

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.

Wednesday, May 11, 2011

Tenue à :

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

le mercredi 11 mai 2011



Errata for the Transcript of Hearings on May 11, 2011

Page	Line	Error	Correction
17	8	hales	hails
34	20	hales	hails
27	40	Ms. Chen	Ms. Chan
35	11	Ms. Chen	Ms. Chan
35	45	.4	point four

APPEARANCES / COMPARUTIONS

Patrick McGowan Jennifer Chan	Associate Commission Counsel Junior Commission Counsel
Mitchell Taylor, Q.C. Hugh MacAulay	Government of Canada ("CAN")
Boris Tyzuk, Q.C.	Province of British Columbia ("BCPROV")
No appearance	Pacific Salmon Commission ("PSC")
Chris Buchanan	B.C. Public Service Alliance of Canada Union of Environment Workers B.C. ("BCPSAC")
No appearance	Rio Tinto Alcan Inc. ("RTAI")
No appearance	B.C. Salmon Farmers Association ("BCSFA")
No appearance	Seafood Producers Association of B.C. ("SPABC")
No appearance	Aquaculture Coalition: Alexandra Morton; Raincoast Research Society; Pacific Coast Wild Salmon Society ("AQUA")
Judah Harrison	Conservation Coalition: Coastal Alliance for Aquaculture Reform Fraser Riverkeeper Society; Georgia Strait Alliance; Raincoast Conservation Foundation; Watershed Watch Salmon Society; Mr. Otto Langer; David Suzuki Foundation ("CONSERV")
Don Rosenbloom	Area D Salmon Gillnet Association; Area B Harvest Committee (Seine) ("GILLFSC")

APPEARANCES / COMPARUTIONS, cont'd.

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

APPEARANCES / COMPARUTIONS, cont'd.

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

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4

5 THE REGISTRAR: The hearing is now resumed.

6 MS. CHAN: Good morning, Mr. Commissioner. It's
7 Jennifer Chan for the Commission and with me is
8 Patrick McGowan.

9 Just as a housekeeping matter, we have Nicole
10 Schabus for the Sto:lo Tribal Council and Cheam
11 Indian Band to speak to you.

12 MS. SCHABUS: Yes, Mr. Commissioner, I'm Nicole
13 Schabus. I'm co-counsel for Sto:lo Tribal Council
14 and Cheam Indian Band. We just wanted to flag an
15 issue with the Commissioner that there is an
16 outstanding objection of our standing group that
17 also other groups had made submissions on
18 regarding the scope of questions of the Area E
19 Gillnetters and Fishery Survival Coalition, and
20 also regarding Mr. Eidsvik representing the
21 participant group, now that he's represented by
22 counsel. Mr. Commissioner, we are not expecting a
23 ruling on this today, but we wanted to flag the
24 issue.

25 Another issue that I just briefly wanted to
26 point out, we've been provided with a list of
27 documents that the same standing group, Area E and
28 Fisheries Survival Coalition might be relying on
29 within the monitoring and enforcement hearings.
30 I've spoken to Mr. Eidsvik, he indicates he's
31 mainly going to rely on them -- or he's going to
32 rely on them for the enforcement hearings. My
33 point being that the list was not received within
34 the necessary timeline for these monitoring
35 hearings. We received the list on Thursday with
36 some 59 documents that are not listed in ringtail.
37 Many of them are voluminous and it becomes an
38 issue of fairness if he was to rely on them in
39 these two days of hearings especially. We would
40 be possibly objecting to that.

41 So I just wanted to flag these issues with
42 the Commissioner. Thank you.

43 MR. MCGOWAN: Mr. Commissioner, I've spoken with Mr.
44 Eidsvik who advises that the documents he's
45 provided are for the panel next week, not for the
46 panel today or tomorrow. I've communicated that
47 to Ms. Schabus. If an issue arises with a

1 document when it's put to the witness, in my
2 submission, that's the appropriate time to deal
3 with it.

4 THE COMMISSIONER: Thank you.

5 MS. CHAN: Good morning, Mr. Commissioner. We're at
6 the beginning of four days of hearings on the
7 topics of fisheries monitoring and enforcement.
8 This will be presented to you with the assistance
9 of three panels. The first two panels, which will
10 take one day each, will primarily focus on the
11 topic of fisheries monitoring and catch reporting.
12 That's for the commercial and aboriginal
13 fisheries.

14 You'll recall that during the recreational
15 fishing hearings in March, you heard evidence on
16 the creel survey method of catch monitoring and
17 reporting. That applied to that fishery.

18 The third panel, which will take place over
19 two days, will deal with the topic of fisheries
20 enforcement.

21 The Commission has prepared a Policy and
22 Practice Report entitled "Fisheries, Monitoring
23 and Catch Reporting for Commercial and Aboriginal
24 Fraser River Sockeye Salmon Fisheries." That was
25 distributed to all participants on March the 17th.

26 If I could have that marked as the next PPR,
27 please?

28 THE REGISTRAR: It'll be PPR-12.

29
30 PPR 12: Fisheries, Monitoring and Catch
31 Reporting for Commercial and Aboriginal
32 Fraser River Sockeye Salmon Fisheries
33

34 MS. CHAN: If we could have the witnesses sworn or
35 affirmed?
36

37 ROBERT HOUTMAN, Affirmed.

38
39 LESTER JANTZ, Affirmed.

40
41 MATTHEW PARSLOW, Affirmed.
42

43 THE REGISTRAR: State your name, please?

44 DR. HOUTMAN: Rob Houtman.

45 MR. JANTZ: Lester Jantz.

46 MR. PARSLOW: Matthew Parslow.

47 THE REGISTRAR: Thank you. Counsel?

3
PANEL NO. 34
In chief by Ms. Chan

1 MS. CHAN: Thank you. Mr. Commissioner, today's panel
2 is here to discuss the current methods that are
3 applied to fisheries monitoring and catch
4 reporting, again for the commercial and aboriginal
5 fisheries. Let me start by introducing the panel
6 to you.
7 Dr. Houtman, and if we could have Dr.
8 Houtman's c.v. brought on screen, please. That's
9 Tab 2 of the Commission's list of documents.

10
11 EXAMINATION IN CHIEF BY MS. CHAN:
12

13 Q Dr. Houtman, you're a catch-monitoring biologist
14 with DFO's Pacific Biological Station in Nanaimo;
15 is that right?

16 DR. HOUTMAN: That's right.

17 Q And you've held that position since 2002?

18 DR. HOUTMAN: Yes.

19 Q And, as an example, you've led projects assembling
20 official salmon catch estimates?

21 DR. HOUTMAN: Yes.

22 Q And you've examined data quality control for
23 salmon catch data in one of DFO's fisheries
24 databases, the FOS system?

25 DR. HOUTMAN: Correct.

26 Q And so today you can speak to fisheries monitoring
27 and catch reporting for Fraser River sockeye
28 salmon fisheries in the south coast and also
29 commercial Fraser River sockeye salmon fisheries
30 in the south coast and lower Fraser; is that
31 right?

32 DR. HOUTMAN: Correct.

33 MS. CHAN: If I could have the c.v. for Dr. Houtman
34 marked as the next exhibit, please.

35 THE REGISTRAR: Exhibit 837.

36
37 EXHIBIT 837: *Curriculum vitae* of Dr. Rob
38 Houtman
39

40 MS. CHAN: And on to Mr. Matthew Parslow, if I could
41 have his c.v. brought up, please? That's at the
42 Commission's document at Tab 4. Thank you.

43 Q Mr. Parslow, you're a management biologist now.
44 You're no longer an acting management biologist?

45 MR. PARSLow: That's correct, yes.

46 Q And you're at DFO's Annacis office and that's for
47 the lower Fraser area; is that right?

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1 MR. PARSLow: That's right, yeah.

2 Q Thank you. You've held this position since July
3 of 2010?

4 MR. PARSLow: Yes, and for a year and a half before
5 that as well.

6 Q Great. Thank you.

7 MR. PARSLow: (Indiscernible - overlapping voices)
8 position.

9 Q And so as part of that position, you're
10 responsible for the estimation of catch for the
11 lower Fraser, First Nations, FSC and economic
12 opportunity fisheries?

13 MR. PARSLow: That's correct.

14 Q And so you provide those estimates to the Fraser
15 River Panel and to other management processes?

16 MR. PARSLow: Yes.

17 Q Thank you. And so today you can speak to Fraser
18 River -- lower Fraser River fisheries monitoring
19 and catch reporting for the lower Fraser, First
20 Nations, FSC and economic opportunity fisheries?

21 MR. PARSLow: Yup, that's right.

22 MS. CHAN: Thank you. And if I could have Mr.
23 Parslow's c.v. marked as the next exhibit.

24 THE REGISTRAR: Exhibit 838.

25 MS. CHAN: Thank you.

26

27 EXHIBIT 838: *Curriculum vitae* for Matthew
28 Parslow

29

30 MS. CHAN: And on to Mr. Jantz. You're returning as a
31 witness to us today and if we could have your c.v.
32 brought up. Thank you.

33 Q Mr. Jantz, you're the area chief of resource
34 management for B.C. Interior; is that right?

35 MR. JANTZ: Yes, that's correct.

36 Q So you're in the Kamloops office?

37 MR. JANTZ: Yes.

38 Q And you have been at this position since 2006?

39 MR. JANTZ: That's correct.

40 Q Thank you. And, as part of that task, it looks
41 like you have on the screen there quite a number
42 of responsibilities. Some of those include
43 managing the human and physical resources for the
44 resource management sector in the B.C. Interior?

45 MR. JANTZ: Yes.

46 Q And you manage delivery of AFS programs in the
47 B.C. Interior?

1 MR. JANTZ: Yes, that's correct.

2 Q And wrapped all into that is that, at the
3 management level, you oversee the fisheries
4 monitoring and catch reporting program in the B.C.
5 interior.

6 MR. JANTZ: Yes.

7 Q Thank you. So today you'd be comfortable speaking
8 with us about the fisheries monitoring and catch
9 reporting for the B.C. Interior, First Nations
10 fisheries, and that's FSC and economic
11 opportunity?

12 MR. JANTZ: Yes.

13 MS. CHAN: Thank you. If I could have Mr. Jantz' c.v.
14 marked as the next exhibit, please.

15 THE REGISTRAR: Exhibit 839.

16

17 EXHIBIT 839: *Curriculum vitae* of Lester
18 Jantz

19

20 MS. CHAN:

21 Q So I'll begin my questions with questions directed
22 to Dr. Houtman on the commercial fishery. Now,
23 Dr. Houtman, you've had a chance to review the
24 Policy and Practice Report, or at least sections
25 of it, that the Commission has produced; is that
26 right?

27 DR. HOUTMAN: Yes.

28 Q Thank you. And are you content with its
29 description of how fisheries monitoring and catch
30 reporting is performed with respect to the
31 commercial Fraser River sockeye salmon fisheries
32 and specifically at paragraphs 117 through to 134?

33 DR. HOUTMAN: Yes.

34 MS. CHAN: Thank you. If I could have the Commission's
35 Tab number 5 brought up, please.

36 Q Dr. Houtman, could you tell us what this document
37 is? Do you recognize it?

38 DR. HOUTMAN: Yeah, it's a summary of compliance of
39 phone-in reporting. Phone-in reports are what
40 commercial fishers are required to make soon after
41 a day of fishing. In most licence areas, the
42 requirement is for 8:00 a.m. the next morning, or
43 24 hours after the end of that fishing day.

44 So this shows the fraction of the estimated
45 vessel days. That is the product of vessels
46 fishing -- the sum total of vessels fishing on
47 each day of openings. The fraction of those

1 vessel days for which a phone-in catch report was
2 received on time in the -- the third column
3 reports on time, and in the fourth column, reports
4 up to 24 hours late, and in the second column, the
5 fraction reporting column total. So even
6 subsequent to 24 hours late.

7 Q Okay. And we'll return to this page about phone-
8 in compliance, but if we could go to the third
9 page, please. This shows commercial salmon
10 logbooks. Could you explain what this part of the
11 table shows, please?

12 DR. HOUTMAN: So all commercial licence holders -- all
13 commercial fishers need to have a logbook and
14 record in that logbook during fishing their catch
15 and information on where they're fishing and hours
16 fished, some number of sets, various things in
17 their logbook. They keep that for the season and
18 they use that to make their phone-in reports.

19 But, at the end of the season after fishing
20 opportunities are ended for that season, they're
21 required to return it to the Department or to
22 their service provider. The service provider
23 processes those logbooks for a second sort of
24 better copy of their catch reports to compare to
25 their in-season phone-in reports in case there was
26 errors in transmission or recording of their
27 phone-in catch reports.

28 Q Thank you.

29 DR. HOUTMAN: So this -- sorry -- this table shows the
30 compliance with that requirement to return the
31 logbooks.

32 Q Thank you. So as I'm looking at the chart, I see
33 that for some of the areas there's a significant
34 -- what looks like an improvement from the year
35 2004 to 2005. So we can choose an example. If we
36 scroll down, actually -- okay.

37 So we see there the Area D Gillnet and we see
38 the 2004 percent returned as 63 percent, and in
39 2005, we see the returned as 92 percent. Could
40 you tell us what's the explanation for that
41 increase in compliance?

42 DR. HOUTMAN: So the 2004 books are returned in sort of
43 the winter and spring of 2005. In 2005, we added
44 a licence condition -- sorry, we added
45 requirements that 2006 licences would not be
46 issued until their licences were cleared. Part of
47 that clearance, the main thing, we were able to

1 keep a renewal uncleared if their logbook wasn't
2 returned, so that was a new requirement for 2006
3 licence renewal, that the logbook had to be
4 returned before the licence would be renewed.

5 So that led to a lot of fishers who -- at
6 that point it was a fairly new requirement, so a
7 lot of fishers scrambled at that time. It's
8 gotten a lot better since that. Fishers know that
9 requirement now. Logbook return rates have stayed
10 high and it's not so much last minute as it was in
11 '06.

12 Q Thank you. And if we return to page 1 of this
13 document, please. Now, for the phone-in
14 compliance, it looks to me if we take some
15 examples, for example, if we scroll down to the
16 Area B Seine for 2010 for the west coast of
17 Vancouver Island, we have here 82 percent as a
18 fraction reporting. Is that how you read that
19 chart there?

20 DR. HOUTMAN: Yes.

21 Q Okay. And if we scroll down a little bit more,
22 could you tell us if the same requirements in the
23 licence were applied to phone-in reports as the
24 ones you just described for the return of
25 logbooks?

26 DR. HOUTMAN: No. Licences were not held up for lack
27 of phone-ins, and still haven't been.

28 Q Thank you. So could you let us know how has that
29 affected the compliance rates for some of these
30 fisheries? Perhaps if we scroll down a bit more
31 to the Area E Gillnet fishery phone-in compliance
32 for 2010.

33 DR. HOUTMAN: Sorry, I don't understand the question.
34 How has what affected the compliance?

35 Q So you've told us that having the requirement that
36 the logbooks be returned has made a difference
37 with regards to the logbook compliance. Have you
38 seen any similar improvements for phone-ins?

39 DR. HOUTMAN: Not related to that. I think phone-in
40 compliances generally increased over the ten years
41 of the program

42 Q Are they -- are you satisfied with the phone-in
43 compliance right now as they stand?

44 DR. HOUTMAN: Well, fishery managers really hope for
45 100 percent reporting. Statistically, you don't
46 need 100 percent. If you have a good estimate of
47 the effort that is fishing, then you can expand --

1 you can treat the phone-in reports as a sample,
2 assuming it's representative of the ones that
3 didn't report, and expand it. So statistically, I
4 think these are very high sample rates, if you can
5 treat it as a sample.

6 Fishery managers would say, "We want them
7 all," and partly that's because that's fairness to
8 the fleet that they're all making (sic) the
9 requirements.

10 Q Is there any effect on the certainty of your catch
11 estimates that arises from this expansion process?

12 DR. HOUTMAN: Yes, and expansions has some error around
13 it, but with sample rates in the eighties, that
14 error is very low. The greater concern for error,
15 then, is the quality of the estimate of the total
16 effort.

17 Q Thank you. And so these, of course, the logbooks
18 phone-in compliance -- or the logbook and the
19 phone-in compliance aren't the only things that
20 are used for monitoring. Can you describe some of
21 the other monitoring or reporting requirements
22 that aren't shown in these tables?

23 DR. HOUTMAN: Both reporting and monitoring?

24 Q Well, let's stick to reporting.

25 DR. HOUTMAN: There's fish slips. Fishers or plants on
26 their behalf are required to fill out sales slips
27 or fish slips and submit them to the Department.
28 That's required for all commercial sales.

29 Q And let me ask you about --

30 DR. HOUTMAN: There's -- sorry, there's also on-water
31 reporting to charter patrol or if there's a
32 fishery officer there, or a fishery manager on the
33 water, there's requirements in licence conditions
34 that they do have to provide responses to
35 questions.

36 Q And could you tell me about the compliance rates
37 for fish slips, some of the ones that you
38 mentioned?

39 DR. HOUTMAN: I don't have hard numbers on that, but
40 there's an understanding that fish slip compliance
41 has dropped over the last sort of 20 years, and so
42 up till '95, they were the major basis for our
43 catch estimates. But as fishers were finding
44 alternative ways to sell fish, including direct to
45 public sales, enforcement of compliance with fish
46 slip generation and submission became difficult.
47 So there's a concern that fish slip compliance has

1 reduced over the last 20 years to where -- and
2 that was a major cause for the logbook program to
3 be created about ten years ago.

4 Q Thank you. Now, these compliance rates, do they
5 speak to the accuracy of the reports that are
6 provided to DFO?

7 DR. HOUTMAN: Technically, compliance rates affect the
8 sample -- is the sample rate, how many reports I
9 get, what fraction of the fisher's report, and
10 that affects the precision technically.

11 The accuracy would be influenced if the
12 reports are accurate reports of the catches on
13 those reporting vessels. And also, again, how
14 accurate is our estimate of the total population
15 of boats to expand that reported catch to. So
16 this compliance rate doesn't, I would say, affect
17 the accuracy. It affects the precision.

18 MS. CHAN: Thank you. If I could have this document
19 marked as the next exhibit, please.

20 THE REGISTRAR: Exhibit 840.

21 MS. CHAN: Thank you.

22

23 EXHIBIT 840: DFO Commercial Reporting
24 Compliance Tables 2002-2010
25

26

26 MS. CHAN:

27 Q And, Dr. Houtman, just continuing on that line as
28 far as the accuracy of estimates, is there any
29 reason why a report that comes into you from a
30 commercial fisher might not be accurate?

31 DR. HOUTMAN: Yup. Fishers could sort of give the
32 wrong information intentionally or
33 unintentionally. It could be misread or
34 misrecorded or misheard by the telephone operator
35 if it's a phone-in, or misread by the people who
36 enter the data from the logbooks. So that would
37 be sort of unintentional.

38 There could be intentional reasons including
39 under-reporting the target species for strategic
40 reasons, if they think that could influence their
41 opening days. There also more likely is under-
42 reporting of sensitive by-catch species, I would
43 say.

44 Q And so what are the methods that are used to
45 ensure that the catch reports that DFO obtains are
46 accurate? How are they validated?

47 DR. HOUTMAN: Around the region, often they're not

1 validated at a very high level. So there's
2 potentially observers on boats, but the rate of
3 having observers on boats has gotten very small to
4 where it's -- and definitely small enough that
5 it's not useful as an alternative except as sort
6 of a check on the -- it's not available as an
7 alternative data source, but it's available to say
8 to the fleet we know that we're getting under-
9 reports. But observer rates have gone very low.

10 There's also dockside validation, of course,
11 and that has increased over the last couple of
12 years with Area B and Area H having required
13 validation for their Fraser sockeye fisheries.

14 Q And does Area E also have dockside monitoring?

15 DR. HOUTMAN: Yes, but it's a little different there.

16 It's not a requirement for all vessels to be
17 monitored, but we have a 35 percent target of
18 monitored landings which would provide a very
19 adequate sample for developing a catch estimate
20 based on that validated catch.

21 Q But if anyone wanted to avoid having their catch
22 validated, and if there's no mandatory landing and
23 it's a 35 percent target, would it be difficult
24 for a fisher to avoid having their catch
25 validated?

26 DR. HOUTMAN: In Area E?

27 Q Yes.

28 DR. HOUTMAN: I do not think it would be difficult. We
29 talked about assigning vessels at the beginning of
30 the day when they called in their start-fishing
31 reports, assigning them randomly saying this
32 vessel has been chosen and must respond to a
33 validator. There's a lot of challenges with that,
34 because the fishers don't know where they're going
35 to fish, so there might be a lot of travel time at
36 the end of the day to report to a monitoring
37 station. Various difficulties, so we did not do
38 that last year.

39 Q Are there any commercial Fraser River sockeye
40 salmon fisheries that have limited monitoring, for
41 example, where there might be days of fishing and
42 there's no monitor out, or can you explain if that
43 happens?

44 DR. HOUTMAN: Yes. So in the last year, Area D was in
45 that category. There's days where I believe we
46 don't fly to estimate the number of boats fishing,
47 and to my knowledge, there's very limited

1 validation of the catches that are reported. So
2 our catch estimates for that fishery are based
3 very strongly on reported catch.

4 MS. CHAN: Thank you. Mr. Lunn, if I could please have
5 the Commission's documents at Tab 25 brought up,
6 please.

7 MR. LUNN: Certainly.

8 MS. CHAN:

9 Q Dr. Houtman, this is a document that we received
10 from DFO. Could you describe what this document
11 indicates for us, please?

12 DR. HOUTMAN: I'm not the best guy to ask about this
13 one, sorry. I wasn't involved in developing this
14 table.

15 Q Okay. Perhaps Mr. Jantz and Mr. Parslow, could
16 you assist?

17 MR. JANTZ: Certainly. This table summarizes the
18 expenditures that the Department has put into
19 catch monitoring in the different areas in
20 southern B.C., so it breaks it out south coast,
21 has central coast information as well, lower
22 Fraser and the B.C. Interior information from 2000
23 up to 2010. It breaks the information out further
24 into actual salaries and wages within the DFO
25 program and within the federal funding, so this is
26 separate from AFS, I believe, and it also has our
27 operating dollars associated with it. So that's
28 the O&M category that you see on the column on the
29 left.

