

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 Hearing

## 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.

Tuesday, June 15, 2010

**Tenue à :**

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

le mardi 15 juin 2010

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Chris Sporer	Seafood Producers Association of BC
Don Rosenbloom	Area D Salmon Gillnet Association Area B Harvest Committee (Seine)
David Butcher	Southern Area E Gillnetters Association BC Fisheries Survival Coalition
David Bursey	Rio Tinto Alcan Inc.
Alan Blair	B.C. Salmon Farmers Association
Gregory McDade, Q.C.	Alexandra Morton Raincoast Research Society Pacific Coast Wild Salmon Society
Tim Leadem	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

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Aboriginal Aquaculture Association  
Heiltsuk Tribal Council

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1 Vancouver, British Columbia  
2 --- Upon commencing on Tuesday, June 15, 2010  
3 at 10:00 a.m.  
4 THE REGISTRAR: Is counsel set  
5 to go?  
6 Just to let you know, when you  
7 hear a knock at the door here you know I have the  
8 Commissioner behind me.  
9 --- Pause  
10 MR. WALLACE: Good morning,  
11 Commissioner.  
12 To commence the proceedings I  
13 would ask Larry Grant, an Elder of the Musqueam  
14 Band and the Resident Elder at the First Nations  
15 House of Learning at UBC to bring greetings.  
16 MR. GRANT: Good morning,  
17 Commissioner.  
18 THE COMMISSIONER: Mr. Grant.  
19 --- Opening Prayer (Native language spoken)  
20 MR. GRANT: I said, Your Honour,  
21 ladies and gentlemen, my name is Iasluk(ph) from  
22 the Musqueam people.  
23 My ancestors were Kiapilano and  
24 Khaltinaht (ph). Kiapilano is Capilano in  
25 English. They were here to greet the Spanish  
26 Captain Narvaez and the English Captain Vancouver  
27 to be greeted to this territory when they first  
28 came. As my ancestors did, I also want to raise  
29 my hands in welcome to everyone here today at this  
30 Commission hearing.  
31 At that greeting our people  
32 greeted the strangers on those ships and many of  
33 them brought fish forward, fish to give, fish to  
34 trade. It was a major, major part of our culture.  
35 And we are the people that have  
36 lived on this delta, which is now called Metro  
37 Vancouver, for 9000 years and have lived in  
38 Musqueam continuously for 4000 years.  
39 And our culture is dependent on  
40 fish. And for the 9000 years up until  
41 colonization it sustained us, it sustained our  
42 culture. And with the introduction of  
43 colonization and industrial fisheries it's been  
44 depleted in a short century.  
45 Whether it's social issues or  
46 industrial issues, it's not really what it's about  
47 for us because 85 percent of our diet prior to

1 colonization was salmon or other fish product and  
2 today we are lucky if we can get one salmon or one  
3 spring for the whole year per capita.

4 So that's really what the issue is  
5 with us in the sense of if the salmon disappear  
6 our culture disappears in that -- a big portion of  
7 our culture disappears.

8 So that's really who we are as  
9 a people and have been dependent on the fishery  
10 as sustenance.

11 So I thank you for your time,  
12 thank you for allowing me to speak this morning.

13 Thank you.

14

15 OPENING COMMENTS BY THE COMMISSIONER

16

17 THE COMMISSIONER: Thank you,  
18 Mr. Grant.

19 Ladies and gentlemen, may I  
20 welcome you this morning to this opening hearing  
21 of the Commission.

22 I want to just very briefly go  
23 back to the Commission's Terms of Reference  
24 because we are tasked with four specific  
25 objectives under the Terms of Reference.

26 First:

27

28 "(A) to conduct the Inquiry  
29 without seeking to find fault  
30 on the part of any  
31 individual, community or  
32 organization, and with the  
33 overall aim of respecting  
34 conservation of the sockeye  
35 salmon stock and encouraging  
36 broad cooperation among  
37 stakeholders,"

38

39 Second:

40

41 "(B) to consider the policies  
42 and practices of the  
43 Department of Fisheries and  
44 Oceans ... with respect to  
45 the sockeye salmon fishery in  
46 the Fraser River -- including  
47 the Department's scientific

## Opening Comments by the Commissioner

1 advice, its fisheries  
2 policies and programs, its  
3 risk management strategies,  
4 its allocation of  
5 Departmental resources and  
6 its fisheries management  
7 practices and procedures,  
8 including monitoring,  
9 counting of stocks,  
10 forecasting and enforcement,"  
11

12 Third:

13  
14 "(C) to investigate and make  
15 independent findings of fact  
16 regarding  
17 (I) the causes for the  
18 decline of Fraser River  
19 sockeye salmon including, but  
20 not limited to, the impact of  
21 environmental changes along  
22 the Fraser River, marine  
23 environmental conditions,  
24 aquaculture, predators,  
25 diseases, water temperature  
26 and other factors that may  
27 have affected the ability of  
28 sockeye salmon to reach  
29 traditional spawning grounds  
30 or reach the ocean, and  
31 (II) the current state of  
32 Fraser River sockeye salmon  
33 stocks and the long term  
34 projections for those stocks,  
35 and  
36 (D) to develop  
37 recommendations for improving  
38 the future sustainability of  
39 the sockeye salmon fishery in  
40 the Fraser River including,  
41 as required, any changes to  
42 the policies, practices and  
43 procedures of the Department  
44 in relation to the management  
45 of the Fraser River sockeye  
46 salmon fishery..."  
47



## Opening Comments by the Commissioner

1                   Those are the four specific  
2 objectives of the Terms of Reference.  
3                   A discussion paper outlining  
4 the management and science issues that the  
5 Commission plans to investigate within its Terms  
6 of Reference was circulated to the participants  
7 on Friday, June 4, 2010. The covering letter  
8 which accompanied the discussion paper identified  
9 the objective of these opening hearings as being  
10 twofold.  
11                   First, whether there are issues  
12 other than those in the discussion paper that the  
13 Commission ought to investigate; and  
14                   Second, the relative priority of  
15 the issues that the Commission ought to  
16 investigate.  
17                   The focus, then, for these  
18 opening hearings is not to receive evidence, but  
19 rather to receive the participant's submissions  
20 on those issues which will be the subject of  
21 evidence at the hearings scheduled to commence in  
22 early September.  
23                   In preparation for these hearings,  
24 Commission counsel circulated an agenda for the  
25 order of the submissions and with the above  
26 opening remarks in mind I will invite the  
27 participants to make their submissions in the  
28 order set it in the agenda.  
29                   Once all of the participants have  
30 had their opportunity to make submissions, if any  
31 participant would like to make a response  
32 submission to address what another participant  
33 submitted, then please advise Commission counsel  
34 during the breaks today, at the end of today or  
35 early tomorrow.  
36                   Mr. Wallace, would you please ask  
37 the first presenter?  
38                   MR. WALLACE: Thank you,  
39 Commissioner.  
40                   I would invite, first of all,  
41 the Government of Canada to address the  
42 discussion paper.  
43                   I have allotted 15 minutes for  
44 submissions. The Government of Canada has a bit  
45 longer than that.  
46                   You can see from the agenda that  
47 the timing is tight, so I would ask people to try

## Opening Comments by the Commissioner

1 to stick to the time allotted.  
2 Mr. Taylor...?  
3

4 SUBMISSIONS ON BEHALF OF THE GOVERNMENT OF CANADA  
5

6 MR. TAYLOR: Mr. Commissioner,  
7 Mitchell Taylor, Q.C., for the Government of  
8 Canada.  
9

10 In the course of this inquiry,  
11 Mr. Commissioner, there will be a number of  
12 counsel from the Government of Canada besides  
13 myself. I won't name them now, but you can expect  
14 to see others besides me as we proceed through  
15 the fall.

16 In terms of today, here and now,  
17 Mr. Wallace has kindly agreed that the Government  
18 of Canada, who is one of the key participants in  
19 this inquiry, be given more than 15 minutes. He  
20 has said 30. I don't think I need all of that.

21 In addition to the oral  
22 submissions that I am about to make, the  
23 Government of Canada filed written submissions  
24 yesterday with the Commission and we leave those  
25 with you to supplement and as well underpin the  
26 oral submissions now.

27 It is the case, Mr. Commissioner,  
28 that the work of this Commission inquiring into  
29 the decline of sockeye salmon stocks in the Fraser  
30 River in B.C. is extremely important. We don't  
31 need to go over what has led to that, but there  
32 has been low returns for a few years now.

33 Government at all levels,  
34 harvesters, First Nations, industry, the Pacific  
35 Salmon Commission, other stakeholders and all  
36 Canadians will benefit from your considered  
37 findings and recommendations, Mr. Commissioner,  
38 that will result from the work of this inquiry  
39 which will follow the various processes and  
40 evidentiary hearings that you will be engaging in.  
41 It will significantly contribute to a thorough  
42 record and assist the government with moving  
43 forward on the management and the science of  
44 Fraser River sockeye.

45 In terms of the discussion paper,  
46 the Government of Canada regards it as a well  
47 developed and mostly complete statement of issues  
to guide this inquiry.

## Submissions on Behalf of the Government of Canada

1                                   We have some additional issues and  
2 lines of inquiry that we propose and I will  
3 outline them for you. We believe these additional  
4 issues will assist the Commission in ascertaining  
5 relevant facts and science that bear on Fraser  
6 River sockeye salmon stocks and the evident  
7 declines that have happened recently.

8                                   We believe that with these  
9 additions the discussion paper and the issues  
10 identified therein will serve as a solid  
11 foundation on which to build an evidentiary base  
12 and allowed you to make the findings that will  
13 come at the end.

14                                  I want to spend a moment or two  
15 on what the Government of Canada has done thus  
16 far in terms of aiming to assist with the  
17 Commission's work.

18                                  At the request of Commission staff  
19 and counsel, Canada has to date provided tens of  
20 thousands of documents from the files and  
21 databases of the Department of Fisheries and  
22 Oceans. These documents pertain to the management  
23 and the science of Fraser River sockeye salmon.

24                                  Still, there are several hundred  
25 thousand more documents from Fisheries and Oceans  
26 and other federal departments yet to produce.  
27 There is currently a massive amount of work  
28 underway to identify, assemble, process,  
29 computerized and review those documents yet to  
30 come. They consist of documents that are not  
31 e-mails and documents that are e-mails and, as  
32 you, Mr. Commissioner, will be well aware, in  
33 today's age of e-mails there is mountains of  
34 electronic information that can be produced and  
35 there are tens and tens of people in government  
36 departments and the Department of Justice that are  
37 devoting part of their work time to this effort.

38                                  In turn, other participants are  
39 required to produce documents in their control to  
40 the Commission as well and we look forward through  
41 the Commission staff to receive those.

42                                  Before I come to the  
43 discussion paper proper and the issues therein,  
44 Mr. Commissioner, as to witnesses your counsel  
45 has already been in touch with the Government of  
46 Canada as to individuals and areas that they are  
47 interested to have witnesses identified and

## Submissions on Behalf of the Government of Canada

1 produced and interviewed and that process is  
2 unfolding. In addition to those that the  
3 Commission staff are identifying very soon, the  
4 Government of Canada will be identifying and  
5 making available to the Commission counsel some  
6 other individuals who we believe have important  
7 things to say.

8 In terms of the discussion  
9 paper, I have three overarching comments that I  
10 want to make.

11 First, and importantly, sockeye  
12 salmon, like other marine species spawn, live and  
13 migrate through a river and marine ecosystem that  
14 is exceedingly complex and is impacted by multiple  
15 human activities and natural factors.

16 The evidence that you will  
17 ultimately hear and the site visits you will  
18 engage in and public forums, and the public  
19 submissions that the Commission will receive by  
20 it's website will all underline the complexity  
21 and the diverse interests and views that come to  
22 bear and that impact the sockeye salmon in the  
23 Fraser River.

24 With this, Canada observes that  
25 the approach taken in the discussion paper, as we  
26 see it, is to launch fairly directly into specific  
27 subject areas that bear on Fraser River sockeye  
28 and, following that, to then turn to an assessment  
29 or consideration of cumulative effects.

30 Canada suggests, however, that  
31 before delving into the specific subject areas it  
32 would be beneficial and useful for you,  
33 Mr. Commissioner, to first hear from one or more  
34 scientists who can provide an overview of fish  
35 biology, specifically sockeye salmon, and the  
36 ecosystem in which they spawn, live and through  
37 which they migrate.

38 Picking up on what I said a few  
39 moments ago, Canada will be suggesting the names  
40 of one or more scientists to your Commission  
41 counsel who can provide this evidence. This is  
42 expertise within the Department of Fisheries and,  
43 as well, within some of the participant groups.

44 In addition, Commission  
45 counsel are retaining, as I understand it, some  
46 scientists who themselves will have some of this  
47 sort of information.

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1                   To begin by hearing evidence of  
2 the overall fish biology and ecosystem we believe  
3 will better assist you, Mr. Commissioner, in  
4 understanding and putting all of the other  
5 evidence that you will hear in context.

6                   You will hear a myriad of evidence  
7 on many issues that will be hard to fit together  
8 unless, in our submission, you have first been  
9 given this overall grounding in fish biology and  
10 the ecosystem.

11                   My second overarching comment is  
12 this: The discussion paper proposes to look at  
13 the activities of the many operators, regulators,  
14 actors and other stakeholders involved in Fraser  
15 River sockeye salmon -- whether it be as to  
16 conservation, harvesting or otherwise, or  
17 enforcement, and so forth -- through the lens of  
18 their relationship with DFO. That is how we read  
19 what is in the front end of the paper.

