

SUMMARY OF ANTICIPATED EVIDENCE

Dr. Kim Hyatt

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The development of the Wild Salmon Policy

- If asked, Dr. Hyatt will say that he was involved in the development of the Wild Salmon Policy (WSP). He will say that he provided review comments to Brian Riddell on ecosystem elements of the earlier drafts of the WSP. He will say that he was particularly involved in providing review comments during the second round of WSP development, throughout 2004 and the first half 2005, and was involved in some of the eleventh hour insertions and revisions regarding Strategy 3 and ecosystem elements. He will say that he was involved in many of the public consultations in 2005.
- He will say that the insertion of ecosystem considerations into the WSP was in response to requests or demands by external groups like First Nations and environmental groups.
- He will say that inclusion of ecosystem values in Strategy 3 was an acknowledgement by DFO of repeated requests during WSP public consultations to do so, as well as a result of external forces acting on the department, which collectively were moving DFO to broader considerations of salmon diversity, habitat and ecosystem integrity. As an example of these external forces, he points to the growing literature on promoting biodiversity conservation in fisheries, and also to the Rio Declaration, the UN Convention on Biological Diversity, the UN Fish Stocks Agreement and the Pacific Salmon Treaty.
- If asked, he can explain his understanding, which he believes was shared by others developing the WSP within Science, on the meaning of “an acceptable timeframe” in the WSP definition of conservation unit (CU).

WSP Implementation Team and its members’ responsibilities

- Dr. Hyatt will say that he is an ongoing member of the WSP Implementation Team, and that he is the Strategy 3 lead on the WSP Implementation Team.
- He will say that he understands that the WSP Coordinator position at Policy is currently shared between Lisa Wilson and Wellsley Hamilton.
- He will say that he is the lead DFO official assigned to Strategy 3. He will say that he has assistance from Dr. Jim Irvine, and that he previously had scientific assistance from Dr. Janelle Curtis although she was not part of the Implementation Team. He will say that he has also contributed to WSP implementation by chairing PSARC (now CSAS) Salmon Subcommittee meetings at which the CU definition methodology and the CU benchmark methodology were peer reviewed.
- He will say that of all the sectors, Science has been most involved in WSP implementation as Science has lead officials assigned on each of Strategies 1, 2 and 3. He will say that Neil Schubert has acted for the past 2 years as a new administrative lead on WSP implementation for Science.
- He will say that there has been a gap on Strategy 2 since the time Heather Stalberg left the WSP Implementation Team in March 2009. He will say that Melody Farrell of OHEB assumed some Strategy 2 responsibilities within the last few months.

- He will say that FAM has been the lead on Strategy 4 until recently but that it has been difficult during the past 18 months to identify Strategy 4 leads from FAM. He will say that Paul Ryall initially served as both regional and Barkley Sound pilot lead on Strategy 4, that Corey Jackson eventually replaced Paul as regional lead following Paul's assignment to Cohen Commission duties, and that Don Radford eventually assumed the lead of the Barkley Sound WSP pilot.
- He will say that he is unaware of anyone assigned to Strategy 5. He will say that DFO cannot yet begin to implement Strategy 5, as Strategies 1-4 must be more advanced.
- He will say that there is no provincial or First Nations representative on the WSP Implementation Team, although connections are made frequently by some Team members. For example, he will say that DFO has recently been consulted by the Province on its plans to modify the BC Water Act, and that a portion of DFO's input is informed by and framed through the WSP.

