

February 8, 2011
Cohen Inquiry Hearing
Cross Examination by Phil Eidsvik
(B.C. Fisheries Survival Coalition and Area E Gillnetters)

Starting at page 75 of the Hearing Transcript

THE REGISTRAR: The hearing is now adjourned until 2:00 p.m.

(PROCEEDINGS ADJOURNED FOR NOON RECESS)
(PROCEEDINGS RECONVENED)

PANEL NO. 17
Cross-exam by Mr. Eidsvik (SGAHC)
February 8, 2011

MS. BAKER: Mr. Commissioner, just a little bit of housekeeping. We're back with our panel, of course. Mr. Wilson may have to leave at 3:00 so I've talked to the other participants to find out how we can make sure the people 1 are able to ask him questions who want to do so, and so we'll start with Mr. Eidsvik representing the Southern Area E Gillnetters and B.C. Fisheries Survival Coalition. And then we'll follow with Ms. Gaertner and hopefully all the questions for Mr. Wilson will be completed by 3:00 and then we'll carry on with the West Coast Trollers Area G which is Mr. Watson and then the B.C. Wildlife Federation, Mr. Lowes.

MR. EIDSVIK: Good afternoon, Commissioner. My name is Philip Eidsvik, E-i-d-s-v-i-k - it's not an easy name to spell - and I'm here on behalf of the Area E Gillnetters and B.C. Fisheries Survival Coalition.

CROSS-EXAMINATION BY MR. EIDSVIK:

Q And I have a number of questions to ask the full panel members and I'm not as interested in the workings of FRSSI as I am interested in why FRSSI - and perhaps, Mr. Staley, you can help me a little bit and give us a very short history of Fraser River sockeye. Am I correct in saying we had pretty good abundance until the Hell's Gate slides?

MR. STALEY: It's believed so, yes. The data, though, is on the catch, not on the escapement. There's no escapement data from that period. Q That's true. And then we had a long period of rebuilding following the installation of fish ladders and then in about the '60s we hit another low in the early '60s?

MR. STALEY: Yes, sir.

Q *And then a fairly successful rebuilding program until about 1990?*

MR. STALEY: The abundance increased into early '90s, yes.

Q *At that time, is it fair to say that I think you were involved in management then and a number of people that we've heard so far were that fishery managers, Fraser River sockeye managers, had kind of a worldwide reputation through the '60s, '70s and '80s as doing impressive work?*

MR. STALEY: Certainly many of the -- some of the managers who were also scientists also ended up in the academic field and I think of people like Dr. Larkin, for example, and Dr. Ricker, 1 work for DFO. They sort of were world leaders in the population dynamics of salmon and recognized as such.

Q *Well, perhaps at this point I'll open it up to the panel members. What I'm curious about is why FRSSI? We had a really good fisheries management model from the '60s to the early '90s that successfully rebuilt runs and we could go back to the '40s and go to the '90s.*

Why the need for FRSSI? We didn't have FRSSI during this tremendous rebuilding period. Why the need for FRSSI? Anybody want to take a crack at that? Mr. Cass?

MR. CASS: Mr. Commissioner, I think one of the -- I mean, the history is important to understand, yes. We had come off of a good series of years in rebuilding and -- but I think times have changed recently, too, because we now have the Wild Salmon Policy, although FRSSI by a couple of years pre dates that. But certainly the thinking about how you deal with the trade-offs in a consistent way within a framework that takes advantage of the fisheries science that exists. So it -- and I think as Rob Morley had pointed out, the modelling capability is -- with fancy new desktop computers and laptops, is enhanced.

But really, I think it's a way to look at how you trade off escapement on the conservation side, but also with a need to ensure that you have escapement for future sustainability, but -- and to trade off the -- with the socioeconomic side of things. So -- but I think the main point is that it allowed for consistent assessment and evaluation of tradeoffs. I'll leave it at that.

Q *Well, I guess my point is we obviously had a lot of trade-offs through the '60s, '70s and '80s and some years we probably took less fish than we wanted to for that rebuilding effort. At the end of the 1980s we could be pretty proud that most runs were*

in much better shape than 30 years earlier, so we had a really effective fishery management model.

