

Commission of Inquiry into the Decline of  
Sockeye Salmon in the Fraser River



Commission d'enquête sur le déclin des  
populations de saumon rouge du fleuve Fraser

**Public Hearings**

**Audience publique**

**Commissioner**

L'Honorable juge /  
The Honourable Justice  
Bruce Cohen

**Commissaire**

**Held at:**

Room 801  
Federal Courthouse  
701 West Georgia Street  
Vancouver, B.C.

Thursday, June 2, 2011

**Tenue à :**

Salle 801  
Cour fédérale  
701, rue West Georgia  
Vancouver (C.-B.)

le jeudi 2 juin 2011

## **APPEARANCES / COMPARUTIONS**

|                                      |  |
|--------------------------------------|--|
| Brian Wallace, Q.C.<br>Lara Tessaro  | Senior Commission Counsel<br>Junior Commission Counsel   |
| Tim Timberg<br>Geneva Grande-McNeill | Government of Canada ("CAN")   |
| Clifton Prowse, Q.C.                 | Province of British Columbia ("BCPROV")  |
| No appearance                        | Pacific Salmon Commission ("PSC")  |
| No appearance                        | B.C. Public Service Alliance of Canada<br>Union of Environment Workers B.C.<br>("BCPSAC")  |
| No appearance                        | Rio Tinto Alcan Inc. ("RTAI")  |
| Shane Hopkins-Utter                  | B.C. Salmon Farmers Association<br>("BCSFA")   |
| No appearance                        | Seafood Producers Association of B.C.<br>("SPABC")   |
| No appearance                        | Aquaculture Coalition: Alexandra<br>Morton; Raincoast Research Society;<br>Pacific Coast Wild Salmon Society<br>("AQUA")   |
| Tim Leadem, Q.C.                     | Conservation Coalition: Coastal Alliance<br>for Aquaculture Reform Fraser<br>Riverkeeper Society; Georgia Strait<br>Alliance; Raincoast Conservation<br>Foundation; Watershed Watch Salmon<br>Society; Mr. Otto Langer; David Suzuki<br>Foundation ("CONSERV") |
| Don Rosenbloom                       | Area D Salmon Gillnet Association; Area<br>B Harvest Committee (Seine) ("GILLFSC")   |

**APPEARANCES / COMPARUTIONS, cont'd.**

|                               |  |
|-------------------------------|--|
| Phil Eidsvik                  | Southern Area E Gillnetters Assn.<br>B.C. Fisheries Survival Coalition ("SGAHC")   |
| Christopher Harvey, Q.C.      | West Coast Trollers Area G Association;<br>United Fishermen and Allied Workers'<br>Union ("TWCTUFA")   |
| Keith Lowes                   | B.C. Wildlife Federation; B.C. Federation<br>of Drift Fishers ("WFFDF")  |
| No appearance                 | Maa-nulth Treaty Society; Tsawwassen<br>First Nation; Musqueam First Nation<br>("MTM")   |
| No appearance                 | Western Central Coast Salish First<br>Nations:<br>Cowichan Tribes and Chemainus First<br>Nation<br>Hwlitsum First Nation and Penelakut Tribe<br>Te'mexw Treaty Association ("WCCSFN")  |
| Brenda Gaertner<br>Leah Pence | First Nations Coalition: First Nations<br>Fisheries Council; Aboriginal Caucus of<br>the Fraser River; Aboriginal Fisheries<br>Secretariat; Fraser Valley Aboriginal<br>Fisheries Society; Northern Shuswap Tribal<br>Council; Chehalis Indian Band;<br>Secwepemc Fisheries Commission of the<br>Shuswap Nation Tribal Council; Upper<br>Fraser Fisheries Conservation Alliance;<br>Other Douglas Treaty First Nations who<br>applied together (the Snuneymuxw,<br>Tsartlip and Tsawout); Adams Lake<br>Indian Band; Carrier Sekani Tribal<br>Council; Council of Haida Nation ("FNC") |
| No appearance                 | Métis Nation British Columbia ("MNBC")   |

**APPEARANCES / COMPARUTIONS, cont'd.**

|               |   |
|---------------|---|
| No appearance | Sto:lo Tribal Council<br>Cheam Indian Band ("STCCIB")   |
| No appearance | Laich-kwil-tach Treaty Society<br>Chief Harold Sewid, Aboriginal<br>Aquaculture Association ("LJHAH") |
| No appearance | Musgamagw Tsawataineuk Tribal<br>Council ("MTTC")   |
| No appearance | Heiltsuk Tribal Council ("HTC")   |

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1 Vancouver, B.C./Vancouver  
2 (C.-B.)  
3 June 2, 2011/le 2 juin 2011  
4

5 THE REGISTRAR: The hearing is now resumed.

6 THE COMMISSIONER: Mr. Leadem and counsel and hearing  
7 staff and witnesses, my sincere apologies for the  
8 delay. I spent a long session with a dentist this  
9 morning. At least there you get freezing.

10 MR. LEADEM: My condolences, Mr. Commissioner.  
11 Sometimes I feel my brain has been frozen.

12 MR. ROSENBLOOM: Thank you for telling us. I think  
13 it's advisable none of us bring applications this  
14 morning.

15 MR. LEADEM: Mr. Commissioner, it's Leadem, initial T.,  
16 appearing as counsel for the Conservation  
17 Coalition. As you heard yesterday, Mr. Young,  
18 who's on the panel, is an aquatic biologist with  
19 the David Suzuki Foundation, and the David Suzuki  
20 Foundation is one of the members of the coalition  
21 for whom I act, so I will treat him as my witness  
22 and limit my questions to ones of direct  
23 examination and not lead the witness.

24 I'm not going to leave you out in the lurch  
25 there, Dr. Riddell, as if I could. By all means,  
26 if I ask a question that would prompt something  
27 that you would like to say, by all means please  
28 jump in.  
29

30 JEFFERY YOUNG, recalled.

31  
32 BRIAN RIDDELL, recalled.  
33

34 CROSS-EXAMINATION BY MR. LEADEM:  
35

36 Q I want to begin by examining with you, Mr. Young,  
37 what we've now marked as Exhibit 937 in these  
38 proceedings. It's a report entitled "Returning  
39 Salmon - Integrated Planning and the Wild Salmon  
40 Policy in B.C." How did this report come into  
41 being?

42 MR. YOUNG: So we were quite closely engaged at that  
43 point with the implementation of the Wild Salmon  
44 Policy and so it was kind of a key strategy to  
45 improving conservation of salmon in B.C., and  
46 beyond that, we recognized that the integrated  
47 planning component of that, or the strategic

1 planning component of that policy was a key  
2 challenge, something that we thought the  
3 Department could use some support and advice  
4 around. We knew that there was some good experts  
5 out there in terms of looking at these types of  
6 questions around planning, and so we worked with  
7 ESSA Technology. I particularly worked with Mark  
8 Nelitz and we commissioned this report to evaluate  
9 essentially some of the practical ways in which we  
10 could undertake integrated planning under the Wild  
11 Salmon Policy.

12 Q And, Dr. Riddell, in your experience, in your past  
13 experience as a DFO scientist, was it common that  
14 environmental groups and outside groups would  
15 often do this, would retain a contractor and  
16 provide advice to the DFO in this mechanism?

17 DR. RIDDELL: I think that in the last sort of ten  
18 years of my career, it became much more common.  
19 David Suzuki Foundation probably led the way, but  
20 Watershed Watch, Ecotrust, a number of groups  
21 would submit papers on particular topics at the  
22 time.

23 Q And how generally are these received by the  
24 Department?

25 DR. RIDDELL: I believe thoughtfully. How much was  
26 there interaction with the sort of authors and the  
27 organizations? That varied quite a bit on the  
28 topic.

29 This particular one that you're referring to,  
30 it got a fairly wide read. It came in as I was  
31 actually leaving, so I can't comment too much on  
32 the Department, but it was really tackling an area  
33 of the coast that we saw as an omission in the  
34 Department at the time 'cause we had a pilot  
35 program in the Fraser and Barclay Sound and the  
36 Skeena through PSF, but we didn't have a lot going  
37 on in the central coast although there'd been a  
38 lot of work done there.

39 So this was actually a kind of a timely  
40 document.

41 Q All right. Mr. Young, if I could ask you to turn  
42 to page 2 of this report under the heading,  
43 "Recommendations", and there's a bold section with  
44 some bullets after it. The bullet section reads:  
45

46 The David Suzuki Foundation is asking the  
47 federal government to:



1           Have you had an opportunity to review those  
2           recommendations?

3       MR. YOUNG: Yes, I have.

4       Q     And are they still consistent today? I note that  
5           the report was authored back in 2008.

6       MR. YOUNG: I would say they're still consistent, and  
7           perhaps slightly more urgent.

8       Q     I'll now ask you to turn, in that same document,  
9           to Table 1 - which begins on page 11, Mr. Lunn -  
10          and this runs on for several pages in the  
11          document. Can you describe for the Commissioner  
12          what this table represents or what it purports to  
13          show?

14      MR. YOUNG: I think this is an attempt to break down  
15          the strategies and activities of the Wild Salmon  
16          Policy into some practical recommendations around  
17          actually getting the work done, who to work with  
18          potentially, and some of the key activities that  
19          need to be undertaken. So I think it was an  
20          attempt to really codify and practically identify  
21          what sort of work we needed to do, and make that  
22          as reasonable and realistic as possible.

23      Q     The action steps that I find in the left-most  
24          column start with 1.1 and then 1.2. Do they  
25          correspond to something?

26      MR. YOUNG: Yeah, I believe they correspond to the  
27          actual action steps identified in the Wild Salmon  
28          Policy.

29      MR. LEADEM: All right. So if I could just quickly  
30          pull up Exhibit 8, page 16, Mr. Lunn, just so we  
31          can get confirmation of that.

32      Q     There's a Table 1 from the Wild Salmon Policy is  
33          now being shown on your screen. So is that what  
34          you mean by the strategies and action steps that  
35          are now depicted in Table 1 of this particular  
36          Exhibit 937?

37      MR. YOUNG: Yes, that's correct.

38      Q     And I'm going to ask you -- I'm not going to go  
39          through any of these chapter and verse, Mr.  
40          Commissioner. They obviously are many strategies  
41          and much information is contained in them.

42          In the interest of time I'm going to move on  
43          and ask you to turn to Table 2, Mr. Young, which  
44          is at page 19. This one should be entitled,  
45          "Synthesis of challenges (see Table 1) associated  
46          with implementing Strategies 1, 2 and 3." What  
47          does this purport to show?

1 MR. YOUNG: This table is attempting to identify some  
2 of the key challenges that were being faced with  
3 Wild Salmon Policy implementation, categorizing  
4 them into different areas, decision-making  
5 authorities' state of knowledge and so on, and as  
6 a means to really try to break down where some of  
7 the key barriers were to implementing the policy  
8 as a way to encourage and try to evaluate options  
9 for overcoming them.

10 Q I'm just going to reflect on two of these. The  
11 first one refers to decision-making authority and  
12 begins by saying:

13  
14 Working with other government agencies,  
15 ENGOs, First Nations, and communities will be  
16 essential for successful WSP  
17 implementation...

18  
19 How essential is that in your view?

20 MR. YOUNG: It's absolutely essential. I think as  
21 we've heard throughout the Commission, the role of  
22 the province is quite significant particularly  
23 around habitat. As also identified in Strategy 4  
24 under the Policy through integrated planning,  
25 working with different communities and First  
26 Nations and ENGOs is a key element of implementing  
27 a policy. So identifying and working through  
28 those relationship is a key requirement.

29 Q The authors of this go on and say:

30  
31 WSP was not developed in partnership with any  
32 of these groups...

33  
34 I'm just going to stop there. Although there  
35 wasn't any partnership, was there consultation  
36 with some of the groups in the making of the WSP?

37 MR. YOUNG: Actually, I'd ask Brian to see if he has a  
38 perspective on that.

39 DR. RIDDELL: Well, this was a line that stuck out to  
40 me in reviewing the document. It's true that  
41 there weren't formal partnerships. I would say,  
42 though, that the Department at the time did make  
43 sincere efforts to be in consultation with as many  
44 groups as possible. Various groups made various  
45 efforts. Unfortunately we didn't all have equally  
46 good consultation in all areas of the coast.

47 But it is true the statement, if we refer to

1 partnerships, I think that there was a serious  
2 effort to involve people through consultation.

3 Q It goes on to say:

4  
5 ...there are no formal agreements to jointly  
6 implement the WSP.  
7

8 Would it be helpful to have joint agreements  
9 between Department of Fisheries and Oceans and  
10 some of the stakeholders to have a joint  
11 implementation of WSP? Would that help to further  
12 the process along? Either one of you.

13 DR. RIDDELL: I can start. I referred to this  
14 yesterday. Basically, that some of the efforts  
15 are now working with the Department with members  
16 of working teams, but there is certainly  
17 involvement of more groups outside of DFO  
18 specifically now. So I'd say, yes, that we can  
19 use other people's expertise and availability and  
20 effort.

21 MR. YOUNG: I'll just add to that quickly. So I agree,  
22 I would just emphasize to you that particularly  
23 the relationship with the province is quite  
24 critical, and I think further work could probably  
25 be done there in terms of clear collaboration on  
26 Wild Salmon Policy implementation.

27 I'd also like to just mention quickly around  
28 decision-making authority, although it's not  
29 specifically referenced in this part of the table.  
30 My view is that some of the -- looking at  
31 challenges within the implementation of the policy  
32 that some decision-making authority and  
33 integration of the Wild Salmon Policy within the  
34 Department of Fisheries and Oceans is quite  
35 critical and a key challenge as well, and it is  
36 reflected in other parts of this document.

37 Q And the last part of this table that I wanted to  
38 reflect on or get your reflections on is on the  
39 next page, on page 20, under the heading,  
40 "Communication and awareness", I find these words:

41  
42 There has been more outreach regarding the  
43 WSP to outside groups than within DFO,  
44 resulting in a lack of clarity within the  
45 Department about the WSP intent and content  
46 and about how it will play out on the ground  
47 (e.g. what does the policy mean for general

1 fishing exploitation levels?).

2  
3 I wonder if you can expand on that, Mr. Young?  
4 MR. YOUNG: I think this is partly what I was alluding  
5 to. So, for example, I think it's clear,  
6 actually, within the policy that ultimately the  
7 information, the outcomes from evaluating CUs and  
8 monitoring their status, needs to feed indirectly  
9 to the management decisions of the Department  
10 including fisheries and habitat. And that it  
11 seems we're still in a state where habitat  
12 management and fisheries management are still not  
13 fully integrating the Wild Salmon Policy  
14 components where necessary, and that perhaps there  
15 is some challenges in terms of integrating across  
16 the Department, and communication may be one of  
17 those factors contributing to that.

18 Q Did you want to add anything to that, Dr. Riddell?  
19 DR. RIDDELL: Well, I don't fully disagree with it, but  
20 I don't really fully agree with it either in the  
21 sense that there's definitely, as in any large  
22 bureaucracy, communication is a challenge. We  
23 definitely talked about a Wild Salmon Policy  
24 culture, that it was a change of thinking that  
25 needed to be spread throughout the Department.

26 There were many efforts made to distribute  
27 the information and get people onside, but I don't  
28 think it's unfair to say that there are some areas  
29 and some individuals who have not bought in fully  
30 and so I can see people believing that.

31 Q We heard a lot of evidence back in November when  
32 we met to initially discuss the Wild Salmon Policy  
33 about how the actual drafting of the policy had  
34 bogged down, and it needed someone like Pat Chamut  
35 to actually come in and to take the reins and to  
36 bring it home.

37 Are we at that state now where we really do  
38 need a champion, or need someone to actually come  
39 in to re-jumpstart the Wild Salmon Policy?

40 DR. RIDDELL: Well, you may be at a different state. I  
41 mean, I think it's a very different argument.  
42 What you were referring to is really in the early  
43 2000s when there was quite a debate about whether  
44 you're conserving fisheries or conserving fish,  
45 and there was a fundamental disagreement within  
46 the Department.

47 Now, really, we're looking at a commitment to

1           implement and put it on the ground even in the  
2           annual fisheries management planning. Would a  
3           dedicated effort help? I think I said that  
4           yesterday; absolutely. A single champion? I  
5           think it's more like a small dedicated group of  
6           experts that would drive this forward.

7           But it's still a big task in a sense, because  
8           as you just referred to in a previous question,  
9           there is the whole involvement of ENGOs and First  
10          Nations. Consultation is still a very big effort.  
11          But you've got to do the technical work that you  
12          can go out and actually present to people and have  
13          a fruitful conversation.

14       MR. YOUNG: Actually, I'll add quickly to that. I  
15       agree with Brian's point that a core group with  
16       dedicated support would be necessary to get a lot  
17       of the elements moving forward more quickly. But  
18       I still think, though, of the idea of a champion,  
19       someone with kind of a dedicated effort just  
20       around the policy and its implementation would be  
21       useful.

22          But in addition to that, or at least in  
23          concert with that, ensuring that the  
24          accountability and authority to make this a  
25          priority implementation would be necessary as  
26          well, and I think at this point, at the RDG level,  
27          that would probably be where it would have to come  
28          down from.

29       Q     Do you see that that champion, as you described  
30       it, Mr. Young, would have to come from within the  
31       Department, or would it be possible for somebody  
32       to parachute in and to seize that role?

33       MR. YOUNG: I'm not quite sure. I think that there  
34       needs to be someone within the Department to take  
35       on that role. Where they come from, I'm not sure  
36       how important that is, although clearly it would  
37       have to be someone with the capacity and ability  
38       to champion and lead something like this, and that  
39       would require some knowledge clearly of the issues  
40       that the Wild Salmon Policy addresses.

41       Q     And ultimately would that person also have  
42       authority as you mentioned yesterday, back in  
43       Ottawa, to make sure that some of the decisions  
44       can actually be funded and be implemented in a  
45       timely manner?

46       MR. YOUNG: Yeah, that's my view. I think that either  
47       this champion clearly has to have a strong level

1 of authority and ability to delegate that  
2 authority where necessary, or at least that the  
3 authority is somehow vested appropriately within  
4 the Department to ensure that this moves forward.

5 MR. LEADEM: I'm going to move away from this document  
6 now, Mr. Commissioner. I'm going to show Mr.  
7 Young another document. It's document number 2 in  
8 Canada's list of documents.

9 Q This is a report from the David Suzuki Foundation  
10 entitled, "An Upstream Battle: Declines in  
11 Pacific salmon stocks and solutions for their  
12 survival." Are you familiar with this report, Mr.  
13 Young?

14 MR. YOUNG: Yes, I am.

15 MR. LEADEM: And I'll ask you just to turn to the  
16 index, Mr. Lunn. I'm not going to spend a lot of  
17 time with this, but -- back one page -- there it  
18 is. This looks at ten units or -- they call it  
19 stocks back then. Number 4 I note is Cultus Lake  
20 sockeye salmon. Obviously, then, one of the  
21 stocks of concern at the time of that report was  
22 the Cultus Lake sockeye salmon.

23 MR. YOUNG: Yeah, that's correct, and I'll just  
24 indicate quickly the ten stocks, as they were  
25 chosen, was not simply to say these are the ten  
26 most at-risk stocks, or the only at-risk stocks.  
27 We wanted to get a bit of a cross-section of where  
28 we're seeing some challenges for salmon across  
29 species and geographies to best undertake some  
30 case studies to understand what the common  
31 challenges were to better understand how best to  
32 work through those.

33 MR. LEADEM: Might this be marked as the next exhibit,  
34 please, Mr. Registrar.

35 THE REGISTRAR: Exhibit 939.

36  
37 EXHIBIT 939: An Upstream Battle-Declines in  
38 10 Pacific Salmon Stocks and Solutions for  
39 their Survival, 2008  
40

41 MR. LEADEM:

42 Q Now, my last questions or series of questions is  
43 to you, Dr. Riddell, because we're going to be  
44 discussing implementation of the Wild Salmon  
45 Policy in the panel that's coming up afterwards  
46 and, as I understand it, you're not going to be a  
47 member of that panel, are you?

1 DR. RIDDELL: Not to my knowledge.

2 Q You say that with a smile.

3 DR. RIDDELL: Actually, it would have been a good one,  
4 I think.

5 Q I think so.

6 DR. RIDDELL: (Indiscernible - overlapping voices)  
7 members.

8 Q I'm going to take advantage of the fact that you  
9 are here and that it is an important topic. Just  
10 ask you just generally how you see the  
11 implementation playing out in the context of the  
12 existing structure where we have integrated  
13 fisheries management plans and integrated harvest  
14 management committees, things of that nature. How  
15 do you see the concept of conservation units  
16 playing out in implementation of the Wild Salmon  
17 Policy?

18 DR. RIDDELL: I think there's a couple of points better  
19 than that. The conservation units are the new  
20 stocks. These are the units of geographic  
21 production of salmon that need to be at the basis  
22 of all the integrated harvest planning  
23 discussions. Within that, then, of course you  
24 have your management goals which would be defined  
25 by your benchmarks, and you'll have your annual  
26 monitoring programs upon which you would base your  
27 annual assessments.

28 How does it integrate with the Integrated  
29 Harvest Planning Committee? I see that as  
30 actually only a component of implementing the  
31 policy because the next panel that we're referring  
32 to really gets to the heart of involving people  
33 that would be affected by these decisions and  
34 involving ecosystem-based management in real time.  
35 That means that there are groups, the provincial  
36 government, municipal governments in there, First  
37 Nations, community groups. There are many groups  
38 that probably want to have an input into what the  
39 long-term strategic plans are for salmon in their  
40 area.

41 Decisions made that are solely based on  
42 salmon are very likely to limit opportunities for  
43 logging or for development in the community and so  
44 on. So there are inherently other environmental  
45 conflicts.

46 That was the intention of Strategy 4 is to  
47 have a broader discussion about what the

1 commitment to salmon is in particular geographic  
2 areas. So I really see the Integrated Harvest  
3 Planning is just really addressing that, that it's  
4 the harvest component. It's critical to  
5 implementing Strategy 5, which is the annual  
6 delivery. But hopefully when we do the review of  
7 Strategy 6, or in Strategy 6, people will look at  
8 whether or not there's any willingness of people  
9 in geographic areas to take on the challenge in  
10 Strategy 4 and to unify into an advisory group  
11 that would then provide advice to government,  
12 including to the Department of Fisheries and  
13 Oceans, about salmon in those areas.

14 Q Thank you for that answer and for your thoughts on  
15 it. It comes back to something that we've heard  
16 already, that if you look at the Fraser River,  
17 it's a pretty vast geographic area that we're  
18 discussing, and the conservation units are in  
19 different parts of that geographic area. So I  
20 like your concept that it may come down to some  
21 very localized planning in terms of the protection  
22 of the conservation unit on a very localized  
23 level. Do I have that right? Is that what you  
24 seem to be suggesting there?

25 DR. RIDDELL: Yes, and within the Department we  
26 struggled with how many of these geographic areas  
27 you'd have, because they probably would require  
28 some core funding to have an effective  
29 consultation, you know, management of all the  
30 interest groups.

31 We were thinking one model would be along the  
32 lines of the First Nations Linguistic Groups which  
33 would define between 11 and 14 regions of British  
34 Columbia. In the Fraser River, you might have  
35 sort of three fairly large geographic areas and,  
36 of course, when it's nested like that, you  
37 ultimately have to have a common voice somehow.

38 So, really, you'd have to look at how many of  
39 these you have to have to have people feel that  
40 they are involved and people are listening. We  
41 were thinking very much that it would come down to  
42 maybe something in the range of 11 to 14 of these  
43 -- call them a council for lack of a better name  
44 yet -- to represent all the interests in those  
45 groups.

46 Q And what role would the Department of Fisheries  
47 and Oceans play in that scheme that you've been



1           outlining to us?

2       DR. RIDDELL: They would be advisory to the council.  
3           It's a bit of a circle, I'm afraid, though,  
4           because the people doing the assessments and doing  
5           the work in the habitat and so on, they would keep  
6           the people in the councils up to date in current  
7           information and current assessments. The advice  
8           coming out of the councils would then come back  
9           into the Department as recommendations to -- well,  
10          probably down through the Minister's office and  
11          back to the Regional Director General, down to the  
12          fisheries managers. So I'm not sure that would be  
13          the perfect circle, but it's sort of like a  
14          circle.

15       MR. LEADEM: Thank you for that. I'll wait to ask you,  
16          Mr. Young, when you reappear in a reincarnation on  
17          the next panel.

18       THE COMMISSIONER: Thank you very much, Mr. Leadem.

19       MR. WALLACE: Thank you, Mr. Leadem. Next in order,  
20          Canada has no questions which then takes us to the  
21          Salmon Farmers Association -- oh, yes, Salmon  
22          Farmers Association.

23       MR. HOPKINS-UTTER: Good morning, Mr. Commissioner.  
24          Shane Hopkins-Utter, H-o-p-k-i-n-s-hyphen-U-t-t-e-  
25          r for the B.C. Salmon Farmers Association.

26  
27       CROSS-EXAMINATION BY MR. HOPKINS-UTTER:

28  
29       Q       I just have a few questions arising from the  
30          testimony given yesterday by Dr. Riddell.  
31          Unfortunately I don't have the benefit of the  
32          transcript so I'm just going to be going on the  
33          notes that I was taking down yesterday, so please  
34          forgive me if I've written anything down wrong,  
35          and feel free to correct me.

