

Notice for standing and funding

The Honourable Justice Bruce Cohen has been appointed as Commissioner to conduct an inquiry into the decline of sockeye salmon in the Fraser River in British Columbia. The Commissioner will convene hearings to investigate, review, and report on the issues identified in the Cohen Commission's Terms of Reference. (The Terms of Reference are available at www.cohencommission.ca).

The commission will facilitate public input and discussion, and as its work progresses, specific opportunities will be described at the website noted above. Likewise, the commission's mandate will be of interest to many in the scientific and fisheries communities; there will be various avenues for involvement and we invite such persons to continue to check the website for information about participating without a formal grant of standing.

Any person (individual, group, government, agency, institution or other entity) seeking to participate formally in the commission's hearings is asked to submit an application as follows:

- The federal Department of Fisheries and Oceans is not required to apply and has standing, given the Terms of Reference for the commission.
- All other applicants must apply in writing by email, fax or regular mail **before 4 p.m. on 10 March 2010**. Applications may be submitted by delivery to Suite 2800, PO Box 11530, 650 West Georgia Street, Vancouver, BC, V6B 4N7; by email to cathy.stooshnov@cohencommission.ca, by fax to 604 658 3644 or 1 877 658 2809. Email delivery, in .pdf format, is preferred.
- Applicants must demonstrate that they have a substantial and direct interest in the subject matter of the inquiry.
- Relevant considerations include:
 - the nature and extent of the applicant's rights or interest;
 - why standing is necessary to protect or advance the applicant's rights or interest;
 - whether the applicant faces the possibility of adverse comment or criticism with respect to its conduct;
 - how the applicant intends to participate, and how this approach will assist the commission in fulfilling its mandate;
 - whether and how the applicant's participation will contribute to the thoroughness and fairness of hearings;
 - whether the applicant has expertise and experience relevant to the commission's work;
 - whether and to what extent the applicant's perspective or interest overlaps or duplicates other applicants'; and

- whether the applicant may participate in another capacity — for example, a research body which may be otherwise consulted by the commission, or a witness who may testify — instead of being granted formal standing.
- Where applicants have shared interests or a similar perspective in the subject matter of the inquiry, they should make a single application for standing, identifying those persons whose interests are reflected in the application. The Commissioner may make a grant of standing conditional upon such cooperation.
- Those granted standing are expected to cooperate fully with the commission, including by providing all relevant materials and documents to commission counsel. Participants must comply fully with the commission's Rules of Procedure and Practice.
- The commission's Rules for Standing and Funding, and Guidelines for Applications for Standing and Funding, are posted on the commission's website, and govern the process for standing and funding recommendation. The website should be reviewed for additional information, in particular the "Standing and Funding" page.
- The Commissioner is authorized to consider funding for legal counsel for a participant. The Commissioner does not approve funding, but may recommend to the Clerk of the Privy Council that funding be provided, in accordance with terms and conditions approved by the Treasury Board.
- Applicants seeking a recommendation for funding must, in addition to being granted standing, demonstrate that they do not have sufficient financial resources to participate in the inquiry without assistance. This shall include providing sworn evidence (an affidavit), describing the applicant's financial position, and addressing any other sources of funds received or to be received by them.

The commission will open its hearings on **23 March 2010, at 10 a.m.**, at which time applications for participation and for funding recommendation may be heard, as necessary. (Applications will be determined on the basis of written applications, unless the Commissioner determines that oral hearings are necessary.) The hearings will take place at the Federal Court facility, 8th floor, 701 West Georgia Street, Vancouver, BC.