And what I'm trying to figure out is why we abandoned that model and now we've stepped into FRSSI? Are we trying to solve problems that happened between 1990 and eight years ago when we developed FRSSI?

MR. CASS: I guess -- I guess -- specifically, sorry, Mr. Commissioner, the existing 1 rebuilding plan, the so-called 1987 rebuilding plan, was rules based, as is FRSSI, but it was designed to at a minimum maintain escapements but also to increase escapements on the brood year, so not -- to not go backwards. And so that works okay in a situation where abundance is stable or increasing, but in the -- as in the '90s when things declined, the plan that was in place then would have been difficult to continue implementing because of declines and the inability to maintain broods as in the rebuilding phase.

Q *So what were the reasons for the declines in the '90s?*

MR. CASS: I mean, there's a list of hypotheses, if you like. Not sure you want me to go into that, but...

Q *Well, I think it's useful, because you said that FRSSI is a response to problems and declines in the '90s, so I think it's helpful if we understand what the reasons for the decline were and how FRSSI responded to those particular problems.*

MR. CASS: Yeah, I'm not sure, Mr. Commissioner, the reasons for the decline were an issue with FRSSI, although certainly within the model there needs to be some understanding or some way to develop future scenarios, if you like, or scenarios for the future but, you know, the fact is we don't know what the reasons are for the decline. There's hypotheses that are described to explain them, but the fact is it was in response to a decline and the causes of it were unexplained. And FRSSI was -- I mean, the 1987 rebuilding plan was targeted for 12 to 16 years, which takes us up to whatever that is, 2002, in that range, 2005, so it had -- that rebuilding phase had reached its limit, if you like, in terms of what initially was planned.

Q *So I think that helps a little bit, but it doesn't answer my question. I'm just trying to get why FRSSI now, what problem does FRSSI solve? And does anybody else want to take a crack at that?*

MR. MORLEY: Mr. Commissioner, I guess just to sort of expand a little bit on the sort of the history as to how we got here, I think the -- when the IPSFC was managing Fraser sockeye and setting escapement goals for that period of time of long rebuilding from the time they took over 1 management after building the fishways up through the '50s and the '60s, into the '70s and the '80s, that the general approach was one of trying to have fairly significant fisheries virtually every year, but certainly to have escapement

goals that looked at building the populations in a measured way instead of looking at sort of doubling escapement in any one population from one cycle to the next, look at a gradual increase in the escapement goal and see what the response was.

And as was indicated, there was a gradual increase in the runs over that time period. Sort of the radical departure to that kind of policy came about, I think, as it has been described in the rebuilding strategy of 1987 where Canada decided that that approach was too slow and that there were greater gains to be made by having massive increased of escapement that we would hopefully see a significant response and have increased yields to the fisheries in Canada, given that the Americans were now capped under the Salmon Treaty at a fixed total number and not getting 50 percent of whatever was caught in the convention waters.

And I think clearly what -- so that was one significant change that happened and how the stocks responded to that is you're going to hear a lot more about, I think, in the next panel on over-escapement and theories as to what the response to those massive escapements that we've been putting on the ground since then are.

But certainly that is one of the potential reasons why we have seen some of the stocks decline, in particular some of the more populous stocks like Quesnel. But then you can look at those stocks as being the ones that actually now have the lowest productivity. So it's not the small stocks that are the weak ones. It's actually the biggest ones that are currently facing the worst productivity as a result of massive over-escapement.

The -- but the other confounding factor that comes into this in terms of -- so the -- clearly the rebuilding strategy had some drawbacks, as Dr. Cass has mentioned, and it resulted in having to look to a new approach here that would be a made in-Canada approach.

So the question -- I don't think at this point, given that the escapement goals have been increased so dramatically that people were prepared to go back and look at reducing them to what they had been prior to Canada taking over management responsibilities. So we needed to have some way to analyze it.