WSP implementation issues generally

- If asked, he will say that he was involved in some efforts in 2006 and 2007 to consult with First Nations on WSP implementation, primarily through the WSP forums.
- He will say that, to date, DFO has not formally identified Priority CUs under the WSP, including under Strategy 4. He will say that there are some obvious candidates for Priority CUs, like Cultus Lake, Henderson and other CUs where their status would clearly be in the Red zone even without lower benchmarks being formally defined yet. He will say that these obvious candidates for Priority CUs, across all five salmon species, likely number in the dozens.
- He will say that it is a challenge to devise a supportable, defensible method for determining which were Priority CUs, and that senior management would require a defensible rationale if they were to formally designate a list of Priority CUs for immediate attention under the WSP.
- He recalls that Science was originally intended to come up with a rationale and recommendations for an initial list of priority CUs by area for regional management. He will say that approval of this would ultimately rest with the Regional Management Committee and Regional Director General (RDG). He will say that draft criteria for ranking CUs and areas for attention were developed and submitted for consideration but these were returned with directions to do further work and to develop a sharper focus. .
- He will say that DFO officials consider certain CUs to be *de facto* Priority CUs.
- He will say that WSP implementation is an ongoing and iterative process, and that there is no end point at which the WSP, its strategies or steps become fully implemented.
- He agrees that implementation is taking much longer than explicitly contemplated in the WSP itself, such as the timeline in Strategy 3, Action Step 3.1.
- With reference to page 35 of the WSP, he agrees that none of the six strategies are autonomous. He will say that the strategies are definitely interdependent.
- He will be asked whether the strategies are required to be implemented sequentially.
- He will say that Strategies 1 and 2 must precede detailed development and implementation activities in Strategy 3. He will say that Strategy 3 builds upon Strategies 1 and 2. He will say that he emphasized this point to the Operations Committee in his October 2009 presentation, when asked why Strategy 3 development and implementation was taking so long.
- He will also say that as WSP implementation progresses, an ever-increasing level of integration is required among the strategies due to their independence.

- He will be asked whether there cannot be some parallel development of Strategy 3 with Strategies 1 and 2. He will be asked whether the claim that these three strategies must proceed sequentially is used as an excuse for delay.

Implementation of Strategy 3 to date

- Dr. Hyatt will say that half of his current work time at DFO goes towards further development of Strategy 3 objectives and an operational framework to implement Strategy 3.
- Dr. Hyatt will say that WSP is not just intended to ensure the future production of salmon for harvest by humans but also for maintenance of ecosystem integrity.
- He will say that he has been involved in research to develop ecosystem-based science and management advice, related to Pacific salmon, for his entire career. He views his work on Strategy 3 as a continuation and evolution of past work.
- In this respect, he will say that the Watershed-Based Fish Sustainability Planning guide created with both provincial and DFO involvement is a key ecosystem-based management document that unfortunately was not pursued through to implementation.
- He will say that Dr. Riddell asked him to take on Strategy 3 in the summer of 2005.
- He will summarize the progress and work product that he has made on Strategy 3, including his presentation on October 8, 2009 to the Operations Committee. He will say the October 8 presentation provided a conceptual framework for applying Strategy 3. He will say that he received approval to continue working on the framework. He will say that he also received approval to develop Strategy 3 objectives and indicators specific to the Barkley Sound WSP pilot.
- He will agree that DFO has not yet formally identified an initial suite of ecosystem indicators, required under Step 3.1 to be complete by June 2007.
- He will agree that DFO has not yet released an ecosystem monitoring and assessment approach, as required under Step 3.1 to be complete by June 2007.
- He will say that he was never given a direction from his supervisor or management, prior to June 2007, that meeting the two year timeline in Step 3.1 was a priority. He will say that he always regarded the Step 3.1 timeline as unrealistic. He will say that he believed this timeline was unrealistic before the WSP was finalized, and he voiced that often to the WSP development team especially during review of the penultimate draft.
- He does not know why Strategy 3 was given a timeline when Strategies 1 and 2 were not, but he believes that this timeline may have been intended to demonstrate to those stakeholder groups who were requesting the insertion of an ecosystem strategy that DFO would commit immediately to implementing an ecosystem strategy.
- He will say that he advised Dr. Brian Riddell, his supervisor, that a starting point on Strategy 3 should be to release a simple discussion paper to facilitate further dialogue among DFO, academic, and stakeholder audiences. However, he added that, to be of any real value, the discussion paper would have to be different than several reports written to date on WSP Strategy 3. He will agree that Dr. Riddell often encouraged him to write a Strategy 3 discussion paper.
- He will say whether he has written that discussion paper.
- He will say that he was ready to make a presentation to the Operations Committee a year earlier. However, when he took his presentation to the Science team members of the WSP Implementation Team, their views were that the presentation was too complex and lacked the clarity required for a “home run”. He spent six months between spring and fall of 2009 to revise and simplify materials used in the presentation.

