



Department of Justice
BC Regional Office
900-840 Howe Street
Vancouver, British Columbia
V6Z 2S9

Telephone: 604-666-2324
Facsimile: 604-666-2710
Email: mitch.taylor@justice.gc.ca

December 21, 2010

By Email

Commission of Inquiry into the Decline of Sockeye
Salmon in the Fraser River
2800 – 650 West Georgia Street
Vancouver, British Columbia
V6B 4N7

Attention: Brian J. Wallace

Dear Sir:

Re: FRASER River Sockeye Salmon - Commission of Inquiry - DFO
Our File: 2-272052
Commission's Written Re-examination for Wild Salmon Policy Implementation Panel:
Questions and Answers – Heather Stalberg

With respect to your re-examination questions of the Wild Salmon Policy Implementation Panel in your correspondence dated December, 17, 2010, we write to provide you with the answers from Heather Stalberg.

The answers are set out below in bold text for your ease of reference.

Question:

1. On December 7, 2010, at page 11, line 30 of the transcript, counsel for Canada asked you:

“And to your knowledge, how many of these habitat status reports were conducted in your tenure related to sockeye salmon?”

You answered

“So we piloted nine, and out of the nine I think one was done for Trembleur Lake sockeye.”

- a. To clarify, during your tenure as the coordinator of the WSP habitat working group, were the nine piloted habitat status reports for CUs of all five species, or were these nine reports all for sockeye_CUs?

- b. Leaving aside any habitat status reports that were created after your tenure, during your tenure was there a partial habitat status report created for only one Fraser River sockeye CU, namely Trembleur Lake?
- c. To further clarify, since your tenure, have you become aware of any additional habitat status reports beyond those for Harrison River CUs?

Answer:

- a. **The nine piloted habitat status reports were for chinook, chum, coho and sockeye. The WSP Habitat Working Group, via Cheryl Lynch, applied to the Pacific Salmon Treaty's Southern Boundary Restoration and Enhancement Fund for funding in 2007-2008 to augment this effort with more topical information through undertaking satellite imagery of pressure indicators with the Province's watershed statistics program for Cultus, Trembleur and Stuart Lakes; the PST did not approve funding for the proposal.**
- b. **Yes**
- c. **I think there is one for the Sarita watershed also; this could be confirmed with Melody Farrell, OHEB, Regional Habitat Coordinator.**

Question:

2. On December 7, 2010, at page 29, line 31 of the transcript, counsel for Canada asked you to comment on a presentation that you made with respect to habitat and the connection between monitoring under the WSP and the National Habitat Management Program, which presentation had been marked as Exhibit 204. You recalled that you made this presentation to Ian Matheson, about whom you said "He was at that time the – started as the DG of habitat within Ottawa."
 - a. Can you confirm that at the time of your presentation, Mr. Matheson was the Director General of the Habitat Management Directorate in Ottawa?

You then say, at page 30, lines 4-7, that Mr. Matheson "came to the Pacific Region to learn more about our business" and "I was asked to provide information on the Wild Salmon Policy."

A few lines down the page, at line 11, you describe this presentation as follows:

"So this – this was a – sort of a pitch on the benefits of the Wild Salmon Policy and the linkages, the connections and disconnects between the Habitat Management Program and we talked last week about the disconnect, but I refer here to the connections between the two."

You note this same presentation to Mr. Matheson at pages 5-6 of your Summary of Anticipated Evidence, where you say that your presentation to Mr. Matheson "included

an option to incorporate environmental monitoring into the HMP. “Mr. Matheson advised that a business case for this would need to be made.”

- b. Are we right to understand that Mr. Matheson did not accept your pitch? Do you agree he did not confirm the need to incorporate WSP elements like environmental monitoring into the Habitat Management Program?
- c. When Mr. Matheson advised that a business case would need to be made, who did you understand would need to make that business case – the Pacific Region - the Pacific Region’s Oceans, Habitat and Enhancement Branch (OHEB)?
- d. Did you understand Mr. Matheson to mean that he was not yet persuaded to commit funds to enable the incorporation of this element of the WSP into the Habitat Management Program?
- e. Do you know if the Pacific Region or OHEB subsequently made that business case to Mr. Matheson or to other Habitat officials in Ottawa?

Answer:

- a. **Mr. Matheson was the Director General of the Habitat Management Program in Ottawa.**
- b. **No, he said a business case would need to be made, which hadn't been done. Mr. Matheson neither confirmed nor rejected the need to incorporate environmental monitoring into the Habitat Management Program.**
- c. **Most likely this is where it would originate, with support sought from the RDG and possibly other Regions.**
- d. **He hadn't been given sufficient information to make such a commitment.**
- e. **I do not think it was made.**

Question:

- 3. On December 7, in response to questions seeking your thoughts on advancing implementation of Strategy 2, at page 35, line 8 of the transcript you testified that:

I mentioned last week the disconnect with the Habitat Management Program, that environmental monitoring isn't on – within the fish habitat management policy. Now that policy is under review currently, so it is – it could be helpful if within these broad national guidance documents, these policies, that there is embedded within there sort of reference to or opportunities to support environmental monitoring. Not necessarily committing the department to deliver it all, but how can it be factored in? Because again, we're talking -- we've been talking about the pace of implementation --

And then you continued at line 22:

“-- but it’s based on current resourcing. If more dollars are going to be gained, probably the most likely place is nationally and it needs to fit within a national agenda.”

- a. Your answers here seem to suggest that the WSP is not currently situated as part of the national policy agenda of the Habitat Management Program – is that a fair inference for us to draw?
- b. Is the WSP a national policy? Or is your impression that, within the Habitat Management Program nationally, the WSP is seen as a regional policy?

Answer:

- a. **The environmental monitoring aspect of Strategy 2 of the WSP is not part of the current national policy agenda of the Habitat Management Program.**
- b. **Yes, it is a nationally endorsed policy specific to Pacific salmon.**

Question:

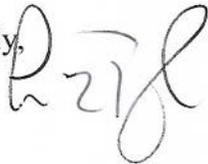
4. You were referred to the Aquaculture Policy Framework by counsel for the BC Salmon Farmers’ Association. Have you had any direct experiences working with the Aquaculture Policy Framework?

Answer:

No.

We trust you will find the above in accordance with the format as set out in our correspondence to you with Canada’s written re-examination answers and questions, dated December 16, 2010.

Yours truly,



Mitchell R. Taylor, Q.C.
Senior General Counsel