36                I just wanted to ask you about the Gordon and  
37          Betty Moore Foundation that you were talking about  
38          yesterday as one of the funders of the Pacific  
39          Salmon Foundation. That's an American Foundation,  
40          isn't it?

41       DR. RIDDELL: That's correct.

42       Q       And that Foundation lists all the grants that they  
43          award on their website. Did you know that?

44       DR. RIDDELL: Yes, I did.

45       Q       I went online last night. I just wanted to  
46          actually have a look at the funding that you've  
47          received and the website - please feel free to

1 correct me, I just want a general estimate - the  
2 grants that they list seem to total approximately  
3 \$3,700,000 between 2008 and March of this year to  
4 the Pacific Salmon Foundation. Does that number  
5 sound about right?

6 DR. RIDDELL: It could be correct. I haven't actually  
7 added it up, but it's for three major activities  
8 in the Skeena Basin, and it has been going for  
9 about three years, so I think it would be in that  
10 range, yes.

11 Q That actually seems like quite a lot of funding.

12 DR. RIDDELL: Yes.

13 Q Is that money that was not otherwise available  
14 through the Government of Canada, then?

15 DR. RIDDELL: That magnitude of money was certainly not  
16 available for one area. Maybe I should just  
17 clarify. The use of those funds is really broken  
18 down into a governance allocation, and that's  
19 where we are trying to get an example of a  
20 Strategy 4 working group for the Skeena Basin.  
21 That pays for people's involvement. There's a  
22 very regular set of meetings. Regrettably it has  
23 taken quite a bit of time to get people moving  
24 forward in agreement.

25 A large chunk of the money annually goes  
26 directly to new science programs, many of them  
27 targeted at the need for information on habitat  
28 quality, habitat mapping. We've had programs  
29 looking at by-catch in fisheries to address  
30 concerns of the upper river First Nations. We've  
31 had a number of large programs looking at chinook  
32 assessments, DNA analysis and population  
33 estimates, and significant sum into steelhead  
34 management.

35 Then there's basically an administration  
36 overhead to the Foundation that pays for our staff  
37 and travel time to implement those programs.

38 Q Does any of that money go towards marketing and  
39 education?

40 DR. RIDDELL: It would go to education. It does not go  
41 to marketing.

42 Q Okay. Are you aware of Gordon and Betty Moore  
43 grants to other groups that may include marketing?

44 DR. RIDDELL: Yes, I am.

45 Q And are those groups also located in British  
46 Columbia?

47 DR. RIDDELL: Some of them are, yes.

1 MR. HOPKINGS-UTTER: Thank you. Those are my  
2 questions.

3 MR. WALLACE: Mr. Commissioner, next on the list, Mr.  
4 Rosenbloom.

5 MR. ROSENBLOOM: Yes. Don Rosenbloom. I appear on  
6 behalf of Area D Gillnet, Area B Seiner.  
7 Mr. Lunn, if you'd be good enough to put  
8 Exhibit 939 back on the screen, and the index page  
9 that was there previously.

10  
11 CROSS-EXAMINATION BY MR. ROSENBLOOM:  
12

13 Q I understand, Mr. Young, that the 1 to 10 species  
14 as listed there are not necessarily the David  
15 Suzuki Foundation's list of the most aggravated  
16 situations in terms of stock health; is that  
17 correct?

18 MR. YOUNG: Yeah, that's correct. I indicated how we  
19 had chosen those stocks. That's not to say that  
20 some of them be what we consider the most  
21 significant stocks are concerned, but that wasn't  
22 the intent of the list was to identify the ten  
23 most egregious declines.

24 Q But they are ten stock that the Foundation feels  
25 should be closely monitored?

26 MR. YOUNG: I think inherently, given the situation  
27 with these stocks, yes, but I would generally say  
28 as well that one of the benefits of the Wild  
29 Salmon Policy is that ultimately, I think, it's of  
30 benefit to get to a point where we have a good  
31 understanding of the status of CUs in this case  
32 across the province, including ones that are doing  
33 quite well, so that we can understand how to  
34 maintain those benefits.

35 Q When you look at this list, is it correct to say  
36 only Cultus is within the Fraser watershed? No,  
37 I'd be wrong about that, wouldn't I? Oh,  
38 obviously wrong about that. How many of the ten  
39 would be within the watershed of the Fraser?

40 MR. YOUNG: Well, with respect to sockeye, Cultus is  
41 the only one. But the North Thompson coho,  
42 Brunette River coho are the others that would be  
43 from the Fraser watershed.

44 Q We're so single-focused at this inquiry for  
45 obvious reasons, and relates to the terms of  
46 reference imposed upon the Commission. But can  
47 you give us a general sense whether the Cultus

1 Lake sockeye would, from your perspective, be the  
2 most advanced in terms of implementation of WSP?  
3 I want to get a sense, because I think the  
4 Commission should get a sense, whether the WSP has  
5 been primarily focused, in terms of  
6 implementation, within Barclay Sound and the  
7 Fraser watershed, or whether indeed what we're  
8 hearing about in respect to our focus would be  
9 applied across the board in terms of the degree of  
10 implementation anywhere else in the province.

11 MR. YOUNG: Ultimately, that's actually a fairly  
12 complicated question. I would say that, at a  
13 broad level, there's been a certain amount of  
14 progress with respect to Strategies 1, 2 and 3 in  
15 terms of getting the basic science completed that  
16 would apply to all salmon within B.C. I think  
17 that there have been some unique efforts  
18 undertaken in Cultus Lake and Barclay Sound and  
19 Skeena, for example. Probably Barclay Sound, and  
20 to some extent Skeena, are the closest to being  
21 identified as something that was at least partly  
22 or said to be an attempt to implement the Wild  
23 Salmon Policy. However, they're also kind of  
24 missing some of those key first elements.

25 I think the Cultus sockeye situation, I think  
26 that was borne out of issues predating the Wild  
27 Salmon Policy, driven a lot by the COSEWIC  
28 listing. I think there's some lessons that we  
29 could learn from that process that we could  
30 definitely use to help our understanding of how to  
31 implement the Wild Salmon Policy.

32 Q Would you say Cultus is the most implemented of  
33 the WSP program of those ten?

34 MR. YOUNG: I struggle with really being able to say  
35 that one of these stocks or another has the most  
36 implementation of the Wild Salmon Policy. I mean,  
37 for example, we don't have benchmarks for Cultus  
38 sockeye explicitly under the Wild Salmon Policy  
39 which I see as kind of a key early element of WSP  
40 implementation. So, at that level, no, it's not.

41 In terms of having taken some efforts that  
42 involve different stakeholders and evaluation  
43 information, I guess you could say that Cultus  
44 Lake may be in a better position to be able to  
45 proceed with WSP implementation.

46 Q Dr. Riddell, do you have anything to add in terms  
47 of responding to my question?

1 DR. RIDDELL: Well, I think a direct answer to your  
2 question would be that probably the greatest  
3 focused attention has been on Cultus Lake. Is it  
4 the greatest implementation of the policy? Of  
5 those ten, I don't think there'd be any question  
6 that it has proceeded the furthest, but I would  
7 point out that there have been a number of the  
8 stock assessment review documents including a  
9 lower benchmark, which was defined a few years ago  
10 so that we had a lower level where we could, if we  
11 had to, we would have to shut down fisheries to  
12 avoid getting down to extremely small population  
13 sizes that would have long-term genetic impacts in  
14 the stock as well. That work was done, I think in  
15 about 2005.

16 So there's also the habitat monitoring going  
17 on. There are issues in the lake and in the  
18 downstream area that people are paying attention  
19 to. I think you've probably heard a lot of this  
20 in the previous few days. So I think Jeff is  
21 correct in the sense that it's not being managed  
22 directly on the Wild Salmon Policy, but it  
23 certainly has gone the furthest in terms of what's  
24 going to be required to implement the policy  
25 there.

26 Q Dr. Riddell, you and I have had numerous exchanges  
27 during the life of this inquiry regarding fiscal  
28 capacity of DFO to pull off the Wild Salmon Policy  
29 with full implementation. You'll recall testimony  
30 you gave some time ago regarding more recent  
31 budgetary restrictions imposed upon the Department  
32 by Treasury Board. You'll recall testimony you  
33 gave about the five percent reduction and you  
34 educated us that from your perspective, because it  
35 was a five percent reduction of overall budget of  
36 the Department, and because salaries obviously  
37 could not be tampered with based upon collective  
38 agreements, the five percent really represented, I  
39 believe from your testimony, approximately 15  
40 percent reduction on the operational side. You  
41 remember giving that evidence?

42 DR. RIDDELL: Yes, I do.

43 Q Right. Now, what I don't believe has been  
44 elicited from you or anyone else at this inquiry,  
45 unless I missed it on a day I wasn't here, is when  
46 the Department is facing down these difficult  
47 budgetary problems, and when the Department is

1 obligated by international agreement to focus on  
2 certain areas of the province because of those  
3 international obligations, it is at the expense  
4 obviously of other areas that are under-funded  
5 because there's a transfer of money from one  
6 program to another. Is that fair to say?

7 DR. RIDDELL: It's fair to say, and I think we did have  
8 a fairly extensive discussion on material like  
9 that at one point when I was giving testimony,  
10 because the Fraser sockeye is clearly seen as the  
11 priority for management and conservation within  
12 DFO on the west coast.

13 Q Right.

14 DR. RIDDELL: As a program manager, there were many,  
15 many discussions with staff about we have to fund  
16 the key program. Under the Pacific Salmon Treaty  
17 there are obligations that must be met there. So  
18 there are consequences to other assessment  
19 programs 'cause there's a limited budget.

20 What that really has done, over time, you try  
21 to find money in many ways and many different  
22 agreements and we sometimes would have things from  
23 B-based budgets where there was soft short-term  
24 allocations, or you had partnerships with other  
25 groups on a temporary basis. So one of the things  
26 I always tried to limit was how this made our  
27 assessment sort of a piecemeal -- 'cause a  
28 consistent assessment through the province is kind  
29 of the legacy of information that you leave  
30 behind. But there's no question that what you're  
31 discussing is an impact that we've dealt with for  
32 a number of years.

33 Q There may be a gap in the evidentiary base at this  
34 inquiry up to this point in time, and what I want  
35 to solicit from you is what expense is there in  
36 transferring money from programs outside of the  
37 sockeye of the Fraser River and the watershed?  
38 You probably, better than anybody, can speak to  
39 the province-wide situation. What are some of the  
40 other critical areas in terms of requiring  
41 significant financial resources by Department to  
42 sustain a healthy resource, be it with sockeye  
43 specie or any other specie?

44 The point I'm really asking is, at the end of  
45 the day, should the Commission not be mindful of  
46 what are the consequences when there is a  
47 financial shortage and where government is trading

1 monies from programs outside of the sockeye of the  
2 Fraser, and what is the prejudice to those other  
3 programs?

4 DR. RIDDELL: Well, I think you had a discussion on  
5 stock assessment prioritization and how the budget  
6 process functions. I think the best way to answer  
7 your question is sort of examples. I think I also  
8 recall describing that the sockeye issue really  
9 depends on the year of the four-year cycle, and so  
10 you have one year where you have the Adams  
11 returning, you have the big Summer returns and so  
12 you have a bad year where they -- it costs a lot  
13 of money. I think the budget going into the  
14 Fraser varied by about twofold, and so that was  
15 basically about \$1 million that you had to find  
16 from other programs outside.

17 But the best case example is that in the  
18 early 2000s, because it limited fishing demand at  
19 the time and because there was no real perceived  
20 conservation concern, we actually stopped  
21 enumerating pink salmon. So in recent years where  
22 we've had extremely good returns of pink salmon in  
23 the Fraser, there's not a quantitative assessment.

24 The second one that would take a reduction in  
25 costs is really chum coast-wide. Chum hasn't had  
26 a cost. To really understand chum, you need to do  
27 age-structured analysis, so that has taken a back  
28 seat. Now we have a problem where there are  
29 certain areas where chum are a conservation  
30 concern and we have very limited data.

31 After chum comes coho. So there's a very --

32 Q Coastwide?

33 DR. RIDDELL: No. We very much would try to maintain  
34 the indicator stocks in southern B.C. All of  
35 these things through time became kind of a  
36 hierarchy of what's the least impact and what  
37 needs to be required, because a number of  
38 government priorities from the Pacific Salmon  
39 Treaty through agreements with First Nations and  
40 so on down the list.

41 So the particular area that you're talking  
42 about, northern B.C., if the stocks are  
43 particularly healthy then, you know, the primary  
44 assessment was the Babine fence sockeye. So now  
45 in that area, where we talk about looking at  
46 benchmarks, we are looking at how you're using a  
47 fairly weak information base for a number of small

1 sockeye stocks.

2 So there's an effect of not having these  
3 resources through time. I mean, really, all we  
4 did at the time was try to get the best allocation  
5 we could to meet most of the priorities for the  
6 money we had.

7 Q And these stock that you mention, the list of, I  
8 believe four, are obviously stock of consequence  
9 in terms of the commercial fishery.

10 DR. RIDDELL: Many of them will be, yes.

11 Q Yes. And is it your evidence that, as a result of  
12 this budgetary shortfall, that those stock have  
13 suffered in terms of the fiscal attention that  
14 should be given to them?

15 DR. RIDDELL: Well, I'm not sure that I would be able  
16 to really say that. I mean, if the fisheries are  
17 managed in a conservative manner -- like many pink  
18 and chum fisheries in central and northern B.C.  
19 are limited to around 50 percent harvest rate, in  
20 most cases that's not going to be a significant  
21 impact on the stock. Until recent years with  
22 marine survival we hadn't really seen a major  
23 problem.

24 David Peacock, a manager in the north, was  
25 just telling me the other day, though, that we are  
26 seeing recent declines that are significantly  
27 limiting fisheries on the central coast for pink  
28 and chum. So these things kind of come and go,  
29 but depending on the sort of level of impact  
30 historically, I don't now if you could say that  
31 across the board.

32 Q All right. Mr. Young, do you wish to have any  
33 input in response to my question?

34 MR. YOUNG: No.

35 Q Thank you. Yesterday you both spoke of the kind  
36 of monies that you believe are necessary to get  
37 the WSP into full implementation if I understood  
38 your testimony correctly. Assume for a moment,  
39 Dr. Riddell, that those monies are not  
40 forthcoming; in other words, that we are going to  
41 carry on into the future and near future with  
42 continuing budgetary restrictions, that DFO's  
43 budget will either remain neutral or will be  
44 diminished by Treasury Board over the next four or  
45 five years. Just accept that for a moment.

46 What is the prognosis for the WSP  
47 implementation if indeed we carry on with what has



1           been the history financially over the last two or  
2           three years with the Department?

3       DR. RIDDELL: Well, I'm not sure that I can really  
4           speak for the Department anymore. I'm only really  
5           knowing what you're hearing in the paper in terms  
6           of reductions. If there are further reductions in  
7           capacity, then I don't think it would be a  
8           surprise that we'd have a slower implementation,  
9           even from what we've seen. But I think that we  
10          have made enough progress in some of the  
11          implementation steps that the Department would be  
12          much more willing to start working with external  
13          groups, as we've just talked about, in terms of  
14          really getting the analyses done, implementing  
15          some monitoring programs through stewardship  
16          groups, looking for sort of a more widely  
17          dispersed implementation process to put this in  
18          place.

19                 Now, I think that puts the overall process a  
20          bit at risk in the sense that you do need to try  
21          and ensure that everything is done fairly across  
22          the board and that people are using the same  
23          standards and so on. So there is definitely what  
24          you call an overall management responsibility that  
25          the Department has to pick up if it becomes much  
26          more diversified like that.

27       Q       Isn't it dangerous when government becomes  
28           dependent, in part, on ENGOs, being funded by  
29           foundations, outside foundations? Isn't there a  
30           danger when you become dependent upon that kind of  
31           relationship for what surely you would consider  
32           public interest initiatives by DFO?

33       DR. RIDDELL: Well, I've struggled with that question  
34           quite a bit in the last two years. I think  
35           there's a pro and a con for it. Let me say the  
36           pro, to start with, is that as I'm continuing to  
37           see reductions being pressured on government and  
38           knowing, the way I do, what another five or ten  
39           percent cut means to stock assessment, I've kind  
40           of changed my thinking on this in the sense that  
41           if we can find money in other ways to do short-  
42           term technical work that can be reviewed through  
43           independent peer assessment so that it's credible,  
44           and people can verify it, then I think we should  
45           try and use as much money from other places as we  
46           can to deliver on these programs.

47                 Where I think we need to be very careful,

1           though, is that the money that is left in  
2           government is directed to continued maintaining a  
3           stock assessment basis that we can depend on for  
4           doing the annual assessments. My concern now is  
5           that you leave the responsibility solely with  
6           government, that they will have to continue to  
7           divert funds into getting more people doing work  
8           in these evaluations, and maybe will do less  
9           monitoring of fisheries or will do less  
10          enforcement.

11           I would rather see government focus that  
12          money in having a legacy of good quality data for  
13          assessment, appropriate sort of management and  
14          monitoring of fisheries, and the other  
15          environmental impacts, and other groups could  
16          provide the money to do the short-term technical  
17          assessments. I think we've seen very good work  
18          done through the examples that you've shown by  
19          David Suzuki Foundation going out to people  
20          locally that can write reports and provide advice  
21          back to government.

22           We can do the same thing with our local  
23          university. We have some people that the rest of  
24          the world comes to for advice. We can have people  
25          at these schools doing some of the analyses. I'm  
26          working with a graduate of UBC right now in the  
27          Skeena. So there are very good people that can  
28          address some of the issues that are limiting  
29          progress in the WSP.

30           Yes, some of the money is likely to come  
31          maybe from the Moore Foundation or from other  
32          foundations. I don't really see that as a big  
33          threat as long as it's worked out as a specific  
34          objective to be done, that it can be peer-reviewed  
35          and people can discuss it and agree with whether  
36          the analyses is correct or not.

37          Q     Most of the significant money from foundations to  
38          Canadian environmental groups is American, isn't  
39          it?

40          DR. RIDDELL: Yes, I think pretty much everything that  
41          I'm aware of, although there are some Japanese  
42          foundations. I don't think there's any money  
43          here, though, for that.

44          Q     Yes. I'd like to just deal with one other brief  
45          area of focus. We've talked about enhancement  
46          programs, the hatchery programs, and I believe  
47          both of you spoke yesterday, or one of you did,

1 about some issues and I just want to explore them  
2 briefly.

3 You're a geneticist by background, are you  
4 not, Dr. Riddell?

5 DR. RIDDELL: Yes.

6 Q Do you have concern as to the degree of the  
7 percentage of stock that is a hatchery-based stock  
8 as opposed to wild stock?

9 DR. RIDDELL: Percentage of stocks? No, I don't have a  
10 particular concern on that. I have concerns in  
11 particular areas, but in terms of the big picture,  
12 in terms of the number of populations in British  
13 Columbia that have extensive enhancement on them,  
14 it's not a very large percentage of the total  
15 population at all.

16 Q Do you have any idea, just off the top of your  
17 head, about what percentage of, for example,  
18 sockeye of our coast is enhanced?

19 DR. RIDDELL: Well, you see, the sockeye number in the  
20 north is going to be large, because you'd have to  
21 determine how much of the Babine Development  
22 Program you want to count as enhanced. Enhanced,  
23 there is the spawning channels. A substantial  
24 number of the smolts coming out of Babine Lake,  
25 probably 50 percent plus, are from the spawning  
26 channels. And then put that in the context of the  
27 total Skeena.

28 So I think when they actually look at  
29 returns, it could easily be 50 to 60 percent of  
30 the Skeena sockeye return are from spawning  
31 channels. But, now, spawning channels are not  
32 ones that people really focus a lot of attention  
33 genetically because you do allow mate selection to  
34 proceed in the artificial rivers that you built.

35 Q Yes.

36 DR. RIDDELL: They're not the hatchery analogy.

37 Q What about the south coast?

38 DR. RIDDELL: South coast, you get small numbers in the  
39 Fraser, probably under five percent, and may vary  
40 in a particularly low year. So if you have the  
41 low cycle four-year, and then you had a good  
42 Weaver return, you could find that your population  
43 numbers could come up to 10 to 20 percent I would  
44 think.

45 The bigger numbers, though, are things like  
46 coho salmon where you have very large hatchery  
47 programs in the past. We have had years where

1           coho catch in the Strait of Georgia has been 50 to  
2           60 percent from the local hatcheries in the lower  
3           Fraser and around the Strait of Georgia. So it  
4           varies by area and species.

5           Q     And am I correct that there is no real scientific  
6           work done on the resilience of the hatchery fish  
7           as opposed to the wild fish in terms of their  
8           cycle and their return and recruits per spawner?

9           DR. RIDDELL: No, I don't think so. We do have wild  
10          stock monitoring for coho and we do have hatchery  
11          monitoring. You do find that the hatchery fish  
12          are surviving less than the wild fish, so that's  
13          an element of resilience.

14          There is a number of programs, particularly  
15          very intensive studies in recent years and mostly  
16          in the northwest States, that hatchery fish are  
17          surviving more poorly than wild and their genetic  
18          fitness is less.

19          But if you're talking about sockeye salmon,  
20          there's very little work that's been done on that.  
21          It's largely been work done on coho salmon and  
22          steelhead and some chinook.

23          Q     My last question is: As a geneticist, does that  
24          concern you that there is so little knowledge of  
25          the disparity in health - sorry, that's not a good  
26          term - the difference in survival of the hatchery  
27          fish as opposed to the wild fish? Is this a  
28          matter that should concern us?

29          DR. RIDDELL: Well, since it's my particular bias, I'd  
30          have to say yes. But, really, in terms of the big  
31          picture, I don't think there's any question that  
32          we needed to do more in understanding the effect  
33          of the hatcheries through time. I think people  
34          have come to an awareness now that you really have  
35          to be cautious about what the major hatcheries are  
36          doing.

37          For example, ask yourself a simple question:  
38          that we continue to limit fisheries in the Strait  
39          of Georgia, but we still have full output of coho  
40          smolts from our major hatcheries, right? What is  
41          causing that? Is that really cost-effective to  
42          continue those programs like that, or should we  
43          put that money into restoration of natural  
44          habitats?

45          Q     Thank you. Any comment, Mr. Young?

46          MR. YOUNG: I generally agree with what Brian said. I  
47          just want to add one element around sockeye. In

1 the Fraser -- and that's looking at it not as a  
2 total amount of sockeye, but as separate CUs.  
3 Clearly we've heard a bit about how Cultus sockeye  
4 itself has been enhanced. I do have some concerns  
5 about how that may develop although I do think  
6 they're looking fairly closely at some of those  
7 genetic issues, and I hope we do learn as much as  
8 we can about how we're using enhancement in Cultus  
9 as a means to deal with issues there as well as  
10 understanding how we're going to approach  
11 enhancement moving forward.

12 MR. ROSENBLOOM: Thank you.

13 MR. WALLACE: Mr. Harvey.

14 MR. HARVEY: Thank you. Gentlemen, it's Chris Harvey  
15 representing the Area G Trollers and the United  
16 Fishermen and Allied Workers Union.

17  
18 CROSS-EXAMINATION BY MR. HARVEY:

19  
20 Q I'm going to be taking the advantage of your  
21 presence here, Dr. Riddell, to clarify some things  
22 that arose out of your earlier testimony. On  
23 December 1st, you gave evidence - and perhaps Mr.  
24 Lunn could get the transcript ready in case we  
25 have to refer to it - December 1st transcript,  
26 page 64.

27 I had asked you some questions about the  
28 major contribution of the Wild Salmon Policy. You  
29 mentioned early on the establishment of two  
30 benchmarks, not just one, and you mentioned that a  
31 bit later in the transcript as well. That implies  
32 to me that you place some importance on the  
33 establishment of not just a lower benchmark, which  
34 we've heard a lot about, but the upper benchmark;  
35 is that correct?

36 DR. RIDDELL: Yes, but the context of my comment would  
37 have been actually opposite of that because we  
38 always had a target escapement goal which was  
39 defined by the spawners providing the maximum  
40 sustained yield, and that would actually be the  
41 target reference point. We very -- well, we never  
42 had a specified lower benchmark for any salmon  
43 stocks. That was the significant addition in the  
44 policy.

45 Q Yes. But is the Wild Salmon Policy, though, not  
46 meant to have two benchmarks in the sense of, one,  
47 that it's undesirable to go below, and another

1           that it's undesirable to go above.

2 DR. RIDDELL: I mean, the undesirable above is not as  
3 critical as the lower, but yes, you could state it  
4 that way.

5 Q       Perhaps not as undesirable, but it is undesirable  
6 in two senses, is it not, that it yet, of course,  
7 impacts on the harvests and the users whether  
8 commercial, aboriginal or sports, and also, if it  
9 gets to such a level, it will impact on the  
10 ecosystem that the sockeye fry rely on for their  
11 survival during their freshwater stage, correct?

12 DR. RIDDELL: Well, I think in that same day, we were  
13 discussing about how far above, and I think that  
14 the consensus from a number of people seem to be  
15 about two times the target reference point, so  
16 that's substantially above. So I don't disagree  
17 with the way you're stating it in the sense that,  
18 yes, it's less desirable to be far above the  
19 target because you clearly are taking away from  
20 other opportunities of use.

21           But all I was trying to say there is how  
22 critical it is to be -- you know, what is the  
23 impact of going far above? Well, far above is  
24 quite a ways above. A little bit above -- I mean,  
25 the target for management might be plus or minus  
26 25 percent, would be how a manager might think  
27 about trying to achieve that target. So if you  
28 got to 125 percent of goal, that's not going to be  
29 anything comparable to the risk of going below the  
30 limit reference point.

