Annual Report - 1995 (September 1995),
3.
The goals of the Urban Salmon Habitat Program were to create greater public awareness of conservation requirements of salmon, galvanize public participation in stewardship initiatives, create effective partnerships with local governments to protect fish habitat and minimize the impact of urban development on fragile salmon streams. Ibid, 14-20.


“BC has significant investments in habitat protection” (news release), BC Ministry of Agriculture, Fisheries and Food (November 14, 1995).

“History reveals that pretty well ever since the Second World War, no matter which party held power our West Coast fisheries was [sic] mismanaged... (the) DFO sat back and twiddled their collective thumbs.” “Is ‘Fisheries Management’ an Oxymoron?,” BC Outdoors (July/August 1998), 18.

See various portions of Meggs, Salmon.

Ibid, 255.
For an overview of the Regina vs. Sparrow case, and its specific relevance to fisheries law, see (visited January 2001) <http://web20.paralynx.com/stolo/aborigin.htm>

Peter H. Pearse, Managing Salmon in the Fraser: Report to the Minister of Fisheries and Oceans on the Fraser River Salmon Investigation (Vancouver: Fisheries and Oceans Canada, 1992).


Victoria Times Colonist, 16 September, 1992), A1.


Meggs, Salmon, 255.

Ibid.

Ibid.

Ibid, 257.

Ibid.


Ibid, 255.

Fraser River Sockeye Public Review Board, Fraser River Sockeye, 23.

Ibid.

Meggs, Salmon, 256.

Victoria Times Colonist, (28 September, 1994), B5.


DFO representative Terry Tebb admitted the DFO had been hard hit by the cuts, and had been exhausting ways to "cut corners."
Vancouver Sun (12 May, 1994), B.8. "The DFO and the federal fisheries ministry is in shambles. Morale has never been lower ... nothing is being done to undo the damage." Victoria Times Colonist, 28 September, 1994), B.5. See also "Same Old Story: Poor Management and Optimistic Quotas Blamed for West Coast Salmon Loss,


Meggs, Salmon, 262.


US fishing and commercial vessels prefer to follow the sheltered route of BC's Inside Passage when travelling between Washington State and Alaska. The transit fees were imposed on vessels travelling this route, and were in place for one approximately one month before US negotiators were urged back to the table by Vice President Al Gore. "Stalemate in Pacific Salmon Treaty Negotiations," The West Coast Fisherman (August 1995), 13/18.

The West Coast Fisherman (August 1995), 19.

"A news conference in Seattle is the first step in an expected international public-relations campaign aimed at swaying public opinion in the hopes of pressuring Alaska to decrease its salmon catch." Ibid, 18.

Ibid.


"Tobin does appreciate the problems the West Coast is facing." Victoria Times Colonist (5 May, 1995), A7.

Author's interview with David Zirnhelt (June 5, 1998).

"... at the beginning of '96 there were indications that he [Mifflin] was going to take drastic measures to reorganize the Pacific fishery. This exacerbated our concerns over both his and Ottawa's direction." Ibid.

In early January of 1996 Brian Tobin resigned from his federal cabinet post and his seat as a Member of Parliament to pursue the premiership of Newfoundland. His replacement was Liberal MP Fred Mifflin.

Author's interview with David Zirnhelt (June 5, 1998).
Zirnhelt continues to state that "... if that isn't turning a cold shoulder, I don't know what is." Ibid.

Author's interview with Stuart Culbertson (June 5, 1998).


Author's interview with David Zirnhelt (June 5, 1998).

Glen Clark reflects that his cabinet minister, Dave Zirnhelt, was very "very supportive" of pursuing the salmon issue. Author's interview with Glen Clark (January 10, 2001).


Vancouver Sun (17 May, 1997), A1/A10. Beeby's original findings from January 1996 were supposed to be kept secret, but were later leaked to the media in May, 1997. Seattle Times (31 May, 1997).

Vancouver Sun (17 May, 1997), A1/A10.

Seattle Times (31 May, 1997).

