

SUMMARY OF ANTICIPATED EVIDENCE

PAT CHAMUT

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16 November 2010

Mr. Chamut's activities as Assistant Deputy Minister in relation to the Wild Salmon Policy

- Mr. Chamut will summarize his involvement with the Wild Salmon Policy (WSP).
- He will say that when he left Pacific Region in 1994, there were localized responses to address weak stock management issues, but there was no impetus towards a wild salmon policy.
- He will say that he first encountered the concept of a generalized policy for Pacific salmon in approximately 2000, when he was the ADM of Fisheries Management. The WSP was a Regional undertaking that was part of the New Directions policy initiative. He believes the WSP was led by DFO Region's Science branch, at that time, with input from the other sectors.
- He can describe the national process for reviewing the draft WSP and generally for any other draft policies originating in the regions. He will say that the draft WSP was reviewed at National headquarters (NHQ) through the Departmental Management Committee (DMC). He can explain how, before a draft policy is reviewed by the DMC, it is reviewed by a shadow committee, composed of representatives of all sectors of the Department.
- He will say that Ottawa's role was a "challenge process" to scrutinize the draft WSP and examine its implications for fisheries management and other departmental programs.
- He will say that the draft WSP was reviewed in Ottawa a number of times, although he does not recall the precise timelines of those reviews. The WSP was a policy that got a significant amount of scrutiny by NHQ.
- He will say that, when the draft WSP finally came to National Headquarters (NHQ) for the first time, around 2000 or 2001, it was in a form that was already relatively advanced.
- He will say that in that first review, the WSP did not pass muster. Senior management all agreed that the draft WSP was not sufficiently developed, that it was poorly described and not clearly written. In particular, the draft WSP discussed CUs as the unit that DFO was going to conserve without defining CUs or discussing the number of CUs. The concept of CUs as originally described had unclear implications for fishing activities, harvest management and for departmental programming. This first review was not a rejection but a request for more work.
- He will say that a revised draft WSP came to NHQ for a second review in roughly 2002. At that second review, Mr. Chamut was the DMC member who primarily voiced concerns with the draft policy and advocated that it be returned to the Region for reconsideration. He will say that he was especially concerned because he thought it would make fish management more difficult. His concerns with the first draft, regarding the definition and implications of CUs, had not been alleviated.
- He will say that he was not opposed to a wild salmon policy. To the contrary, he thought a policy was essential. However, he believed that DFO needed to define what it meant by conservation, as different definitions of conservation were impliedly or expressly relied on within DFO. He believed it was crucial to define what precisely DFO was trying to conserve and the conservation objective against which results would be measured.

2002 External Review and the WSP

- Mr. Chamut had responsibility for the 2002 external post-season review of the Fraser River sockeye fishery.
- In conducting this review, he assembled a small committee of regional managers and expert stakeholders to guide him and to reach consensus on recommendations. All of the recommendations that he made, in his External Review Report, had consensus support of the committee, including the recommendations related to the WSP.
- He will be asked about the implementation guidelines noted at page 39 of his External Review Report. He does not recall ever seeing the implementation guidelines. He recalls that the Region had an intention to develop implementation guidelines to operationalize and implement the WSP. He does not know what happened to those guidelines. He recalls there being debate and uncertainty about how to operationalize the WSP, and recalls the general view was that implementation guidelines would assist.
- He would be surprised if, to date, there has not been progress on any operational guidance under the WSP. In this respect, however, he will say that there is some operational guidance within the final text of WSP itself, including how to define CUs and CU benchmarks. He would agree that while there is general guidance on how the WSP should be applied to harvest, habitat, enhancement or aquaculture activities, the policy does not provide detailed operational instructions beyond setting out the Strategy 4 integrated planning process.
- He will be asked about page 44 of his External Review Report. He will agree that, with respect to the term “explicitly defines conservation objectives”, the WSP does not explicitly define conservation objectives. He will explain that the WSP is not as prescriptive on conservation outcomes as he earlier thought would be desirable.
- He will say that he continued throughout 2003, as ADM, to monitor the Region’s implementation of recommendations from the External Review Report, including by requesting updates like that provided in the December 3, 2003 memorandum.