30 So that's the general expenditures that the
31 Department has put into monitoring fisheries since
32 2000.

33 MS. CHAN: Thank you for that explanation. If I could
34 have this document marked as the next exhibit,
35 please?

36 THE REGISTRAR: Exhibit 841.

37
38 EXHIBIT 841: DFO Catch Monitoring
39 Expenditures by Area in Pacific Region-
40 Southern BC, 2000-2011
41

42 MS. CHAN: If I could have the Commission's document at
43 Tab 26 brought up, please.

44 Q Dr. Houtman, are you familiar with this document?
45 It shows that it's the amount paid directly by
46 salmon commercial licence holders to Archipelago
47 Marine Research for logbook services?

1 DR. HOUTMAN: Yes, I am.

2 Q Thank you. So could you please describe for me
3 what this document tells us as far as the
4 contribution of commercial fishers to the logbook
5 program?

6 DR. HOUTMAN: Yeah, it's the sum of the fees paid by
7 individual fishers to Archipelago Marine Research,
8 AMR, for annual logbook services. Logbook
9 services include getting the paper logbook, having
10 a call centre that's 24/7 that the fishers can
11 call their phone-in catch reports to, and also
12 they're the people -- the service includes that
13 when the fisher returns their logbook to them,
14 they will keypunch the entire contents of the
15 logbook so that we have the hard copy catch report
16 to compare to the phone-in catch report.

17 Q Thank you, Dr. Houtman. And aside from the
18 logbooks, is there any intention for DFO to have
19 commercial fishers pay for any other parts of the
20 fisheries monitoring or catch reporting program?

21 DR. HOUTMAN: I believe the direction has become a
22 little bit fuzzier. About five years ago,
23 roughly, we had fairly strong direction that costs
24 should be moved more and more toward fishers,
25 fishers in general. Around four to six years ago,
26 the fraction of the logbook program that was paid
27 by commercial fishers went up a lot, justified by
28 that we had been covering a large fraction of the
29 logbook service cost, and then we, over a couple
30 of years, changed that to where fishers were
31 covering basically 100 percent of that, or a large
32 fraction anyways.

33 I'm not sure if it's as clear now that we
34 should continue along that route for other
35 monitoring costs. Some of them are very difficult
36 to imagine fishers paying for, like charter patrol
37 which is a monitoring cost.

38 Q So that direction is still a bit uncertain at this
39 point.

40 DR. HOUTMAN: It's -- I think it's become less certain
41 than it was about five years ago, clear statements
42 that we should and some conflicting statements.

43 MS. CHAN: Thank you. And if I could have that
44 document marked as the next exhibit, please.

45 THE REGISTRAR: Exhibit 842.

46
47

EXHIBIT 842: DFO Commercial Payments for

1 Nations FSC and economic opportunity Fraser River
2 sockeye salmon fisheries in the lower Fraser area?
3 MR. PARSLow: Yeah, I think it provides a good general
4 overview of the fishery monitoring, yeah.
5 Q Thank you, and the same question to you, Mr.
6 Jantz, with respect to the B.C. Interior area?
7 MR. JANTZ: Yes, similar to Matthew. It's a very good
8 general description of the programs.
9 Q Thank you. And so I'll go along the similar lines
10 with asking about compliance rates for you. Have
11 you had any experiences with difficulty in
12 obtaining catch reports from any of the groups
13 that report to you?
14 MR. JANTZ: On occasion there have been circumstances
15 where individual fishers may choose not to report
16 their harvest, and in some instances, there has
17 been difficulties in getting some information from
18 some terminal bands in the Interior.
19 Q And with respect to the lower Fraser?
20 MR. PARSLow: Yeah, similarly, we have had some groups
21 where individual fishers will not report, and
22 we've had some First Nations which have either
23 refused to report or have operated a monitoring
24 program and provided the catch information at a
25 later date. And that has typically been tied to
26 funding provided for the monitoring program.
27 Q And when you say "at a later date", what effect
28 does that have on the ability to make harvest
29 management decisions on that information?
30 MR. PARSLow: With the group that decided not to
31 provide their information until they were given
32 funding, that group is covered off by a larger
33 monitoring program and so, for the most part, the
34 fishing activity that is occurring is accounted
35 for under that monitoring program and it just
36 helps to refine our estimate.
37 Q Thank you. So if you -- if there is an issue with
38 non-reporting or late-reporting groups as you've
39 described, how is that catch accounted for? You
40 mentioned that sometimes it's taken into
41 consideration for a larger program or -- but if
42 that's not the case, how is it accounted for?
43 MR. PARSLow: There's been a couple of situations. One
44 where we haven't actually produced an estimate for
45 that fishery. There's a strained relationship
46 between the group and DFO. There was an interest
47 from the Department to operate a monitoring

1 program on that fishery and data was not provided.
2 But in situations where we have a better
3 relationship with the First Nations, we can
4 operate our monitoring program and produce an
5 estimate for that fishery.

6 Q Are there any kinds of repercussions to not
7 reporting?

8 MR. PARLOW: For the First Nations? The group that
9 did not report for the entire season, we didn't
10 provide an AFS agreement, so there was no funding
11 provided to the group. That's the only
12 repercussion that I've seen so far.

13 Q And do you have anything to add to that, Mr.
14 Jantz?

15 MR. JANTZ: Similarly, for groups that have not
16 provided information -- and again, in the
17 Interior, it's been a very limited number - one
18 band in particular that I can think of that has
19 had a history of not reporting, again, until late
20 in the season, and in one year in particular, not
21 reporting at all - that we've had a number of
22 meetings with them to try to improve their data.
23 There's been a lot of political reasons why they
24 have not reported on a timely basis but, in
25 general, they're -- in years where they have not
26 reported, we've taken actions to not pay for the
27 program and things of that nature, so we do
28 attempt to address those sorts of circumstances as
29 they occur.

30 A Thank you. And moving on to the accuracy of catch
31 reports that you receive, can you think of any
32 reason why a report that you receive might be
33 inaccurate?

34 MR. JANTZ: Similar to the commercial fisheries. You
35 know, you're relying quite often on fisher
36 reporting, and the information is often collected
37 by the First Nation as a whole, so in general,
38 there are sometimes inadvertent misreportings and
39 sometimes intentional misreporting of harvest.
40 But the overall programs that we have for the
41 major fisheries in the B.C. Interior, I would
42 suggest that we have a fairly reliable catch
43 estimate under the current funding levels.

44 There have been circumstances in the past
45 where, because of reduced budgets, we've had a lot
46 more uncertainty creep into the estimates that
47 have been generated. But the current programs

1 that are operated now in the Interior, of the
2 major fisheries, the areas where the majority of
3 the harvest occurs, are fairly good programs.

4 Q And how are the catches validated?

5 MR. JANTZ: In the B.C. Interior fisheries, the major
6 ones, again, I'll speak to. The validation -- and
7 those are the ones where the majority of the
8 validation goes on, we have departmental staff who
9 collect information through boat-operated patrols
10 on river through sampling and talking to the
11 fishermen. They have an opportunity to verify
12 that catch from those fishers that they do speak
13 to and take samples from, and can compare that to
14 the information that the First Nations provide for
15 the individual fishers. They do provide it on an
16 individual basis in some of these fisheries.

17 So we do have that ability, through our
18 departmental staff, to have validation. It's not
19 something that we do on a daily basis, but we do
20 periodically evaluate what the harvest information
21 is that we are getting from individuals.

22 Some of the other fisheries in the Interior
23 are very low. The terminal fisheries are fairly
24 low harvest fisheries, a couple of thousand pieces
25 per year. Those types of fisheries, we very
26 rarely will go and validate the harvest, but we do
27 make occasional visits.

28 Q Mr. Parslow, if you could add to that for the
29 lower Fraser, please?

30 MR. PARSLow: Yeah, I think that similar to the
31 commercial fishery and in the fisheries in the
32 B.C. Interior, there is a reliance in some of the
33 fisheries on fisher-reported data, so there's
34 always the potential that that data could be
35 biased one way or the other.

36 But I think for our set net fishery, we have
37 a good program in place there. It's operated
38 primarily by First Nations monitors with DFO
39 support on the kind of data management and doing
40 some spot checks as well. I think in that
41 fishery, we have a fairly good estimate of the
42 catch, and that's because we are counting some
43 proportion of that catch, and it's a survey-based
44 program, so we are estimating for nets which
45 aren't reported.

46 In the driftnet fisheries, it's a slightly
47 different story. I still think the estimate is

1 quite good, but we don't have a strong ability to
2 expand to account for nets which are not accounted
3 for in our survey program or in our programs. So,
4 in that case, we've got boats out there. We've
5 got charter patrol vessels which are out there
6 talking to fishermen, finding out who's out there.
7 We have DFO vessels out talking to fishermen,
8 getting preliminary hauls and finding out who is
9 out there fishing. I think that strengthens our
10 estimate because it provides that validation of
11 effort so that when we get our data in from the
12 First Nations groups, we can validate against
13 that.

14 Q So DFO is independently - is that what you're
15 saying - going to the river as well to have on-
16 the-water presence and counting fish and
17 validating catch?

18 MR. PARSLOW: We're doing some. I would say we aren't
19 doing much validating of catch while we're on the
20 water because we're mostly getting hauls from the
21 fishermen. But we are validating effort, so we're
22 able to figure out which fishers might not have
23 been spoken to at one of the landing sites and had
24 a count performed there.

25 MS. CHAN: Thank you. Moving on to the costs for lower
26 Fraser and B.C. Interior First Nations FSC and
27 economic opportunity fisheries, monitoring catch
28 reporting, if we could have the document at Tab
29 27, please, of the Commission's list to put on the
30 screen?

31 Q It says here this is "Response to the Cohen
32 Commission Request 4C on Catch Monitoring." If we
33 look at note 1, it says:

34
35 These data reflect total Aboriginal Fisheries
36 Strategy agreement amounts...

37
38 Perhaps, Mr. Jantz, if you could run us through a
39 little bit about what the figures are telling us
40 here.

41 MR. JANTZ: Well, what we have here is the summaries,
42 by area, again, lower Fraser, B.C. Interior and
43 south coast, for the last three years, the total
44 agreement amounts of dollars for any AFS
45 agreements, and associated with that is the amount
46 that is specific to catch monitoring programs for
47 the different areas, and then the third column is

1 what the proportion or percentage of the dollars
2 that are committed to catch monitoring are for the
3 different areas. So in looking at 2010, you can
4 see that 47 percent of the dollars in the B.C.
5 Interior go to -- or in the lower Fraser, pardon
6 me, go to catch monitoring, 19 percent in the B.C.
7 Interior and five percent in the south coast.

8 Q Now, for the B.C. Interior, Mr. Jantz, can you
9 tell me how much of your catch monitoring program
10 is relying on B-based spending?

11 MR. JANTZ: A considerable amount. There's a fairly
12 long history of B-based funding for the Interior
13 fisheries. Most recently, the dollars associated
14 with B-based funding sources is primarily through
15 the PICFI program, and for specific -- for FSC
16 program, we've received in the order of \$200,000
17 annually. On top of that, there's been some
18 additional dollars with salary dollars for some
19 staff.

20 The majority of our recreational monitoring,
21 as well, is covered through B-based funding, so
22 it's not just the FSC fisheries, but as well,
23 recreational monitoring in the Interior is covered
24 by B-based dollars.

25 Q And we understand the PICFI is set to expire
26 perhaps in March 2012 and if --

27 MR. JANTZ: March 2012.

28 Q -- that does happen --

29 MR. JANTZ: Yes?

30 Q -- what will be the effect on the catch monitoring
31 program in your area?

32 MR. JANTZ: It will result again, as I mentioned
33 earlier, in a significant increase in the
34 uncertainty in the catch estimates that are
35 derived primarily from the mid-river section of
36 the Fraser River which is where the majority of
37 the harvest does occur in the B.C. Interior.

38 In past -- in 2002 and 2003 I believe, we
39 were in a situation where we did not have B-based
40 funding as well, and the level of coverage is
41 considerably reduced. We were not able to do our
42 instantaneous overflight effort estimates which
43 tends to compromise your estimates of overall
44 harvest if you haven't got those kinds of
45 information. So it's a big concern to me.

46 Q Mr. Parslow, will there be any effects on the
47 lower Fraser area's catch monitoring program if

1 PICFI expires and isn't replaced?

2 MR. PARSLOW: Yeah. Similar to Mr. Jantz, there will
3 be a reduction in our coverage from DFO's
4 perspective. I guess the only silver lining of
5 how we're currently operating our program in the
6 lower Fraser is that our overflights are actually
7 covered under an AFS agreement, so our overflights
8 will still be maintained, assuming that AFS
9 agreement amounts remain the same.

10 But in terms of DFO support on those
11 fisheries, we would have just our core staff and
12 would have no seasonal technical support in order
13 to go out and do surveys in the field and conduct
14 the boat patrols.

15 Q So when you mention AFS agreements, you mean as
16 shown in this figure here?

17 MR. PARSLOW: That's correct, in this figure, yeah.

18 MS. CHAN: Thank you. Could I have this figure marked
19 as the next exhibit, please?

20 THE REGISTRAR: Exhibit 843.

21

22 EXHIBIT 843: DFO Aboriginal Fisheries
23 Strategy - Agreement and Catch Monitoring
24 Amounts Budgeted 2008-2011
25

26 MS. CHAN: And following up on that, if we could turn
27 to the Commission's Tab 24, please.

28 Q Mr. Parslow, could you speak to this document? It
29 says it's a response to Cohen's request 2 on catch
30 monitoring funding, and it's in particular for an
31 AFS agreement through the Fraser Valley Aboriginal
32 Fisheries Society. Is this one of the AFS
33 agreements that you were just mentioning?

34 MR. PARSLOW: That's correct, yes. Do you want me to
35 explain this?

36 Q Sure, please do.

37 MR. PARSLOW: Okay. So this is one of the main AFS
38 agreements. It's the largest one in the lower
39 Fraser. This is a group which is currently
40 external from any First Nations group, and they
41 provide monitoring services to 20 -- I think it's
42 22 or 23 First Nations in the area between the
43 Port Mann Bridge and Sawmill Creek. So it
44 provides for First Nations monitors in a number of
45 landing sites. It provides for overflights and
46 provides for all of the administrative support for
47 that program, so yes.

1 That's what the program is. As you can see,
2 it's had a number of names over the course of the
3 last few years, but its program has been similar
4 across all years.

5 MS. CHAN: Thank you. If I could have that marked as
6 the next exhibit, please.

7 THE REGISTRAR: Exhibit 844.

8
9 EXHIBIT 844: DFO Fraser Valley Aboriginal
10 Fisheries Society Budget and Expenditures
11 2006-2011, Revised May 3, 2011
12

13 MS. CHAN:

14 Q Mr. Jantz and Mr. Parslow, just to wrap up with
15 the Fraser River First Nations FSC and economic
16 opportunity fisheries catch monitoring, could you
17 speak to whether or not you feel the catch
18 monitoring and reporting provides you with
19 accurate and reliable estimates, and if you'd like
20 to add to that any recommendations that you have
21 for improving that process?

22 MR. PARSLow: So I think, on the whole, it's a fairly
23 reliable estimate as I explained earlier. I think
24 there are areas for improvement. Clearly the
25 driftnet fishery is one which I think could use
26 some focus in order to firm up that estimate.

27 I mean, the other piece would be providing
28 some sort of independent validation of catch
29 numbers. I think those are the main things. The
30 other piece would be actually rebuilding the
31 relationships with the groups which we're not
32 receiving numbers from and addressing those
33 concerns so that our dataset is more complete,
34 because that is a hole in our dataset at the
35 current time.

36 Q Thank you. Mr. Jantz?

37 MR. JANTZ: In a similar response, in general, the
38 major fisheries, we have fairly good coverage
39 under the current funding level that we have. The
40 concern I have is what is going to happen post
41 March 2012. There are opportunities for improving
42 some of the catch estimates in the section of the
43 Fraser River immediately above what we call the
44 mid-river area, so it's the upper Fraser. In that
45 particular area, we don't have full coverage of
46 the fishery and our current funding levels through
47 AFS programs primarily, in many years, often do

21
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1 not cover the full duration of the fishery.

2 So we are put in a position where we have to
3 extrapolate catch for those periods when we don't
4 have coverage. So that's one area that we could
5 certainly improve our monitoring.

6 As well, working with some groups that
7 currently do not have AFS dollars. There are a
8 number in the Interior, primarily terminal
9 harvesters, so their catch levels are not very
10 large. But nevertheless, they are not monitored.
11 We do not have information for those fisheries.
12 So working with those groups to try to get some
13 funding and programs established there, whether
14 they're just phone-in numbers or various different
15 techniques for doing that, but that's one area
16 that could be improved.

17 Q Thank you. And just one last line of questions,
18 and I'll put this to you, Mr. Parslow. Do you
19 have any systems in place to estimate illegal or
20 unauthorized catch?

21 MR. PARSLow: No, we don't. Not at the current time.

22 Q Do you obtain information from the Conservation
23 and Protection Branch in regards to illegally
24 caught fish and the numbers of those?

25 MR. PARSLow: It's something which we've been working
26 on over the last two years is to build a system
27 for that information to be provided. So, yes,
28 it's something which is in development.

29 Q Currently those numbers don't go anywhere?

30 MR. PARSLow: No, they aren't used in the management,
31 no.

32 MS. CHAN: Thank you. Those are my questions.

33 I believe next we have Canada.

34 MR. TAYLOR: Mitchell Taylor for the participant
35 Government of Canada. With me is Hugh MacAulay.
36 I have been allotted 50 minutes and asked to be
37 shorter than that, Mr. Commissioner, so I'll start
38 at 10 to the hour and aim to be shorter than 50
39 minutes and certainly not exceed it.

40
41 CROSS-EXAMINATION BY MR. TAYLOR:

42
43 Q Firstly, just a point of clarification, gentlemen
44 on the panel. I think there is some evidence on
45 this, but just to be clear. Mr. Parslow, lower
46 Fraser goes from Port Mann to Sawmill Creek, does
47 it?

1 MR. PARSLOW: It actually extends a little bit farther.
2 It goes from the mouth of the Fraser River, so
3 some sections of Area 29, the commercial fishing
4 area, up to Sawmill Creek.

5 Q All right. And when we say Port Mann, though,
6 we're talking about the Port Mann Bridge, aren't
7 we?

8 MR. PARSLOW: That's correct, my apologies.

9 Q And Sawmill Creek, as I understand it, is above
10 Hope on the Fraser Canyon, but I think below
11 Boston Bar; is that right?

12 MR. PARSLOW: That's correct.

13 Q And, Mr. Jantz, B.C. Interior starts at Sawmill
14 Creek, does it?

15 MR. JANTZ: Yes, it does.

16 Q And do you go to the source of the Fraser and its
17 various tributaries, or is some parts of the
18 Fraser system go beyond B.C. Interior?

19 MR. JANTZ: No, the Fraser drainage is within the B.C.
20 Interior area. We also are responsible for the
21 upper Columbia drainage and some of the systems
22 coming in from the north, but the entire Fraser is
23 within the B.C. Interior above Sawmill Creek.

24 Q All right. So you've got a very large area.

25 MR. JANTZ: Very large, many groups.

26 Q Now, I want to ask about some aspects of fishery
27 monitoring and catch reporting. I think the
28 easiest way to do this might be with reference to
29 the document that's at Tab 10 of Canada's binder
30 of documents which should be in front of you. It
31 is also Exhibit 429. Do each of you recognize
32 that document?

33 DR. HOUTMAN: Yes.

34 Q All right. Yes?

35 MR. JANTZ: Yes.

36 MR. PARSLOW: Yep.

37 Q Now, this is the latest version of what's called a
38 draft discussion paper entitled "Strategic
39 Framework"; is it?

40 MR. JANTZ: Yes, I believe so. There may be a more
41 recent version of this with some minor
42 modifications, but in essence, I believe this is
43 the --

44 Q All right. And I think an earlier version of this
45 - and I don't need to take you to it - is
46 referenced in paragraph 112 of the PPR that's now
47 Exhibit PPR 12.

1 I'll let the panel decide who best to answer
2 this question. Who of you would care to explain,
3 very briefly, what is this document and what does
4 it do?
5 MR. JANTZ: I could do that. This document is a
6 consultation document or discussion document that
7 the Department has developed over a number of
8 years which we are now in the process of taking
9 out for a consultation with the various users of
10 the resource and First Nations in trying to
11 establish exactly what it says, a strategic
12 framework for fishery monitoring into the future
13 for Pacific fisheries. So this is identifying
14 objectives and different levels of monitoring for
15 different levels, different kinds of fisheries and
16 so on and so forth.
17 Q All right. And is there a process and timeline to
18 finalize this document?
19 MR. JANTZ: There is, and I believe the panel tomorrow
20 probably could provide more of the specifics on
21 that --
22 Q All right.
23 MR. JANTZ: -- 'cause they have changed somewhat over
24 the time period, but my current understanding is
25 we're trying to develop a final document to be
26 implemented in the 2012 season.
27 Q All right. And when do you consider that to start
28 then? The summer of 2012?
29 MR. JANTZ: For salmon fisheries it would be the summer
30 of 2012.
31 Q On page 3, there's a box in the lower right corner
32 which is headed up "What is fishery monitoring and
33 catch reporting?" I'll leave it to the panel to
34 decide who best to answer, and maybe more than one
35 of you want to answer. But does that reflect the
36 Department's working definition of fishery
37 monitoring and catch reporting?
38 DR. HOUTMAN: I think it does reflect the Department's
39 definitions.
40 Q All right. And at the area level, Mr. Jantz and
41 Mr. Parslow, is that a working definition that you
42 and your staff use in your everyday work?
43 MR. JANTZ: Yes.
44 MR. PARSLOW: Yes.
45 Q Now, this is a consultation document you've
46 described. With reference not just to that
47 document but the work you do, and I'll ask Mr.