- He will say that over the course of 2007 and into 2008, he worked for approximately 18 months with Dr. Irvine, Dr. Janelle Curtis and Mr. Ray Lauzier to identify a list of ecosystem sub-objectives and indicators of potential relevance to each DFO sector (harvest management, salmon enhancement, aquaculture and habitat protection). He will say that they did not consult with DFO sectors to determine which indicators and objectives the sectors might identify as practical for implementation and why. He will say that, at that time, OHEB was solely focused on Strategy 2 while Science and FAM were very engaged with Strategy 1, and he believes these sectors lacked additional capacity to engage on Strategy 3.
- He will summarize briefly his work on the Barkley Sound WSP pilot project, including the Strategy 3 elements, and will identify the main achievements and challenges to date.
- He will say that Barkley Sound is DFO's only official WSP implementation pilot, and that the pilot seeks to implement Strategies 1-5 concurrently as an end-to-end WSP project.
- He will say that Barkley Sound is currently the only WSP pilot in which Strategies 1-3 are actively inform Strategy 4. He will say that DFO managers will sometimes characterize other activities as WSP implementation initiatives but most of these are either focused principally on Strategy 1 or represent major initiatives (e.g. Skeena wild salmon and watershed planning) containing WSP relevant elements but lacking a high degree of integration with WSP-IT activities.
- He will say that the Fraser River Sockeye Spawning Initiative (FRSSI) was characterized as a Strategy 4 pilot but that FRSSI only piloted the WSP five-step planning process and did not explicitly incorporate information from Strategies 1-3.
- He will say that the Barkley Sound pilot has had a somewhat checkered history, in terms of the pace of progress and DFO's ability to move forward effectively due to limited financial and technical support, leadership transition delays and loss of momentum in collaborations with external partners, particularly on governance issues. He will say that there is generally a good level of cooperation on technical issues and analysis.
- He will say that the Barkley Sound pilot is also challenged by a lack of OHEB representation and involvement. He has heard OHEB explain its minimal engagement on the basis that it lacks financial capacity, human resources and senior management direction from either the regional or national level to prioritize WSP implementation.
- He will say that active pursuit of the Barkley Sound pilot has been on again off again, although officially it has been running for at least three years. He will say that the recent loss of momentum arises because the original FAM lead, Paul Ryall, was reassigned to focus on the Cohen Commission and there were delays in identifying a new FAM lead.

The independent five year review required under Strategy 6, Action Step 6.2

- Dr. Hyatt will say that discussions on the Strategy 6 review were recently initiated internally at DFO. He participated in discussions about Strategy 6, lead by Policy, at WSP Implementation Team at meetings in the summer of 2010.
- He understands from these discussions that senior officials had decided that an independent five year review could not be done at the current time.
- He understands that the reasons for the decision were that DFO's progress on implementing the WSP had been slower than initially projected (due to the complexity of the WSP and DFO's limited capacity), and there was not much substantive progress to review that was not already known. The Team members discussed that a Strategy 6 review would just confirm the obvious, as Team members thought that DFO officials and external groups already knew what progress had been made and why progress had been slower than anticipated. Moreover, some Team members thought that if DFO

wanted to explain or justify its implementation progress to external parties, it could do that by posting information to the publically accessible WSP web-site without recourse to a more time consuming independent review.

- He will also say whether, during Implementation Team discussions about the Strategy 6 review, the Cohen Commission was stated as a justification to postpone the review.
- He will say that WSP Implementation Team members generally supported the decision, and that no one said this was an opportune time to engage in a detailed review of WSP.
- He will say that some Team members noted that stakeholders would be concerned with DFO's lack of commitment to its own timeline. In Dr. Hyatt's view, this was a minor concern as DFO often does not meet its timelines and the WSP timelines are unrealistic.
- He will say that the WSP Implementation Team meeting participants from DFO Policy identified not only that the Strategy 6 review would be delayed, but also facilitated team discussion of options for how a future independent review might be completed.
- He will say that the Team and Policy have not considered in any detail who might do the independent five year review, beyond discussing the possibility of using DFO's monitoring and evaluation branch in Ottawa. However, he understands that group later advised Policy that the review contemplated by Strategy 6 and by DFO was not within their expertise.