31 Q       No. But it is going to begin to present a risk  
32 provided the scientific basis for the benchmark is  
33 correct. It may present a risk to the ecosystem  
34 that supports the sockeye during their freshwater  
35 phase.

36 DR. RIDDELL: Not if it's within about 100 percent.

37 Q       That's --

38 DR. RIDDELL: As I said, it's about people that are  
39 talking about -- and I think you were referring to  
40 the Alaskan paper that referred to this as well --  
41 and people looking at, "Where is Over-spawning"  
42 was the topic. Where is this really becoming a  
43 problem or could have a significant effect? And  
44 they're thinking twice the MSY value.

45 Q       Yes.

46 DR. RIDDELL: Right? We have had examples, however,  
47 where it's been well above twice recently.

1 Q Yes.

2 DR. RIDDELL: And clearly that's what generates many of  
3 these concerns.

4 Q Yes. All right, yes, and I'm going to ask you  
5 something about that.

6 MR. HARVEY: But at page 78, if we could look at that,  
7 Mr. Lunn, December 1st transcript, page 78. I  
8 asked you a question about the upper benchmark. I  
9 suppose just to get the full passage of it, I'll  
10 start at page 77 towards line 32. I said:

11  
12 What I'm leading up to - and I'll get to it -  
13 what -- is there anything in the Wild Salmon  
14 Policy that would assist, if it turns out  
15 that we've been putting, in recent years, too  
16 many fish on the spawning grounds and we've  
17 been oversupplying the spawning grounds,  
18 leading to weakened -- smaller and weakened  
19 smolts, increase in disease, a depletion of  
20 the food resources in the lakes, and an  
21 increase in the predators feeding on vast  
22 numbers of fry? Is there anything in the  
23 Wild Salmon Policy which, if that is the  
24 cause of a loss of productivity and a  
25 decrease, a declining return, if that is the  
26 cause of it, is there anything in the Wild  
27 Salmon Policy that addresses it?

28  
29 And you said:

30  
31 Yes. The Wild Salmon Policy requires two  
32 benchmarks --  
33

34 MR. WALLACE: Mr. Commissioner, I hesitate to  
35 interrupt, but I'm not sure of the utility here  
36 off putting a question and answer that has already  
37 been put by this questioner to this witness  
38 before.

39 MR. HARVEY: All right. Well, I was just trying to  
40 establish the context.

41 Q But, at any rate, at page 78, when you're asked  
42 about the upper benchmarks, you referred to a  
43 paper, and you said -- this is at line 17 (sic).  
44

45 And the benchmarks may not be any different  
46 at all.  
47

1           That's from the historic benchmarks.  
2

3           That is yet to be determined, and that is the  
4           paper that one of you referred to as 194  
5           pages long and was just being reviewed now.  
6           I would expect that when that comes through  
7           that you will see changes [to]in the upper  
8           benchmarks.  
9

10       MR. HARVEY: Now, that paper, I don't -- I wasn't able  
11       to see that it was identified in connection with  
12       this, so I'd like Mr. Lunn to pull up Exhibit --  
13       was it 182?

14       MR. LUNN: Exhibit 184, I think.

15       MR. HARVEY: One-eighty-four. This is -- Mr. Lunn, is  
16       this 194 pages long?

17       MR. LUNN: It is, yes.

18       DR. RIDDELL: That's good, eh?

19       MR. HARVEY: Yes.

20       Q     Dr. Riddell, is this the paper that you were  
21       referring to?

22       DR. RIDDELL: Yes, it is.

23       Q     All right. Now, in this paper, I'd just like to  
24       make reference to a few things to see whether this  
25       is what you had in mind.

26       First of all, page 12 -- I'm sorry. Yes,  
27       page 12 has these two graphs, one showing  
28       productivity declining, one showing effective  
29       total spawners increasing, more or less mirroring  
30       one another. I think you said last time that may  
31       be a coincidence. It is either cause and effect  
32       or coincidence or a combination of the two, I  
33       suppose. Would you -- could you say that, or can  
34       you say anything more precise?

35       DR. RIDDELL: Well, the reason I put it in those terms  
36       is that there have been a number of management  
37       actions taken for particular stocks of concern.  
38       You spent time talking about Cultus in particular.

39       Q     Yes.

40       DR. RIDDELL: One of the things that you're looking at  
41       in effective total spawners in the mid-'90s on is  
42       a significant increase, because we have limited  
43       fisheries to allow increased escapements to  
44       protect weaker populations and that has, in some  
45       cases, resulted in large escapements to a couple  
46       of stocks, notably to Quesnel and to the Adams in  
47       two years -- two cycles.



1 Q Yes. And the intent of the Wild Salmon Policy is  
2 to somehow balance things in the socioeconomic  
3 analysis and also in the ecosystem-based  
4 management analysis, to do a balancing. Basically  
5 that's correct, isn't it?

6 DR. RIDDELL: Well, it's correct in intent, but I don't  
7 try to use "balance" much anymore because it's  
8 either sort of on or off in people's minds. What  
9 is really missing in the discussion of Wild Salmon  
10 Policy is that Strategy 4 should be a fuller  
11 discussion than just simply talking about balance.

12 Q Yes.

13 DR. RIDDELL: I mean, you can talk, when you have the  
14 CUs defined, what is the state of the CU? Does it  
15 limit fishing in particular times? What are your  
16 opportunities to restore the productivity of that  
17 CU? It doesn't have to mean that fisheries have  
18 to be shut down immediately because something is  
19 in the red zone.

20 Q No.

21 DR. RIDDELL: But we have to get to the point of having  
22 the CUs defined, the status assessed and having a  
23 process to have that dialogue, and that is what I  
24 referred to earlier. I think your conversation in  
25 the next few days will be important with Strategy  
26 4.

27 Q Yes. But the intent of the policy, though, is to  
28 get to the stage where that dialogue can take  
29 place in an informed basis, informed by  
30 socioeconomic data, but informed also by ecosystem  
31 data including the risk of declining productivity  
32 which results from large escapements.

33 DR. RIDDELL: Correct.

34 Q Yes.

35 DR. RIDDELL: Actually, in the previous page, as you  
36 flipped through there, is the wild salmon document  
37 diagram of the three zones. In dealing with the  
38 Skeena work that we were just talking about, we've  
39 had an interesting discussion that -- well, maybe  
40 I'm wrong. I thought it had right above it there  
41 was the red, amber, green.

42 To address what you're talking about, it's  
43 quite possible that above the green you have  
44 another amber, which really addresses what you're  
45 referring to. At some point in time, it's of less  
46 value to put those fish on the spawning grounds.  
47 There's no question about that.

1 Q Yes. But I'm going to come to the terms of the  
2 Wild Salmon Policy in a moment, but generally, the  
3 Wild Salmon Policy is very weak on that score,  
4 isn't it? It doesn't ever identify what you've  
5 just mentioned, that there might be an amber zone  
6 above the green, doesn't ever identify the  
7 detrimental effects of exceeding the upper  
8 benchmark.

9 DR. RIDDELL: Well, that's true, but the reason for  
10 that is when you really look at reference points  
11 around the world, many people refer to the upper  
12 as the management target. The reason for doing  
13 that is that is where there should be a more  
14 fulsome dialogue about what are the objectives  
15 within a particular management scenario.

16 Q Yes.

17 DR. RIDDELL: And it's those objectives that you're  
18 referring to, the biological, the social and the  
19 economic.

20 Q Yes. Now, the biological objective is meant to  
21 take into account the carrying capacity of the  
22 freshwater system; is that correct?

23 DR. RIDDELL: Yes.

24 Q And there's a discussion in this paper at page 32  
25 on that.

26 MR. HARVEY: If Mr. Lunn could turn is to that.

27 Q There's a carrying capacity discussion that goes  
28 on for several pages. The second page has a graph  
29 of the carrying capacity of various lakes. For  
30 example, if we look in the green section, the  
31 Quesnel system average has got a one million  
32 spawner carrying capacity, Shuswap 1.5, et cetera.  
33 Is this part of the information that you had in  
34 mind when you said that when this paper is  
35 published and analyzed, you expect it would lead  
36 to changes in upper benchmarks?

37 DR. RIDDELL: That would be part of the data that would  
38 be considered in defining the upper benchmark.

39 Q All right. Also, I think, if we could turn to  
40 page 155, there's another graph more or less the  
41 same, somewhat more refined, I think, with all  
42 these various numbers. Again, Quesnel is in the  
43 one million range and Shuswap in the 1.8 or 1.7  
44 million range.

45 That compares -- well, I guess I don't have  
46 to go through the record with you. But this  
47 paper, I've read it and I've read these analyses.

1 They're somewhat complex; fair to say?

2 DR. RIDDELL: That's why you need the dialogue.

3 Q Yes. But you can't have dialogue with members of  
4 the public on a subject like that, can you? That  
5 may be a good subject for scientific dialogue, but  
6 if you expect these matters to be resolved on a  
7 consensus basis with non-scientifically trained  
8 members of the public, you're not going to get a  
9 very good answer, are you?

10 DR. RIDDELL: I wouldn't agree with that, actually. My  
11 experience, and this has been in a number of very  
12 public and open forums and through the Pacific  
13 Salmon Treaty work as well, probably some of the  
14 most complicated analyses done on the entire coast  
15 is with chinook salmon, and the coast-wide chinook  
16 model.

17 Q Yes.

18 DR. RIDDELL: And you can make substantial progress if  
19 you take the time to build it from A to Z so  
20 people understand the logic.

21 Q Yes.

22 DR. RIDDELL: Really, what you want to do with all this  
23 information is look at the consequence of actually  
24 using any of these particular benchmarks.

25 Q Yes.

26 DR. RIDDELL: That's where the trade-off analyses that  
27 Dr. Walters refers to at the time, where you can  
28 actually look at what are the consequences of a  
29 range of target escapement goals. I think it's by  
30 going through that dialogue, well, people will see  
31 that a few hundred thousand sockeye here in terms  
32 of the upper benchmark or the target reference  
33 point, it actually doesn't have a great deal of  
34 effect in the future projection. It can have a  
35 very big effect when you're talking about the  
36 lower benchmark.

37 Q Yes.

38 DR. RIDDELL: So you can do things to show people how  
39 these analyses are conducted and what the trade-  
40 offs mean to them in real numbers and fish.

41 Q We've had some other evidence since you were last  
42 here. Dr. Peterman gave evidence. Now, every  
43 time I refer to it, Mr. Timberg stands up and  
44 objects. So he's not here to object, so this time  
45 I'd like to put the page number so that there's no  
46 doubt about what Dr. Peterman did say.

47 It's April 20th, page 95. This follows a

1 discussion about a paper. I think it was entitled  
2 something like, "Does Over-escapement Cause Stock  
3 Collapse." And if we could start reading just  
4 where the -- about halfway down the final  
5 paragraph that's quoted there from a previous  
6 report. It said:

7  
8 The Panel's opinions about the effect of  
9 delayed density dependence on the long-  
10 term decline in Fraser sockeye  
11 productivity ranged from **likely** to  
12 **possible** to **unlikely** as a contributing  
13 factor.  
14

15 Could I ask where you stand on that  
16 continuum?  
17

18 Dr. Peterman says:

19  
20 Where do I stand on that continuum? Well,  
21 depends on the stock. I guess our analyses  
22 that I reported on this morning would suggest  
23 that delayed density dependence has played a  
24 role in the Quesnel for the long-term decline  
25 in productivity.  
26

27 But we have not seen evidence of that for the  
28 other Fraser Sockeye stocks.

29 Q So, and I think - I haven't got it in front  
30 of me - but I think one of the mandates of  
31 this Commission is to find as a fact the  
32 reasons for the 2009 failure - I'm  
33 paraphrasing. You would support, as a  
34 finding of fact, that the high escapement  
35 levels in the Quesnel led to the substantial  
36 and serious declines of the Quesnel 2009  
37 return...  
38

39 No, I'm afraid I can't speak specifically to  
40 2009.  
41

42 All right. At any rate, [do you] you do say  
43 that delayed density dependence is a likely  
44 cause contributing to the long-term decline  
45 of the Quesnel run?  
46

47 In the Brigitte Dorner and Peterman report?

1 Well, I thought that's what you just said a  
2 minute ago.  
3

4 He says, "Yes." That's one of the passages.  
5 That --

6 MR. WALLACE: Excuse me, Mr. Commissioner. Just a note  
7 that Mr. Harvey has run the clock out.

8 MR. HARVEY: I see. I think -- well, perhaps this is a  
9 good time for a break, because I'm not finished  
10 and Mr. Eidsvik goes next. Perhaps I could cut  
11 into some of his time if he consents.

12 THE COMMISSIONER: All right.

13 THE REGISTRAR: The hearing will now recess for 15  
14 minutes.  
15

16 (PROCEEDINGS ADJOURNED FOR MORNING RECESS)  
17 (PROCEEDINGS RECONVENED)  
18

19 THE REGISTRAR: Order. The hearing is now resumed.

20 MR. WALLACE: Mr. Commissioner, for the record, because  
21 Mr. Harvey began referring to some transcript  
22 references, Commission Counsel provided Dr.  
23 Riddell with the transcript in the same context  
24 that surrounded the quote that Mr. Harvey put to  
25 him.

26 MR. HARVEY: Thank you.  
27

28 CROSS-EXAMINATION BY MR. HARVEY, continuing:  
29

30 Q Dr. Riddell, I certainly give you time to comment,  
31 but I would like to go as quickly as I can. Mr.  
32 Eidsvik and I have agreed that I'll leave him what  
33 I can, but he'll permit me to eat into his time,  
34 as it were.

35 We've had Dr. Peterman's evidence, and we've  
36 also had evidence of Jeremy Hume describing the  
37 impacts on the food web of a large number of fry  
38 in the freshwater system, and I expect you're  
39 probably familiar with that.

40 What I would like to ask, unless you have  
41 anything else to comment, Dr. Riddell, on that,  
42 I'd like to ask Mr. Young if you agree, Mr. Young,  
43 that conservation of sockeye must necessarily  
44 include conservation of the food web and the other  
45 elements in the ecosystem that sockeye rely on?

46 MR. YOUNG: Yes, I'd agree with that. If possible, I  
47 wouldn't mind commenting on the topic at hand, as

1 well.

2 Q All right.

3 MR. YOUNG: Yeah, just to say that just with respect to  
4 the over spawning discussion, that my best  
5 interpretation of the information so far is that  
6 there are identifications of density dependent  
7 issues with some Fraser sockeye CUs. I don't know  
8 that it's clearly applied in the same way across  
9 all CUs. I think it's also been fairly well  
10 demonstrated that high escapement levels that do  
11 need density dependence don't actually put that CU  
12 at risk, itself, of a conservation issue or of  
13 extinction. But that I do fully support the idea  
14 of working -- actually, reaching a point where  
15 we're working to maintain all of our CUs at a  
16 target reference point level, and that I look  
17 forward to getting to that place.

18 I just want to also say that exploiting CUs  
19 that are at their target reference point or higher  
20 is something that I think is useful to work  
21 towards as much as we can. Selectivity of our  
22 fisheries is one of the opportunities to do so.

23 I also want to say one other thing,  
24 especially within the context of ecosystems and  
25 benefits to ecosystems, although yes, there can be  
26 some density dependent effects at high escapement  
27 levels potentially for some CUs, there's also some  
28 ecosystem benefits to those high levels of  
29 abundance as well. It's a strong nutrient input  
30 or else it provides some adaptive and selection  
31 opportunities for the sockeye, themselves.

32 Q Mr. Young, do you accept that there are any  
33 benefits at all to cropping sockeye, any benefits  
34 to the population?

35 MR. YOUNG: Well, firstly, I'm going to have to accept  
36 the term "cropping". I'm not sure exactly how I  
37 want to interpret that. But I would say that for  
38 the -- purely for looking at the short-term  
39 productivity of a CU, clearly there are places for  
40 at least some CUs where a high level of return  
41 reduces the number of spawners produced per --  
42 sorry, recruits per spawner. I think, then, you  
43 could say that there may be some benefits in terms  
44 of maintaining stocks near a target reference  
45 point in terms of producing the most number of  
46 fish available to the fishery from that CU.

47 In terms of the benefit to the actual CU, I'm

1 not sure that I've really seen any evidence that  
2 there's a specific ecosystem or CU benefit in a  
3 sense of -- in a conservation sense, in a sense of  
4 maintaining that CU going forward.

5 Q All right. Dr. Riddell, I'd like to ask you,  
6 finally, about the Wild Salmon Policy, itself, and  
7 this will be -- assist us, I think, in moving into  
8 the next panel. Exhibit 8 is the Wild Salmon  
9 Policy, and with respect to -- and I just wanted  
10 to say, I went looking through it to see, as best  
11 I could, how the upper benchmarks are meant to be  
12 determined and applied. There's a reference on  
13 page 18, this is in the course of Strategy 1, and  
14 I'd like you to explain, if we can bring it up,  
15 it's the upper right-hand quadrant of this, if  
16 that could be -- that's it.

17  
18 As with the lower benchmark, the upper  
19 benchmark will also be determined on a case-  
20 by-case basis depending on the species and  
21 types of information available, and may  
22 apply:

- 23 • A proportion of the number of spawners (S)  
24 estimated necessary to provide maximum  
25 sustainable yield (MSY) on an average  
26 annual basis given existing environmental  
27 conditions.

28  
29 Can you explain that for us?

30 DR. RIDDELL: Yeah, that example came from some work  
31 that had actually been done in Alaska, and you  
32 referred to a type of that analysis in previous  
33 testimonies. As a target, you don't necessarily  
34 have to fix the target at the number of spawners  
35 that would give you a maximum sustained yield.  
36 For example, if you did that, you'd say, "Well, we  
37 want to achieve 100 percent of Smsy." Alaska has  
38 a target acknowledging that there's uncertainty in  
39 the data, and their target is, I believe, down to  
40 80 percent of the Smsy. And so all they're really  
41 acknowledging is that with the uncertainty of the  
42 quality of the data that we deal with, that if  
43 you've got 80 percent of msy or you've 100 percent  
44 of msy, you probably couldn't tell the difference  
45 in subsequent production of the progeny.

46 Q With respect to Alaska, is that for the purpose of  
47 setting their upper reference limit?

1 DR. RIDDELL: They only speak about a target reference.  
2 They have, well, some people argue that it's not  
3 in their constitution, but the state biologist for  
4 fisheries have a requirement to basically achieve  
5 80 percent of their Smsy. Below that, they  
6 actually try to shut down the fishing.

7 Q All right. Is there anything equivalent here in  
8 the sense of giving guidance to the fisheries  
9 managers as to whether they should be operating on  
10 80 percent msy or 100 percent msy or 75 percent or  
11 whatever?

12 DR. RIDDELL: There's nothing in the policy, now,  
13 because that's part of the, as I described a  
14 little bit before the break, that's part of the  
15 management target discussion that should go on in  
16 preparation of the annual fishing plans. I mean,  
17 right now, implicitly it's 100 percent of Smsy,  
18 but that doesn't have to be the case once you have  
19 a fuller discussion on, as you started out, the  
20 biological, the social and the economic  
21 discussions.

22 Q When you say "as it stands now it should be 100  
23 percent," is that the upper benchmark you're  
24 talking about?

25 DR. RIDDELL: Yes, it is.

26 Q But it doesn't say that anywhere in the Wild  
27 Salmon Policy, does it?

28 DR. RIDDELL: It's not in the policy. In the absence  
29 of actually defining the upper benchmark, the, if  
30 you want, the default understanding, now, in  
31 management would be that your management target is  
32 as it has been in the past, the maximum sustained  
33 yield spawners for sockeye.

34 Q Yes.

35 DR. RIDDELL: All right? But that can change as you  
36 define the benchmarks that you just pointed out,  
37 Susan Grant's recent paper, and that has a number  
38 of various benchmarks identified in it.

39 Q Yes. Well, let's, just for the purpose of  
40 argument, take 1.7 million for the Shuswap  
41 capacity that's mentioned in the Grant paper. Is  
42 that what you mean by msy?

43 DR. RIDDELL: Well, you'd have to be careful to compare  
44 it. If you're looking at habitat capacity, that's  
45 frequently a maximum production, right?

46 Q Yes.

47 DR. RIDDELL: If you have very good conditions you can



1 find years where you get higher than that. But  
2 the expected maximum value would be the 1.7  
3 million spawners would fill the habitat, right?  
4 If the analyses that is most commonly done really  
5 is the stock recruitment analysis, using the  
6 Ricker curves, and they may or may not actually  
7 determine the exact same values. So it depends on  
8 what you're really basing the upper benchmark on.  
9 Q Because you can sustain a maximum yield at less  
10 than the carrying capacity determined by Sue Grant  
11 and others, can you not?  
12 DR. RIDDELL: You probably could, within the biological  
13 limits of how many fry could be produced, yes, you  
14 could fill a habitat with less numbers of fish  
15 than required for the Smsy.  
16 MR. HARVEY: Yes, thank you. Those are my questions.  
17 MR. WALLACE: Thank you, Mr. Commissioner. I have 10  
18 minutes remaining for Mr. Eidsvik.  
19 MR. EIDSVIK: Good morning, gentlemen. Good morning,  
20 Mr. Commissioner. Philip Eidsvik for the Area E  
21 Gillnetters and the B.C. Fisheries Coalition.  
22

23 CROSS-EXAMINATION BY MR. EIDSVIK:

24  
25 Q Funding for WSP is an interesting one. About how  
26 many salmon streams are there in the Fraser  
27 Watershed, if you had to guess a number? More  
28 than 100? More than 1,000?  
29 DR. RIDDELL: Sockeye streams? Two hundred and --  
30 Q I'm just saying, "in general".  
31 DR. RIDDELL: In general?  
32 Q Yes. Coho, sockeye, pink, chums?  
33 DR. RIDDELL: I think you would be getting upwards of  
34 500.  
35 Q Upwards of 500. Do we have data on the  
36 escapements so that you could set benchmarks for  
37 those streams?  
38 DR. RIDDELL: Well, part of the policy is that you  
39 don't need to. You need to for looking at  
40 distribution, but you don't need to have hard  
41 numbers in all. You do have numbers in almost all  
42 257 Fraser sockeye streams, because they're very  
43 well known over a very long period of monitoring,  
44 but the conservation units need to have a way of  
45 evaluating the production from all of the streams  
46 within a conservation unit and then it requires  
47 the Department to define a way of evaluating the

1 distribution between the streams.  
2 Q Okay. That helps me a little bit. So let's look  
3 at the Stuart-Takla. I think there's 37 streams.  
4 DR. RIDDELL: Eighty-seven.  
5 Q Eighty-seven streams with spawners more than 100?  
6 DR. RIDDELL: More than 100 spawners?  
7 Q Yeah, per stream. Or are you just saying the 87  
8 streams within --  
9 DR. RIDDELL: Eighty-seven streams is the number of  
10 streams that I know in a number of our assessments  
11 for the Stuart-Takla system for sockeye, and they  
12 will vary widely in the number of spawners. If  
13 you're saying -- I don't honestly know if your  
14 number is correct, if you exclude below 100 or  
15 not.  
16 Q Okay.  
17 DR. RIDDELL: But it's in that range.  
18 Q And you're confident that you've got good data on  
19 a year to year basis for those 87?  
20 DR. RIDDELL: We used to have very good data on a wide  
21 number of those streams, and in recent years I  
22 understand that the number of streams being  
23 surveyed has dropped quite substantially. The  
24 primary spawning streams are being regularly  
25 monitored and they are doing aerial surveys for  
26 the distribution amongst other streams.  
27 Q And this is one of the things that our industry  
28 was interested in, is 87 streams. What happens if  
29 a landslide comes out and wipes out one of the  
30 streams and it wipes out all the stock in a year,  
31 then the ice melts and then you have the stream  
32 opens up again, but you've wiped out the stock in  
33 a one-year basis.  
34 DR. RIDDELL: See, this is the -- well --  
35 Q How do you manage that CU?  
36 DR. RIDDELL: That is not a CU; that is a stream. The  
37 CU concept is designed to address exactly what you  
38 have just described. So there are two CUs in the  
39 Stuart-Takla system, I believe, for run timing  
40 differences. Within that CU we can tell very,  
41 very little difference between many of the stocks,  
42 genetically. And so the value of the CU is if you  
43 do have a landslide, because many of the areas are  
44 locked, right, so we do lose the return spawners  
45 in a particular stream. Once we get a freshet and  
46 we clean up that stream and you get lots of the  
47 dirt transferred to the lake, the populations in

1 the streams around it will eventually allow re-  
2 colonization of the stream to provide productive  
3 habitat again.

4 That is one of the primary reasons for  
5 defining spatial units, called conservation units.

6 Q So you manage by the conservation unit and not by  
7 the streams within the conservation unit?

8 DR. RIDDELL: Absolutely. That's the difference.

9 Q Now, right now we manage by four aggregate stocks;  
10 have I got that correct, in terms of --

11 DR. RIDDELL: Well not quite. People describe it that  
12 way. There are four run-timing groups of multiple  
13 stocks.

14 Q Right.

15 DR. RIDDELL: And where the debate comes in is whether  
16 or not within any run-timing group all stocks  
17 within a run-timing group are given equal  
18 attention, and that tends not to be the case. Of  
19 course, there are very large productive stocks for  
20 the summertime Fraser sockeye. For example, there  
21 are two or three very, very productive  
22 populations, but there are a variety of smaller  
23 ones that, under the Wild Salmon Policy, we'll  
24 have to also monitor to make sure that none of the  
25 CUs are being driven to extinction through  
26 management. That's really the bottom line.

