

Commission of Inquiry into the Decline of
Sockeye Salmon in the Fraser River



Commission d'enquête sur le déclin des
populations de saumon rouge du fleuve Fraser

Public Hearings

Audience publique

Commissioner

L'Honorable juge /
The Honourable Justice
Bruce Cohen

Commissaire

Held at:

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Federal Courthouse
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Vancouver, B.C.

Wednesday, March 2, 2011

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Salle 801
Cour fédérale
701, rue West Georgia
Vancouver (C.-B.)

le mercredi 2 mars 2011

APPEARANCES / COMPARUTIONS

Brock Martland Kathy L. Grant	Associate Commission Counsel Junior Commission Counsel
Tim Timberg Geneva Grande-McNeill	Government of Canada ("CAN")
Boris Tyzuk, Q.C.	Province of British Columbia ("BCPROV")
No appearance	Pacific Salmon Commission ("PSC")
No appearance	B.C. Public Service Alliance of Canada Union of Environment Workers B.C. ("BCPSAC")
No appearance	Rio Tinto Alcan Inc. ("RTAI")
No appearance	B.C. Salmon Farmers Association ("BCSFA")
No appearance	Seafood Producers Association of B.C. ("SPABC")
No appearance	Aquaculture Coalition: Alexandra Morton; Raincoast Research Society; Pacific Coast Wild Salmon Society ("AQUA")
Judah Harrison	Conservation Coalition: Coastal Alliance for Aquaculture Reform Fraser Riverkeeper Society; Georgia Strait Alliance; Raincoast Conservation Foundation; Watershed Watch Salmon Society; Mr. Otto Langer; David Suzuki c Foundation ("CONSERV")
No appearance	Area D Salmon Gillnet Association; Area B Harvest Committee (Seine) ("GILLFSC")

APPEARANCES / COMPARUTIONS, cont'd.

No appearance	Southern Area E Gillnetters Assn. B.C. Fisheries Survival Coalition ("SGAHC")
Christopher Harvey, Q.C.	West Coast Trollers Area G Association; United Fishermen and Allied Workers' Union ("TWCTUFA")
Keith Lowes	B.C. Wildlife Federation; B.C. Federation of Drift Fishers ("WFFDF")
No appearance	Maa-nulth Treaty Society; Tsawwassen First Nation; Musqueam First Nation ("MTM")
No appearance	Western Central Coast Salish First Nations: Cowichan Tribes and Chemainus First Nation Hwlitsum First Nation and Penelakut Tribe Te'mexw Treaty Association ("WCCSFN")
Anja Brown Crystal Reeves	First Nations Coalition: First Nations Fisheries Council; Aboriginal Caucus of the Fraser River; Aboriginal Fisheries Secretariat; Fraser Valley Aboriginal Fisheries Society; Northern Shuswap Tribal Council; Chehalis Indian Band; Secwepemc Fisheries Commission of the Shuswap Nation Tribal Council; Upper Fraser Fisheries Conservation Alliance; Other Douglas Treaty First Nations who applied together (the Snuneymuxw, Tsartlip and Tsawout); Adams Lake Indian Band; Carrier Sekani Tribal Council; Council of Haida Nation ("FNC")
No appearance	Métis Nation British Columbia ("MNBC")

APPEARANCES / COMPARUTIONS, cont'd.

Tim Dickson	Sto:lo Tribal Council Cheam Indian Band ("STCCIB")
No appearance	Laich-kwil-tach Treaty Society Chief Harold Sewid, Aboriginal Aquaculture Association ("LJHAH")
No appearance	Musgamagw Tsawataineuk Tribal Council ("MTTC")
Lisa Fong Ming Song	Heiltsuk Tribal Council ("HTC")

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Vancouver, B.C. /Vancouver
(C.-B.)
March 2, 2011/le 2 mars 2011

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5 THE REGISTRAR: Order. The hearing is now resumed.

6 MR. MARTLAND: Mr. Commissioner, we are commencing the
7 Recreational Fishing portion of our hearings.
8 Before we do, there is one item to address quickly
9 in relation to an exhibit late in the day
10 yesterday, and it's on the screen now. Mr. Tyzuk
11 put to Mr. Morely this document, the 2004, along
12 with some other Year in Review reports. This one
13 we in our haste to conclude, was not marked as an
14 exhibit. I'd suggest it should become an exhibit
15 now, please.

16 THE REGISTRAR: Exhibit number 510.

17
18 EXHIBIT 510: BC Seafood Industry Year in
19 Review 2004
20

21 MR. MARTLAND: Thank you. The witnesses today, Mr.
22 Commissioner, are Devona Adams, Deborah Sneddon
23 and Joe Tadey. And what I'll look to do is take a
24 moment by way of introduction to cover a few
25 things, and then I'll ask that they be affirmed as
26 a panel today.

27 Our approach for the Recreational Fishing
28 hearings in some ways is similar to the Commercial
29 Fishing hearings which have largely concluded.
30 There will be some documents that I'll be taking
31 these witnesses to, which will be fairly quick.
32 It is to ensure they are part of the record,
33 rather than asking witnesses to review them in
34 detail through their testimony, at least in my
35 questions.

36 We have made a decision relatively -- this
37 week, I think it was, to combine these three
38 witnesses. We initially had Ms. Adams and Ms.
39 Sneddon as a first panel, and Mr. Tadey as a
40 separate panel. We have since re-jigged, if you
41 will, and have put them all together. I think
42 that will be a more efficient way to proceed.

43 The second component to our -- these are
44 three people from the Department of Fisheries and
45 Oceans today. The second component to this
46 evidence on recreational fishing will be a panel
47 on Monday of three gentlemen with significant

1 experience in the recreational fishery.

2 The first item of business is to ask that the
3 Policy and Practice Report on Recreational Salmon
4 Fishing, Licensing Management and Related Issues,
5 that that please be marked, I suppose not as an
6 exhibit, but as a Policy and Practice Report, or
7 PPR, formally.

8 THE REGISTRAR: That will be PPR No. 7.

9
10 PPR-7: Policy and Practice Report,
11 Recreational Salmon Fishing: Licensing,
12 Management and Related Issues, February 7,
13 2011
14

15 MR. MARTLAND: And as with other PPRs, the approach
16 Commission counsel will take is to use that as the
17 context and background, and to presume it is
18 accurate unless we have situations where counsel
19 or participants identify corrections or concerns
20 to it. I'll have some questions of that nature
21 today where I'll be asking some of these witnesses
22 for comments or corrections to the PPR. My
23 expectation at a general level is that the report
24 is basically accurate with relatively smaller
25 clarifications.

26 I should also advise I'll be working from the
27 exhibit list for this portion of our hearings, and
28 as I go through questions, I'll be referring to
29 the exhibit list, and that will also reflect tabs
30 in the binders that these witnesses have. So that
31 may assist them, as well.

32 If I could ask, please, Mr. Registrar, these
33 witnesses be affirmed.

34
35 DEVONA ADAMS, affirmed.

36
37 DEBORAH SNEDDON, affirmed.

38
39 JOE TADEY, affirmed.
40

41 THE REGISTRAR: State your name, please.

42 MS. ADAMS: Devona Adams.

43 MS. SNEDDON: Deborah Sneddon.

44 MR. TADEY: Joe Tadey.

45 THE REGISTRAR: Thank you. Counsel.
46
47

1 EXAMINATION IN CHIEF BY MR. MARTLAND:
2

3 Q And just for the sake of the record, Ms. Sneddon,
4 I'll just perhaps confirm through you, your legal
5 name is Deborah, D-e-b-o-r-a-h, and yet you also
6 use Debra, D-e-b-r-a, so we may see both on some
7 of the documents. Do I have that right?

8 MS. SNEDDON: That is correct.

9 Q And my suggestion, if you're agreeable, is that
10 for the Commission purposes, we might use your
11 formal legal name, the longer one.

12 MS. SNEDDON: That's fine, yes.

13 Q Thank you. I'd like to start by way of background
14 very briefly. Number 2 on the exhibit list is the
15 c.v. for Ms. Adams. Ms. Adams, you recognize that
16 as your c.v.?

17 MS. ADAMS: Yes, I do.

18 MR. MARTLAND: If that could please be marked as an
19 exhibit.

20 THE REGISTRAR: Exhibit 511.

21
22 EXHIBIT 511: *Curriculum vitae* of Devona
23 Adams
24

25 MR. MARTLAND:

26 Q Next, number 3 on the exhibit list. Ms. Sneddon,
27 that's your c.v.?

28 MS. SNEDDON: Yes, it is.

29 MR. MARTLAND: If that could please be marked as an
30 exhibit.

31 THE REGISTRAR: Exhibit 512.

32
33 EXHIBIT 512: *Curriculum vitae* of Deborah
34 Sneddon
35

36 MR. MARTLAND:

37 Q And jumping ahead to number 28 on the exhibit
38 list, Mr. Tadey, I expect you'll see your c.v.
39 there?

40 MR. TADEY: Yes, that's mine.

41 MR. MARTLAND: And if I could ask that please be marked
42 as an exhibit.

43 THE REGISTRAR: Exhibit 513.

44
45 EXHIBIT 513: *Curriculum vitae* of Joe Tadey
46
47

1 MR. MARTLAND:

2 Q I will move quickly to summarize your backgrounds,
3 and I'll do this by way of a longwinded leading
4 question, but welcoming you to correct anything I
5 have wrong.

6 Ms. Adams, first, you studied Fish, Wildlife
7 and Recreation at BCIT, the BC Institute of
8 Technology, and then started with the DFO in 1985.
9 I understand that you have worked continually with
10 the Department since, that you've been involved
11 with groundfish and salmon, and with both the
12 recreational and commercial fishery, including
13 significant experience doing consultations with
14 stakeholders. In 1996 I understand you took the
15 position as Resource Manager for the Fraser River
16 and in 2005 you moved to Vancouver head office,
17 and your current position is Regional Recreational
18 Fishery Coordinator. Do I have that right?

19 MS. ADAMS: Yes, that's correct.

20 Q Thank you. Ms. Sneddon, for your part, you
21 attended Simon Fraser University, worked in
22 Toronto with the Tax Department, and in 1992
23 returned to this province and started with the DFO
24 Licensing Unit. I understand that you've worked
25 your way up in Licensing to become the head of
26 that unit, and in recent years have been involved
27 in managing the recreational fishery in the Lower
28 Fraser area.

29 MS. SNEDDON: Yes, that's correct.

30 Q I'll pause to ask you if you could please briefly
31 explain what the Lower Fraser area includes. What
32 does that refer to.

33 MS. SNEDDON: The Lower Fraser area is a geographical
34 area that includes the Lower Mainland, the Fraser
35 River area up to and including Sawmill Creek,
36 which is just past Yale. It includes Howe Sound,
37 Indian Arm, Squamish, Pemberton, and the
38 freshwater systems on the Sunshine Coast, and it
39 includes part of the ocean area outside of the
40 mouth of the Fraser River, halfway through Georgia
41 Strait.

42 Q Thank you. And I take it that since September of
43 2010 you've been in an acting assignment as
44 Program Coordinator for the Lower Fraser Resource
45 Management?

46 MS. SNEDDON: Yes, that is correct.

47 Q Thank you. Mr. Tadey, you have a B.Sc. degree in

1 Biology from Simon Fraser University. In 1994 you
2 began doing contract work for the DFO related to
3 stock assessment, in particular of Late Stuart
4 sockeye. And in 1996 I understand you were hired
5 as a senior technician in the Department's stock
6 assessment -- the DFO Stock Assessment Chinook and
7 Coho Program, and that you later became the Stock
8 Assessment Biologist for that program; is that
9 accurate?

10 MR. TADEY: Yes.

11 Q In 2004. And since 2004 you've acted as the
12 program head and biologist for the Chinook and
13 Coho Program. You've spent time as a Management
14 Biologist in the Lower Fraser area, related to
15 chinook, coho and chum, and in 2008 you took on
16 your current role as the Program Head/Biologist
17 Chum, Pink and Recreational Fisheries Program.

18 MR. TADEY: Yes.

19 Q And your current position has you responsible for
20 the recreational creel surveys for salmon
21 fisheries in the Lower Fraser River.

22 MR. TADEY: Yes.

23 Q Great. I'll start with some general questions. I
24 can advise the witnesses I'll be focusing my
25 questions first on Ms. Adams and Ms. Sneddon, and
26 then focusing, turning later to the question of
27 creel surveys, where the questions will be
28 directed at Mr. Tadey, but addressing all
29 witnesses at that point.

30 By way of some questions about the overview
31 of the recreational fishery and, witnesses, please
32 take as a given that anything you can do to tie
33 this back to Fraser sockeye, as opposed to salmon
34 generally, is appreciated, but some of my
35 questions will be general. This is a general one
36 and, Ms. Adams, I'd like to ask if you could
37 describe the place of recreational fishing in this
38 province, as opposed to other parts of Canada.

39 How significant is recreational fishing in B.C.?

40 MS. ADAMS: Just until recently the Pacific Coast of
41 Canada's marine fishery, marine recreational
42 fishery, was and still remains the largest marine
43 fishery in the country. And it's significant in
44 terms of the number of participants, and also the
45 number of angler days, and economic analysis
46 related to that, the input.

47 Q And salmon, could you comment on salmon fishing

- 1 within the recreational fishery in this province?
2 MS. ADAMS: Salmon fishing in the recreational
3 fisheries has been the backbone since the early,
4 well, late 1800s and recently we've seen a shift
5 due to declining salmon stocks to other species,
6 such as halibut, crab, rock fish, prawns and other
7 non-salmon species, but salmon still remains the
8 critical backbone of the recreational fishing
9 community in both marine and in freshwater.
10 Q And for both the marine and freshwater salmon
11 fishing, could you give us a sense of where that
12 recreational fishing takes place.
13 MS. ADAMS: You're asking specifically with regards to
14 sockeye?
15 Q I think it makes sense to focus, to make that a
16 Fraser sockeye question, if you will.
17 MS. ADAMS: Okay. I would focus, then, on Southern
18 B.C., and in Southern B.C. the area from Mission
19 to Hope in the Fraser River is an area that we
20 consider to be a moderate to high impact fishery.
21 For the rest of the Southern B.C., with the
22 exception of Barkley Sound, we would consider the
23 fishery to be low to moderate, basically low
24 impact fisheries in those areas when we look at
25 the overall scope of sockeye activity in Southern
26 B.C.
27 Q And with respect to the in-river fishery for
28 sockeye and the Policy and Practice Report, I
29 don't need to go there on the screen, but it talks
30 about that fishery. And I understand that it was
31 reopened in the mid-1990s and that that can be a
32 very significant fishery, a lot of activity.
33 MS. ADAMS: Yes. I spent many years working in
34 groundfish fisheries and offshore fisheries, and
35 in '96 I had the opportunity to move to the Fraser
36 River, and at that time there was just the
37 beginnings of a sockeye fishery in the Fraser
38 River. And since that time it has developed.
39 It's very dependent on the abundance of sockeye
40 available in the system at the time.
41 Q Ms. Sneddon, you work in this -- you know this
42 area well, and I'd like to ask you what, with the
43 concentration of activity in the Fraser River and
44 particularly in the area around Chilliwack, let's
45 say, could you give us a sense of what that looks
46 like and whether there are problems that arise
47 from lots of people fishing at one time.

1 MS. SNEDDON: Right. So the Lower Fraser area being so
2 close to the Greater Vancouver area can generate a
3 lot of interest and activity on the river. The
4 Mission to Hope area has a number of access points
5 when it's low water in the middle of summer when
6 sockeye are going through, where people can
7 actually walk out to the river, which allows more
8 anglers to access the fishery. In the early part
9 of the year, when we're fishing for chinook, if
10 you did an over-flight on a weekend day, you could
11 see anywhere from 100 to 300 people. But during a
12 sockeye fishery when there's a lot of abundance of
13 sockeye, you could see on an over-flight 1,500
14 people.

15 So a lot of people coming onto the river.
16 Small access points. There's only two or three
17 boat launches, so a lot of concentration in small
18 areas. And, you know, the fishing areas that are
19 out there are fairly small once you get onto the
20 river. There's a bar that you can fish, and if
21 you get 1,500 people out there, you can generally
22 see, you know, a couple of hundred on a bar, and
23 that can lead to conflict both between themselves,
24 and then with other fishing activity taking place
25 on the river, like driftnet fishing with the First
26 Nations, there can be conflict between the two
27 user groups.

28 Q And without getting into great detail, could you
29 give us a sense of steps that have been taken to
30 address what you've just described, conflict on
31 the river.

32 MS. SNEDDON: Yeah, there's been, and it's not really a
33 recent phenomena, but back when Devona was the
34 manager in the Fraser, she did start a dialogue
35 group between First Nations and recreational
36 anglers in the area. It started off, it didn't
37 get a lot of traction, but in recent years it has
38 certainly been reinvigorated.

39 There was an incident a couple of years ago
40 where one of the chiefs, the chief of the Chehalis
41 Band was shot by a person recreationally angling;
42 wouldn't call him a recreational angler. And that
43 generated a lot of dialogue between the two
44 sectors because everyone felt that that behaviour
45 was not acceptable and they wanted to see what
46 they could do to reduce conflict.

47 So they reinvigorated this dialogue session

1 between the First Nations and recreational
2 anglers. There's been a lot of participation in
3 the meetings. They meet monthly. They have
4 developed a River Manners video as well as
5 pamphlets, and they've done a lot of work in
6 educating through both going out personally, and
7 putting it on YouTube, and through tackle shops
8 and trying to educate people, as well as through
9 the different Bands, trying to explain what goes
10 on in a recreational fishery, trying to dispel
11 some myths and to try and build common ground so
12 they can move forward and work together.

13 Q Ms. Adams, could you comment briefly on the
14 demographics of the recreational sector.

15 MS. ADAMS: I'm assuming that's for the sockeye
16 fishery.

17 Q That makes sense to do it that way.

18 MS. ADAMS: Yes. In the Fraser River area generally
19 it's predominated by male participants, and
20 generally in the 45 to 65-year-old age category.
21 It's a very mixed composition of ethnicities. And
22 there are more and more families participating in
23 the fishery, I would say, as Deb mentioned. And
24 when the water is low, a lot of the participants
25 will take their families out on Friday, Saturday,
26 Sunday, and possibly a holiday Monday, to have a
27 family fishing activity, where they'll camp right
28 on the river bar and they will participate in
29 sockeye and chinook fishing and have a family
30 outing.

31 So there are children involved, and women
32 involved, but I would say the predominant
33 participants are males. And generally they're
34 British Columbians. We have seen Albertans
35 participate, and also some Washington State, just
36 south of the border, participating in the fishery
37 as well. Very few international participants,
38 because there's no guarantees on whether that
39 fishery will happen, and people coming from the UK
40 or other parts of Europe will not book a holiday
41 based on an activity in that area, because it's a
42 gamble whether it will happen or not.

43 Q Mm-hmm. Year-to-year they may not, they can't say
44 with any certainty whether there will be an
45 opening.

46 MS. ADAMS: That's correct.

47 Q I'm not sure whether, Ms. Adams or Ms. Sneddon,

1 you're better to answer, but in a brief way if you
2 could help us to get a sense from, let's say, 2007
3 to present what sort of a fishery there has been
4 for sockeye, for Fraser sockeye by recreational
5 fishers.

6 MS. SNEDDON: Okay. So as Devona points out, it is
7 definitely a very sporadic opportunity. So if
8 we're talking 2007, 2007 we did not see much in
9 the way of sockeye returns, and we did not have a
10 total allowable catch that allowed for
11 recreational opportunities. So there was no
12 opportunity in 2007.

13 In 2008 there was again not a lot of total
14 allowable catch, or TAC, but it did allow an
15 opportunity, and I believe it was for three days
16 in the marine waters and five days in the Fraser
17 River itself in early September.

18 In 2009 there was no fishery because of low
19 abundance of sockeye and no total allowable catch.

20 And in 2010 we had, I think it was about 35
21 days of fishing. So very variable fishing
22 opportunities.

23 Q And we don't need the precise dates, but was that
24 a start in August in 2010, July or August, that
25 summer month?

26 MS. SNEDDON: Yes, it was early August.

27 Q Thank you. I'm going to move to some questions
28 about licensing and licence fees. I'll direct
29 these to you, Ms. Adams. The Policy and Practice
30 Report describes licences and what I'll do is take
31 that as read, if you will, and move to some
32 specific questions. One of them is whether are
33 there ever suspensions of recreational licences?

34 MS. ADAMS: For recreational fisheries we do not have a
35 process for suspensions. But I am aware that
36 through some prosecutions licence holders have had
37 their boats seized, their gear seized and they
38 have been prohibited from participating in the
39 recreational fishery for any variable time period.
40 So through the courts, yes, but through the
41 Department of Fisheries, no.

42 Q And if I can just rephrase that and see if I have
43 it right. For example, that would mean that a
44 person might have a court-imposed prohibition on
45 fishing, but when -- if they were to apply for or
46 fill out the paperwork for a recreational licence,
47 there's nothing in the system that would stop them

1 from being issued the paper. They might be in
2 breach of the court order, but am I right that
3 there's no screening that goes on at that point?

4 MS. ADAMS: That's correct. Our fishery officers do
5 have access to the licensing information, and they
6 would probably check, you know, if they came upon
7 a person, they would check to make sure that those
8 persons did not have a court-imposed order
9 prohibiting them from participating. But it's not
10 something that's upfront in our licensing system.

11 Q And without taking you through the licensing
12 system for recreational fishers, at a general
13 level, how would you -- how well do you think the
14 system works?

15 MS. ADAMS: I think in the 21st Century with the
16 electronic technology, we could move to more of an
17 electronic licensing system. Right now, 20
18 percent of our licences are sold through an
19 electronic process. The other 80 percent are sold
20 by paper, they're paper copies. And they're
21 distributed through many vendors: Canadian Tire,
22 Joe's Fish and Tackle Shop, gas stations up in 100
23 Mile House, like through local community, people
24 who distribute them.

25 But I know our colleagues in the Province of
26 B.C. went to an electronic licensing system almost
27 100 percent. I don't think it's completely 100
28 percent, but probably four or five years ago they
29 went to 100 percent online licensing. And I think
30 that provides a lot of really good resourcing, and
31 it also makes it more accessible to some of the
32 participants -- not all of them. Not all of our
33 aging male participants have computer access, but
34 I think we're seeing a trend towards people doing
35 things electronically, and I think that would be a
36 step in the right direction.

37 Q In your discussions and the feedback that you get
38 from those in the recreational sector, are there
39 specific concerns around the licensing process, or
40 does it seem to be fairly well accepted?

41 MS. ADAMS: I would say it's very well accepted. It
42 started in the early 1980s. We had some changes
43 in the late '80s, and our last changes for our
44 licensing system were in the mid-'90s. And I know
45 there's other countries in the world that don't
46 have any licensing, so I think we're in pretty
47 good shape. Can we make it better? Absolutely.

1 Q And the one example you gave about moving to an
2 electronic system, are there other improvements
3 that you would suggest?

4 MS. ADAMS: One of the things we've been exploring with
5 our Science staff is our quest to improve catch
6 monitoring. We'd like to use the electronic
7 licensing system as a database for a sample, and a
8 study, so take a representative random sample of
9 our participants through that on a fairly regular
10 basis, and we are doing that right now through our
11 2010 national survey. We've pulled 12,000
12 licences, combination of paper copies and
13 electronic copies, and we're doing comparisons on
14 that to see if there's any biases in our samples
15 from using the electronic database versus the
16 paper database. So I think that's where we really
17 want to move towards, is using it for other
18 purposes, like getting input into our fisheries
19 management, but also our catch accounting
20 programs.

21 Q And just so I'm clear, is the 2010 survey you
22 referred to, am I right that that's part of the
23 five-year national recreational mail surveys?

24 MS. ADAMS: That's correct. It's currently underway
25 right now. As of, you know, the close of 2010, we
26 started issuing questionnaires to 12,000
27 participants throughout Canada and
28 internationally.

29 Q With respect to licence fees, am I right, Ms.
30 Adams, that the entirety of the fees from licences
31 both fishing federal recreational licences, but
32 also conservation stamps, goes into general
33 revenue. Is that your understanding?

34 MS. ADAMS: So for access to tidal water fishing in
35 British Columbia, we have a flat access fee, a
36 licence fee. We have an annual licence. We have
37 one-day, three-day and five-day licence, and the
38 revenues from that go directly into general
39 revenue. And we also have a salmon stamp for
40 those participants who choose to retain a salmon.
41 They must have affixed to their licence a salmon
42 stamp. And a portion of that salmon stamp, a very
43 small portion, a stamp is around \$6, \$1 that goes
44 to the Pacific Salmon Foundation through a funding
45 arrangement.