Stuart Culbertson expressed his observation that Beeby was considerably "frustrated" by the Americans' refusal to be more conciliatory. Author's interview with Stuart Culbertson (June 5, 1998).


"Clark argued that the reintroduction of the fee would show Americans that Canada does not take kindly to encroachment on its sovereign territory." Ibid.

Ibid, A2.

Vancouver Sun (12 March, 1996), B1.

Moe Sihota states "Ottawa is afraid of the United States. To our dismay, they prefer to engage in submissive diplomacy rather than stand up for our interests on the salmon treaty." Author's discussion with NDP MLA Moe Sihota (June 23, 1998).

Vancouver Sun (6 March, 1996), A2.
At the beginning of '96 there were indications that he [Mifflin] was going to take drastic measures to reorganize the Pacific fishery. This exacerbated our concerns over both his and Ottawa's direction." Author's interview with David Zirnhelt (June 5, 1998).

"News Release," Department of Fisheries and Oceans, (March 29, 1996).

Fred Mifflin as quoted on UTV News at 6 (March 29, 1996).

Dennis Brown, Ibid.


Ibid.

UTV News at 6 (March 29, 1996).


Victoria Times Colonist (30 March, 1996), A4

Ibid.

Ibid.

Vancouver Province (31 March, 1996), A10.


Ibid.

The Canadian Forces Maritime and Experimental Test Range (CFMETR) is a torpedo and underwater sonar device testing facility located at Nanuose Bay, British Columbia. The seabed and subsoil of this area of approximately 22,500 hectares was public property of and belonged to the Province within the meaning of Section 109 of the Constitution Act, 1867. It was under the Province's legislative and regulatory authority under Section 92(5) of the Constitution Act, 1867. The property was leased by the federal government since approximately 1965. Through an exchange of a series of diplomatic
notes, Canada and the United States have arranged shared operational responsibilities for CFMETR. The United States Navy is the primary user of the facility, and since 1965 has been responsible for approximately 90% of the torpedo testing. Eventually, in September 1999, the federal government - in response to Clark’s persistent use of the threat to cancel the lease on the property - began the legal proceedings which eventually led to Ottawa’s full expropriation of the lands at Nanoose.

Letter from the Office of the Premier and a coalition of BC salmon interests to Prime Minister Chretien (April 19, 1996).

Ibid.

Vancouver Sun (20 April, 1996), A1-2.

Ibid, A2.

Speech from the Throne, BC Legislature (April 25, 1996). Later, in July 1996, the province’s Minister of Agriculture Fisheries and Food said that with respect to the salmon treaty negotiations, Ottawa has negotiated the Canadian position to "our disadvantage." Hansard: Debates of the BC Legislative Assembly (July 8, 1996).

Clark continued: “we’re bringing government and stakeholders together in a partnership to plan a comprehensive strategy for action, instead of the ad-hoc, hands-off management style we’ve seen from Ottawa.” "News Release," Office of the Premier (May 9, 1996).

The initial 3-year budget of Fisheries Renewal was $22.7 million. BC Ministry of Social Development and Economic Security website (visited January 2001) <www.mhr.gov.bc.ca/publicat/action_decent.htm>


Ibid.


Gordon Gislason (ARA Consulting Group Inc), Fishing for Answers: Coastal Communities and the BC Salmon Fishery, Initial Report (July 8, 1996), 16. The findings of this report also indicated that the Mifflin Plan failed to rectify fleet over-capacity, was merely an effort to “buy time,” and did not address the structural problems facing the fishing industry. Ibid.
Clark "stacked the Premier's office with fisheries experts."
Author's interview with Norman Ruff, University of Victoria political scientist (June 3, 1998).

"Interoffice Memorandum," BC Fisheries Secretariat, (September 27, 1996), 1.

BC Legislative Assembly, Order in Council 1017 (September 12, 1996).

BC Legislative Assembly, Order in Council 1031 (September 19, 1996).

