

SUMMARY OF ANTICIPATED EVIDENCE

Dr. Laura Richards

DFO Regional Director, Science

17 March 2011

September 2009 Science Workshop

- a. Dr. Richards will say that when the low return for Fraser River Sockeye Salmon in 2009 became evident, she and Mark Saunders together decided to convene Science staff for a meeting on September 30, 2009 to review available information and examine potential factors contributing to the poor return (the "Science Workshop").
- b. She will say that she received the email invitation to the Science Workshop, attaching an agenda and a spreadsheet summarizing some potential hypotheses for the 2009 poor return [Exhibit List Tab 1].
- c. She will explain that the Science Workshop was intended to be in the nature of scientific information-sharing and brainstorming about factors possibly causing or contributing to the low 2009 Fraser River sockeye returns, and that it was not intended to present conclusions on or about those factors. She will say that she attended the Science Workshop from the mid-afternoon onwards.
- d. Based on information from Mr. Saunders, she will say that the materials presented at the Science Workshop were those presentations included within Exhibit List Tab 2. She will say that discussion was not limited to the hypotheses and information in these presentations, but that there was wide-ranging discussion and debate.
- e. She will comment on 2009 Fraser Sockeye Summary of Hypotheses/Issues [Exhibit List Tab 2.d]. She will be asked about the list of "identified issues" and the list of "things that might be worth looking into", whether she recalls any discussion summarizing those issues at the Science Workshop and if Science staff have since been assigned to look into those issues.
- f. She will say that she received a document entitled "Update on Science Review 2009 Fraser Sockeye" summarizing the hypotheses discussed at the Science Workshop ("the Science Workshop Report") from Mark Saunders on November 12, 2009. She will say that she understands Mr. Saunders and Arlene Tompkins were involved in the creation of the Science Workshop Report, likely with input from other Science staff. [Exhibit List Tab 3]. She cannot confirm if this is the final version of the Science Workshop Report or if it was further revised after November 12, 2009. She can confirm that the next major synthesis of DFO Science's thinking on the 2009 decline would have been for the Pacific Salmon Commission (PSC) conference in June 2010.
- g. She will say that Science staff have continued to meet and discuss hypotheses for the 2009 decline, including through their participation in the PSC conference which was a high priority for Science. She will say that the

- thinking of Science staff on the potential causes continues to evolve, particularly as they collect or analyze new data. She will say that Science's analysis of the issue is iterative and dynamic, as is to be expected.
- h. She will say whether, to her knowledge, DFO Science briefed the Deputy Minister or the Minister on August 2010 PSC report.

Memoranda to the Minister regarding potential causes for the 2009 low returns

- i. Dr. Richards will say that, in the same general time period that Mark Saunders was working on the Science Workshop Report, she and Mr. Saunders were also working together to develop a briefing note for the Minister setting out the potential factors affecting the poor return of Fraser sockeye ("Potential Causes Memorandum"). She will say that both the Science Workshop Report and the Potential Causes Memorandum were built around and informed by the discussions at the Science Workshop.

Potential Causes Memorandum

- j. She will say that the Potential Causes Memorandum was not requested by the Minister. Rather, it was provided on Dr. Richard's initiative because of the high level of interest in the poor 2009 Fraser River sockeye return.
- k. She will be asked about an early draft of the Potential Causes Memorandum, as of October 6, 2009 [Exhibit List Tab 4]. She will say that this early draft largely reflected the discussion from the Science Workshop. She will explain the general evolution of the Potential Causes Memorandum, and whether there were significant changes to the content.
- l. In particular, she will be asked why she and Mr. Saunders shifted the focus of the Potential Causes Memorandum to the 2009 return as opposed to possible causes of a longer term decline for Fraser sockeye. While she does not recall specifically a decision to take out long-term decline factors, she recalls generally that they wanted to ensure the memorandum was clear and succinct in its structure. She recalls thinking that the 2009 decline was the immediate context for this particular memorandum
- m. She will say that she revised the Potential Causes Memorandum to produce the final version sent to NHQ. Based on her review of the MECTS database, she is aware that the Potential Causes Memorandum was received by the Minister's office on December 3, 2009 [within Exhibit List Tab 5.]
- n. She will say that she did not receive any requests or questions from the Minister's Office regarding the Potential Causes Memorandum.

Disease Memorandum

- o. She will say that she worked directly with Dr. Kristi Miller-Saunders to draft a memorandum on a potential disease factor associated with brain lesions (the "Draft Disease Memorandum") [Exhibit List Tab 6]. Normally, she would work

through Mark Saunders on having a memorandum drafted, but in this instance she worked directly with Dr. Miller-Saunders.