46 Q We have, and I think the Policy and Practice
47 Report refers to the view of some in the

1 recreational sector that there should be an
2 increase to the fees for recreational licences,
3 contingent on the money not disappearing, if you
4 will, into general revenue, but going over to, for
5 example, monitoring or other recreational
6 programs. Could you comment on that. First of
7 all, am I right that that's something that's been
8 advanced by, I presume, the SFAB, the Sport
9 Fishing Advisory Board?

10 MS. ADAMS: Yes. For the past several years the Sport
11 Fishing Advisory Board, which represents the
12 recreational fishers in British Columbia, have
13 expressed an interest in increasing licence fees
14 to go directly into improvements for catch
15 accounting and also salmon enhancement production.

16 Q And is there a current process for a fee, for
17 considering a fee review or a fee increase? Is
18 there a fee review underway now, or any active
19 process, to your knowledge, within the Department?

20 MS. ADAMS: There's no specific fee review underway for
21 recreational fisheries. There are certainly
22 staff, including myself, in the Department that
23 are looking at ways that we could get more
24 revenues from licence fees and/or stamps to help
25 us with our catch accounting programs and the
26 costs of doing those programs. And one of the
27 areas is proposing it to the users through the
28 **User Fees Act** process or possibly Treasury Board.

29 Q And the **User Fees Act**, I take it, may be somewhat
30 of a hurdle to increasing the fees, at least it
31 would slow down that process significantly.

32 MS. ADAMS: Yes. The **User Fees Act**, my understanding
33 is it went in place in the mid-2000s, and there
34 been very few federal government departments that
35 have been successful in getting user fees through
36 that. I think it's -- I think three groups have
37 tried, three departments have tried. We're in the
38 process of examining how we might go about
39 proceeding through an application through the **User**
40 **Fees Act** to get fees for the recreational fishery
41 and direct that monies towards improvement in
42 catch monitoring. But there's no guarantees that
43 the money would go back into those specific
44 programs. We would have to work through Treasury
45 Board to get those funds redirected to catch
46 monitoring.

47 So the recreational community is very

1 nervous. Yes, they support having increased fees
2 for catch accounting and salmon enhancement
3 production. But to have it going to general
4 revenue concerns them.

5 Q What's your view on the merits of the fee increase
6 for recreational licences?

7 MS. ADAMS: I think a marginal increase would certainly
8 be warranted, given the costs of running programs,
9 particularly catch monitoring. I think there's
10 also a very fine line of a breaking point where
11 our participants will choose to go golfing, or
12 they will choose to participate in other outdoor
13 activities. And we've seen that through the
14 national survey and also through our programs,
15 that we're seeing the number of anglers, licensed
16 anglers decreasing from the early 1990s we had
17 about 480,000 tidal water licences issued. Just
18 this past year we had 290,000 licences, so there's
19 been a significant drop since the early '90s. And
20 so the cost of the licence is a factor in where
21 people make their choices about their outdoor
22 recreation activities.

23 Q And I should, because we're proceeding on the
24 footing that the PPR gives us the context, I
25 haven't asked questions about the distinction
26 between federal and provincial licences that are
27 issued. But I take it the numbers you've
28 described refer to the licences that are issued
29 for tidal water fisheries, which wouldn't reflect
30 what's going on, for example, in the river
31 upstream of the Mission Bridge.

32 MS. ADAMS: That's correct.

33 Q I'm going to ask Mr. Lunn that number 4 from our
34 exhibit list please be brought up. You'll see,
35 and I'll just direct your attention, this is
36 prepared, Ms. Adams, by you and Paul Ryall, it
37 says at the bottom. It doesn't seem to have a
38 date on it. But the second bullet, if you will,
39 under "Background":

40
41 The recreational sector believes they are
42 currently contributing more revenue to the
43 Federal Government than the service costs
44 provided to their sector. The annual licence
45 fee revenues from approximately 325,000 tidal
46 water recreational licences --
47

1 - including -
2

3 -- (licence fees and stamp) are approximately
4 \$6.5 M.
5

6 And then under the "Key Messages" at the bottom:
7

8 DFO is committed to working with the SFAB on
9 this initiative. DFO will review current
10 resources and make adjustments where
11 necessary.
12

13 I take it this describes that SFAB perspective on
14 contributing, really a perspective that they are
15 contributing more by way of fees and stamp money
16 than the services that they're receiving?

17 MS. ADAMS: We started engaging with the recreational
18 community in 2005 and '06 to look at how we might
19 go about obtaining additional funding through the
20 licence fee and/or a stamp, and that money is
21 going directly into catch monitoring programs.

22 One of the things the recreational community
23 asked the Department was, what are your current
24 costs, and expenditures and revenues? And so a
25 colleague of mine and I were asked to go through
26 national regional headquarters and area staff in
27 very general terms to determine what our current
28 expenditures are for the various programs. So in
29 2005 we determined that approximately, that the
30 Department was receiving somewhere between six and
31 seven million dollars in licence fees and stamps
32 from marine licences, and that we were spending in
33 the neighbourhood of \$15 million in all our
34 program costs directly related to the recreational
35 fishery. The bulk of the \$15 million expenditures
36 that we assessed were related to salmon
37 enhancement. The next big fee was staff time and
38 overhead related, and the other piece was catch
39 accounting.

40 So just from that quick math, the
41 recreational community said, well, the Department
42 of Fisheries, the Government of Canada is
43 receiving between six and seven million dollars
44 through fees, and you're spending 15 million.
45 Approximately 50 percent of the Department's
46 expenditures are being funded through the
47 recreational licence fees, and they felt and made

1 a statement at that time, and I don't know that
2 it's been validated or verified, that they didn't
3 feel in their opinion that there was any other
4 fishing sector group that was funding 50 percent
5 of the program costs related to their fishery.

6 Q Thank you. And I'll indeed, first, before I leave
7 this document, I'd ask this please be marked as an
8 exhibit.

9 THE REGISTRAR: Exhibit number 514.

10

11 EXHIBIT 514: Memo re Issue Meeting with
12 Sport Fishery Advisory Board Representatives
13 re Cost Recovery
14

15

MR. MARTLAND:

16

Q And, Ms. Adams, I'll go to number 89 on the
17 exhibit list, because I think when you were
18 referring to the \$15 million figure, could you
19 describe what this is, please, once it's flipped
20 over. There we are. Is that, am I right in
21 guessing that that reflects the figure at the
22 bottom right --

23

MS. ADAMS: Yes.

24

Q -- of the spreadsheet?

25

MS. ADAMS: Yes. This is the document I was referring
26 to. It was very draft. Some of the recreational
27 participants that we presented this to did not
28 agree with some of the calculations. But this was
29 our best estimate at the time of where our
30 expenditures were, and the revenues that we had.

31

Q And it's very hard to read, but if I have it
32 right, it has in the upper left, "20-Mar-06".
33 Does that seem to be when this was prepared --

34

MS. ADAMS: Yes.

35

Q -- in March of 2006?

36

MS. ADAMS: Yes. And it was draft, and it certainly
37 was not a very sharpened pencil, but a very rough
38 look at where expenditures and revenues were.

39

MR. MARTLAND: I'd ask this be marked as the next
40 exhibit, please.

41

THE REGISTRAR: Exhibit 515.

42

43

EXHIBIT 515: Recreational Program Delivery
44 Costs, Discussion Draft Only, chart prepared
45 March 20, 2006
46
47

1 MR. MARTLAND:

2 Q Number 7 in the list of exhibits, just to round
3 out this question and the record on the matter of
4 revenue arising from recreational fees, this is
5 the "Pacific Region Stats" it's entitled "Annual
6 Comparison of Sales Tidal Waters Sportfishing
7 Database and National Recreational On-line System"
8 is what it's entitled, and it seems to give us
9 numbers from the 1999/2000 season to the present,
10 to 2011, but as of a certain date. Is that
11 accurate?

12 MS. ADAMS: Yes, this is accurate. And I understand, I
13 mean, this is to December 24th. I have received
14 information that the revenues for all licences for
15 the completion of 2010 was in the neighbourhood of
16 5.9 million.

17 MR. MARTLAND: I'd ask this be marked as the next
18 exhibit, please.

19 THE REGISTRAR: Exhibit 516.

20
21 EXHIBIT 516: Pacific Region Stats - Annual
22 Comparison of Sales TWS Database and NRLS,
23 1999/2000 - 2010/2011
24

25 MR. MARTLAND:

26 Q I am going to move to, Ms. Adams, I'm going to
27 keep you in the hot seat, if you will, but ask you
28 about the Tidal Waters Sport Fishing Guide. And
29 again taking as background what is set out in
30 the --

31 MS. SNEDDON: Brock, sorry, could I add something to
32 Devona's testimony before we move on?

33 Q Yes.

34 MS. SNEDDON: So we talked about licence fees and
35 increases in licence fees. So the Department and
36 the recreational community have been looking at
37 not just increases to licence fees for catch
38 monitoring, but there has been a number of
39 proposals from other areas, like sturgeon, like
40 halibut and catch monitoring. So we have a bunch
41 of people looking for the Department to increase
42 licence fees for these different programs. So
43 it's not just catch monitoring. So we're trying
44 to look at a holistic way of putting all of the
45 information we need into one licence fee increase.
46 But again, it's not just a fee just for catch
47 monitoring that we're looking at. So that is a

1 challenge for us.

2 The other challenge is with the **User Fees Act**
3 and when it came into place, in order to make an
4 argument to Treasury Board that we need the money
5 to go directly to programs, part of our problem
6 is, is the Department doesn't -- it runs a deficit
7 every year. And so it would be highly unlikely
8 we'd be able to convince Treasury Board that any
9 additional funding should go directly towards a
10 program, versus the Department's deficit. So I
11 just wanted to make that clear.

12 Q Thank you, I appreciate that. With respect to the
13 Sport Fishing Guide, number 5 on our list of
14 exhibits. You'll recognize this. The 2009-2011
15 B.C. Tidal Waters Sport Fishing Guide; is that
16 right, Ms. Adams?

17 MS. ADAMS: Yes, that's correct.

18 Q If this could be marked as an exhibit, please.
19 And to complete the record, this, when one flips
20 it over, on the printed version flips it upside
21 down, the back half of the document will provide
22 what's set out at number 6 on the list of
23 exhibits, the British Columbia Freshwater Salmon
24 Supplement.

25 MS. ADAMS: Yes. Just to clarify, the federal
26 government is responsible for managing all marine
27 fisheries and fishers in those activities, and we
28 also manage salmon in freshwater, the rest of the
29 freshwater fisheries are managed by the Province
30 of B.C. and licensed by the Province of B.C.

31 Q And so the province, just to be clear on that, the
32 province handles licensing for the in-river, the
33 non-tidal fishery, but the management falls to the
34 DFO?

35 MS. ADAMS: Only for salmon in freshwater.

36 Q For salmon, thank you.

37 MS. ADAMS: Yes.

38 MR. MARTLAND: Thank you.

39 THE REGISTRAR: Item number 5 will be marked as 517.

40 MR. MARTLAND: I'm sorry, thank you.

41
42 EXHIBIT 517: 2009-2111 British Columbia
43 Tidal Waters Sport Fishing Guide
44

45 MR. MARTLAND: And number 6, if the Freshwater Salmon
46 Supplement, if I could ask that become an exhibit,
47 please.

1 THE REGISTRAR: Exhibit 518.

2
3 EXHIBIT 518: 2009-2111 British Columbia
4 Freshwater Salmon Supplement
5

6 MR. MARTLAND: Thank you, Mr. Giles.

7 Q Ms. Adams, at a general level these guides, and in
8 particular I'll ask that the other one be brought
9 up, please, the Tidal Waters Guide. Thank you.
10 Is it fair to say that this guide is one of the
11 primary means for the Department to communicate
12 with anglers?

13 MS. ADAMS: It is one of the primary guides for
14 communicating with anglers for everything except
15 for salmon. And the reason being as you can see
16 there, it's a two-year guide.

17 Q Mm-hmm.

18 MS. ADAMS: And salmon predictions come out every year.
19 And so what you'll find in there for a lot of the
20 dynamic salmon, like chinook and coho and sockeye,
21 you will find in the "Opportunities" section of
22 the guide, "opportunities expected" or
23 "opportunities will be announced", because of this
24 two-year publication and also the dynamic nature
25 of salmon fishing in this province.

26 Q So is it the case that there may be other
27 fisheries where the ground rules set out in the
28 guide can apply for a two-year period relatively
29 safely, whereas I think what you're describing
30 with salmon is you can't set rules in advance for
31 any length of time.

32 MS. ADAMS: That's correct. And it's not just about
33 the species specific information that we provide
34 in here, we also provide information around
35 species at risk programs, marine mammal programs,
36 different ecosystem aspects, so there's more than
37 just us saying you're allowed to go sockeye
38 fishing in the Fraser during these times and these
39 are your limits. It's a very comprehensive
40 document, and those types of pieces of information
41 do not change. They're what we call static and
42 core.

43 Q Thank you. Ms. Sneddon, you had a comment?

44 MS. SNEDDON: Yes. In addition this, the guide,
45 actually outlines now what are the points to
46 remember when you go salmon fishing. What's legal
47 and what's illegal, what's the gear type. Those

1 types of things generally don't change in the two-
2 year period. It's just that whether it's open or
3 not might.

4 Q That's helpful. And, Ms. Sneddon, I take it
5 you're one of the key authors of this guide?

6 MS. SNEDDON: Yes, I am. I did this version and the
7 one that's coming out in two weeks from now.

8 Q Oh, well, we're almost, we should have waited
9 another two weeks, I suppose.

10 MS. SNEDDON: That's it.

11 Q But we'll carry on. That was one of my questions,
12 and maybe to get a sense of how much this document
13 changes year-to-year and what remains generally
14 the same. I'd like to move at this fairly
15 quickly, but I'll ask you, Ms. Sneddon, these
16 questions. Within this exhibit, page 4, and Mr.
17 Lunn, I'll provide Ringtail numbers, page 9. It's
18 five numbers off, if you will. Page 9 of 91 on
19 the screen. And, Ms. Sneddon, this provides a
20 description of "Unlawful Actions", this is the way
21 of communicating regulations that govern the
22 recreational fishery?

23 MS. SNEDDON: Yes, that is correct.

24 Q On the next page you'll see reference to the
25 "Observe, Record, Report" line, which encourages
26 people to report violations.

27 MS. SNEDDON: Yeah, that is the information for
28 observe, record, report, yes.

29 Q On the page 14, Mr. Lunn, which is page 8 of the
30 guide, the SFAB "Code of Conduct" is reproduced
31 there. And lower in the page "Catch and release
32 techniques to remember".

33 MS. SNEDDON: Yes, right. The Department and the Sport
34 Fish Advisory Board were definitely concerned
35 around fishing behaviour and wanting to make sure
36 that people were fishing responsibly, so they
37 developed this Code of Conduct. And a number of
38 years ago it was included in the guide, and
39 continues to remain in there. And it's one of our
40 tools that we use when talking to anglers on the
41 river and with behaviour issues.

42 Q And some of the points under the "Catch and
43 release techniques" are relevant to selective
44 fishing, and I'll return to selective fishing a
45 little later in my questions. But if I could just
46 confirm, am I right to say that these techniques
47 to remember are not regulations, they're not

- 1 requirements, it's guidance and advice?
2 MS. SNEDDON: Yes, that is correct. By regulation,
3 what we can say is that it is illegal to -- or
4 that you must release in the least harmful manner
5 any fish you do not intend to keep. That's our
6 regulation. The rest is, yeah, techniques and
7 points to remember.
8 Q Mr. Lunn, on page 18, which is page 12 of the
9 guide, this gives some more specific information
10 relevant to salmon, and really I suppose sets out
11 a checklist of things that the angler should
12 remember before heading off fishing to purchase a
13 licence and stamp requirement, about barbless
14 hooks, checking to see if the fishery is open, et
15 cetera; is that right?
16 MS. SNEDDON: Yeah, this section is trying to make sure
17 that people read this before they go out, they
18 know what the rules are and it provides in a
19 fairly small area what the information is. But in
20 the next version, I've gotten a lot of advice from
21 recreational anglers and from fishery officers and
22 DFO staff that it's just a little bit convoluted.
23 And so we've worked on some of the wording and
24 we've set it out in a different manner. So here's
25 the points to remember about gear. Here's the
26 points to remember about areas. Here's, you know,
27 we've laid it out a little bit easier and it's a
28 constant evolution. We did this with the last
29 version. We're doing it with this, when we take
30 feedback from anybody who's willing to help us
31 make this a more readable and usable guide for
32 recreational anglers.
33 Q And at a basic level it's unrealistic to expect
34 that your average angler will head into the
35 Canadian regulations and study them. This is how
36 you're trying to communicate and ensure that
37 people know what they should and shouldn't be
38 doing.
39 MS. SNEDDON: Yes, that is correct. The regulations,
40 not the easiest things to find and fairly dry
41 reading, so this is much better.
42 Q No comment. On the next page you'll see there's a
43 picture at the bottom of the next page of the
44 circle hook, and there's a discussion there which
45 I won't read out. But it talks about the
46 Department preparing a regulatory submission about
47 the possibility of requiring circle hooks. Why

1 don't I first ask, what would circle hooks,
2 they're referred to here as being, at the bottom
3 of that paragraph:
4

5 ...a valuable conservation tool in certain
6 fisheries...
7

8 MS. ADAMS: We did some studies in the late '90s when
9 we had some coho concerns, and we were looking at
10 the difference of the impacts on fish,
11 particularly in freshwater, using a J-hook, which
12 is a traditional fishing hook versus a circle
13 hook, which has been used in commercial fisheries
14 for many years. And what we found was that with
15 J-hooks, coho in particular would deeply ingest
16 the hook and it would cause internal damage. And
17 that was when they were using bait. With the
18 circle hook we found there was less mortality in
19 the fish, or on the fish, because the fish was
20 generally hooked in the mouth.

21 And the recreational community asked the
22 Department to proceed with having a regulation
23 change of allowing circle hooks in the sport
24 fishing regulations. We proceeded and it has met
25 a couple of challenges just with the tabling of a
26 revised **Fisheries Act** to different reviews with
27 the Standing Committee, and we still have it on
28 the books to go forward, but we're waiting for
29 some processes that are unfolding.

30 Q You'd like to see that change made?

31 MS. ADAMS: I think it would be an important addition
32 to the regulations. I don't think it's just
33 specific to helping the sockeye fishery in the
34 Fraser. I think it could be used in a number of
35 different fisheries and areas, but it's not
36 something I think we would look at being a magic
37 solution for sockeye fishing in the Fraser.

38 Q Ms. Sneddon, continuing in the guide, and I won't
39 do this in any detail, but there's a set of charts
40 that set out, and if we have a look at the next
41 page, we'll see an example of that and there's a
42 general description, and then more detailed
43 description for particular areas for the tidal
44 fishing areas and particular species. And this
45 starts with the salmon, discussing salmon.

46 But this, and then if we flip ahead, Mr.
47 Lunn, to page 42, number 36, page 36 in the guide.

1 I take it this is the section which goes through
2 the different - and have a look at one page on,
3 please - "Closures by Area". So I take it these
4 are ways of communicating basic information about
5 what the closures are and what rules apply in a
6 particular area?
7 MS. SNEDDON: Yes, that is correct. So for example if
8 you look on that first page on the salmon table,
9 it says that in all areas, it's the first line of
10 the table, page --
11 Q I'm sorry, page --
12 MS. SNEDDON: -- 14.
13 Q -- 14, which is page 20 of the document on
14 Ringtail.
15 MS. SNEDDON: Okay. So it says for all areas for
16 chinook from January 1 to January 31st it's open
17 at two per day, except the tidal portion of the
18 Fraser River. But you may go to page 46, I think
19 it was, you were just on, the "Closures" section
20 and we --
21 Q It's 36 of the guide and page, I'm sorry to give
22 everyone two numbers, 42 in the document.
23 MS. SNEDDON: Next page on that.
24 Q Thanks.
25 MS. SNEDDON: So when you look there, it says under
26 Areas 1, 101 and 142, it says "All Finfish,
27 including Salmon" if you're fishing in the tidal
28 portion of a stream, you must have a single
29 barbless hook. So you do need to read the two in
30 conjunction. They're not standalone documents or
31 parts of a document.
32 Q Thank you. Just to complete the quick review of
33 this, page 59, Mr. Lunn, is page 53 of the guide.
34 And this is a coloured guide when it's printed and
35 circulated to people?
36 MS. SNEDDON: Yes, it is, and again this is one of the
37 pieces we've revamped this year is, you know, we
38 have the sections were outlined, tables, closures
39 and species ID, and so this year we've moved it
40 around a little bit and we've put here's the table
41 for salmon, here's the information for salmon,
42 here's the species ID for salmon. And we've moved
43 it together just so it's a little bit easier for
44 people to read. But that is our ID.
45 We also have in the "Freshwater" section the
46 species ID for what the fish look like when
47 they're in freshwater.

1 Q The fact that the guide is published for a two-
2 year period, I understand it's been criticized by
3 some because for salmon, in particular, it may be
4 the case that as soon as they're actually printed,
5 it's out of date in a sense, or doesn't accurately
6 set out the information. I don't know, first of
7 all, is that inevitably the case, and are there
8 specific things that can be done to address that
9 problem, or challenge?

10 MS. SNEDDON: I wouldn't say that the document is out
11 of date. I would say there's pieces of the
12 document that are definitely out of -- well, not
13 even out of date, they just they're subject to
14 change. And we try to address that in the guide
15 by saying "to be announced" or "to be determined".
16 So they do not mean the same thing, those
17 terminologies, you know, "to be announced" means
18 we're pretty sure there's going to be a fishery,
19 so we don't know what the dates are yet, but it's
20 going to come up. If it's "to be determined", we
21 don't really know yet. We don't have a forecast
22 or there's some uncertainty. So those parts,
23 that's fisheries management. You cannot always
24 predict what's going to happen.

25 With the rest of the information generally
26 doesn't change. You know, the gear hasn't changed
27 that much over years. The species ID doesn't
28 change that much.

29 But we also, when we run out of guides,
30 usually year one into it, we do a reprint and at
31 that point if there are major errors, or things we
32 want to correct or change, we do that at that
33 time, as well.

34 We also have an additional tool for
35 communicating with the public and that is the
36 Fishery Notice system. So when there is a change
37 to the guide, we do what's called a Fishery Notice
38 and it does go out to a wide audience of people
39 who have either signed up, or who issue licences
40 and through the Department staff, and then it's
41 broadly distributed to anglers that we have access
42 to.