27 Q And perhaps it's a question for tomorrow, but if  
28 you could answer it quickly, I'd be interested:  
29 Given the difficulties we have managing the four  
30 aggregate stocks and some individual stocks  
31 within, how are we going to manage for 39?

32 DR. RIDDELL: I'm sorry, what was that?

33 Q How would we manage for 39 CUs, given the  
34 difficulties we have sometimes with Summer run  
35 interacting with Late run, the Early Stuart  
36 interacting with Early Summer, and so on; how do  
37 you manage for 39?

38 DR. RIDDELL: You're going to manage for 39 the exact  
39 same way you've been managing four. Your  
40 assessment criteria is more spatially resolved,  
41 now. You're not, as I just said, your bottom line  
42 requirement is that you can't directly manage the  
43 conservation unit to extinction.

44 The reason that wording was chosen is  
45 analogous to your description before about a  
46 landslide. We can't look after catastrophic  
47 events, and so you really didn't want to strap

1 yourself into a situation where if you lost  
2 something that you had no control over. But  
3 really what we're talking about, now, and this is  
4 really part of the discussion you're talking about  
5 in the next few days, how do you make these  
6 decisions about how much you fish at what time  
7 during the season and what stocks are limiting the  
8 opportunities to fish within that run-timing.

9 And that will depend largely on absolute size  
10 of the fish within a conservation unit, and the  
11 driving factor, really, will be their  
12 productivity, because the sustainable rate of  
13 harvest in any fishery is driven by the  
14 productivity parameter in a conservation unit,  
15 largely, until it gets very, very small. If it's  
16 very small it just becomes at risk of loss by  
17 random events, even.

18 Q Yes. We know some streams you have highly  
19 productive streams, some are low, even within a  
20 CU. Pitt River, for example, has always been kind  
21 of a tough one, because of the nature of the  
22 gravel and the freshet and everything else,  
23 compared to, say, Harrison or Cultus. That's,  
24 again, you say, "I'm going to treat the CU  
25 differently than that CU"?

26 DR. RIDDELL: Yeah, and that's part of this full  
27 discussion, because we actually can measure -- you  
28 have expectations of how productive a lake is  
29 going to be, using some of the stuff that Mr.  
30 Harvey referred to. We do have a Fraser Lakes  
31 program that is expert in using these productivity  
32 models where you just assess the quality of the  
33 lake ecosystem. That can give you a value of  
34 productivity for that sockeye stock that you can  
35 start from.

36 If a population is depressed or if the  
37 productivity is low, you may do things through  
38 habitat restoration, or you may do things through  
39 a temporary spawning facility to increase the  
40 number of fish.

41 Q What happens, and I know we have some of these  
42 problems not so much in the Fraser but elsewhere  
43 on stocks, where we have sea lions in the mouth of  
44 a river eating our coho stocks; do we shoot the  
45 sea lions?

46 DR. RIDDELL: We have shot the sea -- well, not sea  
47 lions --

1 Q For fish farmers we have, I think.

2 DR. RIDDELL: Yes, maybe. We haven't shot a lot of sea  
3 lions that I'm aware of. We have shot seals.  
4 These are part of the bigger ecosystem. I mean, I  
5 think, now, we're really talking about outside of  
6 our lakes. We definitely have seals in the Lower  
7 River, and that has an impact on some of our  
8 assessment capacities, actually.

9 But when you're talking about seals as a  
10 major source of mortality, now we're talking about  
11 more of our marine ecosystems and other types of  
12 studies.

13 Q Now, I was interested in your comment that some  
14 people in DFO haven't bought into the WSP or have  
15 concerns about it. I'm wondering, where are those  
16 voices?

17 DR. RIDDELL: Well, I mean, I don't --

18 Q I don't see them reflected in the WSP or public  
19 discourse or this Commission. Maybe you can help  
20 me on that one. Where are they?

21 DR. RIDDELL: Well, I think in terms of the  
22 departmental and public discourse, we're past  
23 that. We had achieved this national policy, and  
24 it is their requirement, now, to implement this  
25 policy. I wouldn't want to say, now, that we have  
26 people that are in disagreement or not  
27 implementing, but in the absence of what they see  
28 as additional resources to implement it under --  
29 if they perceive it to be a more difficult task,  
30 then they're certainly not making extra efforts to  
31 do that or something.

32 Q One quick last question, and it was about funding  
33 from NGOs and American foundations and some of the  
34 work, and you thought that on a short term it  
35 didn't matter. Some of the work they're doing  
36 right now is quite long-term, though, isn't it,  
37 advocating for PNCIMA, advocating for WSP and how  
38 it's implemented. Those are long-term objectives?

39 DR. RIDDELL: Yeah, no, I wasn't answering for all --

40 Q Okay.

41 DR. RIDDELL: -- sort of activities. I mean, I think  
42 that an appropriate use, from my perspective, is  
43 where we can use other sources of work to do these  
44 short-term. They can be verified by sort of  
45 typical or public and academic peer review, so we  
46 can evaluate the outcome of the work.

47 Q Okay.

- 1 DR. RIDDELL: But I'm sure that they do have other  
2 agendas and other activities.
- 3 Q Yeah. And my last question, when an NGO sets up a  
4 process, they would pick who attends and who gets  
5 paid, they would pick the scientist that attends  
6 and who gets paid, they would pick what papers to  
7 publish. Isn't it better to have an independent  
8 science authority looking after salmon in British  
9 Columbia, somebody that's not driven by an NGO?  
10 And I can see I'm getting (indiscernible -  
11 overlapping speakers) --
- 12 MR. WALLACE: I was concerned about the way the  
13 question was framed, which included some  
14 hypothesis which he wasn't putting to the witness.  
15 He simply was asking him to accept that --
- 16 MR. EIDSVIK: I'm sorry, Mr. Wallace, I know the point  
17 you're getting at, because I was trying to shorten  
18 my question.
- 19 Q If an NGO runs the process, they get to choose who  
20 comes and attends?
- 21 DR. RIDDELL: Well, ultimately, I suppose you're  
22 correct, but, you know, if you're referring to my  
23 particular case with the Pacific Salmon  
24 Foundation, it's a very wide involvement of people  
25 throughout the Skeena, because we know that if we  
26 eliminate any one group that that's not to our  
27 betterment in the long term. We are trying to  
28 have a totally open and transparent process, as  
29 the policy requires. The objective that the  
30 people involved has set for the Skeena Watershed  
31 Initiative in this sense is to implement the Wild  
32 Salmon Policy and to meet the obligations of the  
33 -- or the conditions of the MSC, so we try to make  
34 sure that everybody who has a stake in this is  
35 involved so that we don't have any stumbling  
36 blocks down the road.
- 37 Q Do you report to the Minister of Fisheries through  
38 parliament?
- 39 DR. RIDDELL: We do not. But any recommendation from  
40 -- will go back to the Department. I mean, it's  
41 an advisory process as the Wild Salmon Policy  
42 describes.
- 43 MR. EIDSVIK: Thank you for your questions (sic).  
44 Thank you, Mr. Commissioner.
- 45 MR. WALLACE: Thank you.
- 46 MS. GAERTNER: Mr. Commissioner, Brenda Gaertner, and  
47 with me, Leah Pence, for the First Nations

1 Coalition. Just for your information,  
2 Commissioner, and for the benefit of the panel, my  
3 questions, which I believe I have 30 minutes to  
4 deliver or engage with you on, are going to be  
5 more strategic in nature. They're not going to be  
6 as specific as we've had. I've got a couple  
7 questions on specific.  
8

9 CROSS-EXAMINATION BY MS. GAERTNER:

10  
11 Q But as we've heard a lot of evidence of, and Dr.  
12 Davis spoke about, some of the challenges  
13 associated with fisheries management towards the  
14 sustainable fish and perhaps sustainable fisheries  
15 is the challenge of managing people, not managing  
16 fish. And you're both nodding on that one.  
17 That's something you're very familiar with.

18 I want to move to some of the challenges  
19 associated with getting people to work together  
20 and the different knowledge basis and all those  
21 types of things and talk about that with you, and  
22 then move into some specific questions around the  
23 implementation of the Wild Salmon Policy.

24 I'm going to start with Exhibit 224. And Mr.  
25 Young, once that gets called up, you'll see that's  
26 a paper that was partly sponsored by the David  
27 Suzuki Foundation, and it's a paper on Knowledge  
28 Integration and Salmon Conservation and  
29 Sustainability Planning. You're familiar with  
30 that paper?

31 MR. YOUNG: Yes, I am.

32 Q And perhaps you could give the Commissioner a  
33 sense of why it was that the David Suzuki  
34 Foundation thought it was important to have a  
35 paper like that produced and made available to the  
36 public and the Department of Fisheries and Oceans?

37 MR. YOUNG: As I mentioned earlier, I think Strategy 4  
38 is a key element of the policy and its  
39 implementation. I also think it was potentially  
40 the most challenging for the -- one of the most  
41 challenging for the Department to fully implement  
42 and required the most input from other groups.

43 We saw an opportunity to try to get some  
44 advice, bring an expert on board, to look at how  
45 best to potentially bring together different  
46 perspectives and stakeholders and interests around  
47 the issue of integrated planning as required under

1 the Wild Salmon Policy. Some of the outputs from  
2 this work really did identify how important it was  
3 to appropriately present information, for example,  
4 ensure that enough technical support was provided  
5 to participants and that information was  
6 communicated and presented in a way that people  
7 understood.

8 Q And you'll agree with me that that's of importance  
9 not only for Strategy 4 but, in fact, for all of  
10 the strategies, given the commitment under the  
11 Wild Salmon Policy to integrate and address things  
12 like First Nations and at the multiple sector  
13 interests, all of those things in the development  
14 of the benchmarks and the setting of conservation  
15 units, it was to be a collaborative effort all the  
16 way from the beginning, correct?

17 MR. YOUNG: Yeah, I would agree, with one just slight  
18 caveat, and that's that with Strategies 1 through  
19 3 there is a very strong technical biological  
20 basis to a lot of that work that could still  
21 integrate traditional knowledge and aboriginal  
22 traditional knowledge, and should, and therefore  
23 requires that sort of communication and  
24 integration. But I just wanted to reiterate the  
25 point that a lot of the core elements of  
26 Strategies 1 through 3 still really depend on  
27 having a strong understanding of the biology and  
28 the nature of the fish.

29 Q Dr. Riddell, is there anything you want to add at  
30 this point of time? I'm going to take Mr. Young  
31 through the paper a bit and then turn to you on a  
32 couple of matters, but just on any of this? Are  
33 you familiar with this paper?

34 DR. RIDDELL: Yes, I am.

35 Q All right.

36 DR. RIDDELL: I don't think I have anything to add  
37 right now, though.

38 Q All right. I want to take you to pages vi through  
39 to xii of the summary, which is ringtail pages 7  
40 through to 13. And maybe I should just back up.  
41 This paper was written by Julie Gardner. Mr.  
42 Young, you're familiar with Julie Gardner?

43 MR. YOUNG: Yes, I am.

44 Q And you're aware that some of her areas of  
45 specialization include marine conservation  
46 protected areas and policy and governance matters  
47 and land use planning issues and community-based



1           stewardship?

2       MR. YOUNG: Yes.

3       Q     And she's also done a fair bit of work in public  
4           participation and collaborative processes and that  
5           her work is used by both NGOs and the Department  
6           of Fisheries and Oceans to provide broader  
7           understandings and ideas as it relates to those  
8           matters?

9       MR. YOUNG: I agree. That's why we commissioned her.

10      Q     And Dr. Riddell, you're also very familiar with  
11           Ms. Gardner's work?

12      DR. RIDDELL: Yes, I am, and we've co-authored a few  
13           papers.

14      Q     All right. I want to turn, then, to those pages  
15           that I've referenced, and starting on page 6 with  
16           the recommendations. Now, she goes through these  
17           recommendations in quite a bit of detail in the  
18           report. I don't have time, today, to take you to  
19           them, and I would suggest that they're definitely  
20           useful for the considerations we have here.

21           But let's start with the first one,  
22           recognizing different knowledge frames and, in  
23           particular, recognizing those without placing them  
24           in a hierarchy. Would you agree with me that one  
25           of the challenges going forward in some of the  
26           implementation of this is that there is a tendency  
27           for scientists to place their information in a  
28           slightly higher hierarchy than some of the local  
29           knowledge and the traditional ecological  
30           knowledge, and that we've got some work going  
31           forward to integrate that in a way in that we're  
32           not always placing hierarchies, but recognizing a  
33           complimentary basis on which this knowledge can be  
34           used and put to work?

35      MR. YOUNG: I would generally agree with that. I think  
36           that there's definitely some nuance to it. I  
37           think often it's not intentional, I think, on  
38           behalf of the scientists. I do think there's a  
39           typical approach that DFO often takes to the way  
40           they present information that could be problematic  
41           for users, and that may be a part of the culture  
42           of that organization. So I think there's a  
43           layered component to that.

44           I would also just like to acknowledge that  
45           the -- a lot of the challenge may also be in terms  
46           of understanding when we're talking about  
47           different -- what types of information we're

1 talking about. So there's a whole -- yeah, and I  
2 think this paper really goes into it in more  
3 detail, a whole number of layers that kind of make  
4 this up, but I do generally agree with your point.  
5 Q And at the bottom of that same page she makes the  
6 suggestion that not all knowledge sources need to  
7 be brought to bear in a multi-party process at  
8 every turn. And would you agree with me that's  
9 also a challenge in implementation? For example,  
10 many of my clients feel because they have been  
11 left of the process before that they have to be  
12 involved at all of the processes, and that we've  
13 really got to get an education process going on to  
14 see how that knowledge can best be used at the  
15 right time, from your own experiences?  
16 MR. YOUNG: Yes, I would agree, and just generally to  
17 add that for this type of integrated planning to  
18 work, clearly all participants have to feel that  
19 they're meaningfully contributing and able to  
20 contribute.  
21 Q And then if we were to jump over the next page,  
22 I'm just going to highlight certain areas and then  
23 we're going to have to move from there, but the  
24 next comment she talks about, which I think is  
25 extremely useful in some of these processes in  
26 determining what information is needed, and she  
27 talks about collaborating early on what  
28 information is needed, and then clearly stating  
29 the problem and the objectives and agreeing on the  
30 indicators and agreeing on the research that would  
31 be required. You'll agree with me that that's  
32 something that she concluded?  
33 MR. YOUNG: I agree with you that that's how she  
34 concluded. I also, personally, think that that's  
35 actually the key, one of the key elements to all  
36 of this.  
37 Q And Dr. Riddell, do you have any comments on this,  
38 as based on your Skeena experience and otherwise,  
39 how important it is to make sure that those are  
40 going to have -- those people that are going to  
41 have to rely on the information are involved early  
42 in determining what information is going to be  
43 needed and what the problems are and how we're  
44 going to measure them and what research we're  
45 going to take?  
46 DR. RIDDELL: Yeah, I would agree. I think one thing  
47 we're maybe missing in here, too, is that there is

1 a time element in the sense that the amount of  
2 effort -- I think something that's holding up the  
3 Skeena Watershed, as a particular example, is we  
4 tend to go up for particular meetings, but there  
5 isn't a regular interaction with some groups,  
6 because some people really need more time to  
7 really understand what we're building on.

8 Q In particular, First Nations need more time often,  
9 don't they? They often need a lot more capacity  
10 and more time to figure out how that type of  
11 technical information is going to influence their  
12 decisions and impact the exercise of their rights;  
13 would you agree with that?

14 DR. RIDDELL: Yes. And I mean, I think that, in  
15 fairness, sometimes we present issues that they  
16 don't agree with, and ultimately we're going to  
17 have to talk that through, and if we don't take  
18 the time to do that I think the outcome is one,  
19 now, that we're finding that they're not  
20 participating, and that's a serious setback for  
21 us, if we lose the participants.

22 Q Then the next topic she turns to is collecting and  
23 processing information, and there I found it  
24 interesting that she talks about throughout the  
25 process the assembly and the use of information,  
26 but then she talked about consider participatory  
27 research and the need to make sure that -- or the  
28 benefits of ensuring that more than one interest  
29 group, or that more than one perspective is used  
30 right from the get-go in doing the research.  
31 Would you agree with me as being a useful approach  
32 to more streamlining the nature of the work that  
33 needs to go on in something as complex as the  
34 implementation of the Wild Salmon Policy?

35 MR. YOUNG: Yes, I'd agree. I think it comes back to  
36 one thing I said about ensuring everyone feels  
37 that they're participating fully and that  
38 everyone's got an equal understanding of what the  
39 challenges, objectives, problems are. I think  
40 that's the way to do that. It also helps build  
41 the trust between the participants.

42 Q Dr. Riddell?

43 DR. RIDDELL: Well, I would agree, with a caveat that  
44 there are different levels of involvement in  
45 research programs. Some of the very technical,  
46 very specialized equipment type of thing, we try  
47 to involve First Nations to the extent we can, but

1 they tend to become -- there's a long learning  
2 process in how to apply some of these things. But  
3 there are other activities where they're the lead  
4 programs, and habitat monitoring, habitat mapping,  
5 some of these groups are quite expert in this,  
6 now. So I agree, but there are different levels  
7 of involvement in many of the examples.

8 Q And would you also agree that time upfront to  
9 understand that division of tasks and how they'll  
10 integrate and how there'll be an iterative of  
11 process between them, so that different  
12 information is all equally used in the process, is  
13 also very useful from the get-go?

14 DR. RIDDELL: I think that your latter point's proven  
15 to be very important, that they are contributing  
16 to the information that is used in moving forward.

17 Q All right, she moves, then, onto her fourth  
18 recommendation, which is providing access to  
19 information in a transparent way and equity in the  
20 access to that information. Now, we've just,  
21 well, you'd agree with me that that's extremely  
22 important, to make sure that the information is  
23 easily accessible as it comes in, that parties  
24 don't seem to hold onto that information until it  
25 serves a particular interest as to when that  
26 information is provided?

27 MR. YOUNG: Yes, I would agree.

28 Q Dr. Riddell?

29 DR. RIDDELL: Well, I agree with the statement, but I,  
30 in all honesty, would have to point out that it's  
31 a two-way street in this case. In the Skeena, in  
32 particular, there are severe limitations we're  
33 encountering, because we're not given the  
34 information back from First Nation groups that  
35 have collected it. I'm sure that we're guilty of  
36 the opposite, as well, but we find that this is  
37 something that is -- there is a proprietary sense  
38 when people collect data, and we need to get by  
39 that in these larger watershed sort of processes.

40 Q I'm going to turn to that because of the  
41 complexities around traditional ecological  
42 knowledge, in a second, and the author does a  
43 pretty good job of outlining some of those  
44 concerns, so let's get to that.

45 Finally, she speaks about addressing  
46 uncertainties and, in particular, she notes that  
47 we can't expect uncertainties to be eliminated by

1 models or otherwise, and that what we really need  
2 to be doing is working towards describing that  
3 uncertainty and sharing the risk assessment roles  
4 around that and making sure we understand the  
5 different perceptions on those risks. That's  
6 pretty straightforward as it comes in terms of  
7 moving forward; is that correct? In both of your  
8 experiences, that's going to be necessary and  
9 useful in the implementation of the Wild Salmon  
10 Policy?

11 MR. YOUNG: Yes, I'd agree.

12 DR. RIDDELL: Yes.

13 Q Now, the next component I found to be useful,  
14 particularly, which is improving communication  
15 across knowledge frames, and I want to take you to  
16 the body of the document on that, and in  
17 particular, let's start with page 24, which is  
18 where she begins to look at aboriginal, local, and  
19 fishermen's knowledge, and she describes the  
20 nature of that knowledge, and then she goes on to  
21 describe the relevance of that knowledge.

22 And then I want you to take specific note of  
23 page 27, where she talks about limitations on the  
24 integration of that knowledge into this work and  
25 some of the challenges associated with that. And  
26 the first is that there's often concerns around  
27 the accuracy and verification that, from a  
28 scientific perspective, you like clear data that's  
29 observed in a particular way, and you like a  
30 standardization and a scale, and that often when  
31 you move between that and traditional ecological  
32 knowledge there's a fair bit of work that needs to  
33 go on to understand the traditional ecological  
34 knowledge.

35 Do you appreciate that dynamic and have you  
36 experienced that dynamic at the tables that you  
37 work at?

38 MR. YOUNG: Yes, definitely.

39 Q Dr. Riddell?

40 DR. RIDDELL: Yes. Although I would say my experience  
41 is more limited than many of the people working  
42 directly in the areas.

43 Q And then she goes on to talk about the challenges  
44 associated with the proprietary nature of the  
45 traditional knowledge and the concerns that First  
46 Nations have around injustices to the holders of  
47 that knowledge, depending on how that's used.

1           Dr. Riddell, you just talked a bit about your  
2 Skeena experience, about how there's a reluctance  
3 sometimes by First Nations to provide that  
4 information, Do you agree that that's partly in  
5 response to how it's going to be used, who's going  
6 to use it, how we're going to see that data used  
7 now, 20 years from now, 15 years from now, that  
8 there's a real trust issue that's going on that  
9 has to be worked out between the different holders  
10 of these different knowledge basis; is that  
11 correct?

12 DR. RIDDELL: I don't think there's any question that  
13 there's a trust element. The particular example I  
14 was referring to probably doesn't even get this  
15 deep into it, though, because we weren't even  
16 talking about aboriginal traditional knowledges.  
17 We were talking about programs that have been  
18 funded by the Skeena Watershed Initiative, and  
19 that the information is not being processed and  
20 returned openly so that the entire group working,  
21 all the parties in the Skeena Watershed  
22 Initiative, can benefit from the investment in the  
23 research, basically. So it's a slightly  
24 different --

25 Q All right.

26 DR. RIDDELL: -- example here.

27 Q All right, then I want to take you to page 29. In  
28 particular, at the bullets under the paragraph  
29 reading:

30  
31           Underappreciation of [traditional local  
32 knowledge] in relation to the science frame  
33 in fisheries management leads to the  
34 following impacts:

35  
36           And there's a list there. Mr. Young, from the  
37 work that you've done at various tables and in  
38 various places, do you agree that those are the  
39 types of concerns that are often raised at tables  
40 when we're integrating knowledge?

41 MR. YOUNG: Yes, I think I have seen this. I'll kind  
42 of add the statement that Brian did as well, that  
43 although I have worked at different tables like  
44 this I don't have extensive experience, but I do  
45 think that these are valid.

46 DR. RIDDELL: Could I just add, I think, in all -- this  
47 is probably true, but I think that people are

1 moving past this. I think that there are examples  
2 where, clearly, the traditional knowledge comes  
3 from long experience living in particular areas  
4 and living with the various animals, and I think  
5 that people are seeing -- there's more of this  
6 comes out, I think there is a learning process on  
7 the side of the sort of western science element,  
8 that there is some meaning behind these and that  
9 they commonly do have good ecosystem-type messages  
10 in them.

11 So there's a learning that goes on once this  
12 comes out as well, and so you will stimulate the  
13 trust going the other way as well.

14 Q Great. That's always good to hear. But I want to  
15 perhaps point out her last recommendation, then,  
16 is what she suggests is that you use structured  
17 approaches for applying that knowledge and be very  
18 clear on how those structured approaches are  
19 implemented.

20 Would you agree that that is one of the ways  
21 in which we're improving the trust, we've actually  
22 -- you developed the models and you develop how  
23 the decision-making processes are going to work,  
24 people see how that knowledge is going to be  
25 applied, they understand that structure and,  
26 therefore, they can, I'm going to say, trust the  
27 structure as distinct from trusting the people,  
28 necessarily, or the interests around the table to  
29 actually ensure that better decisions are going to  
30 be made at the end of the day?

31 DR. RIDDELL: I'm trying to think of how it's unfolding  
32 within my experience. I think what you say is  
33 true, but I think that if you're waiting till the  
34 last moment you're probably minimizing the  
35 potential importance of getting that information  
36 out, is the unfortunate part.

37 Q No, sorry, you misunderstood my question, then.  
38 You wouldn't wait till the last moment; you'd  
39 structure the approach from the beginning --

40 DR. RIDDELL: Oh, okay.

41 Q -- so you know how that knowledge and how that  
42 information will be used and how decisions will be  
43 made based on that, is what her suggestion is.

44 DR. RIDDELL: I don't think there's any question that  
45 that's true, that we definitely have to have more  
46 -- both efficient and effective ways of getting  
47 this information available so we can benefit from

1 it.

2 Q All right. So now I want to go specifically to  
3 the Wild Salmon Policy. And Dr. Davis talked  
4 about the challenges associated with getting past  
5 traditional behaviour and moving into new ways of  
6 doing things. And Dr. Riddell, you were with the  
7 Department for a very long time, and now you're  
8 working for an organization that, as I understood  
9 your evidence yesterday, is working very closely  
10 with local groups and trying to effect real change  
11 on the ground. And that's the difference between  
12 the Department and local groups, is an issue my  
13 clients have been challenged with for a long time.  
14 How do local groups and the work that happens in  
15 local ecosystems or environments actually effect  
16 senior policy decision-making that will make --  
17 that drives the implementation of something like  
18 the Wild Salmon Policy?

