

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.

Friday, September 23, 2011

Tenue à :

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

le vendredi 23 septembre 2011



Errata for the Transcripts of Hearings on September 23, 26, 27 and 28, 2011

Page	Line	Error	Correction
ii	--	Counsel for BCSFA to be added	Alan Blair

APPEARANCES / COMPARUTIONS

Brian Wallace, Q.C. Patrick McGowan Jennifer Chan	Senior Commission Counsel Associate Commission Counsel Junior Commission Counsel
Mitchell Taylor, Q.C. Tim Timberg	Government of Canada ("CAN")
Boris Tyzuk, Q.C. Clifton Prowse, 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")
Lisa Glowacki	Aquaculture Coalition: Alexandra Morton; Raincoast Research Society; Pacific Coast Wild Salmon Society ("AQUA")
Tim Leadem, Q.C.	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")
Chris 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")
John Gailus	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 Crystal Reeves	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")
Melanie Hudson, Articled Student	Métis Nation British Columbia ("MNBC")

APPEARANCES / COMPARUTIONS, cont'd.

Tim Dickson 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")
Ming Song	Heiltsuk Tribal Council ("HTC")

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1 Vancouver, B.C./Vancouver
2 (C.-B.)
3 September 23, 2011/le 23
4 Septembre 2011
5

6 THE REGISTRAR: The hearing is now resumed.
7

8 LAURA RICHARDS, recalled.
9

10 DAVID BEVAN, recalled.
11

12 CLAIRE DANSEREAU, recalled.
13

14 SUSAN FARLINGER, recalled.
15

16 MR. WALLACE: Good morning, Commissioner Cohen. For
17 the record, Brian Wallace, Senior Commission
18 Counsel, and with me are Patrick McGowan and
19 Jennifer Chan.
20

21 EXAMINATION IN CHIEF BY MR. WALLACE, continuing:
22

23 Q Yesterday we ended talking about the costs
24 associated with regulating the aquaculture
25 industry, and this is in the context of continuing
26 testimony about the financial pressures on DFO.
27 And I'm not sure I have an answer to this
28 question. Perhaps, Ms. Dansereau, you could tell
29 me the answer. Is there or will there be a cost
30 charged to members of the aquaculture industry for
31 aquaculture licences?

32 MS. DANSEREAU: That is something that we're currently
33 working on.

34 Q What order of magnitude are these licences going
35 to cost?

36 MS. DANSEREAU: As I said, that's something that we're
37 working on right now. We don't have an answer.

38 Q When will you have an answer?

39 MS. DANSEREAU: Within the next -- well, within the
40 next year or two.

41 Q is it the intention of DFO that the cost of
42 regulating aquaculture will be covered by the cost
43 of licences?

44 MS. DANSEREAU: We are in fact looking at, I think
45 everybody knows, the entire structure of our
46 licence fees for all of our fisheries, and those
47 are the kinds of questions that we're asking for

1 the wild fishery as much as we would be asking for
2 the aquaculture side.

3 Q So you're looking at this in connection with what
4 you charge for licences for commercial fishing,
5 for example.

6 MS. DANSEREAU: Yes.

7 Q Thank you. We've had some questions in the
8 aquaculture hearings about the perception that DFO
9 may be in a position of divided loyalties between
10 its obligations and its -- to the aquaculture
11 industry and its obligations to the wild fishery.
12 And in particular the question is whether the
13 promotion of the aquaculture industry is in
14 conflict with the obligations to the wild salmon
15 fishery. So my question for you, Ms. Dansereau,
16 as Deputy Minister, do you agree with that
17 perception that there is -- there are divided
18 loyalties between those two obligations?

19 MS. DANSEREAU: The perception exists. I recognize
20 that. I don't agree that we have divided
21 loyalties. I believe that we are doing our job as
22 regulators, both of the wild fishery and of the
23 aquaculture fishery, that we view both as
24 fisheries, as the courts have described, and it's
25 our responsibility to both regulate and promote
26 both of them.

27 Q So in promoting -- and it's really the issue of
28 promoting that's concerned. I understand why you
29 regulate the aquaculture industry, and my interest
30 is more about the promotion of that industry. And
31 I understand that DFO has spent some money,
32 substantial amounts of money recently to promote
33 that industry internationally, to seek
34 international investment in it. Has comparable
35 promotion been done in the commercial salmon
36 fishery?

37 MS. DANSEREAU: We don't seek international investment.
38 We do not -- we are not an arm of the industry,
39 but we do attend international seafood shows,
40 either in Boston or in Brussels, in other places,
41 to assist the industry showcase its products. We
42 do that for both the wild fishery and the
43 aquaculture fishery, yes. We believe our
44 responsibility on the issue of promotion has more
45 to do with ensuring there is market access for
46 Canadian products, and aquaculture products are
47 Canadian products as much as the products of the

1 wild fisheries are. So we treat both parts
2 equally.

3 Q has Canada considered the possibility of
4 separating the promotion of both wild salmon and
5 aquaculture from the regulation, and perhaps
6 putting that in industry or trade?

7 MS. DANSEREAU: We don't do - I want to be careful with
8 the language here - we don't do marketing. We are
9 not the marketing side of the industry. We
10 provide market -- we assist with market access.
11 We make sure that international doors are opened
12 and that Canadian products have a way to move into
13 other markets. So our work in that regard is
14 quite minimal.

15 One area that some may say we are involved in
16 promoting is by working with industry to ensure
17 that our fisheries are MSC certified or third
18 party certified in some way. That could be seen
19 to be part of promotion. But in fact it's also
20 part of management, and so sometimes the two go
21 together.

22 Q Yes. My question was has there been consideration
23 of dividing these two functions?

24 MS. DANSEREAU: Well, it depends, again it comes back
25 to the definition of the functions. If the
26 functions are if we're thinking about marketing,
27 going out and doing advertising campaigns to buy
28 Canada, we don't do that. That's already divided.
29 Agriculture Canada has a program for that. But
30 our job is to show the world that the Canadian
31 products are safe, Canadian products are
32 sustainable, and that's because we are the
33 regulators that we can speak with a certain amount
34 of authority on those areas, and that's the extent
35 of our involvement.

36 Q Another issue of priorities has been raised with
37 respect to the nature of scientific research that
38 the Department chooses to spend its limited
39 resources on. And we've heard several times that
40 when it comes to choosing what disease research to
41 do, there's been a focus more on captive fish,
42 farm fish, or hatchery fish than there has on wild
43 fish. And this has been mentioned in one of our
44 technical reports, Michael Kent's report on
45 infectious diseases, where he says most research
46 on salmonid diseases has been directed toward
47 those affecting captive fish, either in government

1 hatcheries or private fish farms. Is it fair to
2 say that DFO's research and monitoring efforts in
3 terms of infectious disease continue to be
4 weighted towards research on captive fish as
5 opposed to wild fish?

6 MS. DANSEREAU: I think that question is best addressed
7 to Dr. Richards.

8 Q Thank you. Dr. Richards.

9 DR. RICHARDS: Yes, good morning. In answer to that
10 question, I'd have to say that our priorities for
11 research are very much weighted by the need for us
12 to provide advice. So in the context of working
13 on fish disease, we are working together, and one
14 of our major clients in terms of the provision of
15 science advice is the Canadian Food Inspection
16 Agency, who are the leaders in our National
17 Aquatic Animal Health Program. And so we, you
18 know, given that obviously we have limited
19 resources to spend on things like research, we do
20 look for direction and we work with them to
21 identify priorities.

22 We also work with our clients or others in
23 the Department, including those in Fisheries
24 Management and those responsible for Aquaculture
25 Management to help us identify the priorities.

26 So, yes, I think it's true that given the
27 focus has really been on the issue around the fish
28 which are caught in fisheries, and which we use in
29 hatcheries, that that has been the focus of our
30 research.

31 Q I'm sorry, Dr. Richards, you said the focus is the
32 fish that are caught in fisheries and the fish
33 that are...?

34 DR. RICHARDS: Our focus has been on the support of our
35 fishery managers, and the fishery managers and
36 aquaculture managers. So the fishery managers
37 being largely responsible, interested in, you
38 know, fish which are available to fisheries, and
39 so that has been really the focus. I think more
40 recently we've had, let's say, an expansion of our
41 mandate into a broader ecosystem approach, and
42 that's really, I think, raising much broader
43 questions about the general health.

44 We have, in fact, started to do some studies
45 on looking more generically at the health of fish.
46 We do have funding, a project which was started
47 last year in 2010 to look more synoptically at the

1 health of juvenile salmonids in the Strait of
2 Georgia. And that was a project that we just
3 started last year.

4 So we have realized, we are aware that
5 there's a gap. We have taken what opportunities
6 we have to try to address that through some, you
7 know, additional opportunities when we have those
8 opportunities.

9 But, yes, the focus has been on -- I think
10 the focus as stated by Dr. Kent in his report is
11 correct.

12 Q Okay, thank you. I'd like to ask some questions,
13 and, Dr. Richards, I think you're going to have a
14 lot of these directed at you, and perhaps you, Ms.
15 Farlinger, because it's a lot about science, but
16 we certainly will hear, I'm sure, from the Deputy
17 Minister and Associate Deputy Minister, as well.
18 One of the issues that we've been -- we've heard
19 about are the risk of Science programs because of
20 lack of funds. And one of the at-risk issues is
21 test fishing and the issue of expiration of
22 **Larocque** funding in March of 2012. Paul Ryall
23 testified in January that there are no plans or
24 proposals in place, to his knowledge, for how test
25 fishing would be funded once these funds are gone.
26 Have you made a decision on whether or not they
27 will carry on **Larocque** funding? And this is to
28 you, Ms. Dansereau.

29 MS. DANSEREAU: Thank you for the question. The answer
30 is similar to the answer I gave yesterday on PICFI
31 funding, which is five-year programs are not --
32 it's not determined at the outset whether or not
33 they will end on a certain date or continue after
34 the five years. We are in the process right now
35 of an evaluation to determine whether or not all
36 elements of the **Larocque** funding should be
37 renewed, and therefore we would go seek renewal.
38 We don't know if we would receive it or not. Or
39 if some parts of it could be let go, and other
40 parts continue to be funded.

41 So I don't have an answer. It's the same
42 answer I gave yesterday.

43 Q Yes.

44 MS. DANSEREAU: And we can't predict the outcome.

45 Q And this is an event that will occur six months
46 from now if there's no decision made to renew it?

47 MS. DANSEREAU: Yes.

1 Q And my questions are similar to the questions
2 about PICFI.

3 MS. DANSEREAU: Yes. Yes.

4 Q How are you going about evaluating this to make an
5 appropriate decision, say, given that it has to be
6 made within six months?

7 MS. DANSEREAU: We have in the Department an Evaluation
8 Team. We have both an Audit Team and an
9 Evaluation Team, and they are practised at
10 evaluating programs. There's a framework that
11 they use, and there are modalities that they
12 measure. And then that goes up through our
13 Evaluation Committee and the Evaluation Committee
14 will make some recommendations as to whether or
15 not the program ought to be continued or not.
16 That also then gets reviewed by an external Audit
17 Committee that looks at -- they're not officially
18 required to look at our evaluations, but they do
19 take a look at them to determine whether or not
20 the procedures and methodology were adequate. So
21 that's a standard process for us in all of our
22 programs.

23 Q Paul Ryall's evidence on this was pretty black and
24 white. I'm wondering how difficult this decision
25 really is. He says that the test fishing is
26 "integral to gathering in-season information", and
27 it was so important that:

28
29 Without this information we would be, I would
30 not say totally blind, but we would be
31 missing how we would conduct fisheries in-
32 season and make decisions to manage [these]
33 fisheries.

34
35 That's a pretty stark observation. How hard is
36 this to make a decision on continuing it.

37 MS. DANSEREAU: I can't -- I can't speak to that. I
38 think that most people would say the test fishing
39 is important, and I can't presuppose what the
40 outcome of the evaluation will be. But evidence
41 such as that would obviously be included, and but
42 we need to get real evidence as to the value, and
43 if the evidence is there, then we will do what we
44 can to find ways to fund it.

45 Q This, the *Larocque* decision was some time ago, and
46 the funding was put in place, I think, for five
47 years and here we are near the end. And I suppose

- 1 one might ask so close to the end this is left as
2 a concern and no decision made yet.
- 3 MS. DANSEREAU: It's standard process. The -- all
4 sunsetting programs go through a Treasury Board
5 approval process and that happens at the end of
6 the five years. It's just standard government
7 procedure, and the evaluation occurs in the final
8 year because we can look back and determine what
9 the value of the program or its subparts were.
- 10 Q Will this determination be for a long-term
11 funding, stable funding for the test fishery?
- 12 MS. DANSEREAU: Sometimes it is, sometimes it isn't.
13 Generally sunsetters carry on being sunsetting-
14 type programs. Sometimes Ministers decide that
15 the work itself is valuable enough that it should
16 continue and become stable long-term funding. But
17 the approach, as we discussed yesterday, of
18 reviewing activities on a five-year basis is a
19 reasonable approach for any organization. And so
20 there's no harm really in taking a look every five
21 years to see that the monies are being well spent
22 and spent in the right places on the right
23 priorities.
- 24 Q Ms. Farlinger, will your advice to Head Office be
25 that this funding should be continued and put on a
26 long-term stable basis?
- 27 MS. FARLINGER: We certainly participate in the
28 evaluation process in the region, and it's
29 certainly our view that in the absence of those
30 test fisheries we would need to have strategies
31 and alternatives in place to manage the fishery
32 that will provide us with adequate information to
33 manage it. But all of that information will be
34 evaluated as part of the ongoing...
- 35 Q So you would agree with Mr. Grout that this is a
36 fundamental part of managing the fishery in
37 British Columbia?
- 38 MS. FARLINGER: As the fishery is managed today, the
39 test fishery provides key information that feeds
40 management decisions that support the management
41 process approved by the Minister. So as the
42 fishery is managed today, that information is very
43 important to the day-to-day management of the
44 fishery.
- 45 Q And you mentioned a moment ago that if this
46 funding wasn't continued, then an alternative plan
47 for collecting this information will be required.

1 Do you have a sense of what that alternative might
2 be?

3 MS. FARLINGER: I think it would be fair to revert to
4 the Deputy's comment that we're in the process of
5 doing that evaluation, and looking at how the
6 fishery will be managed for next year, and
7 therefore what we would need to do to manage it.
8 Whether we would need to find alternative sources
9 or ongoing sources for this funding, or whether we
10 need to make adjustments to the management of the
11 fishery. So all of those things would be taken
12 into consideration.

13 Q So I take it at this point you have not made a
14 recommendation as to how to proceed in the face of
15 this sunseting funding?

16 MS. FARLINGER: We're participating in the evaluation.

17 Q And you have not yet given your evaluation?

18 MS. FARLINGER: We work with folks at National
19 Headquarters and the Evaluation Team to provide
20 advice that comes from all of us, which includes
21 the advice of the Region about the practical
22 nature of the test fishery.

23 Q And what is your view as to how this should
24 proceed?

25 MS. FARLINGER: We're engaged in a process of looking
26 at a variety of alternatives, as we do when we
27 evaluate any program, and my ultimate view will be
28 informed by the process that we're currently
29 engaged in.

30 Q So you have not yet formed a view, I take it then,
31 on what to do about maintaining this important
32 fishery, test fishery after March?

33 MS. FARLINGER: All of us are contributing to the
34 evaluation from which all of us will learn from
35 each other and provide recommendations about going
36 forward.

37 Q Another funding issue on research relates to the
38 Qualark fish enumeration site. I think the
39 evidence we have is that this was another project
40 which was not to be funded through 2012, but that
41 the PSC, the Pacific Salmon Commission, has
42 stepped in; is that correct?

43 DR. RICHARDS: Yes, that's correct. We do have an
44 agreement with the Pacific Salmon Commission that
45 the Qualark site will be funded through the 2012
46 season.

47 Q Yes. So that's the extent of the commitment from

1 the PSC?

2 DR. RICHARDS: That's the extent of the discussions at
3 this time.

4 Q Yes. What is DFO doing for the long term, given
5 the -- it seems to be a pretty much a pretty
6 widely view that this facility is significant to
7 being -- to in-season management.

8 DR. RICHARDS: I think that that goes in the context of
9 the longer-term discussions which Ms. Farlinger
10 and Ms. Dansereau just raised. So I think I'd
11 have to perhaps defer to them. But the issue is
12 really about, I guess, the future here, and at
13 this point we have a commitment through 2012.

14 Q Ms. Dansereau or Ms. Farlinger?

15 MS. FARLINGER: I'd just say that the Qualark program
16 that was run by DFO, and in fact is run by DFO
17 this year based on Salmon Commission funding, has
18 been and continues to be an experimental program.
19 By and large the views are that there are positive
20 results from this program. We continue each and
21 every year to review the evaluation of the
22 escapement with the Mission program and with the
23 Qualark program, and the long-term considerations
24 have to take both those things into account.

25 The extension of the program this year was
26 fundamentally based on the concept that that
27 evaluation continues to need to be done, which is
28 the contribution of Mission and the contribution
29 of Qualark, and so that's one of the reasons the
30 program was extended by the Pacific Salmon
31 Commission this year.

32 Q Now, you've had advice, I know this, we've heard
33 here at the Commission from both Mike Lapointe
34 from the Pacific Salmon Commission and Brian
35 Riddell, who both described this as critical and
36 an essential site for the in-season management of
37 the sockeye. Do you accept that advice?

38 MS. FARLINGER: There are a variety of views on the
39 contributions of the Mission counting facility and
40 Qualark, but it continues to evolve. The Qualark
41 facility continues to evolve, and we will, as we
42 have every year for the last four or five years,
43 continue to take the best information from both of
44 those and make a solution for the following years
45 in terms of how we assess the escapement of
46 stocks.

47 Q Given the focus on the in-river conditions with

1 climate change and other changes, and the advice
2 you're getting from people like Brian Riddell and
3 Mike Lapointe, what is your view about the
4 importance of Qualark?

5 MS. FARLINGER: My view is that there are a wide
6 variety of views, and there are still questions
7 about Qualark and there are still questions about
8 Mission, and each and every year we attempt to
9 improve those things to make sure that we have the
10 best possible escapement estimate. That is our
11 objective in any given year. And we'll continue
12 to use the methods, the best methods we can to
13 make that escapement estimate.

14 Q Do I understand, then, from the evidence this
15 morning that the decision on what to do about
16 Qualark into the future is in the same timeframe
17 as the PICFI funding and the **Larocque** test fishery
18 funding, that is, it's in consideration now for
19 decision by March of 2012?

20 MS. FARLINGER: With respect to the actual in-season
21 estimation, it may go slightly later than March
22 2012. But we'll have to have, as we have every
23 year, the escapement estimation procedures and the
24 various components of the management system in
25 place prior to the -- prior to the approval of the
26 Integrated Fishery Management Plan, which occurs
27 late in the year, June, about June it is, yes. So
28 I can't say specifically exactly when it will
29 occur, but will need to have those in place in
30 order to manage the fishery next year.

31 Q Brent Hargreaves testified before the Commission
32 that:

33
34 ...selective fishing is one of the most
35 critical things we can still do in the salmon
36 fisheries in British Columbia.

37
38 He also said that:

39
40 There has...been a lot of research...

41
42 On selective fishing since DFO's selective fishing
43 program terminated in 2002. Do you agree, Ms.
44 Farlinger, that selective fishing is a critical
45 tool for salmon fisheries in the Pacific Region?

46 MS. FARLINGER: Yes, I do.

47 Q And do you agree that there should be further

1 research done on it?

2 MS. FARLINGER: The research program that was initiated
3 in the CFAR funding was focused on introducing and
4 funding research. Since that time the Department
5 has, in this Pacific Region, has focused on
6 continuing those tests through the fishery
7 management plans. So you will see, for example,
8 the demonstration fisheries that have been
9 conducted under the PICFI program. You will see
10 very practical matters about the redistribution of
11 allocation that results from non-selectivity of
12 certain fisheries when weak stocks are passing.
13 So it's very much a matter of practical
14 implementation and continued testing through the
15 fishery management regime at this point.

16 Q My question, I misquoted Dr. Hargreaves, his quote
17 was that:

18
19 There has not been a lot of research...

20
21 In selective fishing since 2002. Are you
22 suggesting that in fact there has been?

23 MS. FARLINGER: I am intending to demonstrate that we
24 are testing selective fishery measures through the
25 implementation of the Integrated Fishery
26 Management Plan, so that work continues to test
27 selective measures, and in fact the policy,
28 Selective Fishing Policy, is implemented through
29 the reallocation that occurs when selective
30 fishing measures limit the ability of a particular
31 sector of the salmon fishery to take their
32 allocation.

33 So yes I am saying that work is continuing.
34 Whether you define it as research, we are looking
35 at methods to practically implement it in the
36 fishery, whether fishermen can use different kinds
37 of gear to avoid weak stocks, whether at the end
38 of the season fish are reallocated to another gear
39 sector because it is more selective than the
40 original allocation, all of those things are very
41 practical measures and work, focus very much on
42 implementing the selective aspects of the salmon
43 fishery.

44 Q But one of the issues where research is apparently
45 not being done, according to Dr. Hargreaves, is
46 the question of the long-term survival of bycatch
47 as opposed to short-term. Do you agree that that

1 research is not going on?

2 MS. FARLINGER: There have been some projects focused
3 on bycatch. One I can think of specifically is
4 the recreational fishery for sockeye in the Lower
5 Fraser River, a project that looks specifically at
6 release mortality. So I would say, no, that
7 research has not stopped, or that work has not
8 stopped. It's not always research. Sometimes
9 it's projects, management projects, and I can't at
10 this point give you an exhaustive list. But work
11 does continue to evaluate selective measures for
12 fishing, both in the commercial fishery and in the
13 recreational fishery.

14 Q On the specific issue of long-term survival of
15 bycatch, is there research ongoing on that?

16 MS. FARLINGER: I would have to, other than the project
17 I just described to you, which looks at survival
18 of sockeye after it's been released by
19 recreational fishermen, I'd have to ask Dr.
20 Richards.