43 Q Ms. Adams?

44 MS. ADAMS: I would also just add that we're also
45 exploring opportunities to move into the
46 technology age of having "iApplications" with the
47 guide so that people could have it in real time,

- 1 and also there are challenges with that, given the
2 geography of the Province of B.C. in terms of
3 receiving that information. But it would
4 certainly be another option.
- 5 Q Mm-hmm. And I'll return to fishery notices. Why
6 don't I move towards the question generally of
7 managing the recreational fishery, and we'll try
8 to focus on Fraser sockeye where we can. At a
9 general level, though, is it fair to say that the
10 most blunt tool or the basic tool for management
11 is to open or close the fishery?
- 12 MS. SNEDDON: Yeah, that definitely is the blunt, to
13 open and close.
- 14 Q What other types of tools are available to
15 managers?
- 16 MS. SNEDDON: Well, we can determine whether or not
17 what the size limit is, first off, there's a
18 minimum size limit. Sometimes there's a maximum
19 in other species, not sockeye specifically, but
20 size limits.
- 21 There is daily limits. Sometimes people
22 refer to that as a bag limit, but that's really a
23 hunting term. In fishing it is a daily limit.
- 24 There is a possession limit, which is
25 generally two times your daily limit. That tries
26 to account for people that are out on a holiday
27 for more than one day, and you don't want to have
28 a daily limit when they're travelling home. So we
29 have a possession limit.
- 30 We have again, not specific to sockeye, but
31 I'll just mention it, is whether it's a marked or
32 unmarked fish, meaning a hatchery fish or not.
- 33 Q Mm-hmm.
- 34 MS. SNEDDON: We have --
- 35 Q Well, I --
- 36 MS. SNEDDON: Yes, Devona (indiscernible - overlapping
37 speakers).
- 38 Q Sure.
- 39 MS. SNEDDON: There's a number of tools. So open and
40 closing a particular area. So we may open one
41 area versus another.
- 42 Q Mr. Tadey.
- 43 MR. TADEY: Oh, I was just going to add, to a retention
44 or non-retention, as well.
- 45 Q Mm-hmm.
- 46 MR. TADEY: So most of what we've been describing here,
47 going back, and I probably should have mentioned

1 it and maybe brought this up then, was when Deb
2 was referring to when the sockeye fishery was
3 opened --
4 Q Mm-hmm.
5 MR. TADEY: -- during the years, that was the retention
6 part of the sockeye fishery she was referring to.
7 so people were still fishing, but they couldn't
8 retain any sockeye they caught.
9 Q That would be a catch and release opening.
10 MR. TADEY: Yes.
11 Q So to speak. All right. Are there ever limits
12 placed on the number of licences issued? I
13 suppose as context we've heard some description of
14 the commercial fishery as being a limited entry
15 fishery where there aren't new licences issued,
16 per se. But does that ever happen in the
17 recreational context?
18 MS. ADAMS: You're asking -- sorry, what was the
19 question again?
20 Q Yes, I'm sorry, it wasn't very clear. The
21 question is whether there would ever be a
22 situation where the DFO would say no, there are no
23 more licences. We've reached the maximum for
24 recreational fishers.
25 MS. ADAMS: The Department has not taken that approach
26 to date. I wouldn't see that happening. What we
27 found, actually, as I mentioned earlier, is that
28 licence sales have decreased significantly in the
29 last 20 years from 480,000 down to 280,000. I
30 believe the public policy on it is that it's
31 public access fishery and those British Columbians
32 or visitors who choose to participate in that
33 fishery can do so, and can get a licence to
34 participate in the fishery. Similar to driver's
35 licences, there's no limit on driver's licences in
36 British Columbia or in Canada, and folks who want
37 to drive have to go through the tests and get the
38 licensing and proceed.
39 Q I'd like to bring up number 9, please, on the
40 exhibit list. Ms. Adams, this is an e-mail
41 exchange with a fellow named Frank Staiger - I may
42 be mispronouncing the name - from the Fraser River
43 Fishing Lodge. I'm asking this just to get an
44 understanding of the challenges and the criticism
45 that can arise when there's a closure. And so
46 I'll just take you to the bottom of the first
47 page, the last full paragraph, or the second-last

1 full paragraph:
2

3 We have received the last --
4

5 This is from August 11, 2007:
6

7 We have received the last notice from DFO
8 with the "indication" of closing the Fraser
9 River or parts of the Fraser River for
10 recreational fishing. We are SOLD OUT for
11 salmon fishing with 22 direct jobs on the
12 line. If the river is closing, we have to
13 lay off most of our staff as a direct result.
14

15 Jumping ahead and one page over, the second
16 paragraph:
17

18 We kill a ridiculously low number of salmon
19 per guest. On average 1 salmon per 2 guests,
20 the rest is catch and release. The impact of
21 a closure would be a disaster for all of us.
22

23 I don't need to have you comment on the specifics
24 of that, but could you comment more generally
25 about the impacts of a closure and the sorts of
26 what the problems and the consequences that arise.

27 MS. ADAMS: In both freshwater and marine water
28 recreational fisheries there is an element of
29 visitors to the Province of British Columbia, and
30 they book their holidays like any of us do,
31 probably six months in advance, if not earlier,
32 because they are incurring flights, different
33 modes of travel to get there. They need to book
34 accommodation and they want to make sure they have
35 the proper licensing in place. Similar to
36 commercial fisheries, when opportunities don't
37 happen, that they have an expectation that will,
38 they ask us for refunds on their licences, they
39 ask us for refunds on their plan ride that they
40 took to come from Germany and they ask us for
41 refunds on hotels.

42 Well, I mean, that's ridiculous. You're
43 dealing with a natural resource, and the
44 conservation of the resource takes precedence as
45 well as our legal obligations. And we communicate
46 that as staff to the recreational fishing
47 community, particularly related to sockeye

1 fisheries because of the dynamic nature of the
2 returns and the test fishing information that
3 we're getting. So there is no guarantees on this.

4 And we, as mentioned in my response to this
5 letter, we have conservation concerns and legal
6 obligations that precede others having
7 opportunities. There are folks that I would say
8 do not accept that, they simply don't accept that,
9 in the recreational community and in other
10 fisheries, as well.

11 MR. MARTLAND: I'll ask a question in a moment to
12 follow up. I'd ask this be marked as the next
13 exhibit, please.

14 THE REGISTRAR: Exhibit 519.

15
16 EXHIBIT 519: E-mail exchange between F.
17 Staiger, Fraser River Fishing Lodge & Resort,
18 and D. Adams, DFO, August 11 and 13, 2007
19

20 MR. MARTLAND:

21 Q With respect to this, then, I take from that, Ms.
22 Adams, anticipating that you'll face unhappiness
23 or criticism, one of the things that you look to
24 do is to reach out and communicate in advance to
25 set expectations; is that right?

26 MS. ADAMS: Yes. I would say, in my experience, in my
27 work with the Department of Fisheries, we do
28 extensive consultations with -- and I'll just
29 speak specifically to the recreational fisheries,
30 because that's what we're speaking about today.
31 And we're doing a number of different ways of
32 communicating with them pre-season, in-season
33 post-season, and Deb can probably add some more
34 specifics related to the Fraser sockeye fishery.

35 Q Thank you. Ms. Sneddon.

36 MS. SNEDDON: Right. So this e-mail came about in 2007
37 in August when we had low abundance of sockeye.
38 We had two options really with regulations there.
39 We can say no fishing for sockeye, or we can close
40 the river to salmon fishing. Closing the river to
41 salmon fishing is our last option. We know that
42 that affects people because they have businesses,
43 they have holidays, they have all those things
44 Devona talked about planned, and it definitely
45 affects the economics of the area, as well as the
46 social life of people.

47 So it's definitely a last resort, and we

1 would prefer to go to no fishing for whatever
2 species is in trouble, so that anglers can fish
3 for species that are not -- co-migrating species
4 that are still more abundant. In this year we
5 just didn't have the flexibility to do that. We
6 weren't meeting our obligations for First Nations
7 and we needed to make a change and we went with no
8 fishing for salmon in the area where this lodge
9 was, and it did absolutely cause some
10 consternation. This one of the easier ones to
11 respond to, actually, compared to many of the e-
12 mails and letters we get on the subject. But it's
13 definitely not something the Department takes
14 lightly.

15 And this shouldn't have necessarily been a
16 surprise in 2007 to Frank. We had biweekly
17 information from the Pacific Salmon Commission
18 that gives the run size. It shows where we're at
19 with total allowable catch. That's distributed to
20 many people, including the local committees in
21 this area, of which I believe Frank at that time
22 was a member. It wasn't a surprise to most people
23 that we were going down this road. We were seeing
24 runs not returning and we didn't have the ability
25 to prosecute these fisheries. Yes, so...

26 Q And I'll move, perhaps, just to continue in this
27 discussion, through a few documents. Number 10 on
28 the list and really by way of an example, we've
29 had reference to the Fishery Notice. This is an
30 example of a Fishery Notice? Now, the font is
31 awfully -- it looks like a trick question now. I
32 don't know if you can read that, but as I look at
33 it, it seems to date to August 2009.

34 MS. SNEDDON: Yes, that is correct. So similar to
35 2007, in August of 2009 we had returns not meeting
36 expectations, and we were at a point where we did
37 not have any total allowable catch that would
38 allow for recreational and commercial fisheries to
39 take place. And in this case we were saying could
40 you please - yeah, and "please", not a regulation
41 - would you please fish more selectively than you
42 have been. And we went with no fishing for
43 sockeye and we encouraged them to use one of the
44 methods there to fish for the chinook that were
45 more abundant.

46 MR. MARTLAND: If the Fishery Notice could please be
47 marked as the next exhibit.

1 THE REGISTRAR: Exhibit 520.

2
3 EXHIBIT 520: Fishery Notice, Region 2, No
4 Fishing for Sockeye in Non-tidal Waters of
5 Fraser River, August 11, 2009
6

7 MR. MARTLAND:

8 Q Number 11 in the book, on our list, rather, Ms.
9 Sneddon, this is an e-mail that you sent to others
10 within the Department August of '09, and to read
11 the start of it:
12

13 Folks, I need to express my concerns again
14 regarding a short notice closure of the
15 Fraser River to no fishing for salmon. We
16 have an industry here that has the potential
17 of [20,000 to 30,000] anglers. It is
18 impossible to reach that level of
19 participants in less than 24 hours.
20

21 The next full paragraph:

22
23 As I stated, we need to give them time to
24 react to this news.
25

26 Could you comment on those points that you made?
27 MS. SNEDDON: Yeah, okay. So August of 2009 is fairly
28 vivid still. So I think it was August 8th we
29 still were looking at a run size for Summer run
30 sockeye of 8.5 million, and then on Friday we get
31 together with the Pacific Salmon Commission and we
32 get a run size of 600,000. And there was
33 certainly a lot of panic within the Department
34 about what we needed to do in order to make sure
35 we meet our conservation requirements, and then if
36 we have any fish above that, that we're meeting
37 our priorities for First Nations food, social,
38 ceremonial.
39

40 At the time this notice came out, the fishery
41 in the Fraser River, which is a medium to high
42 impact area because of the number of anglers that
43 can access the fishery there, it was a non-
44 retention of sockeye. So they could go out and
45 fish for chinook. They could catch sockeye and
46 release them. And at this point when we got to
47 600,000 Summer run sockeye and we didn't have any
available for the recreational fishery, we needed

1 to make a change. And so was the change no
2 fishing for sockeye, or was it no fishing for
3 salmon. And that was a debate we had within the
4 Department.

5 It was certainly my view, and as I expressed
6 here, was that I would prefer to see it go to no
7 fishing for sockeye, allow anglers to make the
8 choice to support us and to fish more selectively
9 using the gear types in that Fishery Notice that I
10 mentioned, so that they could target the more
11 abundant chinook.

12 The debate going on was that, you know, we
13 needed to take drastic action and go to no fishing
14 for salmon. And I said that, you know, we really
15 have a huge audience here. It's very hard for us
16 to reach all these people. You know, August 11th,
17 it's a Friday night. People have already gone out
18 to fishing bars. Lots of them are camping. It
19 was 4:20. We hadn't even issued a notice yet. So
20 businesses are closed, people are not paying
21 attention to what's going on at this point, and I
22 really were encouraging my colleagues that we
23 needed to take some time and think about this a
24 little more clearly before we went to a no fishing
25 for salmon.

26 In the end we did go with no fishing for
27 sockeye for a short period of time to try and
28 allow anglers to change their behaviour and just
29 focus on fishing for chinook.

30 Q And the Department aims to provide 48 hours notice
31 and not to close on a weekend; is that right?

32 MS. SNEDDON: Yeah, that is correct. So again because
33 of all the things I just mentioned, we definitely
34 have an agreement with the recreational anglers on
35 when we would close fisheries. We try to give
36 them as much notice as possible, 48 hours, and
37 again not closing on a weekend. Conservation
38 trumps everything. If we were at the stage where
39 we were 100 percent certain and we knew the impact
40 was so great, we would have closed it immediately.
41 At that point, you know, we still allowed for some
42 behaviour changes and we thought that this was the
43 most risk averse method at that time to go to was
44 no fishing for sockeye.

45 MR. MARTLAND: I'd ask this be marked as the next
46 exhibit, please.

47 MS. ADAMS: I would also just like to add something, if

1 I may. It's not just the recreational community
2 and the large numbers of participants that we're
3 trying to reach. It's our own staff. We have
4 Fishery Officers trying to enforce a fishery that
5 folks may or may not know there's been a change.
6 So in order to do this in an orderly manner, we
7 have to develop these guidelines and principles,
8 recognizing the unique nature of the recreational
9 fishery in terms of the number of participants,
10 fishing in this area and all of the different
11 access points. It's not logistically possible,
12 short of having the Goodyear blimp fly over,
13 notifying these folks. So we have to have time to
14 get our own staff to be able to communicate and
15 enforce, as well.

16 THE REGISTRAR: That document is 521, the last
17 document.

18 MR. MARTLAND: Thank you, Mr. Giles.

19
20 EXHIBIT 521: E-mail from D. Sneddon to J.
21 Grout et al re Recreational Chinook Fishery
22 dated August 11, 2009
23

24 MR. MARTLAND:

25 Q The number 12 on our list of exhibits, Ms.
26 Sneddon, I'll take you just to page 3, and I won't
27 read this out apart from highly selectively. But
28 this perhaps is an example, an e-mail from Bill
29 Otway, August 15, 2009. It uses words like
30 "underhanded", "reprehensible", "a total insult",
31 "cavalier". I take it that's an expression of
32 some of the level of unhappiness about what
33 happened in the summer of 2009?

34 MS. SNEDDON: Yes, absolutely. I said the e-mail
35 earlier from Frank Staiger was certainly easier to
36 respond to than this one. Bill, yeah, he
37 definitely points out that in his view that the
38 action was this way, you know, and my response, or
39 in the Department's response, I mean, we're very
40 clear that this shouldn't have been a surprise to
41 anybody, either, other than -- sorry.

42 The surprise wasn't that we took action. You
43 know, the Pacific Salmon Commission comes with a
44 run size. We need to react to that. Sockeye is
45 dynamic. It works that way. We don't just keep a
46 fishery open because it's going to cause problems
47 within the recreational fishery. Conservation

1 comes first, followed by First Nations.

2 The comments from Bill are fairly common
3 comments from recreational anglers when this type
4 of activity takes place.

5 MR. MARTLAND: I would ask this be marked as the next
6 exhibit, please.

7 THE REGISTRAR: Exhibit 522.

8

9 EXHIBIT 522: E-mail from D. Sneddon to J.
10 Grout re Salmon Region 2 Non-Tidal Waters of
11 the Fraser River
12

13 MR. MARTLAND: What I'd like to do, Mr. Commissioner,
14 if it's agreeable, we usually break at a quarter
15 past. I have one other short section I expect
16 that I can cover and then I might suggest the
17 break.

18 Q These are questions on consultation. Ms. Adams,
19 I'll direct them at you because I think most of
20 them focus on the SFAB. And I won't try and have
21 you explain the entirety of the consultative
22 processes, if you could take the PPR as giving us
23 some background. I'll first very quickly lead you
24 through some documents. Number 13 on the list is
25 entitled "The Sport Fishing Advisory Board 'An
26 Overview'", and on page 2 of that document it
27 provides a chart which sets out the organizational
28 structure of the SFAB.

29 MS. ADAMS: Yes, that's correct.

30 MR. MARTLAND: If this could be marked as an exhibit,
31 please.

32 THE REGISTRAR: Exhibit 523.

33

34 EXHIBIT 523: The Sport Fishing Advisory
35 Board "An Overview" and organizational chart
36

37 MR. MARTLAND:

38 Q Number 14 on our list is already an exhibit, it's
39 Exhibit 421 in these proceedings. You'll
40 recognize that as being the Terms of Reference for
41 the SFAB.

42 MS. ADAMS: Yes, that's correct. They were just
43 approved January 2010.

44 Q The next item, to be sure that we're thorough,
45 number 15 on our list of exhibits, this is the
46 comparable Terms of Reference but for the Regional
47 SFAC, Sport Fishing Advisory Committees.

1 MS. ADAMS: That's correct. There's three levels of
2 the advisory process.

3 MR. MARTLAND: Mr. Registrar, I'd ask this become the
4 next exhibit, please.

5 THE REGISTRAR: Exhibit 524.

6
7 EXHIBIT 524: Terms of Reference, Regional
8 Sport Fishing Advisory Committees, January
9 2010

10

11 MR. MARTLAND:

12 Q And number 16 on the list is the Local Sport
13 Fishing Advisory Committees' Terms of Reference.
14 Do you recognize that?

15 MS. ADAMS: Yes, I do, that's correct.

16 MR. MARTLAND: And, Mr. Giles, if I could ask that
17 please be given an exhibit number, as well.

18 THE REGISTRAR: The number again was...?

19 MR. MARTLAND: Number 16 on our list, the Local SFAC
20 Terms --

21 THE REGISTRAR: Thank you. That's 525.

22

23 EXHIBIT 525: Terms of Reference, Local Sport
24 Fishing Advisory Committees, January 2010

25

26 MR. MARTLAND:

27 Q With respect to the SFAB process, Ms. Adams, could
28 you please comment on how it is that you try to,
29 or how it is that the Department tries to consult
30 with and have input from such a big and diverse
31 and disparate group of people that make up the
32 angling community.

33 MS. ADAMS: The Sport Fishing Advisory Board was formed
34 in 1964. It's, I believe, one of the oldest
35 advisory processes, but it's gone through several
36 revisions. And the most recent advisory board
37 reflects a bottom-up approach, so we have 22 local
38 committees. We then have a northern and a
39 southern regional committee and then a main board
40 of British Columbia. The participants in the
41 process range from independent anglers to
42 businesses, and we try and balance through the
43 terms of reference and the number of seats on the
44 board, a balance between participants in the
45 fishery who do not derive an income from the
46 fishery, and those who do. And we consider the
47 people who do not derive an income from the

1 fishery to be primary anglers, and those who
2 derive a portion of their income to be considered
3 secondary, and that's been approved through the
4 advisory board's terms of reference.

5 Q And I take it that's to avoid those who are making
6 money from the recreational sector dominating that
7 process.

8 MS. ADAMS: The recreational community as a whole, and
9 this is through the Sport Fishing Advisory Board's
10 processes, believe very strongly that the
11 recreational fishery remain a public fishery. And
12 in doing so, they do not want the business
13 interest to dominate the discussion or the agenda
14 of their processes. The advisory boards meet
15 twice a year. We have a post-season and a pre-
16 season planning, and that's for all levels. And
17 at those meetings we're very cognizant, I think as
18 a group of Department and recreational fishing
19 community folks about the advice that we're
20 getting and the different interests that are being
21 brought forward.

22 Q How does the Department support the SFAB,
23 including with money?

24 MS. ADAMS: The Department of Fisheries at the main
25 board for British Columbia, and at the regional
26 boards, the north and the south, we provide travel
27 funding and some per diem meal allowances to
28 travelling participants.

29 Q And those people who are part of the SFAB do so on
30 a volunteer basis, or at least they're not
31 remunerated by the Department?

32 MS. ADAMS: That's correct.

33 Q Are there improvements to the SFAB process that
34 any of the three of you would suggest, but, Ms.
35 Adams, I'll begin with you.

36 MS. ADAMS: I think it works very well. These folks
37 meet twice a year. I'm speaking at the main
38 board. We have meetings on Saturdays and Sundays,
39 so they're showing up. A lot of these folks are
40 still working volunteers. They have their regular
41 business, jobs during the week, and we meet with
42 them on weekends.

43 And I think generally it works very well.
44 They come to consensus agreement on most issues.
45 But the process is governed by a voting procedure,
46 and they use Robert's Rules of Order and very
47 rarely do they come down to close votes. I would

1 say most of their advice is based on consensus.
2 They're able to reach that, but there's the odd
3 one where they can't. And that will be recorded.

4 Yeah, I think we get a really good cross-
5 section of participation. They cover all species
6 in marine waters and salmon in freshwater, and
7 they try and cover off both operational issues, as
8 well as policy.

9 An area that I would see an improvement
10 needed is to have forums where specific important
11 public policy discussions can happen. We're often
12 looking at operational issues and don't have the
13 time to discuss very important policy questions
14 and issues.

15 Q Ms. Sneddon, anything to add?

16 MS. SNEDDON: Yes. I'm not going to talk about
17 improvements so much as you talk about
18 consultation and the Sport Fish Advisory Board.
19 In addition to these local boards, regional and
20 main boards, we also have subcommittees, and we
21 have a number of them. We have a SFAB Working
22 Group, or Subcommittee Working Groups, we have a
23 chinook and coho one and we have one specifically
24 for sockeye and we talk about sockeye, pink and
25 chinook, and it meets weekly during the sockeye
26 season. We have a pre-season, a post-season
27 meeting, and then somewhere in mid-July we start
28 meeting weekly and we provide information through
29 that process, as well.

30 And I think it works fairly effectively.
31 Again, you know, with information changing very
32 regularly on sockeye, generally two times a week,
33 I send that information out to the groups, to the
34 Sockeye Working Group, but we don't meet until the
35 Tuesday night the following night, unless there's
36 an emergency that we need to get together for.
37 And that Sockeye Working Group is made up of
38 members from both the marine waters and the
39 freshwater, but it is predominantly freshwater
40 representatives from the local committees.

41 MR. MARTLAND: Thank you. Mr. Commissioner, I've run a
42 bit long. If we could move to the break, please.

43 THE REGISTRAR: The hearing will now recess for 15
44 minutes.

45
46 (PROCEEDINGS ADJOURNED FOR MORNING RECESS)
47 (PROCEEDINGS RECONVENED)

1 THE REGISTRAR: Order. The hearing is now resumed.

2

3 EXAMINATION IN CHIEF BY MR. MARTLAND, continuing:

4

5 Q Just before the break, Ms. Sneddon, you made a
6 reference to one of the SFAB working groups. I
7 think you said sockeye, pink and chinook and may
8 have meant to mean sockeye, pink and chum; is that
9 right?

10 MS. SNEDDON: Yes, that is correct. There is a
11 separate working group for chinook and coho.

12 Q And perhaps it's timely that pick up on that
13 because I have a question or two about the
14 allocation policy from 1999. And as context for
15 that question, the Allocation Policy in relation
16 to recreational fishers uses language referring to
17 providing stable and predictable opportunities,
18 priority access for chinook and coho with a focus
19 on the opportunity to catch fish and the
20 expectation of catching some fish. Opportunity
21 and expectation are the phrases or words used.
22 And then there's a formula for sockeye, pink and
23 chum, which provides for a 95 to 5 percent split,
24 if you will, between the commercial and
25 recreational fisheries. And there's language
26 about providing predictable and stable fishing
27 opportunities for sockeye, pink and chum.

28 Ms. Adams, I'd like to, with that as the
29 premise of the question in a very much the Cole's
30 notes version of the Allocation Policy, could you
31 please offer your views on that formulation for
32 recreational fishers? How does the Allocation
33 Policy -- how well does the Allocation Policy work
34 for the recreational fishery?

35 MS. ADAMS: The policy went into effect in 1999 after
36 many, many years and different processes to try
37 and come to some resolution on the Allocation
38 Policy. What the recreational community wanted as
39 paramount to their fishery was some certainty
40 around priority access for chinook and coho and
41 that's covered in one of the principles. It was
42 also recognized through the Allocation Policy
43 processes that sockeye, pink and chum were also
44 important but not as important as they are to the
45 commercial fishing industry. And so in this
46 policy, there was a method of the 95/5 split. So
47 5 percent of the sockeye allocation between

1 commercial and recreational would be allocated to
2 the recreational fishing community, a cap of 5
3 percent. And the same is true for chum and also
4 for pink salmon and that's applicable on a coast-
5 wide basis.

6 Q Ms. Sneddon, have there been issues with that 5
7 percent cap on sockeye, pink and chum on each of
8 those species, have there been issues recently
9 with the recreational sector potentially reaching
10 the 5 percent mark or a concern about that?

11 MS. SNEDDON: There was a meeting we held in January of
12 the Allocation Implementation Committee, which is
13 a sub-committee of the Integrated Harvest Planning
14 Committee. There was definitely some concern, not
15 just from the recreational but from the commercial
16 about where we were at within that 5 percent cap
17 and we wanted to have a review for both sectors of
18 where we were on all species. We looked at the
19 information over a variety of years and overall we
20 are not over the 5 percent cap. In 2010, with the
21 abundance of sockeye that was available for the
22 recreational fishery, particularly in the non-
23 tidal Fraser, there was an opportunity to
24 potentially increase the daily limit and allow the
25 anglers there to harvest more fish.

26 There was a discussion within the sockeye,
27 pink and chum working group about how that might
28 affect the 5 percent and whether or not we should
29 go down that road in this year when there's high
30 abundance and get close to that 5 percent when in
31 other years when we have lower abundance. There
32 was a risk associated with going over. So we had
33 a discussion around it and determined that we
34 wouldn't increase the daily limit in that area.
35 And then in January of this year when we had our
36 review, we were still under the 5 percent over all
37 the time series that we looked at.

38 Q I take it years of low abundance create more of a
39 risk of hitting the 5 percent cap, that even if
40 you have hypothetically parallel effort by the
41 recreational sector or the same number of fish
42 caught, if you will, on a small return that's
43 going to obviously lead to a higher percentage
44 share.

45 MS. SNEDDON: That part is not necessarily driven by
46 Fraser sockeye. It's mostly driven by Barkley
47 Sound sockeye where the catch can be fairly

1 significant by the recreational sector. But
2 because it's a coast-wide 5 percent cap in years
3 of lower abundance for commercial fishing of
4 Fraser, that catch of Barkley Sound sockeye can
5 account for a significant amount of recreational
6 catch.

7 Q Ms. Adams, in the Mission to Hope area in
8 particular, is it even possible to provide
9 predictable and stable access to sockeye?

10 MS. ADAMS: In the ten years that I worked in the
11 Fraser River up until 2005, no, it's not
12 predictable. It's very difficult and it's very
13 dynamic. So we have tried to work with the
14 angling community to not set them up for
15 expectations; rather, if there is an opportunity
16 it's a bonus.