FRSSI is a tool, but as I think we have talked about here, it is only a tool to analyze the potential impacts of different harvest rules and spawning escapements. Two other confounding factors sort of happened here in the sort of 1990s, as we started the -- well, three other factors. We started to see high water temperatures and en route losses, we started to see early entry of the late runs, and again, associated high mortalities with that.

And we had the **Sparrow** decision and a change in the allocation and a change in the amount of fishing that was taking place within the river sort of all the way from the mouth up to -- up through the canyon. And all of those things had an impact on what was happening to Fraser sockeye as they were going up towards the spawning grounds and clearly we needed to try to figure out how to develop an escapement and

harvest rule in response to all that. How they all play out and what -- where the sort of cause and effect in these things are is very difficult to sort out, but certainly -- I mean, so FRSSI's response to that, in terms of how good it is as a response to that is a question that I -- you know, I have certainly.

Q *Yes. So maybe to sum up then, we had successful fisheries management from about 1940 to 1990, had a cautious plan for escapement and FRSSI is responding to problems from 1990 onwards that Mr. Morley has given some sense of what they might be, Mr. Cass is reluctant to.*

Mr. Staley or Mr. Wilson, do you have anything to add to that? Maybe I can go to fisheries management, and I know FRSSI is an attempt to control fishing effort. Mr. Morley, I think you would agree that the lowest point in the recent history of Fraser sockeye was about the '60s.

We've gone over that. What was the traditional harvest rate in the commercial sector prior to the early 1990s? I think you've said it's about 75 to 80 percent; is that about right?

MR. MORLEY: That was the traditional total harvest rate of all commercial recreational and First Nations fisheries.

Q *And how many years would that harvest rate have been in place?*

MR. MORLEY: I mean, I think probably that harvest rate would go back to the turn of the century.

Certainly in some years when there was very low abundance and low fisheries that you wouldn't have had that harvest rate every year, but the -- and for most of the years on an average it would be in that range.

Q *And from the perspective of a fishery manager in 2010, we had a much bigger commercial fleet. Roughly how many seiners would have fished on Fraser River sockeye prior to fleet reduction?*

MR. MORLEY: I think at the maximum number of seiners, there was about -- there was over 500 seine boats.

Q *And how many now?*

MR. MORLEY: There are --

Q *If the full southern fleet --*

MR. MORLEY: The southern fleet is -- I think there's 169 licences but in terms of active vessels, I would suggest there's -- on a given year, there wouldn't be more than 130 or so.

Q *Now, any change in fishing techniques? Has it lowered the productivity rate or the seine fleet in the last, say, ten years, 15 years?*

MR. MORLEY: The seine fleet is now required to Braille all their catches, so they can't use their drums to drum in the net, and so each -- when they make a set, they have to slowly dip out a couple hundred fish at a time and sort the fish to put back live all of the non-retention species like Chinook.

Q *Any sense -- do you remember how big the troll fleet was on Fraser sockeye prior to fleet reduction?*

MR. MORLEY: I don't have it -- I mean, it's --

Q *Okay.*

MR. MORLEY: -- was --

Q *Substantially bigger?*

MR. MORLEY: Substantially -- you know, the fleet --

Q *What about -- what about gillnet --*

MR. MORLEY: The fleet is probably, you know --

MS. BAKER: Mr. Commissioner, we are having a whole section on commercial fisheries coming up as soon as we finish harvest management, and I wonder if the questions might be more appropriately saved for that period of time.

MR. EIDSVIK: Mr. Commissioner, there is a reason why I'm -- and I'll be there shortly, why I'm asking these questions. If you'd just go with me for another minute or two.

Q *And on an average opening in the Fraser River, how many gillnetters?*

MR. MORLEY: Currently?

Q Yeah, roughly.

MR. MORLEY: About 300, 400.

Q *Compared to prior?*

MR. MORLEY: Eight hundred, 900.

Q *So my point is fishery managers have a much easier job managing the commercial fleet today as compared to in the days when they had no computers, we didn't have a FRSSI model; is that fair to say?*

MR. MORLEY: I think the amount of effort in the commercial sector, the sort of fishing power, is certainly reduced from what it was and that would provide them with -- it would slow the rate of harvest down and they certainly have better technology in terms of communications and monitoring catches available to them.