21 DR. RICHARDS: I am not aware of any projects at this
22 time, but most of these projects, as has just been
23 mentioned, have been done as management projects
24 rather than as scientific research. I think you
25 appreciate that the Department is a knowledge
26 organization and there is work that could be
27 called research which is done, which is outside of
28 the Science Branch for which I'm responsible.

29 Q Just coming back to the lines, the questions from
30 yesterday, again this sounds like learning by
31 doing, learning by osmosis, a little ad hoc
32 gaining of information as opposed to a rigorous
33 evaluative study of the issues that surround
34 selective fishing; is that fair?

35 MS. FARLINGER: No, I don't think it's fair. I think
36 the project that I mentioned, for example, was
37 rigorously evaluated. It's done by managers,
38 carried out based on advice by Science staff about
39 how to carry out the study, how to evaluate the
40 study. Science staff and Resource Management
41 staff, while they may not be focused on a specific
42 research project, work together in-season to
43 ensure that the kinds of studies we do are
44 rigorous and can be evaluated.

45 Q And the study you're referring to is the one in
46 the recreational fishery?

47 MS. FARLINGER: That's the one that came to mind at the

1 moment.

2 Q Are you aware of any similar projects in the
3 commercial fishery?

4 MS. FARLINGER: I did make reference earlier to some of
5 the demonstration fisheries, and some of the
6 management actions that are implemented and tested
7 each year in the fishery. And I also made
8 reference to the fact that fisheries which
9 fundamentally implements the policy, fisheries are
10 restricted because of the presence of weak stocks.
11 And there are really a couple of different ways
12 you avoid weak stocks and become selective, and
13 one of those is to restrict the timing of the
14 fishery to avoid the weak stocks. Another of
15 those is to require the use of more selective
16 gear, and there are different aspects of the
17 commercial fishery and their gear that have been
18 implemented and tested to reduce the catch of weak
19 stocks, and those are evaluated. And the third
20 thing, in fact, is to avoid the fishery that
21 causes the interception at all, which is -- so
22 that's a continuum of activities that go on to
23 implement selectivity of a fishery.

24 Q Is there someone in the Pacific Region who is
25 tasked with coordinating all of these efforts
26 around selectivity and correlating and bringing
27 together and evaluating all of the information
28 arising?

29 MS. FARLINGER: I think it would be fair to say that
30 Science staff and Management staff are involved in
31 evaluating each of these measures and each of
32 these projects, and evaluating how they can be
33 implemented in following years, either over the
34 long term or for the next annual management plan.

35 Q Is there an individual who is a champion of this,
36 or who is coordinating all of this activity?

37 MS. FARLINGER: No.

38 Q You mentioned, and Mr. Bevan mentioned also, that
39 without selective fishing, opportunities for
40 fishing will not be there. Can you give me some
41 examples or any example of where the issue of
42 selective fishing has influenced a decision to
43 make a fishing opportunity available or not?

44 MS. FARLINGER: I think if you look across the fishing
45 opportunities that are provided to all the gears
46 in the commercial fishery and also to the
47 recreational fishery, and to the First Nations

1 food, social and ceremonial fishery, there are
2 limitations in time and gear that specifically
3 apply to the avoidance of weak stocks. I could
4 point, perhaps, to Early Stuart sockeye, a stock
5 that has been of concern for some time. Fisheries
6 are avoided on that stock, and are only provided
7 when it's estimated in-season that the escapement
8 targets will be met, and the priorities of the
9 allocation framework are then applied to that.

10 Chum fishing, for example, is curtailed in
11 the commercial fishery to avoid weak stocks, weak
12 steelhead stocks from the Thompson River. There
13 are numerous examples of the specific timing and
14 allocation of fishing times and therefore
15 curtailment of fishing opportunities that are
16 driven by the presence of weak stocks. Yes,
17 fisheries are changed constantly to adjust to
18 that.

19 Q The examples you've given are all for avoiding
20 bycatch of weak stocks, and I perhaps naively had
21 in my mind that selective fishing meant something
22 different than simply fishing timing to avoid weak
23 stocks, but rather a way to differentiate amongst
24 stocks, fishing at the same time, through gear
25 choices and that sort of thing. Those are the
26 sorts of tests that I had in mind. Is there any
27 examples of any fishery that's allowed if certain
28 gear is being used, for example, as opposed to
29 avoidance?

30 MS. FARLINGER: Yes, there are, and I did talk about a
31 continuum of measures up to -- that sort of range
32 from changing timing, right through changing gear,
33 right through to closure of fisheries. And all
34 the measures I'm talking about are on that
35 continuum. I think if you point to the example
36 of, for example, in the Lower Fraser, beach
37 seining of pink salmon to avoid stocks of concern,
38 rather than gillnetting of pink salmon. I think
39 you can look at gear changes or behaviour and
40 methodology changes, in the same fishery, for
41 example, that provide for either the release or
42 avoidance of stocks of concern. I think in each
43 and every fishery you can come up with examples.
44 I think there are changes to gillnet gear that
45 have to do with avoiding various stocks of concern
46 when their fishery are prosecuted.

47 So there are a variety of changes inherent in

1 the management of the fishery and are specifically
2 required of each fishery. And in the case of the
3 beach seine fishery that I referred to, we operate
4 these both in the Skeena and in the Fraser River.
5 They are intended to avoid stocks of concern.

6 Q Let me move now to another issue, and the issue of
7 some areas of limited research that may be related
8 to the decline of the Fraser sockeye, and we've
9 heard a lot about research into the marine
10 environment, and this I'd like to put to you, Ms.
11 Dansereau, first. In 2009 the Fraser sockeye
12 didn't return from the marine environment as
13 expected, and a 2011 memorandum for you entitled
14 "Update on Factors Affecting the 2009 Fraser
15 Sockeye Return" says in its "Summary" that [as
16 read]:

17
18 The poor return in 2009 was most likely
19 related to poor conditions throughout the
20 ocean migration of the sockeye and
21 climate/ocean conditions are also thought to
22 be the most likely factors associated with
23 the longer term decline in Fraser sockeye.
24

25 Given DFO's view on the importance of the marine
26 environment on sockeye survival, why have
27 scientists told us that there is very little known
28 and little research underway on Fraser sockeye
29 marine survival? Ms. Dansereau.

30 MS. DANSEREAU: I'm sorry, I missed the tail end of
31 your question.

32 Q We've heard from scientists throughout that little
33 or nothing is being done in terms of research into
34 marine survival, yet it's identified as both in
35 the context of the 2009 serious decline and the
36 overall decline over the last decade or so, 20
37 years.

38 MS. DANSEREAU: I would -- I will defer to Dr. Richards
39 to answer sort of on the priority setting of
40 Science. But as we've discussed over the past day
41 or so, and you've heard for the past year, science
42 evolves, science changes as new information comes
43 in, priorities shift, and so where we may have put
44 our energies five years ago, we might put them in
45 a different place now as more information becomes
46 available. So it's all part of the priority-
47 setting exercise and a recognition that we have

1 some ability to do research far off where the
2 salmon go, but we also have very significant
3 knowledge gaps as to even how to get that work
4 started. But what I would do is take the advice
5 of our scientists in terms of what the next best
6 approach would be to start addressing some of
7 those questions.

8 Q Dr. Richards.

9 DR. RICHARDS: Mr. Commissioner, I think I take
10 objection to the statement. I think we have done
11 a considerable amount of research in the marine
12 environment. It is true we don't have a lot of
13 answers, and it's true that work in this area is
14 very, very difficult and very challenging. We're
15 dealing with a very large ocean area. Access to
16 work on that ocean area requires vessels.

17 We have one trawler that we have been using,
18 and probably almost half the time of that trawler
19 has been spent focusing -- or maybe half to a
20 third of the time of the use of that trawler over
21 the last probably decade has been spent on
22 projects related to salmon overall. And when I
23 say "salmon", we don't design our studies to focus
24 in the marine environment on Fraser sockeye. We
25 have to look at this in the much broader context
26 of all salmonids, where all salmonids go when they
27 enter the marine environment.

28 But we have been spending I think a
29 considerable amount of our ship resources on
30 trying to answer that question and trying to get a
31 better understanding, but it is very, very
32 difficult and challenging to follow salmon at sea
33 and to understand what -- and to understand where
34 they're going, and to really try to answer these
35 questions on survival.

36 In order to help us, we have been working
37 internationally. We are part of the North Pacific
38 Anadromous Fish Commission. In that context we
39 would work with our colleagues in that Commission,
40 and in particular with the U.S. in trying to
41 understand this process. They have also been
42 active in trying to look at this question by using
43 factors like archival tagging, where you're able
44 to put a tag on a salmon and then recapture that
45 salmon at a later time and be able to then track
46 and figure out its position in the ocean, in the
47 North Pacific Ocean. So we are in contact with

1 them. We do have access to that information.

2 We are also working in conjunction with
3 others through PICES, North -- I'm silent here...

4 Q It's hard when it's not the actual acronym.

5 DR. RICHARDS: Yeah, I know, I know, but I do know this
6 organization very well, North Pacific Marine
7 Science Organization, and in the context of that
8 organization there have been a number of studies
9 that have been looking at the effect of climate
10 changes in the North Pacific, on the ocean
11 variability, how that then relates to salmon, as
12 well as other fish. And so we have been very
13 active in doing that, and there are some aspects
14 of that organization right now where their focus
15 for the next ten-year period is really going to be
16 on how we can improve forecasting, how we can
17 improve prediction of climate in the marine
18 environment, and how that's going to then
19 translate back into things like impacts on our
20 fisheries resources.

21 So while we have a lot, a lot of outstanding
22 questions on this issue, we have been active in
23 trying to gain access to that information and we
24 have been very active in that research area.

25 Q Yes, Mr. Bevan.

26 MR. BEVAN: If I could just add a little bit to that.
27 Similar problems also were found in the North
28 Atlantic with respect to survival of salmon at
29 sea, and there was collaborative work done there
30 with all the members of the North Atlantic Salmon
31 Conservation Organization to try and pool
32 resources to get to ask the questions of why
33 marine survival of Atlantic salmon in the Atlantic
34 had also shown declines. That work is ongoing.

35 It's very expensive, as noted, to get ships
36 at sea, so it's something that we have looked at
37 as a collaborative international arrangement.

38 And I would also note that in light of the
39 common experiences in the North Pacific and the
40 North Atlantic, there was a symposia here in
41 Vancouver of the various salmon commissions to
42 compare their information at the time as to why we
43 were all seeing the same patterns of marine
44 survival changes throughout the northern
45 hemisphere.

46 Q Thank you, Mr. Bevan. If I may come back, Dr.
47 Richards, you've given us a rundown on some of the

1 things that are going on. I just want to tick off
2 a few areas and ask whether or not there's an
3 research going on in them. is there any work
4 going on currently at DFO to understand the timing
5 entry into the Strait of Georgia for Fraser River
6 stocks?

7 DR. RICHARDS: Yes, and I guess I have to say that the
8 particular way you phrased the question is it's
9 not that we're doing a project with that
10 particular focus on its research, but we certainly
11 are doing projects which will help us try to
12 address that information. I think I mentioned
13 that we did initiate some work where we're looking
14 at the health of juvenile salmonids in the Strait
15 of Georgia, and as part of that project we are
16 doing some repeat surveys, and that information
17 along with some additional survey work in the
18 lower river will give us some information on
19 timing. But we're not having studies that are
20 directed to answer specifically the timing, but we
21 are doing work that will help us understand the
22 timing as part of a broader research program.

23 Q Is any work being done to understand which stocks
24 migrate on the West Coast of Vancouver Island as
25 opposed to the Strait of Georgia?

26 DR. RICHARDS: Mr. Commissioner, the issue of where
27 stocks, which stocks go when, I think is a very
28 challenging research question. So I -- and I
29 think there would be some interest in trying to --
30 I mean, I think we appreciate the importance of
31 getting some information on that topic. But again
32 it's a very challenging question in order to try
33 to design studies to do that precisely. Some of
34 the work I just mentioned will indirectly give us
35 information on that. We do have surveys going on
36 where we are catching juvenile salmonids. We have
37 stock identification tools which will allow us to
38 then trace those and look at those samples, and
39 try to figure out what stocks are in those
40 specific samples, that we can then go back and
41 infer that kind of information. But again we
42 don't -- aren't planning studies to do that
43 explicitly.

44 There is a little bit of work I think that's
45 going on this year, and it has gone on in
46 conjunction with the POST, which will give us some
47 information on that. But again that's only for a

- 1 limited sample size of the fish that we were able
2 to, on which we were able to put tags.
- 3 Q And those are all hatchery fish, correct?
- 4 DR. RICHARDS: I'm sorry, I don't know precisely. I
5 didn't think so. I don't think so, but I'm not
6 familiar with the precise details.
- 7 Q What work has been done on the life history of the
8 Harrison River stock in the marine and estuary
9 environment?
- 10 DR. RICHARDS: Okay. Again, Mr. Commissioner, that's a
11 very specific question, and we don't intend to do
12 work on specific stocks of salmon. Obviously
13 there's been quite a great interest in the
14 Harrison because of its different life history,
15 but we would be getting that in conjunction with a
16 broader project that would be looking at all
17 salmonids in the Strait of Georgia. And all
18 salmonids, and not just sockeye, either.
- 19 Q Yes.
- 20 DR. RICHARDS: Right.
- 21 Q Is any work being done on where Fraser River
22 stocks go once they leave the -- sockeye stocks,
23 once they leave the north end of Vancouver Island?
- 24 DR. RICHARDS: Again, that's part of the same answer.
25 We do have some ongoing work that has been done
26 under Marc Trudel who has been doing some repeated
27 survey work that would go north of -- they would
28 go along the West Coast of Vancouver Island, north
29 into Queen Charlotte Sound, and further north. He
30 will be doing some samples and collecting some
31 information, so and with that we will be able to
32 again get the stock identification from those
33 samples, and then have some of that information.
- 34 Q Am I correct that Dr. Trudel's work is not
35 directed at sockeye?
- 36 DR. RICHARDS: Dr. Trudel's work is directed at more at
37 salmonids in general, and I say all the work we're
38 doing is looking at more than just Fraser sockeye.
39 We're looking -- we're doing projects that look at
40 salmon in general, and obviously we have interest
41 in what's going on with stocks of sockeye other
42 than the Fraser stocks.
- 43 Q So to all of your answers on that work that's
44 being done relates to salmonids in general, and I
45 think a number of your answers suggest that some
46 information may be indirectly obtained, but the
47 research I've suggested isn't being specifically

1 directed.

2 DR. RICHARDS: I think we have -- I mean, we are -- we
3 need to do -- we need to do our work in a broad
4 context. You know, obviously we're interested in
5 what's going on with Fraser sockeye, but it's also
6 very helpful if we can look at what's going on in
7 Fraser sockeye in the context of what's going on
8 with other stocks of sockeye and with other stocks
9 of salmon in general, because the ability to
10 compare and contrast is very powerful in science.

11 Q Is any work being done to understand where the
12 stocks reside in their first year of marine life,
13 whether they stay together and whether they reside
14 in particular areas along the coast, mixed with
15 other stocks or independently?

16 DR. RICHARDS: Well, I think the studies that I just
17 mentioned again will give us some of that
18 information, give us some of that information
19 indirectly. But we will be trying to get
20 information on that. We'll also be getting
21 information on their growth. And from the
22 repeated samples we may be able to infer some
23 information on survival, though that's a little
24 less clear. But we will be looking at all of the
25 information that we get from those, including the
26 stock composition.

27 Q Is Canada doing any research on the impacts of --
28 on the Fraser stocks of hatchery-released fish in
29 the Gulf of Alaska?

30 DR. RICHARDS: So let me try to understand your
31 question. I think your question is whether
32 there's some kind of competition going on between
33 hatchery stocks and other stocks of salmonids in
34 the Gulf of Alaska, generally?

35 Q Yes, that's been suggested.

36 DR. RICHARDS: Certainly there has been a lot of
37 interest in that question within the North Pacific
38 Anadromous Fish Commission. In the past there
39 have been I think a number of scientific symposia
40 where that kind of theme has been raised. But
41 again the North Pacific Ocean is an extremely
42 challenging and difficult place to work and, you
43 know, we would like to be doing more there, but
44 we're really limited in what we physically can
45 actually do in that area and how you can actually
46 design those kinds of experiments. So, you know,
47 if we're in there, in the North Pacific sampling,

1 we will collect samples. We may, again we'll be
2 able to do the stock composition. So we will know
3 whether those are wild or hatchery stocks from the
4 stock identification information, you know, we
5 hope. But -- and then it would have to more
6 inferential from there.

7 But it's not a situation we're really able to
8 do really direct experiments and, I mean, we know
9 it's a question and we'd be interested in looking
10 at it, but it's -- but these are really hard
11 questions.

12 Q I appreciate that. But the evidence that the
13 Commissioner has heard is that this seems to be
14 the area of most concern.

15 DR. RICHARDS: It certainly is an issue that has been
16 raised. It's an issue of which we're aware, but,
17 you know, there are some of these questions where
18 we just -- the answers, even though we would like
19 to study them, to design an experiment, to be able
20 to go there and actually look at that, is very,
21 very difficult. Certainly we have tried to look
22 at those kinds of questions and work with our
23 international colleagues to try to answer those
24 questions to the best we can with the data, but
25 again, it's very, very difficult to really design
26 an experiment or collect those data, because it's
27 very, very difficult to do anything in the middle
28 of the North Pacific Ocean.

29 Q Let me just canvass for a minute the concept of
30 just how hard it is and whether or not there are
31 some avenues that have not been explored that
32 might be. Dr. Tim Parsons testified, he's a
33 Professor Emeritus at the Department of Earth and
34 Ocean Sciences at UBC, and he testified that there
35 are technologies available that might well be
36 useful, and here's what he said:

37
38 There are new instruments, gliders, that go
39 1000 miles into the ocean and come back with
40 all kinds of data. We've talked about
41 satellites. There's electronic tagging, the
42 Argo Float Program, and best of all for me
43 would be a satellite that could measure the
44 amount of --

45
46 - I never get this word right -
47

1 -- diatoms in the sea. If we have those data
2 coming in, we can make a diagnosis that the
3 ocean really does look good for salmon this
4 year.
5

6 Are you aware of these technologies, have you
7 looked into them to do some of this difficult at-
8 sea research?

9 DR. RICHARDS: Okay, that's a much more general
10 question, and your previous question was a very
11 specific question.

12 Q Yes.

13 DR. RICHARDS: Okay. In terms of this more general
14 question, absolutely, you know, we are very aware
15 of these technologies, and we are working on some
16 of those. In fact, Canada was one of the major
17 promoters of the Argo Program, and was one of the
18 major instigators to get that, and get set up. We
19 now have over 3,000 robotic floats peppered
20 throughout the world's oceans. We've had that
21 information now for a couple of years, and that's
22 certainly a tremendous wealth, a tremendous wealth
23 of data that we're getting on the physical
24 properties of the -- of all oceans of the world,
25 which will be very helpful for us in understanding
26 things, well, feeding into questions on climate
27 change and perhaps making longer term weather
28 forecasts more likely.

29 So we're very aware of that information and
30 we are certainly wanting to, and in fact some of
31 our scientists are in fact leading some of those
32 projects. So, yes, we are very much aware of
33 those technologies and using them to the extent
34 that we can.

35 Q One of the issues which has been mentioned, and it
36 came up again today, is the limited ability and
37 the expense of dedicated ship time and trawlers,
38 and I understand DFO has in the design work a
39 research vessel which is the planning stage. What
40 investigation has DFO done to see whether or not
41 there are other ways of collecting data, for
42 example, using people who are there in any event,
43 volunteers or perhaps on a contract basis, ships
44 that are travelling to an area where there's
45 information that would be useful to you.

46 DR. RICHARDS: I mean, I think it very much depends on
47 the kind of question that you're asking. If

1 you're asking about questions about more generic
2 oceanography, and questions about what's out there
3 in the food chain, we do have some other things.
4 We are in fact using some ships of opportunity on
5 one of the programs. We have a continuous
6 plankton recorder program, where we have an
7 installation that has been on sort of cargo ships
8 that have been going back and forth across the
9 Pacific Ocean. And we have been getting over --
10 it's over a 10-year period now, information that
11 is useful in looking at some of the plankton
12 community in the surface layers of the North
13 Pacific Ocean. And we're now at a point where we
14 can start to analyze some of those data and look
15 at some of the changes in both space and time
16 changes within the plankton communities, which is
17 part of the food chain that will be for salmon.
18 So that is one place where we're able to do that
19 in terms of the broader North Pacific Ocean.

20 We are very much through PICES, through the
21 North Pacific Marine Science Organization, engaged
22 with colleagues in the U.S. The U.S. obviously
23 have a big interest in what's going on in the Gulf
24 of Alaska, in the North Pacific Ocean, and also in
25 the Bering Sea. And so we are certainly working
26 with them in the various different working groups
27 under different organizations so that we can stay
28 current on some of this information, and that we
29 can then -- and we use that in terms of our
30 thinking and project design.

31 So there is a lot of work that's going on
32 there, and we are using some of these tools.
33 We're using satellite technologies, you know,
34 satellites, does depend on the fact that we can
35 actually see the surface of the ocean and clouds
36 are a problem with satellites, and unfortunately
37 the North Pacific tends to be cloudy a lot of the
38 time so it is a bit limited. But we certainly are
39 aware of those other technologies, and will use
40 them to the extent that we can.

41 Q Have you sought advice from your scientists as to
42 the sort of opportunistic projects that might be
43 available?

44 DR. RICHARDS: Absolutely. Absolutely. I think
45 scientists in general are very good at coming up
46 with those kinds of ideas and finding examples of
47 partnerships, and being aware of what else is

1 going on in the scientific community so that they
2 can engage, and that we have an opportunity to
3 leverage some of the work that we're doing with
4 work that other partners are doing.