17 Q Yes?

18 MS. SNEDDON: I'd just like to add that that's sockeye
19 specific. There are other species that we
20 definitely have provided opportunity and they know
21 well in advance like pink salmon and chum salmon
22 for the most part is very stable, very predictable
23 opportunities.

24 Q Ms. Adams, what sort of management and planning
25 work occurs before the fishing season in a given
26 year?

27 MS. ADAMS: Generally, we do a post-season meeting with
28 all stakeholders and particularly with the
29 recreational committee. We do meetings at the
30 local level so with all of our 22 local committees
31 throughout the province. We meet with them and we
32 explain where we ended up at the end of the
33 fishery and we ask them for feedback on how they
34 felt the fishery went in that year and if there's
35 areas that we can improve in for subsequent years.
36 And that covers everything from fishing
37 opportunities to enforcement concerns to catch
38 monitoring to areas where we could do improvements
39 with education and awareness to some seasonal
40 differences like years where we have pink
41 fisheries and years where we don't have pink
42 fisheries.

43 And also comments from the community on the
44 department's Salmon Enhancement Program where they
45 would like to see the department spending more
46 time and funding on some additional enhancement
47 opportunities and clipping of hatchery fish. So

1 it covers a broad range of issues. So the first
2 meeting of the year post-season and then the
3 meetings leading up to our next fishing season
4 we're developing with them Integrated Fisheries
5 Management Plans. And those management plans,
6 which I'm sure you've seen, cover the full gamut
7 of all of the operational details, as well as the
8 conservation objectives, the legal objectives, the
9 department's enforcement objectives, international
10 obligations, catch monitor. I mean the list goes
11 on and on and I'm sure you have seen those.

12 Q Yes, and we've had evidence on a general level on
13 the development of the IFMPs. I won't be getting
14 into great detail. What is the SFAB's involvement
15 in that process?

16 MS. ADAMS: The SFAB, as I mentioned earlier, covers
17 all species in all waters and policy and
18 operational issues. So I think if you were to put
19 the commercial crab fishery, commercial prawn
20 fishery, commercial salmon fishery, commercial
21 groundfish fisheries in one room for a week and it
22 would be an interesting scenario but that's like
23 what the SFAB is. We meet for Saturday and
24 Sunday. We talk about all of those different
25 fisheries and all of the issues related to them
26 and the science. And from that process, they then
27 move to an Integrated Harvest Planning Committee
28 process with the department, which includes First
29 Nations, environmental organizations, commercial
30 fishers and I think there are times when the
31 Province of B.C. sits at that table as well but
32 that's the forum.

33 They also work in a number of different
34 working groups with other stakeholders like Deb
35 mentioned earlier, the Allocation Implementation
36 Committee, there's local area groups where some of
37 our fishers will be fishing in, say, Johnstone
38 Straits, and the local Campbell River fishermen,
39 both commercial and recreational, will discuss
40 some in-season challenges that they may be having
41 in terms of open times and areas and how that may
42 impact one another. So we're trying to work more
43 integrated with all of the different stakeholders
44 in the various areas.

45 And it's a challenge but I think it's
46 definitely improved and continues to improve. The
47 Integrated Harvest Planning Committee has been

1 around, I think, five years now, maybe a little
2 bit longer. But it started out getting going and
3 building relationships. And now I think there's
4 some very important work that they're doing on a
5 number of key areas and I think it will continue
6 to improve. I think we have to have those
7 discussions together, not separately.

8 Q Ms. Sneddon?

9 MS. SNEDDON: Just to add to that a little bit more
10 detail. So when the draft Integrated Fisheries
11 Management Plan comes out, the IFMP, we do take
12 that to the local committees, all 22 committees,
13 we ask for their advice on it. You know, it's
14 generally a 200-plus-page document so we try and
15 condense it to the parts we think they're
16 interested in and can provide as advice that we
17 could use.

18 And we go out and we meet with them on that.
19 And we also allow anyone in the public to comment
20 on it. We do put it on our internet, on the
21 public internet, and anybody who wants to comment
22 on it, whether they're part of a local sport fish
23 advisory committee or not, just a regular
24 recreational angler, they can provide their
25 comments to the department. And we take those
26 comments from those local committees up through
27 that SFAB process, through the regional board and
28 the main board.

29 Q Could you describe, Ms. Sneddon, if the FRIMT,
30 Fraser River Integrated Management Team, and in
31 particular what it's doing for the management of
32 the recreational salmon fishery?

33 MS. SNEDDON: Okay. So the FRIMT, or the Fraser River
34 Integrated Management Team, is an internal
35 departmental group of people. We have
36 representatives. It is a south coast of B.C.;
37 it's not a north coast process for the most part.
38 We have local managers, area chiefs of resource
39 management, area chiefs of stock assessment, area
40 chiefs of conservation and protection, the salmon
41 team lead generally and the Canadian chair of the
42 Fraser River panel, which is currently Barry
43 Rosenberger. And we get together at a minimum
44 twice a week but sometimes five times a week to
45 talk about sockeye and pink, in pink years,
46 fisheries management.

47 And we review the information that we get

1 from the Pacific Salmon Commission. Sometimes we
2 get it in advance. Sometimes it's just after the
3 meeting. We review the information. We look at
4 our conservation requirements. We look at
5 fisheries planning. We look at how we would plan
6 a fishery to meet all of our policies, the
7 Allocation Policy, the priority for First Nations
8 FSC, and we make not always a consensus decision
9 but we make a collaborative plan in order to
10 manage the fishery according to the department's
11 policies.

12 Q With respect to the question of whether to open
13 the recreational fishery for Fraser sockeye, I'd
14 like to learn a little about the approach taken.

15 MR. MARTLAND: And I'll try and do this by using number
16 17 on our list of documents, Mr. Lunn.

17 Q The first page of number 17 on the list is an
18 email, Ms. Sneddon, that you sent June 22, 2009,
19 to quite a long list of folks within the
20 department, and you'll see the reference there:

21
22 Attached is a 2006 information note, which
23 outlines an approach for managing
24 recreational fisheries for sockeye coast-
25 wide.

26
27 Then skipping one sentence.

28
29 I have reviewed the document and believe the
30 principles are still valid and the approach
31 is appropriate for 2009.

32
33 And then it attaches at page 2 the Decision
34 Guidelines for the Recreational Fraser River
35 Sockeye Fishery from, I think, 2006; is that
36 correct?

37 MS. SNEDDON: Yes, that is correct. So the guidelines
38 were developed in 2006 by my predecessor and in
39 conjunction with Devona Adams here. And we really
40 wanted to try and meet that requirement that the
41 recreational fishery sector was looking for around
42 stable and predictable opportunity. So we looked
43 at the recreational sockeye fishery, where it
44 takes place, what are the impacts of that fishery
45 and are there any decisions we could make,
46 decision guidelines that we could put forward that
47 the community would be aware of on how we would

1 manage this fishery in order to provide that
2 stable and predictable opportunity. So for
3 example, we looked at the history of the catch of
4 sockeye in the marine water. So the marine waters
5 where fishing for Fraser River sockeye might take
6 place is generally off Victoria, some up in
7 Campbell River and off the mouth of the Fraser.
8 We looked at the catch from that fishery and it
9 seemed to range somewhere between three and 7,000
10 sockeye a year so we figured that was a fairly low
11 impact fishery and --

12 MR. MARTLAND: And I wonder if I can just interject
13 because it may be helpful to have on screen one
14 page on, Mr. Lunn, at the bottom under "New
15 Decision Guidelines".

16 Q There's reference to south coast marine waters,
17 which I think is what you're speaking about?

18 MS. SNEDDON: Yes, absolutely. So when we looked at
19 that, we thought, well, that's a fairly low-impact
20 fishery. What could we do in order to provide
21 stable and predictable opportunities. And we
22 said, well, if we think we're going to meet our
23 First Nations FAC requirements that they're
24 actually fishing, and that we are pretty sure
25 we're going to have a commercial total allowable
26 catch, we'll open that fishery, low impact. In
27 the other area, the non-tidal waters of the Fraser
28 River, mainly from Mission to Hope, we thought
29 we'd look at the catch, we looked at what the
30 history was there. It was quite a range but it
31 was between 50 -- I can't remember now, was it 50
32 or 20 and 120,000. So it could be a significant
33 fishery. We assessed that as a medium-to-high
34 impact fishery and we said, well, what could we do
35 in order to provide stable and predictable
36 opportunities?

37 Well, we knew that, first off, we needed to
38 make sure that the First Nation FSC fisheries were
39 open and were having full opportunities. So
40 there's a range of opportunities that we consider
41 full. We wanted to make sure that we had a
42 harvestable surplus. And if those two conditions
43 were met, we would be able to provide
44 opportunities.

45 I just want to back up just a bit and make
46 sure that prior to any of this taking place, we
47 want to make sure that we're meeting our

1 conservation requirements. Okay. So these were
2 the two guidelines we came up with. We also put
3 in a little bit of more information about when we
4 would close these fisheries, which you could see
5 in that note.

6 MR. MARTLAND: And we scroll down to see that. It's
7 the last part of the second page or the last page
8 there.

9 MS. SNEDDON: So closing the in-river recreational
10 fishery. If we had any kind of information that
11 said we weren't going to meet the FSC
12 requirements, which is, you know, what happened in
13 2007 and 2009, and if there was a conservation
14 objective that we were not going to meet. So in
15 the Fraser, it would be Cultus sockeye or Interior
16 Fraser coho or the escapement target not being
17 met. So we put this in place in 2006. It was
18 agreed to in 2006, was implemented in 2006, 7 and
19 8. In 2009, when I did send this forward, we'd
20 had a number of different legal decisions that had
21 come forward in 2008/2009 and most notably I think
22 it's Douglas, which changed the way the department
23 looked at the risk around opening these fisheries.
24 And so it really wasn't implemented in 2009.

25 Q And I won't ask you to start into a legal
26 discussion but could you perhaps describe what the
27 different approach, what the result of that was in
28 2009? What was the approach taken in 2009?

29 MS. SNEDDON: The difference in 2009 was we wanted to
30 make sure that not only was there an anticipation
31 of a commercial total allowable catch but there
32 actually was one. So we didn't open the marine
33 recreational fishery until we were opening the
34 commercial recreational fishery. We didn't open
35 it in advance at all. And in-river it was the
36 same rules; it had to be full First Nations full
37 fisheries and the harvestable surplus.

38 MR. MARTLAND: I'll ask that this be marked as an
39 exhibit, please.

40 THE REGISTRAR: It will be marked as Exhibit Number
41 526. I notice that there's four different CAN
42 numbers. Do you want them marked alphabetically
43 in sequence?

44 MR. MARTLAND: I'm open to guidance. That makes some
45 sense to me to mark the attached documents with an
46 A, B and a C.

47 THE REGISTRAR: CAN number 8590 will be Exhibit 526.

1 Ending in 591 will be 526-A. Ending in 592 will
2 be 526-B. Ending in 593 will be 526-C.
3

4 EXHIBIT 526: Email from D. Sneddon to P.
5 Ryall re Recreational Sockeye Management,
6 June 22, 2009, with three attachments
7

8 EXHIBIT 526-A: Memo to RDFAM - Decision
9 Guidelines for the Recreational FRS Fishery,
10 March 2006
11

12 EXHIBIT 526-B: Transmittal Cover from J.
13 Wild to D. Radford, RDFAM for Memo at Exhibit
14 526-A, March 6, 2006
15

16 EXHIBIT 526-C: Appendix 1 - Regulation of
17 the Recreational FRS Fishery
18

19 MR. MARTLAND:

20 Q Ms. Sneddon, when, as often occurs, changes need
21 to be made in the middle of the season, the
22 recreational fishing season for sockeye, could you
23 describe very briefly how those changes are
24 affected?

25 MS. SNEDDON: Yes, so you're right, changes definitely
26 come into play in Fraser River sockeye fisheries
27 management. And the first step internally is we
28 make the decision at the Fraser River Integrated
29 Management Team level what decision we're going to
30 make. From that point, we have to make a
31 regulatory change. And so we do what's called a
32 variation order to vary the regulation.

33 So whether it's to open or close or increase
34 the daily limit or close an area, we would fill
35 out these forms. It's a memo to the regional
36 director general asking her to vary either the
37 waters or the open time or the daily limit. At
38 the same time, we do a fishery notice for the
39 public and we send that up through a series of
40 steps to be reviewed and approved. It goes to the
41 regional director general, who signs off on it.
42 When she does, it goes on our fishery notice
43 system out to the public and we send it out to a
44 wide audience at that point.

45 Q Ms. Sneddon, is Creel information, and we'll be
46 picking up on the Creel topic with Mr. Tadey soon,
47 but is the information from Creel Surveys

1 something that is used in the middle of a fishing
2 season?

3 MS. SNEDDON: You know, it hasn't historically been
4 used but in the last four years it definitely has
5 come into play. So in 2007 and in 2009, you know,
6 we had a preseason forecast that didn't return.
7 And we had some concerns around that. We also had
8 a recreational fishery open for chinook allowing
9 the catch and release of sockeye. And we needed
10 to know what the impact of that catch and release
11 fishery for sockeye was. So we did use the
12 information from the in-season Creel program in
13 order to assess the risk of that fishery and make
14 decisions.

15 Q I'll ask only one or two questions about a
16 document which probably understates the
17 significance of the document. Number 20 in the
18 list of exhibits is the Vision for Recreational
19 Fisheries in British Columbia, 2009 to 2013. It's
20 discussed at some length in the Policy and
21 Practice Report Number 7 and so I won't take you
22 through the governing principles and the vision as
23 they're set out there. Ms. Adams, what I would
24 like to ask you about is, in particular, your
25 involvement in this and what prompted the vision,
26 the process that led up to this document.

27 MS. ADAMS: My role in this was as the regional
28 recreational fisheries coordinator, one of the
29 people that would lead this, as well as some of
30 the directors in our department. We also had
31 provincial government staff participating at a
32 very high level and also the recreational
33 community. The genesis of this, where this
34 originated, was a result of the Pearse McRae
35 process in 2004 where they delivered a joint task
36 report, I believe it was, and then also First
37 Nations developed a report on "Our Place at the
38 Table".

39 And those reports were delivered to
40 government and recommendations were made in the
41 formation of Pacific fisheries reform. The
42 recreational community indicated to the Department
43 of Fisheries that they felt in both of those
44 processes that nowhere in them did they see
45 themselves in that process, that there was not a
46 vision for them in the future of fisheries in
47 British Columbia and they asked the department to

1 consider that. And the department did and we
2 agreed that, yes, they were more focused on the
3 commercial and First Nations aspects and futures
4 for the fishery and that we would work with them
5 to develop a vision for their fishery. Many of
6 the principles in the document are similar to the
7 ones that are outlined in the Pacific Fisheries
8 Reform Initiative so I won't go through those.
9 And just to say that this did start in the fall of
10 2005. We developed the draft vision for comment
11 and a framework over that time and then we started
12 consultations outside the recreational fishing
13 community in 2007, 2008 and 2009. And this
14 document was approved by our fisheries minister in
15 January of 2010.

16 MR. MARTLAND: If this could be marked as an exhibit,
17 please?

18 THE REGISTRAR: Exhibit 527.

19
20 EXHIBIT 527: Vision for Recreational
21 Fisheries 2009 - 2013 Approved January 2010
22

23 THE COMMISSIONER: I wonder, Mr. Martland, if I could
24 just ask a quick question. I meant to ask this of
25 another panel but simply forgot. And you may not
26 be the right folks to answer this in any event.
27 In the course of this Commission, I have, as you
28 have and my colleagues on the Commission have,
29 seen many, many documents. I've seen documents
30 called "new directions", I've seen documents
31 called "policies", I've seen documents called
32 "vision statements", I've seen documents called
33 "reform". And in some cases, they're actually
34 acted upon, my words not yours, it's like a policy
35 in the guise of something called a "vision
36 statement" where it's actually acted upon. Others
37 seem to be just for discussion purposes, purely
38 still called a "policy".

39 It's unclear to me, and you may not be the
40 right people to answer this, how on earth do you
41 sort this all out? What does it all mean? What's
42 a policy? What's a vision? What's a new
43 direction? What's a reform package? Do they all
44 have the same weight? I mean I understand the
45 content is different for them. But in terms of
46 you responsibilities, taking them forward,
47 consulting with user groups, talking to the public

1 about them, posting them on websites, how do I
2 weight them in terms of within DFO their
3 implications and their sense of weight and
4 responsibility?

5 MS. ADAMS: You're correct. I'm probably not the
6 person to answer all of that but I would say that
7 staff and stakeholders share the concerns or the
8 confusion or whatever, fitting it all together and
9 what takes priority or not. I can speak to the
10 vision document. The vision for the recreational
11 fisheries is based on a national operational
12 policy for recreational fisheries in Canada. This
13 is a made-in-B.C. piece of that. So we have a
14 higher overarching national policy for
15 recreational fisheries in Canada and this is the
16 vision underneath that for British Columbia with
17 more specifics to it.

18 MR. MARTLAND:

19 Q Ms. Adams, is there work being done to follow up
20 on vision, the document?

21 MS. ADAMS: Yes, we're currently working with the
22 recreational community and with some Province of
23 B.C. staff, although they've been going through
24 several re-organizations, as you're probably well
25 aware. But what we did from the vision was we
26 worked with the community to identify, you know,
27 there's a lot of issues going on in all of these
28 fisheries. We don't have the resources to tackle
29 a hundred issues at one time. We need help from
30 you to identify with us and the Province of B.C.
31 the most important issues that we can start
32 tackling together, recognizing that there's going
33 to be trade-offs and give-and-take on all fronts.
34 We're not always all of us going to get everything
35 we want. And so we went about doing workshops in
36 an action planning process because part of our
37 vision, the second page of it, says the vision is
38 only as good as the actions we take. And we
39 really believe in that because we've all seen way
40 too many vision documents sitting on shelves
41 somewhere that are never acted on.

42 So we developed an action group. I met with
43 them. We had facilitated discussions. And I said
44 to the recreational community, can you please give
45 us your Reader's Digest of the highest priorities?
46 And they gave us 60-some-odd. And I said, "Folks,
47 that's still too much. We need you to narrow it

1 down." And I think we got down to 22. And we now
2 have 12. So they've given us their 12 priorities
3 and we've been trying to action them. And
4 communication, education, awareness is up there in
5 the top three. Access and allocation is also up
6 there. And the third one, I'll just speak to the
7 top three. I don't want to bore you with the
8 details on 12 of them. But the third one is
9 improvement of information and catch accounting so
10 that we can make the best decisions possible for
11 the resource and also for the fisheries as a
12 whole.

13 Q Ms. Sneddon, I will really only ask one or two
14 questions on an area of some controversy or
15 interest, and I'm sure you spend a lot of your
16 time addressing these sorts of questions. This
17 has to do with the bottom bouncing method, in
18 particular, as used in the river. There's been
19 some controversy over that, and this is discussed
20 in the PPR, but there are different views as to
21 whether that's considered an unethical way of
22 fishing, whether it's considered a perfectly
23 ethical way of fishing. That's a slippery
24 process, deciding what ethics should govern. So
25 I'd like you to very briefly comment on the
26 controversy but perhaps, more importantly, does
27 the department get involved in that ethical
28 controversy or debate? Does it have a position or
29 view?

30 MS. SNEDDON: All right. So maybe just a bit of
31 background. Bottom bouncing is a legitimate
32 fishing method. It's been around forever. It's
33 used worldwide for all sorts of species. It's
34 used in deep water in Australia on reefs. It's
35 used for walleye Ontario. It's used for steelhead
36 on the Thompson River. It's a very effective
37 method for targeting fish and very selective in
38 clear water conditions. And generally you're
39 bouncing some type of a lure on the bottom of the
40 river that the fish sees and actively strikes.
41 What's occurred in the Fraser River is somebody
42 has decided that they would try that in the Fraser
43 River but the Fraser River is, well, generally not
44 more than six to eight inches of visibility.
45 So you're bouncing along a weight with a hook
46 and a line, generally not a spoon, just a line
47 with some wool on it. And you're bouncing it

1 along the bottom of the river and a fish is
2 swimming upstream and he's got his mouth open as
3 he's going upstream and the hook hits the outside
4 of his mouth if the river's bank is here. And you
5 feel something and you pull on the line and you've
6 hooked a fish. It does hook generally in the
7 mouth but it has not bit the lure. But it is
8 hooked in the mouth, which is, by regulation, a
9 legal fishing method.

10 So there are some proponents in the
11 recreational fishing community who view this as
12 not true sport fishing. In the Fraser, not the
13 majority of anglers, as you can see by the number
14 of people that go out fishing for sockeye. The
15 department does not get involved in that ethical
16 debate. If it's a legal fishing method, it's open
17 or it's closed. We don't regulate bottom
18 bouncing. We don't have the authority to do that
19 and we don't get into a debate about ethics. It's
20 a legal fishing method when they hook it in the
21 mouth. There was something else I was going to
22 say on that.

23 Q Go ahead, yes.

24 MS. SNEDDON: There's debates in all sectors around
25 whether their fishery is ethical or not. There's
26 groundfish troll fisheries, there's seine
27 fisheries, there's even trolling. You know,
28 there's impacts to other fish and the environment
29 that are ethical concerns for people so it's not a
30 thing just for the recreational community.

31 Q If I might turn to PPR-7, on my printed version
32 page 35, paragraph 86. And Ms. Sneddon, this is a
33 question about something that's referred to in the
34 PPR, a 2007 draft paper by the Chilliwack River
35 Watershed Strategy. And it sets out some issues
36 that have arisen there. I take it you have some
37 comments on those issues and whether they apply to
38 Fraser sockeye?

39 MS. SNEDDON: Yes, absolutely. So this is a document,
40 the Chilliwack River Watershed Strategy. They are
41 a group of people in the Chilliwack area that were
42 concerned around fishing and fishing behaviour on
43 the Chilliwack River. They got together, they
44 wrote a paper, it was provided to the department.
45 And in that paper, they talked about fishing
46 behaviour on the Chilliwack. The Chilliwack is a
47 fairly small system with a lot of anglers in a

1 small area that get, at certain times of the year,
2 a huge abundance of fish. And when you have a
3 huge abundance of fish in a small area with a lot
4 of people, you tend to see some behaviours that
5 may not be very acceptable. This is not specific
6 to sockeye because we do not have a sockeye
7 fishery in the Chilliwack River. But some of
8 these problems have definitely gone into the
9 Fraser, although at what levels would be hard to
10 determine. I would say that some of those
11 behaviours have come into the Fraser River.

12 Q Thank you. Ms. Adams, I would like to ask you
13 about selective fishing and the relevance and
14 applicability of selective fishing to recreational
15 salmon fishing.

16 MS. ADAMS: Just with regards to recreational salmon
17 fishing, in order to improve selectivity, we use
18 different, very limited options in the fisheries
19 regulations, which we can vary the method of gear
20 that folks are using, the bait that they're using
21 and a few other types of gear and bait and method-
22 related regulations but there are probably less
23 than 12 of them in the regulations. So we don't
24 have what the fishermen called a lot of tools in
25 our toolbox for gear and method and bait
26 regulation. So the main restrictions that we have
27 for the recreational fishing community with
28 regards to gear would be barbed or not and then
29 looking at hook shank, between the hook and the
30 stock of the hook, and then other things like bait
31 restriction. So it's very limited in terms of
32 what we can do with gear, bait and method
33 regulations.

34 Q Do you think the department needs more tools at
35 its disposal, a greater power to use regulations?

36 MS. ADAMS: You know, this Chilliwack River group
37 recommended a number of things. We've also looked
38 at fisheries in Lake Washington for sockeye. And
39 we look at fisheries, obviously, in other
40 jurisdictions to see how they're dealing with
41 challenges. And I guess the short answer is, yes,
42 I think we could add some additional tools in our
43 toolbox, our regulatory toolbox. The recreational
44 community has historically held very near and dear
45 to their hearts that the department not start
46 mucking around in what they call their tackle box.
47 We don't want you regulating ethics; we want you

1 managing fish and fisheries and you need to leave
2 the ethical things to us. And sometimes we've
3 taken that advice and other times we haven't;
4 we've put in regulations that we believe are
5 needed and necessary. But certainly, I think we
6 could have some additional tools in our toolbox.
7 We talked earlier about circle hook. That could
8 be one but it's not certainly the exhaustive list
9 of options.

10 Q I'm going to turn to some final questions before
11 we break at 12:30. This may run us to the break.
12 With respect to the sockeye catch-and-release
13 mortality study that was conducted, and Ms.
14 Sneddon, I'll direct these questions to you. The
15 Policy and Practice Report is on screen, which is
16 helpful. Paragraph 82 on page 34 refers to this
17 at the top of the page as being a three-year
18 release mortality study. In fact it's continuing
19 this year, it's a four-year release mortality
20 study?