20                   That is one important aspect to  
21 look at, but we also suggest that in order to gain  
22 a full understanding of the impacts and the  
23 impactors on Fraser River sockeye that it is  
24 important to look at the roles, responsibilities  
25 and activities of all these other entities in  
26 their own right at the same time as looking at  
27 their role, and so forth, in relationship to DFO.

28                   So we suggest that there be an  
29 independent look taken at the various participants  
30 and other actors who come to bear and have a  
31 bearing on Fraser River sockeye.

32                   My third overarching common is  
33 this: The paper refers to:

34  
35                   "... improving the future  
36 sustainability of the sockeye  
37 salmon fishery in the Fraser  
38 River."  
39

40                   That is at page 7, or thereabouts,  
41 of the discussion paper. I just pause to note  
42 that as I print the discussion paper it seems to  
43 come up with slightly different page numbers than  
44 the web posting, so I may be off a page or two  
45 when I say seven.

46                   In the context of management of a  
47 fishery, however, sustainability is generally

## Submissions on Behalf of the Government of Canada

1 interpreted to include some element of economics,  
2 that is the ability to generate economic viability  
3 through the use of the resource.

4 There does not appear to be  
5 mention of this in the discussion paper. We  
6 therefore think that it is important when  
7 looking at future sustainability to include  
8 consideration of all of environmental  
9 sustainability, economic viability and the social  
10 aspects of sustainability and we therefore  
11 recommend that all of these be included in the  
12 inquiry and the deliberations that follow.

13 I now want to say a word on the  
14 processes, in particular those as outlined in the  
15 discussion paper. I'm going to focus on three  
16 things, the public forums, the site visits and the  
17 panel of experts that is contemplated.

18 All of these merit some comment,  
19 in our submission. We view all of these processes  
20 as innovative and important means to facilitate  
21 public input and to assist you, Mr. Commissioner,  
22 in better understanding what is at play, what are  
23 the factors, what are the problems, what needs to  
24 be done and so forth.

25 In particular, the public forums  
26 and the site visits will allow you to firsthand  
27 better understand the operational side of fishery  
28 and fisheries management and to provide as wide as  
29 possible a means for the public to input or  
30 provide input to you at what I understand to be  
31 locations that will be spread throughout the  
32 Fraser watershed and some of the coastal areas of  
33 British Columbia.

34 All of this is important and we  
35 commend Commission counsel for identifying these  
36 as means and ways to proceed.

37 We urge the Commission, however,  
38 to publicize a list of public forums with dates  
39 and locations in the near future so that the  
40 public and participants can plan to attend, plan  
41 their schedules and make arrangements.

42 We also urge the Commissioner to  
43 arrange site visits in a manner that allows  
44 participants and their counsel to attend along  
45 with the Commissioner and to see at the same time  
46 as you do, Mr. Commissioner, what is there to be  
47 seen and experienced. This in turn will better

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1 equip participants and their counsel to suggest  
2 witnesses, develop questions and make submissions  
3 in support of the matters on which you will be  
4 eventually making findings of fact and  
5 recommendations.

6 Having said this, we realize that  
7 there will be in some instances safety issues and  
8 space availability concerns that may limit  
9 attendance. We seek as much as possible, however,  
10 that there be full engagement in these site visits  
11 by counsel for the participants and the  
12 participants as appropriate.

13 Again we ask that a list of  
14 intended site visits with dates and locations be  
15 made available to participants in the near future.

16 On this, Mr. Commissioner, the  
17 Government of Canada will be pleased to arrange  
18 for visits that you and your counsel wish to have,  
19 that is visits where there are sites that are  
20 under the management and control of the Government  
21 of Canada.

22 As to the intended panel of  
23 experts, we see that, as I say, as innovative  
24 and a potentially effective tool in gathering  
25 evidence. At the same time we have some questions  
26 and you, Mr. Commissioner, may as well and we  
27 will be sorting that through with your counsel  
28 no doubt. It's not something that happens every  
29 day, as many of us know. We do seek more  
30 information as to how panels of witnesses will  
31 function in an evidentiary context and the  
32 procedures that will be in place for asking  
33 questions of the participants, these witnesses on  
34 the panels of experts.

35 Then following receipt of some  
36 more information in this area, we ask that  
37 participants' counsel have the opportunity to  
38 make submissions about that and about the use that  
39 will be made of the evidence that flows from  
40 panels of experts.

41 I now turn to some of the  
42 substantive particulars that are in the discussion  
43 paper which starts at about page 8, depending on  
44 whether it's my copy or the web posting copy.  
45 There is a heading there, "Management of Fraser  
46 River Sockeye Salmon".

47 The paper first addresses

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1 organizational structure and specifically DFO's  
2 or Department of Fisheries and Oceans  
3 organizational structure.

4 DFO's mandate as it relates to  
5 Fraser sockeye is broader than just management as  
6 described in the discussion paper. DFO is  
7 responsible for developing and implementing  
8 policies and programs in support of Canada's  
9 scientific, ecological, social and economic  
10 interests in oceans and freshwater.

11 It is important, Mr. Commissioner,  
12 in our view, to keep this in mind when looking at  
13 the organizational structure of DFO and the  
14 management of Fisheries and Oceans. One cannot be  
15 too narrow or myopic in looking at the structure  
16 only in regard to sockeye salmon and Fraser River  
17 sockeye because there are many other things in  
18 play and being done and those need to be taken  
19 into account.

20 A further point is this: The  
21 comprehensive mandate of DFO should also inform  
22 the inquiry in looking at DFO's relationship with  
23 provincial and local governments and with First  
24 Nations, the Pacific Salmon Commission, the many  
25 harvester interests and organizations, other  
26 industry and other stakeholders.

27 And in keeping with Canada's  
28 second overarching comment, we recommend that the  
29 Commission look at these other entities roles,  
30 responsibilities and activities in their own right  
31 and the potential for real impact that they have  
32 on the ecosystem and specifically those things  
33 that bear on Fraser sockeye.

34 A further point about the  
35 discussion paper issues, under the heading of  
36 "Management", is this, Mr. Commissioner. The  
37 discussion paper refers to "funding, budgeting and  
38 allocation of departmental resources".

39 The terms of reference which you,  
40 Mr. Commissioner, read from at the beginning of  
41 this hearing, directs the Commissioner, as you  
42 know, to consider the policies and practices of  
43 DFO, including its allocation of departmental  
44 resources.

45 It is our view that the  
46 consideration of the internal organizational  
47 structure of DFO, while relevant, is not in and of



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1           itself a line of inquiry within the terms of  
2           reference, and we ask that that be kept in mind.

3                         Similarly, Mr. Commissioner, you  
4           are directed by the terms of reference to consider  
5           DFO's allocation of departmental resources for the  
6           Fraser River sockeye, as I say, but, in our view,  
7           that does not encompass consideration of the  
8           funding or overall budgets that DFO receives  
9           through the parliamentary appropriation process.

10                        And, in any event, the Commission  
11           would not have all relevant information available  
12           to it about the parliamentary allocation process  
13           to get into that.

14                        Canada suggests that what is  
15           described in this area of the discussion paper,  
16           which is under "Organizational Structure", really  
17           comes down to DFO policies, practices and  
18           procedures, which is the term that is used in the  
19           terms of reference.

20                        Next, as to harvesting, the  
21           importance of inquiring into the activities of  
22           harvesters in their own right, and not simply as  
23           they relate to DFO or their ties to DFO, has  
24           already been covered.

25                        Also importantly, though, Mr.  
26           Commissioner, harvesting issues should include  
27           consideration -- and we view this as very  
28           important -- should include consideration of DFO's  
29           consultation and advisory processes that are in  
30           place. There are a number of processes in  
31           fisheries' planning and management, both in  
32           season, during season and post season, that have  
33           consultation and advisory processes surrounding  
34           them. In particular, there is consultation with  
35           stakeholders that forms part of the integrated  
36           fisheries' management plans, and these are  
37           extremely important and we encourage the  
38           Commission to look into this in a detailed way.  
39           It should form an integral part, in our view, of  
40           the Commission's investigation.

41                        We also suggest that, in regard to  
42           harvesting, harvest-related enforcement and  
43           habitat-related enforcement are closely linked.  
44           It appears to us from the discussion paper that  
45           enforcement as a standalone topic, if I could put  
46           it that way, is not foursquare there, and we do  
47           suggest that enforcement be a standalone topic and

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1 that the various sorts of enforcement,  
2 habitat-related and harvest-related and so forth,  
3 be put into that basket and considered in some  
4 detail.

5 Next, as to conservation, the  
6 Commission quite properly focuses on conservation,  
7 of course. Conservation is everyone's  
8 responsibility. This takes us back and is a  
9 linkage back to the second overarching comment  
10 that I made; that is, the activities of the  
11 various actors and stakeholders should be looked  
12 at in their own right for what they are.

13 Importantly about conservation is  
14 this: conservation brings everything to the fore.  
15 Conservation and sustainability are undoubtedly  
16 the foundational issues around which everything  
17 else in this inquiry should revolve and should  
18 link back to.

19 The discussion paper considers at  
20 some length various issues to do with fish biology  
21 and ecosystems. There is some fair detail that we  
22 have in the written submissions, which I am not  
23 going to go to, that I leave with you about some  
24 of the specifics there.

25 I have already spoken about the  
26 importance of starting with the whole of ecosystem  
27 and fish biology approach to the evidence, and the  
28 importance that we attach to that, and then moving  
29 to the detailed or specific issues thereafter.

30 With regard to specific issues, we  
31 have some additions that we suggest to what is set  
32 out at page 9 and following, and what I am about  
33 to say is in our written submissions as well.  
34 But, in addition to what the Commission has so far  
35 considered and decided to investigate, we suggest  
36 looking at harmful algae blooms, freshwater and  
37 marine competitors, which include such things as  
38 kokanee, smelt, stickleback and others.

39 We also suggest that the  
40 Commission look at food abundance in the marine  
41 environment and the competition that different  
42 species have for what food is available.

43 We also suggest looking at harmful  
44 aquatic invasive species, as that can be an  
45 important factor.

46 Finally, we suggest adding to the  
47 list of issues species interaction. Some of this

## Submissions on Behalf of the Government of Canada

1 relates back to what I just said, competition for  
2 food, but it also relates to competition for  
3 habitat in a general and specific sense, and to  
4 disease transmission between different species.

5 The discussion paper then turns to  
6 consideration of fish biology and ecosystem issues  
7 research projects that are identified. The paper,  
8 as we understand it, says that the scientists that  
9 will be or have been retained by you, Mr.  
10 Commissioner, are going to engage in secondary  
11 research and that those people will not do primary  
12 research. If we are wrong, Commission counsel  
13 will no doubt tell us, but that is what we  
14 understand so far.

15 When we, as lawyers, spoke with  
16 the scientists about this, they pointed out that  
17 there is little or no primary research in some of  
18 the areas where the Commission proposes to  
19 investigate, so we do seek some clarification  
20 about how the Commission intends to proceed in  
21 that regard.

22 We also seek some further  
23 information, Mr. Commissioner, on whether science  
24 advisory panel members and scientists who are  
25 engaged and then provide reports to the Commission  
26 will be witnesses and subject to questioning by  
27 participants' counsel, and we do seek the  
28 opportunity to make some submissions on that at a  
29 later date, following perhaps on discussions that  
30 Mr. Wallace may have with all of the various  
31 lawyers about this.

32 We believe that scientists engaged  
33 by the Commission will have important information,  
34 and that, of course, is precisely why you, Mr.  
35 Commissioner, are engaging them, and we think that  
36 that information should, in an appropriate way,  
37 make its way into the evidentiary record and be  
38 subject to questioning.

39 There are two things that should  
40 be looked at in particular by the Commission, and  
41 the scientists will have a lot to say on these  
42 things, I believe, and they are the wild salmon  
43 policy of the Department of Fisheries and Oceans,  
44 and secondly, the fish health management plans  
45 that are required of all aquaculture operators in  
46 British Columbia. That policy and those plans are  
47 important tools and should be a key area of

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1 consideration, and we understand that the  
2 Commission is contemplating doing just that, and  
3 we support and encourage that.

4 I want to say a word about climate  
5 change and the examination of that. I think this  
6 is going to be a very important area to study in  
7 detail, and one of the reasons for that is that we  
8 understand that the Fraser River sockeye are close  
9 to the southern geographic extant of sockeye  
10 salmon stocks. There are only a few small sockeye  
11 populations that are south of the Fraser River.

12 This is an important point, and  
13 the importance is this: that even minor changes  
14 in climate change or water temperature could cause  
15 untold and disproportionate and significant  
16 suffering and difficulties or trouble for Fraser  
17 River sockeye.

18 We also think that a thorough and  
19 broad-based investigation into predators is  
20 warranted, and we know that the Commission staff  
21 and lawyers are doing just that. Predators, I  
22 think, is going to be an important thing in terms  
23 of the factual findings that you will eventually  
24 make.

25 The Commission properly intends to  
26 look at the cumulative effects of the various  
27 actors and predators and impactors and natural  
28 factors that bear down on Fraser sockeye. The  
29 assessment of cumulative impacts, however, is  
30 going to be extremely complex, and after leaving  
31 the individual subject areas, and examination  
32 thereof, we believe that one way to make less  
33 complex the otherwise highly complex assessment of  
34 cumulative impacts will be to group things by  
35 subject area and look at cumulative impacts by  
36 subject before rolling everything up into one big  
37 look at the cumulative impacts.