5 Q We've in the course of this Commission have asked
6 researchers about their priorities in terms of
7 marine area research, and some answers have been
8 received. Dr. Beamish and David Welch prioritized
9 estimating stock abundance juvenile salmon fish,
10 leaving the Fraser Estuary. Dr. Beamish described
11 as "invaluable" and his "highest priority". Have
12 you asked your scientists for their priorities on
13 marine research and been provided with advice?

14 DR. RICHARDS: I have asked my scientists for their
15 ideas on a lot of research areas and I have advice
16 from them. And I do look at that advice. But I
17 need to take that in conjunction with the kind of
18 the management questions which my colleagues are
19 going to pose to me, and then also -- and so it
20 all needs to be prioritized.

21 Q Indeed. And so between the advice from your
22 scientists and the instructions or advice from
23 management, what are your marine or your -- the
24 Science's marine environment research priorities?

25 DR. RICHARDS: Well, I think I can tell you, I mean,
26 some of the work that we're currently doing, and
27 we are -- and it's a little bit difficult for me
28 to answer this question directly, because there's
29 a lot of work that we are doing that which some
30 might consider monitoring more than research. And
31 a lot of the work and a lot of the work that we
32 do, is really perhaps more monitoring. So if I
33 think of the work and the studies that Dr. Beamish
34 and Dr. Trudel have done, they are collecting
35 long-term survey data, and that information makes
36 sense a lot of the time in the context of when you
37 have a long-term data series so you can compare
38 what happened, and as to this year with past
39 years, give you a sequence and trend. So a lot of
40 the work is really trying to get base monitoring
41 data and then we try to leverage those
42 opportunities with other kinds of more perhaps
43 sort of research questions.

44 And so it's really, I think the point is, we
45 have some ships that are out there doing this
46 monitoring. We need to continue to do those
47 monitoring projects to the extent that that's

1 practical. What else can we be doing, and can we
2 be getting -- are there any other samples, should
3 we be leveraging that with some other
4 oceanographic data. Those are the kinds of things
5 that we would be looking at.

6 Q Can you be more specific about what priorities
7 you're pursuing in marine research? And I include
8 monitoring in that.

9 DR. RICHARDS: Okay. Well, I think our program on
10 marine research is like everything else we do, is
11 focused much more broadly than just Fraser
12 sockeye. So we do have programs that are looking
13 at, you know, the oceanography of the North
14 Pacific Ocean. We do have some long-term survey
15 series. For example, we have been going out to
16 Line-P in the middle of the North Pacific Ocean,
17 that's for over 50 years, and the fact that we've
18 been able to maintain that program over that long
19 period of time is now giving us a wealth of data
20 that we're able to look and then compare with
21 what's happening today, what are the water
22 properties today, with what were the water
23 properties 50 years ago. And then what is that
24 perhaps then telling us about the future.

25 We are very involved in the Argo project that
26 we just mentioned, that again is bringing us a
27 wealth of scientific information. We would
28 certainly intend to the extent possible continue
29 some of the routine surveys that we're doing that
30 provide us the base monitoring of salmon, and
31 other similar surveys, where we're looking at
32 monitoring of groundfish in different parts of the
33 Coast. Because those sort of fundamentally fit
34 into the kinds of advice that we will need to be
35 providing to our fishery managers, and then we
36 would use those as opportunities to do -- collect
37 other data that could vary a little bit from time
38 to time, depending on the priorities of the day.

39 Q So are managers also telling you that more
40 research and monitoring is required in the marine
41 environment?

42 DR. RICHARDS: The managers are more likely to ask us
43 more sort of directed questions about providing
44 advice on the status of stocks, and it's really
45 the monitoring is a way that we are able to
46 provide that information to them on the status of
47 stocks.

1 Q And this is marine monitoring.

2 DR. RICHARDS: Marine and -- marine, and in the case of
3 salmon that also would apply to the escapement
4 enumeration and estimates on the spawning grounds,
5 which are also extremely important in getting that
6 information.

7 Q One of the issues that was identified in the
8 memorandum in 2009 to the Minister and repeated in
9 the 2011 advice to you, Ms. Dansereau, were
10 harmful algal blooms, and that these toxic algal
11 blooms was listed as a factor that could have been
12 -- could have led to the sockeye mortality at the
13 level observed in 2009. Dr. Richards, that the
14 2011 memo continues to list the toxic algal blooms
15 as a concern, however, we've heard that Pacific
16 Region of DFO is not doing any research on this
17 topic. Why is that?

18 DR. RICHARDS: Shall I answer -- okay.

19 Q Please, Dr. Richards.

20 DR. RICHARDS: Well, there was a decision that was made
21 in one of our previous round of funding reductions
22 that we would not continue to do research on some
23 toxic algal work. So that, and in fact as we look
24 at that back, I mean, we have to make choices as
25 we go through, and we have to make choices about
26 what to continue and not to continue. And this
27 was a decision that was made in the context of the
28 previous national review, that was about five
29 years ago, that that would be one thing that we
30 would not continue doing in terms of the pure
31 research in that area. And, you know, all of
32 these things have to be made and looked in the
33 context of the risk, and what are the potential
34 consequences.

35 Certainly our focus has been on fish, and
36 we're not -- we have not been aware, you know --
37 certainly we're aware that there are toxic algal
38 blooms, but we haven't been aware that there were
39 concerns with toxic algal blooms related to wild
40 fish populations. And I think the evidence that
41 you did hear already, Mr. Commissioner, from Jack
42 Rensel, would indicate that while that
43 information's suggestive, it's not still, you
44 know, definitive that there was a link.

45 So it's a possibility, but -- but the
46 question was really related to research. There is
47 still some monitoring that goes on, and there are

1 some things that we are doing. We are able to get
2 some of that information from satellites. So we
3 do have some satellite information, which we have
4 been looking at, which has been following some
5 blooms. So we're able to look at blooms, not just
6 of toxic algae, but also of other algae blooms,
7 because there's other kinds of diatom blooms that
8 are also perhaps of interest. That is a bit
9 limited, as I mentioned, by the fact it's often
10 cloudy in the summer so we can't get precise
11 information on that, but we do get some
12 information on that.

13 Given this interest in this program, we were
14 able to, I think, collect some samples this summer
15 which will be analyzed by Vancouver Island
16 University, so we are trying to collaborate and
17 work in cooperation with others in trying to
18 leverage some of our opportunities -- some of our
19 sampling opportunities to work with others. So
20 there is some information that we're getting,
21 although we don't have a directed program.

22 Q The decision not to fund research into toxic algal
23 blooms was made, I think, in 2006; is that
24 correct?

25 DR. RICHARDS: I'm sorry, I don't recall the precise
26 number but it was around that -- or the precise
27 date, but it was around that time.

28 Q Mr. Lunn, could we have Commission's document 22,
29 please, which the 2009 memorandum, it's Exhibit
30 616A. And if could go, please, to page 2 of that
31 document. At the bottom of the page it says:

32
33 The following factors could possibly have led
34 to sockeye mortality at the scale observed:

35
36 And the first identified is:

37
38 Toxic algal blooms in the Strait of Georgia.

39
40 That was in 2009 that same heightened level of
41 interest was in the memo of this year to the
42 Deputy Minister. In that context, I guess I'm
43 confused as to why this hasn't been increased in
44 importance in things that DFO is studying.

45 DR. RICHARDS: I mean, I think it's in part, you know,
46 a question of what is meant by additional work.
47 Some of the work and some of the programs that

1 have been done on toxic algae were really done in
2 the context of human health, and concerns about --
3 related to human health. And so that is not an
4 area that we -- is currently, you know, a
5 consideration for us. That's really an avenue for
6 other -- other Departments, not our Department.
7 So that's -- that is what the old research had
8 been, was really focused on that kind of topic.
9 So I think it's a question that's really sort of
10 what is meant by research in a research program
11 specifically.

12 In this case we certainly were aware that
13 others and particularly Jack Rensel had
14 information on this topic. And I think, you know,
15 we don't feel like we need to do everything
16 ourselves within the Department where there are
17 others who have data and working on that. You
18 know, we will try to stay informed on this and try
19 to work with them to the extent possible, but we
20 don't really feel that it's really necessary for
21 the Department to do absolutely everything.

22 Q Dr. Rensel's work is not in the Strait of Georgia,
23 is it?

24 DR. RICHARDS: No, I think it was mostly in Puget
25 Sound.

26 Q So the issue -- here the issue has been
27 identified, Strait of Georgia is right at hand.
28 Why would you not have pursued it?

29 DR. RICHARDS: Well, as I mentioned, this past summer
30 we have collected some samples, and we are trying
31 to work in conjunction with Vancouver Island
32 University, and others. But again there are other
33 -- I think it's a question of even if we pursue it
34 in the context here, where would it really be
35 going in terms of the management advice? What
36 would we be doing? How would that -- I think this
37 is really a question we're looking at feeding into
38 how we would then provide advice back to
39 management. I'm thinking that I think in our view
40 that there are other avenues which would be more
41 informative to our advice to management than this
42 particular topic. It's not that it's not a
43 possibility. It's just that even if it were a
44 possibility, you know, what we could do about it
45 is really more limited, rather than some of those
46 other questions.

47 Q Well, Dr. Rensel did testify that there may well

1 be mitigative measures that could be taken on
2 toxic algal blooms, so presumably there is some
3 management advice that could flow from this.
4 DR. RICHARDS: That may be, but I think that would not
5 be the kind of work that we would be involved with
6 in terms of the Fisheries and Oceans Canada. So
7 we need to be focused on the things that are
8 within, really within our control and mandate.

9 Q Okay. So nobody is studying this in British
10 Columbia at the moment, and do I take it that it's
11 not considered a priority, even though it was
12 identified as recently as a month or two ago as
13 being a significant possibility for the long-term
14 decline of the sockeye?

15 DR. RICHARDS: I think we are, as I mentioned, we are
16 still getting some information and it's not that
17 we're not doing -- we are doing some work here.
18 We are collecting some samples on this. We are
19 doing some monitoring. So we are collecting some
20 information. It's just that we do not have a
21 targeted research program on this particular
22 topic. But we are working with others. We are
23 getting some information.

24 Q And how is this information being used? Is there
25 somebody responsible for coordinating this
26 research and advancing our level of knowledge on
27 this issue?

28 DR. RICHARDS: On toxic algae in particular?

29 Q Yes.

30 DR. RICHARDS: Well, I'm trying to -- I guess I'd have
31 to answer no, there's no specific person involved
32 with this, but we are -- there are certainly a
33 couple of people that I would use to direct
34 questions on this issue, one of which would be Mr.
35 Robin Brown, the other, Mr. Mark Saunders.

36 MR. WALLACE: Mr. Commissioner, it's 11:15. Would this
37 be a convenient time to break?

38 THE COMMISSIONER: And what time remaining do you have,
39 Mr. Wallace?

40 MR. WALLACE: By my estimate, half an hour.

41 THE COMMISSIONER: All right, thank you.

42 THE REGISTRAR: The hearing will now recess for 15
43 minutes.

44
45 (PROCEEDINGS ADJOURNED FOR MORNING RECESS)
46 (PROCEEDINGS RECONVENED)

47

1 THE REGISTRAR: The hearing is now resumed.

2 MR. WALLACE: Thank you, Mr. Commissioner.

3

4 EXAMINATION IN CHIEF BY MR. WALLACE, continuing:

5

6 Q It's become clear, I think, that dealing with
7 funding challenges in every area of DFO are
8 serious and Science seems to be one of the more
9 particularly serious. This was discussed in a
10 document which is Commission document 27.

11 MR. WALLACE: Can we go to the substantive document
12 which is beneath that further? It's the
13 attachment. Oh, there we are, thank you.

14 Q Ms. Farlinger, can you identify this document? It
15 seems to have come from your cache of documents.

16 DR. RICHARDS: If I could respond, this was a document
17 that I wrote.

18 Q Perfect.

19 DR. RICHARDS: So I am the author.

20 MR. WALLACE: May this be marked as the next exhibit,
21 please?

22 THE REGISTRAR: Exhibit 1918 (sic).

23

24 EXHIBIT 1917: Email from L. Richards to S.
25 Mithani, Jun 13, 2010, with attachment:
26 Science Pacific Region: Budget Impacts 2010-
27 2011

28

29 MR. WALLACE: Thank you.

30 Q This is a document entitled "Science Pacific
31 Region, Budget Impacts 2010-2011". It describes
32 the budget challenges faced by DFO Pacific. In
33 the "Overview of Impacts" section, it says:

34

35 Some programs depend heavily on national
36 competitive or other non-A-base funds...

37

38 And that's at the bottom of page 1. The budget
39 impacts would be:

40

41 ...managed through general reductions...

42

43 As a result, it says:

44

45 Impacts will often materialize as lower
46 quality science advice in subsequent years.

47

1 So this creates the need to manage with more
2 scientific uncertainty and it looks as though
3 you're preparing for more challenges in the
4 future. So my question, Ms. Dansereau, for you,
5 is it acceptable to cut scientific funding with
6 the expectation that the quality of scientific
7 advice relied upon by DFO managers will be eroded,
8 they'll be managing with greater uncertainty in
9 the future?

10 MS. DANSEREAU: As we've discussed earlier, it is
11 acceptable for governments to look at their
12 fundings, to look at the funding on a yearly basis
13 all the time. Whether or not that results in
14 lesser science or lesser quality science or
15 reduced amounts of science I'm not sure it's
16 always the case.

17 One of the areas that you'll notice in this
18 document that's talked about is the request was to
19 look at efficiencies, and that's always our first
20 request. We don't go to priorities and ask for
21 priorities. We ask -- clearly the Science group
22 was asked to look at its priorities and to
23 evaluate those against the amount of money
24 available. So we try and protect the science and
25 the information that we need within the budget
26 amounts that we have, and we do everything we can
27 to look for other types of efficiencies to find
28 our savings.

29 We also, as we've said for all of our program
30 areas, we need to constantly make sure that what
31 we are doing is what is still required to be done
32 and I would say in Science, as in everything else,
33 there are sometimes projects that we are doing
34 that no longer fit with what is absolutely
35 required and sometimes those things could stop
36 being done.

37 Now, there's a real caution on the part of
38 scientists when their budgets are being cut,
39 there's no question about that. There's a
40 nervousness around the impacts that this will have
41 on the quality of their work, but they are
42 extremely professional and they will look into
43 areas that don't have an impact on the quality of
44 the science.

45 Q I appreciate that you try to manage the resources
46 as best you can and you've described how you try
47 to prioritize these things. I'm looking at this

1 more as to whether or not we've gone as far as we
2 can go, and maybe too far.

3 Just for a couple of contextual things, we've
4 heard it said throughout that DFO is a science-
5 based knowledge-based department, and we've heard
6 a great deal about the inter-relationship between
7 Science and management in DFO. You overlap on
8 that the precautionary principle, a principle
9 which is accepted in overall Canadian government
10 policy and mentioned in a number of specific
11 policies within DFO, and its connection to this is
12 the less information you have, the less certainty
13 you have, the less exploitation you can have, for
14 example. You have to behave in a way that
15 protects these things.

16 Given that context, is it good enough to
17 simply allow this to erode? Once you've gone
18 beyond your very careful prioritizing, and
19 obviously governments have to do their very best
20 with resources, but at some point don't you have
21 to say this has gone too far?

22 MS. DANSEREAU: I suppose if we reach that point, yes.
23 But it is a constant exercise, or should be a
24 constant exercise, in government to review where
25 the monies are going. That should apply to all
26 programs so that Science should be ensuring that
27 the very best information is available, and
28 potentially stop doing certain things that are no
29 longer required. There will always be some of
30 that. There will always be a need for prioritizing,
31 shifting areas, letting some things go, and that's
32 why we let Science itself tell us what they think
33 the priorities ought to be.

34 But it should be a matter of regular course.
35 Whether or not it results in reductions or, as
36 we've said before, in some cases it could result
37 in increases. It's a normal part of doing
38 business.

39 Q Could we have Canada's document 23, please?

40 THE REGISTRAR: Excuse me, Mr. Wallace --

41 MR. WALLACE: Oh, I'm sorry, could that last --

42 THE REGISTRAR: My apologies. That last document
43 should have been marked as 1917.

44 MR. WALLACE: Thank you. This is document 23 from
45 Canada's list of documents.

46 MR. TAYLOR: Just on 1920 -- 1917, is it the entire tab
47 that's the exhibit?

1 MR. WALLACE: Yes. It'll be the covering emails plus
2 the attachment.

3 Q Ms. Dansereau, this is a document that describes
4 you as the Deputy Minister, Champion of Science
5 and Technology. It says here that you are charged
6 with strengthening the capacity of federal science
7 and technology in support of government
8 priorities. So this is a government-wide
9 obligation or opportunity that you have, correct?

10 MS. DANSEREAU: Yes.

11 Q Given that, does that not even make more
12 important, in your view, the needs of Science in
13 DFO?

14 MS. DANSEREAU: I have never said that the need for
15 science in DFO is not of paramount importance. I
16 think where there is a difference, perhaps, in the
17 points of view, is that I don't necessarily equate
18 constantly providing money as a solution. We need
19 money, we need base funding, we need budgets, but
20 for me, managing those budgets is as important as
21 having the budgets in the first place, and that's
22 what we're talking about here.

23 So to be the champion doesn't mean that I
24 will be knocking on Treasury Board's door asking
25 for more money for Science. It will mean that
26 I'll work with scientists across the system to
27 make sure that we have the tools and the abilities
28 to properly prioritize the work that is being done
29 against the priorities that have been established
30 by the government in the Speech from the Throne
31 and/or in the budget speech.

32 So it's simply a matter of providing some
33 support to the scientific community as opposed to
34 being the champion that goes knocking on the door
35 for more money.

36 Q Are you knocking on the door for more money for
37 Science in DFO?

38 MS. DANSEREAU: No. No, we are currently in a budget-
39 cutting exercise as you know.

40 Q Are you seeking to preserve the status quo with
41 funding for Science in DFO?

42 MS. DANSEREAU: We function, as I think you know, from
43 an outcomes focus, and we, as I said in -- when we
44 talked about the Habitat Policy, what really
45 matters is achieving the outcomes. We are given a
46 certain number of resources with which to achieve
47 those outcomes, so we have to organize ourselves

1 in such a way as to be able to do that. I don't
2 start from a dollar figure. I start from a desire
3 and the responsibility and a duty to achieve
4 outcomes.

5 MR. WALLACE: If we may go back to Exhibit 1917 for a
6 moment, please, Mr. Lunn. Oh, thank you. Before
7 we do that, could we mark Tab 23 in Canada's
8 documents with respect to Ms. Dansereau's role as
9 Deputy Minister, Champion of Science and
10 Technology, as the next exhibit, please.

11 THE REGISTRAR: That will be marked as 1918.

12
13 EXHIBIT 1918: Role of the Deputy Minister
14 Champion of Science
15

16 MR. WALLACE: Thank you.

17 Q And going back to 1917, I wonder, Ms. Richards
18 (sic), if I could direct you to page 3 of that
19 document. This is set out as your appreciation of
20 what various goals, budgetary constraints would
21 provide you for 2010/2011. So that's the current
22 -- that's the last fiscal year.

23 DR. RICHARDS: Yes. This is not for the current fiscal
24 year. This is written --

25 Q This is the one immediately past.

26 DR. RICHARDS: Yeah, yes.

27 Q And on page 3 under heading 5, there's an \$800,000
28 reduction which you then look at in the context of
29 cancellation of salmon monitoring programs. Did
30 in fact Science suffer that \$800,000 cut and were
31 these monitoring programs cancelled?

32 DR. RICHARDS: I think I'd like to provide, if I might,
33 just a little bit of context around this document.
34 I mean, every year we always have some funding
35 challenges, and every year we are asked to propose
36 what we would do if our budgets were reduced by
37 certain amounts.

38 So we go through these exercises, Mr.
39 Commissioner, and I consult with my staff and we
40 come up, as best we can, with -- taking into
41 consideration the priorities, we come up as best
42 we can with a list of proposals that we would put
43 forward for consideration.

44 In this case, we went to the group who was
45 doing enumeration and we had a very formal process
46 to rank all those programs and so we then looked
47 at that ranking and then basically looked at the

1 amount of money and then proposed cutting those
2 programs that were deemed to be the lowest
3 priority of that set.

4 Now, the process is we then go and then we
5 develop these lists. I then submit that, we then
6 have some discussion, I had some discussion with
7 my national colleagues around these proposals and
8 I think it was deemed last year that, in fact,
9 these were not appropriate to be reduced and in
10 fact there was some flexibility that was found
11 through the Assistant Deputy Minister of Science
12 and through my colleagues in national headquarters
13 region, and who were able to provide me with
14 funding which did offset this. So we did not have
15 to take those cuts that were opposed (sic). So
16 this was a proposal, but in fact we did not make
17 these reductions.

18 Q Have you given similar advice for the coming
19 fiscal year?

20 DR. RICHARDS: We go through similar exercises every
21 year. I can't remember precisely whether I went
22 through an exactly similar exercise this year, but
23 we did go through some exercise and look again at
24 some reductions that we might have to have
25 because, you know, we always -- well, I think you
26 very well know that Science can always spend more
27 money than we have, and that's just the way that
28 science is. So it's always a question of trying
29 to prioritize and look at this.

30 We did go through a bit of an exercise this
31 year and we did look at what we might need to
32 reduce, given the initial budgets that we were
33 under discussion, and we had a very similar
34 discussion with our national headquarters region
35 and said that in fact some of the reductions that
36 we might need to take were more than were
37 appropriate. So again, we did get some extra
38 funds this year based on that consultation and the
39 process that we underwent.

40 Q Did a reduction or cancellation of salmon
41 monitoring programs occur in this fiscal year?

42 DR. RICHARDS: Well, in fact, because we have different
43 programs each year because the different groups
44 that come back are coming back in different
45 proposed strengths so we don't tend to do exactly
46 the same programs every year. So I don't think
47 I've got a precise answer to that because we would

1 normally plan a slightly different suite of
2 programs in different years, depending on which
3 runs were coming back and the various abundances
4 projected for those different runs.