Challenges to and progress on WSP implementation, particularly for Strategy 3

- Dr. Hyatt will say that a challenge to meaningful continued WSP implementation is that the WSP is not a program but rather just a policy, and will explain what this means.
- He believes that, regardless of funding limitations, there has been support from regional management for WSP implementation. He will say that in the initial two or three years of WSP implementation, from 2005 into 2008, there was a high level of support under the leadership of both Brian Riddell in Science and the Regional Director General Paul Sprout. As an example, he recalls a presentation that Mr. Sprout made to a national meeting in Montebello, where he chose to emphasise DFO's commitment to developing ecosystem approaches to future fisheries management.
- He will say that, in his experience, National Headquarters (NHQ) is committed to the principle of ecosystem approaches to fisheries, but not necessarily to doing this through the WSP. In his experience, including from attending DFO science workshops in Ottawa, NHQ officials understand ecosystem-based approaches to fisheries through international lens, filter like the FAO or regional organizations, but not through the WSP.
- He will say that ecosystem-based approaches are challenging for Fraser River sockeye CUs, given the scale and complexity of the system. Another reason that ecosystem-based management is a challenge on the Fraser River is the wide range of vested interests that are resistant to changed approaches. He will say that Fraser River CUs/watersheds are too complex to quickly implement an end-to-end WSP pilot, but that Strategy 3 objectives remain highly relevant to Fraser River sockeye .
- He will say that progress is being made on Strategy 3 implementation. He believes that even if there were no WSP, there would be pressure for DFO to incorporate ecosystem-based considerations into salmon management.
- He will say that, if DFO expects to make timely progress on WSP implementation in general and on Strategy 3, then ideally the following five actions should be taken.
- First, he will say there is a critical need to establish a formal Canada-BC agreement or set of agreements to actively collaborate on WSP implementation.

- Second, he will say that DFO should provide sufficient support to ensure a successful end-to-end WSP implementation pilot in Barkley Sound, which would inform and facilitate WSP implementation elsewhere.
- Third, he believes that DFO needs to clarify its sector-specific ecosystem objectives and then identify informative and affordable indicators, so as to track DFO's performance in achieving ecosystem based management objectives specific to each DFO sector.
- Fourth, he believes that DFO will need to invest in significant efforts to access, integrate, analyse and interpret data from a multitude of fragmented monitoring frameworks and databases maintained by other agencies, governments and industry.
- Fifth, he believes that DFO will need to initiate some new science programs to examine how marine and freshwater ecosystems control salmon production variations, in order to reduce severe knowledge gaps on how ecosystem changes affect salmon and on how changes in salmon abundance affect ecosystems. These initiatives should be collaborative with others, but led by DFO to ensure WSP requirements are met.
- He will generally agree with Dr. Irvine's reactions to and views on the WSP-related commitments in the DFO Action Plan to Address Conditions for Marine Stewardship Certification of British Columbia Sockeye Fisheries dated December 21, 2009 ("DFO Action Plan"). Prior to October 2010, he was not provided with a copy of the DFO Action Plan associated with MSC certification of Barkley Sound or Fraser River sockeye salmon CUs and fisheries. He does recall that Diana Dobson spoke with him briefly about the MSC initiative and specifically about the Henderson sockeye CU in Barkley Sound.
- He will be asked whether the delays between when a PSARC (now CSAS) paper is reviewed, approved by DFO managers, and made publically available have any consequences for WSP implementation. He will say that the issue of timelines of the CSAS process has been discussed nationally, and that CSAS has released guidelines setting out recommended timelines. He will say that delays in finalizing and publishing CSAS papers often relate to excessive workloads of authors and reviewers.