

Clerk of the Privy Council and
Secretary to the Cabinet



Greffier du Conseil privé et
Secrétaire du Cabinet

Ottawa, Canada
K1A 0A3

August 31, 2011

The Honourable Bruce Cohen
Commissioner
Commission of Inquiry into the Decline
of Sockeye Salmon in the Fraser River
Suite 2800, PO Box 11530
650 West Georgia Street
Vancouver, British Columbia
V6B 4N7

Dear Commissioner Cohen:

I write in response to your letter of August 10, 2011, in which you set out your recommendations for funding the BC Fisheries Survival Coalition and Southern Area E Gillnetters Association for the 2011-2012 fiscal year.

In considering your proposal, I note that it respects the global funding levels established for the 2011-2012 fiscal year, is consistent with the terms and conditions of the Contribution Program, and has been calculated on the same basis as your proposals for the 2010-2011 fiscal year.

In sum, then, I am pleased to accept your recommendations as set out in your letter and the attachments thereto.

I trust that this is satisfactory and I wish you well in your continuing work.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Wayne G. Wouters".

Wayne G. Wouters



August 10, 2011

Via Email

Mr. Wayne G. Wouters
Clerk of the Privy Council and Secretary to the Cabinet
Privy Council Office
Office of the Clerk of the Privy Council and Secretary to the Cabinet
Langevin Block, 80 Wellington Street
Ottawa, Ontario K1A 0A3

Dear Mr. Wouters:

**Re: BC Fisheries Survival Coalition and Southern Area E Gillnetters Association
(BCFSC/Area E)**

**Recommendation for Changes to Participant Funding Arrangements under the
Contribution Program for Cohen Commission**

On 12 May 2010 (as amended 19 May 2010), I recommended that certain participant standing groups be granted funding for legal fees in order to participate in the Inquiry (the "Initial Recommendation"). On 9 June 2010, you advised that the Government of Canada had granted funding as I had recommended, in accordance with the terms and conditions of the Treasury Board Contribution Program, to a maximum limit of \$3,423,200. During the 2010-2011 fiscal year, I recommended, and the Government of Canada approved, some adjustments to the Initial Recommendation in respect of a few participant groups, none of which resulted in an increase in cost to the Contribution Program.

On 8 March 2011, I recommended further adjustments under the Contribution Program for the past fiscal year (2010 – 2011), as well as additional funding for the current fiscal year (2011 – 2012). I also advised that I deferred making a recommendation for additional funding in respect of the participant group BC Fisheries Survival Coalition/Area E Gillnetters Association, as this participant group's initial legal counsel (David Butcher and Anila Srivastava) had withdrawn and the group was without legal counsel at that time.

Subsequently, this participant group retained new counsel and applied to me for a recommendation for funding for their new counsel.

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On March 25, 2011, the participant group retained Ms. Kerry-Lynne D. Findlay, Q.C., as their senior counsel. However Ms. Findlay was elected in the recent federal election as the Member of Parliament for Delta-Richmond East. As a result, the group replaced her with Angiola-Patrizia De Stefanis. Ms. Findlay worked an estimated 10 hours (at \$340), for a total of \$3,400, on this file.

The participant group seeks funding for Ms. Findlay for the period she acted for it and for Ms. Angiola-Patrizia De Stefanis, Ms. Sara Levine and Ms. Jennifer Woodruff for the balance of the hearings. Ms. Levine will be acting as senior counsel during the month of August 2011, while Ms. Angiola-Patrizia is away from the office. Ms. Woodruff will be the new junior counsel.

This group also applied for an allocation of funding for three paralegals. I am unable to make a recommendation to that effect, as the group did not establish extraordinary circumstances to justify funding beyond the standard one senior and one junior counsel.

I am recommending funding for this participant for the fiscal year 2011-2012 up to 636 hours of legal work. This calculation of hours is based on the participant's standing and uses the same formula that was used in my funding recommendations for the 2010-2011 fiscal year. This recommendation provides for funding to cover the following legal expenses of this group:

1. Work performed to date by Ms. Findlay, as outlined above;
2. Work performed by Ms. De Stefanis and Ms. Woodruff for the period of April 27 to July 31, 2011;
3. An allocation of 555 hours for the remainder of the fiscal year based on the participant's standing and the number of scheduled hearing days remaining; and
4. A reasonable amount for legal disbursements and travel.

The division of hours, into specific categories of work, for senior and junior counsel are set out in the enclosed table, "Recommended Funding for 2011-2012". I have also attached a "Supplementary Recommendation for Recipient Funding Checklist" which identifies the breakdown of funding for each fiscal year. There are funds remaining in the participant's 2010-2011 allocation which offset the total amount recommended for 2011-2012.

I look forward to your reply concerning this recommendation.

Sincerely yours,



Bruce Cohen
Commissioner

Enclosures

Note: The financial details for each recipient in the Commissioner's supplementary recommendation for funding approved by the Privy Council Office are not included here to protect the confidentiality attaching to the financial information of the applicants for funding. The following tables, however, summarize the number of counsel hours underlying the approved recommendation for each participant.

**Southern Area E Gillnetters Association and the BC Fisheries Survival Coalition, SALM-CA-11
Fiscal Year 2010/11**

Activity	Hours for Senior Counsel	Hours for Junior Counsel
Preparation for hearings; Interviews; Meetings and other occasions deemed necessary by the Commissioner; Preparation of submissions; Review of materials	178	484
Attendance at hearing	100	53
Application for Standing	10	0
Release of interim report	5	0
Release of final report	0	0
Total:	293	537

Fiscal Year 2011/12

Activity	Hours for Senior Counsel	Hours for Junior Counsel
Preparation for hearings; Interviews; Meetings and other occasions deemed necessary by the Commissioner; Preparation of submissions; Review of materials	136	385
Attendance at hearing	72	38
Application for Standing	0	0
Release of interim report	0	0
Release of final report	0	0
Total:	208	423

Fiscal Year 2012/13

Activity	Hours for Senior Counsel	Hours for Junior Counsel
Preparation for hearing; Interviews, Meeting and other occasions deemed necessary by the Commissioner; Preparation of submissions; Review of materials	0	0
Attendance at hearing	0	0
Release of interim report	0	0
Release of final report	5	0
Total:	5	0