- 1 Jantz and Mr. Parslow how important is
2 consultation and transparency in fishery
3 monitoring and catch reporting?
- 4 MR. JANTZ: In the fisheries that I deal with, it is
5 very important. Groups are continually pointing
6 fingers at other fishers, other sectors for the
7 level of monitoring that goes on in their
8 fisheries. We hear it on a regular basis. So
9 having some consistency and transparency in how
10 catch monitoring programs are delivered is very
11 important.
- 12 Q How do you go about -- well, firstly, before I go
13 there, Mr. Parslow, do you want to add on that?
- 14 MR. PARSLOW: Yeah, I would just echo Mr. Jantz'
15 comments actually. In our area, there's the same
16 sort of concerns around monitoring programs
17 operated by other groups, and the transparency and
18 consistency addresses that concern.
- 19 Q Then for each of the lower Fraser and the B.C.
20 Interior, how do you go about achieving what
21 you've just described?
- 22 MR. JANTZ: We do this primarily through meetings and
23 workshops that we've had with the various sectors
24 and groups, but this process that we're currently
25 going through, this consultation process to try to
26 figure out catch monitoring into the future, is
27 very key to establishing the criteria around
28 managing different kinds of fisheries. So it's
29 something that we're in the developmental stages
30 of at the current time. But generally we do
31 provide to the groups, you know, on request,
32 descriptions of the various catch monitoring
33 programs that we do have for the different
34 fisheries.
- 35 Q Mr. Parslow, do you have anything to add for the
36 lower Fraser?
- 37 MR. PARSLOW: Yeah, there's one additional point in the
38 lower Fraser is there's been a group working on
39 the recreational and First Nations relationship-
40 building, and this is a group which we've worked
41 with to build understanding around the monitoring
42 programs in each of those fisheries.
43 So we've conducted sessions where we review
44 each of the programs with both of those groups in
45 the room and responded to questions and provided
46 additional detail on the program where needed.
- 47 Q All right. Dr. Houtman, do you have anything to

1 add to any of this?

2 DR. HOUTMAN: No.

3 Q Now, at a couple of points in this document, page
4 6 and page 20 are two places where it occurs.
5 There's reference to risk-based strategic
6 framework. Do any of the panel members have
7 anything to say what is meant in this context by
8 risk-based? What is being referred to?

9 DR. HOUTMAN: I believe it refers to sort of the
10 ecological risk of a fishery. If a fishery has
11 the ability to catch a large amount of fish or is
12 occurring in an area where there's a sensitive
13 stock, there's ecological risk associated with
14 that. So those are major drivers for the
15 requirements for the level of catch estimation
16 quality that would be needed.

17 Q There's a description at page 4 and 5 of this
18 document of the status of monitoring and reporting
19 and I don't need to take you to the details of
20 that. It's there for people to read. But it
21 seems to suggest, as I read it, that there has
22 been, over time, an evolution in fishery
23 monitoring and catch reporting and we are seeing
24 more and more of monitoring and reporting. Is
25 that a fair assessment?

26 DR. HOUTMAN: I believe that's a fair assessment.

27 Q And why is it that there's more and more
28 monitoring and reporting happening and being
29 encouraged and, in some cases, required?

30 MR. JANTZ: I think as time has gone on, there's been a
31 situation where we've encountered more and more
32 frequently stocks of what I would call "stocks of
33 concern". So these are individual stocks that are
34 not performing well in relation to the overall
35 salmon population, and subsequently management
36 actions have needed to be taken to try to protect
37 those stocks.

38 Without very accurate catch information, it
39 can be difficult to determine what the impact of a
40 particular fishery may have on these individual
41 stocks. So, over time, going back 50 to 100 years
42 ago, the level of production of salmon in the
43 Pacific region was considerably larger than it is
44 currently. The level of monitoring that was
45 required was not as significant as it is today.
46 Fishery duration was considerably longer in many
47 areas. Commercial fisheries were often open seven

1 days a week or four days a week where now we're
2 down to, in some areas, hours of being open.

3 So there's been a reduction in overall
4 production of salmon, but in particular, certain
5 stocks of concern are driving the importance of
6 getting improved information to assist in making
7 more improved management decisions for individual
8 fisheries. So I think that's kind of been the
9 trend that's resulted in the increased level of
10 monitoring that's required for a number of
11 fisheries.

12 Q Is it the case that we have now, in going forward,
13 more groups of fishers than we did decades ago?

14 MR. JANTZ: Yes. That's the other complicating factor.
15 There's higher interest from a number of different
16 sectors, for lack of a better term. So the
17 recreational community is interested in harvesting
18 more and more fish. The commercial sector
19 obviously has great interest in harvesting more
20 and more fish, and First Nations obviously have an
21 interest in harvesting fish.

22 So the increase in the demand has also
23 complicated that and, as well, having allocation
24 decisions where each different sector has a
25 specific amount, the Department needs to try to
26 demonstrate that we're managing the fisheries to
27 stay within those amounts.

28 Q And in all of that, is it the case with more
29 fishers that there tends to be some finger-
30 pointing and questioning or mistrust amongst the
31 fishing groups?

32 MR. JANTZ: I think that's a fair statement.

33 Q And that leads us back to the need for
34 transparency and good reporting, then, does it?

35 MR. JANTZ: Yes.

36 Q Now, at pages 11 and 12 of this document, and you
37 can look at that for reference in answering this
38 question if you want, but I'm interested in the
39 challenges that you face in terms of both getting
40 information - and you've described some of that -
41 but the challenges you face and how you overcome
42 those challenges, and related to that, the
43 challenges associated with overcoming the
44 questioning or mistrust from group to group and
45 mistrust of DFO in its estimates.

46 MR. JANTZ: I'm sorry, what was the question? Are
47 these the kinds of challenges? Yes.

- 1 Q All right. What challenges do you have and how do
2 you overcome them?
- 3 MR. JANTZ: I think this is a fairly good description
4 of the challenges. How we overcome them is by
5 working with the groups to try to get concurrence
6 on different ways of approaching whichever the
7 issue or the challenge is, but again, the
8 Department tries to do this through open and
9 transparent discussions with all of the groups to
10 ensure that we build the best approach for dealing
11 with it, whatever the challenge is.
- 12 Q All right. Now, Mr. Jantz, I think most of the
13 fisheries in your area would be First Nations with
14 some recreational perhaps; is that right?
- 15 MR. JANTZ: Yes, we have First Nation FSC fisheries.
16 We are now developing commercial opportunities as
17 well, and recreational fisheries.
- 18 Q And, Mr. Parslow, in your area, you have all
19 three, really. You've got the First Nations, some
20 recreational and commercial, do you?
- 21 MR. PARSLow: That's correct, yeah.
- 22 Q And do you have processes where you bring those
23 three groups together or representatives of them,
24 and what sort of processes and how -- what's the
25 outcome?
- 26 MR. PARSLow: Not at the area level at the current
27 time. We don't have processes to discuss
28 monitoring with all the main three groups fishing
29 on those stocks.
- 30 Q So it's done at the regional level, then, is it?
- 31 MR. PARSLow: I think it is, yes.
- 32 Q Are you involved in that at all, Dr. Houtman?
- 33 DR. HOUTMAN: Sorry, ask it again?
- 34 Q Are you involved in processes that bring together
35 the various fisher groups?
- 36 DR. HOUTMAN: No.
- 37 Q All right. That's probably for tomorrow's panel.
38 You've given evidence as to the level of
39 confidence in the estimates you achieve in answer
40 to Ms. Chen's questions. You've spoken to your
41 respective areas. I think at least one of you
42 mentioned this, but I wanted to be clear. The
43 fish monitoring and catch reporting that each of
44 you are working on and doing is fish monitoring
45 and catch reporting of legal or open fisheries; is
46 that right?
- 47 DR. HOUTMAN: That's right.

1 Q That's true with you, Mr. Jantz and Mr. Parslow?

2 MR. JANTZ: Yes, that's correct.

3 MR. PARSLow: That's correct.

4 Q And more specifically, then, you're not dealing
5 with any monitoring or reporting of illegal or
6 out-of-time fishing.

7 MR. JANTZ: We currently don't have programs to monitor
8 the illegal fisheries or unauthorized fisheries
9 that are occurring during closed times. We do,
10 however, receive some catch information or seize
11 fish information from enforcement officers who may
12 have encountered fishers during a closed period.
13 So we do have some information, but it's not a
14 complete survey of the fishery that might be
15 occurring during a closed time period.

16 Q All right. And we'll come to some of that, I
17 think, in a few minutes.

18 Now, you're aware, are you, that Conservation
19 and Protection do work in terms of investigation
20 and patrols and so forth, and that they find
21 certain fishing being done out of open time, or in
22 closed times; is that correct?

23 MR. JANTZ: Yes.

24 Q And that's the kind of information that you say in
25 a sort of snapshot or sporadic or a regular way
26 comes to you from C&P, does it?

27 MR. JANTZ: Yes.

28 Q And do you take account of that information in
29 your catch estimates?

30 MR. JANTZ: For in-season management purposes, we do
31 not. We often do not get that information till
32 the end of the year when Conservation and
33 Protection provided a report, if they actually
34 generate one. Sometimes it's just some data
35 sheets that they will turn into us at the end of
36 the year.

37 So it's not involved in the in-season
38 management decisions for the -- at least in the
39 B.C. Interior area. I'm not sure -- I don't
40 believe it's included in other areas, but I'm not
41 certain.

42 Q All right. Do you get any information from C&P -
43 this will be for Mr. Parslow or Mr. Jantz or both,
44 rather - do you get any information from C&P about
45 fish catch in open or lawful fishing times to
46 supplement the information you're getting through
47 your own work?

1 MR. JANTZ: In the B.C. Interior, we do not, largely
2 because the FSC fisheries that are ongoing are
3 generally seven-day-a-week fisheries. They're a
4 very slow-paced fishery. So the information that
5 is collected during those fisheries is done
6 entirely by our catch monitoring program.

7 Q Mr. Parslow?

8 MR. PARSLow: Yeah, we don't receive like your typical
9 catch information that we would use in our
10 estimates. We do get some kind of anecdotal
11 information on encounters of by-catch species if
12 that's an issue of concern during a certain
13 fishery. They will provide that sort of
14 information, and information on mesh compliance,
15 but...

16 Q And within DFO, as I understand it, the work that
17 the three of you do and colleagues that work with
18 you, that's the part of Fisheries that does the
19 systematic fishery monitoring catch report
20 estimating, is it?

21 MR. JANTZ: Yes, it is.

22 Q And C&P provides some information, but their
23 information is as they come across it; is that
24 fair to say?

25 MR. JANTZ: Yes, their major role is enforcement of the
26 regulations around a particular fishery and they
27 do periodically provide some information in
28 relation to catches that occur outside of open
29 times. But they are generally consumed with
30 enforcement so that they often do not have the
31 kind of information that is required in order to
32 make an estimate. So it's anecdotal, in some
33 respects.

34 Q Right. Now, you mentioned this before, but you
35 get some information from C&P, and I understand
36 that both Mr. Jantz and Mr. Parslow, for your
37 respective areas, you have a template or datasheet
38 that C&P people can put information on and then
39 feed it into, do you?

40 MR. JANTZ: Yes. It's a data sheet that's been
41 developed over the last five to ten years in the
42 B.C. Interior low rivers (sic).

43 Q All right.

44 MR. PARSLow: Yeah, I've got a slightly different
45 situation where we've got two data sheets, one
46 which was developed in 2005 and 2006, primarily
47 targeted at illegal activity during closed times,

1 and then more recently, I've been working with C&P
2 to develop a data sheet to collect both illegal
3 activity and activity occurring during openings.
4 So trying to get additional information from them.
5 MR. TAYLOR: All right. I wonder if Mr. Lunn could
6 bring up what are called the templates, and
7 there's a number of them. We'll see which one --
8 well, there's four in total. We'll see which one
9 comes up first.
10 These are documents that, Mr. Commissioner, I
11 gave out this morning so they're new documents.
12 They don't have any content to it. They appear to
13 be upside-down.
14 MR. LUNN: Yes, I'm working on that.
15 MR. TAYLOR: They have no content to them, they are
16 just templates, and that's the only purpose in
17 having them here.
18 Q This looks like -- is this your sheet, Mr. Jantz?
19 MR. JANTZ: Yes, it is.
20 Q And your sheet, I believe has two pages to it?
21 MR. JANTZ: I believe so, yes.
22 MR. TAYLOR: And that's the first page, and I don't
23 know if it's possible to get the second page on
24 the screen at the same time or not.
25 MR. LUNN: I can try that. There's also an orientation
26 issue with the...
27 MR. TAYLOR: While we're waiting, Mr. Rosenbloom was
28 pleased to see that there was a new Screensaver
29 come up this morning, but I see we're back to the
30 old one again.
31 We're not going to be able to have either of
32 them up right now, then?
33 MR. LUNN: I can pull up one.
34 MR. TAYLOR: Okay, let's do it one at a time.
35 MR. LUNN: (Indiscernible - no microphone)
36 MR. TAYLOR:
37 Q Mr. Jantz, that's one of your two templates, is
38 it?
39 MR. JANTZ: Yes, it is.
40 MR. TAYLOR: All right. And are you able, Mr. Lunn, to
41 bring up the second template that comes from the
42 B.C. Interior, which is something that has "First
43 Nation Effort Count" on the top.
44 MR. LUNN: These files are labelled differently than
45 the titles.
46 MR. TAYLOR: I see. Okay, that's something to keep
47 handy, but that's not the one we're looking for.

1 MR. JANTZ: The first one, I think, is the one you were
2 referring to.

3 MR. LUNN: Okay, is this the first one to this --

4 MR. JANTZ: Yeah, I believe so.

5 MR. LUNN: Okay.

6 MR. TAYLOR: Yeah, that's it.

7 MR. LUNN: Okay.

8 MR. TAYLOR: Okay. So we're getting not all but most
9 of the sheet. Is it possible to make this a bit
10 smaller which makes the print -- there, we have
11 the whole thing.

12 Q So that's your sheet, Mr. Jantz?

13 MR. JANTZ: Well, this is one side of the -- or one
14 page of the sheet that we provide to C&P to
15 collect information as they're on the river.

16 MR. TAYLOR: And then, Mr. Lunn, you had it a moment
17 ago, but the other side of the sheet has
18 "Interview and Observation" at the top. There we
19 go.

20 Q That's the other side, is it?

21 MR. JANTZ: Yes, it is.

22 Q All right. And that's used by C&P officers in
23 B.C. Interior to provide information to you and
24 your colleagues.

25 MR. JANTZ: When they're out on enforcement patrols
26 during closed time periods and they encounter a
27 net in the river, we ask them --

28 Q All right.

29 MR. JANTZ: -- to provide these pieces of information.

30 MR. TAYLOR: Could this front and back, then, be the
31 next exhibit, please?

32 THE REGISTRAR: Exhibit 845.

33 MR. TAYLOR: Thank you.

34

35 EXHIBIT 845: B.C. Interior Conservation and
36 Protection Data Sheet (DFO)

37

38 MR. TAYLOR: Then going to the lower Fraser, Mr. Lunn,
39 you had that one a moment ago. There's three
40 pages in total, two of which have "Observed
41 Illegal Fishing Log" at the top, and the other
42 says, "Lower Fraser Conservation and Protection
43 Patrol Log". So we've got two of the three there.
44 There's another sheet that would have -- it would
45 be similar to the one that's mainly on the screen
46 and it would -- instead of starting with "Port
47 Mann", it would start with Sand Heads. Is that

1 available, or no?

2 MR. LUNN: I'll see if I can find that for you.

3 MR. TAYLOR: Well, let's go at it this way. We should
4 have the complete set, I guess.

5 Q While Mr. Lunn is looking, Mr. Parslow, do you
6 recognize both the document mainly on the screen
7 and the one that you can only see a little bit of
8 behind it?

9 MR. PARSLOW: Yes, I do.

10 Q And are those two of three pages of the template
11 that you use in the lower Fraser for having C&P
12 provide information?

13 MR. PARSLOW: Yes. The one which is mainly showing on
14 the screen, at the bottom of the screen, in
15 addition to the third page, are the ones that were
16 used previously in 2005 and 2006.

17 Q Okay.

18 MR. PARSLOW: And then the other document is the one
19 which has recently been developed.

20 Q So the one that's recently developed is the one
21 entitled, "Lower Fraser Area C&P Patrol Log"?

22 MR. PARSLOW: That's correct.

23 MR. TAYLOR: All right. Mr. Lunn, you don't have the
24 one that says Sand Heads in the left upper corner?

25 MR. LUNN: I believe that is one -- it's labelled
26 "Observed Illegal Fishing Log Steveston".

27 MR. TAYLOR: Yeah, that's the one.

28 MR. LUNN: Just one moment.

29 MR. TAYLOR: That's it. All right. So "Observed
30 Illegal Fishing Log Sand Heads to Steveston", and
31 "Observed Illegal Fishing Log Port Mann to
32 Mission," and the currently developed form, "Lower
33 Fraser Area Conservation Protection Patrol Log,"
34 three sheets, I would ask be the next exhibit,
35 please.

36 THE REGISTRAR: Exhibit 846.

37 MR. TAYLOR: Thank you.

38

39 EXHIBIT 846: Three Templates - Lower Fraser
40 Area Conservation and Protection Patrol Log,
41 and Observed Illegal Fishing Logs for Two
42 Areas (DFO)

43

44 MR. TAYLOR:

45 Q Now, this is a question for each member of the
46 panel and I'll leave it to you to decide who goes
47 first. Is there a linkage between, and does fish

1 monitoring and catch reporting advance the
2 objectives of the Wild Salmon Policy?

3 MR. JANTZ: Yes, I believe it does.

4 Q You can swing your mike over if you --

5 MR. JANTZ: Yes, I do believe it does.

6 Q In what way?

7 MR. JANTZ: Well, I think in that it is, again, goes
8 back to what we were discussing previously. It
9 allows the Department to have a much improved
10 assessment of the numbers of fish returning,
11 harvested, escaped the fisheries, so this is one
12 component, one piece of the information that
13 allows us to determine what the status of
14 individual CUs may be, the conversation units
15 within the Wild Salmon Policy.

16 Q All right. Mr. Parslow, do you have anything to
17 add to that?

18 MR. PARSLow: No, I don't have anything to add.

19 Q Dr. Houtman?

20 DR. HOUTMAN: No, I agree.

21 Q All right. Now, if we might turn to Canada's
22 documents, Tab 4. This is a document charting our
23 course April of 2011. I understand that the panel
24 members are not particularly familiar with this
25 document. Are you familiar with the concept or
26 construct of the Monitoring and Compliance Panel?

27 MR. JANTZ: Yes, I am.

28 Q And we'll have some evidence on this tomorrow, I
29 think, too, but very briefly, Mr. Jantz, what is
30 that panel?

31 MR. JANTZ: It's a panel or a committee that was
32 established within the ISDF, so the Integrated
33 Salmon Dialogue Forum, to deal with specifically
34 with having discussions around fishery monitoring,
35 primarily salmon fishery monitoring in the Fraser
36 River, is where it started. But this is a broader
37 context, and it has very similar objectives and
38 ideals that we currently are going out and
39 consulting on within the Department, so overall
40 framework for catch monitoring, so very similar.

41 But this is a process that has involvement
42 from membership from all sectors in the Pacific
43 region, so there's commercial, recreational and
44 First Nation representatives. I'm not certain
45 whether there's environmentalists involved in this
46 process or not, but it's one that the Department
47 and other funding sources have provided dollars

1 to, to try to deal with development a coordinated
2 approach to catch monitoring.
3 Q And is that something that Colin Masson is deeply
4 involved with?
5 MR. JANTZ: Yes, I believe.
6 Q And we'll hear some more from him tomorrow, I
7 think. I'm going to apologize for the
8 pronunciation, and you can see it in the forward
9 here. Is Peter Sakich the chair of this
10 particular panel to your knowledge?
11 MR. JANTZ: I believe he is, yes.
12 Q Okay. And he'll be here tomorrow as well. Does
13 this Monitoring and Compliance Panel process touch
14 on the work that you do in your areas, Mr. Jantz,
15 Mr. Parslow?
16 MR. JANTZ: I'm not sure what you mean by "touch on",
17 but it's, as I said, been working. It's
18 identified that catch monitoring and the trust
19 between sectors for catch monitoring programs for
20 other sectors is an issue in the Pacific region,
21 the finger-pointing we discussed earlier.
22 Q So it relates but doesn't impact what you're doing
23 as yet.
24 MR. JANTZ: Well, it's working towards development of a
25 strategy to move forward to improve catch
26 monitoring programs, develop consistent
27 transparent kinds of programs for the different
28 fisheries in the Pacific region, so the same kind
29 of objectives that we have in the framework that
30 is being developed within the federal government
31 for catch monitoring.
32 MR. TAYLOR: All right. Now, at Tab 2, there is a
33 document -- I won't mark Tab 4 today, I don't
34 think. We'll come back to it tomorrow and I'm
35 sure will be marked as an exhibit.
36 At Tab 2 - and I won't mark this either -
37 you'll see a deck, and as I understand, the panel
38 members do not have involvement in this directly;
39 is that right?
40 MR. PARSLOW: That's correct.
41 MR. JANTZ: Not in building it, no.
42 Q Now, at page 3 throughout, there's reference to
43 strategic framework for fisheries monitoring and
44 catch reporting. What's meant by strategic
45 framework as you understand it? What's that all
46 about?
47 MR. JANTZ: Well, again, this is the directive that the

1 Department is working towards, trying to develop
2 the appropriate level of catch monitoring programs
3 for all fisheries in the Pacific region. And it
4 goes through a ranking type process for the level
5 of impact a fishery may have on a particular stock
6 of concern or salmon in general. So there's a
7 number of different things involved in this
8 process, but it's trying to develop the framework
9 for future catch monitoring programs in the
10 Pacific region.

11 Q All right. Ms. Chen took you to Tab 25 of the
12 Commission binder, which is now Exhibit 841, and
13 that's a chart that's got figures on it for
14 expenditures for catch monitoring by area. There
15 seems to be in the amount spent, if you look at
16 that for the central coast and B.C. Interior, for
17 most years, it would appear to be for each of
18 those two areas a larger number by a considerable
19 margin than for the lower Fraser.

20 Mr. Jantz and Mr. Parslow - particularly Mr.
21 Parslow - is there a reason why, for the lower
22 Fraser, either you're able to do so much with so
23 less or you're not doing as much or what? Is
24 there an explanation for that?

25 MR. PARSLow: Yes. I think the main reason for this is
26 what I was discussing earlier where we're covering
27 off a large proportion of our monitoring program
28 and our AFS funding. So I think one of the
29 discrepancies there, if you pull up the AFS
30 information as well, is that Lower Fraser actually
31 has a higher AFS proportion dedicated to catch
32 monitoring. I expect that's where the discrepancy
33 is, where we're covering off overflights, which
34 are quite expensive, and some of our technician
35 time through AFS dollars rather than salary and
36 wage and O&M.

37 Q All right. So the work is being done and money
38 being spent as you would see in the chart we're
39 looking at for other areas, but you're simply
40 funding it through other means is what you're
41 saying.