5 We have to do, I think as you've heard, we
6 have to do different kinds of programs so we
7 depend on the abundance of different stock groups
8 come back and so those programs are not precisely
9 the same year to year. So I think we were not
10 looking at the same magnitude of issues that we
11 had last year.

12 The issue that we were looking at in 2010 was
13 because we had such a very, very large run and
14 when we have an extremely large run -- well, in
15 fact, the cost of monitoring is in some sense
16 proportional to the size of the run. So when we
17 had that extreme return and very large run, it
18 cost more to monitor that run. We were not
19 looking at the same magnitude of return this year
20 and so the projected costs to monitor would be
21 less.

22 Q Were any salmon monitoring programs cancelled
23 because of lack of funds in 2011?

24 DR. RICHARDS: We always go through a prioritization
25 process and I think staff would always, every
26 year, like to do more monitoring than we do, so I
27 think we were comfortable this year that we dealt
28 with the highest priority programs, but there are
29 always, every year, more programs that we could do
30 for not just sockeye, but for all stocks of
31 salmon.

32 Q So I take it that there were some salmon programs
33 that were cancelled this year.

34 DR. RICHARDS: There is a longer list of programs every
35 year than we actually deliver, but I think this
36 year we felt comfortable that we dealt with the
37 highest priority of the enumeration projects that
38 we had to do.

39 Q The last paragraph, the last bullet under section
40 on page 3 is that this reduction would bring about
41 limited or no assessment could -- sorry, a lack of
42 an assessment:

43
44 ...could impede implementation of the Wild
45 Salmon Policy and the Sustainable Fisheries
46 Framework. Fisheries may no longer be viable
47 if exploitation rates are reduced due to

1 higher uncertainty.

2

3 Did the cuts or the budget in 2011/2012
4 produce that same risk?

5 DR. RICHARDS: As I just mentioned, in fact, the
6 programs that we feel comfortable that we were
7 able to achieve this year the highest priority
8 programs.

9 Q But my question is quite specific. These are
10 specific programs you mention there,
11 implementation of the Wild Salmon Policy,
12 Sustainable Fisheries Framework, and the reference
13 to specific fisheries which may not any longer be
14 viable if exploitation rates are reduced to
15 greater uncertainty. Did any of those three
16 specific outcomes occur as a result of budget
17 constraints in 2011/2012?

18 DR. RICHARDS: Not to my knowledge.

19 Q But you're not sure?

20 DR. RICHARDS: Well, you're asking the scientist and
21 this is a management question about the outcomes
22 of the science, so to my knowledge that we
23 provided all the important information that was
24 requested by our management colleagues.

25 And again, this paragraph is written in the
26 context of not just Fraser sockeye, but we're
27 really thinking about some other programs on
28 chinook, coho and other species of salmon.

29 Q Ms. Farlinger?

30 MS. FARLINGER: The implementation of the Wild Salmon
31 Policy continued as planned, as did the
32 implementation of the Sustainable Fisheries
33 Framework. There were no exploitation rates
34 reduced due to higher uncertainty in this year.

35 Q Ms. Dansereau, do you agree that DFO should be
36 investing in long-term monitoring of factors that
37 may affect sockeye, whether it's pathogens,
38 contaminants or other things?

39 MS. DANSEREAU: I agree that I should be receiving
40 advice from our scientists and our program
41 managers to make sure that we put our investments
42 in the right places to protect the fishery into
43 the future, whether that's monitoring or something
44 else. That, I would look at on a case-by-case
45 basis.

46 Q Dr. Richards?

47 DR. RICHARDS: I mean, I think I certainly concur with

- 1 the answer that you just heard from Ms. Dansereau.
2 We do need to look at things and continue to be
3 challenging and making sure that we're doing the
4 best we can. Just because we did this program
5 this way in the past doesn't mean that we need to
6 continue to do that program that way in the
7 future. We do need to be cognizant about the
8 priorities and also take into account changes in
9 technologies as you already mentioned earlier
10 today.
- 11 Q But you do agree, I take it, that it is DFO's role
12 to build this baseline understanding over the long
13 term.
- 14 DR. RICHARDS: Well, I think it's DFO's role to
15 continue with that baseline understanding, but not
16 just on Fraser sockeye, but it's really more
17 generally about the fisheries ecosystems in
18 British Columbia and the Yukon.
- 19 Q Ms. Dansereau, do you agree that this is part of
20 DFO's role, to build this baseline understanding
21 for sockeye and other species?
- 22 MS. DANSEREAU: I agree that it's certainly our role to
23 make sure that we know as much as we can about the
24 species, again, whatever methodology is used
25 depends on the era that we're in, and so science
26 changes. Yes, we need the information.
- 27 Q Thank you. Ms. Dansereau, moving onto something
28 completely different, have you directed the
29 Pacific Region to engage in a process with First
30 Nations to develop a co-management structure that
31 would involve First Nations with DFO in the
32 management of Fraser sockeye?
- 33 MS. DANSEREAU: The Region has been doing that kind of
34 work, started long before I arrived. It didn't
35 take my direction to do that, and it's ongoing
36 piece of work as defined in the Wildlife (sic)
37 Salmon Policy, but also as part of our regular way
38 of doing business across the country.
- 39 MR. WALLACE: Mr. Commissioner, I'm done except for two
40 housekeeping matters. We have c.v.'s marked as
41 exhibits for Dr. Richards and Ms. Farlinger, but
42 not for Mr. Bevan or Ms. Dansereau. So I wonder,
43 please, if you could bring Commission document
44 number 3 on the screen, please?
- 45 Mr. Bevan, is this your *curriculum vitae*?
- 46 MR. BEVAN: That is correct.
- 47 MR. WALLACE: May this be marked, please, as the next

1 exhibit?

2 THE REGISTRAR: Exhibit 1919.

3

4 EXHIBIT 1919: *Curriculum vitae* of David
5 Bevan
6

7 MR. WALLACE: And Commission document number 4, please?

8 Q Ms. Dansereau, the picture tells us, I think. Is
9 that your biography?

10 MS. DANSEREAU: I would say that it's a description of
11 my work in the past, but, if required, I can send
12 a more formal c.v. But yes, it is me.

13 Q I think this identifies you sufficiently.

14 MS. DANSEREAU: Yes.

15 MR. WALLACE: Thank you very much. May this be marked
16 as the next exhibit, please?

17 THE REGISTRAR: Exhibit 1920.

18

19 EXHIBIT 1920: Biography of Clair Dansereau
20

21 MR. WALLACE: Mr. Commissioner, that concludes my
22 examination. Canada is up next and I'm going to
23 turn the direction from hereon to Mr. McGowan.

24 THE COMMISSIONER: What is the --

25 MR. WALLACE: Mr. Commissioner, Canada has 180 minutes,
26 three hours.
27

28 CROSS-EXAMINATION BY MR. TAYLOR:
29

30 Q Just picking up on the - I thought Mr. McGowan was
31 going to speak - just picking up on the last point
32 that Mr. Wallace put forward, your biography,
33 Deputy.

34 MR. TAYLOR: Can we just bring up 1920 again, please?

35 Q I understand from that, Deputy, that you have a
36 degree, a Bachelor of Science in Microbiology?

37 MS. DANSEREAU: That's correct.

38 Q All right. Thank you. I'd like to begin with
39 budget process questions. Can you, Ms. Dansereau,
40 provide a brief overview of the budget process
41 within the federal government?

42 MS. DANSEREAU: You'd need the CFO here to give you a
43 better answer, but the budget process is -- we
44 have what are called "mains", which are the main
45 estimates and they're tabled in the House of
46 Commons for all departments in February, usually.
47 This year was a little bit different because of

1 the election. They describe all of the approved
2 expenditures for any government department.

3 Subsequent to that, and usually at
4 approximately the same time, a budget is
5 introduced in which governments have made
6 announcements for additional sources of funds and
7 those, then, need to go through their own approval
8 process in the House of Commons and that happens
9 through sups, what are called "supplementary
10 estimates" a, b and c, and that happens three
11 times in the course of the year.

12 So that's the overall government process
13 which we then feed into each department that must
14 develop its own estimates for the coming year to
15 be voted on by Parliament.

16 Q Now, this is an annual cycle, I take it.

17 MS. DANSEREAU: Yes.

18 Q And just backing up a bit, is the genesis of what
19 would become the budget process the Speech from
20 the Throne?

21 MS. DANSEREAU: Yes.

22 Q And that sets out the priorities of the government
23 for that year and perhaps beyond, is it?

24 MS. DANSEREAU: Usually beyond. It's not usually a
25 one-year Speech from the Throne, but sometimes it
26 is, yes.

27 Q And then am I right that there's a budget that is
28 introduced in the House of Commons by the Minister
29 of Finance following the Speech from the Throne?

30 MS. DANSEREAU: That's correct.

31 Q And then I just wasn't sure in what you were
32 saying are the main estimates you spoke of. Are
33 they before that budget that the Minister of
34 Finance brings in, or are they after that?

35 MS. DANSEREAU: Usually before that.

36 Q All right. And then ultimately the main estimates
37 are approved, I take it, in some form or other.

38 MS. DANSEREAU: That's right.

39 Q And then, from there, does the information from
40 that budgetary process reach Department of
41 Fisheries, in your case, and then go into the
42 Department to be worked through, if you like?

43 MS. DANSEREAU: It does. At that point, though, we
44 would have spent time the year before working on
45 our priorities and making sure that the Department
46 was lined up, both with the priorities of the
47 government from the Speech from the Throne, and

1 against our own priorities as defined in what's
2 called the -- no, the PAA, Program Activity
3 Architecture and the results process that we have
4 which defines our strategic outcomes. Then all of
5 the activities that we undertake in the
6 Department, it's a fairly complicated system, but
7 there are activities and sub-activities against
8 which we put dollar amounts, and they then all
9 should roll up to show Canadians what we have done
10 or what we intend to do against our stated
11 strategic outcomes, and that's in the RPP.
12 MR. TAYLOR: All right. And if I may, Mr. Lunn, could
13 we have what I'll call the new document we sent
14 yesterday which I believe is now Tab 50. It's a
15 deck. Yes, thank you.
16 Q This is a deck that is said on its face to be May
17 26, 2011. Do you recognize that, Deputy?
18 MS. DANSEREAU: Yes, I do.
19 Q And what is that?
20 MS. DANSEREAU: It's a document that I use to give a
21 presentation to a workshop that was being held at
22 the School of Public Service.
23 MR. TAYLOR: All right. And if we go to slide 4,
24 please, Mr. Lunn. It says -- the next slide.
25 Q It says at the top, "One-Pass Planning at a
26 Glance". I don't want to dwell on this, but what
27 is that phraseology, "One-Pass Planning"?
28 MS. DANSEREAU: It's a new planning process that we
29 have in the Department that is designed to
30 minimize the number of times we, from the centre,
31 go to all of the various responsibility areas to
32 seek information in order to prepare our reports,
33 and so if we can do it once for the year, we can
34 use the information for a variety of reports
35 including our business plans, our report on plans
36 and priorities.
37 If you see the outputs on the blue, the
38 report on "Plans and Priorities", our "Corporate
39 Business Plans" and so we have one set of inputs,
40 which is information that we would have gathered
41 from a number of different areas, the Speech from
42 the Throne being one, Mandate Letters. Ministers
43 receive mandate letters from the Prime Minister.
44 The clerk establishes priorities. Our performance
45 agreements are in here as well, and so we gather
46 all of the information into business plans, and
47 then from that, we are able to design our work for

1 the year.

2 Q All right. And this page we're looking at appears
3 to be a graphic illustration of many of the things
4 that you were describing a few moments ago. Is
5 that what this is?

6 MS. DANSEREAU: That is what this is.

7 Q Can you just briefly describe what this is telling
8 the reader as you move from left to right?

9 MS. DANSEREAU: Well, as we move from left to right, we
10 move from information sources that should be
11 helping us determine what we will be doing through
12 the course of the year and so we do an
13 environmental scan at the start of -- at this
14 point, we do it at the start of the fiscal year
15 for the following fiscal year to determine what
16 the factors are that we are facing, and that is we
17 receive input from the whole of the Department and
18 our planning folks look at the international
19 realities as well. So that's one set of
20 informations that we receive.

21 We look at evaluations from our various
22 programs and analyze those. We have had many
23 audits over the course of the year, so we get
24 information from that as to commitments that we've
25 made in the audits and what we need to do to
26 address those commitments. We make sure that the
27 information is attached to priority areas as
28 defined in the Speech from the Throne because we
29 are public servants and we are here to implement
30 the direction of the Prime Minister and the
31 government, and Parliament in fact, and so those
32 priorities are defined in the Speech from the
33 Throne, they're defined in the federal budget,
34 they're defined in mandate letters.

35 So that's the information that we use in
36 order to develop our own business plans. From
37 there, we will develop plans for all of our units.
38 Then we evaluate this partway through the year
39 which is where we will get the information for our
40 departmental performance document as well.

41 MR TAYLOR: All right. Thank you. Before I forget,
42 may this deck, which is Tab 50 from Canada's book,
43 be marked as the next exhibit, please.

44 THE REGISTRAR: Exhibit 1921.

45
46
47

1 EXHIBIT 1921: Integrated Planning Best
2 Practices in Fisheries and Oceans, May 26
3 2011 [DFP PowerPoint to Federal Heads of
4 Agencies Learning Day, v3]
5

6 MR. TAYLOR:

7 Q Just quickly, a couple of terms or three terms
8 that are not completely self-evident, Deputy, I
9 wonder if you could just briefly explain each.
10 Over on the left side, which is the information
11 inputs going in, towards the bottom left there's
12 "Risk Profile", "Evaluations", and "MRRS". What
13 are each of those?

14 MS. DANSEREAU: The risk profile is a requirement and
15 an absolutely logical requirement that all
16 departments must have corporate risk profiles to
17 determine in what area are they most likely -- or
18 is there potential for them to not achieve their
19 objectives? What is causing the department and
20 the clients and/or other areas to be at risk, and
21 the risk profile will also have mitigation
22 measures in them and those need to be included in
23 our business planning.

24 Evaluations, as I said, there are evaluations
25 of our various programs and in evaluations, we
26 will often identify activities that need to be
27 done in the course of the year.

28 The MRRS is the results --

29 MS. FARLINGER: Management results --

30 Q Ms. Farlinger?

31 MS. DANSEREAU: I'm sorry if we --

32 Q That's okay if no one's got it at hand.

33 MS. DANSEREAU: -- are using the acronym. But it's a
34 very important document for us because that is
35 where we first -- and that's an approved document
36 by Treasury Board for us, that we work on through
37 the year and it's where we define how we will be
38 held accountable. It defines our strategic
39 outcomes, it defines the indicators that we will
40 use and how we will be measured.

41 Q All right. Now, there's two other documents, I
42 understand, that aren't on this chart. We're
43 finished with deck.

44 One is "Report on Plans and Priorities", or
45 RPP, and another is "Departmental Performance
46 Report," DPR, and I think you referred or alluded
47 to that one a moment ago. In brief, what are each

1 of those reports or documents?

2 MS. DANSEREAU: The Report on Plans and Priorities is
3 the document that the Minister -- or that is
4 tabled in the House of Commons in Parliament. It
5 is a document that is in the Minister's name and
6 it is our summary of all of the plans that we have
7 for the coming year to inform Canadians on what we
8 intend to accomplish in the coming year.

9 The DPR is the performance, so it's an
10 analysis of the performance of the Department and
11 Treasury Board will feel that we have accomplished
12 against the RPP, against the Report on Plans and
13 Priorities, so one sets out the agenda and the
14 activities; the other does a review of our
15 performance against those.

16 Q All right. Thank you. Ms. Farlinger, because
17 we're in this inquiry most focused, of course, on
18 Fraser sockeye, we'll go to the Pacific Region
19 Budget, and in particular, we're of course
20 particularly concerned with British Columbia. But
21 just to remind everything (sic), I understand the
22 Pacific Region is British Columbia and the Yukon
23 Territory.

24 MS. FARLINGER: That's right.

25 Q And you are the Regional Director General for
26 Pacific Region, meaning both those political
27 jurisdictions.

28 MS. FARLINGER: That's true.

29 Q Can you briefly outline what processes you have
30 within the Pacific Region for the budgetary
31 process, what information or requirements are put
32 to you and then what you do as an organization in
33 British Columbia, and what comes out of that?

34 MS. FARLINGER: As the Deputy mentioned yesterday, I'm
35 a member of the Departmental Management Board, and
36 that is the area where the various elements
37 mentioned on the input side of the slide we
38 recently focused on are discussed and clarified.
39 In that process, I provide regional input to all
40 of those pieces of information and I also take the
41 output of those pieces of information back out to
42 the region in terms of our planning process.

43 So our planning process is very much a
44 product of the national planning process with
45 identified priorities including regional
46 priorities that have been incorporated into the
47 national priorities, and is very much an

1 operational plan for delivering all the programs
2 of Fisheries and Oceans in Pacific Region.

3 Q And who's involved in the development of the work-
4 up, if you like, for the Pacific Region budgetary
5 process?

6 MS. FARLINGER: We have regional directors who are
7 accountable for different program elements who
8 work with the staff of the Assistant Deputy
9 Minister of Ecosystem and Fisheries Management,
10 and the staff of the ADM Program Policy to make
11 sure the Pacific priorities and work are
12 understood, and also to understand the national
13 priorities and work.

14 So each of those regional directors, for
15 example, the Regional Director accountable for
16 Fisheries Management, the Regional Director
17 accountable for Science --

18 Q So that's Dr. Richards.

19 MS. FARLINGER: Dr. Richards. And the Regional
20 Director accountable for Ecosystems Management and
21 a Regional Director for Small Craft Harbours, for
22 example. Each of those individuals works with
23 their national program area to develop the program
24 priorities that relate to the larger departmental
25 priorities that have been previously established
26 in the process at the Departmental Management
27 Board.

28 The national business plan then comes
29 together with the individual program components
30 that have been worked on with our regional staff
31 and then we bring the national process and the
32 regional allocation back together to resolve, at
33 the operational level, to develop work plans
34 following approval of the regional work plan as it
35 fits into the national work plan.

36 Q All right. In terms of the budgets, the annual
37 budgets, I want to see if we can get a ballpark
38 number of national, regional, and then Science.
39 You can pick what year you want, what you might
40 have fresh to mind.

41 In terms of the national budget, Deputy, can
42 you say roughly what is the budget of the
43 Department and, in that, I appreciate that there's
44 a Coast Guard component, so you can include or
45 exclude that, however you think best.

46 MS. DANSEREAU: Thank you. The '11/'12 budget for the
47 Department, including Coast Guard because that's

1 the number I work with the most, is \$1.82 billion.
2 Q All right. And do you know roughly of that what
3 is the Coast Guard component?
4 MS. DANSEREAU: No.
5 Q Okay. And, Ms. Farlinger, your budget will be
6 part of the number that the Deputy has just put
7 forward. What's your budget?
8 MS. FARLINGER: I'm going to talk about this in terms
9 of expenditures for '09/'10 and '10/'11.
10 Q Okay.
11 MS. FARLINGER: In that regard, the total regional
12 budget for 2009/'10, including Coast Guard, was
13 \$404 million, the total expenditures. This was
14 broken down as follows: 271 for the DFO
15 activities, and 134 for the Coast Guard
16 expenditures.
17 In 2010/'11 was roughly the same, 404 million
18 overall. Pacific expenditures on the DFO side
19 were in the order of \$284 million and on Coast
20 Guard side, 126 million.
21 Q All right. And I appreciate that you may not have
22 the current year numbers right at hand. The
23 Deputy was speaking in current year numbers as I
24 understood her. Do you know whether your current
25 year numbers are different from 2010/'11 or how
26 much different they are?
27 MS. FARLINGER: We're in the process of going through
28 the year. The budget as allocated was in the same
29 range as last year.
30 Q All right. And then if we turn to Science, Dr.
31 Richards, can you say approximately what the
32 annual budget for Science in the Pacific Region
33 is?
34 DR. RICHARDS: I can tell you that our average
35 expenditures over the last five years, from all
36 sources, was about on the order of 55 million.
37 And of that --
38 Q That's per year, is it?
39 DR. RICHARDS: Per year, yes. That was our average
40 over the previous five years. I can also say
41 that, of that, it's a little complicated because
42 at the start of the year our budget tends to be
43 around 41 million, and then we do get money coming
44 in through the year, because a lot of the work
45 that we do is through competitive national
46 programs with directed funding that come in later
47 in the year.

1 So, in the end, as I mentioned, our year end
2 expenditures average over the last five years were
3 on the order of 55 million.

4 Q All right. Now, is it correct that budgets,
5 generally speaking, are created or determined by
6 reference to activity or projects?

7 MS. DANSEREAU: They are measured or -- I guess you
8 could say they're created -- but they are -- we
9 talk about activities and sub-activities of the
10 activity architecture, yes.

11 Q I should maybe put my question another way and
12 maybe this will help. Is the budgetary process
13 such that there are budget items allocated to
14 Fraser sockeye?

15 MS. FARLINGER: The budget is generally allocated by
16 program. For example, so, to Resource Management
17 or Fisheries Management to the Habitat Program to
18 the Small Craft Harbours Program to the Science
19 Program as described.

20 Q Would it be right, then, that it's not a
21 straightforward exercise to say what is the amount
22 actually spent towards Fraser sockeye?

23 MS. FARLINGER: It is difficult because we are taking
24 portions of programs. In preparation for the
25 inquiry, the Department did have an analysis done,
26 and our estimate over the five-year period from
27 5/6 to 9/10 ranged from 17.9 million to 23.3
28 million, that could be directly ascribed to Fraser
29 sockeye.

30 Q And those numbers are per year, are they?

31 MS. FARLINGER: Yes, they are.

32 Q And do you have an approximation of the amount
33 spent on salmon as a whole in the Pacific Region;
34 that is, beyond Fraser and sockeye, or Fraser
35 sockeye?