Morley et al, The Reins of Power, 64. The development of "a cadre of senior advisors around the premier" was a tradition that began during Bill Bennett's tenure as premier during the 1970's and 1980's. Ibid.

Ibid, 65.

Letter from Premier Clark to US Governors Lowry, Knowles, and Kitzhaber (September 13, 1996).

Author's interview with Norman Ruff, University of Victoria political scientist (June 3, 1998).

The Minister declared "The federal government won't listen but I will." "News Release," BC Ministry of Agriculture, Fisheries and Food (January 3, 1997).


"Clark Threatens to Reopen Salmon War," Newsworld Online (January 31, 1997). The Premier also said "the federal government has failed to take strong action to resolve the dispute." Ibid.

Vancouver Sun (6 February, 1997).

Clark declared "we have to put pressure on the national government of Canada to put pressure on the government of the United States." Vancouver Province (17 February, 1997).

Hansard: Debates of the Legislative Assembly (March 24, 1997), 2086.

Ibid.


Hansard: Debates of the Legislative Assembly (May 15, 1997), 3440. It was also stated that the Fish Protection Act would act as a “solid expression of our government’s continued commitment to environmental protection.” Minutes” from NDP Government Caucus meeting (May 6, 1997), 2.

Yves Fortier, Canada’s Chief Negotiator on the PST, stated that the talks broke down when the Canadian team realized that US negotiator Mary Beth West did not actually possess the authority to broker a final agreement. The Americans countered this stating that the Canadians would not agree to trade-offs involving Vancouver Island coho and Fraser River sockeye. Victoria Times Colonist (22 May, 1997), A1.

Ibid. Clark also declared “We have to get the Americans’ attention … if the federal government won’t, we’ll certainly try to do our best.” Vancouver Sun (22 May, 1997), A5.

Vancouver Sun (23 May, 1997), A18.

Vancouver Sun (22 May, 1997), A5.

“News Release,” Office of the Premier (May 23, 1997). Clark was also quoted in this document as saying “Why should we continue to cooperate with the US in allowing this very substantial benefit when US fishermen continue to harvest Canadian Salmon far in excess of any equitable treaty level?” Ibid.

Vancouver Sun (24 May, 1997), A1.

Ibid.
Al Brown - a BC fisherman for more than 50 years - said "It's a treat for me to have somebody go to the efforts he does ... I've never seen a Premier before who came down to a place like this to tell us what he's doing." Ibid, A6.

Hansard: Debates of the Legislative Assembly (May 26, 1997), 3630.

Victoria Times Colonist (13 June, 1997), A2.

The $50,000 advertising campaign included several radio stations and the Bellingham Herald, the Seattle Times, and the Seattle Post-Intelligencer. Several radio stations, however, refused to play the ads because they were "inappropriate" and based on "unsubstantiated allegations." Vancouver Sun (10 July, 1997), A1-2.

Ibid, A2.

The support of other provinces for Clark's fisheries stance was pledged at the Western Premier's conference in May, 1997. Vancouver Sun (30 May, 1997).

Vancouver Province (18 July, 1997), A15.

Clark also stated "it's time for stiff retaliation." Globe & Mail (18 July, 1997), A1.

Vancouver Province (18 July, 1997), A15.

A copy of the letter can be found in the Vancouver Sun (22 July, 1997), A11.


Ibid, A2.

Vancouver Sun (22 July, 1997), A1.

Ibid, A2.

The Alaskans representatives have made claims that since Canadian salmon spend some of their time in US waters (and use that water as "pasture") they have the right to harvest these fish. "News Release," Office of the Premier (September 3, 1997).


"News Release," Office of the Premier (September 8, 1997). This suit was later dismissed in January of 1998 on the premise of justiciability (whether it is appropriate for the court to hear the
matter under question), and the province's subsequent effort to have the case reconsidered was also rejected. "News Release," Office of the Premier (August 31, 1998).