38 For example, the Commission could  
39 look at the cumulative impacts of the various  
40 habitat losses that have occurred as one subject  
41 area, as it moves toward an assessment of  
42 cumulative impacts.

43 The discussion paper refers to  
44 background and research in some of the detailed  
45 investigations that are going to be done,  
46 including the 36 sockeye conservation units in the  
47 Fraser Watershed. This is going to be

## Submissions on Behalf of the Government of Canada

1 challenging, and this is one area where we  
2 understand that there is very little primary  
3 research done to date, and that will have an  
4 impact on what can be made available to the  
5 Commission or to you, Mr. Commissioner.  
6 Having said that, there is to be a  
7 presentation on Fraser sockeye conservation units  
8 at a meeting of the Pacific Science Advice Review  
9 Committee in the fall, and the Commission will no  
10 doubt want to benefit from that and add that to  
11 its repository and inventory of information and  
12 evidence.  
13 We also suggest that some study be  
14 done, Mr. Commissioner, as to comparing Fraser  
15 sockeye with other sockeye stocks and with other  
16 species who have similar feeding and needs, in  
17 order to better understand, species-to-species,  
18 what is happening and better get at some of the  
19 causes of the declines that have been seen in  
20 Fraser sockeye.  
21 In conclusion, Mr. Commissioner,  
22 Canada intends to fully participate in this  
23 inquiry and assist by providing a comprehensive  
24 set of relevant documents, and identifying and  
25 making available witnesses on science, policy and  
26 management issues that are of interest to the  
27 Commission and bear on the Fraser sockeye.  
28 It is, of course, in everyone's  
29 interest to have as full an understanding as  
30 possible of fish biology, the ecosystem, the many  
31 factors and actors at play, and the causes of the  
32 decline in recent years of Fraser River sockeye  
33 stocks, so that you, Mr. Commissioner, are best  
34 equipped to make findings and recommendations.  
35 And, as I say, we intend to  
36 participate fully and look forward to that. Thank  
37 you.  
38 COMMISSIONER COHEN: Thank you,  
39 Mr. Taylor.  
40 MR. WALLACE: Thank you, Mr.  
41 Taylor.  
42 Next is the Province of British  
43 Columbia, Mr. Tyzuk.  
44  
45 SUBMISSIONS ON BEHALF OF THE PROVINCE OF BRITISH  
46 COLUMBIA  
47

Submissions on Behalf of the Province of  
British Columbia

1 MR. TYZUK: Mr. Commissioner,  
2 Boris Tyzuk, Q.C., on behalf of the Province of  
3 British Columbia.

4 I will have some introductory  
5 comments, direct some comments toward the  
6 questions posed by the Commission, and then make  
7 some concluding remarks.

8 The province is very pleased that  
9 the federal government has established this  
10 inquiry into the decline of the Fraser River  
11 sockeye salmon. The decline of the Fraser River  
12 sockeye is a matter of great concern to the  
13 province and to all British Columbians.

14 The province thanks the Commission  
15 for granting it standing to participate in this  
16 inquiry and for the opportunity to make  
17 submissions with respect to the draft discussion  
18 paper.

19 I would note in the terms of  
20 reference that the inquiry's overall aim is to  
21 respect conservation of sockeye salmon stock and  
22 to encourage broad cooperation among stakeholders,  
23 while not seeking to find fault on the part of any  
24 individual community or organization. We think  
25 this is a very positive direction and a key  
26 component of the effectiveness of this inquiry.

27 Clearly, all participants are  
28 concerned about the conservation of Fraser River  
29 sockeye salmon stocks.

30 The Commission has asked the  
31 participants to comment on the issues identified  
32 in the discussion paper, suggest other issues that  
33 may be relevant, and which issues may be of  
34 greatest priority.

35 The list of issues proposed in the  
36 discussion paper is quite comprehensive, and  
37 perhaps ambitious, given the timeframe set out in  
38 the Commission's terms of reference.

39 While in this scenario it is  
40 difficult to state that some issues are definitely  
41 more important than others, given that they are  
42 all relevant in one way or another, given the  
43 Commission's request and the timeframe set out in  
44 the terms of reference, the province will provide  
45 some preliminary comments.

46 In section (d), the management of  
47 the Fraser River sockeye salmon, all of the issues

Submissions on Behalf of the Province of  
British Columbia

1 listed, including harvest management and harvest  
2 enforcement, are of significance.  
3 The matters set out in section  
4 (e), fish biology and ecosystems issues, again are  
5 important. But if priorities are to be set, then  
6 salmon farms, aquaculture, and water-related  
7 issues, including water management, water  
8 pollution and gravel removal, merit consideration.  
9 The province is presently engaged  
10 in a Water Act modernization process. The  
11 province will be providing the Commission with  
12 details with respect to the status of this  
13 project.  
14 The setting out of issues in the  
15 discussion paper has been very helpful to the  
16 province -- and we commend the Commission -- as  
17 the province endeavours to identify and provide  
18 the Commission with relevant data and information.  
19 Given the list of issues set out  
20 in the discussion paper, and the Commission's  
21 timeframe, reaching definitive conclusions and  
22 practical recommendations -- and we emphasize  
23 that -- on many of these issues will be  
24 challenging.  
25 However, it is important that the  
26 Commission deliver its report in a timely manner,  
27 so that its recommendations can be reviewed and  
28 decisions made as to the implementation of those  
29 recommendations.  
30 Finally, the province is looking  
31 forward to working with the Commission and other  
32 participants in the inquiry, as the future  
33 sustainability of Fraser River sockeye salmon is  
34 of importance not only to all of us in this room,  
35 but to all British Columbians as well.  
36 Again, thank you, Commissioner.  
37 COMMISSIONER COHEN: Thank you  
38 very much.  
39 MR. WALLACE: The third speaker  
40 will be John Hunter, for the Pacific Salmon  
41 Commission.  
42  
43 SUBMISSIONS ON BEHALF OF THE PACIFIC SALMON  
44 COMMISSION  
45  
46 MR. HUNTER: Thank you, Mr.  
47 Commissioner. My name is John Hunter, and I am

Submissions on Behalf of the Pacific  
Salmon Commission

1           counsel for the Pacific Salmon Commission.  
2                         Tam Boyar will be assisting me at  
3 your Commission hearings. He is sitting in the  
4 audience, but will, from time to time, I suspect,  
5 be sitting in the chair that I have just left.  
6                         Mr. Commissioner, my client has  
7 reviewed the discussion paper that your Commission  
8 had sent out, and we view it as a thorough review  
9 of the topics to be considered, and we have no  
10 submissions to make to you as to additions or  
11 deletions or prioritization. It seems to us that  
12 your Commission is well on its way to addressing  
13 the important issues that must be addressed in  
14 fulfilling your mandate.  
15                         What I thought I might do this  
16 morning are two things. One is, as much for the  
17 benefit of the participants as you, to say a few  
18 words about the Pacific Salmon Commission, what it  
19 is and how it fits into this process; and then,  
20 secondly, to indicate to you, Mr. Commissioner,  
21 how we feel that we may be of assistance to you in  
22 your doing your work.  
23                         The Pacific Salmon Commission is  
24 the body that was formed by the Government of  
25 Canada and the Government of the United States to  
26 implement the Pacific Salmon Treaty of 1995. It  
27 possesses considerable expertise and experience in  
28 fisheries management, and also knowledge of  
29 Canada's international obligations.  
30                         The Pacific Salmon Commission, or  
31 PSC, is not itself responsible for the regulation  
32 of the salmon fishery; rather, it provides advice  
33 and recommendations to government on both sides of  
34 the border with respect to the conservation of  
35 salmon stocks and the management of the salmon  
36 fishery in Canada and the United States.  
37                         The PSC is organized into various  
38 panels, which assist in developing the management  
39 advice that is ultimately provided to government.  
40 One of these panels, the Fraser River Panel, is  
41 engaged in the management of Fraser River sockeye  
42 and pink salmon fisheries in the Fraser River  
43 Panel area.  
44                         Each year the Fraser River Panel  
45 develops a series of recommendations with respect  
46 to the management of the salmon fishery. These  
47 recommendations are based on scientific and



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Salmon Commission

1 technical information provided by technical  
2 committees in relation to the following matters,  
3 among others: the abundance and timing forecasts  
4 and escapement targets for sockeye and pink salmon  
5 stocks, which are provided by the Department of  
6 Fisheries and Oceans; international catch  
7 allocation goals set by Canada and the United  
8 States; domestic catch allocation goals of each  
9 country; management concerns for other stocks and  
10 species identified by each country; and historic  
11 patterns in migration and fisheries dynamics.

12 The Fraser River Panel's  
13 recommendations are provided to the Pacific Salmon  
14 Commission for consideration, and are ultimately  
15 transmitted to the governments of Canada and the  
16 United States for final approval and  
17 implementation through the regulatory process.

18 That is who the Pacific Salmon  
19 Commission is. In terms of the role that we feel  
20 we can play to assist in you in this Commission's  
21 process, the PSC is in a unique position to  
22 provide bilateral fisheries management information  
23 to the Commission and to assist the Commission in  
24 assessing information related to the Fraser River  
25 sockeye salmon and fisheries management more  
26 generally.

27 The PSC expects to provide input  
28 on both the management and scientific issues set  
29 out in the discussion paper.

30 The PSC is integrally involved in  
31 the management of sockeye salmon stocks in the  
32 Fraser River. The role of the PSC in the  
33 management of these stocks, as well as its  
34 relationship with DFO, have been identified as  
35 issues that are to be addressed by your  
36 Commission.

37 The PSC anticipates that it will  
38 have valuable input on these and other management  
39 issues.

40 By way of example, as I think you  
41 are aware, Mr. Commissioner, the PSC is currently  
42 hosting a bilateral scientific workshop, which  
43 started this morning, to explore the condition of  
44 the Fraser River sockeye salmon, and, in  
45 particular, to evaluate the evidence for and  
46 against the possible causes of the decline of the  
47 sockeye salmon stocks in the Fraser River.

Submissions on Behalf of the Pacific  
Salmon Commission

1                   The workshop is organized to allow  
2 for two days of scientific presentations on  
3 possible causes of the decline of sockeye salmon  
4 stocks. This will be followed by a third day,  
5 which will be attended only by an expert advisory  
6 panel, comprised of ten scientists.

7                   These scientists will discuss the  
8 evidence regarding the possible causes of the  
9 decline in sockeye salmon stocks in the Fraser  
10 River and begin writing a report on their  
11 findings.

12                   The final report written by the  
13 expert advisory panel will, of course, be provided  
14 to you.

15                   The PSC views this workshop as an  
16 opportunity to provide input on some of the  
17 scientific issues being explored by your  
18 Commission. We understand that representatives of  
19 your Commission are in attendance at the workshop  
20 to observe, and, of course, as I have mentioned,  
21 the final report issued by the expert advisory  
22 panel will be provided to you.

23                   Finally, the PSC is of the view  
24 that the discussion paper provides an appropriate  
25 summary of the topics that should be addressed to  
26 fulfil your mandate. We look forward to providing  
27 as much assistance as we can to assist you in this  
28 important task.

29                   Those are my submissions.

30                   COMMISSIONER COHEN: Thank you  
31 very much, Mr. Hunter.

32                   MR. WALLACE: Thank you, Mr.  
33 Hunter.

34                   I would ask the Public Service  
35 Alliance of Canada and the Union of Environmental  
36 Workers to come forward.

37  
38 SUBMISSIONS ON BEHALF OF THE PUBLIC SERVICE  
39 ALLIANCE OF CANADA AND UNION OF ENVIRONMENT  
40 WORKERS

41  
42                   MR. BUCHANAN: Good morning, Mr.  
43 Commissioner. I am Mr. Buchanan, and I act on  
44 behalf of the Union of Environment Workers and the  
45 Public Service Alliance of Canada.

46                   The Union of Environment Workers  
47 represents approximately 1,500 employees employed

Submissions on Behalf of the Public Service  
Alliance of Canada and Union Of Environment Workers

1 by the Department of Fisheries and Oceans in  
2 British Columbia. The UEW represents the majority  
3 of the employees employed in the DFO.

4 In that capacity, our members are  
5 responsible for the implementation and delivery of  
6 programs in support of Canada's scientific,  
7 ecological, social and economic interests in  
8 oceans and freshwaters. In particular, we study,  
9 conserve and protect aquatic ecosystems, conduct  
10 scientific research, help manage the commercial,  
11 recreational and Aboriginal fisheries, and provide  
12 service to fishers.

13 The UEW is a component, in part,  
14 of the Public Service Alliance, which represents  
15 approximately 140,000 members in the federal  
16 public service.

17 The UEW and PSAC's interest in  
18 these proceedings is bringing to light the working  
19 conditions of its members, which impacts the DFO's  
20 management of the Fraser River sockeye.

21 It is our clients' view that over  
22 the past number of years the DFO has been  
23 underfunded and understaffed, and that this has  
24 contributed to the decline of the sockeye salmon  
25 in the Fraser River and other populations on the  
26 West Coast.

27 With that view in mind, we  
28 reviewed the discussion paper, and we believe it  
29 is sufficiently broad to cover the important  
30 issues which have brought the UEW and the PSAC  
31 into these proceedings, and we will not be making  
32 any specific requests for changes or alterations  
33 to the discussion paper.