36 MS. FARLINGER: We have gone through that exercise also
37 partly in preparation for this, but also as a
38 matter of planning. We estimate that at least 50
39 million each year is spent in the management of
40 salmon. 2010/'11, we estimate the base level was
41 \$64 million spent on salmon directly, and that
42 does not take into account portions of programs
43 which were not attributed specifically to Pacific
44 salmon.

45 So the base number for '10/'11 is 64 million,
46 but we believe it is more than that.

47 MR. TAYLOR: All right. Thank you. If we may go to

1 Tab 6 of Canada's book of documents, please. This
2 is a document that we spoke of earlier, "Report on
3 Plan and Priorities" which I think is going to
4 come up.

5 Q Yes, do you recognize this, Deputy?

6 MS. DANSEREAU: Yes, I do.

7 Q It is what it says it is by the title, I take it.

8 MS. DANSEREAU: It is.

9 MR. TAYLOR: Could this be the next exhibit, please?

10 THE REGISTRAR: Exhibit 1922.

11

12 EXHIBIT 1922: Report on Plans and Priorities
13 2011-12
14

15 MR. TAYLOR: Now, if you go to page 1? Thank you.

16 Q You'll see there under "Highlights for 2011/12",
17 and this is a page where the Minister is providing
18 his overview of what the document contains, you'll
19 see highlights there. The first one is
20 "Modernizing Fisheries" as being a key priority
21 and initiative. Can you, Deputy, put in more
22 concrete terms than the words "Modernizing
23 Fisheries", what is being conveyed there or what
24 is it that is going to be done as a priority?

25 MS. DANSEREAU: This is an exercise the Department has
26 been involved in for a number of years, and we
27 will continue to be involved in. It's ensuring
28 that we have the most up-to-date policies to allow
29 the people who fish and the people who live off
30 the fishery the best -- provide them with the best
31 policies to ensure that they can be economically
32 prosperous.

33 So that means a whole series of things, some
34 of which you've heard David Bevan talk about
35 yesterday. It includes the policies, changing --
36 the number of policies that we have, the types of
37 policies that we have, and it's just looking at a
38 whole suite of activities inside the Department.

39 Q All right. And if you look at, I think it's the
40 bottom, yes, the bottom bullet there.

41

42 Strengthening engagement and key
43 partnerships, including renewal of the
44 departmental consultation framework,
45 especially its Aboriginal dimensions.
46

47

Are you able to say what's encompassed in that in

1 more concrete terms?

2 MS. DANSEREAU: Well, as you know, this is an important
3 area for us. We are a partnership-based
4 organization in all of the, I guess, client group
5 or partner groups, whether that's in a commercial
6 fishery or First Nations. We know, through
7 experience over time, that the only way for us to
8 do bullet number 1, modernizing the fishery, is to
9 do it through proper consultation and partnership.
10 So all of our regions and all of our areas are
11 working actively and ensuring that we have the
12 best engagement strategies and partnership
13 relationship.

14 MR. TAYLOR: All right. Thank you. If you turn to
15 page 3, please, Mr. Lunn?

16 Q You'll see there -- I may not have the right page.
17 I'm looking for the "Strategic Outcomes" page.
18 I'll move on, on that.

19 Well, let me do it this way: At some point
20 in there, there's a strategic outcome that is
21 economically prosperous maritime sectors and
22 fisheries. Are you familiar with that, Deputy?

23 MS. DANSEREAU: Yes, very much.

24 Q Probably very familiar.

25 MS. DANSEREAU: Yes, very.

26 Q I think it's on pages 3 and 18, although I can't
27 see it on page 3 when it came up there. What's
28 meant by that?

29 MS. DANSEREAU: It's actually on page 5.

30 Q Okay, thank you.

31 MS. DANSEREAU: Again, it's ensuring that the people
32 who participate in the fisheries in Canada are in
33 a position to be able to earn a good standard of
34 living, and so against that, as I described
35 earlier, we have -- so that is what we would call
36 a strategic outcome. That is what we tell
37 Canadians we are aiming to achieve. Then the
38 activities will be in the green boxes, and that's
39 a set of programs against which funds are placed,
40 and then under that, would be sub-activities
41 within those programs.

42 So each of those has an evaluation and
43 measurement framework for us to determine whether
44 or not we're achieving the outcomes to allow us to
45 determine if we're helping our maritime sector to
46 become economically prosperous or remaining
47 economically prosperous if they are.

1 Given the uncertainties that we all know
2 about, if there are no fish, then we can't
3 possibly achieve that outcome.

4 Q If you scroll down the page a bit there, we come
5 to "Sustainable Aquatic Ecosystems", and that's
6 dealt with in more detail at page 32 and
7 following. What is encompassed there? You can
8 see some of the bullets beside the words there,
9 but what's this all about?

10 MS. DANSEREAU: Well, again, this is a way of tracking
11 our expenditures against what we think the key
12 program areas are in order to achieve that
13 outcome. So in order to, we think, achieve
14 sustainable aquatic ecosystems, we need to have a
15 good compliance and enforcement program.

16 We need to have, in this case, salmonid
17 enhancement programs, habitat management, various
18 big program areas against which our staff will be
19 dedicated in the sub-program areas.

20 Q All right. And then the next one is "Safe and
21 Secure Waters" which, as well as being there on
22 page 5, is at page 41 and following. This appears
23 to be, if you like, the infrastructure and some of
24 the things that are done by your Department that
25 are very important, although they're not directly
26 on Fraser sockeye, such as search and rescue and
27 whatnot, is it?

28 MS. DANSEREAU: That's right. A lot of the Coast Guard
29 activities are captured here. We need to be able
30 to define our investments in Coast Guard
31 activities, but also other things such as the
32 hydrographic projects which are critically
33 important to mariners that come near Canadian
34 waters, whatever those mariners may be doing. So,
35 again, it's a critical responsibility of the
36 Department, including the Coast Guard, to ensure,
37 to the best of our ability, safe and secure
38 waters.

39 MR. TAYLOR: All right. And if we turn to Tab 16 of
40 Canada's book of documents, I'll just introduce
41 this, perhaps, and then we'll get to the lunch
42 break. I'm going to go into an area to deal with
43 DFO policy making.

44 Tab 16 is a compendium of questions that are
45 extracted from the transcript, and they're
46 questions and comments that you, Mr. Commissioner,
47 were asking and making on the dates that you'll

1 note there. I propose that we mark this as a
2 document for identification. I don't think we
3 need it as an exhibit proper, although if you want
4 it, I'm not opposed to that.

5 THE COMMISSIONER: Identification.

6 MR. TAYLOR: Thank you.

7 THE REGISTRAR: It'll be marked for identification as
8 JJJ, triple J.

9

10 MARKED JJJ FOR IDENTIFICATION: List of
11 transcript references re Commissioner's
12 questions regarding policy

13

14 MR. TAYLOR: And then after the lunch break, I'll ask
15 the panellists if they could answer and comment on
16 the questions and comments you've got there,
17 because we think it's very important, of course,
18 that we give you what we hope is helpful on policy
19 and answering those questions.

20 THE COMMISSIONER: Thank you very much.

21 THE REGISTRAR: The hearing will now adjourn to 2:00
22 p.m.

23

24 (PROCEEDINGS ADJOURNED FOR NOON RECESS)
25 (PROCEEDINGS RECONVENED)

26

27 THE REGISTRAR: The hearing is now resumed.

28

29 CROSS-EXAMINATION BY MR. TAYLOR, continuing:

30

31 Q I'll move, if I may, to DFO policy, and just
32 before the break we marked as Exhibit JJJ,
33 document for identification, the transcription
34 that we've made of passages from the
35 Commissioner's questions about policy. And if I
36 may, I'm going to draw the panel's attention,
37 mainly the Deputy and Ms. Farlinger, to portions
38 here. I know you're familiar with some of this
39 but just to capsulize it. You'll see that under
40 what's called item 3, which is extract from March
41 2, 2011, the Commissioner said amongst other
42 things:

43

44 I've seen documents called "new
45 directions"... "policies"... "vision
46 statements"... "reform". And in some cases,
47 they're...acted upon...

1 Those are the Commissioner's words:

2
3 ...a policy in the [form] of something called
4 a "vision statement"...

5
6 And then this is the real question. The
7 Commissioner is seeking some clarity:

8
9 What's a policy? What's a vision? What's a
10 new direction? What's a reform package? Do
11 they all have the same weight?

12
13 And then further down on March the 4th, the
14 Commissioner, amongst other things said, "In other
15 words", this is the middle of that quote:

16
17 In other words, in the application of those
18 documents to the day-to-day operations of the
19 DFO, what is the weight [to be] given to
20 those documents in terms of their
21 implementation and importance.

22
23 And he also asked:

24
25 [H]ow these things are tied together?

26
27 And finally, over under item 6 from the August
28 19th transcript, the Commissioner asked:

29
30 If there is a hierarchy of importance within
31 the DFO structure, where does a framework
32 fit, as opposed to a policy or a program?

33
34 Now, there's a host of questions in there, and
35 good questions from the Commissioner, and I'll try
36 to break it down. But with that backdrop, I'll
37 start with you, if I may, Deputy Minister. Can
38 you explain the distinction between a policy, a
39 framework, a new direction, a vision statement, a
40 discussion paper? You're smiling.

41 MS. DANSEREAU: Well, I will do my best --

42 Q Thank you.

43 MS. DANSEREAU: -- to explain, and Sue will be able to
44 bring, I think, these documents to light. The New
45 Directions document, I mean that's a title of a
46 document that could have been applied to any
47 number of things. It could have been applied as a

1 title to a program or a policy, or it would be a
2 new direction. Often, though, it's a document
3 like that will be an overarching piece to set the
4 frame for where we intend to go over the next
5 number of years, and then from that there could be
6 a framework established within it. And I may be
7 wrong, because I wasn't part of the New Directions
8 document. And the policy, though becomes closer
9 to the ground than either of those two. And then
10 a program is really how we do our business.

11 So a policy should set out the broad
12 principles, set out the direction, and a program
13 will tell or describe how we do things and how we
14 measure things.

15 Q So if you like, did you say a framework's at the
16 top of the pile?

17 MS. DANSEREAU: In general a framework overall would be
18 at the top of the pile.

19 Q And then a policy under that?

20 MS. DANSEREAU: Yes.

21 Q And then a program is the operational side of
22 things.

23 MS. DANSEREAU: In general, but we have to be careful
24 because there can be smaller frameworks within an
25 overall program.

26 Q All right.

27 MS. DANSEREAU: So really the two clearest
28 distinctions, in my view, are policies and
29 programs, and a program being the true operations
30 and the delivery of a policy.

31 Q Okay. That's very helpful. And I think you might
32 have said this, but I missed it. We've got
33 framework, policy and program. And discussion
34 paper, where does that fit into that hierarchy of
35 sorts that you were outlining?

36 MS. DANSEREAU: A discussion paper would be used very
37 often in the development of a policy, or even in
38 the development of a program. So it would be
39 something that we would generate or have generated
40 for us to think about and talk about, or even for
41 a committee to think about in the development of a
42 program or policy.

43 Q Then if we look, or if we consider horizontally,
44 we've been talking vertically, if you like, for
45 the moment, if we move to the horizontal, how do
46 policies tie together, one policy to another, or
47 fit together?

1 MS. DANSEREAU: Unfortunately some of this has a little
2 bit to do with the moment in time that we are in.
3 And as I said yesterday, if I was to be the author
4 today of the Wild Salmon Policy, I would not have
5 drafted it the way it's currently drafted, because
6 it has elements of a policy, and in my view it
7 also has elements of a program. So and that was
8 written in 2005, and the current thinking is a
9 little bit different on a program versus a policy,
10 and then the relationship between certain
11 policies.

12 We in the Department are working towards as
13 much integration as we possibly can in our
14 policies, so to make sure that what we are
15 establishing in policy, whether it's for habitat
16 or for ecosystems or for fisheries, are linked
17 together in a certain direction. Which is why we
18 have the governance structure that we do, to make
19 sure that even though a document will be -- even
20 though a policy document will be specific to a
21 topic, it should in fact be linked to other
22 policies wherever possible.

23 Q Okay. I think it's pretty clear on the evidence
24 when a program ends, it ends when the funding
25 stops, or it ends when the program says it ends,
26 or when another program is replacing it. Is there
27 a way to know when a policy ends?

28 MS. DANSEREAU: And this is a big debate always in
29 policy circles, but generally policies, unless
30 defined in the policy itself, will be ongoing
31 until replaced by a new policy.

32 Q All right.

33 MS. DANSEREAU: And so we have in the federal
34 government what we call "policy shops", so we have
35 centres of policy making. And they will consider
36 whether or not a policy that's under development
37 should be time-limited or should be ongoing. So
38 as you know, the Habitat Policy that we currently
39 have was written in 1986 and no one has changed it
40 since. And so it is a live and active policy. If
41 it gets changed, it will then be a historical
42 policy and not applied.

43 Q All right. Ms. Farlinger, the Deputy alluded to
44 this at the beginning of her evidence in this
45 portion, I think, that you might bring to life
46 policy and program. Picking up on what the Deputy
47 has said, are you able to bring to life, as one

1 might say, policy and program from a regional
2 perspective, how they fit together, what they are
3 and how they fit together?

4 MS. FARLINGER: Well, I can certainly try. The
5 distinction between program and policy, as the
6 Deputy said, is really the primary one. It's
7 probably useful to know that policy comes in a
8 number of forms, and it has sometimes come in the
9 past as a form of ministerial announcement. It
10 has come as a documented policy like the Habitat
11 Policy, or like the Wild Salmon Policy. And more
12 recently we have seen collectively the attempt to
13 bring those policies together, update them and
14 make them coherent.

15 So maybe I'll pick a couple of examples. If
16 you were to look at the program we call PICFI,
17 that is funding to implement certain activities,
18 and the policy that backstopped that is Pacific
19 Fisheries Renewal. And so then we understand that
20 we use the programs in PICFI that are funded to
21 advance the policies which are set out in terms of
22 Pacific Fisheries Reform -- I'm sorry, it's a bit
23 of a challenge in itself, getting the names right.

24 And on the same side if you look at
25 Aboriginal programs, like the Aboriginal Fisheries
26 Program, like the Allocation Transfer Program, and
27 in fact the PICFI Program, they are influenced by
28 Aboriginal Fisheries Policy, which was also
29 entered into evidence, I think, setting out how
30 Aboriginal fishing would take place, and how
31 monitoring and enforcement would take place. And
32 more recently there is policy on how Aboriginal
33 agreements are set out, how payments are made, how
34 reporting gets made. So those are the policy
35 elements, but the AFS Program, the AAROM Program,
36 the PICFI Program are program elements of that.

37 Now, we have policy and programs, policy on
38 the various elements of fishery management. For
39 example, we have across the fisheries, allocation
40 policies, and those have to do with who gets what,
41 and what the priority of who gets what is. That
42 works together with the conservation-based
43 policies in some cases.

44 For example, in salmon, the expression of the
45 very broad international and Canadian
46 precautionary approach is the Wild Salmon Policy.
47 So they are, in fact, elements of the same thing.

1 But the Wild Salmon Policy says for the biology of
2 this fish, and for the way in which the fishery is
3 prosecuted, and for the environment in which it
4 works, this is how you would implement the
5 precautionary approach. So they are nested in a
6 sense from our international obligations, our
7 Canadian Canada-wide policy. There is a
8 government-wide policy on precautionary approach.
9 And this is how it applies to Pacific salmon
10 fisheries. And we have it in other parts of the
11 country in other policies to apply to other
12 fisheries.

13 We have policies, for example, that came out
14 of the New Directions Framework, and that was work
15 done by the Minister with the region around salmon
16 back in the late '90s/2000 that said, we're going
17 to tell you these things; we're going to create
18 policies, and so we're going to talk about
19 consultation and how it will take place; we're
20 going to talk about salmon allocation and tell you
21 what the priorities are; we're going to develop a
22 Wild Salmon Policy; we're going to develop a
23 Selective Fishing Policy, and then the programs
24 which we have, which go on, which broadly in this
25 instance are fisheries management for salmon,
26 respect those policies.

27 So policies are hierarchical in the sense
28 that they need to become more detailed as they are
29 applied more specifically, and programs are things
30 that go on and are influenced and directed by the
31 policies.

32 So I don't know if that's helpful, but...

33 Q And in a regional context, that's largely an
34 operational end of the Department; is that right?

35 MS. FARLINGER: That's right. Our responsibility in
36 the region is to implement the programs of the
37 Department in line with the policies of the
38 Department.

39 Q All right, thank you, and you've answered my next
40 question, so thank you. Deputy?

41 MS. DANSEREAU: May I add to that. Though it's true
42 that the regions are the implementers and they are
43 primarily focused on program, but all of our
44 policies need to be developed with the input of
45 the people on the ground, therefore the input of
46 the regions, because that's where the knowledge
47 is. And so we have policy thinkers who can take a

1 Canada-wide perspective in Ottawa, but we need
2 absolutely to develop our policy with the help of
3 the people who actually implement. So that's why
4 Sue is involved in a lot of the policy committees
5 that we have, and brings a wealth of experience to
6 those discussions.

7 Q And what you're saying, as I understand it then,
8 is the region has a role in policy development,
9 which is ultimately developed and then the
10 operational side, if you like, the region, being
11 largely the operational end, is the one who then
12 takes that and implements it.

13 MS. DANSEREAU: That's right.

14 Q And just a couple of further questions on this, if
15 I may. Would it be right, Deputy and Ms.
16 Farlinger, that within the region the more senior
17 the official, and, Ms. Farlinger, you're the most
18 senior official in the region, of course, the more
19 you would be involved in policy development and
20 then coming back overseeing the operational end of
21 things, or the implementation of policy, and as
22 you move down the -- as you move down the regional
23 hierarchy, the people will be more and more
24 strictly operational.

25 MS. FARLINGER: Yes, that's a fair comment.

26 Q All right. Now, on December the 16th last year
27 and, Ms. Farlinger, you gave evidence at page 17,
28 and I don't need to take you to it as such, but if
29 you think you need to see it, let me know. You
30 gave evidence then in answer to a question from
31 the Commissioner, and the gist of the
32 Commissioner's question was that he asked which of
33 the policies that you were referring to that day
34 fell under the direct responsibility of the region
35 for administrative purposes. And you may recall
36 that you were asked by Mr. Timberg about a number
37 of policies which were all exhibits in and around
38 the range of Exhibits 260 and into the 270s, as
39 numbers. You were asked about them and you gave
40 evidence, and then the Commissioner at the end
41 asked what I just said. And you gave evidence
42 then on page 18 and following as to which of those
43 policies is national and which is regional.

44 I just want to pick up on that, because as I
45 understand the Commissioner's question, he wanted
46 to know, and your evidence was helpful there, but
47 he also wanted to know which of the policies fell

1 under the direct responsibility of the region for
2 administrative purposes. And so a further
3 question I have of you, then, picking up on the
4 Commissioner's question: In terms of
5 responsibility for applying policies in the
6 Pacific Region, whether it's a national policy or
7 a regional policy, who's got that responsibility?

8 MS. FARLINGER: At the operational level, I have the
9 responsibility for ensuring the programs that are
10 delivered here in the region are delivered
11 consistently with policy, whether it is regional
12 policy or national policy. In a sense all policy
13 is national policy, because we couldn't have a
14 policy here in the region that had not been
15 approved and managed through the national policy
16 process.

17 The reason we would have one specifically
18 here is for example in the case of the Wild Salmon
19 Policy, we have Pacific salmon.

20 Q All right. Deputy.

21 MS. DANSEREAU: We need to -- sorry, we need to
22 remember also that the Minister is the key policy
23 maker for the Department. That is the role of --
24 one of the key roles of a Minister, and my role
25 would be to advise the Minister once -- on the
26 bigger policies. And sometimes even on some
27 fairly narrow policies, and it's always the
28 Minister's prerogative to decide whether or not to
29 become involved in the development of certain
30 policies or the approval thereof.

31 Q All right, thank you. Could we go to Commission's
32 Tab 2, please, this is a fairly lengthy document.
33 It will come up on the screen as the first page.
34 It's a list of Treaties and Acts and Regulations,
35 Agreements, Policies, Programs and Procedures
36 regarding fisheries management on the Pacific
37 Coast. Ms. Farlinger, do you recognize that
38 document?

39 MS. FARLINGER: Yes, I do.

40 Q Can you say what it is, as you understand it?

41 MS. FARLINGER: As I understand it, it's a list of --
42 well, as you can see, Treaties, Acts, Regulations
43 Agreements, Policies, Programs and Procedures that
44 are related to the management of fish habitat --
45 fish and fish habitat, sorry.

46 Q It was something Fisheries prepared for purposes
47 of this Commission of Inquiry, was it?

1 MS. FARLINGER: Yes.

2 MR. TAYLOR: All right. This is approximately a 50-or-
3 something-page document. I'd ask that that be the
4 next exhibit please.

5 THE REGISTRAR: Exhibit 1923.

6
7 EXHIBIT 1923: List of Treaties, Acts
8 Regulations, Agreements, Policies Programs
9 and Procedures related to the Management of
10 Fish and Fish Habitat on the Pacific Coast of
11 Canada, October 2010
12

13 MR. TAYLOR:

14 Q Now, within that document there are hyperlinks to
15 various policies that are there, and I have a CD,
16 and I talked to Mr. Wallace and Mr. Lunn, and I
17 think the best thing is to mark the CD, which are
18 the hyperlinks, as an exhibit. They're all on
19 Ringtail, all of the participants have access to
20 them through Ringtail, but after this Commission
21 concludes, there won't be Ringtail, at least not
22 for this. So I'm proposing to put in the CD. I
23 see that I don't actually -- or I do on the
24 backside have enough space if you put a stamp on
25 it.