42 MR. PARSLow: That's correct, yeah. And actually just
43 one further point. There's a note at the bottom
44 indicating that salary expenditures for the lower
45 Fraser River, it's .4, are incomplete for 2001 --
46 or 2000, 2001 to 2004, 2005. This was just we
47 didn't have the corporate knowledge in our office

1 on the time period in order to pull all that
2 information together.

3 So this will be an under-estimate of our
4 salary and wage costs for those years, quite
5 possibly.

6 Q And then final question, going forward in time -
7 and this will be a question for each of you -
8 what, for your respective area and/or coverage of
9 work that you do, what's the one or two or three
10 or few most important things that you consider
11 need to be ensured, continue or be done - if
12 they're not already being done - to make for good
13 fishery monitoring and catch reporting.

14 We'll start with you, Mr. Parslow.

15 MR. PARSLOW: So you're looking for, sorry, one or a
16 few items which need to be continued or improved
17 upon; is that correct?

18 Q Yes.

19 MR. PARSLOW: Okay.

20 Q Or started if they're not already being done.

21 MR. PARSLOW: Or started, yeah. I think that the
22 ongoing relationship-building with groups for
23 which we are having issues right now needs to be
24 continued definitely on the First Nations side of
25 things. I think the existing programs are quite
26 good in a lot of ways and should remain as is, if
27 not be built upon.

28 I think the areas that could see improvement,
29 as I mentioned earlier, as providing potentially
30 some sort of independent validation and increasing
31 our driftnet -- the reliability of our driftnet
32 estimate, yes.

33 Q How would you go about independent validation?

34 MR. PARSLOW: I'm not sure if I could design a program
35 on the spot here, but --

36 Q What kind of things are you thinking of that would
37 go into independent validation?

38 MR. PARSLOW: It could be just additional support from
39 -- in the past C&P has been doing some work
40 conducting validation of landings and things like
41 that. It could be additional overflights to
42 validate like effort profiles and things like
43 that. So additional coverage was probably what I
44 would suggest.

45 Q All right. Mr. Jantz?

46 MR. JANTZ: As far as some of the things I would like
47 to see continue in the B.C. Interior, I think the

1 level of monitoring that we have in the mid-river
2 portion of the Interior is appropriate for the
3 kind of fishing and the level of fishing that goes
4 on there. A lot of the future is going to be, I
5 think, determined by the strategic framework that
6 we were just talking about a little while ago,
7 while will identify the level of risk or, for lack of
8 a better term, associated with each of the
9 different fisheries and so on, so it helps to
10 identify whether you need low coverage, medium
11 coverage or enhanced coverage for a particular
12 fishery.

13 So when we get to that point that we have
14 agreed-upon metrics to apply to different
15 fisheries, it'll put us in a better position to
16 identify the level of monitoring you currently
17 have, and whether it's adequate to meet the
18 standards that are established.

19 But that being said, there are areas that I
20 mentioned previously that we do need to see some
21 improvement in. In the upper Fraser, we don't
22 have complete coverage of the fisheries there, so
23 certainly that's something that we need to work
24 with First Nations to improve upon.

25 But probably the key thing in the Interior,
26 the B.C. Interior, is to get the funding for these
27 programs that the Department currently does,
28 either A-based -- so we have annual allotments of
29 dollars to conduct those fisheries so we aren't
30 relying on programs such as PICFI or the Williams
31 inquiry to supplement our programs, and/or an
32 increase in the AFS programs and take a similar
33 approach to what's being done in the lower river.
34 But we need security on the resources in order to
35 maintain the kind of programs that we have.

36 Q All right. I take it that in the B.C. Interior,
37 the AFS agreement amounts are, in the aggregate,
38 less than for the lower Fraser, are they?

39 MR. JANTZ: The amounts of dollars directed to catch
40 monitoring are lower. The overall AFS funding is
41 a higher level, I believe, than in the lower
42 Fraser or similar to. But within the B.C.
43 Interior, the AFS funding or a significant amount
44 of AFS funding goes towards stock assessment
45 programs as well as habitat monitoring programs.
46 So lesser amounts are committed to catch
47 monitoring programs.

1 Q Is that a result of different choices made in the
2 two areas? Is that why you end up with more money
3 going to this than that in the B.C. Interior, and
4 differently so in the Lower Fraser?

5 MR. JANTZ: Yes, I believe so. I wasn't around during
6 the time of the negotiation of the original AFS
7 agreements in the B.C. Interior, but there is an
8 increased importance in habitat work as well as
9 stock assessment work in the B.C. Interior. First
10 Nations do have a desire to do a lot of that, so I
11 think that's why that --

12 Q You've mentioned middle Fraser and upper Fraser,
13 and there may be --

14 THE COMMISSIONER: I wonder if we could -- I thought
15 you were going to be finished by now. Could we
16 take a break at this point?

17 MR. TAYLOR: Yes. I will be finished within five
18 minutes.

19 THE COMMISSIONER: Thank you.

20 THE REGISTRAR: The hearing will now recess for 15
21 minutes.

22
23 (PROCEEDINGS ADJOURNED FOR MORNING RECESS)

24 (PROCEEDINGS RECONVENED)

25
26 (PROCEEDINGS RECONVENED)

27
28 THE REGISTRAR: Order. The hearing is now resumed.

29 THE COMMISSIONER: Mr. Taylor.

30 MR. TAYLOR: Thank you.

31
32 CROSS-EXAMINATION BY MR. TAYLOR, continuing:

33
34 Q I'm almost done my questions and I'll have a final
35 question to Dr. Houtman of the same kind I just
36 asked Mr. Jantz and Mr. Parslow. But before we
37 head to Dr. Houtman, Mr. Jantz, you've mentioned
38 Upper and Middle Fraser several times. There may
39 be evidence on this, but can you quickly give us
40 the line between the two?

41 MR. JANTZ: I will do my best. So the lower boundary
42 of the middle river is Sawmill Creek.

43 Q Yes.

44 MR. JANTZ: The upper boundary of the middle river is
45 in an area called Deadman, which is roughly, as
46 the crow flies, straight across the Clinton area
47 in B.C., so it's roughly in that area. So the

1 Upper Fraser starts in Clinton, and goes up to a
2 place called Naver Creek, I believe, which is just
3 south of Prince George. And then you have what we
4 in the catch monitoring world call the Upper-Upper
5 Fraser, which is everything north, including
6 Prince George and north and east and west.
7 Q Are those boundaries or lines shared? Is that
8 something that other parts of DFO and stakeholders
9 would use, or is that peculiar to catch
10 monitoring?
11 MR. JANTZ: It's particular to our catch monitoring
12 program, but it is used periodically from
13 different sources. But it was primarily developed
14 around our catch monitoring program, and I think
15 it is in one of the documents, there is a map.
16 Q Okay. We can then use it for catch monitoring.
17 MR. JANTZ: Yes.
18 Q And may be able to use it for other areas, but in
19 a guarded way, perhaps.
20 MR. JANTZ: Yes.
21 Q Okay. Mr. Parslow, I just want to take you back
22 to Exhibit 841 for a moment, and I was asking you
23 earlier about the figures, and Mr. Jantz has given
24 some evidence on that, too. There's a footnote at
25 the bottom of 841 which points out - it's footnote
26 5 - that the expenditures that are noted there are
27 for commercial and First Nation and don't include
28 the recreational fishery. So that's a number in
29 addition to what we see in this chart for Lower
30 Fraser only, is it?
31 MR. PARSLow: That's correct, yes.
32 Q Do you have any idea what that number is?
33 MR. PARSLow: My understanding, I just saw some
34 information on this yesterday, is that it's around
35 \$250,000 a year, and I believe that's joint, O&M
36 and salary costs. I don't know if that
37 information has been provided out yet, but that's
38 been pulled together recently by our stock
39 assessment group.
40 Q But if that's the number roughly per year for
41 salary and O&M for 2009-2010 for Lower Fraser,
42 then, you would add 250 on top of 352.3, would
43 you?
44 MR. PARSLow: For sorry, 2009 and 2010?
45 Q Yes.
46 MR. PARSLow: That's correct, yes.
47 Q Okay.

1 MR. PARLOW: That's my understanding.

2 Q We'll come to you, Dr. Houtman. Do you have some
3 one or two or a few top items that you think are
4 important in the catch monitoring work you do that
5 should be continued, or improved upon, or started,
6 that aren't being done yet?

7 DR. HOUTMAN: Yeah, I'd reiterate the value of start
8 fishing reports which are being started over the
9 last couple of years.

10 Q Start and stop, I take it.

11 DR. HOUTMAN: Started and actually they come with --
12 there's four types of report: start, pause,
13 cancel and end. So those all together tell us
14 when a boat has spent a day fishing, or intended
15 to spend a day fishing and didn't for various
16 reasons.

17 Q Okay.

18 DR. HOUTMAN: So those are all together called activity
19 reports. So activity reporting --

20 Q Just pausing there for a moment, I think we can
21 all get start, pause and end, similar to what you
22 might see on a DVD player. I don't quite get what
23 cancel would be, what's that?

24 DR. HOUTMAN: That means the fisher phones in a start
25 fishing report, intending to fish tomorrow, say,
26 and then between today and tomorrow something goes
27 wrong preventing him fishing tomorrow. Then he
28 has to let us know that that day didn't happen.

29 Q Okay.

30 DR. HOUTMAN: So he can call a cancel, cancelled trip
31 report.

32 Q I see. All right, what else?

33 DR. HOUTMAN: The other thing I should have said
34 earlier is to continue the validation that is in
35 Area B and Area H, is obviously a valuable start,
36 but it is just a start. As I understand it, those
37 are demonstration projects and with no guarantee
38 of continuing. They're valuable for high quality
39 catch monitoring to have those validation
40 programs, and to extend those in Area E and Area
41 D, if possible, would be valuable.

42 Q All right. Anything else?

43 DR. HOUTMAN: Just to add that those comments are about
44 the target catch of sockeye, but there's other
45 concerns about bycatch in sockeye fisheries that
46 would require other on-the-ground observer-type
47 data, that if there's bycatch concerns, which

41

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Cross-exam by Mr. Taylor (CAN)

Cross-exam by Mr. Eidsvik (SGAHC)

1 there can be in sockeye fisheries, then those
2 solutions don't address all of those.

3 Q Okay. And briefly, then, is there anything that
4 you would be suggesting with respect to the
5 bycatch?

6 DR. HOUTMAN: It's a difficult challenge, but observers
7 on boats would be valuable obviously. Yeah, I
8 can't...

9 Q Would video work. or some kind of cam?

10 DR. HOUTMAN: There's lots of hope that cameras would
11 work. They'd be a wonderful solution in a lot of
12 ways, but depending on the type of boat, they
13 can't see the species of catch, they can't
14 necessarily monitor the whole area where the catch
15 is coming on board. So there's challenges with
16 cameras that way. So I believe that's still a
17 work in progress to try and get camera solution
18 to...

19 MR. TAYLOR: All right. Thank you, gentlemen, those
20 are my questions. Thank you, Mr. Commissioner.

21 THE COMMISSIONER: Thank you very much, Mr. Taylor.

22 MR. EIDSVIK: Good morning, Mr. Commissioner, Philip
23 Eidsvik for the Area E and Fisheries Coalition.
24 It's five to 12:00, and I should be fairly brief
25 today.

26

27 CROSS-EXAMINATION BY MR. EIDSVIK:

28

29 Q A couple of questions about the logbook program,
30 and I'm not sure which person is most appropriate
31 to -- so feel free to join in. The cost of the
32 logbook program is borne by the individual
33 fisherman; is that correct?

34 DR. HOUTMAN: That's correct.

35 Q And I see some years participation goes up and
36 some years it goes down. The trend seems to be
37 increasing, but I noticed in Area E, I think the
38 number was 277 logbooks. But if my memory serves
39 me, sorry, there's around 350 Area E licences.
40 Can you tell me about the discrepancy between the
41 number of logbooks and the number of licences in
42 the area?

43 DR. HOUTMAN: Fishers only have to have a logbook if
44 they fish. So a licence holder doesn't need to
45 buy logbook service unless they intend to fish.
46 If they do intend to fish and don't fish, the
47 service provider provides refunds if they can

1 prove they didn't fish.

2 Q Oh, I see. So in a year like 2009 where there
3 might have been only a one-day chum fishery, you
4 might have had a number of boats stay tied up and
5 not fish?

6 DR. HOUTMAN: That's correct.

7 Q Now, one of the -- I'm not sure if anyone there is
8 aware of it, but probably several of you are, that
9 Area E has made a proposal to DFO for a number of
10 years to be able to have a website and report on a
11 website. Anybody there aware of that?

12 DR. HOUTMAN: I'm not aware of that.

13 Q Maybe I can ask you the question in a different
14 way, then. You can buy a car by a website now.
15 You can do all kinds of things by a website. And
16 as you know, many fishermen have smart phones on
17 their boats. Can you explain why fishermen can't
18 report, simply call up on their smart phone right
19 after their first set and the data goes right into
20 DFO. Can you tell me why that can't happen?

21 DR. HOUTMAN: No. In fact, I can take your point that
22 it should be able to be developed, and we are
23 developing it. Currently there is, piloting this
24 year, maybe starting last year, there was ability
25 to text in a start fishing report, which is an
26 easy report to do by text because it doesn't
27 contain as much information as a catch report.
28 So we are working on that. And it's a fair point
29 that if that's convenient for the fishers, you
30 know, we should strive for that. As well, there's
31 electronic logbooks that are, I would say, past
32 the piloting stage now, that fishers are invited
33 to sort of apply for to arrange to have electronic
34 logbook solution on their vessels.

35 Q Yes. Have you ever used that electronic logbook
36 system?

37 DR. HOUTMAN: No.

38 Q Any one of the three of you, are you aware there's
39 a number of complaints about the difficulty and
40 the breakdowns and the crashes?

41 DR. HOUTMAN: I'm not aware.

42 Q Okay. The cost, when we added up the cost of
43 logbooks, I think over the last five years has
44 been several hundred thousand dollars. Can you
45 explain why, given the state of web development,
46 that we just didn't say let's put that money into
47 web and have it done now, and we'd be five years

1 down the road on this, given the requirement and
2 the need for accurate catch data? It just seems
3 like an obvious issue to me. Any comments on
4 that?

5 DR. HOUTMAN: You'd be imagining fishers from the water
6 logging on and getting their data by the deadlines
7 we have; is that...

8 Q Yeah, or at home when they go home at night time
9 after the fishery's over, versus phoning it in.
10 It just seems -- and then there wouldn't be a bill
11 for the fishers. Are you aware there's a fair
12 amount of hostility in the fleet directed at AMR
13 and the fee for the logbook program?

14 DR. HOUTMAN: I am aware of that.

15 Q Yeah. So you could do this, and no cost to the
16 fisher, probably increase your catch reporting
17 rates, fair to say?

18 DR. HOUTMAN: I'm not sure that it would increase the
19 reporting rates on time, just because from the
20 water that has cost to the fisher to arrange for
21 those communications, I believe, and there'd be
22 communication difficulties.

23 Q You mean it's a cost for the fisher to use their
24 smart phone, you mean?

25 DR. HOUTMAN: Is it not?

26 Q Just a question. I'll move on to the next part.

27 DR. HOUTMAN: Sorry, I'll just say that if there are
28 solutions that way, there would be no hesitance to
29 work on them. I'm not sure about the
30 practicality or the cost.

31 Q Okay. But you're not aware that Area E has made a
32 proposal in writing on that for several years?

33 DR. HOUTMAN: I personally am not.

34 Q Okay, thank you. I want to talk for a minute
35 about reliance on hails and ask a few questions on
36 that. In the FSC fishery especially, can you
37 explain how -- let's take in the lower river,
38 there's an FSC fisherman. He's fishing in his
39 30-foot gillnetter. How is the data collected off
40 him, the catch data specifically?

41 MR. PARSLOW: That actually depends on the group.
42 We've got a range of programs ranging from a hail,
43 either on the water, to a fisheries monitor, or by
44 phone calls at the end of the fishery, just to
45 check in to see how many fish they've caught. In
46 some fisheries we have a percent target that we're
47 looking to validate, so First Nations monitors

1 will validate the catch for -- we've got a target
2 with Tsawwassen for 20 percent of the catch. So
3 in that case it will be a count of that 20
4 percent, and then we can look at that CPUE. And
5 then in the kind of Katzie, Kwantlen to look at
6 the major drift players in the lower river. We've
7 got monitors at the docks and they are counting
8 fish as they're hauled up from the docks to go
9 into vehicles or down to someone's house, so...
10 Q And in the fisheries where you use hails, and I
11 think that probably includes -- are hails the
12 major basis in the Sto:lo fishery, for example?
13 MR. PARSLOW: I would say in the driftnet, I actually
14 couldn't say, I don't have the data in front of
15 me. But it is a fair proportion of the catch
16 which is counted. Yeah.
17 Q And in the same way for the logbook program we use
18 hails from the commercial sector. They phone in,
19 there's nobody really checks their fish.
20 MR. PARSLOW: That's my understanding, yes.
21 Q And I have no doubt that all three of you are
22 probably aware of the problems with hails. Is
23 that fair to say, that you guys are aware of
24 problems with hails, reliance on hails?
25 MR. PARSLOW: I would say that there is a potential for
26 it to be biased in one direction or the other.
27 Q Now, when we're in an IQ fishery, one of the
28 issues in IQ fisheries, of course, you're given a
29 licence to catch 100 fish, so if you wanted to
30 cheat, your tendency would be to under-report that
31 catch and find a way to do that; is that correct?
32 Because you'd have, if you didn't report the catch
33 of 100 fish, say you only reported 50, you could
34 go out and catch another 50 fish; is that correct?
35 MR. JANTZ: If there wasn't validation going on, if the
36 fisher didn't have to offload and have an observer
37 document, then certainly that could happen.
38 Q So in fisheries where you're tied to a number,
39 there's an even higher need for good catch
40 monitoring and reporting?
41 MR. JANTZ: Yes.
42 Q Okay. Now, in the Area E commercial fishery in
43 the Lower Fraser, and maybe if I can explain that
44 or get it from you, it's basically an abundance-
45 based fishery; do I have that correct?
46 MR. JANTZ: For the Area E commercial fishery?
47 Q That's correct.

1 MR. JANTZ: It's based on whatever the total allowable
2 catch, commercial total allowable catch and the
3 allocation that Area E has associated with their
4 fishery. So as abundance goes up, their
5 allocation goes up, yes.

6 Q That's right. So a boat actually isn't targeted
7 if he's not said today you stop fishing when you
8 catch 100 fish, you fish in the opening and you
9 try and catch as many as you can, is there an
10 incentive to cheat there? And I want to separate
11 bycatch issues from sockeye.

12 MR. JANTZ: There could be incentive to under-report if
13 the fishery was nearing their total allowable
14 catch for a particular fishery, or for the season.
15 So there could be, you know, an interest by an
16 individual to under-report, if he felt that he
17 could get additional fishing time by doing so.

18 Q If you under-reported on Monday, do you think the
19 fishery would open on Tuesday? I guess what I'm
20 getting at is if you have a quota and you don't
21 catch your 100 fish on Monday, you can go fish
22 again on Tuesday. In the Area E fishery, if you
23 didn't, you were one fisherman and you didn't
24 report your 50 fish, is the fishery going to
25 reopen on the next day because of that? Can he go
26 fishing without DFO's reopening the fishery?

27 MR. JANTZ: No, DFO would have to either reopen the
28 fishery in that particular instance.

29 Q Okay. I want to talk a little bit about, or ask
30 questions - sorry, Mr. Commissioner, using that
31 term - about the seine fishery in the Johnstone
32 Strait, about how catch data is collected from
33 there. And is there a particular day when they
34 fish in Johnstone Strait normally, the seine
35 fishery? I'm talking pre-ITQ program.

36 DR. HOUTMAN: A particular...?

37 Q A particular day. Do they usually fish Mondays?

38 DR. HOUTMAN: I believe it's Monday or Tuesday.

39 MR. JANTZ: It varies. In the past it has varied
40 considerably from year to year and week to week.
41 There is no set day in particular. They do try to
42 avoid having openings on weekends when the
43 recreational sector is out there in larger
44 numbers. So the attempt is to try to work around
45 that. But the fishery could be a Monday, a
46 Tuesday, a Wednesday, a Thursday, a Friday.

47 Q And is there a typical time when the fishery

1 opens?
2 MR. JANTZ: Yes, and I'm not the expert on those times,
3 but generally for a full fishery there are
4 particular hours of open.
5 Q Is it usually a 12-hour...
6 MR. JANTZ: Yeah, 12 or 15 hours.
7 Q 12 or 14, yeah.
8 MR. JANTZ: Sometimes shorter, if the allowable harvest
9 is a smaller quantity.
10 Q Okay. So now the fishery, let's say, the start
11 time is at 6:00 a.m. When do the first reports
12 start flooding into the companies, because the
13 company -- maybe I can ask this. Are the
14 companies really interested in the catch data from
15 individual vessels, do you know?
16 DR. HOUTMAN: I don't know if the companies are really
17 interested. I think they like to have a heads-up
18 of what's coming in.
19 MR. JANTZ: Yeah, I think that's the case. They would
20 like to know what the volume of fish to be
21 delivered may be, and over what particular time.
22 Q Yes. And if a company, say, had five boats and in
23 one area their one boat was catching a lot of
24 fish, do you think they'd want to know so they
25 could send the other boats to that area?
26 MR. JANTZ: Certainly.
27 Q Yeah. So do you know when the first reports of
28 catch data from the seine fleet in Area B start
29 flowing into the Department or the Commission?
30 Are you aware of that data collection system at
31 all?
32 MR. JANTZ: Under the old derby-style fishery?
33 Q Yeah, and I'm not referring specifically to
34 official catch reports and the fishery reports.
35 MR. JANTZ: Yes.
36 Q When do you start, because my understanding is
37 there's a steady stream of catch data throughout
38 that fishery that goes to fishery processing
39 people, into the Commission, and then into DFO.
40 Are you aware of that all?
41 MR. JANTZ: We do, in the past we've had charter
42 patrolmen who are out collecting hail information
43 from the fishers on the grounds. Under the new
44 system the ITQ system, I'm not sure that that's
45 still going on, but there may be some of that
46 occurring.
47 Q Okay.

1 MR. JANTZ: But so within a few hours, it depends on
2 the duration of the fishery and whether there's
3 opportunities for extension of the fishery or not,
4 but the information begins to flow within probably
5 two to four hours after the initial opening, when
6 you start to see some of the first sets, what the
7 abundance of the fish is, and the attempt is to
8 try to manage that fishery to stay within whatever
9 the allocated catch for that particular fishery
10 would be. So we do start to get hail information
11 fairly soon and early in the fishery, to make
12 determination on whether we should extend the
13 fishery, and possibly in some circumstances close
14 it sooner.