Mr. Chamut’s special assignment to Pacific Region to work on the WSP

- At the request of the Deputy Minister and as a pre-retirement assignment, Mr. Chamut served in Pacific Region from January 2004 to June 2005, as a special advisor to the Deputy Minister on the WSP.
- During that time, Mr. Chamut’s sole responsibility was to work with regional officials to finalize a WSP for approval by the Minister. He will say that the task largely involved writing and re-writing multiple drafts of the policy.
- He will say that the Deputy Minister believed it was crucial to finalize the WSP and that, to do so, it needed some focused energy and direction.
- Mr. Chamut believed that the WSP was an important opportunity for DFO to regain some lost credibility with the public and to show DFO’s commitment to conservation.
- He will say that, when he arrived in Vancouver, he met with Mark Saunders and began to immerse himself in the topic. He put together a WSP Development Team of staff assigned to him with the permission of Regional Directors. Key members of that WSP Development team were Mark Saunders, Brian Riddell, Jim Irvine, Carol Cross, Andy Thompson and Jay Hartling. In addition, a WSP Steering Committee was formed comprising himself and the Regional Directors, and he worked particularly closely with

Sue Farlinger. He also attended RMC meetings at which the WSP was discussed and followed consultations with the Area Directors.

- He will say that largely his role was to catalyze action, and to ensure that staff did what they committed to do.

Main policy challenges engaged by the WSP

- Mr. Chamut can describe some of the major policy challenges that arose in developing the WSP.
- He will say that a key challenge was the need for clarity on the definition of CUs. He will say there was a great amount of debate about what the CUs were as a concept, and about how large or small they would be in practice. Understanding CUs and their implications was a point of contention both within and outside DFO.
- He will agree that the reference, in the definition of CU, to “an acceptable timeframe” is vague. His clear recollection, however, is that this phrase was understood to mean a human lifetime. He views this vagueness in how CUs are defined as only a minor issue.
- He will say that it became quickly apparent, as he was briefed on the scientific details about CUs, that DFO would not yet be able to give in the text of the WSP absolute precision on how many CUs there would be or how to manage them. It became quickly apparent that DFO still needed more information and analysis before a WSP could become fully operational on the ground. As an example, in addition to defining the CUs, DFO still had to identify their benchmarks which could not be based only on abundance given the biodiversity goal underlying the WSP.
- He will say he quickly realized that the necessary and practical approach would be for DFO to release what in essence was a policy framework. If DFO had attempted to simultaneously release a fully fleshed WSP implementation plan, or operational guidance on how the WSP would apply to activities, he believes we would not have a finalized WSP today. Nonetheless, he thought it was important that the WSP be expressed in as much detail as possible, even without the necessary information to make it operational. As an example of the effort to provide detail about anticipated implications, the WSP text estimated that there may be 20-25 Fraser River sockeye CUs.
- He believed that sockeye would be the most complicated CUs to define because of its unique biology.
- He will say that another significant policy challenge was the definition of conservation. He does not agree that the WSP is only a “conservation policy”, although conservation is primary. He says that the WSP is also a “sustainable use policy” and it in no way precludes use. At the same time, he will say that DFO cannot have the WSP and manage as it has done in the past. If implemented, the WSP will require changes in how Pacific salmon fisheries are managed and it empowers DFO to make those changes.
- He will say that another challenge in developing the WSP were negotiations and debates between sectors, particularly between Science and FAM. He will say that those disagreements were worked through and resolved. He will say that these debates focused on the meaning and implications of CUs. He will say that these debates also focused on the degree to which a minister should have the discretion to “write-off” a CU. He says that discretion is confirmed at page 29 of the WSP.
- He will say that there was also significant debate about the integrated planning process in Strategy 4. He believes that Strategy 4 process has been the most complex and least understood part of the WSP.
- He will say that there was debate about the use of benchmarks, particularly the

requirement for habitat benchmarks. He also recalls debate about the use of benchmarks versus reference points. He will say that, in essence, that debate is about whether to adopt a more prescriptive precautionary approach, represented by reference points, or a more flexible approach.

- He will say that there was debate about whether and how the WSP would address aquaculture. Some DFO staff thought that the WSP should specifically apply to aquaculture activities, others thought that aquaculture was just one of many activities that could threaten wild salmon and did not merit different treatment.
- With reference to the December 2003 memorandum from John Davis, he does not recall any specific challenges, in developing the WSP, involving the *Species at Risk Act* (SARA). He recalls that the Development Team considered the implications for mixed stock fisheries of listing a sockeye population under SARA, and the use of “designatable units” by COSEWIC and that this issue may inform how DFO would define CUs
- He does not recall much discussion about the relationship between the WSP and the Pacific Salmon Treaty, and believes the WSP was seen as consistent with the Treaty.
- He recalls debate about whether DFO could implement the WSP within existing resources. However, he will say that DFO officials advised him that this could be done.
- He will say whether he recalls the insertion of the independent five year review into Strategy 6, and the genesis of and rationale for inclusion of that requirement.

