

**COMMISSION OF INQUIRY INTO THE DECLINE OF SOCKEYE SALMON IN THE  
FRASER RIVER**

**In the matter of Her Excellency the Governor General in Council, on the recommendation  
of the Prime Minister, directing that a commission do issue under Part I of the *Inquiries  
Act* and under the Great Seal of Canada appointing the Honourable Bruce Cohen as  
Commissioner to conduct an inquiry into the decline of sockeye salmon in the Fraser River**

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**REPLY SUBMISSIONS OF THE STÓ:LŌ TRIBAL COUNCIL  
AND CHEAM INDIAN BAND STANDING GROUP on ISA v**

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**Counsel for the Stó:lō Tribal Council and  
Cheam Indian Band:**

**Tim Dickson**

Farris, Vaughan, Wills & Murphy LLP

700 W. Georgia St.

Vancouver, BC, V7Y 1B3

Email: [tdickson@farris.com](mailto:tdickson@farris.com)

Tel: 604 661 9341

Fax: 604 684 9341

**Nicole Schabus**

Tessmer Law Offices

272 Bernard Avenue

Kelowna, BC, V1Y 6N4

Email: [schabus@telus.net](mailto:schabus@telus.net)

Tel: 250 762 6747

Fax: 250 762 3163

1. These are the reply submissions of the Stó:lō Tribal Council and Cheam Indian Band Standing Group (STC-CIB) on the issue of Infectious Salmon Anaemia virus (ISAv).
2. The STC-CIB submit that the final submissions of the participant government of Canada further substantiate the concerns raised by this standing group in their final submissions on ISAv, regarding the failure to take the necessary actions to protect and conserve wild/indigenous salmon stocks.
3. The STC-CIB like many other standing groups in their final submissions on ISAv called for decisive action to be taken in relation to testing for ISAv and other pathogens, using an interdisciplinary collaborative independent scientific process, that can form the basis of decision-making and implementing immediate response measures on the ground.
4. Instead the participant government of Canada in their submissions, as early as paragraph 6, continues to promote the current approach of the CFIA in cases of suspected pathogens. This approach has to date focused all energy on trying to undermine positive findings of ISAv, rather than encouraging additional testing and research on the ground, indeed the latter has been discouraged.
5. The STC-CIB agree with the assertion of the government of Canada later in its paragraph 6 that "sound science is based on observation and study." Unfortunately this is not the approach that has been employed by that participant and particularly DFO and CFIA in this case. In light of positive findings as early as 2002, additional studies, research and testing should have been conducted, but instead all effort was focused on discrediting positive findings of ISAv and no further research was conducted.
6. Indigenous Peoples believe in an approach that is based on "observation and study", in the case of the STC-CIB participant group, the Stó:lō People have invested a lot of effort into conserving and restoring indigenous salmon stocks, such as the Cultus Lake Sockeye Salmon. The STC-CIB wholeheartedly agree with the First Nation Coalition (FNC)

submissions in para 40 "that DFO had and still has an obligation to inform First Nations about the results of Dr. Molly Kibenge's research, and to conduct further research and testing to learn more about the potential impacts of ISA virus on wild fish on which First Nations depend, including for their food, social and ceremonial needs. The fact that no one from DFO advised First Nations about the results of this research (inconclusive or not) represents a breach of the Crown's legal obligation owed to First Nations. The failure to inform also serves to undermine current efforts to develop co-management structures that must be based on a foundation of open and honest communication, a shared information base and trust."