15 Q Yes. Now, the fishery's ended. The seine boats
16 are now going to their various packers, or some of
17 them are running into the plants in Vancouver.
18 Can you tell me how sales slip data -- maybe I can
19 ask first of all: When a seine vessel pulls
20 alongside a packer, each fish is counted, it's
21 delivered onto the packer and a sales slip is
22 issued; is that correct?

23 Maybe I'm asking the wrong question. Are you
24 guys very familiar with this fishery? Maybe I'm
25 asking the wrong questions.

26 MR. JANTZ: Well, I've not been involved in actually
27 managing the fishery, but I have spent a number of
28 years on the Fraser Panel process, so I am
29 familiar with the goings on in the fishery, but
30 I'm certainly not one of the fishery managers from
31 that particular area.

32 Q Yeah, I'm sorry, I didn't want to question you on
33 something that you're not familiar with. So at
34 the end of the fishery, you're aware that most
35 seine vessels go alongside a packer and unload
36 their catch?

37 MR. JANTZ: Some, yes.

38 DR. HOUTMAN: Some fisheries it's mostly not packers,
39 but direct, I believe.

40 Q Yeah. I'm talking the Fraser sockeye fishery
41 specifically.

42 DR. HOUTMAN: Okay.

43 Q Now, what happens to the sales slips that are at
44 the packer. Are you aware of the fishery officers
45 go alongside and collect them? No?

46 DR. HOUTMAN: I wasn't aware of how they get to the
47 Department.

- 1 Q Okay. In terms of the data you collect from fish
2 processors and fishermen, is there a difference
3 between say a vessel that fishes for Canadian Fish
4 or is owned by Canadian Fish and skippered by
5 somebody else, versus a vessel who is independent?
6 Are you aware of that?
- 7 MR. JANTZ: Are there differences in the vessel itself?
- 8 Q No, differences in the way that catch data might
9 be collected. What I'm saying is would you
10 consider Canadian Fish a reliable source of catch
11 data for the vessels they own?
- 12 DR. HOUTMAN: No idea.
- 13 Q Not sure, eh. Okay.
14 I'm just trying to see if there's anything
15 quickly else that I need to ask.
16 On the Fraser River, in Area E, how many
17 vessels do you think report, sell their catch to
18 the major fishing companies, and I name the major
19 as Bella Coola, Ocean, Canadian Fish.
- 20 MR. PARSLOW: I wouldn't be able to say that.
- 21 Q In terms of leakage out of Area E, do you have a
22 handle -- is it, I mean, I've heard comments about
23 good and very good in terms of leakage out of Area
24 E vessels in a sockeye opening, is it ten percent,
25 is it five percent, is it 50 percent, is it 90
26 percent? Do you have a handle on how much fish is
27 not reported to the major companies, how much of
28 the harvest?
- 29 DR. HOUTMAN: You mean not delivered to major
30 companies?
- 31 Q Yeah.
- 32 DR. HOUTMAN: I think you have to qualify that answer.
33 It would depend a lot on the volume of the
34 fishery. For example, last year's ginormous
35 fishery, I can imagine the ability of fishers to
36 move a lot of fish into less standard commercial
37 routes is smaller in a fishery where there's a
38 much lower catch. They could potentially sell
39 direct to public at Steveston or something, a
40 larger price on their catch, so...
- 41 Q All right. So, if I get you correctly, say in the
42 first opening in Area E in a year you might have a
43 higher percentage of fish would be sold privately
44 because the fishermen only have so many customers,
45 but as the fishery gets bigger and there's more
46 fish, more of it tends to get delivered to the
47 companies; is that fair to say?

1 DR. HOUTMAN: I haven't thought about it, but it makes
2 some sense.

3 Q Well, what I'm trying to get at, if the companies,
4 the major companies, are reliable providers of
5 catch data, and if most of the fish caught in Area
6 E goes through those companies, you probably have
7 fairly decent catch data out of that; is that fair
8 to say?

9 MR. JANTZ: I'm not entirely sure. I think some of the
10 comments earlier about some of the problems
11 associated with the fish sales slip system would
12 suggest that no, that may not be a reliable source
13 of data, because the companies are the ones who
14 issue the sales slips, and if there's breakdowns
15 within that system, then maybe there are some
16 issues there.

17 Q And I agree with your point, and that's the point
18 I was trying to get. If you had a handle on how
19 much went to the major companies and how much
20 didn't in terms of the fishery. But maybe that's
21 a question for another day and some more research
22 and another study.

23 I'll just check and see if I have anything
24 else here.

25 When you meet with Area E fishermen and when
26 you meet with aboriginal fishermen or recreational
27 fishermen, each group is quite dismissive often of
28 the other group's catch data; is that fair to say?
29 I got that as...

30 MR. JANTZ: Yes.

31 MR. PARSLOW: Yeah.

32 Q Have any of you ever attended a meeting with Area
33 E fishermen and said that the catch data was quite
34 good in the FSC fishery and heard a fair amount of
35 laughter in response?

36 MR. PARSLOW: Yes.

37 MR. JANTZ: Yeah.

38 Q Yeah, so and these are the people that live and
39 work on the river and spend a lot of time on the
40 river, and they might have a different opinion
41 than you how good the catch data is?

42 MR. PARSLOW: Yeah, they might have a different
43 opinion.

44 MR. EIDSVIK: Okay. That's -- those are my questions,
45 Mr. Commissioner, thank you. Thank you for
46 answering my questions.

47 THE COMMISSIONER: I just wanted to ask a couple of

1 quick questions flowing from Mr. Eidsvik before I
2 forget the points.

3

4 QUESTIONS BY THE COMMISSIONER:

5

6 Q You used the term "hail information" several
7 times. Where is that recorded?

8 MR. PARSLOW: Sorry, where is the hail information
9 recorded?

10 Q Well, you used the term "hail information".

11 MR. PARSLOW: Yes.

12 Q Is it recorded and, if so, where?

13 MR. PARSLOW: I would say it depends on the fishery
14 where that's recorded. We have different data
15 systems, depending on the fishery. So I'll let
16 Rob speak to the commercial. But for the First
17 Nation side of things, it's recorded on the
18 monitors' data sheets, and then in turn is used in
19 our internal databases, various different systems,
20 in order to generate our estimates, which is then
21 put into the fisheries operation system.

22 Q And what exactly would be recorded in the context
23 that you just described to me? What information
24 would be recorded?

25 MR. PARSLOW: In most of our fisheries we're collecting
26 the fisher's name. In the First Nations case it's
27 the designation number. We're collecting gear
28 type, so if it's a drift net or dip net. We're
29 collecting interview time, start and end of
30 fishing, number of pieces of gear, and then catch
31 and release for all the species, and fishing
32 location is the other piece.

33 Q Now, these templates that Mr. Taylor introduced
34 today, is that an example of that kind of
35 information?

36 MR. PARSLOW: It is of that kind of information. It's
37 a little less detailed than what we collect from
38 our monitoring sites, but it includes similar
39 information.

40 Q All right. Thank you. And I'm sorry, Dr.
41 Houtman.

42 DR. HOUTMAN: Yes, so hail is used, "hail" is a general
43 term for several things, so we've replaced it.
44 When it's about a catch, it's information the
45 fisher is telling us about catch and effort, then
46 we refer to it as a phone-in catch report, to be
47 clear. So when I was just asked about hails in

1 the commercial fishery, that relates to phone-in
2 catch reports that fishers are required for their
3 logbook program to make. And so the information
4 on those includes fisher identity, or the vessel
5 identity, some gear information, potentially about
6 net length or things like that, where and when
7 they fished, and for where and how long they
8 fished, and then catch, catch numbers.

9 THE COMMISSIONER: Thank you very much.

10 I'm sorry, Mr. Harrison.

11 MR. HARRISON: Good afternoon, Mr. Commissioner, panel,
12 my name is Judah Harrison, and I'm representing
13 the Conservation Coalition, which is environmental
14 non-governmental organizations, and Mr. Otto
15 Langer. I will be very brief as we have lunch in
16 12 minutes.

17
18 CROSS-EXAMINATION BY MR. HARRISON:

19
20 Q Mr. Jantz, this morning I heard you say that
21 without very accurate accounting or counting,
22 problems will arise, including an inability to
23 make an accurate assessment of conservation units
24 in accordance with the Wild Salmon Policy. I
25 would just ask is that a fair, is that an accurate
26 statement?

27 MR. JANTZ: Yes, it's one of the pieces of information
28 that would be required in evaluating what the
29 status of a particular CU would be.

30 Q Okay, great. And then this is picking up on
31 something Mr. Eidsvik just asked you. But, Dr.
32 Houtman, this morning I heard you say that
33 monitoring of the commercial sockeye fishery is
34 "quite good", and then, Mr. Parslow, I heard you
35 say that in your opinion counting in your area is
36 "fairly good". I would please ask if either of
37 you can apply or give us some numbers of what that
38 actually means. When you say "pretty good" and
39 "fairly good", what percentage in your view are we
40 not counting? Are we getting 90 percent, are we
41 getting 80 percent?

42 DR. HOUTMAN: It's a good question. I used "quite"
43 because it's difficult to put such a number on.
44 But if I'm forced to put a number, I would suspect
45 it's sort of 95 percent of commercial catch is the
46 number.

47 Q In the commercial Fraser sockeye fishery.

1 DR. HOUTMAN: Yes.

2 Q And, Mr. Parslow?

3 MR. PARSLow: In the Fraser, Lower Fraser First Nations
4 fisheries, it's very hard to put a number on it.
5 But what we're attempting to do is actually put
6 checks in place to make sure that we are capturing
7 all that information. So things like I was
8 talking about effort validation earlier, and
9 having programs which are survey-based instead of
10 census-based, those are sort of ways of getting at
11 it. As for the scope of it, I think we're
12 probably getting, I would say, 90 percent of the
13 catch, if not more. I would say that's a fair
14 estimate.

15 Q Okay, thank you. And then, Dr. Houtman, one other
16 thing I heard you say is likely there is an under-
17 reporting of sensitive bycatch. Is that accurate
18 and fair to say?

19 DR. HOUTMAN: That is what I said, and, yeah, that's my
20 opinion. Yes.

21 Q And I understood this to be largely a result of
22 monitoring occurring and counting occurring more
23 on land and dockside than on water; is that fair,
24 as well?

25 DR. HOUTMAN: Yes, that's correct. Yes. Even there,
26 bycatch can be difficult to detect, retained
27 bycatch can be difficult to detect at landings of
28 especially larger catches.

29 Q So I guess how much on-water monitoring and
30 counting is DFO currently doing within the Fraser
31 fishery, sockeye fishery?

32 DR. HOUTMAN: Very little.

33 MR. HARRISON: Okay. Those are my questions. Thank
34 you very much.

35 MR. MCGOWAN: Mr. Commissioner, Ms. Gaertner is next.
36 I'm not sure how long she expects to be, but...

37 MS. GAERTNER: Ms. Gaertner is next and had not
38 expected to go in the morning, and so that's the
39 two parts to it. There is a couple of people have
40 cancelled and have gotten shorter. So I'll try to
41 use a little bit of time, Mr. Commissioner, but I
42 think that I'll be more structured and less
43 repetitive if I have the afternoon break, or the
44 lunch break to start.

45 Let me just ask a few opening questions of
46 you, and particularly I want to start in -- let's
47 just for the record, Brenda Gaertner for the First

1 Nation Coalition, and with me, Leah Pence. And,
2 Commissioner, this may not be something that
3 you've been totally conscious of, but we are
4 counsel for the Fraser Valley Aboriginal Fishing
5 Society, and so we are not counsel for the Sto:lo
6 or the Sto:lo Tribal Council but we are counsel
7 for the society, and I think that would be useful
8 to the panel.
9

10 CROSS-EXAMINATION BY MS. GAERTNER:

11
12 Q I am going to start with that society, and so my
13 questions are going to be primarily for you - let
14 me just get this - Mr. Parslow, and I want to
15 begin by asking you a very general question.
16 Which is, in your view, what's the importance of
17 working closely with a society like the Fraser
18 Valley Aboriginal Fishing Society in terms of
19 catch monitoring and moving forward?

20 MR. PARSLOW: Well, I'd say it's very important. I
21 think as we're moving towards collaborative
22 management approach, it's important to have
23 capacity and understanding within a First Nations
24 group about the programs that are in place in
25 order to estimate catch. I think it's good for
26 building relationships with the First Nations in
27 the river, and, yeah, I think in general it's
28 good.

29 Q Now, the Commissioner is going to hear from Grand
30 Chief Ken Malloway tomorrow, but I'd like to take
31 you to First Nations Coalition's document number
32 3, which is a Ringtail document, and it's a
33 PowerPoint that was delivered in November 2010
34 outlining this society. Are you aware of the
35 methods the society takes to address concerns
36 regarding the independence of their catch
37 monitoring?

38 MR. PARSLOW: I would say yes.

39 Q And what are the types of concerns that have been
40 raised, and then what are the steps that have been
41 taken?

42 MR. PARSLOW: I would say the concerns over
43 independence are the relationship between the
44 monitors and the fishers. So whether or not
45 they're family members or participating in fishing
46 activity themselves, those are the kind of
47 concerns I've heard. My understanding is, is that

1 the society, I guess it is now, makes efforts to
2 ensure that monitors aren't monitoring people who
3 they're related to. I can't verify if that's
4 always the case, but that's my understanding of
5 how they try to pursue that or try to address that
6 concern.

7 Q Do you agree that one of the challenges for this
8 society, and for other First Nations doing catch
9 monitoring programs, is the failure to be able to
10 provide long-term support for these programs, so
11 you're either in a one-year or two-year funding
12 process, and you're not generally being able to
13 confirm long-term funding?

14 MR. PARSLOW: Yeah, I could see that as a concern.
15 Yeah.

16 Q And what kind of concerns does that generally
17 create in capacity building?

18 MR. PARSLOW: Well, I think it's the concern over --
19 it's the problem with staffing any program
20 seasonally, is it's retention of qualified
21 individuals over the long term, because you can
22 only provide them employment for a period of time
23 anywhere from, you know, four to eight months,
24 sort of thing.

25 Q What are the opportunities that this society
26 provides for joint monitoring, and how does DFO
27 envision working more closely with them doing
28 joint monitoring?

29 MR. PARSLOW: We work together on actually developing
30 training sessions for the monitors and on a yearly
31 basis, and we're looking at in the coming year
32 developing some effort assessments in conjunction
33 with them. So those are the ones to date that
34 we've worked on. And our monitors work very
35 closely with the society's monitors out on the
36 grounds, ensuring that data is collected properly
37 and it's getting into the Department in a timely
38 manner.

39 Q And do you see that as the way of the future?

40 MR. PARSLOW: I would like to see it as a collaborative
41 approach, yeah.

42 Q I'm just going to briefly speak about that society
43 as a model for the Interior, and wonder if - I
44 know you guys by first name, I have to get - Mr.
45 Jantz would want to comment on that.

46 MR. JANTZ: Which element, I'm sorry?

47 Q Well, about using an independent society, and then

1 also working closely with First Nations in a
2 collaborative model, particularly as we move
3 closer to co-management for catch monitoring.
4 MR. JANTZ: In the Interior we don't have a similar
5 setup or a society, but we do work very, very
6 closely with the First Nations in designing and
7 developing the monitoring programs for their
8 particular fisheries. And in most instances,
9 First Nation monitors are hired by the particular
10 band or tribal council to monitor their fisheries.
11 And similar to the lower river, we provide an
12 orientation or training program every year to try
13 to improve the knowledge and understanding of the
14 monitors for the specific requirements for
15 sampling, and things of that nature. The major
16 difference, I guess, in this particular instance
17 is that there isn't one overarching society that
18 would be assisting with that, but we do work very
19 closely with all of the groups in the Interior to
20 try to achieve the same outcomes.
21 Q And creating that overarching society in the Lower
22 Fraser was useful for collaborative work on
23 monitoring for the Department of Fisheries and
24 Oceans; is that correct?
25 MR. PARSLOW: Sorry, creating the society was helpful?
26 Q Creating the society and the independence there.
27 MR. PARSLOW: I can't speak to what it was like before
28 the society was in place, unfortunately. I've
29 only been here for a couple of years. But I do
30 find it helpful to work with them on monitoring.
31 Q One of the things I heard this morning, which is
32 general observation, is, you know, how do we
33 improve catch monitoring by making it a licence
34 term and by punishing -- that's a very general, no
35 one used the word punishing, but by if you breach
36 your licence, that's the incentive.
37 But I want to talk about positive incentives,
38 and in particular I'd like to go to document
39 number 3 of the First Nations Coalition. Sorry, I
40 didn't mark the last document, but I won't at this
41 point in time. In particular this is a, as I
42 understand it, a PowerPoint that was delivered by
43 Carol Eros, E-r-o-s, you're familiar with Carol?
44 MR. PARSLOW: Carol Eros, yes.
45 Q And she's the Department of Fisheries and Oceans,
46 is that correct?
47 MR. PARSLOW: Yes.

1 MR. JANTZ: Yes.

2 Q And I'd like to go to page 6 of that document.

3 MR. LUNN: Sorry to interrupt. Could you give me the
4 tab number again, please.

5 MS. GAERTNER: Document number 3. Oh, sorry, page 6.

6 Q So we've heard this morning that one of the goals
7 of catch monitoring is successful and accurate and
8 timely fisheries information. Would you also
9 agree with the fourth bullet in that PowerPoint
10 presentation, that catch monitoring is important
11 as it provides an:

12
13 Information basis for integrated, co-
14 management initiatives and shared confidence
15 in fisheries management regimes.

16
17 Mr. Jantz?

18 MR. JANTZ: Yes, I would.

19 Q Would you also agree that that occurs in the Lower
20 Fraser?

21 MR. PARSLOW: Yes, I would.

22 Q And so one of the incentives for improved catch
23 monitoring and improved collaborative working is
24 co-management initiatives.

25 MR. JANTZ: Yes.

26 MS. GAERTNER: This would be a convenient place to
27 stop, if I may.

28 THE COMMISSIONER: Thank you.

29 THE REGISTRAR: The hearing is now adjourned until 2:00
30 p.m.

31
32 (PROCEEDINGS ADJOURNED FOR NOON RECESS)
33 (PROCEEDINGS RECONVENED)

34
35 THE REGISTRAR: Order. The hearing is now resumed.

36 MS. GAERTNER: Good afternoon, Mr. Commissioner.
37 Brenda Gaertner, and with me Leah Pence, for the
38 First Nations Coalition. I just want to start by
39 marking the exhibit that I was referring just at
40 the end of this morning's questions as the next
41 exhibit. It was First Nations Coalition's
42 document number 3, or Tab 3.

43 THE REGISTRAR: That will be marked as Exhibit 847.

44
45
46
47

1 EXHIBIT 847: Agenda and Presentations, Forum
2 on Conservation & Harvest Planning for Fraser
3 Salmon Catch Monitoring Workshop, Nov 22-23,
4 2010
5

6 CROSS-EXAMINATION BY MS. GAERTNER, continuing:
7

8 Q Gentlemen, I want to go next to just a few
9 questions around timeliness and catch monitoring
10 information. And in particular has it been your
11 experience that obtaining accurate and timely in-
12 season numbers is becoming increasingly important,
13 not only with the implementation of the Wild
14 Salmon Policy, but with the weak stock management
15 approaches, and also potentially with the movement
16 towards increasing the types of fisheries that we
17 have in-river, so that we're going to need more
18 numbers, more accurately and more timely in-
19 season.

20 MR. JANTZ: Yes.

21 Q Dr. Houtman, would you also agree with that?

22 DR. HOUTMAN: Yes.

23 Q And Mr. Parslow?

24 MR. PARSLOW: Yes.

25 Q I wonder if I could also then now turn to Exhibit
26 840. And we've been looking at that document a
27 couple of times this morning and it reports on the
28 timeliness of some of the -- and this is a
29 question for you, Dr. Houtman. I notice that in
30 both Area D and Area E gillnetters, in particular
31 in 2010, the Area D for Johnstone Strait and the
32 Georgia Strait - if I've got that right -
33 gillnetters had only 17 percent of their reports
34 in on time, and then in Area E gillnetters had
35 only 31 percent of the reports in on time. Sorry,
36 page 1, yes.

37 So we've got an Area D, 17 percent of the
38 reports in are on time for the Georgia Strait and
39 Johnston Strait area, and Area E, the Fraser
40 gillnetters have only 31 percent of their reports
41 in on time. By my use, my review of that, that
42 would cause me some concerns. Does that also
43 cause you some concerns, Doctor?

44 DR. HOUTMAN: Some concerns. Fishery managers have
45 other -- as was mentioned earlier in the day,
46 other information from on the grounds to work with
47 as well. So this isn't the sole information they

1 have. But they do, the reasons for the deadlines
2 for these in-season, for these four in-catch
3 reports being so soon after fishing, is because
4 the managers have expressed the need for the data.
5 So it is a concern, yes.

6 Q I see. Commissioner Cohen has heard a lot about
7 in-season management challenges and the various
8 uses of those numbers and the increasing
9 importance of them. So what are you, what is DFO
10 doing to address -- what are the challenges that
11 these fishermen have as it relates to getting this
12 information to you, and what is DFO doing to try
13 to address it?

14 DR. HOUTMAN: In Area D, at least, there is
15 communication challenges. There could be, for
16 certain areas of fishing, there could be
17 challenges with just electronic communications.
18 So that could be a part of the reason. That's not
19 the case in the Fraser River Area E fishing.

20 Q So what steps are you taking in order to address
21 this?

22 DR. HOUTMAN: I'm not sure if there's sort of enhanced
23 enforcement being planned for that particular --

24 Q So in catch monitoring --

25 DR. HOUTMAN: -- compliance.

26 Q -- and the work that you're doing, you're not
27 doing anything at this point in time?

28 DR. HOUTMAN: I'm not directly involved in any
29 solution.

30 Q have you got any suggestions on how to improve the
31 timeliness of reporting in these areas?

32 DR. HOUTMAN: Managers continue to express the need for
33 the importance of it to the fleets. Fleets have
34 responded in lots of ways to improving catch
35 reporting. Some enforcement action or attention
36 to this would be appropriate, and I think it would
37 provide some solution.