Globe & Mail (15 May, 1998), Al. Federal Fisheries Minister David Anderson reacted angrily to this move by the province, stating that "Damage has been done to the interests of Canadian fisherman by the disunity this has displayed." Vancouver Sun (15 May, 1998), Al. Later, Anderson reflected that the premier "fell into the role of good cop/bad cop, and the province's position did serve to add clarity to many of the issues at stake, but, ultimately, he overplayed his hand." Moreover, Anderson characterized the negotiations as being "amicable, save for Clark's approach."

Author's interview with MP David Anderson (January 11, 2001).

Author's interview with MP David Anderson (January 11, 2001).


Author's interview with Glen Clark (January 10, 2001).

' "The federal government has, through its policies and management, given the fishery the shape and form it has today." Province of British Columbia, Save Salmon BC: British Columbia's Proposal to Renew Our Fish and Our Fishing Communities” (Victoria: BC Ministry of Fisheries, June 1998).

Ibid.

Ottawa excluded BC government representatives from the PST negotiations. David Anderson explains: "Negotiations with the Americans were actually rather amicable, save for Clark’s approach. Clark had an inability to understand that pulling out of negotiations was a step far backwards ... The province’s stance on the PST was an ideological one ... Ideology in negotiations predisposes an unaccomodative approach, and negotiations are an
exercise of diplomatic compromise." Author’s interview with MP David Anderson (January 11, 2001).


"News Release," Office of the Premier (August 11, 1998). These concerns with regard to DFO policy were mirrored by the Sustainable Fisheries Group - a coalition of unionized fishers and coastal community interest groups. Representative Kathy Scarfo declared that "we need to look DFO officials squarely in the eye and get them to give us all the information they’re basing their decisions on. It simply isn’t acceptable to for these guys to hide from fishermen while imposing unilateral decisions which profoundly impact their lives." "News Release," Sustainable Fisheries Group (August 10, 1998).


Vancouver Sun (14 August, 1998), A6. Of Anderson’s refusal to support the province’s lawsuit, Clark stated that "Unbelievably, our federal government ... refuses to stand up for its own citizens. I fear that has undermined our efforts to protect salmon, to protect fishermen and to protect a way of life in British Columbia." "News Release," Office of the Premier (August 31, 1998).


On August 26, 1998 Campbell River fishers staged a 40-minute blockade of Seymour Narrows to protest the DFO’s closure of the Fraser River sockeye fishery. After Anderson refused to meet with the fishers Glen Clark announced the province would conduct an independent inquiry into the matter. He stated “it’s cruel and insensitive to ignore the fear and desperation felt by BC fishermen ... fishermen have legitimate concerns, but Anderson is refusing to listen. I find that very disturbing. We are committed to making sure the federal government listens to BC fishermen.” "News Release," Office of the Premier news release (August 27, 1998). Anderson
called this move by the province an "empty gesture." Vancouver Sun (28 August, 1998), A1.

Victoria Times Colonist (20 September, 1998), A14.

"News Backgrounder" by Ronald Leung and Lin Ma, CJVB AM 1470 (1 September, 1998).

Victoria Times Colonist (13 September, 1998), A8.


Ibid, 5.

"Clark’s pursuit of a so-called 'two-front war' against Ottawa and Alaska did improve his standing in opinion surveys. Every time he attacks the Alaskans and every time he bashes the feds he goes up in the polls." Vancouver Sun (6 October, 1998), A16. Indeed, the Clark government's popularity did climb over the course of the winter 1998. According to a spring/summer 1998 Financial Post/COMPAS poll, the BC government's popular support stood at 28%, up from 22% in the previous winter and 19% in the previous fall.

Ibid. Some individual, however, wondered if Clark was motivated more by political self-interest than conservation or helping coastal communities. Vancouver Sun (16 November, 1998), A7.

Clark said he would not bargain away BC's ownership of the Nanoose facility unless his demands for a fair salmon treaty were met. Ibid. See also "News Release," BC Ministry of Fisheries (April 9, 1999).

Vancouver Sun (17 March, 1999), A8.