21 MS. SNEDDON: Yes, that is correct.

22 Q And before I get into the specifics of the report,
23 at a general level, could you help us understand
24 what is the importance of having catch-and-release
25 mortality information? What is the importance of
26 that information?

27 MS. SNEDDON: Well, this study came about for a number
28 of reasons. But the first and main reason it came
29 about was in the Fraser, in the Chilliwack area,
30 there was some conflict between First Nations and
31 the recreational community. There was a view that
32 the recreational catch-and-release fishery of
33 sockeye had a significant impact on sockeye that
34 were being released and it was causing some
35 conflict between the user groups. The Fraser
36 Salmon and Watersheds Program assisted the
37 department with some funding to come and initiate
38 a study. We developed a study designed jointly
39 with them with biologists from the department and
40 we came up with a study design that would look at
41 four years of information so that we could capture
42 all the run timing groups, if possible, a wide
43 variety of water conditions, both temperature and
44 flow, and also the abundance, whether the
45 abundance affects whether or not mortality rates
46 are higher or lower.

47 So we got some money together and we started

1 this study. The intention, one, was to try and
2 dispel some myths if we could. It was also part
3 of the Allocation Policy. It does say that in the
4 future recreational catch-and-release mortalities
5 would have to be accounted for. Although the
6 Policy doesn't say when it's going to be accounted
7 for, it is something that we needed to look at it.
8 Catch-and-release mortalities are not required
9 only for recreational fisheries. We need to have
10 them in all fisheries. That is something that is
11 ongoing and that's noted in one of the reports we
12 were looking at.

13 MS. ADAMS: It's in the IFMP.

14 MS. SNEDDON: In the IFMP. And it's something that a
15 group called NSERC, National Sciences and
16 Engineering Research Council, have a funding grant
17 and they're looking at catch-and-release
18 mortalities in all sectors. They're looking in
19 seine fisheries, troll fisheries and gillnets.
20 And so when we have that information we're going
21 to know the true mortality and that will help us
22 to better manage salmon fisheries. And so this
23 study, again, it was a four-year study. We've
24 conducted three years.

25 And in the past, what we've done is we didn't
26 have any information about release mortalities in
27 freshwater. And we'd been applying a 10 percent
28 mortality to any fish caught and released based on
29 a study done using troll gear in the marine
30 waters. So if you're fishing in the marine waters
31 with troll gear, it's clear water, you're using a
32 hook, a lure or something, the fish actually bites
33 it, the hook's inside the mouth, the chances of it
34 hitting a vein and bleeding out and dying, we
35 estimated through studies, 10 percent.

36 But when you're fishing in the Fraser River
37 and you're bottom bouncing, you're bouncing this
38 hook along and it hooks you in the outside of the
39 mouth in what's called the maxillary, it generally
40 does not hit a vein. Very, very few fish were
41 thought to die, as a result of this fishing
42 activity. So we wanted to prove that. So we put
43 this study in place. And after three years, you
44 know, we're in the 1 to 3 percent range, rather
45 than 10 percent, which, in some years when you're
46 releasing a lot of sockeye could be a fairly
47 significant number. So in 2010, in the salmon

1 IFMP, we adopted a 3 percent mortality rate to use
2 against fish caught and released rather than a 10
3 percent. And that 3 percent is higher than the
4 three years of the study so far. But those
5 numbers that are reported in paragraph 82 there,
6 those are the hard number, that's not the
7 variance, so there is a variance around those.
8 And so we went with 3 percent for that buffer.

9 Q And that's a very concise way of giving us an
10 understanding of the study, which is referred to
11 here, conducted by J.O. Thomas and Associates in
12 the Fraser River. And I just want to confirm that
13 I have it right. As a result of the numbers that
14 were developed from that study from the
15 department's point of view, for planning and
16 management purposes, rather than applying a 10
17 percent mortality rate to fish that are caught and
18 released, that's changed to a 3 percent rate?

19 MS. SNEDDON: Yes, that is correct.

20 Q Now, I have a correction to the PPR, which I'd
21 like to ask you about. And paragraph 81 of our
22 report makes reference incorrectly to, third
23 sentence down:

24
25 This number was based on information from a
26 commercial troll fishery.

27
28 In fact, it's a marine but a recreational troll
29 fishery that generated the 10 percent figure?

30 MS. SNEDDON: Yes, that is correct. So that was the
31 two changes I wanted to mention, that one and the
32 three to four-year in paragraph 82.

33 Q Thank you. I think it is more by way of
34 completing the documentary record. Number 22 on
35 the list of exhibits --

36 MS. SNEDDON: Actually, Brock, before we move on, could
37 I talk a little bit more about that mortality?

38 Q Yes.

39 MS. SNEDDON: Okay. So the study is a short-term
40 mortality study. We're only looking at mortality
41 over 24-hour mortality. We're not looking long-
42 term. And that is what's been consistently used
43 in the marine water fisheries as well. We're
44 applying a short-term mortality. The NSERC
45 program that is currently underway, the five-year
46 one, they're looking at longer-term. They're
47 looking at, did the fish make it to the spawning

1 ground? So for management purposes, this study
2 was looking at 24 hours and that's what we're
3 going to use until we have more information, which
4 we need from all fisheries, not just recreational.
5 Q Thank you. And I should maybe put on record or
6 identify that you, in fact, in August of last
7 year, with Ms. Grant, myself and Mitch Taylor from
8 the Department of Justice took us to the Fraser
9 River and showed us Mr. Thomas, the study that he
10 was conducting and that work that's described in
11 these reports.
12 MS. SNEDDON: Yes, that is correct; we had a field
13 trip.
14 Q I'm not sure how Mr. Taylor manages to go fishing
15 and not come here for the hearing today but I'll
16 leave that to Mr. Timberg. With respect to the
17 first document there, number 22, that is the study
18 with a date of February 2009, "The Preliminary
19 Investigations", is what it's entitled.
20 MS. SNEDDON: Yes, that's the results from the 2008
21 year, the final report.
22 MR. MARTLAND: I'd ask this be marked as the next
23 exhibit, please.
24 THE REGISTRAR: Exhibit 528.
25
26 EXHIBIT 528: 2008 Lower FRS Recreational
27 Hook and Release Mortality Study, February
28 2009
29
30 MR. MARTLAND: Mr. Registrar, please let me know if I
31 do this too quickly with respect to entering these
32 exhibits. There's three others. They go in
33 number sequentially by year. Number 23 on the
34 list of documents is the 2008 Preliminary Summary.
35 Q Is that correct, Ms. Sneddon?
36 MS. SNEDDON: Sorry. Yes, it is.
37 MR. MARTLAND: I'd ask that be marked as an exhibit,
38 please.
39 THE REGISTRAR: 529.
40
41 EXHIBIT 529: 2008 Lower FRS Recreational
42 Hook and Release Mortality Study Preliminary
43 Summary 2008
44
45 MR. MARTLAND: Number 24 should be the 2009 Summary of
46 Findings.
47 Q Is that correct, Ms. Sneddon?

54
PANEL NO. 23
In chief by Mr. Martland

1 MS. SNEDDON: Yes, that is correct.
2 THE REGISTRAR: 530.

3
4 EXHIBIT 530: 2009 Lower FRS Recreational
5 Hook and Release Mortality Study, Summary of
6 Findings, June 2010
7

8 MR. MARTLAND: Finally, number 25 on the list, the 2010
9 Summary of Findings.

10 Q Is that correct?

11 MS. SNEDDON: Yes, that is correct.

12 THE REGISTRAR: 531.

13
14 EXHIBIT 531: 2010 Lower FRS Recreational
15 Hook and Release Mortality Study, Summary of
16 Findings, November 2010
17

18 MR. MARTLAND:

19 Q Before I move into some questions on creel
20 surveys, I have sort of a question that doesn't
21 fit neatly anywhere but it's this. Ms. Adams,
22 I'll start with you. Could you comment on the
23 relative importance of the recreational fishery
24 within the Department of Fisheries and Oceans? Is
25 recreational fishery a forgotten younger sibling
26 within the department?

27 MS. ADAMS: I would say if we looked nationally, yes,
28 because most of our fisheries in Canada are
29 commercial that the Department of Fisheries is
30 involved in. In the Pacific region, I would say
31 that it still is low in profile within the
32 Pacific. But I think it has the opportunity and
33 has had the opportunity to climb in the last, I
34 don't know, ten, 20 years. After the Pearse
35 Commission in '82, it was identified that there
36 were very few resources dedicated to the
37 recreational fishery and the department increased
38 resources. And currently, there are very few
39 fisheries management resources directly working on
40 recreational fisheries in this province.

41 Q Mr. Tadey or Ms. Sneddon, anything to add on that
42 question?

43 MS. SNEDDON: I guess, yes, Devona pointed out that the
44 Pearse report recommended an increase and that did
45 happen and we did have a division called the
46 Recreational Fisheries Division that worked out of
47 our regional headquarters and had, I think there

1 were, 12 people working in recreational fisheries
2 management full-time. Currently, we have Devona
3 as the regional recreational coordinator and then
4 three area staff who work full-time on
5 recreational fisheries. And then we have other
6 managers that work, do some part-time stuff. So
7 I'm not sure where we were in the mid-'90s
8 anymore.

9 MR. MARTLAND: Mr. Commissioner, it's --

10 THE COMMISSIONER: I wanted to ask this panel. Again,
11 you may not be the right people to answer and so I
12 apologize. One of you, and I can't recall which
13 one, I think it might have been you, Ms. Adams,
14 that used the word that conservation trumps
15 everything else. Not your exact words but I think
16 that was the spirit of what you had to say. Are
17 the folks within the recreational fishery in DFO,
18 who are managing the recreational fishery, do they
19 wear the same hat with respect to conservation,
20 First Nations and then the recreational fishery?
21 In other words, are there different people doing
22 these different tasks in terms of the decision-
23 making side of it, or is it a person taking off
24 one hat today and putting on another hat and
25 saying, well, I've dealt with the conservation
26 issues, now, I've got to deal with the FSC, and
27 tomorrow I'll deal with the recreational fishery?

28 MS. ADAMS: My experience is it's been a bit of both.
29 When I worked in the Fraser River, I felt like
30 Sybil. Half the time, I was a commercial fishery
31 manager and the other half I was a recreational
32 fishery manager. But there are common principles
33 and certainly conservation, I think, most staff at
34 any level, whether it's fisheries management or
35 stock assessment or enforcement, we're very
36 cognizant. And I think most of us have got
37 involved in resource management because we care
38 about the resource. And so we want to make sure
39 the resources is protected. So I would say that
40 message gets out. It gets a bit tricky in how to
41 implement some of the policies and some of the
42 case law and court decisions and we're still
43 finding our way on that. But I think there are
44 certainly crossovers in all of our jobs between
45 the different fisheries. But in this region, we
46 only have four dedicated fishery managers working
47 on recreational fisheries. Deb, you might want to

1 add.

2 MS. SNEDDON: In the lower Fraser area and in sockeye
3 management in particular. It is a team, the
4 Fraser River Integrated Management Team, that's
5 looking at sockeye management and we are 100
6 percent looking at conservation first then our
7 obligations under First Nations, either FSC or
8 treaty obligations, and then we're looking at the
9 Allocation Policy and where we fit commercial and
10 recreational in there. So as that team, we're
11 working together to meet all of those guidelines.

12 Q The questions that I have remaining focus on creel
13 surveys. Mr. Tadey, I expect most of these will
14 be directed your way. If I might start, Mr.
15 Tadey, and please assume the question is directed
16 to you unless I say otherwise. If I might start
17 by confirming the staffing with respect to the
18 recreational creel survey in the lower Fraser. I
19 take it that includes one biologist, one technical
20 person, one data entry clerk and in addition to
21 that a number of term of seasonal employees who
22 are involved?

23 MR. TADEY: I'm the program head for a program that has
24 the title of chum, pink and recreational fishery
25 so I do chum assessments, pink assessments, some
26 escapement work, juvenile work and then a portion
27 of the program I'm involved in also does
28 recreational fisheries assessments. So yes,
29 there's myself, there's another biologist in our
30 group, there's a full-time technician in our group
31 and then through the course of the season, we have
32 operational and salary dollars that we use to hire
33 staff to conduct our recreational surveys. In the
34 past, the recreational survey in the Fraser
35 mainstem has gone from May even through to
36 December.

37 I think some of the earlier studies went from
38 March until December. The time period varies
39 sometimes depending on the funding. But you know,
40 recently, it's been a May to mid-October sort of
41 period so that's a large part of the year where we
42 have staff that, yes, they're doing other things
43 but a large part of the time is dedicated towards
44 assessing the recreational fishery. And
45 seasonally, we will hire, can be anywhere from
46 eight to 12 seasonal staff to conduct the
47 assessment projects.

1 Q I should ask the most obvious question. What is
2 the creel survey?

3 MR. TADEY: Creel survey is a systematic, planned,
4 structured method for assessing recreational
5 effort and catch. That's my interpretation of it
6 and that's what we use for the Fraser. That's
7 what our goal is for the Fraser so that's what a
8 creel survey is.

9 Q In the case of the creel, as used for fish in the
10 Fraser River and the recreational fishery in the
11 Fraser River, could you give us an understanding,
12 at a general or overview level, of how that survey
13 is used, what the components are of the survey?
14 How it's conducted, I'm sorry.

15 MR. TADEY: The creel survey, we use in the Fraser
16 mainstem is actually a complemented survey. It
17 uses two independent surveys. One is an access
18 point survey where we will visit various locations
19 on the Fraser River and interview anglers, as
20 they're leaving the fishing for the day. Access
21 points are usually places where there's a little
22 bit of a bottleneck that might be for anglers. It
23 could be a boat ramp. It could be a trail. So
24 what we get from that, one of the components that
25 we get from that is when we interview the anglers,
26 that's where we conduct an interview of the
27 angler. And from those interviews, we will ask
28 questions like, "How long have you been fishing?"
29 "What is your target species that you were trying
30 to catch?" "What did you catch?" "Of what you
31 caught what did you harvest and keep or what did
32 you release?" We'll get information like that
33 from the anglers. We can also inspect the catch.
34 We can ask if we can inspect the catch as well for
35 verification of what they have told us: species
36 identification, collection of biological
37 information.

38 What we can get from that information is a
39 rate of what the angler has caught by species.
40 And we pair that up with another survey of the
41 entire study area. I'm wondering now if this
42 might be a good time through the presentation --

43 Q I thought you were going to say to have lunch.

44 MR. TADEY: To have lunch.

45 Q I was going to suggest lunch. I wonder if I might
46 suggest that we break until two o'clock, Mr.
47 Commissioner, and convene at that point.

1 MR. TADEY: Okay.

2 Q And then I'll re-ask you more questions.

3 THE REGISTRAR: The hearing will now adjourn until 2:00
4 p.m.

5

6 (PROCEEDINGS ADJOURNED FOR NOON RECESS)

7 (PROCEEDINGS RECONVENED)

8

9 THE REGISTRAR: Order. The hearing is now resumed.

10 MR. MARTLAND: Thank you. Mr. Commissioner, I
11 understand we will be sitting this afternoon until
12 3:45 and skipping the break. So I will continue
13 with my questions, and these are questions that I
14 expect will be focused or directed towards Mr.
15 Tadey on the creel survey.

16

17 EXAMINATION IN CHIEF BY MR. MARTLAND, continuing:

18

19 Q Mr. Tadey, I understand that the purpose of a
20 creel survey is stock assessment rather than catch
21 monitoring for enforcement purposes, is that
22 correct, and could you comment on why that's the
23 case.

24 MR. TADEY: Yes, it is. The program we run is science-
25 based. One of the things that certainly we like
26 to do is collect information from the recreational
27 community that's unbiased, and one of the things
28 that may taint or bias the information that's
29 provided to us would be if anglers have the
30 perception or think that we are in fact enforcing
31 fishery regulations, as well. That's one of the
32 main reasons we would separate; that's one of the
33 main reasons why we consider ourselves a survey
34 and not any sort of fishery monitoring program.

35 Q And along those lines I think you described
36 earlier about a creel surveyor might ask to
37 inspect or look at the catch, someone's catch or
38 just the fish they have. But in that situation,
39 it's not a power of inspection. They're not
40 looking at the fish with a view to writing a
41 ticket or dealing with a violation if there's
42 something inappropriate that occurs; is that
43 right?

44 MR. TADEY: That's correct. The survey we conduct is a
45 survey. It's completely voluntary. So we ask the
46 anglers if we can ask them some questions about
47 their fishing experience. And they can decline us

1 with no recourse at all on our part. And that's
2 the same with the follow-up questions would be if
3 they have indicated that they've harvested salmon,
4 a follow-up question would be would they mind if
5 we looked at their catch.

6 Q With the creel surveys that are conducted in the
7 Fraser, the Lower Fraser, do those, am I right
8 that they relate to all species of salmon
9 including sockeye?

10 MR. TADEY: Yes. Yeah, any fish that we encounter, any
11 salmon species we encountered in the catch would
12 be recorded, regardless of species.

13 Q Now, you've been for some time giving
14 presentations that I know your colleagues refer to
15 as a "Creel 101", an introduction and explanation
16 of the creel survey as it's conducted; is that
17 right?

18 MR. TADEY: Yes.

19 Q And in October you gave a presentation to my
20 colleague, Ms. Grant, and me, and I'd like to
21 refer, Mr. Lunn, please, to number 29 from the
22 list of exhibits. And when it shows on screen
23 you'll see that it indeed gives it away at the
24 top, "Presented to the Cohen Commission on October
25 26th, 2010 in Vancouver BC". Do you recognize
26 that as the creel presentation that you gave to
27 us.

28 MR. TADEY: Yes.

29 MR. MARTLAND: I'd like this to be marked as an
30 exhibit, please.

31 THE REGISTRAR: Exhibit number 532.

32
33 EXHIBIT 532: Tadey et al, Fraser Stock
34 Assessment, Recreational Fisheries
35 Assessments, presented October 26, 2010
36

37 MR. MARTLAND:

38 Q Mr. Tadey, what I'll try to do here is lead you
39 through this document. This document is in
40 evidence, and indeed I'll editorialize to say is a
41 helpful resource for those looking to understand
42 the creel survey as it's conducted. It has maps
43 on it. It has some pictures which are helpful in
44 giving a sense of things, but more importantly the
45 discussion here and the methodology is set out.
46 So I'll take you to some more specific points,
47 rather than going through the whole document.

1 What I'd like to do first is to go to let's
2 say page 2, and welcome you to refer to page 2 and
3 page 3. Could you explain the goal and purposes
4 of the creel survey, please.

5 MR. TADEY: Yeah, I should point out in subsequent
6 presentations I've merged these two slides. But
7 certainly the original, the primary goal of our
8 survey would be to determine catch and effort.
9 Catch in this case being harvest. That's what
10 most people want to know.

11 Secondary information that we can collect is
12 information on releases. We can also collect --
13 and this all done by species. We could also
14 collect biological information, whether or not the
15 fish is marked for other scientific studies,
16 assessments that are going on. Also gear/method
17 used, what the angler is targeting, those are
18 other things that we can collect with our survey.

19 Q And I think some of these terms will probably be
20 self-apparent, but let me just confirm. "Effort",
21 what does effort refer to? If it's helpful,
22 there's definitions that show on pages 4 and 5,
23 and as I look at page 5 in the middle we see
24 reference to "Effort".

25 MR. TADEY: In order to --

26 Q And that refers to basically the time, you use
27 time as the measurement tool, I suppose, to
28 determine, to look at the conduct or the time that
29 puts in by anglers?

30 MR. TADEY: Yeah. There's two inputs to the equation
31 that we use to generate any catch estimate,
32 whether it's harvest or release. And one of those
33 inputs is a rate of release, rate of harvest, rate
34 of catch. It's how many fish you've caught in an
35 hour. The other input is the effort. The product
36 of those two, multiplying those two together will
37 give you an estimate of catch, or and we do the
38 same thing for harvest and release. It all
39 depends on what you're talking about. Do you want
40 catch, which includes harvest and release, do you
41 just want harvest, do you just want released.

42 Q Right. And so let's look at page 4, please, of
43 this document. And page 4 gives HPUE, RPUE, CPUE.
44 In each of these cases, for example, and please
45 correct me if I get this wrong, but harvest per
46 unit effort will talk about the number of the
47 harvest, in other words, the kept or retained fish

1 per unit effort would be, for example, if one uses
2 an hour of angler time on the water, you might
3 generate a number to say that the number of fish
4 were kept per single angler's single hour, for
5 example. I don't know if those are the
6 measurements you might use, but that would reflect
7 the HPUE; is that right?

8 MR. TADEY: Yes, that's right. So we would, when we
9 interview anglers, we ask them for harvest per
10 unit effort, we ask them how many fish have they
11 harvested by species, and we also ask how long
12 they have been fishing. And a minor point is we
13 do make the distinction, we want anglers, we ask
14 them about how long they've been actively fishing.
15 Certainly if an angler has taken a break for an
16 hour for lunch, it's not something we want to roll
17 up in an effort. So that's how we do get harvest
18 per unit effort, release per unit effort, catch
19 per unit effort from angler interviews, and it is
20 basically just what they've caught over the time
21 they spent actively fishing.

22 Q Page 6 of this document refers to the "Estimated
23 Harvest". I take it this is the formula for
24 estimating harvest?

25 MR. TADEY: Yeah, that's the formula I referred to
26 earlier. The two inputs, one is a total effort
27 calculation and the other is a rate, a harvest per
28 unit effort. In this case with our survey, it's
29 angler hour.

30 Q And if we look at, moving to page 7, this is a
31 discussion about the "Harvest-Per-Unit-Effort" and
32 it gives us a description of how that calculation
33 is done. Could you help us, could you explain
34 that, please.

35 MR. TADEY: This slide shows how we collect the
36 information. So we have surveyors -- this
37 information, the rate of harvest in this example
38 here, is collected from angler interviews. We
39 will be surveying anglers and asking them for
40 information on harvest and how long they've been
41 actively fishing. There are seven days in a week
42 and there's a randomness to how we sample the
43 days. We do not sample every day. And we can't
44 sample all daylight hours. Budget constraints
45 don't allow us to do that. And in fact you may
46 not get any better resolution to any estimate by
47 going that full distance.

1 We sample, we have shifts during the full
2 daylight hours because during the summer months
3 when sockeye are running we will, you know, it can
4 be light, people can be angling on the river at
5 6:00 a.m. in the morning and they can be fishing
6 till ten o'clock at night. So we will have two
7 shifts to cover the full daylight hours.

8 The weekends, we sample all weekends and
9 holidays. Those are days that are usually of high
10 effort and we want to capture those.

11 The weekdays -- did I say weekday and
12 holidays? I meant to say weekend and holidays we
13 sample all of those days.

14 Q Mm-hmm.

15 MR. TADEY: Weekdays are the days we randomly sample.
16 Generally it's about three of the five weekdays
17 that we will sample in a week. And the days off
18 for our creel surveyors are taken during the
19 weekdays. So this is how we construct our
20 surveyors to collect the information on rates,
21 harvest rate.

22 Q Yes. And the creel surveyors are interviewing,
23 obviously, anglers. It's a voluntary process, I
24 take it, from what you've described?

25 MR. TADEY: Yes.

26 Q As far as the anglers. How does a creel surveyor
27 and how does the study account for the fact that
28 someone might be lying about their catch. And I
29 suppose fish stories being what they are, they
30 might be lying by saying they caught more than
31 they did and released, or conversely
32 misrepresenting how much they kept or caught. But
33 how do you, is that something that can be
34 accounted for?

35 MR. TADEY: If there's intent there for an angler to
36 lie, you know, there's really no mechanism
37 currently in our survey, there's no mechanism to
38 catch that. Unless the angler has harvested
39 something - and release numbers are obviously
40 different than a harvest number - if an angler has
41 said he's harvested a salmon, one of the follow-up
42 questions is "Can we inspect your catch?" So
43 certainly there's a verification process there.
44 We get a really strong -- there are very few
45 anglers that we survey that refuse to be
46 interviewed. And dependent on the year, some of
47 the -- it can be up to 95 percent of the anglers

1 that have said they've harvested something, let us
2 inspect their catch. You know, that varies. It
3 could be 75 percent up to 95 percent. So to me
4 that's a fairly good sample. And the amount of
5 misreporting on numbers, I haven't seen one since
6 I've been involved in this program in 2008, I
7 haven't seen where someone has said they caught
8 two but they've shown us three. So I think that
9 answers the question there.

10 On the release numbers it's different.

11 There's nothing for us to ask, there's nothing we
12 can get from the angler in the interview process
13 to verify how many fish he said he released.