Consultations with partners, external and internal stakeholders, and the public

- Mr. Chamut may recall any key experiences or lessons from the consultations on the November 2004 draft WSP framework, including its revisions and approval in June 2005.
- He recalls that DFO gave the Province a technical briefing in Vancouver, prior to the broader public consultations, during which he took Bud Graham and other provincial officials through the draft policy and answered questions.
- He does not recall that the Province raised, in this briefing or otherwise, any particular concerns or objections to the WSP, except that he believes that they likely raised questions about the implications of the WSP on aquaculture development. . In that respect, he believes that the Province was satisfied with the draft WSP presented.
- He will say that Area Directors were involved in reviewing the WSP in the fall of 2004, at the time that the draft WSP was provided to the RMC. He will say that Area Director input was considered before the draft WSP was discussed by the DMC late that fall.
- He can describe the discussion and approval of the November 2004 draft WSP by the DMC. He will say that following DMC approval, the Minister approved the November 2004 draft.
- He will say that, following ministerial approval, the November 2004 draft WSP was sent out broadly, in December 2004, for public consultation.
- He will say that the consultations were wide-ranging and detailed, with numerous written comments, briefing sessions with various interests, and public forums.
- He will say that the WSP development team did extensive re-writes over the spring of 2005, in time-sensitive circumstances, and were attempting to respond to and incorporate stakeholders’ main comments.
- He may be able to recall the key revisions made in the spring of 2005, which DFO made to respond to criticisms and input from stakeholders and partners including First Nations. He may also recall the key input or criticisms from stakeholders that DFO chose not to incorporate into its final draft.
- He will say that following this input, he and the Development Team made significant

revisions to the draft policy, and brought a final draft again to the RMC, shadow committee, DMC and Minister over the course of May 2005.

Mr. Chamut's views and experiences relevant to WSP Implementation

- Mr. Chamut retired from DFO in June 2005, concurrently with the approval of the WSP.
- He will agree that the WSP is more akin to a policy framework, and does not itself give operational guidance on what the conservation objectives are, or how to meet them.
- He does not recall ever seeing the Pacific Region's draft WSP operational guidelines
- He will say that using a less prescriptive, framework approach to the WSP allowed DFO to finalize the policy and get it adopted in the time available. A consequence of this approach was that challenging aspects of the WSP, like the identification of CUs and their benchmarks, would still need to be determined. Additional scientific work and information would be required, during the later implementation phase, to allow the WSP to become operational. However, the alternative would be to attempt to draft the WSP and any operational guidelines concurrently, which would delay the adoption of the WSP
- He may provide his reaction to the fact that no benchmarks have yet been determined for any CU under Step 1.2 and that CU status is not being monitored under Step 1.3.
- He will say that the "easiest and stupidest" thing for DFO to do would be to let the WSP hang around unimplemented. He had always intended that there would be an active implementation phase. He had anticipated that it would take 4 or 5 years before DFO fully defined the CUs and implemented watershed-based planning under Strategy 4.
- He will say that while it is self-evident that it would be easier to implement the WSP with additional resources, he believes it is possible to implement within existing resources although this would require dedicated emphasis from the top of the department. In his view, this may require making certain senior officials specifically responsible for WSP implementation.
- In the context of resources, he will say that while DFO can always muster resources to respond to crises, that it performs less well at completing long-term, ongoing, important tasks without the intensity of a crisis to motivate it.
- He will say that he considered the financial ramifications of finalizing a less ambitious framework policy that would require significant work at the implementation stage. He will say that one of his largest concerns, upon leaving DFO in June 2005, was whether DFO would make progress with WSP implementation.
- He will say that this concern was alleviated by two things. First, he spoke repeatedly with Brian Riddell and Jim Irvine about what was required to get the WSP implemented, and he says they were satisfied that it could be implemented over time by prioritizing the scientific work and putting continued emphasis on it. He will say that these scientists told him that the WSP could be implemented within five years.
- Second, he was comforted by Paul Sprout assuming the position of the RDG, as he believed that Mr. Sprout would prioritize WSP implementation. He had also thought that Rebecca Reid might be responsible for overseeing WSP implementation and he sees this as the perfect role for an Associate RDG.
- He will say that, while the RDG should have the overall accountability, the RDG needs to have a senior official charged with responsibility for overseeing WSP implementation. He will say that the best way to ensure WSP implementation is to give a senior official the authority, responsibility and resources to supervise a team of people doing the work.
- He will say that ultimately the deputy minister needs to be engaged in and needs to hold

the RDG accountable for WSP implementation, including expressly through the RDG's accountability accord with NHQ.

- He recalls the WSP requirement for DFO to create an Implementation Plan being inserted into one of the WSP drafts. He never saw an Implementation Plan, as he departed DFO after the June 2005 press conference with Minister Regan.
- He believes that the WSP is a strong policy on a complex topic. He believes that the WSP continues to have merit and should serve DFO well. He says the only major issue appears to be whether implementation has been properly carried out.
- In hindsight, the one part of the WSP that he might reconsider would be Strategy 4 as, in his view, the strategic planning process is fundamental but may not be sufficiently clear.