- p. She also recalls the involvement of Dr. Stewart Johnson in drafting this memorandum. She will say that Dr. Laura Brown acted for her during an absence in the Fall of 2009, and was involved in the Draft Disease Memorandum at some point in time.
- q. She will say that, as with the Potential Causes Memorandum, the Disease Memorandum was not requested by the Minister's office but rather was created at Dr. Richards' own initiative.
- r. She will say, with respect to both disease and sea lice, that these issues are not her scientific area of expertise. She will say that she relies very heavily on input from scientists in the Science Branch with particular expertise in preparing briefs.
- s. She will say that Dr. Miller-Saunders did first draft of the Disease Memorandum, and then that her own role was to make it understandable to a lay reader. She will say that this Disease Memorandum was revised more than the other two memoranda in this series, and went through a number of revisions. While she does not recall her revisions, Dr. Richards will say that she would likely have added information, to ensure the note was in its proper context and for clarification, and would have removed theoretical, detailed or speculative information. Overall, her role was to ensure this memorandum was clear, straightforward and factual. She will say that she took her edits back to Dr. Miller-Saunders to verify their accuracy.
- t. With reference to Exhibit List Tab 6, Dr. Richards will be asked what changes she approved upon receiving questions from the Assistant Deputy Minister's office. She will say what "ADMO" stands for in the name of the email attachment.
- u. She will say why she proposed changing the title of the Disease Memorandum from "Brain Lesions Found in Southern British Columbia Salmon Stocks".
- v. She can confirm, based on her review of the MECTS database, that the final signed version of the Disease Memorandum was received in the Minister's office on December 11, 2009 [within Exhibit List Tab 5.]
- w. She will say that she has not received any requests or questions from the Minister's Office related to the Disease Memorandum.

Sea Lice Memorandum

- x. She will say that she and Mr. Saunders decided to provide a third briefing note to the Minister, this one about sea lice. This was the third memoranda regarding potential causes of the poor returns of Fraser sockeye in 2009.
- y. She will say that, on December 23, 2009, she reviewed and suggested revisions to the draft briefing note regarding sea lice impacts (the "Draft Sea Lice Memorandum") [Exhibit List Tab 7]. She understands that Brent Hargreaves was the lead drafter of the Draft Sea Lice Memorandum. She

- recalls that her proposed revisions may have been to link this note to previous memoranda in the series.
- z. She will say that the Draft Sea Lice Memorandum was then forwarded to and approved by the Regional Director General, Regional Director FAM and Regional Director Science as of December 30, 2009 (the “Regional Sea Lice Memorandum”) [Exhibit List Tab 8].
 - aa. She will be asked which official proposed the revisions made to the Regional Sea Lice Memorandum, and will be asked to comment on those changes.
 - bb. She does not have a specific recollection of why the sea lice memorandum was returned by DFO National Headquarters (NHQ) to the Pacific Region. However, she understands, from reviewing documents, that NHQ Science staff added one sentence to the first summary bullet in Regional Sea Lice Memorandum, in early January 2010 (“National Sea Lice Memorandum”) [Exhibit List Tab 9]. She will say that Jim Kristmanson is a biologist in the NHQ Science sector.
 - cc. She will say that her own reading of this sentence is that it reflects the original Potential Causes Memorandum, where sea lice was not identified as one of the three “likely” factors but rather was identified as a high-profile factor.
 - dd. She will say that it is not unusual that NHQ officials will make revisions to briefing notes. While sometimes these revisions are substantive, often they aimed at ensuring the note is properly formatted, put in the proper context, or given greater clarity. She will say that, when even a minor revision is made by NHQ, this typically requires the briefing note to be returned to the Region for review and re-approval.
 - ee. Based on her review of the MECTS database, she is aware that the National Sea Lice Memorandum was re-approved in the Region on or about February 16, 2010 [transmittal slip at Exhibit List Tab 5]. It was signed on behalf of the Deputy Minister by Matt King, who was then the Acting Deputy Minister.
 - ff. She will comment on Andy Thomson’s email to Trevor Swerdfager on February 19, 2010 [Exhibit List Tab 10]. She will confirm that the Regional Sea Lice Memorandum was in fact routed through FAM on December 30, 2009 and initialled by the Acting Regional Director Bonnie Antcliffe [Exhibit List Tab 8]. She will say that the National Sea Lice Memorandum was approved by Andy Thomson on February 717, 2010 [transmittal slip at Exhibit List Tab 5].
 - gg. She will say that she did not receive any questions or requests from the Minister’s Office related to the National Sea Lice Memorandum.