On May 14, 1999 Ottawa launched a bid to expropriate the Nanoose lands. This would subsequently entail holding public hearings on the matter. Vancouver Province (14 May, 1999), A13.

Victoria Times Colonist (14 May, 1999), A4.


Ibid.
Public hearings on the matter of the Nanoose expropriation were held between July 19 and August 13, 1999.


Federal Court of Appeal, Decision by Justices Robertson and Rothstein (January 20, 2000).

Author's interview with Glen Clark (January 10, 2001).

Author's interview with Glen Clark (January 10, 2001).

Hansard: Debates of the Legislative Assembly (May 26, 1997), 3630.

Author's interview with Glen Clark (January 10, 2001).

Author's interview with Glen Clark (January 10, 2001).

"We're bringing government and stakeholders together in a partnership to plan a comprehensive strategy for action, instead of the ad-hoc, hands-off management style we've seen from Ottawa." "News Release," Office of the Premier (May 9, 1996).


Author's interview with Glen Clark (January 10, 2001). Clark also wanted to fulfill a more altruistic goals, such as "induce change for the west coast fishery." Ibid.

Author's interview with Norman Ruff, University of Victoria Political Scientist (June 3, 1998).

Author's interview with Bill Valentine, Deputy Minister for the BC Fisheries Ministry (June 24, 1998).

Victoria Times Colonist (30 March, 1996), A4

Author's interview with David Zirnhelt (June 5, 1998).


Excerpts from papers filed by the plaintiffs in the legal challenge regarding this matter provide an overview of the public grievance that threatened the Clark government's popularity during this period: "[The NDP] willfully created a false set of facts and policy positions involving the publication of a statement of a balanced provincial budget and of an intended capital development plan, which the NDP and its candidates did not believe to be true or had no reasonable basis to believe could be true. Moreover, the documentation indicates that the facts were manipulated to create an image which such persons must reasonably know were false (as the civil staff evidently advised) for the purpose of inducing the electorate to cast their vote in reliance on such falsehoods. We had seen no evidence which indicates that the promises of a balanced budget and a capital development plan were merely over-optimistic scenarios in the heat of an election, rather, the evidence released to date indicates a planned scheme of deception, in which none of the persons involved showed any evidence of belief in the truth of the statements but developed the statements merely or primarily for their intended political effect in full knowledge of their falseness or the extreme probability of falseness, absent of an economic miracle." Help BC website (visited January 2001) <www.helpbc.com/issues.htm>

Results from a Mark Trend poll conducted by the Help BC organization in October 1996. This study indicated that 23% of NDP voters claimed they would not have supported the NDP had they known of the budget deficiency, while 64% would have still voted for the Party despite that revelation. The remaining 14% were undecided as to what they would have done. Moreover, the majority of NDP voters who claim they would not have supported the Party had they known the budget was not balanced say they would have probably supported the
Liberal Party instead. Using numbers from the provincial election, these changes would likely have resulted in the Liberals taking 51 of the decided vote, the NDP 31; the Reform Party 11; and all other parties combined 7; thereby making it highly unlikely that the NDP would have pulled out an election win.

The Logging and Sawmill Journal Website, Industry Watch (visited February 2001)

<www.forestnet.com/archives/jun98/industry_watch.html>

Blake, Two Political Worlds, 140.
Stevenson, "Federalism and Intergovernmental Relations," 396.
Nossal, "Anything But Provincial" 511.
Author's interview with David Zirnhelt (June 5, 1998).
This variable is closely aligned to the "interest" variable (described earlier). It is, however, treated separately here because symbolism, although related to "interests," is in this instance premised more on identity constructs.
Meggs, Salmon, 1.
Author’s interview with Norman Ruff, University of Victoria Political Scientist (June 3, 1998).
"I also believe that wild Pacific salmon are a powerful symbol to British Columbians, and this strengthened my resolve on the matter." Author's interview with Glen Clark (January 10, 2001). Clark saw the PST issue as "something that could define my government." Ibid.

Map from Canadian Department of Fisheries and Oceans, 1997.

Ibid.