38 Q So that's a recommendation that you would like the
39 Commissioner to consider? Sorry, could you answer
40 the question yes or no?

41 DR. HOUTMAN: Yes.

42 Q Thank you. I'm going to turn to consistency in a
43 moment, but, Mr. Jantz, this morning, both Mr.
44 Parslow and Dr. Houtman answered the question
45 about their estimate of accuracy in the areas that
46 they are responsible for, but we didn't hear from
47 you, and I wonder if you could join the group in

1 giving some estimate of the accuracy you feel you
2 have in the Middle and Upper Fraser River.
3 MR. JANTZ: Certainly. It's quite different, depending
4 on the area within the B.C. Interior. So the
5 intense fishery that I was discussing previously
6 in the mid-river, we have a very structured and
7 sophisticated program in place there, which the
8 assessment of the catch information during periods
9 of time when we have the kind of program in place
10 that we have been having the last couple of years
11 with the funding levels that we have, we're
12 generating catch estimates that are 90 percent,
13 and within 10 percent accuracy levels, so plus or
14 minus 10 percent.

15 In some of the other areas it varies
16 considerably. We can't do a real rigorous
17 statistical analysis of it, but we have some of
18 the kinds of catch monitoring information that we
19 receive are considered census, so a complete
20 estimate of the catch, they're done through
21 telephone interviews of fishers who may have
22 participated in the fishery. So we have no way of
23 actually assessing it. I feel that in most cases
24 the catch information is pretty complete, as best
25 as they can do. But it could be significantly
26 biased if fishers have trouble remembering how
27 many fish they did catch. Because quite often in
28 these terminal areas, if there's a handful of
29 fishers that go fishing, there would be catch
30 monitors will phone them at the end of the season
31 and ask them how many fish they caught over the
32 season. So again it depends on the fishery. But
33 the high, the intense fishery where the majority
34 of the fish is caught, we have a pretty well-
35 structured sophisticated program in place.

36 Q You'll agree with me in those places that the
37 amount of fishing is quite small, relative to the
38 other places in the river --

39 MR. JANTZ: It is.

40 Q -- and the nature of the concerns are quite small.

41 MR. JANTZ: Yes, it is.

42 Q Now, just picking up on issues of timeliness, I
43 want to go to issues of consistency amongst the
44 different sectors. Do you agree for those of you
45 that have been working in this field a bit longer
46 than perhaps even those that have had a shorter
47 time, that historically some of the acrimony

1 between DFO and First Nations, and also between
2 commercial, recreational and First Nation
3 fisheries, that creates the distrust is the
4 apparent unevenness amongst the types of catch
5 monitoring that's going on.

6 MR. JANTZ: That is one of the concerns that has been
7 raised, as well as comments that views of one
8 particular group is that the other group is not
9 monitored at all. So there's a variety, the level
10 of monitoring and some concerns about no
11 monitoring, as well.

12 Q And the no monitoring concerns generally arise as
13 it relates to the recreational fisheries?

14 MR. JANTZ: It's actually, I've heard it both ways, and
15 I think the expectation of some of the clients out
16 there is that we need to have monitoring of every
17 fishery every day. And when they're out, as an
18 example, when they're out on a sport fishery and
19 they see an FSC boat drift by with a net and there
20 isn't any monitoring in place, they use that as an
21 opportunity to suggest that there's no monitoring
22 in place for that particular fishery. So when in
23 fact there may be monitoring, it might be in
24 another section of the river on that particular
25 day. So I think a lot of it's associated with a
26 level of some lack of knowledge of what the actual
27 catch program is all about.

28 Q All right. I'm going to just take you to our
29 document Tab 15, and that's a "Memorandum for the
30 Regional Director General", It's the "2009 Plan
31 for Improving Commercial Salmon Fishery
32 Monitoring", and I'll go to the third bullet on
33 page 1:

34
35 Current FMCR standards across the salmon
36 fleets are uneven.

37
38 I wonder if any of you could speak about that, or
39 speak about the concerns that were being raised in
40 that document.

41 DR. HOUTMAN: I can speak a bit about the unevenness.
42 Certain licence areas have had validation for some
43 time. Other licence areas don't. So Area F has
44 had validation requirements for about five years,
45 at least in chinook, for chinook fishing. And
46 then last year Area B and Area H added it, so
47 there's some unevenness there: validation

1 requirements for some, not for others. There's
2 also some differences in deadlines for reporting,
3 making the phone-in catch reports. And there's
4 some slight differences in requirements what needs
5 to be reported from seine versus gillnet. Seiners
6 have a requirement to -- seiners in Area B have a
7 requirement to make offload catch reports, as
8 well.

9 Q Now, I'm going to take you to page 3 of that
10 document, and it's the second dark bullet, where
11 it confirms that:

12
13 First Nations economic opportunity fishery
14 monitoring will continue to require 100%
15 enumeration...

16
17 And that's your understanding, Dr. Houtman. Can
18 you tell me why it is that there's 100 percent
19 enumeration in First Nations economic
20 opportunities and this uneven differences amongst
21 the commercial fishermen and what steps DFO is
22 taking to try to address that.

23 DR. HOUTMAN: In Area E in the Fraser, we've increased
24 the validation requirement from, I believe, zero,
25 to 35 percent sort of last year.

26 Q Why hasn't it gone to 100 percent?

27 DR. HOUTMAN: I'm not sure of all the reasons, but I
28 believe one of the reasons is the concern about
29 ensuring catch is separated between First Nations
30 economic catch and AFS catch. The validation
31 helps to ensure that that separation is more
32 complete. I guess Matt might be able to add to
33 the (indiscernible - overlapping speakers).

34 Q There's two ways of approaching this question.
35 I'll turn to you in a second, Matt, if I may.

36 DR. HOUTMAN: All right. Okay.

37 Q But there's one way is to increase the commercial
38 fisheries, or the other is to decrease First
39 Nations enumerations. From your perspective in
40 the commercial fishery, do we need to increase it
41 from the estimates of 35 percent in Area E, to 100
42 percent, or to a higher percentage, or where are
43 we going with that?

44 DR. HOUTMAN: If you ask me is 35 percent, if it's a
45 random sample and it's 35 percent, that's a
46 suitable sample for a high quality estimate.
47 There is concerns around whether it's a

1 representative sample, and difficulties ensuring
2 that it is, but if it is, that's a suitable sample
3 for answering the question of the total catch.
4 There's other questions that may need to be asked
5 if you need to break that catch out into smaller
6 units for different groups or something.
7 Q So statistically you need about 35 percent of the
8 enumeration in order to provide reliable catch
9 estimates in an in-season management regime?
10 DR. HOUTMAN: I can't say that across the board. It
11 depends on the fleet size. If it's --
12 Q With Area E?
13 DR. HOUTMAN: With Area E, with about 300 vessels
14 fishing, that's sort of the number we came up
15 with, that's right. But it also depends on the
16 variability in the catches amongst the fleet. But
17 with a fleet size of about 300, that seemed to be
18 an appropriate sample size.
19 Q Mr. Parslow, why do you need 100 percent for the
20 economic opportunities in the Lower Fraser that
21 are using gillnetters, then?
22 MR. PARSLow: My understanding, this was a program that
23 was developed before my arrival at the Lower
24 Fraser. But I think it's a different way of
25 getting at an estimate of catch. So there's other
26 pieces of information which we aren't currently
27 collecting in the First Nations fishery, which we
28 would need to then incorporate into our program in
29 order to be able to estimate catch based on a
30 subsample of 35 percent, or whatever that might
31 be.
32 MR. JANTZ: I can add a little --
33 Q Okay.
34 MR. JANTZ: -- if you like.
35 Q Sure.
36 MR. JANTZ: One of the issues that we have in the --
37 with the economic opportunity fishery in the Lower
38 Fraser River is that it's being conducted in an
39 area and at the same time often when FSC fisheries
40 are ongoing, and there is a need to keep the
41 catches separate of those two particular
42 fisheries, so that we are ensuring that FSC-caught
43 fish, so people who are not licensed to fish in
44 the economic opportunity fishery are not bringing
45 their catch into the economic opportunity fishery.
46 So there is need to make sure that there's clear
47 separation, and one of the decisions around that

1 was to make sure that we have complete and
2 accurate information in relation to the economic
3 opportunity fishery.

4 Q Sorry, I accept that there may be some value in it
5 as it relates to the Lower Fraser fishery, but I'm
6 having difficulty understanding why 35 percent is
7 acceptable for Area E, and it's not acceptable for
8 the Lower Fraser economic opportunity fisheries.

9 MR. JANTZ: Well, I think the main reason is, is that
10 the Area E fishermen are commercial fishermen.
11 They aren't out fishing for food, social,
12 ceremonial at the same time. Those fisheries are
13 separate in time and space from the FSC fisheries.
14 When Area E is open for a commercial opening,
15 there are no FSC openings in the Lower River at
16 that particular time, is my understanding.

17 MR. PARSLOW: For Area E, yes.

18 Q One of the perceptions that my clients have, and
19 questions or concerns they have, perhaps it's a
20 concern, is that the increased monitoring that's
21 occurring as it relates to First Nations
22 fisheries, whether they're economic opportunities
23 or otherwise, comes from a history of distrust as
24 distinct from a history of -- or a present need,
25 and secondly that it's occurring at the expense of
26 habitat and other work. And I'd like each of you
27 to -- the increased costs of monitoring in the
28 Lower Fraser - I'm just responding to a question
29 mark I saw on a face - is happening at the expense
30 of habitat and other work. And I'd like to hear
31 from first of all you, Mr. Parslow, around your
32 thoughts on that, and then Mr. Jantz and Dr.
33 Houtman.

34 MR. PARSLOW: And so you're interested in --

35 Q Twofold.

36 MR. PARSLOW: -- the increased funding and its effect
37 on habitat work and other work, to that end.

38 Q That's the second question. So I actually asked
39 two questions in that, the concern, the two
40 concerns. First of all, that really the reason
41 for the 100 percent requirements for enumeration
42 and otherwise is a history of distrust, not the
43 present need.

44 MR. PARSLOW: Mm-hmm.

45 Q And secondly, that doing all of this and doing all
46 of this monitoring is at the expense of habitat
47 and other work that's going on.

1 MR. PARSLow: Okay. Well, I think that as Les was
2 mentioning, I think there's still a need to keep
3 the fisheries separate, the catch occurring in EO
4 fishery, and that occurring in an FSC fishery. So
5 I think that need still remains.

6 I think in terms of the increased funding and
7 its effect on habitat, I don't know if I could
8 speak to that. I'm sure if funding wasn't
9 provided to the monitoring programs, it could be
10 re-profiled to cover off habitat costs with
11 discussion, but, yes.

12 Q Mr. Jantz?

13 MR. JANTZ: I don't think I have much more to add than
14 what Mr. Parslow has said. The funding that we
15 receive is for resource management, for catch
16 monitoring is a different funding envelope than
17 habitat altogether. Certainly having reduced
18 costs within a catch monitoring program may end up
19 at a decision point where the monies could be used
20 for other projects. But within the current
21 structure we have, those dollars are within
22 resource management and not within OHEB. So, you
23 know, I suppose at some point that transition
24 could occur, but they come through different
25 funding envelopes, different channels altogether.
26 But you know, the importance here of the
27 requirement to have the 100 percent enumeration,
28 is related to keeping the catch between FSC and
29 commercial separate. So certainly reduced costs
30 could be redirected elsewhere, whether it goes to
31 habitat or not would be a decision that would be
32 made by others.

33 Q Dr. Houtman.

34 DR. HOUTMAN: Yeah, whether or not it's there's a
35 history of distrust, I think that the reasons for
36 this current approach to monitoring are justified,
37 based on current needs. There's requirements for
38 commercial fishers in Area E that aren't shared by
39 the First Nations groups, for example, sales slip
40 generation, logbook reporting, other sources of
41 data that are available to fishery managers to
42 estimate catch that aren't required from First
43 Nations. Also, vessels have to have their unique
44 identifier visible on the vessels for commercial,
45 but I believe that's not the case in First
46 Nations. So there's real challenges, there's real
47 differences in how the two fisheries can be

1 monitored.

2 MS. GAERTNER: I'm just trying to move next to some of
3 the relationship issues that we've touched upon
4 briefly, and I'll just begin first with
5 relationship issues between DFO and -- sorry, I
6 didn't mark the last document as an exhibit.
7 Perhaps we should do that.

8 THE REGISTRAR: Exhibit 848.

9
10 EXHIBIT 848: Memo for the RDG from Sue
11 Farlinger re 2009 Plan for Improving
12 Commercial Salmon Fishery Monitoring
13 (Information Only)
14

15 MS. GAERTNER:

16 Q And before I turn to some of the challenges
17 associated with the relationship amongst First
18 Nations and the recreational and commercial
19 fishers, can I talk, let's specifically turn to
20 the relationship between First Nations and DFO,
21 and I just have a couple of questions. One is
22 just the, you know, understanding and the
23 challenges associated with providing numbers. And
24 I'm not sure, I think I'm going to start with you,
25 Mr. Jantz, because I suppose I've worked with you
26 in other factors, and I've seen you in other
27 places a couple of times. And so is it your
28 understanding, and can you confirm for the
29 Commissioner that there's a historical resistance
30 that some of the First Nations have to providing
31 DFO numbers, including catch numbers, because
32 they're sometimes not sure how they're going to be
33 used, and in particular whether they'll be used
34 against them in any particular time.

35 MR. JANTZ: I think that's a fair comment, yes.

36 Q And that's one of the challenges that you're
37 facing in your work, and also one of the
38 opportunities you have in terms of working towards
39 co-management; is that correct?

40 MR. JANTZ: It does come up occasionally, yes.

41 Q So the benefits of finding avenues for co-
42 management and how we can all use these numbers
43 well together, is something that you're pursuing
44 with the First Nations that you're working with.

45 MR. JANTZ: Yes, and I think a lot of progress has been
46 made in that regard.

47 Q And part of that's an educational issue, and part

1 of that is also a recognition of their rights and
2 responsibilities; is that correct?

3 MR. JANTZ: It's a two-way educational issue, yes.

4 Q Absolutely. and, Mr. Parslow, would you agree
5 with that also?

6 MR. PARSLOW: Yes.

7 Q All right. So then the next challenge associated
8 with that is the difference between C&P and catch
9 monitoring programs, and in particular I wanted to
10 turn you to, as an example of experiences,
11 Commission document number 9. And, Mr. Parslow,
12 I think this is a question of you. This is an
13 exchange of emails, emails from Arthur Demsky at
14 C&P and Sheldon Evers, I believe, then Maria
15 Maxwell and then on to you. Can you identify that
16 email exchange?

17 MR. PARSLOW: Yes, I can.

18 MS. GAERTNER: Yes. And perhaps we can have that email
19 exchange marked as the next exhibit, then.

20 THE REGISTRAR: Exhibit 849.

21

22 EXHIBIT 849: Email thread between A. Demsky,
23 S. Evers, M. Maxwell and M. Parslow re
24 sockeye numbers returned to the water
25

26 MS. GAERTNER:

27 Q And can you comment on the views expressed by
28 Demsky, or C&P more broadly. Is this kind of
29 institutional challenge or bias is still alive in
30 C&P and, from your perspective, what do you think
31 can be done here?

32 MR. PARSLOW: And you're speaking to words, the concern
33 expressed that the numbers aren't reflective of
34 what's happening in the fishery?

35 Q That's correct. And if you would like, he can
36 scroll back down, if you need to have your memory
37 refreshed on this exchange.

38 MR. PARSLOW: Sure. Yeah, I think this is, the issue
39 at stake here is absolutely released and kept
40 numbers of sockeye during the Early Stuart window
41 of closure. So there's First Nations fisheries
42 licensed during this period of time in the Lower
43 Fraser River to use drift nets with a larger size
44 mesh, with the intention reducing sockeye catch.
45 And so the observation made by the officers was
46 that fishers weren't screening the fish and trying
47 to take out sockeye, and I think that the concern

1 was that the numbers that were submitted would
2 either -- would potentially be inflated for
3 releases. And I think the views expressed by the
4 resource management staff that really the retained
5 numbers were quite good, because I think that
6 there wasn't a push from management to push for
7 numbers to be reported at a lower level. I think
8 that -- yeah, I think there is a bit of a
9 discrepancy between the officers on the grounds
10 and resource management potentially. Yeah.
11 Q Maybe I'll just go one more step further with you.
12 It's my understanding that there's been an
13 internal shift and this is my clients'
14 understanding that they've passed on to me, of
15 course, internal shift to the organizational
16 structure of DFO as it pertains to C&P, and it's
17 slightly different than what's used in catch
18 monitoring, whereas C&P is now doing a full line
19 reporting relationship, as opposed to a matrix-
20 management model within DFO. Is that something
21 you can confirm?
22 MR. PARSLOW: I don't think I could speak to that in
23 too much detail.
24 Q Is that something, Mr. Jantz, can you speak to
25 that?
26 MR. JANTZ: That is a decision that actually came from
27 the Williams Review, that was a recommendation, I
28 believe, out of the Williams Review, that the
29 fishery officers would be a direct line of report
30 up through to the RDG in the Pacific Region.
31 Historically, there was an area-based
32 relationship, where they reported to area
33 directors, so that was changed. And I think, if
34 I'm not mistaken, that was one of the
35 recommendations that came out of the Williams
36 Review.
37 Q I wonder if you're experiencing what I'm going to
38 propose to you next. If you're not, I'll ask
39 these questions directly of Chief Malloway
40 tomorrow. But my clients' experience with this
41 change in how C&P is operating is they're much
42 more removed from the on-the-ground day-to-day --
43 C&P is, on-the-ground relationship and management
44 issues than they were before, and that that's
45 causing difficulties and challenges, some of which
46 we see as reflected in this email exchange or
47 otherwise. Is that an experience that you're also

1 sharing on the ground, and some of the challenges
2 associated with relationships between DFO and
3 First Nations?

4 MR. JANTZ: That may be true in some areas. I think
5 there are efforts in a number of areas, and in
6 particular in the BCI, and I'm pretty certain in
7 the Lower Fraser as well, where our resource
8 management and C&P do get together pre-season to
9 discuss issues associated with the fisheries, and
10 establish priorities for C&P as far as what our
11 issues may be from a resource management
12 perspective, so that they're aware of that, and
13 they design their enforcement programs around
14 that. So that there is exchange going on.
15 Whether it's better or worse than the way things
16 were done before, in some areas it may be worse.
17 I don't speak for them. But I know in the B.C.
18 Interior that we do meet periodically, maybe not
19 as often as we should or could or would like to,
20 but we do meet to discuss these things.

21 Q Mr. Parslow, is there anything you would like to
22 add as it relates to the Lower Fraser, and...

23 MR. PARSLOW: Yeah, I would say there's ongoing work to
24 build this, the relationship between C&P and
25 Resource Management on -- like on the grounds, on
26 like towards on-the-grounds work. I can't
27 unfortunately speak to before the Williams Review,
28 because that was before my time with the
29 Department.

30 Q But it's a problem you're experiencing and you
31 think there could be some improvements there?

32 MR. PARSLOW: I don't know if it's a problem but, you
33 know, I guess it's something which is -- it's
34 maintaining that relationship and continuing the
35 conversation around collection of data provision.

36 Q I want to speak briefly about the work, and I
37 expect that we'll get into some detail on this
38 with the panel tomorrow, but I want to speak
39 briefly about the development of better
40 understanding and trust amongst First Nations and
41 the recreational and the commercial sectors. And
42 someone spoke earlier, I think it was you, Mr.
43 Parslow, spoke earlier today about some work
44 that's going on in the Lower Fraser. Were you
45 referring to the Fraser River Salmon Table Society
46 and the work that's happening there between First
47 Nations and recreational fisheries?

1 MR. PARSLOW: That's correct, yes.

2 Q I wonder if I could turn to document 18 of our
3 list. Now, the other thing I want to pick up on
4 is a question that Mr. Eidsvik asked of you
5 earlier today about how at Area E meetings there
6 tends to be laughter when you're reporting on the
7 accuracy of First Nations fisheries FSC catch
8 monitoring and reporting, and I want to
9 specifically turn to the work that's been done by
10 the Fraser River Salmon Table Society. And I
11 noted in this document right on the front page a
12 quote from Mike Griswold of Area H, and I'm going
13 to read the quote:

14
15 There have been lots of accusations around
16 Sto:lo fishery that had little or no basis in
17 fact. Yesterday we were able to see first-
18 hand that the fisheries were being run just
19 like commercial fisheries should.

20
21 Are you familiar with Mike; do you know Mike?

22 MR. PARSLOW: I've met Mike probably once or twice.

23 Q Do you agree with me that that was a nice
24 revelation that Mike experienced at the Fraser
25 River Salmon Table?

26 MR. PARSLOW: Yes.

27 Q Yes. And would you agree with me that it's this
28 type of work that's becoming critically important
29 for building sector understandings, is actually
30 letting the commercial fisheries or the
31 recreational fisheries learn firsthand the hard
32 work that's going on in the Fraser River and
33 otherwise for fish monitoring?

34 MR. PARSLOW: Yes, and I think that goes in all cases.
35 I think education is a huge part of this and is
36 key to building this understanding of what's
37 happening in each of the sectors, each of the
38 fisheries.

39 Q I wonder if any of the rest of you could comment.
40 I see a lot of head nodding in a positive
41 direction, but it would be useful to have your
42 comments.

43 DR. HOUTMAN: I'm just in agreement.

44 MR. JANTZ: I know Mike and quite well, yeah, through a
45 number of years of experience and processes, and
46 it's nice to see those kinds of comments being
47 made.

1 Q And so that one of the factors that we're really
2 dealing is often more stereotypes than it is
3 actual factual information; is that correct?

4 MR. JANTZ: You could -- yes, certainly that is one
5 explanation, and I think another is, as I
6 mentioned previously, that sometimes one person's
7 view at a particular location at a particular time
8 may be somewhat biased because he doesn't see the
9 whole picture. So I think it's important to get a
10 better understanding and appreciation of the
11 fisheries and all of the programs associated with
12 it before one makes an opinion on them.

13 MS. GAERTNER: Thank you. Could I have this document
14 marked as the next exhibit.

15 THE REGISTRAR: Exhibit 850.

16
17 EXHIBIT 850: Monitoring and Compliance
18 Observations in the Lower Fraser Fishery,
19 October 21-22, 2009, Fraser River Salmon
20 Table
21

22 MS. GAERTNER:

23 Q Now, my last rounds of questions are really
24 speaking more in generality, I suppose, and I want
25 to get to some of the challenges that you were
26 brought to this morning in a little bit more
27 detail, and then a couple of questions around
28 where we go from here. And I'll go first to First
29 Nation Coalition document number 5. And the very
30 last page is the -- first of all, Mr. Parslow, are
31 you familiar with this presentation?