19 So I'd like to have your observations on what  
20 we can do to improve behaviours of the Department  
21 of Fisheries and Oceans as it relates to making  
22 local work more effective in policy decisions, in  
23 socioeconomic decisions, in all kinds of decisions  
24 that need to happen under the Wild Salmon Policy.

25 DR. RIDDELL: Well, what you're describing is exactly  
26 why we wanted to include the Strategy 4. In all  
27 the time I was involved with the Department, you  
28 always have the annual time constraint; you must  
29 make decisions to manage the fisheries. And  
30 frequently you were making decisions in the field  
31 that you knew was ripe with conflict.

32 So when we were doing the policy and re-  
33 establishing that you've got to work from the  
34 diversity up, so basically you're working from the  
35 landscape up, we wanted to include the communities  
36 that have the sort of local knowledge and local  
37 understanding about what their long-term needs are  
38 going to be in particular areas, and you really  
39 build from the bottom up.

40 And the Strategy 4 intention is to provide  
41 advice to the Department that represents what  
42 people see in the regions about long-term  
43 aspirations for salmon in a particular area,  
44 what's the rate of logging? We were thinking,  
45 really, a much more holistic environmental advice  
46 to the government. Now, DFO would have to deal  
47 with the salmon, and I think there was a great



1 deal of concern about whether or not the  
2 Department's ever going to take that advice to  
3 heart.

4 But what the wording was trying to present  
5 was a message that the Department would listen to  
6 the advice coming from a consultative process on a  
7 regional basis and that they would take that to  
8 heart within the bounds of, you know, you can't  
9 limit the discretion of the minister, as they say.

10 Q All right. But I want to pick that up. I mean,  
11 you said that that was the words, that's the  
12 policy, but you also just noted that there is  
13 discouragement or at least an open question at the  
14 local level whether this is going to make any  
15 difference at all. And the Commissioner's just  
16 heard two days of the Cultus example, where that  
17 working group and the recovery team expressed very  
18 much exactly that problem.

19 DR. RIDDELL: Yeah.

20 Q All right. So we've got that problem. What do  
21 you recommend, as a way of trying to ensure that  
22 the work that's done at the local level, even at  
23 the regional level, is going to make a difference  
24 when it comes to very difficult socioeconomic  
25 decisions that are going to need to be made as it  
26 relates to the implementation of this policy?

27 DR. RIDDELL: Well, that's sort of the heart of the  
28 question. My experience with the Pacific  
29 Fisheries Resource Conservation Council maybe is  
30 an interesting model. I very much think that some  
31 independent advisory council could aid the  
32 Department in making these hard decisions, in that  
33 is the information that's been acquired and is the  
34 advice coming through credible, does it have  
35 strong technical basis, does it have the community  
36 support. And I think we might actually look at a  
37 -- in the past there's also been the Ministry's  
38 Advisory Council for Fisheries.

39 An independent council that maybe is like the  
40 Pacific Fisheries, the PFRCC, that could give  
41 advice back to the Department, could go a long way  
42 to strengthening the advice that goes forward to  
43 Ottawa. And if it had a stronger and broader  
44 consensus then it probably has a stronger  
45 opportunity to succeed.

46 Q Would you also need a commitment by government to  
47 actually take those recommendations to heart and

1           would you suggest that that be something that  
2           either be statutorily or policy firm by some  
3           either policy or statutory commitment to such an  
4           independent body?

5       DR. RIDDELL: I don't think I could go as far as to say  
6       statutory in the sense that we definitely ran up  
7       against the issue of fettering the discretion of  
8       government, but I don't think there's any question  
9       that there should be some obligation to consult on  
10      this and to take that advice to heart. If you  
11      don't do that, I don't think you can make these  
12      independent councils work very long. They will  
13      have to grapple with very difficult decisions, and  
14      if they're going to put that time and effort in,  
15      then there should be due consideration of that  
16      advice.

17     Q       And would you agree with me that given where we  
18     are with the implementation of the Wild Salmon  
19     Policy, that we're also going to need a commitment  
20     from government that they're actually serious  
21     about implementing this and that they need to  
22     start showing that commitment on the ground by  
23     doing things?

24     DR. RIDDELL: Well, I don't think there's any question  
25     that government's committed to doing it. I think,  
26     as I said yesterday, a stronger commitment to  
27     really bring this to fruition over the next couple  
28     of years I think is really due. I'm quite  
29     concerned if we continue to go along without  
30     making progress and actually showing benefits to  
31     some of the discussions like we had this morning,  
32     that people will lose interest and they will not  
33     believe that the policy has any strength.

34             So I think there really is an issue that we  
35     have to do. And there are benefits from doing it.  
36     I just find this very hard to understand, talking  
37     to various groups, that the fishing industry, in  
38     particular, here, has worked quite hard to get the  
39     sockeye certification. There were a strong set of  
40     conditions, and now we're discussing the pink  
41     certifications, and much of it relies on  
42     implementing the Wild Salmon Policy and better  
43     monitoring of the condition of the salmon  
44     resource.

45             So those are very strong benefits that we  
46     could get by succeeding in implementing this  
47     policy.

1 Q And you'll agree with me that it will be critical  
2 to have a strong and clear voice from aboriginal  
3 people on such an independent group --

4 DR. RIDDELL: I would think.

5 Q -- without such we won't be able to actually  
6 implement this in a meaningful way?

7 DR. RIDDELL: Yes, I don't think there's any question  
8 the way the treaties are evolving through time,  
9 maybe not as quickly as desired, but there's no  
10 question that in the future you'll have to have  
11 full representation through the First Nations in  
12 some way.

13 Q We won't have to wait till treaty, we need that  
14 now; is that correct?

15 DR. RIDDELL: Well, hopefully, yes.

16 Q Mr. Young, I didn't mean to keep you out of this  
17 conversation. I know I'm going to have a little  
18 bit more time with you in the next panel. Is  
19 there anything you'd like to specifically respond  
20 to, at this point in time?

21 MR. YOUNG: I generally agree with what's been said. I  
22 just wanted to emphasize two key elements. One,  
23 is that, yeah, the commitment and the  
24 implementation of the policy is one of the key  
25 elements I think we need to pursue to get this  
26 done, and, yes, Strategy 4 is one of the ways we  
27 viewed linking the local and independent  
28 components with upper levels within DFO, and if  
29 that needs to be done.

30 In terms of the responsibilities or  
31 empowering of independent groups, whether it's  
32 scientists within the department, or whether it's  
33 an independent integrated planning body, at  
34 minimum what we need is greater transparency of  
35 what recommendations and information they're  
36 providing to the Department.

37 So using the Cultus example from the last  
38 couple of days, one element that I think would  
39 have at least improved that situation more was the  
40 opportunity for that Cultus Recovery Team to make  
41 their recommendations known in public and that,  
42 therefore, the government would have to be much  
43 clear about why they're making the decision they  
44 are and how it is counter to the recommendations  
45 of that team.

46 Q If you take that example right there, it would be  
47 extremely useful if there was also a significant

1 strategic oversight committee that was aware of  
2 those recommendations and had a direct line to  
3 people in Ottawa who are responsible to listening  
4 to them?

5 MR. YOUNG: Yes.

6 Q All right. I have very little time and I have  
7 quite a bit of things that I still had hoped to  
8 cover with you, so I'm going to just ask some  
9 broad questions and see if I can get done in five  
10 minutes. I understand there's at least one  
11 question in re-direct.

12 One of the concerns that my clients often  
13 have, and I definitely get it as I'm sitting in  
14 this room, is that we talk about ecosystem-based  
15 management, it's a great phrase, and yet when I  
16 look at the Wild Salmon Policy, what we're doing  
17 is that in order to implement we're dissecting  
18 everything again. We're dissecting conservation  
19 units, we're dissecting benchmarks. I'm not  
20 saying there's anything wrong with that in terms  
21 of implementation, but what I wanted to ask you  
22 is: How are we going to take a multi-species  
23 ecosystem approach to wild salmon management?  
24 What are we going to do or what should we be  
25 looking at? I mean, I get Strategy 4, but that  
26 Strategy 4 isn't ecosystem-based management. I  
27 need to understand what your thoughts are on how  
28 we're really, truly, going to get to a holistic  
29 approach to multi-species management.

30 MR. YOUNG: I can't answer the question fully, but I  
31 would say that it's my view, and I think it's  
32 implicit, or actually explicit, within the policy  
33 that having the full range of information that the  
34 Wild Salmon Policy is supposed to provide would  
35 take us a long way there. So having a clear  
36 identification of the conservation units, their  
37 benchmarks, their status relative to the  
38 benchmarks, and an understanding of the habitat  
39 status around them for each of the species lined  
40 up and available for these integrated planning  
41 bodies to then go through and say, "Okay, we've  
42 got these CUs of concern, these habitat issues of  
43 concern," I think that's going to be a much better  
44 place to be able to identify objectives for these  
45 groups, for example, to come to a common  
46 understanding around what priorities might be.  
47 And with all that information together at least in

1 a place where we've got a much more comprehensive  
2 set of information that we're working from that's  
3 at least closer to a broader kind of ecosystem  
4 perspective.

5 Q Can I just follow up with you, Mr. Young, on that,  
6 and don't forget your thought there, Dr. Riddell,  
7 I want to go there. Just on that habitat issue,  
8 on April 4th and 5th the Commissioner heard a fair  
9 bit of information about the Environmental Process  
10 Modernization Plan. You're familiar with that,  
11 Mr. Young?

12 MR. YOUNG: Yes, I am.

13 Q Do you have concerns with how that implementation  
14 of that plan is going to effect the ability to do  
15 habitat status reports and the collection of the  
16 information that's going to be necessary for  
17 habitat status reports?

18 MR. YOUNG: Well, I guess connected in my understanding  
19 to the EPMP is potentially reduction in habitat  
20 monitoring and staff, and so that would create  
21 that challenge. I think it also potentially  
22 creates the challenge where there's ultimately  
23 less influence and control by DFO in a way that  
24 may ultimately limit the ability to use the  
25 habitat status information for the WSP to  
26 proactively influence or have effect on the  
27 environmental assessment planning process as well  
28 as the enforcement side of the equation.

29 Q Thank you. Dr. Riddell, back to my earlier  
30 question around ecosystem management and the  
31 challenges of implementing a holistic approach  
32 when we're dissecting the system?

33 DR. RIDDELL: The point I was going to make in Strategy  
34 3 is I think you should think of ecosystem-based  
35 management as both sort of within the conservation  
36 unit and part of Strategy 4. For example, we were  
37 talking about Quesnel Lake sockeye recently in the  
38 cross-examination here, and there are ecosystem  
39 issues there in terms of effects on rainbow trout  
40 and kokanee and so on. There are provincial  
41 interests that had conflict with how many sockeye  
42 salmon were there. So that's an example where  
43 there is an ecosystem-based issue you want to look  
44 at within Quesnel Lake.

45 But the example that we use on the other side  
46 is you need to have the sort of bigger picture  
47 look of the ecosystem issues. They're not all

1 specific to a single CU, and I would go back to  
2 explaining the loss of sockeye in 2009. And the  
3 reason for that is a lot of that, we think, is  
4 likely occurring in the marine environment, right?  
5 So what is currently limiting production of salmon  
6 from the Fraser in the Strait of Georgia and in  
7 coastal ecosystems, all right?

8 There's extremely little work that has been  
9 done at the grassroots of the Strait of Georgia  
10 ecosystem. There's been nothing done,  
11 essentially, on forage fish, other than herring.  
12 There's been nothing done on why the marine plan  
13 and algae have changed so much in the last 20  
14 years.

15 So there's an extraordinary amount of work  
16 that needs to be done in the bigger ecosystem  
17 issues, and that can then bolster how we can  
18 proceed to manager Fraser wild salmon down the  
19 future. Plus, there's the ecosystem issues of  
20 hatchery-wild interactions.

21 Q All right. So just picking up one more thing on  
22 the role of habitat and how we're looking at  
23 habitat to improve ecosystem management, Dr.  
24 Riddell, yesterday you used the words "different  
25 levels of monitoring" and "tiered monitoring"  
26 approach or structure, and I didn't know what you  
27 meant, and I don't know if the Commissioner knew  
28 what you meant, but I didn't know what you meant.  
29 I wonder if you could explain that?

30 DR. RIDDELL: In Strategy 1, in the Wild Salmon Policy  
31 that you have up there, and I'm sorry, I don't  
32 know the page off by hand, there was a reference  
33 in there to levels of monitoring for salmon. We  
34 talk about indicator stocks and that we have  
35 extensive indicators and intensive indicators.  
36 And the reason for this is that the indicator  
37 stocks are specific streams and species that are  
38 monitored very, very carefully, so fences to count  
39 fish in, tagging of juveniles out so you can  
40 measure marine survival. You can't afford to do  
41 that widely, but that's the indicator standard.  
42 That's the sort of top of the tier.

43 Intensive sampling is a distributed number of  
44 streams with a regularized annual survey that's  
45 conducted as first priority of expense in that  
46 area, and you use that more for things like pink  
47 and chum salmon, they're more widely distributed.

1                   Because there are many areas where there are  
2 hundreds of these streams, you can't do that  
3 intensive survey every year, all the time, and so  
4 the extensive, then, is we'll likely cover them by  
5 airplanes and helicopters, because what you're  
6 looking for is the distribution of fish through  
7 the habitat, you're looking for new blockages you  
8 didn't know about, you're looking for developments  
9 that are maybe impeding or losing estuary habitat  
10 that you're not aware of, right?

11                   And so it's the levels of information you get  
12 and if you have to cover huge areas, then you need  
13 to focus it down and really optimize the money you  
14 have to get the best data.

15 Q               All right. Thank you very much. I do have two  
16 more questions, Mr. Commissioner, if I may?  
17 They're --

18 MR. WALLACE: Mr. Commissioner, I have one question in  
19 re-examination, so it'll run us a bit over the  
20 12:30.

21 MS. GAERTNER:

22 Q               So my first of two questions is to specifically  
23 look at what type of recommendations might assist  
24 in implementing the Wild Salmon Policy in  
25 fisheries management decisions, and specifically I  
26 wonder if, Dr. Riddell, you could comment on  
27 whether it would be useful, as a recommendation  
28 from this Commission that we make strong efforts  
29 to move out of aggregate management at both the  
30 Pacific Salmon Treaty level, at the Fraser River  
31 Panel level, and at the IFMP level to assist in  
32 the implementation of the Wild Salmon Policy?

33 DR. RIDDELL: I'm sorry to delay, but I'm not sure I  
34 understand what you're -- you're saying to move  
35 away from aggregates?

36 Q               Aggregate management. So we're looking at  
37 aggregates of the Fraser River Panel, we're still  
38 looking at aggregates as it relates to the IFMP.  
39 If we're actually trying to move fisheries --

40 DR. RIDDELL: Yeah.

41 Q               -- would you agree that as a recommendation we  
42 should be moving out of those aggregates and  
43 moving directly into conservation units'  
44 management at that level?

45 DR. RIDDELL: You should be doing the assessments at  
46 the conservation unit, but it's not practical to  
47 avoid fishing on the aggregate. The fishing on

1 the aggregate really is a matter of how hard you  
2 fish, and so if there's a mixed stock aggregate  
3 with a population that is going to limit access,  
4 then the fisheries shouldn't be barring these  
5 broader discussions about time of recovery and so  
6 on under Strategy 4. That's going to limit how  
7 hard you fish in the aggregate.

8 But it's really not possible, in the marine  
9 environment, to avoid fishing on aggregates  
10 totally.

11 Q I'm talking about -- I won't do follow-up  
12 questions, because I want -- do you have anything  
13 to add on that specific topic, Mr. Young?

14 MR. YOUNG: I would say that, generally, yes, there is  
15 some need to move away from aggregate management.  
16 I think, though, that there is opportunities to  
17 manage at aggregates, but that the Wild Salmon  
18 Policy really does require us, firstly, to review  
19 whether we're appropriately using aggregates, that  
20 the component CU is in an aggregate, or adequately  
21 similar so that fishing pressure at the aggregate  
22 level can be said to be the same across those CUs,  
23 and that if we are fishing at an aggregate level  
24 or in a mixed stock area, that we're clearly  
25 fishing at a level that is adequately protecting  
26 the component CU. So, for example, at  
27 exploitation rates low enough to support the  
28 recovery of a CU in the red zone.

29 Q I suppose, gentlemen, I'm going to need to ask  
30 this follow-up question, and I know that's going  
31 to annoy Mr. Wallace, but the issue that I have,  
32 or the question that I have is: You're jumping to  
33 the outcome of the management decision, i.e. What  
34 fisheries are going to be opened or not. But  
35 before we get that, we need the collection of  
36 data, we need to understand the implications of  
37 decisions, we need to consider the risks  
38 associated with those decisions, we need to gather  
39 that information and have all of that information  
40 available to those that are making decisions. And  
41 if we're still doing that at the aggregate,  
42 they're not considering the implications at a  
43 conservation unit; you'd agree with me on that?

44 DR. RIDDELL: Well, I mean, they should not be doing  
45 that at the aggregate, if that was the question.  
46 That dialogue is to be conducted at the  
47 conservation unit, and that is why you have to



1 have the dialogue of Strategy 4, and you have to  
2 have the methods developed so you can look at the  
3 consequences of fishing on aggregates at different  
4 levels, because the component conservation units  
5 will respond differently to different fishing  
6 pressures.

7 Q And that's going to be necessary at the Fraser  
8 River Panel level, as well as the IFMP level; is  
9 that correct?

10 DR. RIDDELL: Well, I mean, I think sequencing, of  
11 course, is that it's going to come through the  
12 IFMP within the constraints of the Pacific Salmon  
13 Treaty and that it has to be, you know, the  
14 opportunities within the IFMP are limited by how  
15 much you have to provide to the Americans. So  
16 they sort of go hand-in-hand. It's not one or the  
17 other.

18 Q Thank you. My last question is a question of  
19 clarification. Yesterday, in your evidence, Dr.  
20 Riddell, you talked about 2.5 million per year for  
21 two years as the necessary first step in funding.  
22 Mr. Young, you talked about three million per year  
23 for five years. And yet, in the paper that your  
24 counsel took you to, today, you had five million  
25 dollars for five years.

26 Two questions: Does any of these costs or  
27 suggestions for costs in any way consider the  
28 First Nation processes and the development of  
29 capacity that will be necessary to participate in  
30 this material, or are you talking about DFO costs  
31 for DFO's work in these matters?

32 DR. RIDDELL: Well, I can only speak for myself, but I  
33 came up with that number because of talking to  
34 other people about substantially putting together  
35 a very concerted and short-term effort to  
36 implement the Strategies 1, 2, 3, or at least aid  
37 the department in making substantial progress, and  
38 there would be involvement of First Nation peoples  
39 with that. I'm thinking very much more at kind of  
40 a technical level. But there are a number of  
41 people working with First Nations that provide the  
42 sort of feedback from, if you want, the western  
43 science down to the sort of more local involvement  
44 and understanding. So that could all be covered  
45 within it.

46 But it would be a few people with the  
47 resources that you could get a really focused

1 effort to get all this together, so you can have  
2 these discussions that you talked about in terms  
3 of how do you manage the aggregates.

4 Q Mr. Young, the difference between your  
5 recommendation of five million dollars per year  
6 for five years to three million dollars; could you  
7 explain that?

8 MR. YOUNG: So I think the three million dollars really  
9 was close to what Brian was just describing,  
10 ensuring that the core capacity within the  
11 Department was there, that some of that money was  
12 also probably necessary to facilitate, for  
13 example, the creation of some of these integrated  
14 planning bodies, including potentially technical  
15 support of those bodies and some flow through for  
16 participation.

17 The difference between three and five is  
18 likely kind of more of a recognition of all the  
19 other pieces that are going to be necessary, so,  
20 for example, the likely increased funding needed  
21 to support stock status and habitat monitoring,  
22 and potentially, ultimately, to support the full  
23 range of activities that would be necessary to  
24 participate in integrated planning, including by  
25 First Nations.

26 MS. GAERTNER: Thank you, Mr. Commissioner, I don't  
27 think I can take anymore time.

28 THE COMMISSIONER: Thank you very much.

29 MR. WALLACE: Mr. Commissioner, Ms. Gaertner's last  
30 question was my re-examination question, so I have  
31 no further re-exam.

32 THE COMMISSIONER: Thank you very much. We're  
33 adjourned, then, until two o'clock? I'm sorry,  
34 Mr. Wallace, and I'm also sorry to the reporter, I  
35 didn't have my microphone on. I take it that  
36 concludes the evidence of Mr. Young and Dr.  
37 Riddell?

38 MR. WALLACE: It does.

39 THE COMMISSIONER: I want to thank them both, not only  
40 for the last day and a half of their testimony,  
41 but also for the fact that they were willing to  
42 come here on more than just this occasion to  
43 provide this Commission with the benefit of their  
44 knowledge and to answer the questions of counsel.  
45 Thank you very much.

46 MR. WALLACE: You're not quite through with --

47 THE COMMISSIONER: I think Mr. Young is coming back on

61  
PANEL NO. 39  
In chief by Mr. Wallace

1 another panel. But I'll thank him after that's  
2 over, Mr. Wallace.

3 THE REGISTRAR: The hearing is now adjourned until  
4 2:00 p.m.

5  
6 (PROCEEDINGS ADJOURNED FOR NOON RECESS)  
7 (PROCEEDINGS RECONVENED)

8  
9 THE REGISTRAR: The hearing is now resumed.

10  
11 PAUL RYALL, recalled.

12  
13 MARK SAUNDERS, recalled.

14  
15 ROB MORLEY, recalled.

16  
17 JEFFERY YOUNG, recalled.

18  
19 MR. WALLACE: Good afternoon, Commissioner Cohen. For  
20 the record, Brian Wallace, Commission counsel, and  
21 Lara Tessaro is with me.

22 Mr. Commissioner, this afternoon we start  
23 with a panel on Strategy 4 under the Wild Salmon  
24 Policy, Integrated Strategic Planning. We have  
25 four members of the panel, all of whom have  
26 testified before. But just for the record, Paul  
27 Ryall is here, he is the Lead of the Salmon Team  
28 at DFO. His c.v. is Exhibit 365, for the record.  
29 Also from DFO we have Mark Saunders, who is the  
30 Manager of SAFE, I think -- is that correct? His  
31 c.v. is marked as Exhibit 180. Rob Morley is  
32 here, he is Vice President of Canadian Fishing  
33 Company and a member of the Fraser River Panel.  
34 He wins for having had his c.v. around the  
35 longest. His is Exhibit 7. And also back this  
36 afternoon we have Jeffery Young, who we heard from  
37 earlier today and yesterday, from the David Suzuki  
38 Foundation, and his c.v. was marked as Exhibit  
39 423.

40  
41 EXAMINATION IN CHIEF BY MR. WALLACE:

42  
43 Q I wonder, gentlemen, if I could just very briefly  
44 ask you each to describe your --

45 MR. TIMBERG: Mr. Wallace, I'm sorry to interrupt you.  
46 Just for clarification on the record, I believe  
47 that Paul Ryall is no longer the Lead of the

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1 Salmon Team. He stepped down approximately two  
2 years ago, and that Jeff Grout is the present Lead  
3 of the Salmon Team; is that correct?  
4 MR. RYALL: Well, we're constantly under reorganization  
5 in our Department, so I am back in the Lead of the  
6 Salmon Team.  
7 MR. TIMBERG: You can't win.  
8 THE COMMISSIONER: And I'm still Commissioner, Mr.  
9 Timberg.  
10 MR. RYALL: But the reason that Tim didn't know that is  
11 because I didn't tell him, and that is really  
12 relatively recently.  
13 MR. WALLACE: That interjection did remind me, though,  
14 that I should say also for the record that all  
15 these gentlemen have been reminded that their  
16 affirmations from their previous appearances are  
17 still in effect.  
18 Q So, perhaps starting with you, Mr. Ryall, I am  
19 seeking a very brief description of your  
20 experience with the Strategy 4 of the Wild Salmon  
21 Policy.  
22 MR. RYALL: My experience with the Wild Salmon Policy,  
23 I guess, started back in 2004/2005 when the Policy  
24 in 2004 was still being developed. I had some  
25 role in its development. I wasn't playing a day-  
26 to-day activity in its development, but I was  
27 working in Fish Management at that time and I was  
28 Lead of the Salmon Team and was inputting. And we  
29 also had a member from Fish Management that was on  
30 the team, Sandy Fraser, and so there was a lot of  
31 conversations between Sandy and I, and others on  
32 the team about what we were looking for in the  
33 Wild Salmon Policy.  
34 Since that time I have been involved in  
35 implementation of the Wild Salmon Policy as far as  
36 Strategy 4 goes in a variety of ways. One was a  
37 program known as FRSSI, Fraser River Sockeye  
38 Spawning Initiative. I also was involved in the  
39 Barkley Sound pilot, as well.  
40 So my involvement has spanned from, I guess,  
41 2004 up to about 2009.  
42 Q Thank you, Mr. Ryall. The same question for you,  
43 Mr. Saunders.  
44 MR. SAUNDERS: Yes, Mr. Commissioner. My involvement  
45 in the Wild Salmon Policy, and in particular  
46 Strategy 4, goes back to 2003, when I started with  
47 an assignment with Policy Branch within Department

1 of Fisheries and Oceans to work as a coordinator  
2 on the development of the Wild Salmon Policy. So  
3 it was I was part of the team that was building  
4 the Policy. And I think the Strategy 4, the  
5 Integrated Planning piece, was one area that I had  
6 a very active hand in. Sandy Fraser was a large  
7 part of that, as was Jay Hartling, who is no  
8 longer with the Department, who had considerable  
9 experience and was heading up the Consultation  
10 Secretariat. So the principles and a lot of the  
11 approaches that were put forward around Strategy 4  
12 were a lot of her thinking, and others that had  
13 gone before. But it was one area where I had an  
14 active role.

