

## **COMMISSION OF INQUIRY INTO THE DECLINE OF SOCKEYE SALMON IN THE FRASER RIVER**

In the matter of Her Excellency the Governor General in Council, on the recommendation of the Prime Minister, directing that Commission do issue under Part 1 of the *Inquiries Act* and under the Great Seal of Canada appointing the Honourable Bruce Cohen as Commissioner to conduct an inquiry into the decline of the sockeye salmon in the Fraser River

### **SUBMISSIONS OF COMMISSION COUNSEL REGARDING EXPERT QUALIFICATIONS OF DR. MARVIN ROSENAU AND DR. LAURA REMPEL**

These submissions address the expert qualifications of Drs. Laura Rempel and Marvin Rosenau who testified on June 15, 2011 in relation to gravel removal in the lower Fraser River. The Commissioner reserved his decision on the qualification of these witnesses and invited submissions on the admissibility of the body of their evidence and the weight he ought to attach to it (Transcript, June 15, 2011, p.87, l.31 – p.88, l.34).

Commission counsel sought to qualify each of the witnesses as experts in two areas:

1. “freshwater fish habitat in flowing waters and rivers, with an emphasis in the Lower Fraser”, and
2. “fluvial geomorphology and hydrology as those relate to freshwater aquatic ecosystems and flood profiles”

(Transcript, June 15, 2011, p.81, ll.33-39)

The witnesses’ experience, as summarized on their *curricula vitae*, were reviewed before the Commissioner.

Significant points in relation to the expertise of Dr. Rempel include:

1. Dr. Rempel has a Ph.D. in physical geography and her dissertation in that degree was on physical and ecological organization in large gravel bed rivers and responses to disturbances by gravel mining.
2. She is a habitat biologist with the Department of Fisheries and Oceans.
3. She previously led research programs in habitat risk assessment, aquatic bio-monitoring and fish habitat.

4. She has experience as an environmental analyst and a river systems ecologist.
5. She has authored or co-authored a number of published works on the subject of gravel removal in the lower Fraser River and related habitat impacts.

Transcript, June 15, 2011, p.78, l.1 – p.79, l.10  
Exhibit 1068, Curriculum Vitae of Laura Rempel

Significant points in relation to the expertise of Dr. Rosenau include:

1. Dr. Rosenau has a Ph.D. in fisheries science and a Master of Science in zoology.
2. He has experience with the BC Ministry of Environment from 1991 to 2006 where he engaged in work involving the Fraser River gravel reach and other watersheds.
3. He has authored or co-authored numerous articles, technical papers and reports in relation to freshwater habitats for salmonid and freshwater fish.
4. He has authored or co-authored numerous published works on the subject of gravel removal in the lower Fraser River and related habitat impacts.
5. He has appeared as an expert witness in numerous cases, both while at the Ministry of Environment and after he left the Ministry.

Transcript, June 15, 2011, p.79, l.27 – p.81, l.32; p.87, ll.8-15  
Exhibit 1069, Curriculum Vitae of Marvin Rosenau

Objections were made by participants in relation to the second area of qualification, namely “fluvial geomorphology and hydrology as those relate to freshwater aquatic ecosystems and flood profiles”.

No objections were made by any participant as to the qualifications of both witnesses as experts in “freshwater fish habitat in flowing waters and rivers, with an emphasis on the lower Fraser River”.

As such, based on the qualifications of each witness, as reviewed on June 15, 2011, and as summarized above, commission counsel seeks to have Drs. Laura Rempel and Marvin Rosenau qualified as experts in freshwater fish habitat in flowing waters and rivers, with an emphasis on the lower Fraser River.

Commission counsel further submits that, subject to any challenges which may be made by participants in their submissions and accepted by the Commissioner, the entirety of the testimony of these witnesses ought to be admitted into the evidence of this inquiry.

October 17, 2011

ALL OF WHICH IS RESPECTFULLY SUBMITTED



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