Q *In the development of the FRSSI model, other than avoiding low catches, was there another model that should have been considered maybe in that?*

Because we had the low catch model, but I'm curious, we used to try and fish and catch a fair amount of fish. Was that considered in FRSSI?

MR. MORLEY: As I think Mr. Staley pointed out, the model does certainly provide the potential harvest as an output in terms of the numbers of fish that can be taken in -- from any particular run timing group in any particular year. So that, as one of the outputs, is available. It is -- currently there's nothing done with that in terms of analyzing the options per se and if you were going to look at a sort of cost benefit kind of analysis, first of all you'd want to really look at what that meant in terms of jobs and income to people and so you have to translate that, numbers of fish, into where it might be caught, what it might be worth in terms of commercial value and what the costs of accessing it might be. So it's a fairly detailed analysis that has not been attempted with -- through this model.

Q *Yes. And that brings me to the role of fish scientists in development of FRSSI models and issues like that. And, Mr. Cass, maybe you can help me.*

Is it traditional for a DFO scientist to take an advocacy position, say, for weak stock management or high escapement or low escapement or is their job to say here's what'll happen if you do high escapement, here's what'll happen if you do low? Can you fill us in a little bit on that?

MR. CASS: Yes. Mr. Commissioner, the point of the science is to be objective and to assess data and build models or platforms for analyzing data. It's -- doesn't have the role in advocacy as you questioned.

Q *Thank you. Now, for Mr. Staley and Mr. Wilson, both of you represent interest groups that have interest in the fishery. When you're a fish scientist, these groups must have*

retained you for a reason. Can you give me some assistance on that? Why would a fish group want a scientist working for them?

MR. STALEY: First of all, the organization I work for in the main right now is actually a joint First Nation/DFO organization, so it's not strictly working for First Nations in that capacity. But in other cases I have done work for individual First Nations and First Nations groups. They -- the reason they're interested is that they see that they have a role in management and they'd like, and they ask me for -- to help them understand some of the analysis that DFO is doing in -- that supports the management and that provides them explanation to them about that.

Q *So would you -- you're on the Fraser Technical Committee, I gather, the Fraser Panel Technical Committee?*

MR. STALEY: I'm on the Fraser Panel Technical Committee, yes.

Q *Any other user group on that technical committee?*

MR. STALEY: Not to my knowledge, no.

Q *In your role on the technical committee or as scientist for aboriginal groups, have you ever argued that a public fishery, commercial or recreational, should be closed to accommodate aboriginal fisheries in the river? And I'm not being critical of you, Mr. Staley. I'm just trying to understand what the role of science is in the management of the fishery and whether sometimes scientists can become advocates.*

MR. STALEY: I think I would, in some cases, point out when and if plans were being made for harvest that would not be consistent with the distribution that's set out in pre-season plans and some of that distribution of catch is directed towards First Nations, as is -- do the -- you know, the priority right that they -- that many people and they believe they have.

Q *Not disputing those at all. In the drafting of the FRSSI model or an escapement model or a weak stock management plan or a setting escapement levels, would there be, depending on how those models are set, would there be a benefit for your clients if those models were developed one way or another?*

MR. STALEY: There would be benefits, I suppose, for different groups if they were done one way or the other. Currently I work for an organization which encompasses -- on issues about where the harvest might take place, that encompasses everywhere from the marine area right up to the top of the watershed, so I think -- I don't -- I'm not there to -- which I think would probably encompass most harvesting interests or perspectives, I guess, and interests. So my role is to be as neutral as I can, at least with the FRAFS organization about where -- about those issues.

Q *Thank you. Mr. Wilson, you said that you were unhappy with the FRSSI model because you thought -- you didn't like the 60 percent number and there were some other questions about it. I'm curious. What -- is there a general acceptable level of harvest that you would say as a rule was okay if --*

MR. WILSON: No.

Q *And why not?*

MR. WILSON: Well, for example, in recent years we've seen average productivity in the Fraser decline to approximately one which is to say that there is no harvestable surplus because each spawner only reproduces itself. Under low productivity scenarios, there may be no harvest.