15 And as I move forward on the implementation,  
16 despite being away for several years, it's still  
17 an area that I remain very active in and committed  
18 to as I see a critical part of the implementation.  
19 And I have a specific interest in the  
20 Science/Management interface, and the role, how  
21 Science's role needs to evolve as we go into these  
22 collaborative processes. So I think I have a  
23 pretty active involvement in Strategy 4.

24 Q Thank you. Mr. Morley?

25 MR. MORLEY: Mr. Commissioner, I think perhaps  
26 Commission counsel's reference to the length of my  
27 c.v. being around was some crack about the fact  
28 that I'm the oldest member of the panel. But my  
29 involvement in the Wild Salmon Policy Strategy 4,  
30 other than being one of the stakeholders  
31 commenting on the development of the Policy, like  
32 many others, my direct involvement has really been  
33 through participating in what the Department has  
34 referred to as the sort of pilot implementation of  
35 Strategy 4 in two areas, one being as a member of  
36 the Skeena Watershed Initiative since its  
37 inception, and the other one being as part of the  
38 FRSSI process, and my experience in dealing with  
39 Strategy 4 in both those areas.

40 Q Thank you. Mr. Young?

41 MR. YOUNG: I'd say I've been involved with work  
42 related to the Policy since 2005, including just  
43 prior to its release. Early on we identified the  
44 -- our view was that the importance of Strategy 4  
45 was quite high, and that we emphasized that as a  
46 key element of getting implementation completed.  
47 As a result, we provided a couple of reports that

1           tried to look at practical means and ways of  
2           implementing Strategy 4. I've also been fairly  
3           involved with a range of different consultations,  
4           stakeholder discussions and meetings with DFO  
5           around the Policy and Strategy 4.

6           Q    Thank you. I wonder, Mr. Lunn, if I could have  
7           Exhibit 8 on the screen, please, and particularly  
8           page 24. Just a little grounding context for the  
9           questions that will follow, I just want to record  
10          the Strategy 4 in the Wild Salmon Policy, and in  
11          particular that it is stated in the first sentence  
12          that it is to follow the life cycle of the salmon  
13          throughout. And then partway down the page it, I  
14          think, has a pretty succinct summary of how it  
15          works. I'll just read that:

16  
17                   Strategies 1, 2 and 3 will provide  
18                   information on the --

19  
20           - this is in the middle of the paragraph on the  
21           screen -

22  
23                   -- status of the CUs, their habitat and the  
24                   ecosystem as inputs to the planning process.  
25                   However, strategic plans need to integrate  
26                   this information and:

- 27  
28                   • Specify long-term biological targets for  
29                   CUs and groups of CUs that ensure  
30                   conservation and sustainable use;  
31                   • Identify recommended resource management  
32                   actions to protect or restore Pacific  
33                   salmon, their habitats, and ecosystems  
34                   in order to achieve these targets; and  
35                   • Establish timeframes and priorities for  
36                   actions.

37  
38           And that I take to be the nub of what Strategy 4  
39           is intended to do.

40           It's divided into two steps, the first being  
41           Action Step 4.1, described on page 25, being for  
42           the establishment of an interim process, and 4.2,  
43           development of a new integrated planning structure  
44           for the long term. And it's in that context I  
45           just wanted to set that out.

46           If I may go to the heading "Action Step 4.1"  
47           on page 25:

1                   Action Step 4.1:  
2

3                   Implement an interim process for management  
4                   of priority CUs.  
5

6                   The identification of priority CUs is an issue  
7                   which has come up, and I'd like to just refer, and  
8                   I have a couple of questions relating to the  
9                   identification of priority CUs. And for that  
10                  purpose, I would take you, please, Mr.  
11                  Commissioner and witnesses, to the middle of page  
12                  26. The paragraph starting "Interim procedures  
13                  will build on". So this is how the narrative that  
14                  relates to Strategy 4.1, as I read it:  
15

16                  Interim procedures will build on and expand  
17                  the approach now used to develop IFMP's for  
18                  salmon. The biological status of a CU or  
19                  group of CUs vulnerable to fisheries in an  
20                  area will be reviewed. CUs in the Red zone  
21                  and those that could significantly limit  
22                  fishing and other activities will be  
23                  identified as management priorities. The  
24                  protection and restoration of these CUs will  
25                  be primary drivers for harvest, habitat, and  
26                  enhancement planning.  
27

28                  So my question is whether there has yet been any  
29                  priority CU identified. Mr. Saunders?

30                  MR. SAUNDERS: Mr. Commissioner, I think the notion of  
31                  priorities, conservation units, is two ways to  
32                  approach this. To ask us if they have been  
33                  identified specifically in the context of the WSP  
34                  as it states, will identify priority CUs. I would  
35                  say that work has been done on several occasions  
36                  to bring forward to our Operations Committee and  
37                  senior managers an approach to identifying  
38                  priority conservation units. And I would say that  
39                  specific activity, as indicated in the Policy, has  
40                  not been done or taken through to final  
41                  completion.  
42

43                  What has been done, though, is the Department  
44                  does recognize in the development of its  
45                  Integrated Fisheries Management Plans and longer-  
46                  term plans, research and otherwise, takes into  
47                  account stocks of concern that are identified  
                  through another vehicle called the Outlook. And

1           so stocks of concern receive specific attention,  
2           and detailed actions to deal with those  
3           conservation issues articulated in the IFMP.  
4           So do we prioritize work and actions related  
5           to CUs? Yes, we do. Have we specifically  
6           identified priority CUs as identified in the  
7           Policy? No, we have not.

8           Q    I take it it's your intention to do so?

9           MR. SAUNDERS: Yes, absolutely.

10          Q    And I wonder if you could advise, Mr. Saunders,  
11                what criteria, in your view, should be used to  
12                identify or determine priority CUs?

13          MR. SAUNDERS: Yes, Mr. Commissioner. I'd also ask my  
14                colleague, Mr. Ryall. He may wish to comment on  
15                this, as well. But there are, and I certainly  
16                don't have the exhaustive list of some of the  
17                items that we've considered on priority. But  
18                certainly conservation status would be one of the  
19                indicators that we would be looking at driving  
20                priority. But there would also be a wide range of  
21                social and economic considerations, importance to  
22                commercial, recreational and First Nations  
23                fisheries, a more general importance to First  
24                Nations cultural needs, and there are a number, I  
25                think, probably a number of other factors that  
26                escape me right now, but a lot of different  
27                factors that would roll into determining a  
28                priority conservation unit.

29          Q    Mr. Ryall?

30          MR. RYALL: Yeah, well, I would add, as well, when we  
31                were looking at some possibilities for identifying  
32                priority CUs, some of the consideration criteria  
33                were also international impacts, was one of the  
34                other ones that I recall. As well, also the scale  
35                and the scope of the particular CU. Meaning by  
36                that, how large it might be, of what importance it  
37                might be to First Nations, what importance it  
38                might be to commercial and recreational, were some  
39                of the other criteria that we were looking at as  
40                far as identifying priority CUs.

41                So, you know, you can categorize the  
42                priorities into the biological, which would be the  
43                status, whether they were in the Red zone, for  
44                example, and also looking at some of these other  
45                impacts. So those were some of the criteria that  
46                we were looking at.

47          Q    Mr. Young, do you agree with those criteria?



1 MR. YOUNG: Partly. I think I interpret the Policy  
2 and particularly the section up here to suggest  
3 that any CU identified to be in the Red zone must  
4 be a priority CU. I think there is potential for  
5 there to be additional CUs to be considered, based  
6 on some of those other factors, but that  
7 ultimately CUs in the Red zone, as a result of  
8 being in the Red zone automatically are priority  
9 CUs.

10 Q Thank you. Mr. Morley?

11 MR. MORLEY: I don't have anything to add.

12 Q Thank you. Now, Mr. Saunders, I wonder if we  
13 could go back to 2006, and if I could take you to  
14 Tab 1, Mr. Lunn, of the Commission's authorities.  
15 This is an email from you, and scrolling through  
16 it, you appear to be here identifying a number of  
17 priority CUs in 2006. I wonder if you could just  
18 describe for us that exercise and what happened to  
19 it. So back in 2006 it looked as though you were  
20 beginning to describe priority CUs, and yet today  
21 you can't say that they have been identified.

22 MR. SAUNDERS: Yes, Mr. Commissioner. I don't  
23 recognize, or -- I remember going through several  
24 exercises on priority, development of priority  
25 conservation units. I don't recall this  
26 particular exchange. About all I can say is that  
27 we brought forward a number of proposals on how we  
28 might identify priority conservation units and  
29 were never able to land on a satisfactory  
30 methodology that got senior management approval.

31 Q Okay. And this was reflective of an early attempt  
32 at your trying to get the process going in 2006?

33 MR. SAUNDERS: I believe that's the case, yes.

34 MR. WALLACE: Yes. Mr. Commissioner, may this  
35 document, Mr. Saunders' email of June 26th, 2006  
36 be marked as the next exhibit, please.

37 THE REGISTRAR: Exhibit 940.

38  
39 EXHIBIT 940: Email from Mark Saunders dated  
40 June 26, 2006  
41

42 MR. WALLACE:

43 Q Now, you say that these were brought forward, but  
44 not approved by management. So the question of  
45 priority CUs was considered by the Operations  
46 Committee in 2007; is that correct?

47 MR. SAUNDERS: I believe so, yes.

1 Q And if I may take you to Tab 2 of the Commission's  
2 book of documents. I think if you could just tell  
3 us how the consideration of this issue developed.  
4 MR. SAUNDERS: Can you give me a little more on what  
5 you mean by how it was developed?  
6 Q Well, Tab 2 is an email with an attachment. The  
7 email attaches the Ops Committee BN and the  
8 spreadsheet used to develop the table of priority  
9 CUs. Does that -- it says there that it went to  
10 the Ops Committee but was not referred to the  
11 Regional Management Committee. Is that what  
12 happened there?  
13 MR. SAUNDERS: I'm just trying to refresh myself with  
14 this. But it looks like we were working on a  
15 decision note that did not -- we did not receive  
16 approval, that we were looking at -- we had some  
17 direction to build, to elaborate further on the  
18 planning template and test it on one CU. So I  
19 think we received general, you know, support for  
20 the type of work we were doing, but weren't  
21 prepared to see a blanket implementation of it,  
22 wanted more testing to go forward on it.  
23 Q Okay. And that, for that Ops Committee meeting  
24 consideration you prepared the briefing note  
25 that's attached to that email?  
26 MR. SAUNDERS: I don't recall if I was the author on  
27 this or not.  
28 MR. RYALL: So maybe I could help out, as well.  
29 Q Thank you, Mr. Ryall.  
30 MR. RYALL: This is going back to 2004, is it, or '06?  
31 Q 2006.  
32 MR. RYALL: It's 2006, so my recollection is, is we  
33 were working on this document, a number of us.  
34 And I'm referring here to the briefing note.  
35 Q Yes.  
36 MR. RYALL: Along with the table that's attached to it,  
37 that shows what these criteria are that we  
38 consider to identify priority CUs, and it was  
39 presented at Ops Committee. And as Mark has  
40 indicated, it was not agreed that this was quite  
41 the right mix of criteria, and further work needed  
42 to be done to undertake to identify priority CUs.  
43 And coming out of that Ops Committee meeting  
44 was the direction that we should embark upon a  
45 pilot in Barkley Sound to gather more information  
46 to better understand and to learn about how we  
47 create additional criteria for generating priority

1 CUs.

2 Q And do you recall the genesis of this briefing  
3 note which has your name on the bottom of it?

4 MR. RYALL: Of the briefing note?

5 Q Yes.

6 MR. RYALL: Yeah, I was involved in drafting it, but as  
7 I said, there was a number of us, as well.

8 Q Right. And that was when it was decided to go  
9 with the pilot project instead.

10 MR. RYALL: Yeah, that's correct. There was concern  
11 about, okay, this is not quite the right criteria,  
12 and also what sort of scale do we want to  
13 undertake on generating these kind of strategic  
14 plans and let's try it, test drive it on a  
15 particular area, and Barkley Sound was chosen.

16 MR. WALLACE: Mr. Commissioner, may this briefing note  
17 then be marked as the next exhibit, please.

18 THE REGISTRAR: Mr. Wallace, there's three documents  
19 there. Do you want them all in one, or can you  
20 specify the one CAN number?

21 MR. WALLACE: It's simply the briefing note.

22 THE REGISTRAR: Just the briefing note. That will be  
23 the --

24 MR. WALLACE: The briefing note includes the -- the  
25 briefing note and the spreadsheet which I think is  
26 part of it.

27 MR. LUNN: But not the email.

28 MR. WALLACE: Not the email.

29 THE REGISTRAR: Okay. Exhibit 941 will have reference  
30 to CAN 189142 and 143.

31

32 EXHIBIT 941: Approval of Approach to  
33 Planning for Priority Conservation Units, Ops  
34 Committee note and Table 1  
35

36 MR. WALLACE: Thank you.

37 Q So in the year or two following the adoption of  
38 the Wild Salmon Policy - and this is for you, Mr.  
39 Saunders or Mr. Ryall - did the Policy Branch ever  
40 create a discussion paper on integrated strategic  
41 planning for salmon conservation?

42 MR. RYALL: I don't know if you're referring to a  
43 particular document, but there were a couple of  
44 documents that were created on Integrated  
45 Strategic Planning that Sandy Fraser was the  
46 author of, and I don't know if you're referring to  
47 those or others.

1 Q When were they prepared?

2 MR. RYALL: One was created in 2007, and then there was  
3 another in 2009.

4 Q We're going to come back to that.

5 Earlier this afternoon we were at page 26 of  
6 the Wild Salmon Policy and we were talking about  
7 the reference in the middle of that page to what  
8 it is, is to determine priority CUs and it seems  
9 pretty clear that the status of the CU, those in  
10 the Red zone, are the key to that. At page 2 of  
11 the exhibit just marked, the issue of status does  
12 not seem to be mentioned at all, Mr. Ryall. Can  
13 you explain why?

14 MR. RYALL: I'm sorry, in which document?

15 Q At page 2 you propose three equally weighted  
16 criteria for determining priority CUs, habitat  
17 status, profile and planning capacity, as opposed  
18 to page 26 of the Wild Salmon Policy which talks  
19 about the biological status of a CU or group of  
20 CUs as being the key criteria. My question is, is  
21 that consistent with -- is your memo, in your  
22 view, consistent with the Wild Salmon Policy?

23 MR. RYALL: I'm just taking a look at the actual table  
24 that's attached to this, as well.

25 MR. SAUNDERS: I'm just trying to -- we're just having  
26 a look at the table here. But I believe that  
27 Outlook status was a large part of the --

28 Q That's the spreadsheet?

29 MR. SAUNDERS: It says under "Analysis" it says --  
30 under the second line it says under "Analysis",  
31 "Identification of Priority CUs" it says:

- 32  
33 • The Stock of Concern designation...in the DFO  
34 2007 OUTLOOK was used as a proxy to delimit  
35 the RED ZONE and identify Priority CUs.  
36

37 So I think the list that you've got there in the  
38 table, those are all -- lists all CUs that have  
39 been identified Red. As Jeffery pointed out, if  
40 you've got a Red designation, then we list it or  
41 prioritize it. Then the remainder of the table  
42 addresses the other items that you might use to  
43 prioritize work on that.

44 Q So you're now -- can you just point out where in  
45 the exhibit you're --

46 MR. SAUNDERS: Sorry, I'm in the decision note that  
47 describes the analysis.

1 MR. RYALL: In page 1.

2 MR. SAUNDERS: Page 1 of that. I'm also talking --  
3 yes, so if you're under "Analysis",  
4 "Identification of priority CUs" and then the  
5 second bullet, "The Stock of Concern designation  
6 provided" --

7 Q Yes.

8 MR. SAUNDERS: -- "in the DFO 2007", et cetera. That  
9 line is indicating that we're using that as a  
10 proxy, because at this point we hadn't identified,  
11 really fully identified the CUs, and the work on  
12 the benchmarks was underway.

13 MR. RYALL: So maybe just to expand upon that, this was  
14 a two-tier approach.

15 MR. SAUNDERS: Right.

16 MR. RYALL: First identify them, which ones are in the  
17 Red zone, and then once they're identified in the  
18 Red zone, they're in this table, Table 1 that's in  
19 the decision note, and these other considerations  
20 that are listed, and equal weighting was applied  
21 to those is what that note is talking about. And  
22 I do recall as we were going through this we  
23 talked about different sorts of weighting to the  
24 second-tier evaluation, but...

25 MR. SAUNDERS: So the last bullet there, you can go  
26 back, it says -- or the second-to-last bullet:

27

- 28 • Appendix Table 1 attached lists the twenty
- 29 Stocks of Concern/Priority CUs.

30

31 So we had used that criteria above from the  
32 Outlook to determine that these were the priority  
33 CUs and then we've got some ranking within those  
34 priority CUs --

35 Q Thank you.

36 MR. SAUNDERS: -- in the table.

37 Q Now you referred to this as a decision note, but  
38 in fact I have said this was a briefing note. We  
39 have not seen a decision note from the Ops  
40 Committee, from this, although we have requested  
41 all of those. Is there -- are you aware whether  
42 there is a decision note in fact from this  
43 meeting?

44 MR. RYALL: Are we -- I'm not aware that beyond this  
45 note that there was anything else generated as far  
46 as a decision note. And as we indicated earlier,  
47 this approach was not approved.

1 Q Thank you. In the -- since the Wild Salmon Policy  
2 has been adopted in 2005, has DFO Policy staff or  
3 other DFO staff ever developed any social and  
4 economic framework to be used in Integrated  
5 Strategic Planning under WSP, Mr. Ryall?

6 MR. RYALL: I have seen a national policy that was  
7 drafted, I think it was from 2008, that listed  
8 three tiers of social and economic analysis. One  
9 would be a very low level type of analysis,  
10 basically an evaluation of economic status within  
11 a fishery, and that's what's been incorporated  
12 currently within the IFMP in various stages across  
13 the region. Another level would be a more  
14 comprehensive and undertaken economic analysis,  
15 and the most comprehensive social and economic  
16 impact would look at various options. And the  
17 intent of that Policy was in that final stage  
18 could be used for more comprehensive problems, and  
19 it could be for dealing with things that -- stocks  
20 of concern or potentially **SARA**-listed, I think was  
21 one of the intents. But that was the last I saw  
22 was the 2008 draft Policy.

23 Q And that was a draft?

24 MR. RYALL: Yes.

25 Q But there's been no Policy adopted, to your  
26 knowledge, for this framework?

27 MR. RYALL: Not to my knowledge.

28 Q I understand that DFO has an internal working  
29 group developing a draft governance framework for  
30 Strategy 4, back in 2008. Am I correct on that?

31 MR. RYALL: I was not involved in that.

32 Q Exhibit 192, Mr. Lunn. Tab 19. This was referred  
33 to in 2008. I guess the question really is what  
34 has happened to that framework. Was it ever  
35 finalized and put in effect?

36 MR. SAUNDERS: Mr. Commissioner, I was -- I didn't  
37 return to the Department, I had been away until  
38 late January, February, really, starting my  
39 position back in DFO in 2009. So I'm not sure  
40 what you're referring to as the framework.

41 Q Page 20 of 41 in that deck.

42 MR. SAUNDERS: Slide 20?

43 Q Yes. Page 20, slide 7 and 8. It's a slide. The  
44 centre box on the "Strategy 4 - Integrated  
45 Strategic Planning":

- 46 • Internal Working group developing draft
- 47

1 governance framework

2

3 And do either of you know whether or not anything  
4 ever transpired out of that work?

5 MR. SAUNDERS: I'm not aware of anything in that  
6 regard.

7 Q Mr. Ryall?

8 MR. RYALL: No, I'm not.

9 Q Have any response teams been brought together  
10 under Strategy 4 as contemplated in the Action  
11 Step 4.1?

12 MR. RYALL: Well, that's been one of our ongoing  
13 challenges, I would say, within the implementation  
14 of the Wild Salmon Policy, and so in various forms  
15 the answer, to me, would be yes. And so going  
16 back to the Fraser River Sockeye Spawning  
17 Initiative, the intent of that was to develop a  
18 team, so that was undertaken. And also with the  
19 Barkley Sound pilot there has been a team that has  
20 been put together, and that started back in 2008,  
21 I think it was. And more recently there's more  
22 work underway within the Barkley Sound pilot, as  
23 well.

24 Q Mr. Young, are you aware of whether or not there  
25 have been any response teams, and what would be  
26 your response to the reference to FRSSI?

27 MR. YOUNG: My interpretation of a response team from  
28 Strategy 4 in the Policy is to deal specifically  
29 with CUs of concern, if I understood it correctly,  
30 and therefore I don't -- I don't really see FRSSI  
31 or the Barkley Sound pilot groups that were  
32 formed, or the Skeena Watershed Initiative groups  
33 being kind of consistent with the definition of a  
34 response team. I think the closest thing to that  
35 would be some of the elements that came together  
36 around Cultus, although that wasn't really a Wild  
37 Salmon Policy-based initiative, and it also  
38 doesn't really fully meet the definition of  
39 response team.

40 Q Mr. Morley did you have any involvement with  
41 response teams in the Skeena initiative?

42 MR. MORLEY: I would totally agree with Jeffery's  
43 characterization of the response teams, and I  
44 wouldn't call the Skeena Watershed process or  
45 FRSSI a, quote, response team. I think Cultus  
46 could be looked at that way, but again nothing  
47 formal with respect to the Strategy 4 of the Wild

1 Salmon Policy, for sure.

2 A Thank you.

3 MR. RYALL: Could I just add to that?

4 Q Sure.

5 MR. RYALL: So, I mean, there's different formulations  
6 of a response team. There's 420 conservation  
7 units within -- salmon within B.C. roughly, give  
8 or take. And I would argue that a number of those  
9 would be identified as priority CUs. And we  
10 talked earlier about a list of them that was not  
11 approved. But, you know, if we went back and took  
12 a look within the IFMP, there's a chapter that  
13 identifies stocks of concern. Some of those are  
14 groups of CUs and some of them are CUs by their  
15 own rank.

16 So I think whatever our challenge is within  
17 implementing a Strategy 4, is on what sort of  
18 scale are you going to develop these response  
19 teams. And I have a hard time envisioning that  
20 we're going to develop response teams for each  
21 individual CUs, given what resources are available  
22 both internally and externally, but to me that's  
23 only one aspect of consideration, resources. The  
24 important one is these stocks do not migrate  
25 individually. They migrate at the same time,  
26 across the same geography for a good part of them.

27 And so, to me, when you're going to develop a  
28 response team, you're going to need to consider a  
29 number of factors to take into account how you're  
30 going to develop these response teams, and one of  
31 the papers that's in our binders is what sort of  
32 scale would you develop and develop integrated  
33 strategic plans around?. And that scale, while I  
34 would say that it's not finalized, was presented  
35 at Ops Committee back in 2009, and was, I would  
36 say, tentatively approved. It wasn't outright  
37 endorsement, but it took that scale of  
38 conservation units from 420 down to a range of 20  
39 to 25.

40 And the thinking was rather than formally  
41 saying that's the right number, the thinking was  
42 that you're on the right track by taking into  
43 account biological impacts, which is the status,  
44 but also is where do these fish migrate and who's  
45 impacted, as well, meaning people. And when I say  
46 people, I mean First Nations that are harvesting  
47 these, recreational and commercial, and also the



1 ecosystem.

2 And so it's a bit of a longwinded answer.  
3 But I think one of the critical pieces here is  
4 really around what sort of scale are we going to  
5 develop response teams around.

6 So, I think, was the FRSSI process a response  
7 team on one particular CU? No, it wasn't. It was  
8 -- to me it was dealing with a particular aspect  
9 around harvest management, which is only one part  
10 of the strategic plan. And it did deal with  
11 Fraser sockeye, which are 36 conservation units.  
12 And I would argue that's a much better way to  
13 develop response teams than to develop individual  
14 response teams for each CU. Because each one of  
15 these things are not isolated. They impact across  
16 the board, whether biologically or impacts upon  
17 people, and part of the WSP is social and economic  
18 impacts, as well, which is highlighted.

19 And so that's why my answer was the FRSSI was  
20 a response team. Was it perfect? Probably not.  
21 I think personally that it was a pretty good  
22 start.

23 My other part of the answer around Barkley  
24 Sound sockeye was going back to why our priority  
25 tables were not endorsed, was that we needed to  
26 learn some more and let's do it in a pilot. And I  
27 know when we first started on the Barkley one, my  
28 actual thinking was that the Barkley might not  
29 even be the right scale either, and probably  
30 should be larger. Because there's CUs that cut  
31 across the borders of the Barkley Sound. And I  
32 think if I had to rethink that, going back now, I  
33 probably would make it broader than Barkley Sound  
34 and probably make it the West Coast.

35 But at least within that one, it was all  
36 salmon species, and because there's not just one  
37 thing happening here. And what was interesting to  
38 me within Barkley is that it's not just wild  
39 salmon, there's a significant hatchery within  
40 Barkley Sound on chinook. And that was another  
41 piece of information that we needed to factor into  
42 our thinking around implementation of strategic  
43 plans.