34 We do wish to add our support to  
35 the written submissions of the Conservation  
36 Coalition with respect to its comments upon the  
37 DFO organizational structure, found at page 5 of  
38 its written submissions. And we adopt those  
39 written submissions as our own.

40 We do have a couple of concerns  
41 with respect to the Government of Canada's  
42 position this morning, and found in its written  
43 submission of yesterday.

44 We are concerned that by  
45 restricting the internal organizational structure  
46 and the overall funding of the Department of  
47 Fisheries and Oceans, this Commission may not be

Submissions on Behalf of the Public Service  
Alliance of Canada and Union Of Environment Workers

1 able to provide as full an inquiry and  
2 recommendations as it ought to be able to do.

3 Much of the submissions of the  
4 Government of Canada rest on a very narrow  
5 interpretation of item (b) in the terms of  
6 reference.

7 We would ask that, in examining  
8 the scope, and specifically the request not to  
9 look at the internal organization and the overall  
10 funding of DFO, this Commission ought to have in  
11 mind term (c) and term (d).

12 For example, we say that the  
13 internal organization of DFO may be a contributing  
14 cause of the decline of the Fraser River sockeye,  
15 as a result of internal structural problems caused  
16 by the structure of the DFO, and, in particular,  
17 changes within the structure of DFO for the past  
18 number of years.

19 Further, the Commission may wish  
20 to make recommendations about the internal  
21 organizational structure to improve the future  
22 sustainability of the sockeye salmon fishery in  
23 the Fraser River.

24 Other than those few comments, we  
25 view the discussion paper to be sufficiently broad  
26 and complete, and we look forward to assisting you  
27 in completing your terms of reference.

28 COMMISSIONER COHEN: Thank you,  
29 Mr. Buchanan.

30 MR. WALLACE: Thank you, Mr.  
31 Buchanan.

32 We are now a bit ahead, which  
33 makes me nervous, because we will lose that in due  
34 course.

35 I don't want to get ahead of  
36 people's comfort levels, but is the Seafood  
37 Producers Association available to come forward?

38 MR. SPORER: We could go ahead.

39 MR. WALLACE: Thank you.

40

41 SUBMISSIONS ON BEHALF OF THE SEAFOOD PRODUCERS  
42 ASSOCIATION OF BRITISH COLUMBIA

43

44 MR. SPORER: Chris Sporer, with  
45 the Seafood Producers Association of British  
46 Columbia, the provincial registered society  
47 representing seafood processing interests on

Submissions on Behalf of the Seafood  
Producers Association of British Columbia

1 Canada's Pacific Coast.

2 We have made a written submission  
3 on the discussion paper, and we have already,  
4 respectfully, submitted our comments. This oral  
5 presentation will basically reiterate and  
6 reinforce some of those comments from the written  
7 submission.

8 First of all, a general comment on  
9 the terms of reference. Our members have noted  
10 that the terms of reference direct the  
11 Commissioner to examine matters related to Fraser  
12 River sockeye, but also matters related to the  
13 Fraser River sockeye fishery.

14 Basically, based on the terms of  
15 reference, the Commission of Inquiry appears to be  
16 not only about the fish, but also about the  
17 fishery, and given our members' significant  
18 investments and level of involvement in the  
19 processing and purchasing of commercially caught  
20 wild Pacific salmon, our members have an obvious  
21 interest in the sustainability of Fraser River  
22 sockeye, and also in the sustainability of the  
23 fishery.

24 In light of that, the fisheries  
25 policies and fisheries management practices and  
26 procedures of DFO with respect to Fraser River  
27 sockeye could have significant impacts not only on  
28 the commercial fishing opportunities and harvest  
29 levels, but also on factors such as fish quality,  
30 fish prices, harvesting costs and processing  
31 costs. These factors, in addition, obviously, to  
32 a healthy salmon resource, which is an important  
33 part -- all of these play an important role in  
34 achieving the sustainability of the Fraser River  
35 sockeye fishery. The levels of harvest are merely  
36 one component.

37 With the exception of the levels  
38 of harvest, the discussion paper does not seem to  
39 directly identify or call for the identification  
40 or examination of other issues that will affect  
41 the sustainability of the Fraser River sockeye  
42 fishery.

43 An examination of all such factors  
44 will be necessary for the Commission to be able to  
45 develop recommendations for improving the future  
46 sustainability of the Fraser River sockeye salmon  
47 fishery.

Submissions on Behalf of the Seafood  
Producers Association of British Columbia

1                   The next comment is with respect  
2 to the DFO organizational structure, section (d),  
3 Part 1.

4                   When the Commission considers the  
5 funding, budgeting and allocation of departmental  
6 resources, we submit that attention must be given  
7 to examining whether changes to the DFO  
8 organizational structure and mandate have affected  
9 the level of resources and attention devoted to  
10 the management of the Fraser River sockeye.

11                   Some examples we give are: in  
12 1995, we believe that the DFO organizational  
13 structure changed when the department merged with  
14 the Canadian Coast Guard; and in 1996, with the  
15 passage of the Oceans Act, DFO's mandate expanded  
16 to include oceans management, as called for under  
17 the Oceans Act.

18                   So now we are questioning  
19 whether -- when considering funding, budgeting and  
20 allocation of departmental resources, we submit  
21 that the Commission should ensure that its  
22 investigation considers the presence of any  
23 impacts on the management of the Fraser River  
24 sockeye due to organizational changes and expanded  
25 mandates within DFO and whether they have diverted  
26 attention from Fraser River sockeye.

27                   The next comment is on section  
28 (d), Part 2, harvesting.

29                   We submit that the Commission  
30 should explore how DFO undertakes decision-making  
31 to balance off the multiple objectives of  
32 maximizing biological diversity versus maximizing  
33 the socioeconomic benefits realized from  
34 harvesting Fraser River sockeye.

35                   We further submit that the  
36 Commission should examine whether the DFO  
37 decision-making process ensures that such  
38 decisions are made explicitly through an open and  
39 transparent process, with rationale provided for  
40 the decision taken, and with an accompanying  
41 analysis of the estimated conservation and  
42 socioeconomic impacts of each decision.

43                   Such a process is consistent with  
44 DFO policy documents, specifically the wild salmon  
45 policy, and such a process is necessary if  
46 stakeholders are to clearly understand the reasons  
47 for the DFO decision, and so that decision-makers

Submissions on Behalf of the Seafood  
Producers Association of British Columbia

1 understand the implications of their decisions.  
2 Finally, when considering issues  
3 that may be relevant to the recent sockeye salmon  
4 decline in section (e), fish biology and ecosystem  
5 impacts, Part 1, we submit that the Commission  
6 should also investigate the consequences of what  
7 we are calling fishery-induced mortality on  
8 sockeye. What we mean there is, fishery-induced  
9 mortality can occur due to contact with fishing  
10 gear. In such instances, the fish are not  
11 actually caught, but they have been, for lack of a  
12 better word, touched by the gear, and that can  
13 cause mortality.  
14 Fishing-induced mortality may also  
15 occur due to increased stress, as the sockeye  
16 salmon must avoid fishing gear in the water and  
17 possibly move into higher flowing parts of the  
18 river, thereby expending more energy, which can  
19 lead to mortality.  
20 We submit that the Commission will  
21 also need to consider if there has been an  
22 increased presence of fishing gear in the Fraser  
23 River generally, or in certain parts of the river,  
24 and whether this has led to increased  
25 fishery-induced mortalities of Fraser River  
26 sockeye.  
27 Thank you, Mr. Commissioner.  
28 COMMISSIONER COHEN: Thank you  
29 very much.  
30 MR. WALLACE: Thank you,  
31 Commissioner. I wonder if this might be a  
32 convenient time to take the morning break. We are  
33 a bit early, but I don't want to get too far  
34 ahead. I want to make sure that people are  
35 prepared.  
36 So, 15 minutes?  
37 COMMISSIONER COHEN: Thank you  
38 very much.  
39 THE REGISTRAR: We will now recess  
40 for 15 minutes.  
41 --- Upon recessing at 11:05 a.m.  
42 --- Upon resuming at 11:32 a.m.  
43 THE REGISTRAR: Order.  
44 THE COMMISSIONER: Thank you.  
45 MR. WALLACE: Thank you.  
46 Could we call on Mr. Rosenbloom,  
47 Area D Salmon Gillnetters Association and Area B

Submissions on Behalf of the Seafood  
Producers Association of British Columbia

1 Harvest Committee.

2

3 SUBMISSIONS ON BEHALF OF AREA D SALMON GILLNETTERS  
4 ASSOCIATION AND AREA B HARVEST COMMITTEE

5

6

7

MR. ROSENBLOOM: Thank you very  
much, Mr. Commissioner.

8

9 As Mr. Wallace indicates, my  
10 name is Don Rosenbloom, I appear on behalf of  
11 the Area D Salmon Gillnetters Association and  
12 Area B Seine Society.

13

14

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First, I'm not going to take the  
risk of predicting what your final report is going  
to read, but I will comment that I suggest that  
what Mr. Wallace said just before the break, that  
he didn't want to get too far ahead in schedule, I  
will predict that we will never hear those words  
again at this inquiry.

20

21

22

23

24

25

I would first like to generally  
compliment the Commission on their comprehensive  
discussion paper, however there are a number of  
concerns that arise from the review of the paper.  
As exhaustive as we find the paper, a few  
preliminary observations must be made.

26

27

28

29

30

My clients intend to primarily  
focus in two areas of the Commission's work.  
First, the aquaculture issues and, second, DFO and  
provincial management and policy issues, including  
weak stock management.

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I have brief comments in respect  
to both of these topics.

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In respect to aquaculture, there  
is no reference in the discussion paper to the  
foreign experience being valuable for the  
Commission's attention. We assume that this is  
simply an oversight.

46

47

Norway, Scotland and a few other  
countries are at least two decades ahead of us  
looking at the complex issues of fish farming, sea  
lice and other parasitic infestations, disease  
control and the impact of wild stock.

Mr. Commissioner, we intend to bring before the  
Commission information from these other countries  
that we believe will assist the Commission.

Second, we see little mention of  
the provincial role in fishery management,  
particularly in respect of aquaculture. We want



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1 to be assured that the province will cooperate  
2 with the Commission, will provide total disclosure  
3 of their documents and will participate actively  
4 in pursuit of the Commission's mandate.

5 In turn, we want to be assured  
6 that the Commission will also expect the same  
7 level of co-operation from the farming industry  
8 and that the Commission and the participants will  
9 be given full access to the salmon industry's  
10 records on disease outbreaks.

11 Third, on the management issues,  
12 my clients want to be assured that ample time is  
13 afforded for an analysis of fishery management,  
14 policy development and implementation, the  
15 relationship of the federal to provincial  
16 jurisdiction and with particular focus on weak  
17 stock management.

18 We note that you have  
19 allocated two days for DFO organizational and  
20 management oversight structure and arrangements.  
21 We assume those two days are to set out a  
22 schematic of DFO structure and that there will be  
23 due emphasis on the critical management issues  
24 throughout these hearings.

25 It's not my habit to ever support  
26 a submission by the Government of Canada, but I  
27 can't resist making brief comment about  
28 Mr. Taylor's submission and to highlight very  
29 briefly two points that he has made that we  
30 totally support.

31 The first in respect to  
32 field trips, where it has been suggested that  
33 possibly the participants would not be invited to  
34 witness your attendance at various sites and we  
35 support Mr. Taylor's comments that we feel it is  
36 important that we are invited and have the  
37 opportunity to glean the information that is being  
38 provided to you.

39 The second point I wanted to  
40 say in support of Mr. Taylor's comments is that we  
41 are informed in respect to your advisory panel  
42 that the members of that panel would not  
43 necessarily be brought forth for examination and  
44 cross-examination at this inquiry. We have  
45 already stated our viewpoint with Mr. Wallace  
46 during counsel meetings, but I again support  
47 Mr. Taylor in the suggestion that the advisory

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1 panel should indeed be brought forth and should be  
2 subject to examination at this inquiry.  
3 Let me now come to our main  
4 area of concern.  
5 Mr. Commissioner, it is not what  
6 is missing from the discussion paper that concerns  
7 us, rather it is what is found in the paper that  
8 raises alarm bells.  
9 Let me make clear, we are not  
10 suggesting that there is anything frivolous found  
11 in the paper. These areas of investigation as set  
12 out in the document are acutely responsive to the  
13 Terms of Reference.  
14 Yet it is the very  
15 comprehensiveness of the paper based upon the  
16 Commission's mandate that raises serious issues.  
17 Frankly, it is our position that  
18 the Order in Council is sadly inadequate in  
19 meeting the mandate hoisted upon the Commission,  
20 both in terms of timelines and in terms of  
21 participant funding.  
22 Where does this put us? The  
23 terms of reference of the Commission dictate that  
24 your final report will be delivered to government  
25 by May 1, 2011.  
26 Allowing two months for  
27 translation, which I understand is reasonable, and  
28 at least six weeks for your writing of the  
29 report -- and I just take that estimate out of the  
30 air -- I count only 44 days of hearing starting in  
31 September and going until your prescribed closing  
32 of this year on December 12. Forty-four days. I  
33 suggest to you those hearing days are totally  
34 inadequate to cover the topics of consideration in  
35 the discussion paper.  
36 Mr. Commissioner, Phase 2 of the  
37 Braidwood Inquiry, which wasn't dealing with  
38 significant scientific evidence, with fewer active  
39 participants, sat for almost 70 days.  
40 Why do I raise this matter? It  
41 is my position that it is in the public interest  
42 that a realistic timeframe be established by way  
43 of an amended Order in Council and that an  
44 appropriate sum of money be budgeted for  
45 participants, recognizing that this inquiry will  
46 be prolonged and recognizing the voluminous  
47 documents already disclosed.