No briefings given on other potential causes of the 2009 decline

- hh. She will say that no other memoranda were provided to the Minister on potential factors causing the poor 2009 return, and will explain why.
- ii. She will comment on information in the National Sea Lice Memorandum stating that “further information will be provided as it becomes available” and that “Science teams have been formed to focus on each of three high profile

- and/or likely causes: a disease-related event, interactions with aquaculture (sea lice), and low food abundance in Queen Charlotte Sound (as well as in the Strait of Georgia)". She will be asked about the statement that "a forthcoming note will describe the progress on food abundance" [Exhibit 5].
- jj. She will be asked why DFO Science never contemplated, in any of the three memoranda, providing the Minister with a briefing note on toxic algal blooms when it was one of three most likely causes identified for the 2009 poor return (along with food availability and viral disease).

Speeches for Members of Parliament

- kk. Dr. Richards will say that Regional Science staff provides information to NHQ, when requested, to assist NHQ staff who may be responsible for developing Question Period Notes. She will say that typically such requests for information come from Communications staff, although sometimes they come from her ADM or other senior officials. Occasionally, Regional Science staff may be asked to provide factual information for NHQ staff who are preparing speeches for the Minister or a Member of Parliament ("MP").
- ll. She will say that she does not always know how NHQ uses information provided by Science staff. She is not aware if NHQ uses Science's ministerial briefing notes as the basis for drafting speeches for the Minister or for MPs.
- mm. She will say that she was aware of the request by NHQ staff that Regional subject matter experts develop speeches for MPs on the 2009 low return of Fraser Sockeye. She understood that this was to be coordinated by NHQ and Regional communications staff. She will say that Allison Webb, also assumed a coordination role. While she did not receive Terry Davis' October 2, 2009 email, she was aware that this broader effort to develop speeches was happening [Exhibit List Tab 11].
- nn. She will be asked if she was aware, in October 2009, that the speeches were intended for a possible emergency debate in the House of Commons on Pacific Salmon. [Exhibit List Tab 11].
- oo. She will say whether any Science staff expressed concern with being asked to take a role in providing information for speeches, such as the concern expressed by Paul Ryall in an email on September 29, 2009 [Exhibit List Tab 12].
- pp. She will say that she was asked, by both DFO Communications and DFO Policy, to provide comment on the information in draft speaking notes for MPs addressing the low return of Fraser River sockeye.
- qq. She will say that Allison Webb, Regional Director Policy, asked for her input on information contained in a draft speech on sea lice [Exhibit List Tab 13]. She reviewed the document only to verify if the scientific statements were factually accurate.
- rr. She does not recall exactly what changes she proposed or agreed should be made to the draft sea lice speech. She will be asked to compare Exhibit List

- Tab 13 with the later, revised version at Exhibit List Tab 14. Specifically, she will be asked to explain, to her recollection, the reasons that she and Ms. Webb agreed to delete content at p.2 and revise content at p.4 of this speech.
- ss. She will say that she was asked for input on at least one other Fraser sockeye speech for an MP, beyond the sea lice speech [Exhibit List Tab 15], by Tom Robbins of DFO Communications, again to confirm its factual accuracy.
 - tt. She will say that, to her knowledge, Mark Saunders also reviewed the speeches for MPs on this topic.
 - uu. She will say that she had never before been asked to provide drafting input on a speech for an MP, nor has she been asked to do so since October 2009.

DFO Science staff express concerns during the process of giving input on the Disease Memorandum and Science Workshop Report

- vv. Dr. Richards will be asked whether, in the course of briefing senior officials in the Fall of 2009, the disease issue was treated with heightened sensitivity compared to other possible causes of the decline.
- ww. She will be asked whether DFO staff were permitted to attend the Pacific Salmon Foundation (PSF) meeting referenced in an email sent by Dr. Brian Riddell on November 3, 2009 [Exhibit List Tab 16].
- xx. She will be asked about her email to Paul Sprout on November 3, 2009 regarding the PSF event, where she references work that “has not yet been reported publically”, and whether this refers to Dr. Miller-Saunders’ work on disease. She will be asked for her understanding of why, after she tasked Laura Brown with drafting a briefing note to Paul Sprout, Dr. Brown says that the note will “have to be very clear on the (possible) disease factor and implications, limitations, etc.” [Exhibit List Tab 16]
- yy. She will be asked about a November 4, 2009 email from Kristi Miller-Saunders. She will be asked to comment on Dr. Miller-Saunders’ statement that “Laura does not want me to attend any of the sockeye salmon workshops that are not run by DFO for fear that we will not be able to control the way the disease issue could be construed in the press”. She will also comment on Dr. Miller-Saunders’ belief that “Laura also clearly does not want to indicate to the PSC that the disease research is of strategic importance.” She will say this is belief is fallacious and that Dr. Miller-Saunders had misinterpreted things. She will say that she fully recognizes the importance of Dr. Miller-Saunders’ disease research [Exhibit List Tab 17].