7. The STC-CIB fully agree with this conclusion: the federal government breached their obligation to the Stó:lō People by failing to inform them about the positive ISAv findings regarding Sockeye Salmon thereby precluding them and others they work with from conducting further research on the issue in relation to Cultus Lake Sockeye Salmon. Indeed, it actively undermines efforts to co-manage and restore indigenous Fraser River sockeye Salmon stocks in their territory.
8. Indigenous Peoples very often are the first ones to make fish health related observations on the ground, notably the issue of a great number of dead fish (pre-spawning) in the Harrison River also arose and raised concern in Stó:lō territory. Yet again DFO did not inform the Stó:lō people about the ISAv positive findings, nor did they engage them in any decision-making in that regard. The STC-CIB support the recommendations that Indigenous Peoples should be involved in decision-making regarding all response activities, testing and observations on the ground.
9. The STC-CIB agree with the concerns raised by the Conservation Coalition (CC) in regard to the ongoing failure to adequately assess the presence of ISAv in BC under the respective heading in their final submissions and that an "obvious aspect missing from the CFIA draft surveillance plan is supplemental sampling and testing of stocks where ISAv has already been detected, including Cultus Lake stocks (para 2). They also agree with the points raised in regard to the additional shortcomings of the current CFIA draft surveillance plan (paras 5-12).

10. The STC-CIB agree with the submissions of the Aquaculture Coalition (AC), under its heading V, that the CFIA is not the appropriate body to deal with ISA<sub>v</sub> in wild/indigenous salmon, especially Fraser River Sockeye Salmon. They furthermore endorse the Aquaculture Coalition's recommendations 1.-5.
11. The STC-CIB agree with other participants, including the FNC, the CC, the AC, and Area B and D, to put in place an active and rigorous surveillance and testing programme in wild and farmed salmon in BC waters, for pathogens including ISA<sub>v</sub>, HSMI, parvo virus etc.. They further recommend to conduct integrated fish health research in regard to the decline of Fraser River Sockeye Salmon and to determine immediate response actions.
12. In addition to other participants' submissions who take issue with the failure of the CFIA and DFO to properly handle ISA<sub>v</sub> and disease related matters and call for independent oversight, the STC-CIB submit that First Nations as joint decision makers can serve as checks and balances and will ensure that conservation of their indigenous salmon stocks remains the first priority. This further supports the earlier recommendations made by many participants calling for joint management and decision-making with First Nations in all matters, including those related to pathogens, disease and integrated fish health management.
13. In that regard the STC-CIB want to point out that a careful review of the final submissions of the participant Government of Canada on ISA<sub>v</sub>, evidence a lack of understanding and regard for the important role First Nations can play in ensuring sustainable management of Fraser River Sockeye Salmon, including integrated fish health management. No mention is made of co-management or joint management. References to First Nations or Aboriginal Peoples are vague and scare (less than half a dozen) and are usually in the context of mention of stakeholders, "aquaculture and international partners" (e.g.: para 159) failing to recognize the special rights of and obligations owed to Aboriginal Peoples under the Canadian Constitution.
14. Indicative of Canada's failure to fully implement and live up to its obligations to First Nations is the concluding paragraph in their submissions (para. 159) "given the significance

of the wild salmon fishery to First Nations, Canada also recognizes the need **to consider** appropriate Aboriginal involvement in these monitoring and reporting programs." The government of Canada should have long considered the need for involvement of Aboriginal Peoples not just in monitoring and reporting programmes, but in fisheries management as a whole. The STC-CIB submit that Canada should have long moved to implement this on the ground by way of joint decision-making and management, including to ensure integrated fish health research and management. They further submit that if Canada had implemented such steps instead of deliberately blocking further research into ISA<sub>v</sub> and other pathogens years ago, it could have assisted in addressing the ongoing decline in Fraser River Sockeye Salmon stocks.

15. The STC-CIB therefore again urge the Commissioner to make strong recommendations regarding the crucial role First Nations as knowledge holders and joint decision-makers can play in regard to addressing the decline of Fraser River Sockeye Salmon, including studying and addressing the impacts of pathogens, such as ISA<sub>v</sub>, on their indigenous salmon stocks.

ALL OF WHICH IS RESPECTFULLY SUBMITTED:


Co- Counsel for the STC-CIB

January 3, 2012