14 Q Mm-hmm. Ms. Sneddon.

15 MS. SNEDDON: I'll use Devona's mike. Sorry. When
16 you're talking about whether or not somebody's
17 going to be telling the truth, you have to look
18 not just at the recreational fishery but at all
19 fisheries - all - and you can look at all salmon
20 fisheries and whether or not what type of catch
21 monitoring program they have. If it's not a
22 mandatory landing program where somebody's
23 inspecting your catch, there's the opportunity for
24 somebody to misrepresent, and it may be
25 intentional; it may be unintentional.

26 And in the recreational fishery for the most
27 part, what we find is if there's a
28 misrepresentation, it's usually unintentional.
29 It's usually more about releases than catch,
30 because we're inspecting catch. And you know, if
31 you're in a situation where there's a lot of fish
32 going through at a time that you're not allowed to
33 keep, when you start releasing them and you get
34 over three or four fish, you start to lose track
35 of how many fish you've released.

36 Q Mm-hmm. Slide 8, page 8 of this gives us the
37 calculation for "Harvest-Per-Unit-Effort", I think
38 that's probably self-explanatory. Let me ask you
39 a question to go back, Mr. Tadey, to this question
40 about what happens with faulty information or
41 inaccurate information. Is there a process to
42 account for answers that simply don't fit,
43 outliers, or information in the creel survey that
44 is far off base from the other information that's
45 being collected?

46 MR. TADEY: One thing that I will do and our biologists
47 will do with the information is we do look for

1 outliers and see if they can be explained. If
2 someone is -- has indicated that they've released
3 25 chinook and they've only been fishing for an
4 hour, and we look at other anglers within the same
5 area and the same time period that have not even
6 come close to that sort of rate of release, it
7 certainly draws a light to that record. And those
8 records can be and will be removed. It's very few
9 that are. And the amount of sampling that we do,
10 whether probably, I mean, whether we include those
11 or do not include those, it's not going to sway
12 the result in any meaningful way. Because there
13 are so few of those outliers. But it is something
14 we do, and we look and, yes, there are some that
15 we will exclude.

16 Q Page 9 of the PowerPoint gives us two different
17 versions or components of effort. Calculated for
18 the day is "Daily Effort"; calculated for the
19 entire fishery reflects "Total Effort", and then
20 if we turn to page 10, "Daily Effort", there's
21 reference here to hourly rod counts, and
22 instantaneous effort or rod counts. If you could
23 please explain what those refer to.

24 MR. TADEY: The effort calculation is probably a little
25 more problematic to explain than just the rate
26 calculation. There's two pieces of information we
27 need to calculate total effort, and one of them is
28 an activity profile, or we conduct on an hourly
29 basis at some points along the river, we get an
30 activity profile of the number of anglers fishing
31 every hour. And that's what you see in what's
32 labelled number 10, starting at five o'clock in
33 the morning and working to 20:00 hours, those are
34 the number of rods we've counted in a particular
35 site at a particular location on the river.

36 Q Mm-hmm.

37 MR. TADEY: And what we do then, the second part of the
38 effort calculation is on a day that's randomly
39 chosen, one day on the weekend, and one day during
40 the week, we will do an instantaneous effort count
41 of the whole study area. Usually on the Fraser
42 it's from an over-flight.

43 Q Mm-hmm.

44 MR. TADEY: More than not it's from an over-flight,
45 where we will fly from the top of Coquihalla,
46 where the Coquihalla River confluence, all the way
47 down to Mission Bridge, and we will conduct angler

1 counts. The time of day at which we do that
2 count, we can then look at that activity profile.
3 And if the activity profile says that ten percent
4 of the anglers of the total, ten percent of the
5 anglers for the whole day were fishing at that
6 time, then we know that, or the assumption is that
7 our over-flight count makes up ten percent of the
8 total daily effort. That gives us the total, that
9 gives us the daily effort.

10 And then for total effort we'll multiply that
11 daily effort by the number of days in the study,
12 in the study period or analysis period.

13 Q Mm-hmm. For the hourly rod counts, are the
14 results of an hourly rod count, can they be
15 extrapolated to other parts of the river?

16 MR. TADEY: Yes. And that is what we do. So those are
17 conducted at various sites along the river and,
18 yes, the assumption is, is that that profile we
19 see on those it represents the entire study area.

20 Q And so I'm going to do this by way of the pictures
21 on page 10. There's a helicopter, a plane, a
22 boat, and then someone on a bridge with
23 binoculars. I take it what does the hourly rod
24 count as described here refer to. Is that the
25 fellow on the bridge?

26 MR. TADEY: And the boat. The bridge, that one is
27 actually on the Chilliwack River and he's got
28 binoculars. So on the top of every hour, he will
29 count how many rods or how many anglers are
30 actively fishing in a defined area. The larger
31 the area, the better, and that's what he's doing
32 on Keith Wilson Bridge there. We can also get
33 hourly rod counts by boat, and that's something we
34 do in the Fraser main stem where we'll leave
35 Island 22 in this example in the picture, travel
36 down to Grassy Bar, which is about, I don't know,
37 about maybe a four or five-minute boat ride, and
38 count how many rods are fishing from Island 22
39 down to Grassy Bar. And that's conducted on every
40 hour.

41 Q I should go back to ask you one other question on
42 the landing sites. If surveys are conducted based
43 on landing sites, what is the process for
44 determining what the catch or harvest is all along
45 the river?

46 MR. TADEY: The landing sites provide us the rate. so
47 they provide us the catch or harvest, or release,

1 per unit effort, which is the angler hour, or it
2 should also be the rod hour, because that's what
3 we're really counting is actively fishing rods,
4 rods that are actively engaged in fishing.

5 So the access sites, the interview sites,
6 provide us with the rate. The activity profile
7 and the over-flight that gets us that
8 instantaneous effort count, provides us with the
9 effort.

10 So I think that answers, I hope that answers
11 the question. Deb, you've got something?

12 MS. SNEDDON: Yeah, I would just say that when we use
13 Island 22, it is a major boat launch in the
14 Chilliwack area that draws fishermen that go to a
15 variety of fishing sites from that area. So they
16 can go upstream an hour, downstream half an hour,
17 whatever, and they all funnel into that Island 22
18 area. So when you get an interview from Island
19 22, they may not have been fishing right there.
20 They've been fishing somewhere else and it is
21 generally representative of the entire study area.

22 Q So in that sense I take it the landing site
23 approach gives you first a picture of who is
24 fishing right there, but secondly people that are
25 coming in from other areas on the river?

26 MR. TADEY: Yes. And everything in between. There are
27 some access sites that you're only interviewing
28 anglers that fished at that particular site, and
29 then there are access sites like Island 22, which
30 is a boat launch as Deb mentioned, that really the
31 catch per unit effort that we're getting there is
32 a blend of many, many different angling sites.

33 Q The concepts of accuracy and precision are (a)
34 they're distinct, and (b) they're important to
35 creel surveys. Could you please help us by
36 explaining that, Mr. Tadey.

37 MR. TADEY: Sure. Accuracy and precision are sometimes
38 terms, especially in my experience with fisheries,
39 that to me are misunderstood. And the way I look
40 at precision is precision has to do with the
41 repeatability of getting the same result if you
42 conducted another sample from the population of
43 interest. So it's a repeatability. If you
44 sampled multiple times, how close would those
45 results be to each other. If they're far apart,
46 then it's not precise. If they're tight together,
47 then it's precise.

1 Accuracy, sometimes people look at precision
2 as accuracy, but accuracy is more to do with how
3 close your result or your estimate is to the
4 truth. And that's more accuracy. So the two are
5 separate, and so things like precision would be
6 when you, you know, when you give a point estimate
7 and we say it's plus or minus 15 percent. And the
8 15, plus or minus 15 percent would be a precision
9 estimate.

10 Q With respect to the creel data that's collected in
11 the field, I understand that it's collected into a
12 database that's called CREST, C-R-E-S-T, that at
13 this point CREST is being developed, and I'll just
14 state this and welcome your comment and see if I
15 have it right. The CREST software is being
16 developed. At this point it doesn't yet give you
17 an analysis function, and at this point that the
18 data is being put into Excel for use?

19 MR. TADEY: This past year we actually just used CREST.

20 Q Okay.

21 MR. TADEY: What occurred, just a little backup, a
22 little history, we had a software package that was
23 developed in the '80s. It ran off a platform, a
24 computer platform that was DOS-based. That
25 program, that software program was developed by a
26 consulting company called DPA, so we call it the
27 DPA software. But the current platform we have
28 for our operating system for our computers doesn't
29 support that program. So three years ago the
30 development of a new software program that would
31 be supported by our current system, and do more
32 things, I suppose, as well, and more integrated
33 with other within the region.

34 In the interim that program called CREST, as
35 you said, it's not finished yet. Currently we're
36 in the testing stage on generating estimates.
37 There's a couple of components to that software
38 program and one of them is the data entry tool, so
39 the entering of the data. The other component to
40 the CREST software is the analytical tool, to be
41 able to generate estimates. And over the last
42 couple of years we've been testing the data entry
43 end of it.

44 For a number of years -- not a number of
45 years, for two years, one year we entered it in
46 both systems. This past year, having conducted
47 the testing on the data entry part, we just

1 entered it into CREST. The analytical end of it,
2 though, is not complete yet. We haven't done the
3 final testing on that yet. So currently the
4 analytical component of what we do is being done
5 in Excel right now as an interim measure.

6 Q Thank you. I'll take you, please, to slide 20 on
7 this presentation. And without going into great
8 detail, let me try and focus on and ask you via
9 this table to help us to determine the estimated
10 harvest for sockeye in 2009, and we'll look, I
11 take it, to the last column, "2009 Totals".
12 Sockeye is about in the middle of the page, that's
13 a zero; is that right?

14 MR. TADEY: Yes, that's correct.

15 Q And I take it that number doesn't account for or
16 doesn't allow for any illegal recreational harvest
17 or inadvertent harvest, for example, someone who's
18 misidentifying species?

19 MR. TADEY: It would have accounted for any inadvertent
20 harvest. When we do ask, when people have
21 harvested salmon, we do ask to inspect the catch.
22 So if there is a species identification, for
23 instance an angler thought it was a chinook but it
24 turned out to be a sockeye, then we would record
25 that as a sockeye and you would see that show up
26 as a harvest amount there. And I'm just, yeah,
27 there's nothing in that year.

28 In some of the summary tables of previous
29 years you'll notice there's a couple of years
30 where there may be 11 sockeye harvested, and
31 that's probably the result of one of those
32 incidences where we had one interview that
33 harvested a sockeye when they shouldn't have.

34 Q And I'll take you to the next page, and about
35 under the "2007" column, sockeye, about two-thirds
36 of the way down, we see exactly that number --

37 MR. TADEY: Right.

38 Q -- 11, that's what you're referring to.

39 MR. TADEY: Yeah. So on inadvertent harvest, yes, we
40 will absolutely get a taste of that with our
41 surveying, and it does occur. And that's where
42 that 11 right there, that's what that would
43 reflect.

44 Q And again if we go back to the page before, just
45 for one further question, the 2009 totals, I took
46 you to the estimated harvest, and just to complete
47 the picture, estimated release of sockeye, a

1 little over 20,000.

2 MR. TADEY: Correct.

3 Q Those are numbers that come from interviews with
4 anglers who are describing what they've caught and
5 released, and then working from those answers,
6 multiplying the release per unit effort by your
7 numbers for the effort, calculated using rod
8 counts and over-flights?

9 MR. TADEY: Yes.

10 Q Am I right that your team, when you're conducting
11 this survey, produces reports about every two
12 weeks?

13 MR. TADEY: That's the goal. Generally without any
14 regulation changes and historically recently
15 we've, you know, last couple of years or so, we've
16 generated estimates generally around the 15th, the
17 middle of the month from say the 1st to the 15th,
18 and then another estimate that goes from the 16th
19 to the end of the month.

20 Q And are those reports posted on the Department's
21 website?

22 MR. TADEY: They are.

23 Q I take it you're also able to generate reports or
24 graphs, or what have you, but to reflect that
25 information to fisheries managers?

26 MR. TADEY: Yes.

27 Q I'll take you now to some documents. Number 32 on
28 our list of exhibits. This is an e-mail that you
29 were c.c.'d on from Jason Mahoney, who you work
30 with, to Timber Whitehouse. I take it you report
31 to Timber Whitehouse, am I...

32 MR. TADEY: Yes, I report to Timber.

33 Q And this indeed gives us some Excel spreadsheets
34 that are attached. If we look at the second page,
35 for example. Is this an example of you generating
36 numbers, this is August 2009, that the e-mail
37 attaching these was sent. Is this an example of
38 that sort of process where you're generating
39 numbers in the middle of the season and presenting
40 that information in different graphs?

41 MR. TADEY: Yes. Yes, it is.

42 MR. MARTLAND: If I could ask this be marked as the
43 next exhibit, please.

44 THE REGISTRAR: Exhibit 533.

45
46
47

70
PANEL NO. 23
In chief by Mr. Martland

1 EXHIBIT 533: E-mail from J. Mahoney to T.
2 Whitehouse re August Fraser Recreational
3 Angling Method Breakdown, August 31, 2009
4

5 MR. MARTLAND: And Ms. Grant raises with me that
6 there's in fact two documents, there's the e-mail
7 and then the attachments to it. I wonder if the
8 attachments should be "A" within that number.
9 Thank you.

10 THE REGISTRAR: Be 533A.
11

12 EXHIBIT 533A: 2009 Recreational Angling
13 Methods Observed During the Lower Fraser
14 River Mainstem IRCs, Excel spreadsheet
15

16 MR. MARTLAND:

17 Q Tab number 33 from our list of exhibits is
18 entitled "a general overview" on the Fraser
19 Recreational Fishery Estimates. Did you prepare
20 this document?

21 MR. TADEY: Yes, I did.

22 MR. MARTLAND: I'd ask this be marked as the next
23 exhibit.

24 THE REGISTRAR: Exhibit 534.
25

26 EXHIBIT 534: Fraser River Recreational
27 Fishery Estimates: a general overview on how
28 they are generated
29

30 MR. MARTLAND:

31 Q I take it you've reviewed this fairly recently.
32 Is this an accurate description of how the creel
33 survey is conducted in basic terms?

34 MR. TADEY: Yeah, I would say so.

35 Q Thank you. Number 34 in the list of exhibits we
36 have sender and recipient both on this panel. I
37 suppose that's convenient. From you, Mr. Tadey,
38 to Ms. Sneddon, November 25, 2009, providing
39 information on the 2009 Fraser River recreational
40 fishery. I understand you sent that --

41 MR. LUNN: Mr. Martland, I may have a different
42 document.

43 MR. MARTLAND: You do, and I may have misspoken.
44 Number 34 on our list, please. All right. That's
45 fine. The Ringtail number is CAN044406.

46 MR. LUNN: That's what we have. Perhaps it's
47 mislabelled.

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1 MR. MARTLAND: That's all right. But now I wonder what
2 you have. Why don't I set that aside and we may
3 pick up on that if we need to, or I may -- Ms.
4 Grande-McNeill is passing up a copy of it. I'll
5 set that aside, though for now.

6 MR. LUNN: Thank you.

7 MR. MARTLAND:

8 Q And without going to any particular document, let
9 me just ask you without taking you to any
10 particular document, during the 2009 fishing
11 season, I take it that you had, probably like
12 other fishing seasons, concerns expressed about
13 the creel methods.

14 MR. TADEY: In 2009, if you're referring to the
15 document, you know, the 34.

16 Q Yeah, I'm trying not to do it with any documents,
17 and that's the difficulty you may have and I may
18 have, but other people don't.

19 Let me simply do this. I'm going to move you
20 to a different document, please, number 35 on our
21 list of exhibits, with my fingers crossed, Mr.
22 Lunn. This seems to be a Draft Recreational
23 Fishery Monitoring and Catch Reporting
24 Consultation Document from September 2004; is that
25 right?

26 MR. TADEY: It is, but I think this is the first time I
27 had seen this was in my first interview with
28 yourself.

29 Q That was something you saw through the Commission,
30 but not prior to that.

31 MR. TADEY: Yeah, that's right. I had not seen it
32 before and I haven't, other than looking at the
33 page that we reviewed, I have not reviewed it
34 since.

35 Q Okay.

36 MR. TADEY: Or looked at it since. I think just to get
37 back to your question, too, you know, I mean,
38 there isn't -- no, there isn't a season that goes
39 by that people don't raise concerns about the
40 recreational assessment that we conduct on the
41 river.

42 MR. MARTLAND: Now, it's artificial, having had a
43 witness say he hadn't seen this before the
44 Commission, but I will ask that this number 35
45 from the list please be marked as an exhibit.

46 THE REGISTRAR: Exhibit number 535.

47

1 EXHIBIT 535: Draft Recreational Fishery
2 Monitoring and Catch Reporting Consultation
3 Document, September 2004
4

5 MR. MARTLAND:

6 Q Ms. Sneddon and Ms. Adams, I'd like to put to you
7 and ask you to address some of the criticisms that
8 have been made of -- and Mr. Tadey as well -- of
9 the creel survey. In our Policy and Practice
10 Report, we've simply identified some of the
11 different kinds of criticisms that are made.
12 There are some criticisms that are made about the
13 whole methodology or approach. There are some
14 criticisms that are different in nature that seem
15 to suggest if more resources were put in, if there
16 were more surveyors and more over-flights, it's
17 not that the process is flawed but it's not done
18 in a powerful enough way.

19 Likewise, there are some who say that the
20 creel approach significantly over-represents the
21 impact of the recreational fishery, and there are
22 others who say it significantly under-represents.
23 So I'd like you to please respond to some of those
24 concerns and criticisms. Ms. Adams?

25 MS. ADAMS: So the Department's catch-monitoring
26 programs for all of our fisheries vary from
27 probably the best monitoring occurs in our
28 groundfish fisheries where we have onboard
29 observers, dockside monitoring, mandatory hail
30 out/hail in, mandatory logbooks - so that would be
31 sort of the Cadillac or the Porsche system - right
32 down to fisheries where we don't have any
33 monitoring; for instance, in the recreational
34 fishery we have limits on sand dollars and
35 starfish, but we don't monitor them at this time.

36 Then we have salmon fisheries monitoring
37 which varies for all of the different harvesting
38 groups and generally speaking, we have coverage
39 during peak times in peak areas and on peak
40 fisheries, and it really depends on the season and
41 the type of fishery we're having and the funding
42 that we have available.

43 Deb and Joe can probably speak in more detail
44 with regards to the Fraser's monitoring programs.

45 Q Thank you. Ms. Sneddon?

46 MS. SNEDDON: Right. I think it's definitely been
47 comments made around the methodology for creek

1 programs, both in the Strait of Georgia and in the
2 Fraser River. There have been a number of reviews
3 of those types of programs, scientific reviews,
4 peer-reviewed. The methodology is an accepted
5 methodology for the size and scope of fishery that
6 the recreational fishery encompasses. We're
7 comfortable with that.

8 In recent years, resources have been a
9 problem in some times. You don't have enough
10 money to do what you'd like to do. I think any
11 catch-monitoring program, whether it's
12 recreational, First Nation or commercial, some
13 resources -- additional resources could help us in
14 getting better estimates. The question is how
15 much better of an estimate? If our point estimate
16 is plus or minus five or ten percent, do you need
17 to spend a lot of money to get plus or minus five
18 percent? It doesn't make any difference in your
19 management, so those are trade-offs that we have
20 to look at when we're allocating our budgets every
21 year.

22 Questions around over-estimating, under-
23 estimating harvests, yeah, I think there's
24 definitely questions from all sectors about the
25 recreational catch and release numbers. We're
26 doing our best in order to educate people around
27 our programs. That's the main problem, is that
28 there's a real lack of understanding of how we do
29 catch-monitoring programs in all sectors.

30 We've, through a variety of forums, started
31 to - at least in the past four years - educate
32 people. So at the local Sport Fish Advisory
33 Committee meetings, I've brought out presentations
34 on both their catch-monitoring program and the
35 First Nation catch-monitoring program in the area
36 and tried to educate them. We're doing the same
37 on the First Nation side of things when we meet
38 with them. We're hoping that once they gain an
39 understanding of both the commonalities of these
40 programs and about what their own programs are,
41 there'll be more trust in those numbers.

42 Q Why do you think there is such a misunderstanding?
43 MS. SNEDDON: In some cases, it is -- if you read Joe's
44 "Creel 101", it's not the easiest document to read
45 at a presentation. It's not -- if you're a
46 layperson, it's not that easy. It's a difficult
47 topic and I think that that's part of it.

1 I think another part, at least on the
2 recreational side of things, is they're all
3 volunteers. They're committed to recreational
4 fisheries, but they are also going to a million
5 meetings about recreational fisheries and they're
6 overwhelmed with information already. The catch
7 information probably just is the lowest priority
8 as far as how they do the catch information, how
9 we assess the catch.

10 Q When you say "they", who are you referring to?

11 MS. SNEDDON: Recreational anglers, sorry.

12 Q Mr. Tadey, you hear these criticisms. You're
13 often dispatched as the "Creel 101" presenter and
14 you face these criticisms. How do you field those
15 sorts of concerns about the creel survey?

16 MR. TADEY: Concerns? I actually don't have any
17 reservations about accepting criticism or
18 concerns. I think if people are passionate about
19 it and they want to learn and understand what we
20 do, and if they learn and understand what we do,
21 they may have improvements to what we do. We are
22 certainly open and have stated on numerous
23 occasions we're open to people providing us with
24 information that's going to help improve what we
25 do.

26 Deb said it well. I have had the perception
27 from some people that this is my creel survey,
28 it's my design, it's something that I do, and that
29 can't be farther from the truth. This has been
30 developed in the Fraser, in the Strait of Georgia
31 back in the mid-'80s. It's used throughout the
32 region, this study design, or a fraternal twin of
33 this study design is used elsewhere, where you're
34 combining and collecting information in the same
35 manner and putting it together in the same manner.

36 It has been peer-reviewed. It's not only
37 used in the recreational fishery, but it's also
38 used in Fraser First Nations FSC fishery, this
39 study design. So it certainly has had opportunity
40 to be kicked around and improved on, but it
41 doesn't mean it can improve.

42 Deb also indicated, okay, how much juice for
43 the squeeze? And certainly you can throw more
44 money at an assessment, and I would argue that
45 this assessment, because of the nature of the
46 fishery in the Fraser - this is a moderate to high
47 impact fishery - the assessment dollars that this

1 fishery receives is high. It is at the high end.
2 So I believe there is a proportional amount of
3 money that's directed to assess this fishery.

4 Certainly some criticism like is it an under-
5 estimate? Well, it could be very well, because we
6 certainly don't assess certain parts of the Fraser
7 River where recreational fishing takes place and
8 Fraser sockeye can be harvested. We don't, on a
9 routinely basis, we will not -- and part of our
10 study area is not downstream of Mission bridge,
11 but people can recreationally angle for sockeye
12 downstream.

13 When we have looked downstream to determine
14 whether or not we're missing anything there, and
15 whether or not the squeeze would be worth the
16 juice, we do not, in our opinion, get results on
17 effort down there that would indicate that we
18 would need to go down there, that missing that
19 effort is significantly biasing our catch estimate
20 in a direction.

21 We were fortunate this year from where our
22 over-flight left, it was from Pitt Meadows so we,
23 this past year, routinely flew downstream of
24 Mission bridge. We routinely flew from Port Mann
25 to Mission, which is a fair chunk of the river.
26 If you look at the over-flight counts and the
27 percentage of anglers we saw down there fishing,
28 relative to the total area, for the time the
29 sockeye are moving through, it's one percent. So
30 the amount of money to assess that area would not
31 be one percent. It'd be a lot of money to assess
32 and just to get that one percent.

33 So certainly decisions are made like that.
34 Budgetary constraints mean that we don't survey
35 certain areas. So, yes, there is some validity to
36 people that might say our estimates are an under-
37 estimate because we don't survey that part. It's
38 not rolled up. We don't expand our estimate to
39 include that one percent that's fishing down
40 there.

41 Q Ms. Adams, I'll begin with you. Are there
42 particular suggestions for improving how creels
43 are conducted?

44 MS. ADAMS: I think the bigger question is catch-
45 monitoring as a whole, not just creel. Creel is
46 one methodology. We also use logbook reports from
47 different components of the fishery including

1 electronic logbooks from some of our charter
2 operators and guides. We're looking at -- as my
3 colleagues have said, what's the bar? What's the
4 level of standard that we want to cross -- all
5 fisheries -- and the Department has just released
6 a catch-monitoring framework which outlines the
7 standards that we want to look at and the risk
8 associated with various fisheries. Like I don't
9 think it's a high risk that we don't evaluate sand
10 dollar and starfish collection, but in the areas,
11 say, around moderate to high sockeye impacts,
12 yeah, we need to have some rigorous programs in
13 those areas, and we're working with the
14 recreational communities to develop different
15 programs; as I mentioned, electronic logbooks.

16 We've just been working with the Sport
17 Fishing Institute and the Province of B.C. on a
18 certified title angling guide program for marine
19 waters of which there is a catch-reporting
20 requirement in there.