Q *Now, so you -- do you have an ideal escapement level then for each stock?*

MR. WILSON: Do I?

Q Yes.

MR. WILSON: No.

Q *How would you set an escapement level then? Like I'm saying Early Stuart sockeye, do you have a number or --*

MR. WILSON: No. It's not my job to set escapement levels.

Q *All on escapement levels. And do you accept that even in off-cycle years versus peak years, you're always trying to get to what we would say is a maximum escapement level then?*

MR. WILSON: We would have to have a conversation about the role of cyclic dominance and the values we were trying to promote through the management of the resource at that time.

Q *That wasn't what I asked. I asked do you believe that every cycle in every year in every stock in every year should have maximum escapement? Or do you recognize that there is ups and downs?*

MR. WILSON: I recognize that there's ups and downs.

Q *And those are natural?*

MR. WILSON: To some degree, yes.

Q *Okay. Now, do you ever believe there's any point when there's too many fish in the spawning grounds?*

MR. WILSON: That depends on your frame of reference. I think from the standpoint of the harvester's perspective, there are certainly going to be times when there's too many fish in the spawning grounds.

Q *Almost done. I'm sorry. I was distracted. What was the final bit of your sentence there, your answer?*

MR. WILSON: There are times when large spawning populations are unlikely to produce large harvestable surpluses in the future. So from the standpoint of maximizing harvest, it is possible to put too many fish on the spawning grounds.

Q *How many Fraser sockeye stocks have gone extinct in the last hundred years, do you know?*

MR. WILSON: I don't know.

Q *What kind of condition is the Early Stuart run in, as a general rule?*

MR. WILSON: Well, it's recognized as a stock of concern.

Q *And how much public commercial mixed stock fishing has occurred in that run in the last 20 years?*

MR. WILSON: You're probably asking the wrong person.

Q *Mr. Morley, do you know the answer to that?*

MR. MORLEY: Almost none.

Q *So despite no public commercial fishing, we have a run that's in trouble.*

So in other words mixed stock fisheries aren't the only determinant on whether a stock can be in trouble or not? For example, issues like habitat, water temperature?

MR. MORLEY: Well, there's a very large range of factors that affect the stock's productivity and it's matching your harvest to the available surplus, if you want to call it that, or to the productivity of the stock. It's really the art of management. I'm not suggesting that, nor have I ever suggested, that commercial fisheries were solely responsible for all the ills of Fraser sockeye.

Q *How long has the Early Stuart run been -- do you call it a stock of concern or interest or...?*

MR. MORLEY: *Well, it went into decline -- gee, I guess it's been -- in my experience, perhaps the last 15 years or so we've been worried about it.*

Q *So the last 15 years, despite no public commercial fishing, but I guess my point is you saw it as a stock of concern and virtually no public commercial fishing on it, there was no FRSSIs, there was no TAMs, but it was recognized that the stock was in -- an issue of concern and the commercial fleet didn't fish it; is that fair to say?*

MR. MORLEY: I guess it's fair to say.

Q *Thank you. Mr. Staley, I know one of your complaints about FRSSI was not enough aboriginal consideration in the model.*

What did the model people need to include an aboriginal portion to consider it in the model?

MR. STALEY: One of the things that would have been needed would be a separation of -- or an accounting for two different fisheries, at least, a minimum of more than one and currently the model only in its structure assumes that there is only one fishery.

Q *What do you mean, one fishery?*

MR. STALEY: Means there's only one harvest rate. The harvest rate isn't separated by user group or...

Q *I see. Did the aboriginal groups give the model makers a number to say this is how many fish you need to build into the model for us?*

MR. STALEY: Not in aggregate, no.

Q Can you tell me why?

MR. STALEY: No, I can't tell you why.

Q But you're their representative in this processes, aren't you?

MR. STALEY: No, I'm not representing them in the process. I'm assisting with technical aspects and trying to explain those technical aspects to them.

MR. EIDSVIK: Those are my questions, Commissioner.
Thank you.