26 MR. MCGOWAN: Yes, I think that's probably appropriate,
27 Mr. Commissioner. I do note that the CD contains
28 some things that perhaps aren't typical or
29 entirely appropriate to be exhibits, such as
30 legislation, but in the interest of efficiency and
31 accessing the documents that are listed, I think
32 this is the most sensible approach.

33 THE REGISTRAR: Do you wish that to be made a
34 subdocument of the 1923?

35 MR. MCGOWAN: I think a subdocument would be
36 appropriate, yes.

37 THE REGISTRAR: That will be marked as 1923A.

38
39 EXHIBIT 1923A: CD containing documents
40 linked to Exhibit 1923
41

42 MR. HARVEY: I'm sorry, will participants be given a
43 copy of that?

44 MR. TAYLOR: We can make a copy. It's all on Ringtail,
45 Mr. Harvey.

46 MS. GAERTNER: With all due respect, I think that
47 getting a copy to all the participants would be

1 helpful.
2 MR. TAYLOR: We'll make a copy available, yes.
3 MR. MCGOWAN: And, Mr. Commissioner, we'll endeavour to
4 make the links somehow accessible on our website,
5 if that's possible, as well.
6 MR. TAYLOR: In fairness to Mr. Harvey, his reaction
7 was about the same as mine.
8 Q Now, from that document, Ms. Farlinger, there was
9 a subset listed, and that's at Tab 15 of Canada's
10 book of documents, and this is something entitled
11 "Selected Examples of Policies Related to the
12 Management of Pacific Salmon and their Habitat",
13 it's dated May of 2011. Do you recognize that?
14 MS. FARLINGER: Just a moment, please.
15 Yes, I do.
16 Q Now, it's divided into four categories,
17 Conservation, Sustainable Use, Consultation and
18 Decision Making, Collaboration and Co-management.
19 Without for the moment worrying about the policies
20 under each of those, is that a fair categorization
21 of the policies that apply to Pacific salmon in
22 the Pacific Coast?
23 MS. FARLINGER: Yes, it is.
24 Q And would it be correct that there's overlap
25 between those categorizations such as, for
26 example, the Wild Salmon Policy is listed under a
27 couple of them.
28 MS. FARLINGER: Yes, that's true, and I also note that
29 there are some programs in here.
30 Q Yes.
31 MS. FARLINGER: Rather than policies.
32 Q Which are those?
33 MS. FARLINGER: I would talk about, for example, the
34 Pacific Fisheries Adjustment and Restructuring
35 Program under -- it's number 5 under "Sustainable
36 Use".
37 Q Any others?
38 MS. FARLINGER: The Pacific Integrated Commercial
39 Fisheries Initiative, number 10.
40 Q Okay, that comes up as 16, as well. Any others?
41 MS. FARLINGER: The Aboriginal Aquatic Resources and
42 Oceans Management Program, number 14.
43 Q All right.
44 MS. FARLINGER: The Aboriginal Fisheries Strategy,
45 number 13.
46 Q All right.
47 MS. FARLINGER: And I would just point out in

1 Consultation and Decision Making, the Toolbox is
2 really a set of tools as opposed to a policy.

3 Q All right.

4 MS. FARLINGER: They're a set of tools for
5 practitioners to be in compliance with policy.

6 MR. TAYLOR: All right. Could this Tab 15 be marked as
7 the next exhibit, please.

8 THE REGISTRAR: Exhibit 1924.

9

10 EXHIBIT 1924: Selected Examples of Policies
11 Related to the Management of Pacific Salmon
12 and their Habitat, May 2011
13

14 MR. TAYLOR:

15 Q If we go to Tab 20 of Canada's book of documents,
16 we have something entitled "A Framework for the
17 Application of Precaution in Science-Based
18 Decision-Making About Risk", and I'll turn to you,
19 Mr Bevan, if I may, with regard to this. Do you
20 recognize this document?

21 MR. BEVAN: Yes, I do.

22 Q And what is it, firstly?

23 MR. BEVAN: It's giving guidance on how to use
24 scientific information in making decisions, and to
25 do so based on use of the precautionary approach,
26 or in following the precautionary principle.

27 Q Okay. And I'm just going to identify a couple of
28 -- one other document, and as I go there, and then
29 we're going to come back to some substantive
30 questions. As we go to the next document, and may
31 Tab 20 be the next exhibit, please.

32 THE REGISTRAR: It's already marked as Exhibit 51.

33 MR. TAYLOR: Sorry, the number?

34 THE REGISTRAR: Exhibit 51.

35 MR. TAYLOR: Thank you.

36 Q And if we turn to Tab 21, do you recognize this
37 document, Mr. Bevan?

38 MR. BEVAN: Yes, I do.

39 Q And what is that?

40 MR. BEVAN: Again, it provides guidance to managers in
41 making decisions and incorporating in their
42 decision-making process the precautionary
43 approach.

44 MR. TAYLOR: Okay. And may we mark this as an exhibit,
45 too, please.

46 MR. MCGOWAN: I believe it may already --

47 THE REGISTRAR: That is Exhibit 185.

1 MR. TAYLOR: Okay.

2 THE COMMISSIONER: I'm sorry, what is it?

3 THE REGISTRAR: Exhibit 185.

4 MR. TAYLOR:

5 Q Now, let's take 21, which is Exhibit 185. Do you
6 know the approximate date of that document?

7 MR. BEVAN: It's a few years old. It must be in the
8 early 2000s, I think, based on the appearance of
9 it. It does lay out the precautionary approach,
10 but I would note that we have used it for some
11 time, the precautionary approach, and would have
12 some nuances around how this approach would be put
13 in place in today's context.

14 Q Okay.

15 MR. BEVAN: I don't have a specific date for it, but
16 it's similar to documents I've seen from the years
17 2000, and I can't put a date on it, whether it's
18 2003 or 2005, that kind of thing.

19 Q All right. Turning back to Tab 20, which is
20 Exhibit 51, do you know the date of this document?
21 And just in that regard, on the page that's
22 overleaf from the title there's some coding that
23 makes me wonder or believe that it might be 2003.
24 But do you know?

25 MR. BEVAN: I share your view on the meaning of the
26 coding, but I have to confess I haven't got a
27 specific date for this one. But again it's a
28 document that is consistent with the kind of work
29 that was being done in the development of the
30 precautionary approach at that time, and around
31 the first half of the 2000s.

32 Q Okay. And if we again go back to Tab 21, Exhibit
33 185, at the bottom of the first page there's a
34 footnote, and can you tell me if you've got a
35 comment about that first footnote there?

36 MR. BEVAN: Yes. That footnote would refer to the fact
37 that these documents are not made in absolute
38 isolation. They are informed by legislation,
39 including the **Fisheries Act**, the **Oceans Act** and
40 **Species at Risk Act**. And while each of those **Acts**
41 in and of itself, don't necessarily deal with the
42 precautionary approach, for example, the **Fisheries**
43 **Act** does not provide the Minister with guidance in
44 how to use the discretion that the **Act** provides
45 the Minister in terms of who gets the fish, where
46 they fish, how they fish, with what gear they
47 fish. There's not a lot of guidance in that **Act**

1 concerning how to conserve. There's no reference
2 to that. There's no reference to the
3 precautionary approach, and there's no legal
4 guidance on how to decide who gets the fish and
5 who doesn't.

6 But that **Act** is not in isolation. We have
7 the **Oceans Act** and we have the **Species at Risk**
8 **Act**, which moved down the spectrum to providing
9 more protection for species, et cetera. And
10 moreover, we also have things like the **U.N.**
11 **Fisheries Agreement, UNFA**, which is something that
12 the Canadian Government has ratified, and that
13 brings some legal status to that in terms of
14 obligations for the government. And that again
15 does get specific around the precautionary
16 principle and precautionary approach.

17 And the document that we're looking at here
18 would be reflective of the kind of thinking that
19 went into the development of the precautionary
20 approach subsequent to international work on it
21 under the **United Nations Agreement on Straddling**
22 **Stocks and Highly Migratory Stocks, or UNFA.**

23 Q Okay. You mentioned at one point **United Nations**
24 **Fisheries Agreement** and you said **UNFA**, so I take
25 it for Madam Reporter, you're saying U-N-F-A; is
26 that right?

27 MR. BEVAN: That's correct.

28 Q Now, this is all about the precautionary approach
29 or precautionary principle. Is there a difference
30 between those two things?

31 MR. BEVAN: Yes, I think so. The principle is
32 something that was looked at more broadly than
33 just fisheries or just resource management
34 decisions. It was looked at, at the time, in
35 terms of dealing with scientific uncertainty and
36 the need to make decisions in the face of that
37 uncertainty, and how to do so in a way that would
38 manage the risk for avoiding irrevocable or
39 significant harm as a result of those decisions.
40 So it was basic, in our view, a principle on how
41 to make those decisions in the face of
42 uncertainty.

43 When I look at the precautionary approach, as
44 reflected in the document that's currently on the
45 screen, it's much more specific. It gets into the
46 details of how to take decisions in the face of
47 scientific uncertainty, and to be precautionary in

1 order to prevent irrevocable or significant harm
2 to the stocks that we are responsible for
3 managing.

4 And you'll see on some of the subsequent
5 pages the stock status on one axis and removal
6 rate on another, and zones of critical zones,
7 cautious zones and healthy zones, and the kinds of
8 guidance that the approach would give to managers
9 about how to incorporate uncertain scientific
10 advice in their decision-making and to do so in a
11 way that is precautionary.

12 I would note that these approaches that are
13 reflected in this document, we've certainly
14 learned in their application over time, it's
15 almost a little bit humorous to think that the
16 dial that we as managers get to turn, which is a
17 dial on how much fish is taken and therefore the
18 fishing mortality, that there's a direct
19 relationship between our actions and nature's
20 response to those actions in terms of stock
21 abundance. I think it's pretty clear that we've
22 learned that in certain circumstances where you
23 have high natural mortality or variable mortality,
24 and you have a short-lived species, you're not
25 going to have this -- the kind of control. If you
26 have a long-lived species with low natural
27 mortality, fishing mortality will have more direct
28 potential impacts.

29 These are also designed to deal with multi-
30 year class spawning components of the population.
31 So you'll have a population made up of numerous
32 spawning year classes, and year class success, the
33 recruitment of one year class on any given year,
34 can be variable. But over -- you have it damped
35 out over time because of the fact that it was
36 based on a population like cod, which could have
37 numerous spawning year classes.

38 The manifestation in the Pacific context of
39 this precautionary approach would be the Wild
40 Salmon Policy, because it has to deal with the
41 fact that in sockeye you only have three living
42 year classes when you're fishing on the returning
43 adults. And those can be highly variable in terms
44 of -- as in any fish population, the recruitment
45 of one year class could be very variable depending
46 on a myriad of conditions that have been presented
47 to the Commission.

1 So we can't use the precautionary approach as
2 written here on multiyear populations, because we
3 have to factor in things such as the status of the
4 population. Is it a long-lived low natural
5 mortality fishery where you have more control over
6 response to fishing mortality, or is it something
7 where we respond with setting fishing mortality to
8 a highly variable short-lived species with
9 significant natural mortality. In that case we
10 don't control things. Nature controls us and we
11 set the mortality in response to that. And in
12 other cases we have a bit more control, but it's
13 not linear, it's not direct, we don't have a dial-
14 in to go beyond our control of fishing mortality,
15 and you can have a predictable, absolute
16 predictable outcome in terms of population
17 abundance.

18 And the Wild Salmon Policy reflects the fact
19 that we're applying this general principle to a
20 situation where we have one year class that
21 supports the fishery and we have to ensure that we
22 control the mortality on that, such that we get
23 adequate spawners to the spawning ground. But
24 also we have to understand that just because we
25 can do that, doesn't mean it will be an absolute
26 response four years out as a result of the adults
27 making it to the spawning ground, spawning and
28 dying, and the subsequent eggs and the recruits
29 will come back in predictable numbers. We know
30 that's not the case. So we have to apply the WSP
31 as its manifest as part of the precautionary
32 approach, that's what the precautionary approach
33 in Pacific Salmon is, WSP, and we have to be
34 careful about our expectation and about our
35 ability to actually control levels of populations
36 in out years. We just have to give nature a
37 chance in terms of making sure we don't do it.

38 So we can't guarantee success. We can
39 certainly guarantee failure if we set harvest
40 levels at a level that will preclude any
41 reasonable level of spawning stock. But we don't
42 have the other flip side. We can't guarantee a
43 predictable outcome from controlling fishing
44 mortality. So I'd just note that those are some
45 of the nuances that we've learned in the last few
46 years of application of the precautionary
47 approach.

1 The other thing that's in here is on the
2 decision rules, looking at your ecological
3 conditions for the fishery, what are -- are the
4 conditions favourable or not, and then looking at
5 the trajectory of stocks. Again that's more
6 easily dealt with in terms of multiyear
7 populations where you have numerous age classes
8 making up the group, and therefore noise is
9 dampened out and you don't have to deal with
10 hugely variable year classes, which occur in
11 groundfish and other longer-lived populations. We
12 get good years and bad years in them, but it
13 doesn't -- doesn't have the same level of impact
14 in terms of making responses in managing the
15 fishery.

16 So that's -- perhaps I'll just leave it at
17 that.

18 Q All right, thank you, that's very helpful. Ms.
19 Farlinger, you've heard Mr. Bevan --

20 THE COMMISSIONER: Mr. Taylor I apologize for
21 interrupting. I wonder while you're on this, if
22 you could just have Mr. Bevan, if he is the
23 correct party, on page -- it's Tab 21, the tab
24 you're on, I think it's the second page, and it's
25 footnote number 4. If he could just explain what
26 that's referring to.

27 MR. TAYLOR:

28 Q Mr. Bevan, or perhaps the panel should say who is
29 the right person.

30 MR. BEVAN: Well, I think that's basically what I had
31 mentioned, that the precautionary approach,
32 because it was designed and it was an
33 international effort, but it was designed to deal
34 with populations that were made up of multiple
35 year classes and spawning stocks that were also
36 the spawning stock component of the population was
37 also more than one year class. That model does
38 not apply to the biology of the Pacific salmon
39 populations because they are one year class
40 fishery and they all die after spawning.

41 So to try and adapt the precautionary
42 approach, it was done through the Wild Pacific,
43 the policy, or the WSP, Wild Salmon Policy.

44 I don't know if you want to add more.

45 THE COMMISSIONER: I guess, Mr. Taylor, what was
46 confusing me is Canada's Policy Conservation of
47 Wild Pacific Salmon, is that the Wild Salmon

1 Policy document?

2 MR. TAYLOR: Yes, I sensed that's what, Mr.
3 Commissioner, you were wondering.

4 Q I'm assuming that's a fancy international name for
5 the Wild Salmon Policy?

6 MS. FARLINGER: Yes, that's the Wild Salmon Policy.

7 THE COMMISSIONER: Okay, thank you.

8 MR. TAYLOR: Oh, apparently that is the formal name,
9 although we never call it that. Yes, the Exhibit
10 8, which is the Policy, says "Canada's Policy for
11 Conservation of Wild Pacific Salmon", so, yes,
12 that's the WSP. Does that answer that, Mr.
13 Commissioner?

14 THE COMMISSIONER: Yes, it does. Thank you very much.

15 MR. TAYLOR:

16 Q Ms. Farlinger, Mr. Bevan has given a very thorough
17 explanation of precautionary principle and
18 approach, and some of how it's applied, using the
19 Wild Salmon Policy as a touchstone for that
20 explanation. You being the Regional Director
21 General here in Pacific Region, do you have
22 anything to add or expand upon to what was said by
23 Mr. Bevan?

24 MS. FARLINGER: I certainly agree with the idea that
25 the whole basis of the Wild Salmon Policy comes
26 from a precautionary approach and how we would
27 express it in the management of Pacific salmon. I
28 think that the issues of whether we are operating
29 our fisheries, operating our assessments,
30 operating all the activities we have to do around
31 the management of the fishery in compliance with
32 that policy is something that we are required to
33 do because it is the policy that sets that out.

34 Q All right. I should give either of the other two
35 panel members an opportunity if you want to say
36 anything. All right.

37 I'd like to move now, if I may, to a
38 different area of questions that touches on the
39 causes of decline of sockeye salmon productivity
40 in the Fraser River, and that's, of course, part
41 of the terms of reference of this Commission of
42 inquiry. My questions will be mainly of you, Dr.
43 Richards. You're familiar with the April 2011 DFO
44 workshop that happened recently, are you?

45 DR. RICHARDS: Yes, I am.

46 Q Can you just explain, we've had some evidence on
47 this, but just remind us what that was.

1 DR. RICHARDS: Yes, Mr. Commissioner. That was really
2 an opportunity that was at my request to bring
3 staff together to talk amongst themselves and
4 inform me and inform my managers internal to DFO,
5 what the latest research results were. Following
6 certainly from the other workshops that we'd had,
7 and the other work that was done, including the
8 work that was done and presented at the June 2010
9 Pacific Salmon Commission sponsored workshop,
10 there's been a lot of work that has been done,
11 prepared, and staff working very diligently to try
12 to address this question about what led to the
13 decline in 2009, and a number of different
14 research projects that have been undertaken.

15 And we really wanted to bring staff together
16 to be able to first of all share their expertise,
17 because we need to make sure that people are
18 working in an integrated fashion. Certainly the
19 information that one group might uncover could
20 feed or help some work that was done in a somewhat
21 different scientific area. So we wanted to make
22 sure that the staff were fully informed about what
23 was going on. And we also wanted to make sure
24 that we did as much as we could to help prepare
25 you, Mr. Commissioner, for the hearings that took
26 place over the summer, where many of those same
27 staff came and presented their evidence. And make
28 sure that we were doing as much as we could to --
29 from the perspective of DFO Science to help you
30 and inform the Commission.

31 Q And if we turn to Tab 5 of Canada's book of
32 documents, you'll see there what's called a Draft
33 Summary Report, April 14-15, 2011. Is that a
34 summary report that came out of the workshop that
35 you've just described?

36 DR. RICHARDS: Yes, it is.

37 Q It's called "Draft", is it draft or final?

38 DR. RICHARDS: Well, this is the final version that was
39 produced. It didn't go through a lot of internal
40 peer review in the normal scientific sense, so
41 it's not a final polished document, but this was
42 the last document that was produced.

43 MR. TAYLOR: All right. May that be the next exhibit,
44 please.

45 THE REGISTRAR: It's already marked 1364.

46 MR. TAYLOR: Oh, all right. Thank you.

47 Q Now, if you turn to page 3 and 4 of that document,

1 I don't know if we can see both of them at once,
2 or if we try to see both of them at once the print
3 will be too small. We can take a run at it, I
4 suppose. You recognize that, do you, Dr.
5 Richards?

6 DR. RICHARDS: Yes, I do.

7 Q And that's a graphic way of showing the relative
8 strength of evidence, and likely or possible or
9 unlikely level of certain possible causes being
10 the cause; is that right?

11 DR. RICHARDS: Yes, it was. And more specifically, Mr.
12 Commissioner, what we wanted to was because we had
13 known, or because of the way that the information
14 was presented in the Pacific Salmon Commission
15 Report, and because of the importance of that
16 report in terms of evidence here, we wanted to
17 portray our current information in that same
18 format and following that same way of presentation
19 so it could be as clear as possible.

20 Q All right. And the Pacific Salmon Commission
21 report you're referring to is the one that came
22 out of the June 2010 symposium, is it?

23 DR. RICHARDS: Yes, that's correct.

24 MR. TAYLOR: And that, Mr. Commissioner, the report is
25 dated August of 2010, although it comes from the
26 June 2010 symposium. And I'm quite sure it's an
27 exhibit, but I'm not going to venture to try and
28 say the number. But on the break I'll find that
29 out and we'll let you know.

30 Q Have you -- so you presented the outcomes of your
31 workshop in a similar format to what the Pacific
32 Salmon Commission did. Have you had a chance to
33 look at and compare the thinking, the best
34 thinking that came out of your workshop in April
35 with what came out of that Pacific Salmon Workshop
36 in terms of how well they line up or don't line
37 up?

38 DR. RICHARDS: Well, that is what we intended to
39 portray in the table that you have on the screen
40 in front of you.

41 Q All right.

42 DR. RICHARDS: And so if I can just -- I'll have to,
43 sorry, refresh my notes explicitly here. But I
44 think there were a few areas where we had slightly
45 differences of opinion, but overall I think our
46 results are very consistent with what was
47 presented at that workshop. And I think that the

1 way that this is, that the shaded boxes were --
2 the shaded grey boxes on the screen would be the
3 views that were presented and the information that
4 was presented in the Pacific Salmon Commission
5 report. There's a couple of boxes which are
6 black, and I think that is once -- I think that
7 that is where we might have had a slight -- sorry,
8 just trying to --

9 Q No, I think they're the same.

10 DR. RICHARDS: Yes.

11 Q Now that you say what the shading is, and I've got
12 the two of them in front of me.

13 DR. RICHARDS: Okay.

14 Q And we'll all be able to compare them when we have
15 the records there, of course. But I think you're
16 right, that the shading is representing what was
17 said before, and the "X's" are your own comment
18 now; is that what it is?

19 DR. RICHARDS: Yes, that's correct.

20 Q I see. So if we look at what's on the screen,
21 your April assessment, your collective assessment
22 from April are the "X's" and the Pacific Salmon
23 Commission, a year earlier roughly, is the
24 shading.

25 DR. RICHARDS: That's correct.

26 Q Okay.

27 DR. RICHARDS: So in general, they were very, very
28 consistent. We had given a bit more weight, as
29 you've already heard in evidence, to oceanic
30 conditions outside of the Strait of Georgia.

31 Q All right. Then what now? What is DFO Science
32 continuing to do? What follow-up is occurring?
33 What are the next steps? Where do you go from
34 April?

35 DR. RICHARDS: Well, I think, as I indicated, that a
36 lot of the work that we were doing, especially on
37 the short term, was trying to get as much
38 information as we could, Mr. Commissioner, to help
39 inform the hearings that happened and took place
40 in July and August and into September already. So
41 a lot of that work has been already presented as
42 evidence by the scientists that you had here.