44 Q Mr. Young, do you have a response to that?

45 MR. YOUNG: I agree generally with the point that we  
46 should find efficiencies where possible, so I  
47 think that that's ideal and necessary. And I

1 think, though, that that -- those types of efforts  
2 should in no way diminish what the point of  
3 identifying a priority CU is, and the critical  
4 issue that's being -- coming out of identifying a  
5 CU in the Red zone.

6 For example, I think to be able to properly  
7 characterize anything as a response team, it would  
8 at least have to put first and foremost it's  
9 priority being the recovery of a CU of concern, or  
10 a CU below the Red zone. I don't think FRSSI was  
11 about that, and it definitely did not involve the  
12 full range of people that would be affected in  
13 particular by a CU in the red zone.

14 So I think there's a number of issues there,  
15 but not to lose the point that efficiency's  
16 important, but I think it's really critical to  
17 emphasize that the whole point of priority CUs and  
18 the Red zone ranking shouldn't be lost in terms of  
19 identifying an appropriate, efficient response.

20 Q Mr. Morley, or Mr. Saunders, do you have anything  
21 to add?

22 MR. SAUNDERS: Yes, Mr. Commissioner, I agree in part  
23 with both Jeff and Paul, and I don't think there's  
24 a single right answer around this question of  
25 whether or not FRSSI and processes like it  
26 constitute a response process. I think it's,  
27 yeah, there's absolutely, you know, key point is  
28 that there are, if we look at some of the  
29 processes, answering this question of scale is  
30 really critical, and I think that's what the  
31 senior management was questioning when they asked  
32 us to go back with this notion of priority CUs,  
33 and what a planning template looked like, and  
34 asked us to conduct work to help them understand  
35 exactly what the size of this piece, what it would  
36 entail.

37 So I think a lot of this work went into what  
38 we call pilots. So it went into Somass, and as  
39 Paul says, then when you start to work on the  
40 ground, you come to these issues of where do the  
41 -- where are the boundaries of the CUs, where are  
42 the geopolitical boundaries that the human  
43 influences on these various conservation units,  
44 where do they reside, and how do you get people  
45 around the table.

46 And I think that to get to the outcome that  
47 you ultimately want to get to, that if you don't

1 arrive at the right scale, I think it limits the  
2 options that you might have. For instance, if  
3 you're looking at the Fraser, if you focus on  
4 Cultus in general, there's a context of a fishery  
5 that's right across the Canadian and into U.S.  
6 waters that are fisheries issues that are  
7 impacted, as much as there are local issues. So  
8 if the process -- and as well there are impacts on  
9 other species and other fisheries.

10 So if you were trying to arrive at options  
11 and approaches to move forward around Cultus, a  
12 more effective planning table might -- or recovery  
13 response team might include looking at all of the  
14 species. If I was looking at social and economic  
15 objectives related to the commercial and  
16 recreational and First Nations, I would be wanting  
17 to think about the Fraser in its every -- the  
18 entire breadbasket, or, you know, that's at play  
19 in terms of the economic engine and looking at  
20 options that would cross, go beyond just the  
21 impact of perceived actions that we could take for  
22 Cultus.

23 So I think this question is a complicated  
24 one, but a real key piece of trying to design and  
25 get so that we don't lose our accountability, as  
26 Jeffery's pointing to, for each of the  
27 conservation units, but looking for solutions that  
28 we've got an appropriate scale to give you the  
29 right context to find solutions that are optimal.

30 And I think one of my key interests in this,  
31 understanding the subtleties that may not be well-  
32 articulated in the Wild Salmon Policy is that this  
33 is about sustainable development. This is looking  
34 for options that meet social, economic and  
35 conservation objectives concurrently.

36 Q Mr. Ryall, Mr. Saunders, has DFO ever created a  
37 template for a strategic plan for Strategy 4?

38 MR. RYALL: Within some of the work that I had  
39 contracted Sandy Fraser to undertake, he did put  
40 together a template that's included in the 2009  
41 report that Sandy did.

42 Q And these reports then for the record, these are  
43 found at Tab 4, 5 and 6 of the Commission binder.  
44 if I could look at the -- to see which one, the  
45 March of 2009 or October, "Identifying Planning  
46 Units and Prioritizing Integrated Strategic  
47 Planning Initiatives Under the Wild Salmon

1 Policy"?

2 THE COMMISSIONER: Mr. Wallace, when you don't speak  
3 into the mike, we can't hear what you're saying.

4 MR. WALLACE: I'm sorry. Thank you, Mr. Commissioner.

5 Q Is it Tab 6?

6 MR. RYALL: The one I'm referring to is under Tab 4.

7 Q That's a December 2007 --

8 MR. RYALL: That's correct.

9 Q -- Discussion Paper.

10 MR. RYALL: And in particular in that, starting on page  
11 18, "Documenting the Plan" section 6.0, it  
12 outlines a template that could be used.

13 Q This was advice to DFO from a consultant, correct?

14 MR. RYALL: Well, it was a contract undertaken by  
15 direction of myself that had contracted Sandy  
16 Fraser.

17 Q And has it found its way into a plan adopted by  
18 DFO for strategic planning?

19 MR. RYALL: At this point, no. The Barkley Sound  
20 document that's also included in here was another  
21 way -- another template that could be used, as  
22 well. I think, to me, what the work that Mr.  
23 Fraser undertook in 2007 of documenting the plan  
24 was a good start of a template. Other work that's  
25 underway within the Department right now actually  
26 is another Policy document around a rebuilding  
27 plan. That is another piece of Policy work that's  
28 being undertaken nationally that's not yet  
29 complete, but I expect within 2011 it will be  
30 complete. So I think there's a couple of  
31 templates that are available that one could use  
32 for developing integrated strategic plan.

33 But, you know, if I had to -- to me, to boil  
34 it down to the simplest thing is that what we're  
35 looking for is a plan that's going to set long-  
36 term direction, and it's going to have certain  
37 sections in it that will set long-term direction  
38 on harvest management, habitat and enhancement.  
39 And it will lay out those objectives and goals  
40 that one will want to undertake in each one of  
41 those pieces. And I would expect that there would  
42 be a status report included in that template,  
43 but --

44 Q Yes. Sorry, Mr. Ryall, sorry to cut you off.

45 MR. RYALL: Sure.

46 Q But we have -- we have very limited time. I  
47 wanted to identify the fact that this reflects

1 advice received by DFO but it has not yet found  
2 its way into any plan that's been accepted or a  
3 template that's been adopted for Strategy 4 by  
4 DFO; is that correct?

5 MR. RYALL: I would agree that this has not worked its  
6 way into a --

7 Q And the other documents that you -- the other  
8 templates that are available, likewise have not  
9 been adopted by DFO.

10 MR. RYALL: Yes, I would agree with that. The other  
11 one is a work in progress.

12 MR. WALLACE: Thank you. Mr. Commissioner, I wonder if  
13 the 2007 paper of Mr. Fraser could be marked as  
14 the next exhibit, please.

15 MR. TIMBERG: Mr. Wallace, I'm wondering if Mr. Ryall  
16 could be permitted to answer the question that he  
17 started to answer.

18 MR. WALLACE: Did you have an opportunity to complete  
19 your answer, Mr. Ryall?

20 MR. RYALL: Well, the only other point I would add -  
21 and thanks very much - is that we've worked on a  
22 variety of templates. I would say that some of  
23 the pieces have worked in, and various formats.  
24 And what I was thinking as far as moving forward,  
25 really was where I was going, is what are we  
26 looking for into an integrated strategic plan?  
27 And to me it's setting the long-term goals and  
28 objectives that are going to work themselves into  
29 the Integrated Fishery Management Plans which are  
30 currently on an annual basis, but as I think I  
31 might have testified earlier, is that we're  
32 looking at making those multi-year, to make them  
33 broader in scope, as well.

34 MR. WALLACE: I don't think we managed to get the 2007  
35 document from Mr. Fraser marked.

36 THE REGISTRAR: We did not, it's Exhibit 942.

37 MR. WALLACE: Thank you.

38  
39 EXHIBIT 942: Discussion Paper, Interim  
40 Guidance for the Development of Strategic  
41 Plans under Canada's Policy for the  
42 Conservation of Wild Pacific Salmon, 2007,  
43 Fraser  
44

45 THE COMMISSIONER: Mr. Wallace, I don't mean to  
46 interrupt. I know you are on a tight timetable,  
47 and I know that Commission counsel have allocated

1 to themselves an amount of time. Has that time  
2 now expired, or is it still running?

3 MR. WALLACE: Yes. But my hope is that if I may have a  
4 few minutes more, Mr. Commissioner, I may have cut  
5 down on work that Mr. Timberg will undoubtedly  
6 wish to do.

7 THE COMMISSIONER: Well, I'm sorry, I didn't hear your  
8 last comment, but I just wanted you to keep  
9 your...

10 MR. WALLACE: Thank you.

11 THE COMMISSIONER: Be mindful of your friends' time  
12 allocations.

13 MR. WALLACE: I am cognizant of those.

14 THE COMMISSIONER: All right, thank you.

15 MR. WALLACE:

16 Q I have one question following up on this, Mr.  
17 Commissioner, for Mr. Morley. Have you seen any  
18 such -- any template for strategic planning from  
19 DFO, under Strategy 4?

20 MR. MORLEY: Mr. Commissioner, actually, to me, the  
21 best template for strategic planning is attached  
22 in the Wild Salmon Policy under Appendix 2, "A  
23 Structured Five-Step Planning Procedure", and I  
24 think it actually is fairly straightforward, it's  
25 succinct, and that is really what, where I think  
26 they should be going in this area, and so that, to  
27 me, is the best template I've seen.

28 MR. WALLACE: Thank you. Would this be a convenient  
29 time to take the break? I'm in your hands, Mr.  
30 Commissioner. I do have more that I wish to  
31 cover. I have been unsuccessful in getting this  
32 done as efficiently as I would have liked. But  
33 with a break, I think it would give us an  
34 opportunity to make us as efficient as possible  
35 and not leave out something fundamental.

36 THE COMMISSIONER: If it will help, Mr. Wallace, I'm  
37 prepared to do that. Thank you.

38 MR. WALLACE: Thank you.

39 THE COMMISSIONER: We'll take a ten-minute break, then.

40 MR. WALLACE: Thank you.

41

42 (PROCEEDINGS ADJOURNED FOR AFTERNOON RECESS)

43 (PROCEEDINGS RECONVENED)

44

45 THE REGISTRAR: Order. The hearing is now resumed.

46 MR. WALLACE: Mr. Commissioner, I've been granted some  
47 dispensation from some of my friends in the room

1           so I think I can do this without encroaching on  
2           anyone who hasn't voluntarily offered their time.  
3           I have six points I'd like to just quickly go to,  
4           if I may. And I'd start with Tab 3, please, which  
5           is a deck which was prepared for the operations  
6           committee on WSP Strategy 4 Integrated Planning  
7           June 25th, 2009.

8  
9           EXAMINATION IN CHIEF BY MR. WALLACE, continuing:

10  
11          Q     Mr. Ryall, were you involved in that meeting?

12          MR. RYALL:   Yes, I was.

13          MR. WALLACE:   May this be marked, please, as the next  
14                        exhibit?

15          THE REGISTRAR:   Exhibit 943.

16  
17                        EXHIBIT 943:   Operations Committee - WSP  
18                        Strategy 4 Update: Integrated Planning June  
19                        25, 2009

20  
21          MR. WALLACE:

22          Q     Mr. Ryall, can you tell us, please, what was  
23                decided at that meeting on Strategy 4?

24          MR. RYALL:   Well, just looking through the deck here,  
25                there was three pieces in it. One was the  
26                identification of planning units in what was the  
27                appropriate scale. And my recollection was that  
28                this approach was generally endorsed but it wasn't  
29                going to be a hard-and-fast rule. And I think in  
30                our document there is a listing of the outcome of  
31                this meeting. I saw it somewhere earlier. And  
32                then the second was a proposal for establishing  
33                priority planning conservation units, the rapid  
34                screening process.

35                I think that at that time that this process  
36                similarly had some support but needed more work is  
37                my recollection of it. And the third piece was a  
38                work plan update on different aspects that were  
39                being undertaken around the region. I think as  
40                far as the rapid screening process, and Mark might  
41                want to add some more on this as well, is that I  
42                think since that time we've moved on to coming up  
43                with an approach to undertake this type of work.  
44                There was a workshop that was undertaken - I think  
45                it was in the fall of 2009, I think it was  
46                internal, but anyhow, regardless, I think it was  
47                what sort of screening process could be

1           undertaken. And Mr. Holtby presented an idea of  
2           how a rapid screening process could be undertaken.  
3           And since that time, there's been some more work  
4           that, Mark, you might want to add some as well.

5           Q     Is the decision record that you're referring to,  
6           Mr. Ryall, at Tab 21?

7           MR. WALLACE: That's Exhibit 240, for the record.

8           MR. RYALL: Yes, that's what I was referring to.

9           Q     Thank you. Mr. Saunders or Mr. Ryall, if one of  
10          you could answer the question. There's a  
11          reference on page 26 of the Wild Salmon Policy  
12          that once priority CUs are identified, DFO is to  
13          consult with First Nations. Can you describe what  
14          consultation DFO has had with First Nations with  
15          respect to priority CUs or steps to establish a  
16          process for identifying them?

17          MR. RYALL: Well, there's two parts to your question.

18          Q     Yes.

19          MR. RYALL: So if we could address the second one,  
20          which is steps of identifying priority CUs and  
21          that was the piece that Mark was going to fill in  
22          and I can come back to talk about some  
23          consultation, if that's okay?

24          Q     Okay. Mr. Saunders?

25          MR. SAUNDERS: Regarding the identification of a rapid  
26          screening approach, I'm not sure that it answers  
27          entirely your question. But yes, we have a  
28          process to develop a tool to rapidly assess the  
29          conservation status, which is not entirely a match  
30          with the benchmarks proposed under the Wild Salmon  
31          Policy but certainly anything under the rapid  
32          screening that we determine to be at risk would  
33          logically be in the red zone. So Dr. Holtby's  
34          been working on an approach to analyzing available  
35          data for which we don't have a complete dataset  
36          for all 400 conservation units, probably roughly  
37          two-thirds to three-quarters. But the method that  
38          he is proposing will be reviewed at our peer  
39          review process, CSAS, during this month. And the  
40          final document, presuming it receives approval  
41          through the peer review process, would be  
42          available in or would be finalized in the fall.  
43          So that's a piece around the synoptic assessment.  
44          And that would be part of forming the priority.

45          Q     Mr. Ryall, you had something to add?

46          MR. RYALL: You were asking about what sort of  
47          consultations had occurred with First Nations?



1 Q Yes.  
2 MR. RYALL: Specifically?

3 Q Yes.  
4 MR. RYALL: Or just generally?

5 Q No, with respect to identifying priority CUs or  
6 the process for identifying, what consultation  
7 with respect to Strategy 4 has gone on with First  
8 Nations?

9 MR. RYALL: Well, I think what I would refer to is  
10 within the IFMP process, there is a chapter. It  
11 has moved around in different headings. But  
12 regardless, the intent is that conservation stocks  
13 of concern are identified in that chapter and  
14 there's been quite a discussion around those  
15 stocks that are included in there and what the  
16 objectives are. There is also, within discussions  
17 between Department and First Nations, a variety of  
18 forms where this occurs. One of the places is a  
19 committee that's known as the Conservation and  
20 Harvest Planning Committee where there's  
21 discussion around stocks of concern between  
22 Department and First Nations. I could also add as  
23 well that this is not directly on a bilateral but  
24 through a tier three process through the IHPC that  
25 there's discussions with First Nations as well.  
26 They're involved. But you had asked specifically  
27 between DFO and First Nations.

28 Q Yes, I did.  
29 MR. WALLACE: Mr. Commissioner, I think I failed to  
30 mark the deck, which is Tab 3 in the Commission's  
31 book of documents for the June 25th, 2009, Ops  
32 Committee meeting and I would ask that be marked.

33 THE REGISTRAR: Yes, you did. That was 943.

34 MR. WALLACE: Thank you.

35 Q Mr. Young, you've had some questions on the  
36 subject of your recommendations arising from the  
37 Suzuki Foundation's report returning salmon and  
38 integrated planning and Wild Salmon Policy. Do  
39 you have any other recommendations specifically  
40 related to Strategy 4?

41 MR. YOUNG: Well, firstly, I'll support Rob Morley's  
42 earlier comment that there is a good framework or  
43 template, I guess, provided within the Wild Salmon  
44 Policy and I think there's also really clear  
45 guidance about the role of that planning in terms  
46 of the objectives it may have. So I think there's  
47 a lot of guidance there and I guess one

1 recommendation would be to revisit those elements  
2 and ensure that efforts being undertaken are  
3 consistent with them. But I do think the  
4 recommendations in that report, as well as the one  
5 we published with Watershed Watch are ones I still  
6 support and are fairly comprehensive.

7 Q Thank you, Mr. Young. Mr. Morley, from your  
8 experience in the Skeena watershed initiative,  
9 what challenges and lessons do you see for  
10 implementing the Strategy 4?

11 MR. MORLEY: Mr. Commissioner, I actually have several  
12 issues and concerns and recommendations coming out  
13 of that. And if I may, they relate to the number  
14 of planning units that DFO was intending to try to  
15 operate here under the policy. And I've seen it  
16 change from the initial draft to the -- or the  
17 published policy talks about 40 to 60 planning  
18 units and I heard earlier this afternoon from the  
19 testimony that they're now reducing that down to  
20 20 to 25. But I would suggest that the capacity  
21 the Department again was in some of those notes is  
22 that under the current way they are going about  
23 integrate a strategic planning, I don't believe  
24 that that is at all possible in the next 20 or 25  
25 years for them to accomplish that.

26 I think the way that they have gone about  
27 this is doomed to failure and to take much more  
28 time and many more resources than anybody has  
29 available. And I'll go into the detail in terms  
30 of my experience at the Skeena watershed. And  
31 part of that, and this is going to go against a  
32 fair amount of sort of collective wisdom that  
33 seems to be coming from many participants around  
34 here where we're hearing from a lot of people  
35 saying that they want to participate at every step  
36 of the process in some kind of multi-stakeholder  
37 forum.

38 And my experience in the ones I've been in is  
39 that whenever you try to establish a multi-  
40 stakeholder forum that believes that in some way  
41 they are going to influence a long-term strategic  
42 plan that it takes years to get it off the ground  
43 to simply go through the process of deciding on  
44 the shape of the table, deciding on  
45 representation, deciding on who the members should  
46 be, is the group going to be decision-making or  
47 advisory only. Should we only have local people

1 or should we actually allow outsiders into this  
2 group? And trying to develop some kind of agenda  
3 for going forward takes a very, very long. And  
4 even after you've gone through all that, you end  
5 up with groups disappearing and new ones arriving  
6 and it just becomes a very difficult process. And  
7 to think that you're going to have those kinds of  
8 groups involved in even 20 to 25 plans going on in  
9 a short period of time, I don't think that there's  
10 enough people around with the knowledge and  
11 expertise and the interest in this to accomplish  
12 that both within and outside the Department. I  
13 think we need to re-think that approach.

14 And in fact, you are seeing that what happens  
15 when you get these groups together because many of  
16 the people are the same people that sit down every  
17 year or two, discuss and argue about annual  
18 fishing plans, that you find it very difficult to  
19 separate those discussions and people want to get  
20 into the fray of what's actually going to happen  
21 this year rather than focusing on what's a long-  
22 term strategic plan for either this conservation  
23 unit or this group of conservation units.

24 So you know, if you really want to look at  
25 the kind of in-depth sort of planning that's  
26 involved, I think the closest example is one  
27 that's there that, if you have a conservation unit  
28 and you really want to look at all of the  
29 potential threats to it and all of the potential  
30 issues that need to be addressed and if we look at  
31 how many people were involved and how long it took  
32 through various iterations of committees on Cultus  
33 and we never actually go to step 4 of the Wild  
34 Salmon Policy in Cultus. So I just think that  
35 we're going at this all wrong.

36 And to a certain extent, my view is that if  
37 we want to move forward in this integrated  
38 strategic plan that we need to, in fact, have very  
39 focused, largely technical-based teams that would  
40 do all of the grunt work in developing the five-  
41 step planning process in Appendix 2 and would only  
42 seek input from outside people, as necessary, and  
43 you wouldn't bring together this group to look at  
44 alternatives and consequences until you were well  
45 down the process. And at that point, they would  
46 have some meat to discuss and I think it would be  
47 far more efficient and enable us to actually get

1 to dealing with some plans in a quicker fashion.  
2 And so those are really -- the groups, when you  
3 get them together too early, they stumble over  
4 steps one, two and three. And when the technical  
5 information isn't in front of them, they get  
6 frustrated.

7 We are now in a situation where the Skeena  
8 watershed initiative is, in fact, about to fall  
9 apart because several groups have withdrawn their  
10 participation due to the frustrations of some of  
11 the issues I talked about and First Nations, some  
12 being at the table, some not being there, whether  
13 or not you've got First Nations technical people  
14 or political people involved. And it's just the  
15 multi-stakeholder process is very difficult and I  
16 think you need to pick and choose when that kind  
17 of group is involved in this process. And,  
18 frankly, the way DFO is going about it right now,  
19 I don't think we'll ever get there.

20 Q Thank you. Mr. Morley, if I could just direct you  
21 to Tab 10. This is my last question.

22 MR. WALLACE: And in particular, just to go to the  
23 cover, if I may, Mr. Lunn, first?

24 Q Are you familiar with this report, a report of the  
25 Skeena Independent Science Review Panel by  
26 Walters, Lichatowich, Peterman, Reynolds?

27 MR. MORLEY: Yes, Mr. Commissioner, I am.

28 Q And I wonder if I could take you to page 90,  
29 ringtail number 92, 91 of the document, to the  
30 first recommendation of this report?

31  
32 There is a need to confront the major  
33 tradeoff decisions that are implied by the  
34 Wild Salmon Policy and the impacts of mixed  
35 stock ocean fisheries on Skeena stocks.  
36 There should be an explicit public decision  
37 about the loss of biodiversity (number of  
38 weak stocks allowed to remain overfished or  
39 at risk of extinction) that is deemed  
40 acceptable and changes required to fisheries  
41 in order to achieve particular harvest  
42 objectives. Such a decision should be based  
43 on tradeoff relationships that can now be  
44 estimated from historical data, escapement  
45 trends and exploitation rates, as shown by  
46 the examples provided in this report.  
47

1 Do you agree with that recommendation?

2 MR. MORLEY: Yes, I certainly do.

3 Q Mr. Young?

4 MR. YOUNG: I partly do. I think that there's a couple  
5 of key elements here. One is understanding what  
6 it means to make a public decision and who that  
7 would involve. I think that that would extend  
8 well beyond, say, the participants in the Skeena  
9 watershed initiative or the members of this group,  
10 or the people that were involved in it. I think  
11 also that we have to be a bit careful about  
12 identifying what a trade-off means in the Wild  
13 Salmon Policy.

14 I think that the Wild Salmon Policy  
15 explicitly identifies conservation units, not only  
16 for the benefits of salmon but also essentially to  
17 define the minimum unit of diversity that needs to  
18 be protected, not just for their ongoing existence  
19 but also to support sustainable use and benefits  
20 from them. And therefore, I think the  
21 conservation unit actually represents, to some  
22 extent, a trade-off where clearly we could manage  
23 to a lower level of diversity that would ensure we  
24 had salmon in every stream and there could very  
25 well be benefits to that. But the conservation  
26 unit is at a higher level, which I think implies  
27 some of those trade-offs and that it is intended  
28 to be the minimum irreplaceable unit of diversity  
29 necessary to maintain the long term sustainability  
30 and productivity of salmon. But in general, yes,  
31 I agree with the recommendation.

32 MR. WALLACE: Thank you. Mr. Commissioner, those are  
33 my questions. Could we mark Tab 10, please, the  
34 Lichatowich...?

35 THE REGISTRAR: Exhibit 944.

36 MR. WALLACE: Thank you.

37  
38 EXHIBIT 944: Report of the Skeena  
39 Independent Science Review Panel submitted  
40 May 15, 2008  
41

42 THE COMMISSIONER: Just one quick question, Mr. Ryall.  
43 Mr. Ryall, who is the operations committee and  
44 does it still exist?

45 MR. RYALL: The operations committee, yes, still does  
46 exist.

47 THE COMMISSIONER: And as with your earlier testimony,

1 is it changing personalities all the time or is it  
2 the same people throughout?

3 MR. RYALL: Well, it's the same positions all the time.  
4 It's chaired by the RDG and regional directors are  
5 members of the operations committee. But it's the  
6 same membership as far as those positions go.

7 THE COMMISSIONER: And do I understand correctly it's  
8 all DFO personnel?

9 MR. RYALL: It is a DFO committee.

10 THE COMMISSIONER: Thank you very much.

11 MR. WALLACE: Mr. Timberg?

12 MR. TIMBERG: Yes, Mr. Commissioner, Tim Timberg and my  
13 colleague, Geneva Grande-McNeill, for Canada. We  
14 have one hour and 15 minutes and I note it's 3:30.  
15 Oh, Mr. Lunn, is it possible to get from Canada's  
16 list of documents Tab 30 up?

17 MR. LUNN: Yes, I have an entire folder dedicated to  
18 that so if you know specifically which --

19 MR. TIMBERG: 38-1.

20

21 CROSS-EXAMINATION BY MR. TIMBERG:

22

23 Q And Mr. Ryall, while we wait for the document to  
24 come up, can you describe for the benefit of the  
25 Commissioner the work that you commissioned  
26 Gottfried Pestal to do with respect to compiling  
27 information on Wild Salmon Policy implementation  
28 meetings?