21 Q The CTAG, Certified Title Angling Guide program is
22 a program that allows for certification of those
23 guides working in tidal waters?

24 MS. ADAMS: Yes, that's correct.

25 Q And could you just expand a little bit on the
26 catch-monitoring component to that?

27 MS. ADAMS: In order to be an accredited certified
28 professional angling guide in marine waters, you
29 need to pass several modules of training within
30 the accreditation program, and one of the elements
31 in that program is catch-reporting and monitoring
32 programs and submissions of information, when and
33 where asked for information. The electronic
34 logbook is one of the methods, as well as hard
35 copy logbooks that we get from lodges and charter
36 boats.

37 Q Ms. Sneddon, do you have suggestions for -- and I
38 think Ms. Adams quite properly broadened it to
39 catch monitoring, not specific to creel.

40 MS. SNEDDON: No, I think Devona covered it, and I
41 think as Joe pointed out, you have to really
42 assess whether or not putting any more money or
43 expanding an area is worth the effort. I think
44 what we need to do before we get to the point of
45 saying we need to make changes is make sure we
46 understand what our current programs are coast-
47 wide. What are our priorities coast-wide for all

1 species, before we -- and we currently don't do
2 the best of jobs at that, but we're currently
3 looking at it now. Once we determine all
4 fisheries, what are all our programs, where's all
5 our money going and where's the requirement,
6 where's the need the most, and looking at it from
7 that picture, we'll see some places where we can
8 make some change.

9 MS. ADAMS: One other area that I mentioned earlier
10 this morning was that we would like to build on
11 the electronic technologies that are out there and
12 we would like to use the licensing system to do
13 random surveys online and through different
14 possibilities of text message reports or possibly
15 catch record cards associated with it. We see
16 that being used in Washington State and other
17 jurisdictions and we think there's some merit in
18 trying that here.

19 Q Mr. Tadey, did you have any comments on the
20 question I asked about catch-monitoring
21 improvements?

22 MR. TADEY: On catch-monitoring improvements?
23 Certainly within my jurisdictional area in the
24 Fraser, there are certainly species that we don't
25 monitor as well as we might do, Fraser sockeye or
26 Fraser chinook in the Fraser main stem. The last
27 couple of years our monitoring program has been
28 truncated at October 15th. But the fishery is
29 still open and coho salmon are coming through at
30 that time. So certainly in the overall catch-
31 monitoring picture, that would be an area.

32 Tributary monitoring programs, we do conduct
33 creek surveys on the Chilliwack River which has a
34 sockeye population, Cultus sockeye. But again, we
35 start that one in September 15th and it's more
36 directed at the chinook. It's a chinook indicator
37 population, exploitation rate population.

38 So, really, there, the focus there is really
39 chinook catch, not sockeye, although we do get
40 sockeye release numbers. But we are starting
41 September 15th and sockeye are in there, Cultus
42 sockeye are in there a lot earlier than that. So
43 there's an area that's deficient for Fraser
44 sockeye. Those are two examples.

45 I think the one thing that -- and it kind of
46 links back as well to a little bit of what Deb
47 talked about, the "Creel 101" document that I

1 wrote and the complexity of that, and even that's
2 hard to understand. I do get that. I wrote this
3 document as a way -- when I first started on this
4 program, I wrote this as a way to educate myself
5 on what the creek survey was doing and how it was
6 generating an estimate. It wasn't as brief as
7 some of the paragraphs that were on other things,
8 and it wasn't as technical as the technical
9 documents that I went through to do this, and the
10 people I talked to, to write this. So it's more
11 of an intermediate step, but it took me a while,
12 yeah, to understand it.

13 So absolutely it's going to take people -- I
14 think one of the things that we're trying to do,
15 and it does take time and it does take resources
16 is the program I'm involved in, we do present.
17 The idea is to present this, and if people want to
18 understand what we are doing in the Fraser River
19 and how we are coming up with the estimate. We
20 are more than willing to provide information to
21 them, interact with them, present, have dialogue
22 with them to help them understand what we are
23 doing.

24 But that does draw resources. It does draw
25 my time, it does draw of my staff's time in order
26 to go out there and do these things. So certainly
27 more resources, we can always use it, but I think
28 the idea that Deb said is we need to identify
29 where the priorities lie. So an overall
30 assessment of what we've got, where we want to go,
31 what gaps we want to fill in order to get there,
32 what it's going to cost and start making
33 decisions.

34 Q With respect to - I'm almost concluded with my
35 questions - I'd like to go, please, to the PPR-7
36 at paragraph 12.

37 MR. MARTLAND: Perhaps Mr. Lunn can zoom in on
38 paragraph 12. That would be helpful.

39 Q Ms. Adams, this is a description of what the
40 regulations say about snares and about foul-
41 hooking. I understand that foul-hooking and the
42 retention of foul-hooked fish may be handled
43 differently in non-tidal water. Could you please
44 help us understand that?

45 MS. ADAMS: Yeah, the main difference is that anglers
46 are not permitted to retain a foul-hooked fish in
47 fresh water. In marine waters, they may be

1 trolling and in a boat and not know what has taken
2 the hook, and we do allow them to retain a foul-
3 hooked fish in marine waters and tidal waters, but
4 not in fresh water.

5 Q And that's a helpful clarification. My last
6 question, I understand Mr. Lunn has tracked down
7 number 34 on our list of exhibit. As it says --
8 Mr. Tadey, I'll direct this to you. This is
9 provided by you to Ms. Sneddon, providing
10 information on the 2009 Fraser River recreational
11 fisher; is that correct?

12 MR. TADEY: Yes.

13 Q And the context I think is set out in that
14 background, the last part of it, that Bill Ottway
15 was asked to provide written questions. He did
16 so, and this is an attempt to address concerns
17 that had been raised; is that right?

18 MR. TADEY: That's right.

19 Q By the recreational sector.

20 MR. TADEY: Yeah, in a meeting that was held between
21 Deb, myself, Devona and recreational fishery
22 representatives.

23 MR. MARTLAND: Thank you. I'll ask this become the
24 next exhibit. That concludes my questions, thank
25 you.

26 THE REGISTRAR: Exhibit number 536.

27
28 EXHIBIT 536: Information on the 2009 Fraser
29 River Recreational Fishery, November 25, 2009
30

31 MR. MARTLAND: Mr. Timberg is next, and, Mr.
32 Commissioner, I should indicate that Mr. Timberg
33 and Ms. Grande-McNeill separately had prepared on
34 the premise that we had two witnesses followed by
35 one, and they'd asked if they might divide the
36 responsibility as counsel for this evidence, and
37 I'd said we'd support them in that, given that we
38 had made that change relatively late, close to the
39 hearings, after they'd done preparation work.

40 THE COMMISSIONER: Mr. Martland, what are the time
41 estimates for in chief and cross?

42 MR. MARTLAND: The time estimates -- I don't know that
43 I've been -- Mr. Timberg, in my expectation, may
44 be close to completed or completed today. The
45 time limits for tomorrow leave us in good shape to
46 conclude the evidence tomorrow. I can add them
47 up, but I think we'll be fine with that. I'll put

1 it this way: At one point I wondered if we would
2 free up extra time in the afternoon tomorrow. I
3 don't think I can safely say that.

4 MR. TIMBERG: Thank you, Mr. Commissioner. For the
5 record, Mr. Timberg for Canada. I have
6 approximately 15 questions.

7
8 CROSS-EXAMINATION BY MR. TIMBERG:

9
10 Q So, Ms. Adams, the PPR mentions that the
11 recreational fishery for sockeye in the Fraser
12 only emerged in the mid-1980s. Could you please
13 elaborate on why that is?

14 MS. ADAMS: Yeah, it was the late to -- mid to late
15 '90s.

16 Q Oh, I said mid-1990s (sic), sorry, I misspoke
17 there. So I'll just repeat the question for
18 clarity.

19 The PPR mentions that the recreational
20 fishery for sockeye in the Fraser only emerged in
21 the mid-1990s. Why is that?

22 MS. ADAMS: There were several things that -- I guess
23 there was some activity on sockeye previous to
24 that, but it didn't really become known until
25 people, as Dev mentioned earlier, discovered this
26 bottom-bouncing technique that they could
27 encounter sockeye.

28 Also, there was a major shift in fishing
29 activity related to chinook and coho fishing, and
30 significant management measures, conservation
31 measures, were put in place for chinook and coho
32 conservation. Folks started to redirect their
33 efforts onto other species like sockeye, like
34 halibut, crab, prawn. We started to see
35 diminishing returns and poor ocean survival in the
36 Strait of Georgia, particularly related to coho
37 fishing.

38 Coho and chinook fishing, as mentioned, and
39 as outlined clearly in the salmon allocation
40 policies, coho and chinook fisheries were the
41 backbone of the recreational fishery, salmon
42 fishery in the province. That started to decline
43 and folks started to look for other opportunities
44 and sockeye became that opportunity.

45 Q Okay. Thank you. Yes, Ms. Sneddon?

46 MS. SNEDDON: Right. A couple of other things that we
47 think were -- provided people to target on sockeye

1 were the cost of marine fishing has gone up. The
2 cost to own a boat and gas and all those things
3 associated with it, with the economic decline,
4 people were more inclined to fish areas where you
5 could just drive to the edge of the river and
6 throw out a line. It was a lot cheaper to go out
7 fishing on the river than it is to go on the
8 ocean.

9 Also, the population in the Fraser Valley and
10 in Vancouver has increased dramatically since the
11 mid-'90s, and that -- we've brought in a lot of
12 anglers from other areas. You know, they've moved
13 here and they're avid anglers wanting to get out
14 into the environment and fish. So those two
15 pieces, as well as what Devona mentioned.

16 Q All right. Thank you. And --

17 MR. TADEY: Tim? Just I think the one -- did you
18 mention, as well just on that, that the sockeye in
19 the mid-'90s, the sockeye, the fishery was open in
20 the Fraser. I'm not sure if that was mentioned.
21 That it was only re-opened to the retention of
22 sockeye in 1995, so prior to that, you weren't
23 allowed to retain any sockeye.

24 Q Thank you.

25 MR. TADEY: Yeah.

26 Q Ms. Adams, can you describe what your
27 understanding is of the value of the recreational
28 Fraser River sockeye fishery?

29 MS. ADAMS: Oh, I think the value of all fisheries is a
30 hotly debated issue amongst all the different
31 stakeholders and First Nations. We've seen
32 estimates from a number of different sources that
33 have estimated the value for both freshwater and
34 marine recreational fisheries to be upward of 1.2
35 billion annually. That includes both direct
36 expenditures as well as partial investments.

37 Q And is that for the recreational fishery for all
38 species or is that directed towards Fraser River
39 sockeye?

40 MS. ADAMS: That's for all species. And I would just
41 like to add that my experience with fisheries and,
42 I would say, an area of concern is, oh, there's
43 always the debate around what the economic value
44 of the various fisheries are, and from my
45 perspective, I feel that all the fisheries in
46 British Columbia are valuable, and it's -- we
47 don't seem to have a common matrix across all

1 fisheries to measure them.

2 Because it's not just about dollars and
3 cents. It's about the social value of fisheries
4 and also the cultural value and the different jobs
5 that it creates in the economy and the communities
6 as well. It's more than just dollars and cents.

7 Q All right. Thank you. And, Ms. Sneddon, could
8 you give us an example of what a tackle shop in
9 Chilliwack would look like when the Fraser River
10 sockeye fishery is open?

11 MS. SNEDDON: All right. So as Devona pointed out, all
12 fisheries are definitely valid. Recreational
13 fishery is no different than any other, but in the
14 Lower Mainland, there's a number of major tackle
15 shops where people are going to go and get their
16 gear to go out and fish. In the Chilliwack area
17 alone, there's four shops. If you go into one
18 when there's a sockeye opening, not one -- in May,
19 but in a sockeye opening in August on a one day in
20 August, early in the fishery, they can take in
21 anywhere from 20 to \$50,000 a day in retail sales.
22 You will have a line-up of 15 people at the cash
23 register all day long.

24 Q Thank you. Ms. Adams, earlier this morning, the
25 Commissioner asked a question about how to -- how
26 he should rate or place emphasis on the various
27 DFO policies or visions or initiatives, and he
28 gave an example of a number of different documents
29 and language that DFO has used.

30 MR. TIMBERG: I was thinking that if we could move, Mr.
31 Registrar, to Exhibit 445, which is the IFMP from
32 2010/2011, and if we could move to page 13 of 233.

33 Q Ms. Adams and/or Ms. Sneddon, if you could perhaps
34 describe how the IFMP and this section on the
35 policy framework for the management of Pacific
36 salmon fisheries could assist in answer the
37 question that the Commission posed to you?

38 MS. ADAMS: Yes, it was a good question from the
39 Commissioner, and -- I mean it is confusing, and
40 one of the ways that the Department has tried to
41 reduce the confusion or at least make it a bit
42 more open and transparent was to start the
43 initiation of developing integrated fisheries
44 management plans. That started about 15 years
45 ago.

46 The reason we wanted to do it is because
47 there are so many documents. There's the

1 **Fisheries Act, Species At Risk Act**, there's Acts
2 and policies and regulations. There's different
3 directives and initiatives, and so how does one,
4 in any aspect of the fishery, try and understand
5 and make sense of it all.

6 So one of the pieces that we did was develop
7 a listing in the Integrated Fisheries Management
8 Plan of the various drivers that drive the public
9 policy and government policy and they're noted, as
10 you mentioned, in the south coast salmon IFMP and
11 it outlines the policy framework there on page 13.

12 It goes through a number of different
13 drivers. As we go through the document, it talks
14 about conservation policies, access policies, Wild
15 Salmon Policy, species at risk. The list goes on.
16 But these are all elements that, as staff working
17 on salmon fisheries, were aware of and were using
18 these to incorporate into our operationalizing
19 (sic) of this plan.

20 Deb can speak more specifically on the Fraser
21 arrangements because there's a number of specific
22 drivers and policies, regulations and processes
23 that deal with the salmon, in particular Fraser
24 Salmon -- Fraser sockeye salmon.

25 Q And I note that this section, "Policy Framework
26 for the Management of Pacific Salmon Fisheries",
27 page 13,14 and 15, provides a bit of a narrative
28 of the development of DFO's policies over the
29 years and would that be a fair estimate that
30 there's policies that have been in existence, and
31 then there's drivers as to new directions that are
32 taking place?

33 MS. ADAMS: Yes. I mean the over-arching regulations,
34 Acts, case law, international obligations under
35 treaties, a number of those are well-established
36 and have been in place for a number of years. As
37 time evolves, we have developed additional
38 policies like the Wild Salmon Policy, Selective
39 Fisheries, Catch Monitoring Policy, Salmon
40 Allocation. What we try and do in the Integrated
41 Fisheries Management Plan is try and figure out,
42 okay, we've got these over-arching policies and
43 Acts and regulations, that's nice. But how do we
44 actually make that work on the ground and on the
45 water? That's what we're trying to do through the
46 Integrated Harvest Planning, is outline what it
47 is. Then we've got some decision guidelines.

1 We talked about different decision guidelines
2 for sockeye earlier today. We try and put them in
3 one place that all the different stakeholders can
4 see in one place as opposed to rules being made up
5 in season, people not knowing what the rules of
6 the road are. That was the intent behind the
7 Integrated Fisheries Management Plan

8 In my experience, it continues. Every year
9 we add things to it. It's not that we've arrived.
10 We're continuing to build on it so this year's
11 Integrated Fisheries Management Plan will include
12 social and economic pieces in here. It's a start.
13 And that we keep doing -- every year we're adding
14 additional information as it becomes available to
15 us, so that it's open, it's there for everyone to
16 see. We're not in a back room making up the
17 policies. They're there.

18 Q Right. And, then, just for clarity, then, the
19 IFMP then is you consult with the various groups
20 annually as to the development of this plan.

21 MS. ADAMS: Yes, we do. Probably more than they would
22 like.

23 Q All right. So perhaps we -- and I just note --
24 THE COMMISSIONER: What exhibit number was that, I'm
25 sorry, Mr. Timberg.

26 MR. TIMBERG: Yes, this is Exhibit 445.

27 Q And I note on page 13, it references "Pacific
28 Fisheries Reform" announced by the Department in
29 April of 2005.

30 MR. TIMBERG: Mr. Lunn, if we could perhaps just pop
31 quickly to Exhibit 269.

32 Q Ms. Adams, can you identify this document as a
33 Pacific Fisheries Reform?

34 MS. ADAMS: Yes.

35 MR. TIMBERG: And for the assistance of the record,
36 this is the document that Jeff Grout spoke about
37 in his testimony under the commercial fishing
38 panel.

39 So going back, then, to the IFMP, if we may,
40 Mr. Registrar, if we could then perhaps turn to
41 page -- I'd like you to just sort of walk us
42 through the IFMP as to where the sections are that
43 reference Fraser River sockeye salmon. So page
44 25. This is section 3.8 on the Pacific Salmon
45 Treaty.

46 Q Again, Ms. Adams and/or Ms. Sneddon, if you could
47 walk us through the relevance of this section.

1 MS. SNEDDON: Right. So as I mentioned earlier, when
2 we'd go out and consult with the groups, we start
3 at the lowest level of the Sport Fish Advisory
4 Committee and, you know, as you see by the size of
5 this document, it's pretty challenging for us to
6 consult on every page in it. So we referenced the
7 important parts that we think they need to
8 definitely look at every year and provide us
9 advice on it.

10 One of the places we would start is s. 3.8,
11 Pacific Salmon Treaty on page 25. And so in this
12 section, it talks about what our international
13 obligations are and how we might meet them. The
14 next page talks about the Pacific Salmon Treaty
15 renewal, because we are in discussions -- I think
16 we actually might have concluded them -- on some
17 species already. But it gives an update on where
18 we're at with our negotiations with the U.S.

19 After that point, I think we go to --

20 Q Then there's section 4.1 -- or section 4,
21 "Objectives" --

22 MS. SNEEDON: Yes.

23 Q -- with 4.1 "Fishery Management Objectives for
24 Stock of Concern."

25 MS. SNEDDON: Right. So on the next page 28, it talks
26 about our concerns for Cultus Lake and Late Run
27 sockeye and it outlines how we're going to manage
28 them pre-season so there's no surprises coming
29 along, hopefully.

30 Q All right. And just so for the record, that's
31 section 4.1.2 "Interior Fraser River Coho, Lower
32 Fraser Coho and" -- straight -- oh, that's coho.

33 MS. SNEDDON: It's right below that one. It's 4.1.3.

34 Q Okay, thank you.

35 MS. SNEDDON: That's Cultus Lake and Late Run sockeye,
36 and both of those are Fraser River sockeye.

37 Q Okay. And then I understand we should move to
38 page 71 through 82.

39 MS. SNEDDON: Yes. So that's the Fraser River sockeye
40 decision guideline, so it talks, in just basic
41 terms, about how we're going to manage the
42 fisheries. We have four management groups, I'm
43 sure you've heard about them, Early Stuart, Early
44 Summer, Summer, Late. What are our constraints?
45 What are we going to do pre-season? What does our
46 forecast look like? What is our total mortality
47 going to look like? How many fish do we want to

1 see on the spawning grounds? It lays it out
2 clearly for everybody to see what our plan is,
3 what decisions we're going -- what are our
4 decision points for each stock group.

5 Q All right. And then the sockeye recreational
6 section?

7 MS. SNEDDON: Yes. So s. 7 is the "Southern B.C.
8 Fraser River Recreational Fishing Plan," and
9 specific to sockeye is s. 7.4 on page 115. It's
10 currently very skimpy in information and I
11 actually noted that as we were preparing for this.
12 We'll be bulking that up for the next version of
13 it.

14 But it does talk a little bit about we need
15 to make sure that we manage, according to our
16 conservation, our goals for Cultus, Sakinaw,
17 Nimpkish, so -- and Fraser Late Run sockeye. It
18 talks in general terms about what our anticipated
19 opportunities might be.

20 Q All right. And then we should turn finally to
21 Appendix 6 at page 179.

22 MS. SNEDDON: Yes. So there's two appendices that are
23 important to the recreational fishery. This is
24 the first one, and it's the "Tidal Water" -- no,
25 "Tidal Salmon Sport Fishing Guideline". So
26 earlier we looked at the sport fishing guide, and
27 we said, you know, maybe it might be somewhat out
28 of date at print. This is --

29 THE COMMISSIONER: Can I just -- can I just stop you
30 just for a second. I apologize, Mr. Timberg, I'm
31 sorry.

32 MR. TIMBERG: Yes.

33 THE COMMISSIONER: Just so I understand -- I believe I
34 understand -- this is the IFMP for the entire
35 fishery?

36 MR. TIMBERG: This is for the salmon, southern salmon
37 -- southern coast fishery, yeah.

38 THE COMMISSIONER: Not just the recreational fishery
39 but --

40 MR. TIMBERG: That's correct. It's an integrated
41 process, yeah.

42 THE COMMISSIONER: And just refresh my memory again.
43 Are the allocation numbers in this document?

44 MS. SNEDDON: You know what, I don't know if they are
45 in there or not. They're 95-5. I don't know --
46 there wouldn't be specific --

47 MS. ADAMS: It was referred to --

1 MR. TIMBERG: No, appendix -- sorry, we're all talking
2 at the same time.

3 MS. ADAMS: Yeah, sorry, go ahead.

4 MR. TIMBERG: Jeff Grout, end of the commercial
5 fishery, spoke about Appendix 4, and if we turn to
6 that, that's at page 169. So that's a Pacific
7 Salmon Allocation and Implementation Plan. So
8 that will be the commercial numbers, I believe.
9 Then if we're now -- these witnesses for the
10 recreational fishing are speaking about Appendix 6
11 at page 179, and so here is the recreational.

12 I believe you'll have the First Nations part
13 explained to you under the First Nations section
14 which is to come.

15 THE COMMISSIONER: It's not in here?

16 MR. TIMBERG: I believe it is, but I'm not the expert
17 on that. But the purpose of the IFMP is to
18 integrate all of the various sectors together so
19 we can pull the commercial, the recreational,
20 First Nations together. The goal, as I understand
21 it, is to consult using the same document to pull
22 people together 'cause previously I understand the
23 consultations happened separately, and that led to
24 some problems. So this is the integrated portion.

25 Q Ms. Adams, I'll ask you to elaborate on what I've
26 just said.

27 MS. ADAMS: As I was mentioning earlier, we used to
28 have separate processes with different groups, or
29 maybe no process at all, and there was concern.
30 People felt that, first of all, they didn't know
31 what each other were asking for in their fisheries
32 and they didn't understand what government's
33 objectives were or even what government's policies
34 and regulations were.

35 So that was the start of the integrated
36 fisheries management planning process, and it
37 started with salmon and it's evolved into all of
38 our major shellfish fisheries and groundfish
39 fisheries and pelagic, like herring species, as
40 well. I think it's been a good process because
41 people can see up front the policies and the
42 regulations and the Acts that are driving the work
43 that we do. Then it's up to us, as front-line
44 fishery managers, and also the different
45 harvesting sectors, to figure out, okay, how are
46 we going to take these high-level policies and
47 actually make it work when we get a run of -- a

1 return of sockeye salmon of 600,000 or we get a
2 return of 25 million. Like how will we actually
3 conduct ourselves, and that's the whole -- I guess
4 the real driver behind why we do Integrated
5 Fisheries Management Plan.

6 So we'll develop proposals individually with
7 different stakeholders and First Nations. Then
8 we'll come to the integrated harvest planning
9 meetings together with all of the stakeholders in
10 one room and we will discuss with them areas of
11 concern. We will try and find ways to resolve
12 those concerns within our fisheries management
13 planning process for the year.

14 Deb, I don't know if you want to add more
15 specifics with regards to the sockeye planning.

16 MS. SNEDDON: No.

17 MS. ADAMS: Okay.

18 MR. TIMBERG:

19 Q So the second question that the Commissioner asked
20 this morning was about decision-making and about
21 the various hats that DFO staff wear to make
22 decisions and attend at meetings, consult with
23 respect to the priority of conservation first;
24 food, social and ceremonial priority second; and
25 then the equal priority to commercial and
26 recreational fishing as set out under the
27 allocation policy. So step 1, 2, 3.

28 So I'm wondering, after we've had this
29 conversation about the IFMP process, if you could
30 describe how - I'll start with you, Ms. Adams -
31 how you, in your position, handle these various
32 responsibilities of the different priorities.

