

WRITTEN RE-EXAMINATION QUESTIONS FOR JEFFERY YOUNG

1. Mr. Ryall testified about the surveillance audit conducted by the Marine Stewardship Council (MSC) in mid-May for BC sockeye, including that he expected a favourable outcome. With respect to Exhibit 969, a document given the title “Status Report on Marine Stewardship Certification”, Mr. Ryall testified that he put this document together with input from a lot of Pacific Region staff for MSC’s surveillance audit in May.

- a. Do you have any evidence to provide regarding the current status of implementation of the DFO Action Plan for MSC certification of sockeye?

It appears that most of the deliverables required by the first surveillance audit have been provided to the certifier, consistent with exhibit 969. I would suggest that this is evidence that the MSC certification has created some impetus within DFO to meet conditions of the certification, including the majority that relate to WSP implementation. The requirements for the first audit are relatively modest, however, and core WSP implementation requirements to meet the conditions, including developing and applying lower benchmarks and ensuring fishing exploitation rates support recovery of depleted conservation units, still require significant progress to be implemented within the timelines required to maintain certification.

This perspective is based on the amount of time it has taken to reach the limited implementation to date and the lack of efforts within existing fisheries management to constrain and manage fisheries to meet conservation unit level objectives.

- b. Did you or other members of the Marine Conservation Caucus (MCC) participate in that surveillance audit or meet with MSC representatives?

Members of the Marine Conservation Caucus (MCC) met with the certifier during the annual surveillance audit, although not specifically as representatives of the MCC. The MCC is a caucus that facilitates engagement with DFO, primarily through formal stakeholder processes such as the Integrated Harvest Planning Committee. I was not present at this meeting.

The MSC was not a participant in the audit process. It is my understanding that MSC does not participate in the audit process but receives the audit report.

- c. If so, did you learn of the MSC's views regarding the status of and progress in implementation of the DFO Action Plan for MSC certification?

I am not aware of the MSC's views with regards to the status of and progress in implementation of the DFO Action Plan. As per my previous response, it is my understanding that the MSC's involvement in the audit process is limited to receiving, and ostensibly, reviewing the audit report once completed.

- d. Did you or the MCC receive a copy of Exhibit 969 from DFO or from MSC representatives?

No.

- 2. Exhibit 969 does not mention a particular Strategy 4 commitment made in the DFO Action Plan for MSC certification (Exhibit 159). Specifically, the Action Plan states in the table at page 9 that, in order to "Implement WSP Strategy 4: Design and implement a fully integrated planning process for salmon conservation", DFO will "Define a regional framework for integrated planning".

- a. Have you seen any proposed or draft DFO regional framework for integrated planning?

I have not seen a proposed or draft regional framework. I am aware of distinct efforts in the Skeena, Barkley Sound and Fraser regions to consider at least elements of Strategy 4 implementation. I would suggest that the Fraser process (Fraser River Sockeye Spawning Initiative) is largely not consistent with Strategy 4. The Barkley Sound process seems to provide a useful pilot to learn about at least some elements of Strategy 4.

- b. Have you or MCC representatives been consulted by DFO on any regional framework for integrated planning

I have not. I am not aware of whether other MCC representatives have, but I suspect not. I have discussed strategy 4 implementation with DFO employees, but not as a consultation on a regional framework for integrated planning.

3. Mr. Ryall testified that the United States has “a slightly different view than Canada as far as what a Wild Salmon Policy would look like. I don’t think they necessarily totally agree with our view of what the conservation units are.”

a. Based on your interactions with the Fraser River Panel, what is your understanding of the U.S. Government’s views, if any, on the WSP?