43 But in general, I mean, as I indicated
44 earlier this morning, our work is not done in
45 isolation. We have not in general done a lot of
46 research projects which are focused solely on
47 Pacific salmon. We had a lot of ongoing research

1 programs that would be feeding on and contributing
2 to the information that was relevant to those
3 questions.

4 Certainly we are -- ongoing monitoring
5 programs, such as I described this morning, have
6 been continuing, and that would include programs
7 such as enumeration programs that would take place
8 on the spawning grounds, that include the troll
9 surveys in the Strait of Georgia, and further up
10 north on the Coast, and off the West Coast of
11 Vancouver Island, that will include a lot of the
12 oceanographic information, that would help again
13 feed information on ocean conditions. So
14 certainly we are continuing some of those programs
15 which have been ongoing.

16 There were a few programs that we have
17 undertaken that I think were in part work that we
18 have done to really try to address more specific
19 questions that were raised. One of them I also
20 referenced this morning, which was a program we
21 started last year in 2010 to try to get more
22 information on juvenile salmon within the Strait
23 of Georgia, and also the condition of those fish.
24 We are doing some sampling program, and the fish,
25 the juvenile salmon that are collected from that
26 program, we are doing a series of fish health
27 tests on. We're looking at the -- looking at
28 histology and various other diagnostics to look
29 more generally at the state of health, and that
30 work was actually referenced in Dr. Kent's report.

31 Certainly we are continuing on some of the
32 other higher profile issues. You heard a lot
33 about the work that we're doing on genomics
34 research. Dr. Garver did mention some work that
35 is ongoing and we are trying to certainly
36 investigate the issues around the genetic
37 signature and try to get more clarity into what
38 that really means.

39 There is -- we think we may have a virus as
40 was described to you in hearings earlier. We have
41 begun, as Dr. Garver mentioned, some challenge
42 experiments on that, to look at that, and we will
43 continue to do some more research in that area to
44 try to elucidate that question as much as we can,
45 because that's a very new area for us and there's
46 lots of very simple questions for which we just
47 don't, at this point, have the answer.

- 1 Q All right. So summing that up then, it sounds
2 like the work you're doing now is building on the
3 April workshop that you had; is that right?
- 4 DR. RICHARDS: Yes, that's correct.
- 5 Q And that workshop is built on the June symposium
6 that the--
- 7 DR. RICHARDS: Yes.
- 8 Q -- Pacific Salmon Commission had.
- 9 DR. RICHARDS: Yes.
- 10 Q And that Pacific Salmon Commission symposium, was
11 that attended by Fisheries scientists?
- 12 DR. RICHARDS: The Salmon Commission symposium was
13 attended by quite a broad group. There were
14 scientists from both within and outside of DFO.
15 We had significant participation from U.S.
16 scientists. We also had, at least as observers
17 there, some members from the Fraser River Panel
18 portion of the Pacific Salmon Commission. So that
19 was attended by a broad group of both government
20 and other scientists outside of government, both
21 within Canada and the United States.
- 22 Q All right. And before that June 2010 symposium,
23 there's some evidence on this, but as I understand
24 it there was a Simon Fraser University workshop or
25 symposium in about January of 2010 or December of
26 '09; is that right?
- 27 DR. RICHARDS: I think it was in the fall of '09.
- 28 Q Right. And, as well, there was in September of
29 '09 was there a DFO workshop?
- 30 DR. RICHARDS: We had just an internal DFO workshop in
31 September of '09, yes.
- 32 Q And out of that workshop came a trio of briefing
33 notes that I won't go to them right now, and don't
34 remember the numbers at the moment, but the trio
35 of briefing notes that we've seen quite a bit of.
- 36 DR. RICHARDS: Well, that was where we first brought
37 staff together to say what happened, you know, why
38 did we have such a poor return in 2009? What are
39 various ideas, it was very much a brainstorming
40 session. We didn't have a lot of data at that
41 time. It was really intent to start brainstorming
42 around various hypotheses which might have led to
43 the -- to the decline in 2009.
- 44 MR. TAYLOR: Okay. All right. And as I indicated, Mr.
45 Commissioner, on the break I'll get the exhibit
46 number for the PSC symposium, but the page where
47 the chart is set out is comparable to the April

1 one on the screen now, the page in the PSC
2 symposium report is page 9 and 10.

3 Q Now, Dr. Richards, you've given a fair bit of
4 evidence on this next point, but I'm wondering if
5 there's anything that you want to say to elaborate
6 beyond what you've said, and I'll take the liberty
7 of pointing you or highlighting certain things
8 that you may or may not want to comment upon. The
9 question has to do with the challenges for Science
10 in trying to determine the causes of the decline
11 in Fraser River sockeye, and you've spoken, as I
12 say, about this. There's climate change; that's a
13 challenge, I take it?

14 DR. RICHARDS: Certainly, the climate change would be
15 one of the factors that would be setting the
16 context around what's going on, so that's
17 affecting a lot of things beside Fraser sockeye.
18 But, yes, it is certainly one of the contextual
19 factors we need to take into consideration.

20 Q And what is it about climate change, or what more
21 specifically, can you say?

22 DR. RICHARDS: Well, there are a number of -- the
23 number of aspects within the climate change.
24 Certainly, in terms of climate change it's not
25 something that we sort of understand fully about
26 what all the long-term impacts would be. But
27 certainly on the short term we know that there has
28 been extreme variability in ocean conditions in
29 general, temperature being an obvious signal, and
30 we have seen some big fluctuations in at least
31 surface temperatures. And with the Argo program
32 that I described this morning, we will now be able
33 to get more information on temperature at a range
34 of depths throughout the ocean. And so that is
35 certainly one thing where we have seen that there
36 have been some big changes. And so that's also a
37 signal for other changes in productivity in terms
38 of the timing and the distribution and species
39 composition of different kinds of plankton, which
40 would then be the food supply for salmon.

41 So, yes, I mean, it's a potential factor we
42 don't fully understand how it's going to play out
43 at this point, and there are other aspects of it
44 that haven't really been brought up to date and
45 which we don't know about very much yet. One
46 would be what's going on with the fact that the
47 oceans are becoming more acidic, and that again

1 could play into the longer-term production, but
2 that's something more in a future-looking aspect
3 than something today.

4 Q All right. Does the range of habitat and length
5 of migration for Fraser sockeye pose a challenge
6 for trying to determine from a scientific
7 standpoint what's going on?

8 DR. RICHARDS: Absolutely, and as I alluded to earlier
9 this morning, it's very -- it's difficult to catch
10 juvenile salmon in the ocean. We're able to
11 follow them to some extent as they migrate along
12 the coast, but when they go into the open ocean
13 it's very difficult to get precise information on
14 where those fish are located and exactly what's
15 going on. So that is an extremely difficult
16 question from the technology standpoint. We don't
17 really have good tools to be able to answer that
18 question.

19 Q All right. Just reminding myself here, I'm going
20 to drop back and ask a question and then jump
21 forward again. I understand that there's going to
22 be a conference, and I'll get the name wrong, but
23 you'll probably get enough words that you'll know
24 what I'm talking about, the North Pacific
25 Anadromous Commission?

26 DR. RICHARDS: The North Pacific Anadromous Fisheries
27 Commission.

28 Q Thank you. We'll come to what that is, we've had
29 some evidence on that, but just to remind us. But
30 is there a conference coming up on that?

31 DR. RICHARDS: That is an international organization
32 with, I think, six or so countries which are
33 parties to that convention. It rotates its
34 meetings annually amongst the different parties.
35 This year it is Canada's year to host that
36 meeting. It will be held -- the annual meeting
37 will be held in Nanaimo at the end of October. As
38 part of that, every two years they try to have a
39 scientific session, and this year there will be a
40 scientific session held, a workshop over a two-day
41 period and that will be in Nanaimo.

42 Q Do you remember, or do you know the title of the
43 workshop?

44 DR. RICHARDS: I can't remember precisely the title,
45 but I think the focus is on pink and chum salmon.

46 Q all right. And is that being organized by,
47 amongst other people, Dr. Beamish?

1 DR. RICHARDS: Dr. Beamish is one of the individuals
2 who is on the steering committee that will be
3 organizing that workshop, yes.

4 Q And the name probably gives it away, but I
5 understand the member countries include Canada,
6 United States, Russia, Jap[an], and there must be
7 -- oh, Korea, South Korea?

8 DR. RICHARDS: Korea is a member as well.

9 Q Yes. I'll bring Ms. Farlinger into this next
10 question along with Dr. Richards, if I may. How
11 would you characterize the current state of Fraser
12 River sockeye salmon in terms of their health and
13 as a population? I'll start with you, if I may,
14 Dr. Richards.

15 DR. RICHARDS: Well, I think our most current
16 information on that is contained in the report,
17 again, that I referenced this morning, by Sue
18 Grant, who has looked at benchmarks for Fraser
19 River sockeye. And, you know, in general that we
20 have a very large number of stocks. There is a
21 variation in the conditions of those stocks, and
22 some of those stocks are doing very well, and
23 others are doing less well.

24 Q Ms. Farlinger, did you want to add from a
25 manager's perspective what you see as the current
26 state?

27 MS. FARLINGER: I think something that has become more
28 evident in management over the last few years, and
29 it's entirely consistent with Laura's comments, is
30 that the fluctuations between individual stock
31 productivities and returns from year to year, the
32 timing of those stocks and a number of biological
33 characteristics have become more variable and less
34 predictable than they were, or at least they were
35 considered to be, 20 years ago. So I think I
36 would characterize it from a manager's point of
37 view as being more uncertain and more dependent on
38 actual in-season returns than what we've been able
39 to predict pre-season.

40 Q Does that underline the importance of in-season
41 planning, or in-season management?

42 MS. FARLINGER: Well, it certainly does, and there is
43 always pressure, of course, on the Science folks
44 to tell us and to tell others what the salmon
45 returns will be in the following year. And I've
46 taken personally to characterizing it much like
47 weather prediction. We can tell you within three

1 or four cays fairly accurately, but maybe six
2 months or a year in advance I think we've come to
3 realize that we must depend on what we see in-
4 season to actually manage those things that we can
5 manage, such as the harvest.

6 Q All right. Could we turn to Exhibit 1852, please.
7 This was an updated productivity chart that has
8 been prepared -- no, that's not what I'm thinking
9 of.

10 MR. LUNN: There are several tabs at the bottom.

11 MR. TAYLOR: Okay. It may be 1851. It's the
12 productivity chart that was recently updated and
13 put in as an exhibit. Exactly, thank you.

14 Q Now, firstly, Ms. Farlinger, you recognize what
15 that is, do you?

16 MS. FARLINGER: Yes.

17 Q And is in particular the very right side of that
18 chart a graphic depiction of what you were just
19 speaking of in terms of uncertainty,
20 unpredictability? You could see the last few
21 years there.

22 MS. FARLINGER: It certainly is in some ways, but also
23 important to remember that this looks at Fraser
24 sockeye in totality, and not only is there more
25 variation in the total run size, there's also more
26 variation in productivity amongst the individual
27 stocks, and changes in run timing and other things
28 that have been influenced by a variety of factors,
29 some of which we can measure like in-river
30 temperature, and others of which we haven't been
31 able to. So it is a representation of that, but I
32 just point out it's the entire stock complex
33 there.

34 Q All right. Mr. Bevan, do you have anything to add
35 or comment on in terms of how one manages in the
36 face of unpredictability and uncertainty?

37 MR. BEVAN: I think the first thing is not to assume
38 any degree of certainty. And as I've noted on the
39 discussion of the precautionary approach, that
40 approach was based on an assumption of some higher
41 level of correlation between our activities as
42 managers and the response in the natural system.
43 It also has things in it like maximum sustainable
44 yield, which is an assumption that you can have a
45 sustained yield of high level based on a higher
46 level of population. Well, that would assume a
47 steady state, and we've rejected that as a

1 reality.

2 And we have now to adopt an attitude that
3 things aren't steady, that we have to deal with
4 highly variable ecosystems, and that we have to
5 deal with a higher level of unpredictability than
6 we have in the past, and we have to reflect that
7 in our caution. Because as I mentioned, there's
8 no guarantee of success in the case of turning
9 down fishing mortality, but there can be a
10 guarantee of a disastrous outcome if we maintain
11 levels of fishing mortality in the face of highly
12 variable realities, and that we don't -- we're not
13 adaptable to responding to that level of
14 uncertainty.

15 The other thing we've done in the past, and
16 it's even somewhat reflected in the precautionary
17 approach, is relied on indicators of abundance and
18 focused on what we thought were reasonable levels
19 or -- or reasonable ways to determine levels of
20 abundance, and not kept their heads up looking at
21 the broader picture. We need to do that.

22 We need to be very careful not to get too
23 narrowly focused in the face of the high level of
24 uncertainty. Keep looking at all sorts of other
25 potential indicators, and help that inform
26 decision-making so that we don't look at test fish
27 results in isolation of other indicators of
28 oceanographic productivity, or as we do now in the
29 region, could certainly give better description of
30 it. Looking at models for flows in the river, et
31 cetera, so we keep, we have to broaden out our
32 perspective on what's influencing the populations
33 in nature.

34 And even in the face of high levels of
35 uncertainty, try to make decisions that are
36 reasonable and balanced between opportunities to
37 fish, but also balanced in terms of being cautious
38 and not taking too high a risk, especially in the
39 face of uncertainty. The higher the uncertainty,
40 the higher the potential risk of any given action,
41 and you have to react accordingly, and you can't
42 get seduced by the desire to find a way to have
43 certainty in science when it's not realistic to
44 get there.

45 Q Okay. I'm going to turn now to a different set of
46 questions, and these go to improving the future
47 sustainability of the Fraser sockeye and the

1 Fraser sockeye fishery. And I'll start these
2 questions by turning to Ms. Farlinger and ask
3 about -- some more about the Wild Salmon Policy.
4 I want to ask about it in the context of
5 collaboration and integrated approach to fisheries
6 planning. Where do you see, if it all, Ms.
7 Farlinger, the Wild Salmon Policy fits into
8 collaboration and integrated approaches?

9 MS. FARLINGER: Well, the Wild Salmon Policy,
10 particularly in Strategy 4 and in the Basic
11 Principles, really outlines that this needs to be
12 a collaborative effort. As you've heard, there
13 are a variety of members of the public, First
14 Nations, recreational and commercial fishermen,
15 environmental groups, all -- and the general
16 public who have an interest in salmon, and also
17 that the topic is exceedingly complex.

18 So one of the bases of collaboration and
19 something we've been working on in the last
20 certainly ten years and more specifically in the
21 last five years, is a common understanding of data
22 and information improving catch monitoring and
23 understanding of the variability in the science
24 advice we get, and the reliability, and really
25 giving ourselves and others a more realistic
26 picture of what it is we're trying to manage, and
27 those benefits.

28 And ultimately the Wild Salmon Policy speaks
29 to the much greater understanding of the genetic
30 and geographic units of salmon in making the kinds
31 of management decisions that have to be made. And
32 those decisions need to be informed. And not only
33 does the Minister or the Department need to be
34 informed by all those groups, but those groups
35 need to understand each other's perspectives. And
36 so the whole issue of collaboration has many
37 dimensions. And one of the basic things we've
38 come to understand through some of the work we've
39 done over the last few years is that a very strong
40 catch monitoring system is better for fisheries
41 management, it's better for conservation because
42 scientists can understand removals and the
43 impacts, but it is also very much better in terms
44 of improving the trust and collaboration between
45 groups.

46 So that's one of the aspects of
47 collaboration, that is a common understanding of

1 information and trust and reliability in the
2 information that is provided from all sources, not
3 just the science that comes from the Department
4 and outside the Department, but the monitoring and
5 people's confidence in each other's numbers. Very
6 significant in terms of getting the best possible
7 advice for decision-makers.

8 And Strategy 4 really speaks to that, that
9 there will be tradeoffs, there will be public
10 policy decisions here about conservation units,
11 about the risks, about the -- as David explained,
12 in the precautionary approach, about the potential
13 for long-term harm. And those things really need
14 to be informed by a collaborative process.

15 MR. TAYLOR: Okay. Is this an okay time to take a
16 break, Mr. Commissioner?

17 THE COMMISSIONER: Yes, thank you, Mr. Taylor.

18 THE REGISTRAR: The hearing will now recess for ten
19 minutes.

20
21 (PROCEEDINGS ADJOURNED FOR AFTERNOON RECESS)

22 (PROCEEDINGS RECONVENED)

23
24 THE REGISTRAR: Order. The hearing is now resumed.

25 MR. TAYLOR: The Pacific Salmon Commission Workshop
26 report from the June 2010 symposium, dated August
27 2010, is both Exhibit 73 and Exhibit 203, it's in
28 twice. And I did mention, as we went through the
29 questions before the break, Mr. Commissioner, and
30 one of the witnesses spoke to it, the Simon Fraser
31 University Workshop of the fall, or December, or
32 2009, or thereabouts, that's Exhibit -- the report
33 is Exhibit 12.

34
35 CROSS-EXAMINATION BY MR. TAYLOR, continuing:

36
37 Q I have a question, now, of both Mr. Bevan and Ms.
38 Farlinger. I'll start with you, Ms. Farlinger.
39 What has been learned from the WSP to date?

40 MS. FARLINGER: Well, I think I should say that the
41 review that's going on currently will certainly
42 tell us some things that have been learned, but --

43 Q Just pausing for a moment, is that the identified
44 independent review that you spoke of yesterday?

45 MS. FARLINGER: Yes, that is.

46 Q Okay.

47 MS. FARLINGER: But in terms of learning inside the

1 Department, you've heard some references to it, I
2 think, throughout today and yesterday. One, is
3 that we set some timetables for implementation
4 that relied on science as if science were a
5 deliverable, you could order by March 31st and
6 have it by then. It really didn't take into
7 account the fact that science evolves, it changes,
8 it's taken us this long to come up with a
9 definition of conservation units, which is really
10 a fundamental building block of the first three
11 elements of the Wild Salmon Policy.

12 I think that we didn't recognize the
13 uncertainty that we were working in, in terms of
14 the science advice we get. I think, also, that
15 this was a far more detailed policy, and I think
16 the deputy made reference to it earlier, that it
17 might not be written today as it was written at
18 the time. It depended on that timing. It
19 depended on that sort of perception of science and
20 science advice. It did not necessarily take into
21 account the time for the social changes and the
22 kind of developing, the kind of collaborative
23 processes that would have to accompany those
24 social changes in response to the policy. So I
25 think we have learned some things about the
26 original view of implementation and the policy.

27 Q All right. Mr. Bevan?

28 MR. BEVAN: Just briefly to add to that, perhaps. The
29 key issues around Wild Salmon Policy as it's a
30 reflection of the precautionary approach more
31 generally, is the first thing that has to be done
32 is population identification, what's the spawning
33 component, and in the context of the Wild Salmon
34 Policy that's what are the CUs.

35 And I think just to add what Ms. Farlinger
36 said, identification of one element of that, of
37 the precautionary approach Wild Salmon Policy is
38 the lower reference point. Those are very
39 difficult to set in terms of how far down can a
40 population go before it's in real risk of
41 irrevocable or significant harm. Those are not
42 easy things to do, and I think by trying to say
43 we're going to have them all available for a large
44 number of CUs on a specific date, we're being
45 naive at the time as to just what of a challenge
46 we're looking at.

47 I think we've learned that in the absence of

1 being able to get to the finish line on all of
2 that detail, we have learned to live with a high
3 level of uncertainty, and we have learned that the
4 Wild Salmon Policy is directional. And even if
5 all the specific reference points, et cetera, are
6 not yet available, it is directional, that it does
7 help us think about how to make decisions in the
8 face of very significant uncertainty on any given
9 year.

10 Q All right. Thank you. Ms. Farlinger, I
11 understand that you are the --

12 THE COMMISSIONER: Mr. Taylor, are you moving to a
13 different topic?

14 MR. TAYLOR: By all means, interject and ask a
15 question.

16 THE COMMISSIONER: I'm sorry to interrupt. I just --

17 MR. TAYLOR: No, that's fine. I am moving to a next
18 question, so now's a good time.

19 THE COMMISSIONER: I thought it would be helpful, from
20 my perspective, on page 35 of the Wild Salmon
21 Policy, because I think this is essentially on the
22 topic that you just asked the witnesses about --
23 no, I'm looking at the hard copy, Mr. Taylor, I
24 apologize. You might be, if you're looking on the
25 screen, I think it's on the screen.

26 MR. TAYLOR: I've got the same page.

27 THE COMMISSIONER: In the, I think it's the third
28 paragraph, it starts, "This new approach". I'm
29 not sure if it's on the screen or not. Yes:

30

31 This new approach to salmon conservation is
32 complex, and the pace and effectiveness of
33 implementation will be influenced by two key
34 factors. First, implementation must be
35 accomplished within DFO's existing resource
36 capability and will be phased in over time.
37 Second, it will depend on the effectiveness
38 of our sharing of responsibilities...

39

40 I wonder if you could ask the witnesses really two
41 things. Perhaps they've already addressed this
42 and they've already said it. I just want to make
43 sure I understand it. I believe Mr. Bevan, or one
44 of the witnesses, talked about this policy coming
45 into effect in 2005, I think it was June 2005.

46 MR. TAYLOR: Yes, it was.

47 THE COMMISSIONER: Now that we're in 2011, we have

1 about six years under our belt. First of all, how
2 realistic is that statement, that implementation
3 must be accomplished within DFO's existing
4 resource capability? I'm reading that to mean
5 human and financial resource, but I could be
6 misinterpreting that statement. And secondly, how
7 realistic is it that DFO will find a solution to
8 sharing responsibility with First Nations,
9 governments, volunteers, stakeholders, and other
10 governments? In other words, after six years of
11 working with the Wild Salmon Policy, if I could
12 just get some reality check on these statements,
13 it would be helpful.