32 MR. PARSLOW: Yes, I am.

33 Q Is this yours?

34 MR. PARSLOW: No, this was actually produced before I
35 took this position.

36 Q You're aware of this...

37 MR. PARSLOW: Yes.

38 MS. GAERTNER: Can I have this marked as the next
39 exhibit.

40 THE REGISTRAR: Exhibit 851.

41
42 EXHIBIT 851: Catch Monitoring in First
43 Nations Fisheries in the Lower Fraser River
44

45 MS. GAERTNER:

46 Q And I wonder if I could go to the last page of the
47 exhibit where we list some of the challenges. And

1 we've spoken a little bit about the second one. I
2 wasn't quite sure what the concern was as it
3 related to the first bullet, and I wonder if
4 either Mr. Jantz or Mr. Parslow could comment on
5 that. I think everyone has that now.

6 MR. PARSLow: I think increasingly they are getting
7 focused during agreement negotiations, I would
8 say. I think the reason why this -- I can't speak
9 to it because I'm not the author, but it's
10 probably in that the fish numbers and that side of
11 things is much more focused in the development of
12 these agreements. I don't know if Les could speak
13 to it further.

14 MR. JANTZ: When I read that sentence, what it says to
15 me is that the view of whoever put this deck
16 together is that the existing catch programs are
17 sufficient, they don't require additional
18 resources to go into them to -- in other words,
19 they feel that the catch information that's being
20 derived in the lower river is of adequate
21 accuracy.

22 Q And I wonder if this might also be a problem that
23 if when existing agreements are negotiated and
24 implemented and then catch monitoring becomes more
25 important, there isn't funding in the agreement.

26 MR. JANTZ: It's often difficult to move funding from
27 one area to another because we do not get new AFS
28 resources unless there's a re-profiling from
29 within the Pacific Region, or within another area.

30 Q So that could --

31 MR. JANTZ: But generally there's very limited ability
32 to increase AFS agreements.

33 Q So to the extent that you're relying on AFS for
34 funding catch monitoring, there's very little
35 flexibility in improving or increasing the amount
36 of money that's being spent on catch monitoring?

37 MR. JANTZ: In most years.

38 Q All right. The next bullet I wanted to take you
39 to was the third bullet, in which the list of
40 challenges is:

41
42 Management decisions often made without
43 considering implications for catch
44 monitoring.

45
46 And both, Mr. Jantz and Mr. Parslow, I wonder if
47 you could comment on what that challenge is, and

1 where we might be going with that one. Unless,
2 Dr. Houtman, you also have a way of contributing
3 to that.

4 MR. PARSLOW: I think what this is speaking to is if
5 fisheries are planned, which may pose challenges
6 for operation of a catch monitoring program, or
7 operation of an effective catch monitoring
8 program, so and there's a whole bunch of different
9 options there. But that's the main piece is that
10 we might be running fisheries which are harder to
11 assess and potentially harder to, yeah, get a
12 better grip on.

13 Q Anybody else have anything to add to that?

14 MR. JANTZ: I think what has been said is correct. So
15 a particular example would be decisions made to
16 open a fishery, and we've already got our catch
17 monitors already fully subscribed in other
18 fisheries that are ongoing, and we don't have the
19 ability to move them over to monitor that fishery,
20 so that would be an example of that kind of
21 challenge. So if we don't have the resources to
22 monitor a new fishery or a significant change from
23 a fishery from our pre-season plan, then it is a
24 challenge.

25 Q And then the next, at least the next two, we seem
26 to suggest the increasing demands, either they be
27 sampling or data management requirements at a
28 First Nations level and at a DFO level. Have I
29 got that right?

30 MR. JANTZ: Yeah.

31 Q And again I want to go back to that first bullet,
32 then. We've got increasing demands and we've got
33 static agreements. Is that a useful way of
34 summarizing some of these challenges?

35 MR. JANTZ: Static agreements and...?

36 Q Agreements that are worth about the same amount of
37 money, and no flexibility to move things around.

38 MR. JANTZ: And in the case of some areas, reduced
39 Department funding, annual reductions in
40 Department funding, as well.

41 Q All right. My next round of questions is really
42 around the differences. You've heard a little
43 about it when you, Mr. Jantz, you talked about the
44 differences in the type of fisheries. Will you
45 also agree with me that there's differences in
46 capacity amongst First Nations to assist at a
47 technical level as it relates to data management

1 and catch monitoring?

2 MR. JANTZ: Yes, definitely.

3 Q And what steps is DFO taking to assess those
4 differences and to respond differently as it
5 relates to those differences?

6 MR. JANTZ: We have, as I mentioned previously, as
7 well, we annually conduct an orientation program
8 with the various monitors throughout the areas.
9 Some areas have a more intense orientation program
10 delivered to them, reflective of the kind of
11 program that they're involved in. Others do not
12 have as intense a program. And as well through
13 the PICFI initiative, there is ongoing development
14 of curriculum and various other things to try to
15 assist the groups to improve their monitoring
16 abilities and understanding and sampling, and then
17 a variety of different things. So there is
18 ongoing work to try to establish programs, better
19 educational programs to improve the monitoring and
20 understanding of monitors of the requirements of a
21 particular fishery and its program.

22 Q Are you familiar with the A-Tlegay programs?

23 MR. JANTZ: Yes.

24 Q And as I understand it, that's a software tool for
25 First Nations catch data management?

26 MR. JANTZ: Yes.

27 Q And how many First Nations approximately are using
28 the -- within the Fraser watershed, are using the
29 A-Tlegay process, A-Tlegay system?

30 MR. JANTZ: I'll speak for the Interior. We have three
31 or four groups that currently have the A-Tlegay
32 program.

33 Q Actually, let me help you on this, Mr. Jantz.

34 MR. JANTZ: Okay.

35 Q Could we go to document 21 of the First Nations
36 Coalition.

37 MR. JANTZ: Yes, that would help.

38 Q And, sorry, slide number 17. I wasn't trying to
39 ask you a trick question. I just hadn't caught up
40 with my notes. It's slide 17.

41 MR. JANTZ: So I said four. So four are operational.
42 There is four that I think do have the software
43 but are not currently using it.

44 And just further to the A-Tlegay model and
45 the program itself within the B.C. Interior, we -
46 we, the Department - have worked with First
47 Nations and already have some programs that are

1 out there. So the A-Tlegay program provided some
2 additional benefits for information tracking to
3 First Nation organizations, which is why a lot of
4 them have expressed an interest to utilizing it.
5 It was a tool that was established in areas that
6 didn't have very good catch monitoring programs.
7 I believe initially the A-Tlegay model was
8 initially developed, and has grown and been used
9 in other areas. So it is a tool that does assist
10 in compiling catch information. It has its
11 limitations though, which I think they've been
12 trying to work on, but it still is, it's a useful
13 tool for collecting information.

14 Q And would you agree that capacity, not only as it
15 relates to funding, but also in the development of
16 the technical skills and the data management
17 people, is a necessary part of improving and
18 implementing this system?

19 MR. JANTZ: Yes.

20 Q And that we need to carefully ensure that that
21 type of funding is found somewhere within the
22 funding provided to First Nations?

23 MR. JANTZ: If this is a tool that's going to be used
24 in the future, certainly there will be training
25 requirements that would need to be funded.

26 Q Training requirements, and also this is the type
27 of thing that you'd want to encourage people to
28 take a job and stick with it for a longer time, so
29 you'd also want longer-term funding for these
30 types of --

31 MR. PARSLOW: Certainly.

32 Q -- positions; is that correct?

33 MR. PARSLOW: Certainly.

34 Q And it's been your experience, has it, that that's
35 valuable, for example, in the Lower Fraser with
36 some of the longer-term employees?

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

38 MS. GAERTNER: Could I have this marked as the next
39 exhibit.

40 THE REGISTRAR: Exhibit 852.

41
42 EXHIBIT 852: FSC Catch Database Project -
43 Past and Current Steps in Implementation
44 2000-2011, April 4, 2011
45

46 MS. GAERTNER: And I understand I was remiss in not
47 marking the previous document; is that true? I

1 think I do have it, 851. Sorry.

2 MR. LUNN: Yes.

3 MS. GAERTNER: Thanks.

4 Q I'm wondering if I could now go to the Policy and
5 Practice Report number 12, and in particular I
6 want to go to paragraphs 192 and 193. Those
7 paragraphs summarize the challenges expressed by
8 both DFO and First Nations regarding fisheries
9 monitoring and catch reporting for aboriginal
10 fisheries. And I really want to use it as a way
11 of focusing on where we can do steps to improve,
12 and what kinds of recommendations we might want,
13 going forward. There's discussions about more
14 work needed for all to trust the numbers and trust
15 the use that will be made of those numbers. We've
16 heard a lot of that in the generality again today,
17 and it's always useful to increase trust, and I'm
18 sure my clients are definitely interested in that.
19 What does that mean, what do you want to do, what
20 do you want funding for, how are you going to get
21 it done, who should be doing it?

22 MR. JANTZ: Was that directed at --

23 MR. PARSLow: Was it directed at me?

24 Q I'll ask both Mr. Jantz and Mr. Parslow for sure,
25 and if Dr. Houtman has something to add, then
26 we'll go to that.

27 MR. JANTZ: So could you -- I'm sorry, could you
28 please...

29 Q We've heard a lot of discussion about let's trust
30 each other's numbers, let's understand them more,
31 let's figure out how to do them. We also hear a
32 lot about limited budgets and ever decreasing
33 budgets for DFO, how are we going to do this
34 better, and how are we going to do it efficiently.
35 And how much more time, and what's your vision for
36 this going forward?

37 MR. JANTZ: Well, I think part of the answer is the
38 outcome of the strategic framework that we were
39 talking about earlier today. And the ranking, or
40 for lack of a better term, of the different
41 fisheries that we have out there, what level of
42 information is required for the different kinds of
43 fisheries, and that's going to guide you in making
44 decisions around what kind of a program you're
45 going to need to have in place for that particular
46 fishery. And once you're at that point, you can
47 then compare it to the current program that may be

1 in place, and then you make some decisions around
2 are you able to, you know, modify your program to
3 achieve those objectives, and if so, how.

4 But certainly at this point, I think, you
5 know, in order to get some of these fisheries up,
6 you're going to need to have additional resources
7 to do that. Whether you can find those resources
8 within your existing budget from some other
9 fishery that might be deemed to have a lower level
10 of monitoring required, then those are the kinds
11 of things that you need to do. First of all, you
12 need to check to see if you can move your
13 resources internally, and if you can't, then
14 somehow if you need to meet these certain
15 requirements, then the need for additional
16 resources will make itself very clear.

17 Q Maybe I'll just follow up on that, and then turn
18 to you, Mr. Parslow. But how are you going to
19 measure the results or the success of that, and
20 how long do you anticipate taking to get there. I
21 mean, it's the kind of generality that gets my
22 clients a little worried, and we want to make sure
23 this -- I mean, not in a critical way, but more in
24 a curious way, what do you see, you've been
25 working in the Fraser watershed for a while now,
26 Mr. Jantz. You've been working with First
27 Nations. What's a reasonable time estimate for
28 doing some of this, and what's the vision for how
29 we're going to mark success?

30 MR. JANTZ: My own personal view is the sooner we do
31 it, the better off we are. But within the current
32 environment of funding, it becomes very
33 challenging. So, I mean, that's the key driver
34 behind this whole thing, is the increased demand
35 to have more accurate catch data means more
36 resources. And I unfortunately have no controls
37 on that. So those are the limitations and if we
38 get to the point where more dollars are available,
39 then you can begin to address the issues. So the
40 sooner the better, but I'm not the controller on
41 that.

42 Q One more follow-up question on that one. Mr.
43 Jantz, you were involved in the Skeena Fisheries
44 Commission before you came to the Fraser; is that
45 correct?

46 MR. JANTZ: Many years ago.

47 Q And they worked towards something called a

1 structured collaboration process. Are you
2 familiar with that?

3 MR. JANTZ: Oh boy, I don't recall it, I'm sorry.

4 Q All right. Mr. Parslow, is there anything you'd
5 like to add to what should we be doing, how can we
6 measure the successes, what's our timeframes for
7 doing it, how can we be efficient, all those types
8 of specific questions around those general
9 principles.

10 MR. PARSLOW: Yeah, I think Les has really covered off
11 the vast majority of that. I think the one thing
12 which I would say, is something to consider is
13 that I think this is going to be an ongoing
14 process. It's not something which we'll have
15 programs which are good for evermore. I think
16 that the power in this framework document is that
17 you can reassess depending on what the pressure
18 are on that fishery, and potentially modify your
19 programs accordingly. So there may not be an end
20 date to this, is I guess what I'm saying.

21 Q I'm curious that a significant amount of the
22 money, or some -- I guess "significant" is a
23 relative term, but a sufficient amount of money is
24 spent in the AFS for this work, either that or
25 PICFI picked it up. From my clients' perspective,
26 that means the First Nations and the First Nations
27 budgets are sometimes carrying the ball for a lot
28 of this. Is your view that there should be
29 funding that's provided outside of AFS and
30 otherwise to do this relationship work, and
31 provide for the increased monitoring that's
32 necessary?

33 MR. JANTZ: That is one option.

34 Q Just a correction, one last question is a minor
35 correction, I believe. If we could go the Policy
36 and Practice Report at paragraphs 148 and 149.
37 Paragraph 148 outlines the various different
38 levels of monitoring for food, social and
39 ceremonial fisheries, low, moderate and enhanced.
40 And then at paragraph 149 it says:

41
42 At present, it does not appear that this
43 categorization has yet been applied to First
44 Nations fisheries.

45
46 I wondered if you agreed with me on that, and the
47 reason why I asked the question - or agreed with

1 that, not with me, I didn't write that - agree
2 with that or not, because it's my understanding
3 that there are different approaches to catch
4 monitoring amongst the First Nations fisheries,
5 even on the Fraser River, very different in the
6 Lower Fraser, as distinct from the Upper Fraser.
7 And so should we tweak paragraph 149?

8 MR. JANTZ: I think through default we've come to this
9 kind of a structure in the programs that we have
10 for FSC fisheries and monitoring programs, and in
11 the Fraser River. We don't call them enhanced or
12 low or basic or medium, but based on the fishery,
13 the potential impact of the fishery, the number of
14 fish that are generally harvested in it, we do
15 structure our programs in, you know, direct
16 dollars accordingly. Again, we don't categorize
17 them in this way. These are new terms that are
18 being applied to the different kinds of programs.
19 So the statement is correct in that we don't
20 categorize them that way, but they, as I say,
21 through default, we basically pigeonhole the
22 different kinds of programs based on similar kinds
23 of criteria.

24 Q And the categorization that we're talking about is
25 in some ways the building of trust and the
26 education process that we need to happen amongst
27 the sectors.

28 MR. JANTZ: The views of others, certainly, are not
29 necessarily in line with the kind of program that
30 are in place for some of these fisheries.

31 Q And so through the categorization and the work
32 we're going to try to build a consensus.

33 MR. JANTZ: I think so.

34 MS. GAERTNER: All right. We'll hear more about that
35 tomorrow, I expect. Those are my questions, Mr.
36 Commissioner.

37 MS. SCHABUS: Mr. Commissioner, Nicole Schabus, co-
38 counsel for Sto:lo Tribal Council and Cheam Indian
39 Band. I just have a few questions to clarify a
40 few points made, gentlemen.

41
42 CROSS-EXAMINATION BY MS. SCHABUS:

43
44 Q Now, you'd agree with me that over the last years
45 you've seen a move away from fisheries agreements
46 that are signed with individual bands or groups,
47 more to comprehensive fisheries agreements,

1 especially in the Lower Fraser.
2 MR. PARSLOW: Sorry, I'm involved in some of the
3 agreements, but not all of the agreements. So I
4 guess there are -- I don't know if I can speak to
5 the modifications (indiscernible - overlapping
6 speakers).
7 Q No, that's fine. But I just want to clarify
8 something when it comes to the comprehensive
9 fisheries agreements that you're seeing in the
10 Lower Fraser, for example. Those contain an
11 overall FSC, so comprehensive fisheries agreements
12 are now addressed at a number of groups or bands,
13 right? You agree with that, right?
14 MR. PARSLOW: Yes.
15 Q Now, and we have an overall allocation of FSC fish
16 under it.
17 MR. PARSLOW: I think, yeah, they have a -- that's my
18 understanding, yes.
19 Q So it's not for individual bands or it's not
20 separated out. There's an overall allocation in
21 the comprehensive fisheries agreement?
22 MR. PARSLOW: I believe so, for the group of bands
23 which the agreement is with.
24 Q Correct.
25 MR. PARSLOW: That's my belief.
26 Q And then the incentive for signing such a
27 comprehensive fisheries agreement, and for
28 specific bands to sign on to such a comprehensive
29 fisheries agreement is the economic opportunity
30 component that is under it, right?
31 MR. PARSLOW: I think that might be one of the
32 benefits, but again, I'm not a resource manager,
33 so --
34 Q No, no, that's fine.
35 MR. PARSLOW: -- I can't speak to that in detail.
36 Q But when it comes to that, now, if there is a --
37 if the bands that sign on, right, like there is
38 then the issue of bands that sign on that you
39 would refer to as signatory bands and non-
40 signatory bands, right? Now, I'm going to take
41 you to an example that involves a signatory band,
42 right? And there is an opening for an economic
43 opportunity opening, right? In that circumstance,
44 all the fish have to be landed and hand counted.
45 If the band has signed on, all the fish for that
46 band and for the signatory band have to be landed
47 and hand counted, whether they are going to sale

1 or they are taken home.

2 MR. PARSLOW: That's correct, yes.

3 Q Okay. So actually if you are a signatory band,
4 then all your fish will be 100 percent counted.

5 MR. PARSLOW: During the economic opportunity licensed
6 fishery. So fisheries with sale allowed, then,
7 yes.

8 Q Okay. So it would include FSC fish in that
9 circumstance.

10 MR. PARSLOW: If there are fish that are taken home for
11 FSC purposes, then, yes, it would include those
12 fish. But the same monitoring program is not in
13 place for an FSC opening without the opportunity,
14 like just a straight FSC opening for the same
15 group.

16 Q Correct. But there is circumstances where, for
17 example, the first opening is an economic
18 opportunity opening, right, and you're aware that
19 a number, a great number of that fish will go to
20 FSC and actually to food, and it still gets 100
21 percent counted, right?

22 MR. PARSLOW: Yeah, any fish caught in that fishery
23 should be going through a landing site.

24 Q Okay. So I just wanted to clarify that. But if
25 you are under comprehensive fisheries agreement,
26 you are a signatory band and there is an economic
27 opportunity opening, all fish will be counted, and
28 otherwise there could be the issue that the person
29 not having a ticket in that circumstance could be
30 charged, right, like the unauthorized possession
31 of the fish, correct?

32 MR. PARSLOW: Yeah, that's my understanding. Yes.

33 Q Okay. We just needed, I think we needed to
34 clarify that.

35 Now, another point, I think it's useful to
36 that issue, as well, that when it comes to AFS
37 monies for monitoring, right, I take it you're
38 aware that there is a number of groups, and I
39 think it can be put to the panel also, in the
40 Interior of B.C., that have made a political
41 decision not to sign AFS agreements because they
42 don't agree with some of the provisions in AFS
43 agreements. You'd agree with me on that?

44 MR. JANTZ: Yes, that's true.

45 Q Okay. So it's not as, for example, as a
46 consequence that they don't get AFS monies, but
47 there can be circumstances for groups who take a

81
PANEL NO. 34
Cross-exam by Ms. Schabus (STCCIB)
Cross-exam by Ms. Sharp (WCCSFN)

1 political decision not to sign AFS agreements,
2 correct?
3 MR. JANTZ: Yes.
4 Q Yet the majority of the funding for monitoring,
5 especially in the Lower Fraser, gets channelled
6 through AFS agreements.
7 MR. PARSLOW: Yes, I would say so.
8 MS. SCHABUS: That's correct? Okay. Thank you. Those
9 are my questions.
10 MR. MCGOWAN: Mr. Commissioner, I'm not sure what your
11 preference is. Ms. Sharp is next. She has
12 approximately ten minutes, I understand, and there
13 will be a brief re-examination, as well. I'm not
14 sure if you want to just push straight through.
15 THE COMMISSIONER: Sure.
16 MS. SHARP: Thank you. Hello, I am Sarah Sharp. I am
17 here for the Western Central Coast Salish First
18 Nations. I just have a few questions here for
19 you.
20
21 CROSS-EXAMINATION BY MS. SHARP:
22
23 Q First I wanted to go to the -- we were talking
24 about the costs of some of the commercial
25 programs, the logbooks was one of the ones that we
26 talked about earlier, that was going to be quite
27 expensive for maintaining.
28 DR. HOUTMAN: Yeah, we were talking about that, yeah,
29 and...
30 Q The expense of maintaining logbooks, that's borne
31 by the commercial fishermen, is it?
32 DR. HOUTMAN: That's correct. And --
33 Q Okay. And you also -- sorry?
34 DR. HOUTMAN: Yeah, just to remember it's we all say
35 logbooks, but it's the whole program associated
36 with it, a lot of labour on the call centre and
37 data management.
38 Q Okay.
39 DR. HOUTMAN: Not just a book.
40 Q Okay. You also mentioned that sales slips are
41 used for the commercial fishermen?
42 DR. HOUTMAN: That's right.
43 Q Okay. We've heard that those are less reliable as
44 a source of information.
45 DR. HOUTMAN: Currently and in the South Coast they're
46 considered less reliable, yes.
47 Q Okay. But you did use that as one of the sources

1 of data that's used, that justifies why the
2 commercial fishery doesn't have maybe the same
3 level of monitoring as the First Nations fishery?
4 DR. HOUTMAN: I was just using it to explain that
5 there's other examples of discrepancies or
6 different levels, different requirements for the
7 commercial fishery than the economic opportunity
8 fishery.
9 Q Okay. Because we have -- sorry.
10 DR. HOUTMAN: It doesn't all -- it's not all that the
11 burden is greater for the economic opportunity
12 fishery. That was an example where the burden is
13 greater for the commercial fishery.
14 Q Okay. Because we have actually heard previous to
15 now that the problems with the sales slips has
16 resulted in a change in the way catch monitoring
17 is assessed, and there have been whole programs
18 for replacing data for that period of time.
19 DR. HOUTMAN: That's right. Sales slips are still
20 required. They're not as essential to coming up
21 with catch estimates, but they are still part of
22 the paper trail and have value.
23 Q Okay. Onboard observers. You mentioned those are
24 used, but infrequently.
25 DR. HOUTMAN: Very infrequently.
26 Q And that has to do with cost, I would imagine?
27 DR. HOUTMAN: Cost and challenges around comfort level
28 by the fisher and by the observer. Also it's hard
29 to make it a career and become an expert because
30 fishing days are sort of few, and so experienced
31 observers are hard to come by, as well, so there's
32 real challenges that way.
33 Q Okay. And the expense and these other limitations
34 that you're discussing make it not a very
35 favourable way of monitoring the fishery, I
36 suppose.
37 DR. HOUTMAN: To get reasonable sample sizes in the
38 fishery of observed fishing days is very
39 challenging.
40 Q Would you agree with me that it can be cost-
41 prohibitive, as well?
42 DR. HOUTMAN: Yes, especially in the smaller, in
43 fisheries that have smaller sort of gross, gross
44 profitability, I guess.
45 Q Okay. Mr. Jantz, I noticed you were nodding at
46 that. Did you have anything you wanted to add?
47 MR. JANTZ: It is cost-prohibitive, I believe, for the

1 very reasons that Dr. Houtman provided.