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1                               If the Commission doesn't start  
2 this process with a realistic timetable, critical  
3 issues will be shortchanged in the name of trying  
4 to keep to an unrealistic timeline. Witnesses  
5 won't be called that should be called,  
6 participants will be imposed with unrealistic time  
7 allocation, all in the name of expediency. The  
8 quality of the outcome of the inquiry will  
9 necessarily suffer.

10                              I come now to the issue of  
11 funding very briefly in the context of this  
12 discussion paper.

13                              Another facet of this predicament  
14 relates to funding. The unrealistic budget for  
15 participants receiving funding and the ruling on  
16 funding by Ottawa truly stifles meaningful  
17 participation at the inquiry.

18                              We know of 300,000 documents and  
19 counting. No funding has been provided for  
20 participants to review those documents. No money  
21 has been offered for research assistants to those  
22 parties that are receiving assistance.

23                              And the Privy Council appears  
24 to be saying that the funded participants are  
25 to remain within the restricted budget as imposed  
26 by their funding decision, supposedly even if  
27 these hearings are significantly extended beyond  
28 the current Order in Council with the May 1,  
29 2011 deadline.

30                              Mr. Commissioner, we are staring  
31 down the reality that those participants that  
32 require funding will be denied meaningful  
33 participation at this inquiry.

34                              The consequence of the  
35 current funding situation is that those  
36 interest groups with private funding will be  
37 able to participate to a different and fuller  
38 extent than those that require and merit public  
39 funding. Surely a disparate playing field of  
40 representation cannot be acceptable to this public  
41 Commission of Inquiry.

42                              A realistic timetable with  
43 concomitant funding for participants in need will  
44 bode well for a fulsome inquiry. Anything less we  
45 suggest will render the inquiry superficial and  
46 unbalanced between the parties.

47                              I have these remarks in

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1 writing and I will provide them to the clerk  
2 for distribution to the Commission.  
3 I thank you very much.  
4 THE COMMISSIONER: Thank you,  
5 Mr. Rosenbloom.  
6 --- Pause  
7 MR. WALLACE: Thank you  
8 Mr. Rosenbloom.  
9 Mr. Butcher, for the Southern  
10 Area E Gillnetters Association and B.C. Fisheries  
11 Survival Coalition.  
12  
13 SUBMISSIONS ON BEHALF OF THE SOUTHERN AREA E  
14 GILLNETTERS ASSOCIATION AND B.C. FISHERIES  
15 SURVIVAL COALITION  
16  
17 MR. BUTCHER: Mr. Commissioner, I  
18 am David Butcher appearing for the Area E  
19 Gillnetters and the B.C. Fisheries Survival  
20 Coalition.  
21 I am going to address four issues  
22 with respect to the paper that has been presented.  
23 I say that the Commission needs to  
24 do the following things:  
25 First, you need to create an  
26 environmental inventory.  
27 Second, you need to study in depth  
28 the legal and regulatory framework in which this  
29 fishery is managed.  
30 Third, you need to engage in  
31 scientific study.  
32 And, finally, you have a need, I  
33 would say, for some comparator studies.  
34 Let me turn to these issues in  
35 more detail.  
36 We say that the first and most  
37 critical investigations to be undertaken by the  
38 Commission should be aimed at establishing  
39 baselines of scientific data. This should begin,  
40 and on this point I agree with Mr. Taylor for  
41 Canada, with an analysis of the biology of the  
42 various sockeye conservation units and should be  
43 followed by a study of the demographics of each of  
44 those stocks.  
45 We say it will be a very  
46 significant error to limit your demographic  
47 analysis to very recent times. We know going back

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Survival Coalition

1 in history that the sockeye stocks were very  
2 severely damaged by the Hells Gate Slide in the  
3 early 20th century, we know they recovered.

4 But, more significantly, the graph  
5 that you have produced in your Commission paper as  
6 Graph 1 demonstrates a decline in productivity  
7 between 1960 and 1966, a steady climb in  
8 productivity plateauing between 1966 and 1992 or  
9 1993 and a long, long, long decline since 1992.

10 Perhaps the key question for you  
11 is what did they do right for 26 years and what  
12 have they been doing wrong for the last 18 years?

13 We say it's of critical importance  
14 to determine what happened to each stock during  
15 these time periods if the Commission is to succeed  
16 in identifying the cause of the collapse.

17 All of the Commission's inquiries  
18 should be focused on identifying the demographic  
19 history of each run, the changes in river habitat  
20 in the main stem and the tributaries and the  
21 changes in ocean conditions, the changes in  
22 harvesting practices and changes in the regulatory  
23 environment and DFO management policies during the  
24 periods of growth and stability and then during  
25 the period of collapse.

26 It is only by comparing what  
27 happened during those two periods that you can  
28 come to providing meaningful answers to the  
29 collapse and meaningful recommendations for  
30 repair.

31 The second topic is the need for  
32 legal and regulatory study. Our fishery is  
33 regulated by ancient common law, Statutory  
34 Fisheries Act and, in the last 20 or 30 years, by  
35 the development of Aboriginal Rights Law. All of  
36 those are critically important, are critically  
37 important context for the management of the  
38 fishery.

39 Underneath that broad umbrella we  
40 say that you need to very closely look at the  
41 effect of DFO policies established under the law,  
42 the enforcement and prosecutorial practices of the  
43 Department of Fisheries and Oceans and the  
44 Department of Justice, and again I would join with  
45 Mr. Taylor and say that enforcement should be a  
46 separate topic for your review.

47 You need to look at the response

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Gillnetters Association and B.C. Fisheries  
Survival Coalition

1 of DFO to the historical reports and you need to  
2 look closely at how DFO has prioritized its  
3 budgets and spending priorities.  
4 Much of your paper turned on the  
5 scientific issues that you say need to be  
6 analyzed, but I say that until you've done that  
7 inventory, until you've looked at the  
8 environmental and regulatory environment that the  
9 scientific issues cannot be considered.  
10 We say that you need to look not  
11 simply at pure science, but at the role that the  
12 Department of Fisheries and Oceans has had in  
13 directing or responding to scientific  
14 developments. Again, you need to analyze the  
15 scientific research budgets, the scientific  
16 inquiries need to be placed in the context of the  
17 history of the environmental inventory.  
18 We take issue with the reported  
19 comments of one of the Commission's scientific  
20 advisors, Brian Riddell, that the decline is a  
21 scientific issue. It clearly has scientific  
22 components, but the science has to be placed in  
23 its broader context.  
24 We are concerned about the  
25 process, all aspects of the process of presenting  
26 expert evidence to this Commission, rather than  
27 the traditional adversarial process of different  
28 parties producing different experts.  
29 We have no funding for expert  
30 evidence. We have had no say in the appointment  
31 of people to your expert panels and we are very  
32 concerned about the manner in which their work  
33 will be presented to this Commission. We say that  
34 it is critical that any expert whose work is to be  
35 considered be produced for cross-examination.  
36 I mentioned the need for  
37 comparator studies. Just as Mr. Rosenbloom raised  
38 the issue of international experience in the  
39 aquaculture field, we say it's important for your  
40 inquiries to extend beyond the Canadian  
41 experience.  
42 We know that the sockeye stocks in  
43 the contiguous U.S. Pacific Coast states are also  
44 in very serious decline, but we also know that  
45 the stocks in Alaska are healthy and thriving and  
46 supporting a rich fishery.  
47 It would be of great benefit for

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Gillnetters Association and B.C. Fisheries  
Survival Coalition

1 this Commission to look at their experience. Is  
2 there something that they're doing right and we're  
3 doing wrong? What can they offer us?  
4 And, finally, I would simply adopt  
5 without repeating Mr. Rosenbloom's comments about  
6 timing and funding.  
7 I said finally. There were some  
8 very specific scientific issues that my client had  
9 identified that should perhaps be more  
10 specifically stated in the brief.  
11 We would ask that you examine  
12 these subjects separately. The impact of ocean  
13 and in-river harvesting on escapement,  
14 sustainability and productivity; the effect of the  
15 loss of estuarine and intertidal habitat in the  
16 mouth of the Fraser, and I join with Mr.  
17 Rosenbloom in saying you need to specifically look  
18 at the impact of weak stock management on healthy  
19 stocks.  
20 Thank you.  
21 THE COMMISSIONER: Thank you, Mr.  
22 Butcher.  
23 MR. WALLACE: Thank you.  
24 Rio Tinto Alcan.  
25  
26 SUBMISSIONS ON BEHALF OF RIO TINTO ALCAN INC.  
27  
28 MR. BURSEY: Thank you, Mr.  
29 Wallace.  
30 Mr. Commissioner, my name is David  
31 Burse for Rio Tinto Alcan.  
32 I have some brief comments on the  
33 discussion paper.  
34 Alcan's participation in this  
35 review is limited to narrow issues. Specifically  
36 Alcan is interested in the DFO's policies and  
37 practices and also any issues that might touch  
38 upon Rio Tinto Alcan's hydroelectric facility on  
39 the Nechako River.  
40 The Nechako River is a tributary  
41 that flows into the Fraser and there are a number  
42 of sockeye salmon conservation units that have  
43 been identified in the Commission's Discussion  
44 Paper that pass through that river.  
45 So, specifically within the  
46 Discussion Paper, there's two questions that you  
47 asked to be answered today. Are there any other

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1 issues, and what is the relevant priority for the  
2 issues?

3 On the first question, other  
4 issues, Rio Tinto Alcan has no other issues to  
5 raise. On the relative priority, we have comments  
6 on the issue that's been identified as hydro which  
7 is set out on page 10 of the Discussion Paper.

8 In that issue statement the  
9 following statement is made:

10  
11 "The commission intends to  
12 identify and map  
13 the...current and proposed  
14 IPPs..."

15  
16 MR. BURSEY: That stands for  
17 independent power projects:

18  
19 "...in relation to Fraser  
20 River sockeye CUs,..."

21  
22 MR. BURSEY: Conservation units:

23  
24 "...and to determine Fraser  
25 River sockeye habitat  
26 management implications. The  
27 commission plans to assess  
28 the status of Stuart,  
29 Stellako and Nadina Cus that  
30 are exposed to the Kemano  
31 Hydroelectric Project  
32 impacts, and to also evaluate  
33 the effectiveness of managing  
34 reservoir flows for  
35 temperature control."

36  
37 MR. BURSEY: Alcan's interest is  
38 triggered by that statement of the hydro issue  
39 since Alcan owns the Kemano Hydroelectric Project.

40 A bit of background on the Kemano  
41 project. Alcan constructed the project in the  
42 early 50s and it's been in operation ever since.  
43 It's a large reservoir on the Nechako River that  
44 diverts power -- water for hydro power to the  
45 Kemano Hydro Station on the Kemano Watershed.

46 The reservoir releases water into  
47 the Nechako River and it does so according to a



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1 prescribed set of flows which have been worked out  
2 through the 1987 settlement agreement between Rio  
3 Tinto Alcan, the Province of B.C. and Canada.  
4 There was also a subsequent agreement in 1997  
5 which finalized the flow regime under the  
6 Provincial Water Licensing Scheme.

7 That water flow regime is  
8 administered by a group called the Nechako  
9 Fisheries Conservation Program which comprises  
10 members from Rio Tinto Alcan, Canada, particularly  
11 Department of Fisheries and Oceans and the  
12 Province and that NFCP body administers the flow  
13 regime and studies the salmon conservation effects  
14 associated with the flow.

15 In the statement of the hydro  
16 issue, the Kemano Hydroelectric Project is  
17 specifically identified and from Rio Tinto Alcan's  
18 perspective the prominence that's given to this  
19 particular project should not have the same  
20 priority as it appears to be identified in that  
21 statement of that hydro issue.

22 In particular, if there's an  
23 assessment of the hydro issue overall, we'd agree  
24 with the comments stated earlier this morning from  
25 Mr. Taylor for Canada, that cumulative assessment  
26 should look at these large categories of issues  
27 and should assess the impacts overall.

28 Focusing on one individual  
29 component of the issue can lead to distortions and  
30 incompleteness in terms of the review.

31 We are concerned in this case that  
32 focus on the Kemano Project should not be given  
33 such prominence or priority in that assessment.

34 There's three main reasons why we  
35 say that is the case. First, the Discussion Paper  
36 highlights how the decline in salmon has been an  
37 issue of particular concern in the last 18 years  
38 or so, as Mr. Butcher just noted. The Kemano  
39 Project has been in operation since the 1950s, the  
40 final water licence has been in effect since 1997.  
41 The installed power reached its capacity earlier  
42 in 1967.

43 So, any impact related to the  
44 salmon decline more recently is a change that has  
45 occurred through this baseline operation that  
46 Alcan has undergone throughout that period.

47 Second, the issue of the effect of

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1 the Kemano Project on the Nechako River has been  
2 studied in great detail by the Nechako Fisheries  
3 Conservation Program. That body has been  
4 administering and following the study of the  
5 release of water from the Nechako Reservoir for  
6 some time.

7 So removing the issue of the  
8 releases from the reservoir from the study of the  
9 overall Department of Fisheries and Oceans  
10 policies and practices is compartmentalizing the  
11 issue in a way that takes it out of context.