33 MS. ADAMS: We have a team of staff comprised of
34 enforcement officers, stock assessment and fishery
35 managers, and we have an area-based structure. So
36 for Fraser sockeye we have southern B.C. staff
37 that are involved from all of those different
38 areas of expertise, as well as the lower Fraser,
39 the B.C. Interior, and then regional headquarters
40 here in Vancouver, and our job is to bring forward
41 the interests of all of the parties, including
42 government's interest, and then to consider the
43 advice that we receive from the different parties
44 and make recommendations to our senior decision-
45 makers, and obviously in the region for Fraser
46 sockeye the two key decision-makers would be our
47 regional director general and our chair of the

1 Fraser River Panel.

2 Q And that's Sue Farlinger, is the regional deputy
3 general?

4 MS. ADAMS: Yes.

5 Q And then that's Brian --

6 MS. ADAMS: Barry Rosenberger --

7 Q Barry.

8 MS. ADAMS: -- is currently the Canadian chair of the
9 Fraser River Panel.

10 Q So how, then, just to further elaborate on that,
11 with the various policies as the acts, the regs,
12 and the policies as described in the IFMP, how do
13 you apply those in making your recommendations?

14 MS. ADAMS: Well, just to clarify, just stepping back,
15 the Fraser River Panel waters, their authorities
16 go up to the Mission Bridge, and they don't
17 include First Nations' food, social and ceremonial
18 fisheries, they don't have authorities over that;
19 that's the Government of Canada's responsibility.
20 Really, what we use in-season we're looking at the
21 Salmon Allocation Policy, we're looking at the
22 Salmon Treaty, we're working through the Fraser
23 Panel, and we're looking at some **Species at Risk**
24 content, and Selective Fisheries Policy, and we're
25 developing our in-season operations and conduct of
26 our fisheries based on those salmon-related
27 policies and acts and regulations.

28 Q All right. And with respect to the question
29 about, then, the various hats that people wear,
30 can you clarify -- how would you answer that?

31 MS. ADAMS: We work as a team, both area staff and our
32 regional headquarters staff, and we have a -- our
33 team is comprised of a number of different folks
34 who have different expertise. So we would have,
35 as I mentioned, our enforcement staff, we have
36 stock assessment staff, and we have fishery
37 management staff, and it's the job of those folks
38 on the front line to bring forward the interests
39 of the different First Nations groups as well as
40 other harvesters as to how they would like to
41 prosecute a fishery.

42 And we are also, obviously, checking with our
43 own government objectives around will that work
44 within the Cultus sockeye management objective, or
45 the Sakinaw sockeye management objectives, or
46 Early, Early Stuart, or Late Run sockeye
47 objectives.

1 MR. TIMBERG: Okay. Thank you very much. Mr.
2 Commissioner, do you have any further questions on
3 this topic?

4 THE COMMISSIONER: Just one very brief one, Mr.
5 Timberg. I'm grateful for you for allowing me to
6 do this. I apologize for interrupting your in
7 chief.

8 MR. TIMBERG: No.

9 THE COMMISSIONER: Just on this last couple of
10 questions you asked, if I understood Jeff Grout's
11 testimony, this document that you have on the
12 screen, the Integrated Fisheries Management Plan -
13 lots of acronyms - it goes to the IHPC for
14 discussion, but as I understand it, by the time it
15 gets to the IHPC this is all filled in, the boxes
16 are filled in, the allocation, the issues that are
17 set out in here are addressed to be discussed by
18 the members of the IHPC.

19 But at what point in this sequence is there a
20 discussion amongst the stakeholders and the DFO
21 around the general policy considerations? In
22 other words, not focusing on what this year's
23 allocation is going to be or what the TAC is going
24 to be or what the preseason forecast is; rather,
25 when do you have a discussion about, you know, how
26 should TAC be developed? What shall we do with
27 the preseason forecast? The Allocation Policy,
28 how should it be administered? Those kinds of
29 things. When does that happen?

30 MS. ADAMS: I think some of it happens at all of the
31 different consultations we have with the
32 respective harvesting groups. So when I meet with
33 the recreational fishing community, we talk about
34 some of those things. We also talk about the
35 policy, those bigger, capital "P" policy issues,
36 at the Integrated Harvest Planning meetings as
37 well. We probably don't spend as much time on
38 that as we would like, because there's this angst
39 to go fishing and let's get the plan developed.
40 And probably an area I think several people would
41 want to see more time spent on is input to public
42 policy and some of the key policies that drive our
43 fisheries.

44 MS. SNEDDON: Tim, could I add to that?

45 MR. TIMBERG: Yes.

46 MS. SNEDDON: So in recent years our communications
47 group has put together, we call it the fall road

1 show, and it's a consultation package, and it's
2 when we're trying to develop new policies or new
3 initiatives and a wide group of people go out and
4 we go to many communities across B.C., taking
5 these new policies and new discussion documents
6 out and getting feedback on them from not just
7 industry people but also from the public. And so
8 that generally is in the fall of each year.

9 THE COMMISSIONER: Thank you, Mr. Timberg.

10 MR. TIMBERG: Okay.

11 Q Ms. Adams, this morning you were asked about what
12 methods or tools would managers like to use in the
13 Fraser sockeye fishery that are not included in
14 regulations, and I think you gave an answer, as an
15 example, circle hook, and I was wondering if there
16 were there other methods or tools you would like
17 that are not presently in the regulations?

18 MS. ADAMS: We've had some suggestions from the
19 recreational fishing community, although it's a
20 fine line, they don't really like us to be in the
21 tackle box and regulate them to death, but they
22 have -- some of them have expressed an interest in
23 having a regulation that limits a certain length
24 of the leader line that is on their fishing rod,
25 which would help avoid sockeye when we don't want
26 them to even encounter a sockeye. There's also
27 been suggestions to --

28 Q Can you describe that a bit more --

29 MS. ADAMS: I probably could, yeah.

30 Q -- what the length of a leader line is?

31 MS. SNEDDON: Yeah, let me just start with the bottom
32 bouncing method. So it is, you've got a rod with
33 a line on it, you've got -- it's called a leader,
34 and it goes from basically a swivel hook, a
35 little, tiny swivel hook, out to your hook, your
36 main hook, and somewhere attached on there is a
37 weight, called a Bouncing Betty.

38 Q Now, did you bring a sample?

39 MS. SNEDDON: I did. I actually do have one, if you're
40 interested, if anybody's interested --

41 Q Can you grab it quickly?

42 MS. SNEDDON: -- in seeing what it looks like.

43 Q Is that a quick request, or is that a --

44 MS. SNEDDON: No; it's a quick request.

45 Q Okay.

46 MS. ADAMS: I could maybe just answer some of the other
47 questions.

1 Q Sure.

2 MS. ADAMS: A couple of other suggestions that we've
3 received from the recreational fishing community
4 is to do something similar to what the Province of
5 B.C. Regulations are, and that is to put in a
6 regulation where once a person has achieved their
7 daily limit of sockeye salmon, that they must
8 cease fishing immediately. So you can't continue
9 to fish even for catch and release, and you can't
10 continue to fish for Chinook; you're done. Once
11 you've got two sockeye, you're done. And I
12 observed that practice being used down in Lake
13 Washington's sockeye fishery, where they have
14 millions of anglers out on Lake Washington in one
15 day and it could turn into a real free-for-all,
16 but it doesn't, because there is this regulation
17 where once you catch your one sockeye, the line is
18 in the boat, you're done.

19 And so I know our colleagues in the Province
20 of B.C. use that regulation steelhead, and I think
21 we need to do some more -- or have some more
22 dialogue with them as to the effectiveness of how
23 that works for steelhead and whether it would be
24 appropriate to do that with sockeye in the Fraser.

25 Q And so as I understand it right now, an angler
26 could catch their two fish limit, but then
27 continue to do catch and release for the next
28 number of hours?

29 MS. ADAMS: Yes, that's correct, because --

30 Q And what's the problem with that? Or why do you
31 want to limit that?

32 MS. ADAMS: Well, I think, as we've mentioned earlier
33 today, there's times and situations where we don't
34 want them to continue fishing, we'd like them to
35 stop fishing and leave, you know, basically either
36 allow others to fish --

37 Q Right.

38 MS. ADAMS: -- and not have the release mortality. So
39 I think that would certainly be one option, but
40 there's several others that I think need to be
41 explored, and we need to have dialogue with the
42 community on.

43 Q All right. And before we turn back to Ms.
44 Sneddon, is there another one with respect to
45 limiting certain methods at certain times?

46 MS. ADAMS: I think Deb can speak to that with weights
47 and --

1 MS. SNEDDON: Yes, so the main fishing method in the
2 Fraser River for sockeye is bottom bouncer. And
3 so as I mentioned, it's a leader. Here Joe, why
4 don't you stretch that out. This is a standard
5 operation for fishing. You've got a hook with a
6 little bit of wool, so you can see it when it
7 flies back at you and doesn't get caught in your
8 face. A Bouncing Betty you tie to that end, and
9 as you throw it out in the river, that weight is
10 going to bounce along the bottom and this is going
11 to be out there, free floating, and hopefully
12 going to catch a fish through its mouth.

13 MS. ADAMS: Careful.

14 MS. SNEDDON: Yes, I don't want to hurt myself. So
15 there's three things associated with this that
16 would help us in regulating. One, is to say,
17 "Eliminate that gear type," say for a certain time
18 period you may not want them to bottom out. So if
19 you had a regulation that would say, "No bottom
20 bouncing during this time period," you could
21 implement it. We don't have that regulation,
22 currently.

23 Q And so before you move on, why would you want to
24 have a regulation to limit bottom bouncing?

25 MS. SNEDDON: Right. So let's say August of 2007 or
26 August of 2009, when our only choices, when the
27 stocks of -- when sockeye stocks did not return,
28 were to either close the fishery completely or
29 leave it open and have release mortalities, we had
30 to go to no fish -- we had to go to close the
31 fishery completely in order to reduce mortalities
32 on sockeye.

33 If we had no bottom bouncing, we could
34 continue to allow the Chinook fishing to occur,
35 because Chinook fishing is done by -- can be done
36 by a bar rig, which is you throw the line out, a
37 fish comes up and actually bites the lure, which a
38 sockeye doesn't. Chinook still feed while they're
39 in their -- I don't know if they feed; they get
40 annoyed by what they see and they actually bite
41 the lure.

42 So we would be allowing people to fish for a
43 species that's abundant, that's not of concern,
44 with a method that is selective enough for them.

45 Q And so bottom bouncing is not a selective fishing
46 technique?

47 MS. SNEDDON: I would say that it is a selective

1 fishing technique in clear water --

2 Q Right.

3 MS. SNEDDON: -- for sure. In the Fraser River, it is
4 not as selective as other methods that you would
5 be using to target other species.

6 Q And that's because of the -- the water is not
7 clear?

8 MS. SNEDDON: The water is not clear.

9 Q Thank you.

10 MS. SNEDDON: They're not seeing it. So one of the
11 things is eliminating bottom bouncing for a
12 certain period of time. The other thing is the
13 length of this leader. So people use anywhere up
14 to, you know, 25 feet. If you only had two feet,
15 that basically eliminates bottom bouncing as well,
16 because if the fish is that close to you it's
17 probably not going to be caught on your line.

18 And the third one is the size of that weight.
19 If we said, instead, they had to use a three-pound
20 weight, well, it isn't going to bounce anywhere.
21 You're going to throw it out there and it's going
22 to stay there.

23 Q Right.

24 MS. SNEDDON: So that would also eliminate it.

25 Q Okay. And presently you don't have those
26 abilities?

27 MS. SNEDDON: That's correct.

28 Q Okay. Thank you.

29 MS. SNEDDON: Joe has something to add, too.

30 MS. ADAMS: I would just add that for us to get
31 regulatory changes in place, it takes up to three
32 years to do that, so we need to make sure we've
33 got it -- what we want is definitely what's going
34 to address the problem, and then put it forward
35 and we're waiting probably for about three years
36 before it's passed to regulation.

37 Q Okay. Thank you.

38 MR. TADEY: And maybe the only thing I'll add, and I
39 hope it doesn't confuse the issue, I know some of
40 the documents talk about bottom bouncing and
41 flossing. And the reason it's called flossing is,
42 and how it's related to the length of the leader,
43 is as the cast for this sort of gear is generally
44 upstream and the leader will travel kind of
45 perpendicular to you across the river this way,
46 and as it's retrieved, that's when it -- that's
47 when the fish is hooked, and it's called flossing,

1 because as this leader is going down the river,
2 it's -- fish are moving up the river, doing this.
3 The line goes in and as it's being retrieved the
4 line goes through, and eventually you get the
5 hook, and that's why it's on the outside of the
6 mouth. So that's the reason for flossing.
7 Adjusting the leader length will prevent -- will
8 make -- less leader, less flossing, less catch, so
9 that's...yeah.

10 Q And part of the reason for the low catch and
11 release mortality, at least within a 24-hour
12 period, is that the hook is on the outside of the
13 mouth? That's one of the major factors?

14 MR. TADEY: So there's not a lot of -- with the
15 flossing technique and the hook on the outside of
16 the mouth, yes, it's the physical damage that's
17 being really assessed in that 24-hour period. I
18 mean, it could be the handling as well.

19 Q Right.

20 MR. TADEY: But yeah, it's that physical damage is more
21 -- is less on the outside of the mouth.

22 Q Thank you. Ms. Adams, can you describe the kinds
23 of -- I think we've done that, actually; I think
24 we'll move on. Sorry.

25 Again, Ms. Adams, the Vision document that
26 has been put into evidence by commission counsel
27 spoke about shared stewardship, and I was
28 wondering if you could just elaborate on what you
29 mean by "shared stewardship" and what is its
30 importance?

31 MS. ADAMS: I mean, it's basically something that we're
32 just starting to work on, and what we're trying to
33 do is find areas where, regardless of what
34 harvesting sector or group that you're with,
35 there's areas of common interest. So for
36 instance, in a lot of the freshwater areas
37 there's a common interest on water use, there's a
38 common interest on habitat at is relates to
39 salmon, and, I mean, I think other groups will
40 have probably brought forward, or will, concerns
41 about gravel, concerns about independent power
42 projects. So there's a number of groups that are
43 trying to work together regardless of whether
44 you're a First Nation person, a commercial
45 fisherman, or a recreational harvester or a
46 conservation group. There's areas like that where
47 they have common interests and they're willing to

1 work together to try and address some of those
2 common concerns. And we've seen examples of them.
3 Some of the groups Deb works with in the Fraser
4 and Squamish Watersheds have done some shared
5 stewardships, so I'll probably just pass it to her
6 to add to that.

7 Q All right.

8 MS. SNEDDON: All right, so there's a couple of very
9 good examples in the lower Fraser area. So the
10 first one would be the Squamish to Lillooet Sport
11 Fish Advisory Committee. So you've got the terms
12 of reference from that -- Devona mentioned them
13 earlier. It has generally been just a
14 recreationally-focused group. In the Squamish
15 area, in the Squamish to Lillooet area it's a
16 small community. As Devona points out, they have
17 a lot of the same interests.

18 And, at first, we had some First Nations
19 expressing some interest about coming in and
20 observing these meetings. And they came and
21 observed, and then realized, everybody realized
22 that they had a lot of things of value to
23 contribute to the discussion, and so in the end
24 they have become members of the committee. And so
25 even though they're not recreational anglers,
26 they're part of the Sport Fish Advisory Committee
27 and they're active participants and it has
28 certainly helped us in managing the fishery in
29 those areas.

30 Q All right.

31 MS. SNEDDON: Another good example is on the Chehalis
32 River with the Chehalis First Nation and the B.C.
33 Federation of Drift Fishers, and they worked
34 together, they got some, I think, some funding
35 from somewhere, and they built a fishing trail
36 that helped address some of the concerns Chehalis
37 had around recreational anglers accessing the
38 Chehalis River on their reserve, and there was
39 some trespass issues, there were some sacred sites
40 they didn't want disturbed, there were parking
41 issues, and the group worked really closely
42 together and developed some excellent fishing
43 trails and really improved relationships between
44 the recreational anglers and the First Nations
45 there in that area.

46 MR. TIMBERG: And Mr. Registrar, if we could have, from
47 Canada's Book of Documents, Tab 10?

1 MR. LUNN: Is this under recreational or stock
2 assessment?

3 MR. TIMBERG: Recreational.

4 MR. LUNN: Thank you.

5 Q While we're waiting for that to come up, do you
6 have an example about the Fraser River Salmon
7 Tables Society?

8 MS. SNEDDON: I'm not as intimately involved in the
9 Fraser River Salmon Table, but it is a group that
10 is not just recreational and First Nation, it also
11 is commercial, and they have done some work
12 together in trying to build bridges, educate each
13 other about each other's fisheries, and improve
14 relationships.

15 MR. LUNN: Chehalis Opens, is that it?

16 MR. TIMBERG: Yes.

17 Q And Ms. Sneddon, if you could identify -- is this
18 the document about the Chehalis Salmon Sport
19 Fishing trail you just spoke about?

20 MS. SNEDDON: Yes, that is. Actually, on the Fraser
21 Salmon Table there was actually -- there is
22 something else going on right now. They are
23 working with First Nations. They've got some
24 funding to look at a proposal to develop some
25 camping sites on the Fraser River, there's really
26 none on there, and they're working together right
27 now to try and build a business plan to get some
28 interest in generating something.

29 MR. TIMBERG: Okay. Thank you. And if this could be
30 marked as the next exhibit?

31 THE REGISTRAR: Exhibit 537.

32

33 EXHIBIT 537: British Columbia Federation of
34 Drift Fishers, Chehalis Opens Salmon Sport
35 Fishing Trail news release
36

36

37 MR. TIMBERG: So I'm down to four more questions here
38 -- actually, three questions.

39 Q Ms. Sneddon, this morning you spoke about the
40 Barkley Sound sockeye recreational fishery and you
41 said it's significant. I'd like you to elaborate.
42 Can you clarify what the source of the sockeye
43 salmon is in Barkley Sound? Are they Fraser River
44 sockeye salmon?

45 MS. SNEDDON: Correct. When I was talking about it, I
46 was talking about the recreational sockeye fishery
47 in B.C., and I was trying to explain that the

- 1 coast-wide cap, the five percent the recreational
2 fishery has access to, includes sockeye from all
3 different areas. So there's Barkley sockeye,
4 there's Nass sockeye, and there's Fraser River
5 sockeye. So Barkley sockeye is on the west coast
6 of Vancouver Island, it's fish returning to the
7 Somas system, and there's a couple of rivers in
8 there that they go to or lakes that they come from
9 into the Somas.
- 10 Q All right. So your first point is that under the
11 Allocation Policy, the five percent allocation is
12 coast wide --
- 13 MS. SNEDDON: Coast wide.
- 14 Q -- all species?
- 15 MS. SNEDDON: Yes.
- 16 Q All right.
- 17 MS. SNEDDON: Coast wide sockeye --
- 18 Q Coast wide sockeye, right.
- 19 MS. SNEDDON: -- coast wide chum, coast wide pink, yes.
- 20 Q Okay. So that's how that's done. And then I'd
21 like to understand more about the Barkley Sound
22 sockeye recreational fishery.
- 23 MS. SNEDDON: Right. The Barkley Sound recreational
24 fishery, again, it's not a Fraser River fishery,
25 it's a different stock completely. They don't
26 access it. The fishery takes place mostly --
- 27 Q So it's not a Fraser River sockeye salmon?
- 28 MS. SNEDDON: No. It takes place mostly in Barkley
29 Sound and in Alberni Inlet. It's a very terminal
30 fishery.
- 31 Q And the fish come from the Somas River; is that
32 correct?
- 33 MS. SNEDDON: Yeah, at Great Central Lake and Somas
34 River, yeah, sorry.
- 35 Q Right. Fair enough. You know it's not the Fraser
36 River sockeye?
- 37 MS. SNEDDON: Hundred percent not Fraser.
- 38 Q Okay. And when you say it's significant, perhaps
39 just to round out that picture, just so we know a
40 bit of the dynamics, just briefly?
- 41 MS. SNEDDON: Well, in the percentage of the five
42 percent for recreational, it's not significant.
43 In the percentage of catch within the Alberni
44 Inlet, between commercial, recreational and First
45 Nations, it, in some years, can be significant. I
46 don't have numbers, but it can be, I'd say,
47 significant, in the 30 percent range.

- 1 Q All right. Now again, Ms. Sneddon, this morning
2 you spoke about catch and release mortality
3 studies, and you said that NSERC is looking at
4 longer term catch and release mortality studies.
5 So first of all, can you describe with the acronym
6 NSERC stands for? I think it's N-S-E-R-C.
- 7 MS. SNEDDON: Right. That's the National Sciences and
8 Engineering Research Council. I do believe it is
9 a government agency that provides funding for
10 people, mainly academics, to conduct research.
- 11 Q And do you know the academic that's conducting the
12 research?
- 13 MS. SNEDDON: Right. So the long-term mortality study
14 is a fellow out of Carleton University, his name
15 is Dr. Steven Cooke, and he is looking at long-
16 term release mortalities from all fisheries.
- 17 Q Okay. So he's looking at commercial fishery,
18 recreational fishery, First Nations fishery?
- 19 MS. SNEDDON: Yeah, he's not looking specifically at
20 commercial fishery or First Nation fishery or
21 recreational fishery; he's looking at the gear
22 that is being used.
- 23 Q Okay.
- 24 MS. SNEDDON: Because some of those gears are being
25 used by multiple sectors.
- 26 Q All right.
- 27 MS. SNEDDON: And I think Joe has something to add.
- 28 Q All right.
- 29 MR. TADEY: I'd just add, yes, so NSERC is a funding
30 body and they fund generally through universities.
31 UBC is also -- Scott Hinch, Dr. Hinch, at UBC as
32 well, is in partnership with Steve Cooke out of
33 Carleton University, and the funding is given to
34 these universities. They have to engage, as well
35 be associated with a government body, like the
36 Department of Fisheries and Oceans, like us, so we
37 are involved in the study as well.
- 38 And, you know, generally they are looking at
39 release mortality. So regardless of the sector
40 that is doing the harvest, regardless of the type
41 of gear that's being used, it's release mortality.
42 They did, for the first year, focus on
43 recreational. What they are using is they're
44 trying to use -- they're trying to use DFO and a
45 lot of the work that we conduct as platforms to do
46 additional work at reduced cost, but they can also
47 do that with the First Nations fisheries as well,

1 looking at Coho mortality and a pink seine -- a
2 pink beach seine fishery.

3 So, you know, they piggybacked on the J.O.
4 Thomas study that -- pardon me? They piggybacked
5 on that study to try to leverage more information
6 out of those studies, using other techniques,
7 radio telemetry and things like that. So I hope
8 that adds.

9 Q And this study is looking at sockeye salmon; is
10 that correct? That's part of one of the species
11 they're looking at?

12 MS. SNEDDON: They're looking at sockeye, but they're
13 looking at all species.

14 Q All right. Thank you. And do you know when this
15 work will be completed, or when it started?

16 MS. SNEDDON: My understanding, it was a five-year
17 funding envelope that started in 2009.

18 Q Okay. Thank you. And my final question is,
19 perhaps for the panel, is what changes do you
20 think are needed in the recreational fishery that
21 will ensure the future sustainability of Fraser
22 River sockeye? If you've already answered that,
23 I'm just trying to give you an opportunity to make
24 sure you've provided all your recommendations.

25 MS. ADAMS: We did cover off some regulatory changes.
26 I think given the magnitude of the number of
27 participants that participate in recreational
28 fisheries in general and in particular Fraser
29 sockeye, I think we'll have a -- we will always
30 need to continue work on communication, education
31 and awareness because of the size of the group of
32 people that we're dealing with.

33 I also strongly support increased strategic
34 improvements to catch monitoring across the board,
35 and I know that we're working on those, and I
36 think that's very valuable, because you can't make
37 good decisions with poor information.

38 Deb, you might want to add a few things.

39 MS. SNEDDON: And I guess just we haven't talked too
40 much about it, but, you know, Devona was
41 mentioning the number of staff that are dedicated
42 to recreational fisheries management. It has gone
43 down since the mid '90s, and I'm not sure that's
44 the best for recreational management, but it's the
45 department -- the direction we're at now, and
46 perhaps additional resources both there and within
47 our enforcement.

1 MR. TIMBERG: All right. Mr. Tadey? I guess I should
2 leave that for my friend; I apologize. I have
3 completed my questions, Mr. Commissioner, and Ms.
4 Grande-McNeill has a few questions.

5 THE COMMISSIONER: I think we're going to adjourn for
6 the day.

7 MR. TIMBERG: All right, should we adjourn now? Thank
8 you.

9 THE REGISTRAR: The hearing is now adjourned for the
10 day and will resume at ten o'clock tomorrow
11 morning.

12
13 (PROCEEDINGS ADJOURNED AT 3:44 P.M. TO
14 THURSDAY, MARCH 3, 2011, AT 10:00 A.M.)
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1 I HEREBY CERTIFY the foregoing to be a true
2 and accurate transcript of the evidence
3 recorded on a sound recording apparatus,
4 transcribed to the best of my skill and
5 ability, and in accordance with applicable
6 standards.

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