2 Q Okay, great. I'm not sure how familiar -- sorry,
3 I'm not sure how familiar you are with this
4 Project 7 report. It was in the list of documents
5 for Commission counsel. I believe they provided
6 you with it.

7 MR. PARSLOW: Yes.

8 DR. HOUTMAN: Reasonably.

9 Q Yes? You're comfortable with it? Okay. I am
10 going to take us through a couple of tables that
11 are contained in this report, if that's all right.
12 First, you mentioned earlier that you feel that
13 the catch monitoring of the commercial fishery,
14 Dr. Houtman, is quite good?

15 DR. HOUTMAN: That's right.

16 Q In terms of the -- okay. If we could go, sorry,
17 Mr. Lunn, to page 17 of this report. And, Mr.
18 Parslow, you said that you think for the First
19 Nations fishery, the catch monitoring is good?

20 MR. PARSLOW: Yeah, I would say it's reasonable to
21 good. Yes.

22 Q Okay. In the lower part of this page we have some
23 description definitions for this report. They
24 went through, just so you know, I know you've read
25 it, but they assessed the various methods for
26 monitoring. And I appreciate you guys develop
27 these programs in the work that you do at the DFO,
28 so this is a bit of an assessment of the same sort
29 of qualification that you're making when you say
30 "good" and "quite good".

31 In the "Accuracy" here, they've defined
32 "Fair" as:

33
34 Likely biased, low in some or most years;

35
36 "Good" is:

37
38 Any bias is likely to be small;

39
40 And "Very Good" is:

41
42 Complete enumeration of the catch.

43
44 Do either of you want to modify the statements
45 that you've made in terms of your confidence in
46 the catch monitoring for the fisheries that you
47 work with? Would you say that "very good", I

1 would say it's equivalent to "quite good", that
2 you have complete enumeration of the catch in the
3 commercial fishery?
4 DR. HOUTMAN: Then if you're going to use that
5 definition, which is fine, then I'll say it's
6 "good", because I also said it was -- I thought it
7 was sort of 95 percent of the total catch, so
8 that's not complete.
9 Q Okay. Mr. Parslow?
10 MR. PARSLOW: Yeah, I would say similarly it would be
11 in the "good" range.
12 Q Okay. I don't want to belabour this point, but I
13 do want to just make clear that we've seen a
14 little bit more on this qualification and
15 comparison of these different fisheries. In Table
16 2 on page 21, the "Canadian Commercial" fishery
17 was rated as "Fair" for the accuracy, and "Good"
18 for the "Food, Social Ceremonial" and "Economic
19 Opportunity".
20 DR. HOUTMAN: Right.
21 Q There are a couple of other tables. I won't take
22 us there right now because it's not necessary, but
23 I am interested in going to the appendices,
24 actually, where we have a bit more of a breakdown.
25 MR. MCGOWAN: Sorry, I'm not sure if my friend has a
26 question about the table, if we're just reviewing
27 it.
28 MS. SHARP: Sorry.
29 Q Do you, are you uncomfortable with these ratings
30 in Table 2, "Fair" for the commercial fishery?
31 DR. HOUTMAN: Yeah, I was asked to review this section
32 of this document and I provided review comments.
33 I'm not sure how far those review comments got.
34 But, yeah, at the time and still today, I would
35 disagree with that rating for the Canadian
36 commercial fishery as being lower than it should
37 for accuracy. Regardless of those definitions we
38 saw earlier, realize these are relative. So
39 relative to the other fisheries in that table, I
40 would say commercial gets too low a ranking.
41 Q Too low a ranking. Okay. And just to be clear,
42 "Fair" doesn't say lower than it should, it just
43 says "likely biased, low in some or most years".
44 DR. HOUTMAN: Yes.
45 MS. SHARP: Okay. So if we were to turn to, if we
46 could, these Appendix D, which is at the very
47 back. I'm not sure exactly the page number, Mr.

1 Lunn.
2 MR. LUNN: One moment, please.
3 MS. SHARP: Sorry, at the D-2.
4 MR. LUNN: Thank you.
5 MS. SHARP: Okay. Table D-2. They don't have page
6 numbers in this part of the report, so it's a bit
7 tricky.
8 MR. LUNN: I understand.
9 MS. SHARP:
10 Q I want to come back to this onboard observers
11 issue. And looking at this table, we see the
12 catch monitoring system, and this goes a bit to
13 what my friend, Ms. Gaertner, was discussing in
14 terms of the variability amongst the different
15 kinds of monitoring systems in the different
16 fisheries, and the different areas. And I'm
17 noticing that the only one that I see here for
18 onboard observers is in Area 29, the net fishery.
19 Is there any onboard observers for anywhere else.
20 DR. HOUTMAN: Where is Area 29, sorry?
21 Q Sorry, it's about the --
22 DR. HOUTMAN: Oh, yes.
23 Q -- last of the "Fraser Panel Areas" before the
24 "Non-Panel Areas" and the "Catch Monitoring
25 System" says "few on-board observers". I mean,
26 you can just tell me if you know of other places
27 where there are onboard...
28 DR. HOUTMAN: I don't know of any other fisheries that
29 have anything more than a sprinkling of observers.
30 Q Okay. And I see that the average catch here from
31 2001 to 2009 was nearly 250,000 for this fishery,
32 just looking over at the Area 29 gillnet. Large
33 fishery, second largest of --
34 DR. HOUTMAN: Right.
35 Q -- the ones listed. Yes, okay. Then we'll just
36 briefly go to the equivalent table for the First
37 Nations fishery for the Fraser sockeye, which is
38 just C-1.
39 MR. LUNN: Thank you.
40 MS. SHARP: Sorry. It's just three pages earlier.
41 MR. LUNN: Ah, thank you.
42 MS. SHARP: So C-1, the first part of the table here,
43 it's a breakdown by area and First Nations groups,
44 and then again we have the "Catch Monitoring
45 System".
46 MR. LUNN: I'm sorry, I don't have the document up.
47 MR. TAYLOR: I think you're at cross-purposes.

1 MS. SHARP: Sorry?
2 MR. TAYLOR: I think you're at C-5.
3 MS. SHARP: I'm at C-1, or, sorry C-3, it's Table C-1
4 is at page C-3.
5 MR. LUNN: Thank you. I'm sorry.
6 MS. SHARP: That's okay. Page numbers next time.
7 Q Okay. All I really wanted to look at here was
8 that there's a few mentions amongst the First
9 Nations Fishery of having onboard observers, and
10 yet none of these fishery numbers seem to
11 approximate the gillnet fishery where we had a
12 smattering of a few onboard observers.
13 DR. HOUTMAN: Sorry, I'm not sure of the question.
14 Q I'm just trying to make the point here that there
15 are observers that are required, for example, for
16 the "First Nations Marine Society Coordinated
17 Fishery" you need observers on board each seine
18 vessel, that you must have fisheries guardians on
19 board and report after offloading for the Juan de
20 Fuca Strait and the Strait of Georgia. So they
21 need onboard fisheries.
22 DR. HOUTMAN: Yeah. I'm afraid I'm not sure, not
23 knowledgeable about the First Nations fisheries on
24 these (indiscernible - overlapping speakers.
25 Q Do you have any reason to dispute that they are
26 required to have these onboard observers?
27 DR. HOUTMAN: That was my understanding, but I'm not
28 sure of the reasons for it.
29 Q Okay. And we can see that the relative catch
30 numbers are 20,000, 25,000, these are relatively
31 small fisheries compared to the ones that we were
32 talking about earlier, boat sizes.
33 DR. HOUTMAN: Okay.
34 Q Yes?
35 DR. HOUTMAN: 20,000 and what's the other one?
36 Q 20,000, 25,000.
37 DR. HOUTMAN: 25,000.
38 Q For the Strait of Georgia.
39 DR. HOUTMAN: Yeah, that's smaller than 250,000. Yes.
40 Q A fraction. Okay. so would it be a reach for me
41 to say that for these smaller fisheries having
42 onboard observers is a rather expensive
43 requirement?
44 DR. HOUTMAN: It might be. It depends, if it's one
45 boat being able to catch that many fish, for
46 example, I don't know, if it's a seiner, I really
47 don't know what the cost is represented.

1 Honestly, I'm not -- I don't know why you're
2 laughing.
3 Q I'm sorry, do you want to go ahead, Mr. Jantz?
4 MR. JANTZ: I think without knowing what the issues may
5 be around the fishery itself, it's very difficult
6 to comment on the kind of a program that they may
7 have for it. They may have specific reasons and
8 rationale for having observers on those boats. We
9 aren't involved in those, so can't comment on
10 them.
11 Q Okay. So I'll break it down, then. It's very
12 expensive to have onboard observers. Yes.
13 DR. HOUTMAN: Yes. But I'll just add, I said earlier,
14 it depends on the vessel, as well, so...
15 Q Okay. So depending on the vessel. So if I can
16 research this more and come back to you with
17 specific vessels and say these are very small
18 vessels, then you would say it would be perhaps
19 cost-prohibitive for them to have --
20 DR. HOUTMAN: Yeah, I meant to say with commercial, as
21 well, that -- I didn't say specifically which
22 types of vessels, but seiners are large and they
23 take a lot of fish per, you know, hour of fishing
24 and crew member. So they make a larger rate of
25 income, and they can presumably carry an observer
26 easier than -- or, sorry, afford those costs
27 easier than a small vessel with small catches.
28 We're talking, I think, a lot of this catch is by
29 seine. That's why I was suggesting it might be
30 more reasonable cost.
31 Q Okay. But it is expensive to have onboard
32 observers. It's unusual in the commercial
33 fishery.
34 DR. HOUTMAN: Yes.
35 Q Yes?
36 DR. HOUTMAN: Yes.
37 Q I'm sorry, the transcript won't show you're
38 nodding, so I'm just...
39 DR. HOUTMAN: Yeah, that's right. Yes.
40 Q Okay. We don't see it very much in the commercial
41 fishery?
42 DR. HOUTMAN: Correct.
43 Q We don't. We see it several times mentioned for
44 the First Nations fishery?
45 DR. HOUTMAN: We do.
46 Q Okay. And I just wanted to go to one more table,
47 which is not necessary, but I -- sorry, I'll skip

1 the tables. Now, I've read the Policy and
2 Practice Report. I appreciate you didn't prepare
3 it yourselves, but you all work for DFO, correct?
4 Okay. Are you, any of you, familiar with working
5 with Douglas Treaty First Nations?

6 MR. PARSLOW: Are those the Douglas Treaty nations on
7 the Island?

8 Q Yes.

9 MR. PARSLOW: Okay, no, I'm not.

10 DR. HOUTMAN: NO.

11 Q Everybody's saying no. Are you aware of any
12 programs that are specific to the Douglas Treaty
13 nations?

14 MR. PARSLOW: No.

15 DR. HOUTMAN: No.

16 Q Any catch monitoring or reporting programs that
17 are specific to them?

18 MR. PARSLOW: No.

19 MS. SHARP: Okay, thank you.

20 MR. TAYLOR: Maybe just to note for the record, the
21 last question that was asked, Mr. Jantz shook his
22 head in the negative. Mitchell Taylor.

23

24 CROSS-EXAMINATION BY MR. TAYLOR, continuing:

25

26 Q I have one re-examination question of Dr. Houtman,
27 and it concerns Ms. Sharp's questions of you on
28 Project 7. And she took you - that's Exhibit 718
29 - and she took you to a chart that was on page 21,
30 that listed ratings by fishery for accuracy,
31 amongst other things. Yes, right there. Dr.
32 Houtman, you wouldn't agree with the rating that's
33 there for "Canadian Commercial", "Fair", and said
34 you had a different view, and you made a comment
35 previously. What is your assessment, what would
36 you rate it at, as compared to either
37 independently, or as compared to the other ratings
38 you see on that page?

39 DR. HOUTMAN: Independently, I would rate it as good.
40 You didn't ask me to rank them, so I won't. But I
41 would rank it fairly -- well, I'll rank it fairly
42 high, as well --

43 Q All right.

44 DR. HOUTMAN: -- (Indiscernible - overlapping speakers)
45 the others.

46 MR. TAYLOR: Thank you. That's my question.

47 MS. CHAN: Mr. Commissioner, it's Jennifer Chan again.

1 for the Commission, and I just have a few
2 questions in redirect.
3

4 RE-EXAMINATION BY MS. CHAN:
5

6 Q My first question is to follow up on the questions
7 that have been put to you on the disparity in
8 monitoring in commercial versus economic
9 opportunity fisheries. I just wanted to follow
10 up. You are aware that there is 100 percent
11 dockside monitoring program for some of the
12 commercial fisheries; is that correct? Would you
13 agree with that?

14 DR. HOUTMAN: In commercial fisheries, there is, where
15 there is quota management.

16 Q So that would be Area B seine and Area H troll?

17 DR. HOUTMAN: Correct, yes, in the last year.

18 Q And, Dr. Houtman, you were mentioning some of the
19 additional monitoring programs that are in place
20 for the Area E gillnet fishery, for example. I
21 heard you speak to the logbooks that are in place.
22 Are those logbooks also used for the economic
23 opportunity fishery?

24 DR. HOUTMAN: Not the same logbooks. I don't know if
25 there's a logbook requirement for them, but I
26 don't think there is.

27 MR. PARSLOW: No, there isn't a logbook requirement.
28 No.

29 Q Is there a similar fish slip program for the
30 economic opportunity fishery?

31 MR. PARSLOW: With the mandatory landing program that's
32 in place, we have landing slips, which are
33 produced at each of the sites. So when the fish
34 are counted by the monitor there, a slip is
35 produced with copies provided to the fisher, the
36 First Nation, and two copies to DFO.

37 Q Do they also go to the Canada Revenue Agency as
38 the regular fish slip program does?

39 MR. PARSLOW: I don't believe the landing slip does.

40 Q Are there phone-in requirements, as well, for the
41 start, the end, the cancel and the pause phone-ins
42 for the economic opportunity fishery?

43 MR. PARSLOW: No, we have a system where First Nations
44 are required to designate fishers. So we have a
45 list of fishers that may participate in the
46 fishery, but outside of that, there isn't a hail
47 program in place, sorry, a start-end fishing

1 report in place.

2 Q So do these other monitoring programs that are in
3 place for the Area E gillnet fishery, do those
4 assist with statistical defensibility of the 35
5 percent dockside monitoring program. Is that what
6 you were trying to get at, Dr. Houtman?

7 DR. HOUTMAN: It was. If you're going to base a catch
8 estimate on a sample, like the 35 percent we've
9 been talking about, then you need a strong
10 estimate, a defensible estimate of the total
11 population to expand that to. And in this case
12 it's the total population of vessels. And so it's
13 commercial vessels' start and end fishing reports
14 are going to help improve the estimate of the
15 population of boats that are out there, and also
16 the fact that the boats are individually
17 identifiable by unique vessel registration numbers
18 assist that greatly.

19 Q Thank you. And we've heard about some resistance
20 to the costs that are associated with dockside
21 monitoring programs. Actually, perhaps I'll put
22 this to you, Mr. Parslow: Who pays for the 100
23 percent dockside monitoring or their catch
24 validation for economic opportunity fisheries?

25 MR. PARSLow: At the current time it's covered off
26 under AFS agreements.

27 Q So that comes from DFO?

28 MR. PARSLow: Yeah, provided by DFO to the First
29 Nations.

30 Q And my next question, if I could bring up Exhibit
31 number 844, please. This was Tab 24 of the
32 Commission's list of documents.

33 MR. LUNN: Thank you.

34 MS. CHAN:

35 Q Now, the question was put to you, Mr. Jantz and
36 Mr. Parslow, I believe, about the uncertainty in
37 funding from one year to the next, and my
38 understanding is you agreed that that could lead
39 to instability. I just wanted to ask you, you
40 were later asked the question of whether or not
41 there were agreements with about the same amount
42 of money with little room to move things around
43 from year to year. And I just wanted to reconcile
44 your answers to those two questions. If there is
45 the same amount of money from year to year, how
46 does that reconcile with your answer earlier about
47 instability and funding?

1 MR. JANTZ: I'm not sure that this is the right table
2 that you are referring to. But my comments about
3 the instability is in relation to non-AFS funding
4 dollars that we in the B.C. Interior receive.
5 It's the -- my actual operational O&M and salary
6 budgets that I get from the federal government, so
7 it's not the AFS programs. Those numbers and
8 dollars associated with them are very consistent
9 and have been for a number of years. It's the
10 other funding pot that I draw from that has the
11 instability to it.

12 Q Okay. So you weren't saying that it was, for
13 example, for these, I bring up this chart, because
14 it shows, you know, a decreasing amount, but
15 \$700,000 to just under \$600,000 per year for the
16 past six years for an organization, and you
17 weren't speaking to that being unstable.

18 MR. JANTZ: No, that's...

19 MR. PARSLow: No, and the reason why this is varying a
20 lot is because depending on the fisheries that are
21 planned for each year, because this organization
22 is directed at monitoring fisheries, that will
23 alter both the size of the agreement provided and
24 what is expended over the course of the year,
25 so...

26 Q Thank you. I wanted to follow up on the questions
27 put to you about not monitoring illegal fisheries,
28 and I asked you a question about that. I believe
29 Canada also followed up. I just wanted to
30 clarify, when you answered that question about not
31 monitoring illegal fisheries, do you mean closed
32 time fisheries?

33 DR. HOUTMAN: Yes.

34 Q Okay. And I just wanted to point you to a
35 paragraph in the Commission's PPR. It's paragraph
36 174, and I wonder if it could assist in answering
37 a question put to you earlier about the observers.
38 It's at page number 78 of the PPR. That was put
39 to you earlier about observers being put on boats
40 in some of the First Nations fisheries. I believe
41 the other chart said Strait of Georgia, but this
42 one is South Coast for paragraph 174. And I
43 wonder if you could take the chance just to read
44 that paragraph.

45 And I've asked you earlier if you were
46 content with the description of fisheries
47 monitoring and catch reporting for the First

1 Nations fisheries, including this section. And I
2 wonder if it assists that you see that some of
3 these First Nations may not have AFS agreements,
4 and that that might be a reason for different
5 requirements in catch monitoring.

6 MR. JANTZ: I'm not sure that we have the right people
7 here to comment on the particular fishery. That's
8 outside of our area, and Rob is not involved in
9 the monitoring programs around this particular
10 area. So I don't know that we can answer your
11 question.

12 MS. CHAN: Okay. Thank you. I'll leave that one,
13 then. Those are my questions. Thanks.

14
15 QUESTIONS BY THE COMMISSIONER:
16

17 Q I just want to, just for clarification to the
18 panel, you talked about sales slips, and I took
19 it, I hope correctly, that you were talking about
20 fish processing, in other words, the sale of fish
21 to a fish processor; is that correct?

22 DR. HOUTMAN: Fish slips are generally --

23 Q Your mike's not on.

24 DR. HOUTMAN: Oh, sorry.

25 Q Yes, that's good.

26 DR. HOUTMAN: Fish slips are generally produced at that
27 point where the fish are landed to a processor,
28 although to a packer, as well, a fish slip needs
29 to be generated. They also technically need to be
30 generated when there's a direct sale to the
31 public.

32 Q That's what I wasn't clear about, because you
33 mentioned direct sales, as well, and I wasn't sure
34 whether you were talking about that, as well.

35 DR. HOUTMAN: Yeah. So in a direct sale to the public
36 there is a requirement for the fisher in that case
37 to generate a fish slip or a sales slip.

38 Q But you're not familiar with the process for
39 collecting those slips.

40 DR. HOUTMAN: No, but what there has been is a review,
41 and the concern is that as direct sales have
42 become more common, those slips are -- the
43 compliance with returning those slips or getting
44 them to the Department is low. So that's led to
45 the total amount of catch represented on fish
46 slips or sales slips to be a lower and lower
47 fraction of the total.

1 THE COMMISSIONER: Thank you. Ms. Chan, I take it
2 that's -- or, Mr. McGowan...
3 MR. MCGOWAN: That concludes today, Mr. Commissioner.
4 We have another panel tomorrow morning at 10:00
5 a.m.
6 THE COMMISSIONER: Okay. Thank you very much. I want
7 to thank the members of the panel for attending at
8 the Commission, and for your willingness to answer
9 the questions of counsel. I appreciate that very
10 much. Thank you.
11 THE REGISTRAR: The hearing is now adjourned for the
12 day and will resume at ten o'clock tomorrow
13 morning.
14

15 (PROCEEDINGS ADJOURNED TO MAY 12, 2011 AT
16 10:00 A.M.)
17
18
19
20

21 I HEREBY CERTIFY the foregoing to be a
22 true and accurate transcript of the
23 evidence recorded on a sound recording
24 apparatus, transcribed to the best of my
25 skill and ability, and in accordance
26 with applicable standards.
27
28

29
30 _____
31 Diane Rochfort
32

33 I HEREBY CERTIFY the foregoing to be a
34 true and accurate transcript of the
35 evidence recorded on a sound recording
36 apparatus, transcribed to the best of my
37 skill and ability, and in accordance
38 with applicable standards.
39
40

41 _____
42 Pat Neumann
43
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47