12 Any study of the release program  
13 and the effect is really part of the DFO practices  
14 and procedures as it relates to the Nechako River.

15 Third, the Kemano Project is but  
16 one hydro project that is within the Fraser  
17 Watershed and also along the coastal geography of  
18 B.C. On the Fraser River in particular there are  
19 other hydro projects owned by B.C. Hydro and  
20 independent power projects owned by others.

21 We note that in the identification  
22 of the issues the Commission has used the  
23 expression independent power projects and usually  
24 that term is meant to distinguish from B.C. hydro  
25 projects as owned by others than B.C. Hydro.

26 If there's a study of the hydro  
27 issue, it should look at all dams and hydro  
28 projects that affect the watershed overall.

29 Finally, the Commission's focus  
30 should be on current impacts rather than  
31 examination of historical impacts.

32 The Commission has correctly  
33 identified in its approach so far that it is  
34 focusing on current impacts with a view to the  
35 future and what can be done. The Commission has  
36 also identified that in the study of the Stellako,  
37 Stuart and Nadina conservation units that it  
38 should be on a current assessment of those stocks  
39 and that is something that Rio Tinto Alcan would  
40 encourage.

41 Finally, Rio Tinto Alcan's  
42 participation in this review is limited to the  
43 issues that I've identified. We are prepared to  
44 assist the Commission in its review and we thank  
45 you for your time.

46 THE COMMISSIONER: Thank you, Mr.  
47 Burse.

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1 MR. WALLACE: Thank you.  
2 Mr. Blair for the B.C. Salmon  
3 Farmers Association.

4  
5 SUBMISSIONS ON BEHALF OF B.C. SALMON FARMERS  
6 ASSOCIATION

7  
8 MR. BLAIR: Good morning, Mr.  
9 Commissioner.

10 THE COMMISSIONER: Mr. Blair.

11 MR. BLAIR: I firstly want to  
12 thank the Commissioner for providing standing for  
13 the B.C. Salmon Farmers Association and perhaps  
14 for the Commissioner as well as for the  
15 participants who are here in the public to  
16 describe very briefly what the B.C. Salmon Farmers  
17 Association is.

18 It's an association largely of  
19 fish farmers, those who actually run the fish  
20 farms up and down the British Columbia Coast and  
21 also the fish feed producers who service that  
22 industry. It's also perhaps important to note  
23 that the fish farmers have a unique perspective or  
24 perhaps everyone here has a unique perspective.

25 We have 6,000 people employed  
26 directly and indirectly and many of them are out  
27 on the water and in the communities, the small  
28 communities where the fish farms are located and  
29 adjacent to communities that have been affected by  
30 changing fish and fishing and also changing  
31 dynamics in our economic world. So, small towns  
32 like Klemtu and Gold River and Port Hardy benefit  
33 directly.

34 I make that comment, Mr.  
35 Commissioner, to note the importance of the  
36 socioeconomic impact of our industry and trust  
37 that that will be examined through the process of  
38 this Commission's work.

39 I want to thank the Commissioner's  
40 counsel for providing a very thorough Discussion  
41 Paper which is the foundation for all of our  
42 remarks today, and I want to take particular time  
43 to say that I read with interest the remarks of  
44 the Government of Canada and as presented by Mr.  
45 Taylor this morning and as reviewed by all of us  
46 over the weekend and that really I largely have no  
47 quarrel with any of the submissions of the

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Farmers Association

1 Government of Canada.

2 Notably I think it is important to  
3 say that you are hearing both from the Government  
4 of Canada and ourselves and a number of other  
5 participants, Mr. Commissioner, of the need to  
6 have a holistic approach to what it is we're  
7 studying and the need to understand the ecosystem  
8 broadly, the biology behind fish, sockeye salmon  
9 in particular, but also the rest of the ecosystem  
10 is I think fundamental to having a thorough review  
11 of the work that you need to undertake.

12 I noted that several people have  
13 commented that the breadth of the Commission's  
14 work seems to be juxtaposed against the resources,  
15 notably time resources that have been set aside  
16 and I believe for the first time this morning I  
17 learned that in addition to the 21,000 documents  
18 that were in the Ringtail system a week or so ago,  
19 and the 14,600 documents that were added  
20 yesterday, we now know that there will be several  
21 hundred thousand documents added from the  
22 Department of Fisheries and Oceans alone without  
23 counting the documents that the rest of the  
24 participants might very well add.

25 It's frankly beyond I think  
26 anything but a very, very thorough and prepared  
27 team to make a meaningful review of that and I  
28 trust the Commissioner is hearing that from all  
29 parties, from private interest groups, from  
30 private industrial associations, from various  
31 governments which are present here and I add my  
32 voice to that, that if we are going to do a  
33 service to this very important issue, we surely  
34 need to have the resources to do that and that is  
35 time as well as the financial resources that some  
36 of the parties are seeking and we support.

37 We agree, Mr. Rosenbloom made the  
38 point that there should not be an uneven playing  
39 field and we completely support that.

40 We all want to know that when the  
41 work of the Commission is done we've all  
42 participated in a forum that provided for  
43 thoughtful and meaningful consultation on this  
44 very important issue.

45 I think it's important to note  
46 that in one of our earlier meetings it was  
47 discussed that the Department of Fisheries and

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Farmers Association

1 Oceans was originally asked to look back, all the  
2 way back to 2005 to produce documents and yet, of  
3 course, we know that sockeye salmon have been  
4 studied in this province by a number of previous  
5 groups in 1992, in 1994, in 2002, 2005, a number  
6 of previous commissions and studies and reviews  
7 have been undertaken because, in fact, it's true  
8 to note, as several have done before me, that  
9 there has been a significant and measurable  
10 decline in the salmon that have been harvested and  
11 available for harvest by the various users over a  
12 protracted period of time.

13 And this Commission, in my  
14 respectful submission, needs to understand the  
15 dynamics here in British Columbia in a complete  
16 way, and by that I mean when there are record  
17 harvests of salmon world wide and steady and  
18 measurable and precipitous declines within Canada,  
19 it begs the question why.

20 In one of the previous meetings,  
21 Mr. Commissioner, I was noting the number of times  
22 I heard the word aquaculture, and of course I  
23 represent the aquaculture industry, versus the  
24 number of times I heard the word sockeye and I was  
25 wanting to remind myself and perhaps others that  
26 this is the sockeye commission and if we focus on  
27 a particular industry -- and by the way I'll come  
28 back to that because we welcome whatever focus  
29 comes to ours in such a public forum -- but if we  
30 focus on an industry rather than the complete life  
31 cycle of science and all the very many effects on  
32 salmon, then we'll do a great disservice to the  
33 effort that's going to be put before this  
34 Commission by all parties present.

35 This isn't the aquaculture  
36 commission, this isn't the commission on whether  
37 DFO has done a good job or a bad job over time.  
38 And I note, again with approval, that my friends  
39 at the Department of Justice have said in their  
40 paragraph 6 that:

41  
42  
43  
44  
45  
46  
47

"It is important that the  
commission not only look at  
all these other entities and  
how they react with DFO but  
how they interact on their  
own."

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Farmers Association

1 MR. BLAIR: There are a number of  
2 factors that are at play here and we need to  
3 address the fact that fisheries around the world  
4 are declining and ask ourselves, how is it that  
5 our Fraser River sockeye salmon are declining?

6 I know now is not the time to get  
7 into specific issues and we'll do so by the way by  
8 way of a formal written submission answering some  
9 of the issues that are brought up in the  
10 Discussion Paper.

11 I do want to speak to the issue of  
12 the science that will be brought before this  
13 Commission and, again, echo the remarks made  
14 earlier today that the panel of experts and the  
15 opportunity of counsel to examine the science that  
16 is examined by the Commission I think is pivotal  
17 to a concept of inclusion and fairness that this  
18 Commissioner and this Commission needs to I think  
19 rest itself on.

20 We must not wonder what the panel  
21 of experts concluded, we must have an opportunity  
22 to examine that. And that gets to the fundamental  
23 issue of science generally.

24 My client welcomes the opportunity  
25 to bring the science around fish and fish farming  
26 and the interaction between wild and farmed salmon  
27 out of the shadows and directly here into a public  
28 hearing where people will give expert testimony  
29 under oath and we echo the comments made earlier  
30 that counsel needs to have a thorough opportunity  
31 to be able to examine those witnesses.

32 I agree with counsels' earlier  
33 submissions about site visits and the need to be  
34 included in the various forums that the Commission  
35 might seek to gather evidence so that the process  
36 will be transparent to the public.

37 In closing, we have a unique  
38 opportunity with this Commission to study a very  
39 important issue. My client welcomes that  
40 opportunity, wants to participate actively and  
41 constructively with the Commission and Commission  
42 staff and, indeed, with any and all of the  
43 participants here.

44 We think we'll collectively do a  
45 grave disservice to British Columbia, to this  
46 resource if we have preconceived notions rather  
47 than do a thorough scientific review of the work

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Farmers Association

1 that can be undertaken by this Commission.  
 2 Thank you.  
 3 THE COMMISSIONER: Thank you, Mr.  
 4 Blair.  
 5 MR. WALLACE: Thank you.  
 6 Mr. Commissioner, it's about 10  
 7 after 12:00. To break, the next speakers are  
 8 related to one another and I think maybe this  
 9 would be a good time.  
 10 THE COMMISSIONER: Very well.  
 11 Break until what time, Mr. Wallace?  
 12 MR. WALLACE: Well, is two o'clock  
 13 too long? That's what we scheduled for. If we  
 14 wanted to do it earlier, I would be amenable to  
 15 that if you are and the other participants.  
 16 THE COMMISSIONER: Is everyone  
 17 comfortable with two o'clock to resume?  
 18 Very well then, two o'clock.  
 19 Thank you very much.  
 20 MR. WALLACE: Thank you.  
 21 THE REGISTRAR: The hearing is now  
 22 adjourned until 2:00 p.m.  
 23 --- Upon recessing at 12:10 p.m.  
 24 --- Upon resuming at 2:05 p.m.  
 25 THE REGISTRAR: Order.  
 26 COMMISSIONER COHEN: Thank you.  
 27 MR. WALLACE: Good afternoon,  
 28 Commissioner.  
 29 The first speaker this afternoon  
 30 is Mr. McDade for the Aquaculture Coalition.  
 31  
 32 SUBMISSIONS ON BEHALF OF AQUACULTURE COALITION:  
 33 ALEXANDRA MORTON, RAINCOAST RESEARCH SOCIETY AND  
 34 PACIFIC COAST WILD SALMON SOCIETY  
 35  
 36 MR. McDADE: Mr. Commissioner, my  
 37 name is Gregory McDade, I act for Alex Morton, the  
 38 Raincoast Research Society and the Pacific Coast  
 39 Wild Salmon Society, which has become colloquially  
 40 known as the Aquaculture Coalition.  
 41 First of all, I would like to  
 42 commend also the Commission staff on a relatively  
 43 comprehensive job in the discussion paper in terms  
 44 of setting out and describing the issues. Other  
 45 than one or two quibbles we don't suggest that  
 46 there is very much that has been missed, in fact  
 47 the broad scope of the issues is, as some have

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1 noted, a challenge.

2 My clients bring a unique  
3 perspective to their submissions today, both  
4 unique in the sense that they are focused on  
5 one area of your inquiry, and that is the impacts  
6 of aquaculture, but also in terms of their focus  
7 on science.

8 Ms Morton was an early researcher  
9 on the impacts of sea lice and other aspects of  
10 aquaculture and her focus has always been on the  
11 science side of this. To a certain extent this  
12 inquiry is a science-based inquiry.

13 She would like me to say that  
14 our group is pleased that the federal government  
15 has established this Commission and pleased that  
16 the impacts of aquaculture are included in the  
17 Terms of Reference.

18 We have filed a written paper for  
19 you today and my comments orally will be as a  
20 supplement to that.

21 I have two main points to make  
22 before you and it really goes to the methodology  
23 of how you are going to deal with these issues.

24 The first aspect is ask the  
25 question: How should this inquiry deal with the  
26 science questions? More particularly, how does a  
27 Commission of Inquiry of this kind deal with  
28 science that is not settled?

29 Proof is an illusive concept  
30 in science at the best of times; proof about  
31 aspects of the natural world with multiple  
32 variables is particularly difficult; and proof of  
33 harm where there are multiple causes of harm is  
34 additionally difficult.

35 It is not unusual in the  
36 environmental field that issues of risk go through  
37 a process from early indications of risk through  
38 to a more significant and substantial science  
39 supporting the risk to eventually, often many  
40 years later, scientific consensus about the nature  
41 of the risk.

