

Appendix 6

Cohen Commission Ruling on Application to Vary Standing Brought by Douglas Treaty First Nations

1. On 15 April 2010, I released my ruling determining which applicants would be granted standing as “participants” for the Commission of Inquiry into the Decline of Sockeye Salmon in the Fraser River (the “Standing Ruling”). In the case of the applicants, Snuneymuxw, Tsartlip, and Tsawout First Nations (collectively the “Douglas Treaty First Nations”), I determined they should be part of the same participant group as the Cowichan Tribes, Chemainus First Nation, Hwlitsum First Nation, Penelakut Tribe and the Te’mexw Treaty Association (the “Western Central Coast Salish”).
2. The Douglas Treaty First Nations, by way of letter from their counsel Ms. Gaertner dated 7 May 2010, now apply for a variation of the Standing Ruling, such that they are placed in the same participant group as, and share a single grant of standing with, the First Nations Coalition instead of the Western Central Coast Salish. The First Nations Coalition, represented by Ms. Gaertner, is comprised of 10 aboriginal organizations, tribal councils, and Indian Bands.
3. As the Douglas Treaty First Nations is simply seeking to change participant groups, rather than create a new grant of standing, it does not appear that such a change raises concerns about the commission’s administrative burden or efficiencies in the hearing process. Further, I understand from Ms. Gaertner’s request that the other members of the First Nations Coalition are content with this addition to their standing group. Moreover, there does not appear to be any adverse effect on the Western Central Coast Salish as a result of having one less joint participant in that standing group.
4. For all these reasons, I am prepared to grant the Douglas Treaty First Nations’ request. I order that the Standing Ruling be varied such that the Douglas Treaty First Nations are now part of the First Nations Coalition.

Signed ____ May 2010

The Honourable Bruce I. Cohen, Commissioner

[Original signed by Commissioner 11 May 2010]