

**Cohen Commission**  
**Ruling on Application to Vary Standing**  
**Brought by Laich-kwil-tach Treaty Society and Heiltsuk Tribal Council**

1. On 15 April 2010, I released a ruling in which I determined, *inter alia*, that various applicants would participate by joining with others in participant groups (the “Standing Ruling”). Since then, I have issued two additional rulings arising from difficulties within one participant group — that being the Laich-kwil-tach Treaty Society (“LKTS”), Aboriginal Aquaculture Association (“AAA”), Chief Harold Sewid, and Heiltsuk Tribal Council (“Heiltsuk”). It has become apparent that the difficulties within this participant group are such that it is not feasible for them to pool resources and share counsel as a single participant.
2. I appreciate that counsel have given their best effort to overcoming these difficulties, but that they have been unable to resolve them. Reluctantly, I accept that this participant group is not working; conflicts within the group are a distraction from the substantive issues arising in this inquiry.
3. In light of this, I am prepared to grant the application to sever the Heiltsuk from this participant group, which results in the Heiltsuk obtaining individual standing as a participant.
4. I am gratified by the extent to which so many of the persons before the commission have worked together in participant groups, even when those alignments were not of their choosing. I am slow to take a step that may impair the efficiency of the commission by adding a further participant, and I expect all participants to pursue the issues of significance to them efficiently, working with other participants wherever possible and ensuring there is no duplication of effort.
5. I order that the previous participant group (LKTS, AAA, Chief Sewid and Heiltsuk), be split into two groups: (1) the LKTS and AAA along with Chief Sewid; and (2) the Heiltsuk.
6. Each of these new participant groups will receive a share of the funding allotted to the original group. I do not recommend additional funding as a result of this ruling.
7. In my original funding recommendation, I recommended 421 senior-counsel hours and 749 junior-counsel hours to the standing group as a whole, as well as an additional 195 counsel hours so that the Heiltsuk could participate separately on the topic of aquaculture (see my Funding Recommendations Summary, released 9 June 2010, at para. 51: [www.cohencommission.ca/en/Rulings.php](http://www.cohencommission.ca/en/Rulings.php)).
8. I have determined that it is appropriate to divide the hours that were approved for the original participant group to reflect that the majority of the joint participants remain in

one participant group, but that the Heiltsuk now form a distinct participant group. Accordingly, I have allocated 2/3 of the hours approved for the original participant group to the new participant group comprised of the LKTS, AAA and Chief Sewid, and 1/3 to the Heiltsuk as set out in the tables below. The combined total hours is the same as the hours previously allocated for the original participant group. I similarly have determined that the funding for disbursements and travel costs should be divided in the same manner (i.e., a 2/3 and 1/3 split). The funding cost to the contribution program is the same despite the dissolution of the original participant group.

**(1) LKTS, AAA and Chief Sewid**

Activity	Hours for Senior Counsel	Hours for Junior Counsel
Preparation for hearings	38	144
Attendance at hearings	108	56
Interviews	18	72
Meetings and other occasions arranged or deemed necessary by the Commissioner	50	50
Preparation of submissions	20	72
Review of materials	50	192
Application for standing	30	n/a
Release of interim report	5	n/a
Release of final report	5	n/a
<b>TOTAL:</b>	<b>324</b>	<b>586</b>

**(2) Heiltsuk Tribal Council**

Activity	Hours for Senior Counsel	Hours for Junior Counsel
Preparation for hearings	19	72
Attendance at hearings	54	28
Interviews	9	36
Meetings and other occasions arranged or deemed necessary by the Commissioner	25	25

Activity	Hours for Senior Counsel	Hours for Junior Counsel
Preparation of submissions	10	36
Review of materials	25	96
Application for standing	10	n/a
Release of interim report	5	n/a
Release of final report	5	n/a
TOTAL:	162	293

Signed 23 August 2010



The Honourable Bruce I. Cohen,  
Commissioner