I am not aware of any specific views expressed by U.S. participants in the Fraser River Panel process with respect to the WSP, or conservation units. However, I am aware that during efforts to re-negotiate the Fraser sockeye components of the Pacific Salmon Treaty the U.S. adopted a position that essentially suggested that Canada, given its higher catch share, should take on the full responsibility of ensuring that conservation units, or other units of diversity managed for, meet escapement goals (or other objectives) and that management of the U.S. fishery should be focused on ensuring their overall share of the total allowable catch was met, regardless of what conservation (or management) units the catch came from. In practice, if not necessarily in intent, this is in contrast with the Canadian perspective that was put forward, which was that Canada and the U.S. should share responsibility for meeting the conservation objectives for Fraser origin sockeye salmon.

b. Have you heard any concern from United States representatives regarding the conservation units identified by Blair Holtby and Kristina Ciruna?

Not that I recall.

4. Counsel for Canada tendered the draft 2011-2012 Integrated Fisheries Management Plan (IFMP) as Exhibit 942. Mr. Ryall testified about the incorporation of the recovery objectives from the 2005 Cultus Lake Recovery Strategy.

a. Do you know why the 2011-2012 IFMP does not incorporate and manage to the provisional abundance-based benchmarks identified for Cultus Lake sockeye under the WSP?

I don’t know why the 2011-2012 draft IFMP does not incorporate these benchmarks, assuming the question refers to the provisional benchmarks provided in the Grant et al. paper. The recovery objectives from the 2005 Cultus Lake Recovery Strategy are in the draft IFMP. However, I do not

agree that the fishery is explicitly managed to meet those objectives. In recent years a fixed exploitation rate target was used for Cultus Lake sockeye despite either a poor understanding whether this would support recovery objectives, or even indications that it would not.

b. Should it?

Since the adoption of the Wild Salmon Policy in 2005 it has been my perspective that any and all information available to begin managing to protect and recover conservation units should be gathered and applied to management. The identification of at least seven conservation units originating in the Fraser watershed as in the “red zone” under all three criteria considered should have led to immediate action by DFO fisheries management to protect these conservation units while further refinement of the assessment and recovery planning was undertaken. Thus, I do think the 2011-2012 draft IFMP should incorporate and manage to conserve Cultus Lake sockeye with a precautionary consideration of available information, including meeting provisional benchmarks identified in the Grant paper.

5. In answering questions from your counsel about Strategy 4, you often referred to “management units” under the Wild Salmon Policy (WSP). However, the WSP makes no reference anywhere to “management units”.

a. Do you use this term synonymously with WSP planning units, as described in the blue sidebar at pages 25-26 of the WSP? Or when you discuss WSP management units under Strategy 4, do you mean the four sockeye run-timing groups?

Yes, I was using this term synonymously with the WSP planning units. Although the four run timing aggregates used in Fraser sockeye fisheries management may be referred to as management, or planning, units under the WSP, I do not believe that they are consistent with the definition of planning units in the WSP. One clear reason I think this is the case is that the run-timing aggregates are not inclusive of Fraser sockeye conservation units (i.e., many are not measured or considered) and do not represent component conservation units well (e.g., some “stocks” considered under the aggregates are poorly assigned to their timing aggregate, and the timing of conservation units is not as discrete as assumed).

6. Your counsel asked Mr. Ryall and Mr. Saunders about Slide 4 of Exhibit 951 which states “DFO holds some (but not all) of the policy and management “levers”. When asked which policy and management levers does DFO not hold, Mr. Ryall answered “Well, I can think of two significant ones dealing with water and habitat that the DFO does not.”

a. Do you agree that DFO does not hold any policy and management levers over water and habitat?

No. DFO has significant policy and management levers over water and habitat, including the application and enforcement of the Fisheries Act, Environmental Assessment Act, and Species At Risk Act. The province does hold additional policy/management levers over water and habitat, requiring effective collaboration between these two levels of government. However, this does not preclude the important responsibilities held by the federal government over water and habitat. I think this is evident in the Wild Salmon Policy itself, demonstrated most clearly in the objectives of Strategy 2.

b. If you disagree, could you indicate some of the policy and management levers that DFO holds?

Included in my response to the previous question.