42 I mention three examples in  
43 our submissions.

44 One was DDT and the work of  
45 Dr. Rachel Carson in Silent Spring, which was  
46 widely castigated by many scientists working  
47 for the chemical industry when it came out, and



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Pacific Coast Wild Salmon Society

1           it wasn't really until DDT was banned, and when  
2           the eagle population began to return that you  
3           could say you had some proof of the nature of  
4           the connection.  
5                        The history in our culture of the  
6           debate around secondhand smoke, which had many  
7           independent scientists and medical researchers  
8           identifying the risks, and it was only when juries  
9           got involved as a result of mega trials that  
10          people began to accept the reality of the science  
11          and it was years after the initial science came  
12          out that government actually began to ban smoking  
13          in public locations.  
14                        The third example might be the  
15          more current one of climate change, which in the  
16          past decade we have seen come from a kind of a  
17          wild and radical idea through to more and more  
18          commonly proven, but it is still the subject of  
19          many scientists who will stand up and say that  
20          there isn't reality to this.  
21                        So the question is: How does this  
22          Commission propose to deal with science in  
23          relation to aquaculture, which is somewhere in the  
24          middle of that process.  
25                        I predict, standing here today,  
26          that no matter how much science you are presented  
27          with that by the end of this inquiry you will not  
28          be able to state conclusively that aquaculture was  
29          the cause of the decline of the Fraser River  
30          sockeye in 2009, nor will you be able to say  
31          conclusively that it was not.  
32                        We are not dealing with  
33          questions of proof here, we are dealing with  
34          questions of risk.  
35                        The previous inquiries that have  
36          dealt with the fisheries questions have often  
37          included recommendations suggesting that more  
38          research is required. If the examination of the  
39          relative debate in science is simply going to lead  
40          you to recommendations at the end of this inquiry  
41          saying we need to do more research, of course that  
42          is probably a correct conclusion and it's probably  
43          helpful, but it won't really build on anything  
44          that has happened before.  
45                        These questions have been  
46          researched before and previous Commissions have  
47          suggested more research and nothing of consequence

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1 has happened from those recommendations.

2 It is also in the nature of this  
3 inquiry, which is somewhat different than the  
4 scope of the previous inquiries into fisheries, in  
5 an evidence-based hearing-based inquiry you have  
6 an opportunity that others have not had.

7 The question of the science  
8 of the risk factors cannot be left to researchers.  
9 If this Commission is to have any credible and  
10 helpful conclusions, the science must be in  
11 the open.

12 I would like to support the  
13 submissions of Canada and others to say that to  
14 the extent that you are going to rely upon  
15 researchers to assist you in this scientific  
16 debate it must be the subject of evidence, it must  
17 be the subject of open scrutiny. The science on  
18 this matter must be open. That is what this  
19 Commission can add to the public debate.

20 It cannot be left to DFO  
21 scientists to determine this matter; it cannot be  
22 left to the researchers that the Commission hires.

23 DFO, we suggest the evidence will  
24 show by the end of this inquiry, is that DFO has  
25 had many years of an approach to science,  
26 particularly in relation to aquaculture but other  
27 issues that are before you, which really amounts  
28 to primarily the science of denial. To bring some  
29 public scrutiny to that science you need to be  
30 looking to independent scientists and it needs to  
31 be open.

32 My second point on the science  
33 questions is: It is, however, important that you  
34 do make some findings, even though the science  
35 will not be conclusive. The science will show  
36 risk and real risk.

37 Previous Commissions have said  
38 more research should be done and that hasn't  
39 changed the world. DFO's approach to science we  
40 suggest will show a lack of attention to the  
41 precautionary principle.

42 I note in my written submissions  
43 to you a quotation from the spokesperson of the  
44 Minister quite recently, just a few days ago,  
45 saying that the new regulations that are being  
46 developed around aquaculture are going to be  
47 informed by your findings. And that is

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Pacific Coast Wild Salmon Society

1 appropriately so and yet you must make findings,  
2 in my submission, around the science and around  
3 the risk to give DFO some guidance, we hope, as to  
4 the ways in which the scientific debate on  
5 aquaculture should be dealt with.  
6 We also note in our written  
7 submissions the current written policy of the  
8 department is that aquaculture is to double in  
9 size in the near future. The policy of the  
10 Government of Canada appears to be to grow the  
11 aquaculture industry on our coast so that your  
12 assessment of risk in this inquiry should be based  
13 not only on the size of the industry as it exists,  
14 but the size of the industry that certain members  
15 of the government have suggested it will become.  
16 Now, on the matter of science  
17 just, as I said, some minor matters that have  
18 additional focus and priorities.  
19 First, let me say disease.  
20 The debate on sea lice will be an important  
21 part of this inquiry and although it is mentioned  
22 in the discussion paper there has been, in our  
23 view, insufficient attention played to the role  
24 of disease, particularly IHN in the sockeye  
25 salmon debate.  
26 Fish farms are a breeding ground  
27 for disease and in your discussion paper in  
28 Graph 1, as other speakers before you have  
29 mentioned, the significant decline over the last  
30 18 years in spawning survival of sockeye salmon is  
31 the question before this inquiry. Yes, we are  
32 looking at 2009, but I suggest to you that to find  
33 the real truth you are going to have to be able to  
34 attempt to answer what has been happening over a  
35 longer term.  
36 In Figure 2 in my written  
37 submissions we have overlaid the history of IHN  
38 outbreaks of which we are aware on your chart and  
39 there is a marked correlation.  
40 The second point, and to repeat  
41 submissions of others, you must look at other  
42 jurisdictions. The history in Norway, the  
43 history in Scotland, the history in Chile of fish  
44 farming shows that the scientific debate which is  
45 occurring here has occurred elsewhere and in some  
46 cases has been largely resolved. To ignore the  
47 scientific correlations that have been found in

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1 other places would be a lost opportunity.  
2 The third point that we would  
3 repeat others, is the questions of individual  
4 stock assessments and in particular from an  
5 aquaculture perspective. The difference between  
6 stocks that migrate through areas of heavy  
7 concentration of aquaculture and those stocks that  
8 migrate in other places and the various  
9 differences in their survival in 2009 we suggest  
10 has some value to your deliberations.  
11 Now, my second main point beside  
12 science is that the real question that you can  
13 grapple with is not just the substantive science.  
14 What is important in terms of assessing the future  
15 sustainability and assessing the programs and  
16 policies of DFO in relation to the sockeye is to  
17 determine the response of DFO to that science.  
18 What has been the role of DFO in  
19 dealing with early indicators of risk such as sea  
20 lice and disease in the aquaculture field and  
21 other kinds of scientific questions in the other  
22 risk factors?  
23 Has the role of DFO been to apply  
24 the precautionary principle to institute proper  
25 and comprehensive scientific programs to answer  
26 these questions or has it been selective denial?  
27 Has it been an attempt to undermine the science,  
28 to shoot the messenger rather than to determine  
29 the magnitude of the problem?  
30 Because if we don't get that  
31 question right we will never resolve the  
32 protection of the sockeye.  
33 On one hand the scariest question  
34 before this inquiry overall has to be that we have  
35 18 years of significant decline and the answer is  
36 we don't know. From DFO, who has the capacity and  
37 the resources on behalf of us as citizens of  
38 Canada to answer that question, is we don't know.  
39 That's why this inquiry exists.  
40 But what I ask that we look at in  
41 this inquiry, what you find a way to grapple with,  
42 is not to put the scientific issues into a box and  
43 the management and structural issues into a  
44 different box, but to look at the interaction  
45 between those. The real question is: When faced  
46 with outside science that suggests a problem,  
47 what traditionally has DFO's response been? What

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1 does it do?

2 And a related question, which  
3 is very apropos for the question of aquaculture  
4 is: Is DFO's role as a protector of salmon, a  
5 regulator of salmon, or is it as a proponent of  
6 industry? Where do those conflicts lie and are  
7 there conflicts?

8 In our submission the  
9 evidence that you should look for, and that  
10 you should examine in more detail than we see  
11 in the discussion paper, is: How has the role of  
12 the Government of Canada as a proponent of  
13 aquaculture interfered with its ability to protect  
14 wild Salmon?

15 Another related question that  
16 flows out of that is the question of enforcement,  
17 particularly in relation to aquaculture. What has  
18 been the policy of the Government of Canada in  
19 terms of enforcing the Fisheries Act against the  
20 aquaculture industry as increasing evidence has  
21 come to light of the impacts of the aquaculture  
22 industry on wild salmon? What enforcement has  
23 there been? We ask you to set aside some time to  
24 look at that question.

25 So again I thank you for the  
26 opportunity to make these submissions and I assure  
27 you that my comments are made in the most positive  
28 way to try and assist you in coming to a very  
29 difficult set of answers for some significant time  
30 from now and we look forward to your Commission.

31 Thank you.

32 THE COMMISSIONER: Thank you very  
33 much, Mr. McDade.

34 MR. WALLACE: Thank you  
35 Mr. McDade.

36 Mr. Leadem for the  
37 Conservation Coalition.

38  
39 SUBMISSIONS ON BEHALF OF CONSERVATION COALITION:  
40 COASTAL ALLIANCE FOR AQUACULTURE REFORM, FRASER  
41 RIVERKEEPER SOCIETY, GEORGIA STRAIT ALLIANCE,  
42 RAINCOAST CONSERVATION FOUNDATION, WATERSHED WATCH  
43 SALMON SOCIETY, MR. OTTO LANGER, DAVID SUZUKI  
44 FOUNDATION

45  
46 MR. LEADEM: Good afternoon, Mr. Commissioner.

47 My name is Tim Leadem. I act on

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1 behalf of the Conservation Coalition. Also  
2 present at counsel table is Mr. Judah Harrison and  
3 from time to time you may see one of us, if not  
4 both of us, at these proceedings.

5 The Conservation Coalition -- I  
6 hesitate to use the word unique, but we are mainly  
7 about conservation. That word has been bandied  
8 about before I came to the podium -- and the sole  
9 existence, the sole rationale for the groups  
10 that I represent is conservation. We care about  
11 the fish. We want to see the fish be preserved  
12 and protected.

13 I represent six organizations  
14 and one individual. The organizations are  
15 described in the written material that I submitted  
16 to you earlier and I trust you have received a  
17 copy of it.

18 THE COMMISSIONER: I believe so.

19 MR. LEADEM: My comments will be  
20 supplemental to the written material.

21 I should say before I embark upon  
22 answering the two questions that you posited  
23 earlier, Mr. Commissioner, namely are there other  
24 issues that ought to be directed or determined by  
25 this Commission and to describe the relative  
26 priority, I should say something about the process  
27 at the outset.

28 Now, we have just been granted  
29 funding, as you are no doubt aware, and like some  
30 of the other people who have addressed you before,  
31 the funding is inadequate to address certain key  
32 things. We do not have funding for expert  
33 witnesses and we do not have funding to address  
34 the thousands and thousands of documents that have  
35 already been deposited and are likely yet to come.

36 I have one suggestion I can make  
37 to you about the documents, and I say it  
38 advisedly, that up until now we simply have been  
39 given documents in great big batches. As I  
40 understand it, there has been some attempt to  
41 collate them, but it would be, in my respectful  
42 submission, very helpful if the makers of the  
43 documents could somehow earmark the documents as  
44 ones that are important documents and key  
45 documents. Too often it's the case in complex  
46 litigation and complex hearings that documents are  
47 hidden and obfuscated because they are included in

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1 a great mass of documentation. If we put the  
2 incumbency upon the person producing the documents  
3 to identify the key documents, then in some manner  
4 we can eliminate some of the attendant costs.

5 I also want to address briefly the  
6 issue of the scientists that you intend to hire to  
7 provide reports.

8 We have no issue with how the  
9 Commission intends to use the scientists, but we  
10 want to know exactly how they are going to be  
11 used. With respect, we suggest that this process  
12 be as transparent as possible and that we be given  
13 an opportunity to examine and cross-examine if  
14 necessary, the report either in draft form or in  
15 final form.

16 I understand, Mr. Commissioner,  
17 that these reports are of secondary nature, and  
18 nonetheless we think that the people that you hire  
19 to do these reports may to some extent drag the  
20 reports and we would like to know the identity of  
21 these individuals so that we have an opportunity  
22 to comment and offer some advice to you.

23 I said to you at the outset that I  
24 represent conservationists, but I also represent  
25 conservation groups who have a vast body of  
26 science, scientists who advise them and in part  
27 are made up of scientists. Some of them are  
28 present in the body of the observers today. We  
29 can assist you, call upon us and we will do so.

30 Now, in direct response, then, to  
31 the issues that we say ought to be canvassed,  
32 there are a few things that we think have been  
33 left out of the mix and we draw these to your  
34 attention in the written submissions that we filed  
35 on Friday.

36 With regard to the Department of  
37 Fisheries and Oceans organizational structure I  
38 was gratified to hear earlier that the two key  
39 unions who make up the vast bulk of the workplace  
40 at DFO are fully in support of the specific  
41 comments that we have identified under Department  
42 of Fisheries and Oceans organizational structure.

43 Too often it's been the case,  
44 Mr. Commissioner, that politics has interfered  
45 with science and the time for that -- the time is  
46 long since for that to stop. What I mean by that  
47 is that when you will examine this topic you will

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1 find that in many ways the politicians have driven  
2 the science.

3 Mr. McDade so eloquently before me  
4 described the science of denial. I adopt that,  
5 because in many respects the risk has not been  
6 followed. The risk to the fish that we all care  
7 about has not been examined in great detail.

8 And at the end of the day I tend  
9 to agree that you may be befuddled by the vast  
10 realm of scientific evidence that will be  
11 submitted before you, but I urge upon you to adopt  
12 the precautionary principle. If you have two  
13 scenarios and one of them is more risky to the  
14 species that you are examining such as the sockeye  
15 and the other one is less risky, it's a no-brainer  
16 which one you decide to do.

17 Moving on from the comments that  
18 we have made with respect to organizational  
19 structure -- I'm not going to repeat them,  
20 Mr. Commissioner, because they are in the written  
21 material -- we say you should broaden your mandate  
22 to examine one other piece of legislation under  
23 your examination of the legislative matrix and we  
24 think that the Canadian Environmental Assessment  
25 Act is one such piece of legislation that should  
26 come under your purview.