29 MR. RYALL: Yes. This goes back a few months now. I  
30 had become aware from previous discussions through  
31 the Cohen Inquiry that there was questions about  
32 how much consultation had occurred around Wild  
33 Salmon Policy in various forms. And while I had  
34 some in my possession, I knew that quite a number  
35 of other people in the Department had their own  
36 files and I thought the best way to figure out  
37 just how much consultation had been undertaken  
38 around the Wild Salmon Policy was to let a  
39 contract to someone to pull all that information  
40 together. And it wasn't just to answer this as a  
41 one-time question. My thinking was that we should  
42 really be doing this on an ongoing basis. So who  
43 did we meet with? What was discussed? And what  
44 material was supplied at those meetings?

45 Q All right. And this document before us, this sets  
46 out the description of this project that you  
47 retained Gottfried Pestal to do?

1 MR. RYALL: Yes, that's right. And as noted on here,  
2 Amy Mar was part of that and also in discussion in  
3 setting this up between Amy, myself and Deborah  
4 Phelan, we put together this project.

5 Q And Deborah Phelan is a consultation secretariat?

6 MR. RYALL: That's right.

7 Q And Amy Mar is Policy?

8 MR. RYALL: Amy works in Policy Branch, yes.

9 MR. TIMBERG: Thank you. And I'll ask that this be  
10 marked as the next exhibit and the following  
11 documents under Tab 30 be marked consecutively.  
12 There's Tab 31 through dash Tab 30. So it's 30-  
13 30. Is that possible?

14 MR. LUNN: I'm just going to bring up what I have in  
15 front of me, which is a little unusual. I know I  
16 don't have any of these sub-numberings that you  
17 are referring to. I have all of these sub-  
18 folders.

19 MR. TIMBERG: Oh, okay. So for the clarity of the  
20 record then perhaps what we have prepared, Mr.  
21 Commissioner, is one document which is an Excel  
22 spreadsheet that lists all of this information.  
23 And we'll just let that one document with the  
24 Excel spreadsheets be marked as one exhibit and I  
25 think that will be sufficient.

26 THE REGISTRAR: That will be Exhibit 945.

27

28 EXHIBIT 945: Excel spreadsheet - Inventory  
29 of Meetings Related to Fraser Sockeye  
30 Planning and WSP implementation  
31

32

32 MR. TIMBERG:

33 Q And so, Mr. Ryall, if you could just turn to the  
34 tab in front of you.

35 MR. TIMBERG: And Mr. Commissioner, to Tab 30-2.  
36 That's Volume 2 of the green binder of Canada's.  
37 And this is a summary page. And Mr. Lunn, you are  
38 unable to bring this up then?

39 MR. LUNN: I just don't know what document you're  
40 referring to. I'm sorry.

41 MR. TIMBERG: Okay.

42 MR. LUNN: If you have a description, I might be able  
43 to find it.

44 MR. TIMBERG: It's the second Excel sheet. And so it's  
45 Volume 2 of Canada's binders. Oh, yeah, there we  
46 go.

47 Q And so Mr. Ryall, can you --

1 MR. TIMBERG: Oh, that's going the wrong direction.

2 MR. LUNN: Let me try that again.

3 MR. TIMBERG: If we can scroll down? Let's go to the  
4 bottom number first.

5 Q And what does the "meeting days and inventory 516"  
6 represent?

7 MR. RYALL: Well, Gottfried had collected this  
8 information from all sorts of sources within the  
9 Department of Fisheries and Oceans at our office  
10 in Vancouver and our area offices, Kamloops, lower  
11 Fraser, the Island and the Secretariat and et  
12 cetera. And the point was to see what sort of  
13 discussions had happened around WSP. And I'm not  
14 saying that all these meetings that are  
15 incorporated within this inventory were solely  
16 focused on WSP but some part thereof was on WSP in  
17 consultation. And this represents how many  
18 meeting days occurred from what Gottfried pulled  
19 together over the timeframe we had the contract in  
20 place.

21 Q And that was the last five? It was from...?

22 MR. RYALL: 2005 until present. And my view of this is  
23 that it's an incomplete number meaning that  
24 there's more meetings that were captured in this  
25 database. And the database doesn't reflect the  
26 amount of time that was, you know, put in my staff  
27 into developing and in preparation for these  
28 meetings so that's not captured.

29 Q But these are actual meetings with stakeholders or  
30 First Nations where one of the topics was WSP  
31 implementation?

32 MR. RYALL: That's correct.

33 Q And just for the assistance of the participants in  
34 the room and the Commissioner, if we could just  
35 scroll up, could you just describe what these  
36 categories are so people can understand this  
37 report a bit and then I'll move?

38 MR. RYALL: Sure. So under WSP implementation, we had  
39 a variety of WSP workshops that occurred in  
40 various locations in the province. And the DFO  
41 contact is listed there. In this case it was Amy  
42 Mar. The next is the Fraser River sockeye  
43 initiative and the contact, myself. And so that  
44 covers the period from, in that case, 2005 to  
45 2009. Multi-interest advisory process, captured  
46 Integrated Harvest Planning Committee. We did not  
47 capture, in this case, for example, area harvest



1 committees where I know that there have been  
2 meetings that occurred but I don't see those  
3 reflected here.

4 There's sector-specific engagement, Fraser  
5 River Aboriginal Fisheries Secretariat, First  
6 Nations Fishery Council, the Upper Fraser Fishery  
7 Conservation Alliance, other individual First  
8 Nation meetings, the Commercial Salmon Advisory  
9 Board, Central Coast Advisory Board, Sport Fishery  
10 Advisory Board, meetings with the Marine  
11 Conservation Caucus, which is captured under the  
12 Environmental NGOs and also at Salmon Enhancement  
13 and Habitat Advisory Boards.

14 And then also, there's area meetings that  
15 occurred as well. So area staff had undertaken  
16 these and bilaterals. You'll note in this case  
17 there's only one identified in this particular  
18 section. But I know from myself that more than  
19 that occurred just from talking to staff and just  
20 because of the duration of the contract that those  
21 are not all incorporated in here.

22 Q Because Gottfried could only summarize the ones  
23 that he could find minutes of?

24 MR. RYALL: Well, given the timeframe that we provided  
25 for Gottfried and this was over a period of time  
26 when we were developing IFMPs and staff were.  
27 That was a higher priority is to get that done  
28 than to develop this database.

29 MR. TIMBERG: Okay. Thank you. So for the assistance  
30 of the participants, that's a hyperlink document.  
31 They can click on there and then they can find all  
32 of the minute meetings. So we've got a complete  
33 record of the minutes in the hyperlink.

34 Q So I'll move on then to a question for you, Mr.  
35 Saunders. During testimony of the Predation Panel  
36 on May the 5th, 2011, the Commissioner asked a  
37 question of Dr. Ford with respect to a question of  
38 science planning. And I'll read out the question  
39 and I'll ask you can perhaps provide an answer to  
40 that.

41  
42 I'm trying to get a sense of if this is a  
43 scrambled situation in our world of research  
44 or is there actually some game plan here now  
45 in 2011 and going forward that takes  
46 advantage of all this work that's been done  
47 and tries to get a sense for the politicians

1                   and bureaucrats and managers? Where should  
2                   they be going forward? Where should they be  
3                   assigning the resources to go forward?  
4

5                   So I'm wondering if you could provide the  
6                   Commissioner with an answer to that question?

7       MR. SAUNDERS: Yes, Mr. Commissioner. I think the  
8                   question can be answered on a couple of different  
9                   levels around the game plan for Science. If we  
10                  look specifically at the questions that are in  
11                  front of the Commission and the decline in Fraser  
12                  sockeye, I think I can explain an overall Science  
13                  process that we've been using within Science to  
14                  address the question. With the Department of  
15                  Fisheries and Oceans starting in 2009, we  
16                  undertook a process to try to understand what had  
17                  taken place.

18       Q       And when you say "what has taken place", you're  
19                  referring to...?

20       MR. SAUNDERS: In terms of the decline in Fraser  
21                  sockeye.

22       Q       Thank you.

23       MR. SAUNDERS: So as an issue coming in front of the  
24                  Science community, an approach was taken to arrive  
25                  to try to understand the scientific underpinnings  
26                  of what had taken place. And I think it's fair to  
27                  say that through the Department we engaged about  
28                  45 of our staff scientists with expertise ranging  
29                  from understanding ocean processes, disease and  
30                  stock dynamics, freshwater processes, et cetera,  
31                  met in September of 2009 and established a number  
32                  of hypothesis that we felt may have been  
33                  contributing and have worked since that point to  
34                  coming back together again. We've conducted  
35                  research, reassigned priorities of staff and  
36                  worked with outside organizations to continue a  
37                  Science process to understand what has gone on.

38                  I think in terms of our most recent meeting  
39                  was in middle of May where we again came together  
40                  to look at the outcome of various projects that  
41                  we're pulling together. So I think there's an  
42                  internal approach to allocation of resources but  
43                  we also work very closely with the Pacific Salmon  
44                  Commission in the design of the workshop that was  
45                  held in June of 2010, which was a major point  
46                  where we coalesced and devised an approach to try  
47                  and assign a weight of scientific evidence to go

1 along with that. At the same time, we've also  
2 been looking at the priorities that we've got  
3 within Science and in these areas where there are  
4 still questions, start trying to understand what  
5 we could be doing, what other research we could be  
6 doing and going in each of the areas of potential  
7 influence on Fraser sockeye starting to move  
8 ahead.

9 I think that would be a specific process that  
10 we've been using over the last two years within  
11 Science. I think in terms of a question about  
12 whether there's an overarching assignment of a  
13 group or an individual to analyze everything that  
14 we're seeing out there, I think a broader  
15 scientific process is out there to identify issues  
16 as they arise and then the organization, I should  
17 say actually organizations, Science organizations  
18 then react. I can give you examples of that. For  
19 instance, you would be familiar with the various  
20 papers that are produced like the Grant paper that  
21 are doing assessments of the status of stocks and  
22 forecasts. All of those come forward through  
23 Canadian scientific advice secretariat and are in  
24 a peer-reviewed process which the salmon  
25 subcommittee includes our senior scientists. So  
26 anything of interest and concern coming out would  
27 be vetted against our scientists who would say,  
28 you know, that may be something we need to explore  
29 further.

30 There's an underlying issue here that needs  
31 examination. That would come forward through our  
32 various processes to influence how decision-makers  
33 like myself and the other members of the Science  
34 executive provide resources back to the scientific  
35 work that gets done. The Pacific Salmon  
36 Commission were engaged in that and I sit, as does  
37 Dr. Laura Richards, on a committee for scientific  
38 cooperation that makes sure that Science is taking  
39 action in the case of issues that are developing  
40 in front of as we manage the salmon resource.

41 We also produce annually a document called  
42 "State of the Ocean" where researchers from both  
43 the ocean sciences, as well as fisheries-related  
44 researchers come together with observations about  
45 what's been seen in a particular year. And a lot  
46 of synergies and understanding of long-term trends  
47 get vetted through that and provide the basis for

1 providing priorities going forward. Also, a  
2 series of workshops and conferences that will take  
3 place within the Science community raise these  
4 issues both domestically and internationally. So  
5 while some of that may sound fairly organic in  
6 terms of the way issues come forward, it's fairly  
7 effective at bringing forward the key issues.

8 We have people, the senior scientists that I  
9 referred to earlier typically, Kim Hyatt, who's  
10 been in front of this organization, would be of  
11 the calibre that would take these overarching  
12 observations and start to develop synthesis papers  
13 that would go across, start to understand these  
14 broader processes that are taking place. We also  
15 are working in the context of moving forward on  
16 this, the development of new methods that are out  
17 there for bringing these very complex issues that  
18 are multidisciplinary in nature such as models  
19 that are based on what are called Bayesian belief  
20 networks that are trying to bring together the  
21 complexity and allow researchers, as well as  
22 laypersons to understand how these broader  
23 processes are working. So I think, is there a  
24 broad plan in terms of one that I can put on the  
25 table? No, but there is an approach that's robust  
26 enough to bring forward and help understand these  
27 complex issues and make sure that the Science  
28 organization responds appropriately to them.

29 MR. WALLACE: Mr. Commissioner, I may be wrong but it  
30 appears to me that Mr. Saunders is reading from  
31 notes and it might be easier just to file the  
32 notes or perhaps quicker if he simply answered  
33 questions from his knowledge.

34 MR. TIMBERG: Perhaps I could address that over the  
35 break and get back to you tomorrow morning on  
36 that, Mr. Commissioner. Mr. Lunn, could we have  
37 Exhibit 795, please?

38 Q And Mr. Saunders, is this the document you're  
39 referring to, the DFO Synthesis Workshop on the  
40 Decline of Fraser River Sockeye that you just  
41 referred to?

42 MR. SAUNDERS: That's correct.

43 Q Thank you. And before we move off this topic, who  
44 are the senior scientists that lead Science in the  
45 Pacific region so the Commissioner understands the  
46 flow?

47 MR. SAUNDERS: Senior scientists, well, there are

1 managers, myself, Denis D'Amours who's listed  
2 there as one of the meeting chair. He's the  
3 manager for hydrography. Also, Robin Brown heads  
4 up Ocean Sciences and Dr. Laura Brown is the head  
5 of Marine Ecosystems and Aquaculture Division.  
6 Ourselves. Those four division managers report to  
7 the regional director of Science, Dr. Laura  
8 Richards. And we would have the responsibility  
9 ultimately for designing the ongoing plan and  
10 direction in the DFO Science organization. But  
11 there are also, and as you scroll down you'll see  
12 that there are a number of scientists some of  
13 which would have an actual designation as a senior  
14 scientist like Dr. Dick Beamish who's been in  
15 front of this Commission, but others that would  
16 be, you know, like Dr. Mike Bradford, Dr. Terry  
17 Beacham, et cetera, that are senior within the  
18 Science ranks of the Department.

19 MR. TIMBERG: Okay. Thank you. Mr. Commissioner, do  
20 you have any questions of Mr. Saunders with  
21 respect to Science direction?

22 THE COMMISSIONER: Well, not at the moment, no.

23 MR. TIMBERG: Okay. Thank you.

24 Q Mr. Ryall, turning to some questions for yourself,  
25 I've got a series of fairly broad questions  
26 regarding implementation of the Wild Salmon  
27 Policy. How will the IFMP work under the Wild  
28 Salmon Policy when it's fully implemented?

29 MR. RYALL: How will the IFMP work under the Wild  
30 Salmon Policy?

31 Q Yeah.

32 MR. RYALL: Well, I think it will work much like it is  
33 currently meaning that within the IFMP we'll  
34 identify stocks of concern. And as I mentioned  
35 earlier, some of those are conservation units, not  
36 all. Many are groups of stocks of concern and it  
37 will implement Harvest management decision rules  
38 that will provide protection for those stocks of  
39 concern.

40 Q And how would it work then, for example, with the  
41 Cultus Lake Conservation Unit?

42 MR. RYALL: Well, in particular, with the Cultus Lake  
43 Conservation Unit, it's identified within that  
44 chapter that I'm referring to and outlines a limit  
45 that would be allowed for exploitation around  
46 Cultus Lake sockeye and where some of those  
47 management actions would be implemented within the

1 IFMP. That's been in place now since probably  
2 2004 IFMP. It's not been consistent over the  
3 years as far as what the management actions are.  
4 They have varied across the years but the intent  
5 is to provide protection to Cultus Lake.

6 MR. TIMBERG: All right. And perhaps then we should  
7 turn, Mr. Lunn, to Tab 28 of Canada's documents.  
8 And this is the 2011/2012 IFMP. I don't believe  
9 this has been marked as an exhibit yet, so this  
10 should be marked, I think.

11 THE REGISTRAR: Exhibit 946.

12  
13 EXHIBIT 946: Pacific Region Integrated  
14 Fisheries Management Plan Salmon Southern  
15 B.C. June 1, 2011 to May 31, 2012  
16

17 MR. TIMBERG: And if we could turn to page 48 of this  
18 document?

19 Q And so Mr. Ryall, can you explain then how the  
20 IFMP treats the Cultus Lake Late-Run sockeye?

21 MR. RYALL: Yes, certainly. I should point out, too,  
22 that this IFMP, the normal process is that this is  
23 for 2011/2012, that this has not been formally  
24 adopted yet by the Department and the Minister  
25 would approve this and so there could be changes  
26 to this document. So in this section, Cultus Lake  
27 and Late-Run sockeye, it lays out what the  
28 decision rule is to provide protection to Cultus  
29 Lake sockeye and that would be managed within a  
30 constraint of the exploitation rate identified for  
31 the Late-Run aggregate. As I said, this has not  
32 always been consistent language across the years.  
33 As we learn more, the language has changed across  
34 the years but there's always been a section that  
35 included in the annual IFMP to provide direction  
36 and protection for Cultus Lake sockeye as far as  
37 harvest impacts.

38 Q So here, the exploitation rate is proposed at 20  
39 percent?

40 MR. RYALL: Well, it's proposed that:

41  
42 a) the exploitation rate floor identified for  
43 Late Run Sockeye (currently set at 20%), or  
44

45 b) the exploitation rate that is consistent  
46 with recovery objectives based on in-season  
47 information on returns and potential numbers

1                   of effective spawners.  
2

3                   So one of the big pieces of information around  
4                   Cultus is the pre-spawn mortality. And you go  
5                   into the season and you make some assumptions  
6                   about what that level is to decide what sort of  
7                   exploitation rates.

8                   Q     So that's if this summer's run is low then you  
9                   would obviously follow the in-season approach?

10                  MR. RYALL: Well, the part b) provides some flexibility  
11                  for some in-season decision-making the way this is  
12                  worded. So if you have some improved information  
13                  in-season you might be able to adjust the  
14                  exploitation rate. But it needs to be consistent  
15                  with the recovery objectives that are included  
16                  within the plan. And I think further down in this  
17                  page, if I'm not mistaken, that those recovery  
18                  objectives are identified. It might be the next  
19                  page actually.  
20

21                               The recovery objectives as outlined in the  
22                               National Conservation Strategy for Cultus  
23                               Lake Sockeye Salmon are as follows...  
24

25                   And I won't read them all but that's what part b)  
26                   is referring to, that if you're going to make  
27                   changes in-season they need to be consistent with  
28                   these objectives.

29                  Q     All right. Thank you.

30                  MR. RYALL: And this is what the Cultus Sockeye  
31                  Recovery Team drafted and this is what we are  
32                  using as far as, you know, here's what we need to  
33                  do to protect Cultus and these are the objectives  
34                  we're going to use.

35                  Q     And what are the complexities involved in  
36                  operating the IFMP and the Wild Salmon Policy?

37                  MR. RYALL: Well, I think we've touched on a number of  
38                  them today and the testimony of the panel. We're  
39                  talked about the complexities of salmon in general  
40                  and it's biology. To me, the complexity is that  
41                  these fish migrate over great distances and  
42                  there's a number of fisheries along the way. And  
43                  all the status of those are not equal all the time  
44                  meaning that some could be in the Cultus, for  
45                  example, in a red zone and need to recover but  
46                  it's co-migrating with other stocks. And so one  
47                  of the challenges is what sort of protection are

1           you going to provide to recover that stock,  
2           rebuild it and over what timeframe and what are  
3           the implications of undertaking those recovery  
4           objectives?

5           Generally, that means if there's other stocks  
6           co-migrating you'll be foregoing that harvest  
7           where those mixed stock fisheries occur. And  
8           that's been what's happened in recent years where  
9           the harvest rate has generally decreased from  
10          historic levels, if we go back a decade or so  
11          where it was 70 to 80 percent. In more recent  
12          years, it's ranged anywhere from 20 to 35 percent.  
13          And I'm meaning overall. If you parse that down  
14          into some of the management groups, you're going  
15          to get even lower amounts.

16         Q       So that that change has been happening?

17         MR. RYALL: That change has been happening and those  
18           types of changes have impacts on people. And they  
19           have impacts obviously on the fish as well,  
20           meaning that we're trying to recover these stocks.  
21           But they also have impacts on First Nations that  
22           want to harvest for FSC and also people that are  
23           recreational and commercial.

24         Q       So as WSP is implemented, how will DFO deal with  
25           weak stocks or priority CUs in mixed stock  
26           fisheries?

27         MR. RYALL: Well, I think we've been doing that over  
28           time and there's a number of ways of doing that.  
29           We have reduced harvest rates and, for the most  
30           part, those harvest rate reductions have occurred  
31           in rain waters but they've also occurred in the  
32           lower Fraser as well. These stocks are still  
33           mixed stock for the most part until they start to  
34           migrate further up the Fraser River. And so we've  
35           reduced harvest rates. We have set, I think clear  
36           decision rules within the annual IFMP what those  
37           decision rules will be.

38           We have negotiated treaties with the U.S. to  
39           minimize their impact and that's an ongoing  
40           challenge. They have a slightly different view  
41           than Canada as far as what a Wild Salmon Policy  
42           would look like. I don't think they necessarily  
43           totally agree with our view of what the  
44           conservation units are. But setting that aside, I  
45           think that that's another sort of complexity that  
46           one has to deal with. Another country is  
47           impacting upon these stocks as well.



1 Q Okay. And how will the WSP impact, if at all,  
2 activities of the Fraser panel and the Pacific  
3 Salmon Treaty?

4 MR. RYALL: Some of that's a little hard to judge since  
5 this is still a work-in-progress. But it's  
6 Canada's responsibilities to provide what the  
7 conservation objectives are to the Fraser panel.  
8 And the bilateral Fraser panel then implements  
9 that and develops an in-season management plan to  
10 stay within those. So it's really Canada's  
11 obligation to set those conservation objectives,  
12 transmit those to the Fraser panel and it's up to  
13 the Fraser panel to stay within that. Within the  
14 annex that guides the Fraser panel, it's Annex 4,  
15 Chapter 4. There's objectives that are laid out.

16 The first one is conservation. And after  
17 that is international and then domestic is the way  
18 it's worded, to my recollection. And so as it's  
19 Canada's obligation to set the conservation  
20 objectives, that's the first priority for that  
21 panel to meet. Now, that means that we need to  
22 work with the U.S. to accomplish that and my view  
23 over the years of when I was on the panel and  
24 chairing that panel is I think we have a good  
25 working relationship with the U.S. but we don't  
26 always see eye-to-eye on the objectives. But I  
27 think that we do have a good working relationship  
28 and the fisheries have been managed appropriately.

29 Q Generally, how will you deal with the uncertainty  
30 associated with a given return each year? There's  
31 an uncertainty as to how many fish will come back.

32 MR. RYALL: Well, we still do make pre-season forecasts  
33 and within the 2011/2012 IFMP there are forecasts  
34 and there are two tables actually in the 2011  
35 IFMP. One is to base a forecast on recent  
36 activity and there's a second table that creates a  
37 forecast over the long term. And within those  
38 forecasts there's probabilities for both those  
39 tables. But that's only the pre-season portion of  
40 it. And really it's around what you do in-season.  
41 And we collect a lot of information in-season to  
42 update those run sizes and manage the fisheries  
43 accordingly.

44 And we manage them according to meeting the  
45 conservation objectives and First Nations FSC  
46 requirements and the allocation policy that Canada  
47 has in place currently. Now, typically what

1 happens in-season, we also, I would say, start  
2 fisheries that have low impact. High-risk fish  
3 but have generally low impact. So once we're  
4 assured that we're going to meet our conservation  
5 objectives and put enough fish into the river to  
6 meet First Nations requirements, there will be  
7 decisions made about the recreational and the  
8 commercial fishery and the commercial fishery on  
9 sockeye has the priority over the recreational.  
10 But we will commence with some lower impact  
11 fisheries and this has generally been the openings  
12 for troll fisheries and gillnets. And we're still  
13 collecting information.

14 And after that, other fisheries *per se* will  
15 start to have a higher impact. When I say that,  
16 other things that we've been doing in recent years  
17 is having demonstration fisheries. So the history  
18 has been a competitive fishery where you open for  
19 a duration of time, identify some days or hours  
20 that the fishery will open in a particular area.  
21 You have some idea of how much will be caught and  
22 how many boats will show up and catch that. But  
23 that's not an exact science. And one of the  
24 things that we've been working on is the  
25 demonstration fisheries that have had ITQs,  
26 individual transferrable quotas. And you can set  
27 a quota for the week and go out and harvest that  
28 amount that would help to reduce that uncertainty  
29 as well. It's another tool that could be used.

30 MR. TIMBERG: All right. We've run out of time today,  
31 Mr. Ryall. We'll continue tomorrow morning with  
32 taking you to the IFMP and those descriptions  
33 there on the various options.

34 THE COMMISSIONER: Thank you.

35 THE REGISTRAR: The hearing is now adjourned for the  
36 day and will resume at ten o'clock tomorrow  
37 morning.

38  
39 (PROCEEDINGS ADJOURNED TO JUNE 3, 2011, AT  
40 10:00 A.M.)  
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46  
47

1 I HEREBY CERTIFY the foregoing to be a  
2 true and accurate transcript of the  
3 evidence recorded on a sound recording  
4 apparatus, transcribed to the best of my  
5 skill and ability, and in accordance  
6 with applicable standards.  
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11 Diane Rochfort  
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23 Karen Hefferland  
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35 Pat Neumann  
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47 Karen Acaster