14 MR. TAYLOR: All right.

15 Q Who wants to take that on? Maybe the first very
16 preliminary question is the Commissioner was
17 assuming that when it says there, "within existing
18 resource capability" that that includes both human
19 and money; is that right, to start?

20 MS. FARLINGER: I think that is fair, and I also think
21 the comment about --

22 Q Okay. Just pausing --

23 MS. FARLINGER: -- perhaps naive --

24 Q -- there for a moment, I'm just going to put on
25 the record the deputy was nodding. So she agrees
26 with you that it's human and financial resources.

27 MS. FARLINGER: Whew.

28 Q Carry on.

29 MS. FARLINGER: I think there is, also, a realism
30 about, we need science, we have to work based on
31 it, but we also have to work within the
32 uncertainty about science. So I think that
33 element is part of the learning about the
34 implementation of that, and I think that speaks
35 very much towards taking all the things that we do
36 and all the decisions that are made within a
37 department, either by the minister or on behalf of
38 the minister, it means we will take this into what
39 we already do every day. And I don't think we've
40 made that very clear in that statement.

41 Q I think what the deputy -- sorry, what the
42 Commissioner is getting at, though, is the
43 Commissioner, if I understand you, Mr.
44 Commissioner, you're pointing to that first and
45 that second, and they say what they say, but is it
46 really realistic to think that doing it within
47 existing resources is a good -- is that a good or

1 bad reality check and is it realistic to expect
2 that there will be sharing of responsibilities; is
3 that the gist of what you're asking?

4 THE COMMISSIONER: Precisely.

5 MS. DANSEREAU: The next paragraph, if I may, says,
6 "Full implementation will not be achieved
7 overnight," has to be added to those other
8 statements.

9 THE COMMISSIONER: No, I think my question, Mr. Taylor,
10 was really just having had six years of experience
11 with it, just, at this point in time, how
12 realistic are these statements?

13 MS. DANSEREAU: The question of the resources, given
14 the lack of knowledge that was had at the start of
15 this process, makes it clear that it wasn't as
16 realistic as it could have been, and the
17 timelines, I think, that were included, were what
18 was not realistic, because it didn't give enough
19 flexibility to work with the resources that we
20 had, or the Department had at that time.

21 So in retrospect, I would say, and David may
22 add to this, there was some naivety in the
23 development of this policy.

24 MR. TAYLOR:

25 Q I'm going to -- Mr. Bevan, did you want to add to
26 that?

27 MR. BEVAN: Just to note that we did look at seed money
28 to try and move it along, get it started. But the
29 real desire was not so much to add onto a new way
30 of doing business on top of everything we were
31 already doing, but to transform what we were
32 doing, to move from that mixed stock management
33 where we set aggregate to harvest rates and let
34 nature try to take care of itself in the face of
35 our activities and we saw the decline in the mid-
36 1990s we couldn't continue with that type of
37 approach, so we had to shift to weak stock
38 management, and this was just thought of as a
39 transformation. We still invest a lot of money in
40 management of salmon, but we were looking at a
41 transformation.

42 I think where we got overly ambitious and
43 unrealistic, to some extent, was we had the desire
44 to identify all of the CUs and to set down limit
45 reference points and other specific targets that
46 we've managed to help inform management, and we
47 underestimated the difficulty of that task, et

1 cetera, but we are following the direction of the
2 Wild Salmon policy, and it's a way we shifted
3 doing business within the resource base that we've
4 got.

5 So it is -- what was probably unrealistic was
6 our expectation to do all sorts of scientific work
7 that turned out to be way more difficult than we
8 thought. And that turned out to be a problem in
9 all of the precautionary approach. Limit
10 reference points turned out to be very -- much
11 more difficult to work through with our
12 stakeholders and with the science community than
13 we had originally contemplated.

14 MS. FARLINGER: And I do think, on the matter of
15 collaboration, I think the objective and -- is
16 still realistic. I think the pace at which we've
17 been able to bring people up to the same level of
18 understanding, that is, collect the data and
19 information, implement catch monitoring standards
20 across the board to develop that trust I talked
21 about earlier, they aren't happening with
22 sufficient speed, either of them, to give people a
23 kind of confidence they need to have to come
24 together and have the -- provide the kind of
25 integrated advice that they need to.

26 But we have made significant advances through
27 the work that went on at the Integrated Salmon
28 Dialogue through the work that's gone on at some
29 of the tables, the Barclay Sound table, other
30 tables. We've made significant progress with the
31 First Nations, all of whom harvest Fraser sockeye
32 for FSC. Five years ago we would not have had a
33 place where those people and DFO could get
34 together and talk about the implications for
35 Fraser sockeye of all those fish. So there have
36 been significant moves forward.

37 Do we have that place where everyone will get
38 together now for every one of our salmon CUs? No,
39 we don't. But I think there have been significant
40 moves over the last five years.

41 Q I'm going to ask a further question, picking up on
42 what I understood to be the gist of what the
43 Commissioner was asking and picking up on what
44 some of you, on the panel, have been saying, and
45 it's a question of the panel. The question is:
46 Where are we at with implementation of the WSP?
47 But to frame that question, as I have heard

1 evidence over the last year or so, there are a
2 number of different understandings on what the WSP
3 is or should be or could be, and there is, if you
4 like, as I understand it, a -- what might be
5 considered a sort of prescriptive approach or
6 reading of the policy versus, and we heard some
7 evidence on this earlier today, it being a guiding
8 principle and it's then, as a guiding principle,
9 brought into all of the work one does.

10 So at one level, one would look at the policy
11 and the literal words and figure out whether this
12 has been -- this can be checked off and that can
13 be checked off and so forth and so on. And
14 another way of looking at it, one looks at, well,
15 what's the thought or the intent or the spirit or
16 the principle that is being put forth, and is that
17 being implemented or not?

18 So with that context, I come back to the
19 question of the panel: Where are we at, as you
20 see it, with implementation of the WSP?

21 MR. BEVAN: I'll turn it over to Ms. Farlinger in a
22 second. I think we're definitely there in terms
23 of the kind of advice that we're providing to the
24 minister. In terms of the kinds of harvest rates
25 that we're recommending and the measures needed to
26 protect co-migrating weak stocks, I would suggest
27 to you that the directional -- the policy has
28 pointed us in that direction and we are going in
29 that direction.

30 I think I'll leave it to Sue to talk about
31 the specific targets that we set for ourselves, et
32 cetera. Clearly, there's a way to go on that.
33 But I would suggest that in the last few years our
34 actions have demonstrated that we are reflecting
35 the spirit of the WSP in our actions and in the
36 decisions that we are taking and that -- in the
37 recommendations that we are giving to the -- or
38 making to the minister.

39 Q Ms. Farlinger?
40 MS. FARLINGER: Well, I'd have to agree with David that
41 if we look at the specific Strategies 1 through 6,
42 we were very ambitious in terms of each one's --
43 one of those. I do think that the policy needs to
44 be implemented in a way that understands the data
45 collection, the decisions about conservation
46 units, various things, various elements of this
47 policy will continue to evolve and change over

1 time, and in Strategy 5, which is the annual
2 fishing plan, we will always have to take what we
3 have at that time and make decisions and provide
4 the best advice on the basis of that.

5 And in that, we, as David has said, are
6 operating consistently with the policy. I think
7 we need to clearly, in terms of developing the
8 strategy and differentiating between science
9 advice and the management actions that are taken,
10 or the management decisions, whether they range
11 from allocation through the operation of the
12 fishery, we have to clearly understand the
13 difference between those things. And if I were
14 writing this policy today, I think I might be
15 differentiating between those steps, what is a
16 management decision, what is science advice, and
17 how do those two things come together?

18 But the principles of the policy really set
19 that out, and I think we're operating consistent
20 with it. I think the idea that all the people
21 that are affected by the implementation of the
22 policy need to be involved in the decision is
23 something that we have accomplished to a great
24 extent through the annual management of the
25 fishery and Integrated Harvest Planning Committee
26 and all the various processes that lead up to
27 that.

28 I do think we have some work to do on tying
29 together the aboriginal participation in that
30 integrated process, which we are working on. But
31 I certainly think that we are living with the
32 principle that all the people that will be
33 affected by this directly or indirectly will be
34 exposed to the question and have opportunities to
35 input into the decisions that come about as a
36 result of it.

37 Q All right. Continuing along some of the same
38 theme, I'm going to turn, now, to Tab 9 of
39 Canada's book of documents, and after that Tab 10.
40 These are extracts of testimony of Dr. John Davis.
41 He's a gentleman known to all of you, I'm sure,
42 and was the RDG at one time, and is now retired.

43 At Tab 9 in the transcript, at page 40, he's
44 given some evidence on May 30th, where, at page
45 40, he is asked a question about how the Wild
46 Salmon Policy would fit with the **SARA** legislation.
47 And he says that, "the nature of the Wild" -- this

1 is about line 9 on that page, he says that:
2

3 ...the nature of the Wild Salmon Policy is to
4 address weak stock management. It's all
5 about trying to decide which components of
6 the individual very complex fish runs need to
7 be managed. Hence the concept of
8 conservation units under the Wild Salmon
9 Policy. How do we define the biodiversity
10 that's there? Where do we set the bar -
11

12 -- and this is the key part --
13

14 - Where do we set the bar with respect to
15 what level of biodiversity you manage to?
16

17 And he goes on to say, again, at about line 35,
18 "where do you set the bar?" And then over on Tab
19 10, which is his evidence from July 8th, when he
20 came back to give evidence, at page 13 of that
21 evidence on July the 8th, towards the bottom of
22 the page there's a paragraph that begins, "So it
23 means to me," this is John Davis -- Dr. John Davis
24 speaking:
25

26 So it means to me that one needs to explore
27 this very, very carefully and just where do
28 you set the bar, Mr. Wallace, with respect to
29 protecting weak stocks, and in doing so, what
30 are the implications of that. It could be a
31 very, very different fishery on the West
32 Coast, but one that also has benefits from
33 robust stocks and protecting stocks that are
34 there to provide benefits for the future.
35 And I think it's very much going to boil down
36 to questions about can we get consensus about
37 the tradeoffs that need to be made, can we
38 get the kind of buy-in from the different
39 groups that are involved in the fishery,
40

41 and so on, and I think you can see what he's
42 saying there.

43 With that, what's your reaction, or what
44 comment does the panel have on that and, in
45 particular, what do you say about where to set the
46 bar and how do you do that?
47

MR. BEVAN: I think that there are very good questions

1 raised in this testimony and clearly that's what
2 we've been struggling with for a number of years.
3 You've heard that we are looking at dealing with
4 the uncertainty, dealing with moving our thinking
5 from managing aggregates, managing groups of -- or
6 a population and dealing, now, with the impacts of
7 fishing on co-migrating weaker stocks, and that's
8 what the Wild Salmon Policy's about. But it also
9 gets us into the area of the **Species at Risk**,
10 where the **Species at Risk** is a very prescriptive
11 piece of legislation, and we have to make very
12 careful decisions in managing our response to
13 recommendations from COSEWIC relative to marine
14 populations. And there's got to be a discussion
15 in that process with society as to how much cost
16 they're prepared to bear in terms of foregoing
17 economic activities, and it's not just fishing; it
18 could be foreshore development or all sorts of
19 other activities that would have to be curtailed
20 in the event that we're looking at every single
21 recommendation and every population, and that's
22 the same kind of question you have under wild
23 salmon.

24 So I think the issue, here, is that we are
25 moving towards protection of weak stocks, we are
26 moving in that direction. And the question that
27 is posed by Mr. Davis is, "How far is appropriate
28 and how far are we, as a society, prepared to go
29 in terms of curtailing our activities in the
30 marine environment or in the river systems or on
31 land in the watersheds, how far are we prepared to
32 go to achieve the outcome?" And I think that's
33 the discussion and the debate that we have been
34 having in the course of managing -- making
35 management decisions, whether it was a response to
36 Cultus Lake and Sakinaw Lake, in terms of, can
37 they be rebuilt? If so, what's the best approach?
38 We chose the approach of using the **Fisheries Act**
39 rather than the **Species at Risk Act**, due to the
40 costs of going down the latter path.

41 And I think with respect to the Wild Salmon
42 Policy, it's a question of, how far are we
43 prepared to go in curtailing activities on healthy
44 stocks in order to protect the weak stocks? And I
45 think you've seen our actions in the last number
46 of years reflect a shift in that balance, but we
47 haven't landed 100 percent on a formula or

1 anything of that nature. It's a decision that's
2 taken in the context of the time when you're
3 looking at these choices between protection of
4 population. We don't want to be in a situation
5 where we use today's current events, current
6 ecosystem, where one stock is currently stock and
7 fish to that, then eliminate options for the
8 future where, in future conditions, stocks that
9 are currently strong may be weak, and ones that
10 are weak may be strong. So we need to keep the
11 balance right so that we maintain biodiversity and
12 have more robustness in out years to respond to
13 changing ecosystems. But I think it's a matter of
14 how much cost is society willing to bear in the
15 immediate for that option in the future.

16 We think we're getting it right in terms of
17 the consultations that we're involved in and
18 trying to make these decisions and not foreclose
19 on the future. And certainly in the British
20 Columbia context, we have a much more balanced
21 dialogue going on because of the different views.
22 It's not just people benefitting from putting
23 things at risk that are involved in that dialogue.
24 It's ENGOs and communities and First Nations and
25 so on. So we have a much richer dialogue in the
26 British Columbia context than we do in some other
27 parts of the country. But it does boil down to
28 just what Mr. (sic) Davis had said, "What's the
29 collective view," as to how far we're going to go
30 down the spectrum of taking fairly draconian
31 actions on people's activities in order to protect
32 weaker stocks.

33 Q So Ms. Farlinger, it's 10 to 4:00 on a Friday
34 afternoon, and the Associate Deputy has framed the
35 issues well and offered some comment and, as the
36 Regional Director, you have the challenge, of
37 course, of "What now?" and I'll let you say what
38 you think with regard to what Mr. Davis -- Dr.
39 Davis has been saying and how you handle that, how
40 you -- how we all deal with that.

41 MS. FARLINGER: I'll do my best to be brief. I think
42 I'll --

43 Q Well, it's an important area, so by all means,
44 take what time you think is needed.

45 MS. FARLINGER: The central question which Dr. Davis
46 points out that is central to the Wild Salmon
47 Policy, is, what is the trade-off between

1 biodiversity and yield? So biodiversity is
2 hedging against the future and things that may
3 happen there that we can't predict now, and yield
4 is, what do we see coming back that people want a
5 harvest for cultural, for recreational, and for
6 economic reasons?

7 That is the trade-off. And I would reference
8 the report of the Skeena Independent Science
9 Panel. This is a report that was prepared by a
10 number of scientists at the request of the
11 Department in B.C. in 2008. And that panel spent
12 a good deal of time in their deliberations and
13 their report exploring these issues. Looking at,
14 for example, what is the science around this, the
15 various models that can be used to say when you're
16 just actually fishing a stock at something less
17 than the highest yield versus threatening that
18 stock with extinction.

19 And it won't surprise you that the things
20 that come out in that report is you can make a lot
21 of choices about that because there's uncertainty
22 around the science at that level.

23 Q All right.

24 MS. FARLINGER: So I would say that that basic question
25 has attempt -- there is an attempt to address it
26 from a science point of view in that report, and I
27 think it's informative. I think it's also the
28 fact that we've introduced, over the last five
29 years in Pacific fisheries, reform the intention
30 to move towards some kind of a share-based fishery
31 in salmon. And why have we done that? So we can
32 provide the tools for those people with an
33 interest in salmon, commercial, cultural or
34 recreational, can be in a position to have a
35 decent, in this case, commercial fishery, but fish
36 it in a way that deals with that trade-off between
37 biodiversity and yield.

38 So when we talk about the advantages of a
39 share-based fishery, we talk about being able to
40 prosecute the fishery in a way that avoids weak
41 stock, that helps us optimize the protection of
42 biodiversity while still allowing people to make a
43 decent living to meet their cultural and other
44 requirements. And in fact, what we're trying to
45 do through some of the programs in PICFI, is
46 produce the tools that will allow people to get
47 together and make the kind of decisions about

1 their advice that then will allow the Department
2 to make the required management decisions.

3 At this point, we make those decisions each
4 and every year, and what this strategy -- what
5 this policy calls for is a long-term strategy.

6 So I think you have to think about, do we
7 have the right tools? Is the mixed stock fishery,
8 which is something we've had for well over 100
9 years in this -- in B.C., the right tool to manage
10 salmon? And I just would say that it is a complex
11 problem and it has been addressed, to some level,
12 with respect to the science panel advice on
13 Skeena, and this is the core of the issue and the
14 Strategy 4 and that conversation that needs to be
15 held in a rather more public forum in order to
16 inform the minister.

17 Q All right. Thank you. Mr. Commissioner, the
18 Skeena report that Ms. Farlinger is referring to
19 is Exhibit 944.

20 Ms. Farlinger, I'm going to turn to another
21 area and ask you, am I correct that you're the
22 Chief Commissioner for Canada on the Pacific
23 Salmon Commission?

24 MS. FARLINGER: That's right.

25 Q And can you say what that position is? I think
26 there's some evidence on that, but if you could
27 just explain, briefly, the structure and what the
28 commissioner or commissioners are?

29 MS. FARLINGER: The Commission implements the terms and
30 conditions of the Pacific Salmon Treaty. We --
31 the Pacific Salmon Commission employees, from whom
32 you have heard various biologists and experts,
33 work for the Commission, which is a bilateral
34 commission. There are commissioners, an equal
35 number of commissioners, from both sides, from the
36 United States and from Canada, and it is
37 specifically aimed at the management of salmon
38 stocks that are co-fished and come from one
39 country or the other that are intercepted by that
40 fishery.

41 Q And do I understand that you being the Chief
42 Commissioner for Canada, yourself and a United
43 States chief commissioner would be the two chief
44 commissioners?

45 MS. FARLINGER: That's correct.

46 Q And as a result of that position, wearing that
47 hat, if you like, as distinct from your RDG hat, I

1 understand that you have knowledge of what the
2 Pacific Salmon Commission is doing and following
3 up on -- with respect to the June 2010 workshop,
4 do you?

5 MS. FARLINGER: I do.

6 Q And what is being done by the Pacific Salmon
7 Commission to follow up? We've heard quite a bit
8 what DFO is doing, Dr. Richards in particular.
9 What's the Salmon Commission doing?

10 MS. FARLINGER: The Salmon Commission, which is, of
11 course, supported by DFO in Canada, and also the
12 Province of B.C. --

13 Q And the United States, too?

14 MS. FARLINGER: And in the United States, by their
15 regulatory agencies from both the states and the
16 federal agency, have directed the Commission to
17 follow up on the workshop. And what is currently
18 going on is an inventory of the work across not
19 only DFO but, as Laura mentioned, the academic
20 community and otherwise, with respect to the key
21 areas that were identified as potential causes for
22 the decline of sockeye.

23 That inventory of work and the progress on it
24 will be reported back at our executive session in
25 October of this year, and it is certainly being
26 discussed at the Commission as to how that
27 inventory will be put into place to get the
28 information out to the broad science community
29 about what those priorities are, but also, who is
30 working on what and where are the opportunities to
31 close some of the gaps that were identified not
32 only in the PSC salmon workshop, but as you've
33 heard from Laura, some of the follow-up that's
34 been done on both sides.

35 Q All right. Thank you. Just a couple of quick
36 things, as we approach the top of the hour. May
37 we go to Tab 41 of Canada's book of documents.
38 This is a letter of September 22nd, 2009, to you,
39 Deputy, from Wayne Wouters, and you recognize him
40 as being the Clerk of the Privy Council, I take
41 it?

42 MS. DANSEREAU: I do.

43 Q And is this the letter that appoints you as the
44 Champion of Science for the Federal Service?

45 MS. DANSEREAU: Yes.

46 MR. TAYLOR: May that be the next exhibit, please.

47 THE REGISTRAR: Exhibit 1925.

1 EXHIBIT 1925: Letter to Claire Dansereau
2 from Wayne Wouters, Clerk of the Privy
3 Council, dated September 22, 2009
4

5 MR. TAYLOR:
6

7 Q And then if we turn to Tab 44 of Canada's book of
8 documents, we have a very colourful, what I
9 believe is a media article. Do you recognize
10 that, Deputy?

11 MS. DANSEREAU: Somewhat, yes.

12 MR. TAYLOR: Okay. All right. I'm going to leave it
13 for now, then, I think. We might come back to
14 that on Monday.

15 I'm going to launch into something that will
16 take a few moments, so it's probably best if we
17 may adjourn. By my count, and Mr. McGowan or Ms.
18 Chan will correct me, but by my count I have 40 or
19 45 minutes on Monday. I put an "or" in there and
20 they're nodding to both, so I'll take 45.

21 MR. MCGOWAN: Mr. Commissioner, I think with the 10-
22 minute break this afternoon, Mr. Taylor has 40
23 minutes left on his allotment.

24 MR. TAYLOR: Thank you.

25 THE REGISTRAR: The hearing is now adjourned for the
26 day and will resume on Monday, at ten o'clock.
27

28 (PROCEEDINGS ADJOURNED TO SEPTEMBER 26, 2011,
29 AT 10:00 A.M.)
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1 I HEREBY CERTIFY the foregoing to be a
2 true and accurate transcript of the
3 evidence recorded on a sound recording
4 apparatus, transcribed to the best of my
5 skill and ability, and in accordance
6 with applicable standards.
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10 _____
11 Pat Neumann
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14 I HEREBY CERTIFY the foregoing to be a
15 true and accurate transcript of the
16 evidence recorded on a sound recording
17 apparatus, transcribed to the best of my
18 skill and ability, and in accordance
19 with applicable standards.
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22 _____
23 Diane Rochfort
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26 I HEREBY CERTIFY the foregoing to be a
27 true and accurate transcript of the
28 evidence recorded on a sound recording
29 apparatus, transcribed to the best of my
30 skill and ability, and in accordance
31 with applicable standards.
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34 _____
35 Karen Hefferland
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