27 Recently there have been changes  
28 to that Act contained in the Budget Measures Act  
29 that was recently passed by the Parliament, or  
30 introduced in Parliament, and we say that you  
31 should examine that and how that will affect  
32 fish habitat. Once again, it's a question of  
33 politicians driving bad science.

34 We also say that you should  
35 examine what we call or what's called the  
36 Environmental Process Modernization Plan. This is  
37 something that you could glean from the DFO  
38 scientists and from the workers at DFO.

39 Moving on from the organizational  
40 structure and the legislative matrix, we want to  
41 now focus upon the scientific studies that you say  
42 you want to undertake.

43 We have some suggestions with  
44 regard to increasing slightly the realm of water  
45 pollution to reference metal mining and effluent  
46 of metal mining in the Fraser River system.

47 We would like you to examine



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1 sedimentation and its effect upon sockeye roe in  
2 the system as well.  
3 One of our constituent  
4 conservation groups represents aquaculture and we  
5 have some comments with regard to aquaculture,  
6 some specific suggestions for inclusion.  
7 One of the things that we would  
8 like to see is information. This is a critical  
9 piece, Mr. Commissioner. If you are going to  
10 examine aquaculture you won't be able to eliminate  
11 disease as a potential factor in the decline of  
12 sockeye unless you can obtain the salmon farm  
13 health records for all the farms along the route  
14 of migrating juvenile sockeye during the spring  
15 migration period. This information should be  
16 made public.  
17 With regard to urbanization and  
18 agriculture we note that the sockeye is a species  
19 that is very much dependent upon lakes at some  
20 stage in their life cycle and we say that you  
21 should also focus upon development, assure lines  
22 around lakes such as Shuswap Lake.  
23 Mention has already been made of  
24 climate change and we say that you should examine  
25 the general policies of both Canada and the  
26 province with regard to climate change impacts and  
27 how they intend to deal with it. You can do this  
28 in the context of how climate change may be  
29 affecting the species, may be affecting sockeye.  
30 I was gratified to hear the  
31 representative from the province already indicate  
32 that they were going to lead some evidence or make  
33 available some evidence regarding the  
34 modernization of the Water Act, because that's one  
35 of the topics that we earmarked in the written  
36 submissions.  
37 With respect to hydro, we say that  
38 you have to examine not just hydro dams,  
39 Mr. Commissioner, but also all other reservoirs  
40 that release flows at sporadic instances into the  
41 Fraser system. So we are talking about  
42 irrigation, domestic as well as hydro.  
43 We note that you will be  
44 examining independent power producers, or IPPs as  
45 they are known, and we are glad to see that as  
46 part of the inclusion. What also should be  
47 examined by you is the regulatory scheme for those

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1 IPPs and whether or not those IPPs are subjected  
2 to fish interaction.

3 I heard Mr. Bursey's comments  
4 earlier about Kemano and how it's of a limited use  
5 and I would take issue with him.

6 The Kemano project, which releases  
7 water into the Kemano system, takes huge amounts  
8 of water and diverts it from a geographic  
9 perspective instead of flowing down the Fraser.  
10 That water is now going out almost directly into  
11 the Pacific.

12 And so yes, there have been  
13 studies and yes there have been the intervention  
14 of Canada and the province and Alcan with respect  
15 to the Nechako Fisheries Conservation Program, but  
16 this is still a factor that ought to be considered  
17 by you in the grand scheme of what factors are at  
18 play in determining the existence and preservation  
19 of the sockeye.

20 Likewise we say that the  
21 hydro facilities on the Seton-Portage River  
22 should be examined.

23 Now, specific topics that were not  
24 addressed at all in the paper we say are  
25 protection of the coastal zone. The scientists  
26 that advise me, Mr. Commissioner, have suggested  
27 that the coastal zone is an important zone for the  
28 rearing and the migration of salmonoid species,  
29 particularly in the out-migration of juveniles.  
30 So potential impacts in that zone should be  
31 considered, and they would include such things as  
32 oil exploration, shoreline development, shipping,  
33 aquaculture and oil tanker traffic.

34 Another topic which was missing we  
35 suggest was geomorphological river changes to the  
36 Fraser. This would take into consideration such  
37 things as gravel mining, gravel channelling in the  
38 Fraser. The investigation would need to examine  
39 these topics as well as the impact of linear  
40 development.

41 We all live in British Columbia  
42 and we know that roads and railroads tend to  
43 follow the level areas and the level areas are  
44 those areas where rivers have carved out passages  
45 through the mountains and so everyone wants to  
46 build there. You want to establish transportation  
47 corridors there.



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1 fact, I think that one of the reports says "Here  
2 we go again", we are doing this all over again.  
3 It's important for you to get it  
4 right because we can't afford the luxury of time  
5 to come back 10 years hence to study a species  
6 which I fear in all probability will have been  
7 extirpated from Canada.  
8 Your task is one of sifting  
9 through a lot of material and to assemble findings  
10 in a package that is both understandable and  
11 accurate and you are tasked also to come up with  
12 recommendations for sustainability. In doing so  
13 you have the unenviable task of obviously doing a  
14 balancing act, to take scientific reports,  
15 scientific knowledge and trying to balance that  
16 with respect to economic measures. It's not easy.  
17 I want you to know,  
18 Mr. Commissioner, that the people that I represent  
19 will fully support and co-operate with this  
20 Commission every step of the way. We will be  
21 there to help you as we can.  
22 We may have differences of opinion  
23 with some people in the room, but the time for  
24 blaming and name-calling I think has long since  
25 gone. We are all here for the one express purpose  
26 of conserving the salmon. I think at this stage  
27 we have to roll up our sleeves and do the best we  
28 can and muster together in an aura of  
29 concentration as much as we can in co-operation to  
30 arrive at that endpoint.  
31 Now, we want to find solutions  
32 and the concern of my clients is concern for  
33 the salmon and its importance to our collective  
34 culture.  
35 Tomorrow we will hear from some  
36 people who are very concerned with the  
37 disappearance of the sockeye salmon, I'm talking  
38 of course of the indigenous peoples. It's timely  
39 to mention that for centuries salmon lived and  
40 thrived on these shores.  
41 To the indigenous peoples there  
42 is spiritual and traditional significance, we  
43 recognize that, but even to non-indigenous  
44 peoples the salmon is very much not just a food  
45 source but a part of our cultural identity here in  
46 British Columbia.  
47 So we join with the other groups

Submissions on Behalf of 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

1 in saying to you Godspeed, we wish you well, we  
 2 will be there to help you and assist you and we  
 3 look forward to joining with other groups in the  
 4 days ahead.  
 5 Thank you.  
 6 THE COMMISSIONER: Thank you,  
 7 Mr. Leadem.  
 8 THE REGISTRAR: Mr. Leadem, for  
 9 the record would you spell your surname, please?  
 10 MR. LEADEM: Yes, it's  
 11 L-E-A-D-E-M.  
 12 MR. WALLACE: Thank you,  
 13 Mr. Leadem.  
 14 Mr. Kelliher...?  
 15 MR. KELLIHER: Yes,  
 16 Mr. Commissioner  
 17 MR. WALLACE: You are representing  
 18 the Laich-Kwil-Tach Treaty Society and others?  
 19 MR. KELLIHER: No, I am not.  
 20 Am I speaking to Commission  
 21 counsel or to Mr. Commissioner?  
 22 MR. WALLACE: You are speaking to  
 23 a room full of people, including both the  
 24 Commissioner and Commission counsel.  
 25  
 26 SUBMISSIONS ON BEHALF OF ABORIGINAL AQUACULTURE  
 27 ASSOCIATION AND CHIEF HAROLD SEWID  
 28  
 29 MR. KELLIHER: All right. If I  
 30 could introduce myself and the individuals and  
 31 organizations that I do represent.  
 32 My name is Steven Kelliher and I  
 33 represent the Aboriginal Aquaculture Association  
 34 and Chief Harold Sewid, who is the Chief of the  
 35 Qwe Qwa Sot First Nations whose traditional  
 36 territory is the Broughton Archipelago.  
 37 Mr. Commissioner, I have a few  
 38 brief remarks here and I would like to thank you  
 39 at the outset for permitting me to make these  
 40 comments from Victoria rather than travelling  
 41 to Vancouver.  
 42 First of all, I can tell you  
 43 that the Aboriginal Aquaculture Association is  
 44 an organization that represents 17 First Nations,  
 45 First Nations individuals and companies, involved  
 46 in Aboriginal aquaculture and their instructions  
 47 to me in this matter are clear, that first of all

Submissions on Behalf of Aboriginal Aquaculture  
Association and Chief Harold Sewid

1 they are engaged in this process in the hope that  
2 your work in determining the source of the  
3 decline of the sockeye in the Fraser River will  
4 be one that will be sufficiently timely that the  
5 decline can be reversed and that your final  
6 report will be rather than a postmortem for this  
7 precious resource but a way forward to preserve it  
8 for all time.

9 The Aboriginal Aquaculture  
10 Association wishes you to know that aquaculture  
11 now provides an economic basis for First  
12 Nations coastal communities, many First Nations  
13 coastal communities; it provides work that is  
14 culturally consistent; it provides opportunities  
15 for young people to work close to their  
16 communities in work that, as I have indicated, is  
17 culturally consistent; it provides training  
18 opportunities; it is one of the few commercial  
19 functions that has been operating in the areas of  
20 First Nations coastal communities and it provides  
21 enormous benefits.

22 I should say this, the Aboriginal  
23 Aquacultural Association doesn't represent the  
24 aquaculture industry. It is unique in some  
25 respects. I indicated some of the benefits, but  
26 there is a distinction between Aboriginal  
27 aquaculture and perhaps other aquaculture  
28 initiatives and that is that the Aboriginal  
29 aquaculture initiatives are not subject to being  
30 by virtue of economic circumstances, but in a  
31 situation where they can be physically relocated  
32 and still provide any ongoing benefits to the  
33 communities. Nor is Aboriginal aquaculture  
34 sufficiently capitalized that it is a realistic  
35 option that land containment systems can be  
36 considered viable options.

37 So while the sole objective of  
38 this Commission, and one which my clients embrace,  
39 is the identification of the factors leading to  
40 the decline of the Fraser River sockeye run and  
41 hopefully in a way that preserves that run. At  
42 the same time, the life and health, economic  
43 sustainability of many First Nations communities  
44 today and many more in the future will turn on the  
45 results of this inquiry.

46 Unlike the previous speaker at  
47 least, for my clients it's not all about fish,

Submissions on Behalf of Aboriginal Aquaculture  
Association and Chief Harold Sewid

1           it's all about First Nations ability to survive  
2           and prosper with an industry consistent with their  
3           cultural and economic ambitions, as well as of  
4           course as the preservation of the various species,  
5           including the sockeye Fraser run.  
6                         When, Mr. Commissioner, you  
7           make site visits, I encourage you to visit the  
8           First Nations communities which are benefiting  
9           directly from this enterprise and see the impact  
10          that this industry has on First Nations and  
11          speculate on the economic consequences of the  
12          removal of this industry. It is a matter of  
13          thriving and surviving as opposed to poverty.  
14                         So, Mr. Commissioner, I ask you to  
15          bear in mind that of course science must govern  
16          and the preservation my clients instruct me of  
17          this species is foremost. I ask you to examine  
18          the science closely that touches on the ability of  
19          First Nations to benefit from this potentially  
20          helpful industry, one that they can have in their  
21          territories that they are ideally geographically  
22          situated for, and culturally also suited for, and  
23          that it be science that dislodges, if that's what  
24          occurs, this industry rather than any sort of  
25          popular speculation by the dominant culture.  
26                         That's my submission,  
27          Mr. Commissioner, and like other participants my  
28          clients wish you the very best in your work.  
29                         THE COMMISSIONER: Thank you very  
30          much, Mr. Kelliher.  
31                         MR. WALLACE: Thank you,  
32          Mr. Kelliher.  
33                         MR. KELLIHER: Thank you.  
34                         MR. WALLACE: Commissioner, that  
35          concludes the speakers for today.  
36                         I invited others who are scheduled  
37          for tomorrow to step forward if they were ready at  
38          this time and I had no takers, so tomorrow's  
39          agenda appears to be as it is on the page.  
40                         THE COMMISSIONER: Thank you.  
41                         MR. WALLACE: This morning at the  
42          outset you invited participants if they wished to  
43          have a reply to anything they have heard since  
44          they spoke that they should come and speak to one  
45          of us and we ought to be able to accommodate that  
46          at the end of day tomorrow, some short remarks.  
47                         THE COMMISSIONER: Thank you,

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Mr. Wallace.

Again, I want to thank all of those who addressed the Commission this morning and this afternoon for your very thoughtful and helpful comments which will all be taken into account of course.

Some of you may not be here tomorrow, which is fine, but I understand that at least for today that concludes the submissions and we will be underway tomorrow, Mr. Wallace, I understand at 10:00 a.m.

Is that correct?

MR. WALLACE: That's correct, 10 o'clock.

THE COMMISSIONER: Thank you. Then we are adjourned for this afternoon.

Thank you very much.

THE REGISTRAR: The hearing is now adjourned until 10:00 a.m. tomorrow morning. --- Whereupon the hearing adjourned at 2:55 p.m., to resume on Wednesday, June 16, 2010 at 10:00 a.m.

We hereby certify that we have accurately transcribed the foregoing to the best of our skills and abilities.

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Beverley Dillabough                      Jean Desaulniers

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Sue Villeneuve