

Commission of Inquiry into the Decline of
Sockeye Salmon in the Fraser River



Commission d'enquête sur le déclin des
populations de saumon rouge du fleuve Fraser

Hearing for Standing

Audience relative au statut de
partie intéressée

Commissioner

L'Honorable juge /
The Honourable Justice
Bruce Cohen

Commissaire

Held at:

Room 801
Federal Courthouse
701 West Georgia Street
Vancouver, B.C.

Tuesday, March 23, 2010

Tenue à :

Salle 801
Cour fédérale
701, rue West Georgia
Vancouver (C.-B.)

le mardi 23 mars 2010

APPEARANCES / COMPARUTIONS

Mr. Brian J. Wallace
Mr. Brock Martland
Ms. Kathy Grant

Senior Commission Counsel
Associate Commission Counsel
Junior Commission Counsel

Mr. Irvin Figg
Mr. Paul Kandt

Fraser United Fishermen and Allied
Workers' Union

Mr. Keith Oliver

Mr. James Walkus
Chief Harold Sewid

Mr. Jack Emberly

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Opening Remarks / Observations préliminaires

1 Vancouver, B.C. / Vancouver (C.-B.)
2 March 23, 2010 / le 23 mars 2010
3

4 THE REGISTRAR: Order. The Cohen Commission of Inquiry
5 is now open to hear applications for standing.
6 Commissioner Cohen is presiding. Thank you.

7 THE COMMISSIONER: Mr. Wallace.

8 MR. WALLACE: Good morning, Mr. Commissioner. Bonjour.
9 I am Brian Wallace and I am Senior Commission
10 Counsel, for the record.

11 Mr. Commissioner, this morning's hearing is
12 established by the invitation of Commission
13 counsel to a number of applicants who have applied
14 for standing before this Commission of Inquiry.
15 Those who Commission counsel invited today are
16 those that we thought should have the opportunity
17 to provide you with more information on the nature
18 of their direct and substantial interest in the
19 issues within your terms of reference.

20 I'd like to thank those who have attended
21 this morning.

22 I wonder if I might just take a moment, Mr.
23 Commissioner, to remind everyone just very briefly
24 of what your terms of reference are for this
25 inquiry.

26 They're set out in an order-in-council.
27 They're posted on our website, and just in
28 slightly summarized form they are:

- 29
30 - to review and assess previous
31 investigations, inquiries and reports and
32 the Government's responses to those
33 reports
34 - to consider DFO policies and practices
35 with respect to sockeye salmon fishing in
36 the Fraser River, including scientific
37 advice, fisheries policies and programs,
38 risk management strategies, departmental
39 resource allocation and fisheries
40 management practices and procedures, and
41 those practices and procedures to be
42 considered include monitoring, counting of
43 stocks, forecasting and enforcement
44

45 The third head, Mr. Commissioner, of your
46 terms of reference are:
47

Opening Remarks / Observations préliminaires

- 1 - to investigate and make independent
2 findings of fact regarding the causes of
3 the decline of Fraser River sockeye salmon
4 including the impact of environmental
5 changes along the Fraser River, marine
6 environmental conditions, aquaculture,
7 predators, diseases, water temperature,
8 and other factors that may have affected
9 the ability of sockeye salmon to reach
10 their traditional spawning grounds or to
11 reach the ocean, and to make findings of
12 fact regarding the current state of the
13 Fraser River sockeye salmon stocks and the
14 long term projections for those stocks
15

16 And finally:

- 17
18 - to develop recommendations for improving
19 the future of sustainability of the
20 sockeye salmon fishery in the Fraser
21 River, including, as required, any changes
22 to the policies, practices and procedures
23 of the DFO in relation to the management
24 of the Fraser River sockeye salmon
25 fishery.
26

27 Mr. Commissioner, the purpose of this hearing
28 is to provide you with further submissions to
29 assist you in determining to whom you should grant
30 standing before this Inquiry and on what basis.

31 Some applicants have also applied to you for
32 a recommendation to the Government of Canada for
33 funding for legal representation before the
34 Commission. This hearing is not for the purpose
35 of making submissions on funding. Rather, I
36 understand that if you believe you should learn
37 more about an applicant's financial circumstances
38 to support an application for a funding
39 recommendation, you will invite those applicants
40 to appear before you individually.

41 With those brief opening remarks, Mr.
42 Commissioner, I have asked two of my colleagues,
43 Mr. Brock Martland and Ms. Kathy Grant, to conduct
44 as Commission counsel the hearing this morning.

45 Thank you.

46 THE COMMISSIONER: Mr. Brock Martland. Thank you.

47 MR. MARTLAND: Mr. Commissioner, and for the record,

Opening Remarks / Observations préliminaires
Presentation by Mr. Figg and Mr. Kandt /
Présentation par M. Figg et M. Kandt

1 Brock Martland, M-A-R-T-L-A-N-D. I am one of the
2 associate Commission counsel for this matter.
3 With me is Kathy, with a K, Grant, who is junior
4 Commission counsel. What I propose to do, Mr.
5 Commissioner, is simply to try to assist the
6 process today by introducing the three applicants
7 or groups that are before you for this appearance.
8 We've allocated roughly twenty minutes' time per
9 applicant, and I'll keep an eye on the clock if
10 that's a concern. I don't expect frankly that it
11 will be.

12 By way of overview, there are three appearing
13 before you. First, the United Fishermen and
14 Allied Workers' Union with its president, Irvin
15 Figg, and Paul Kandt are present here today to my
16 immediate left. They'll be addressing you first.

17 Following that, Keith Oliver, who is counsel,
18 who is next along the line, if you will, counsel
19 for James Walkus and Chief Harold Sewid. I may be
20 mispronouncing the chief's last name. If so, I
21 apologize. He'll be addressing you next.

22 And following that, Jack Emberly is present
23 and will be addressing you. He is described in
24 his application as a non-aligned citizen.

25 So with that I'll simply invite Mr. Figg and
26 Mr. Kandt to address you, please.

27 THE COMMISSIONER: Thank you.

28 MR. FIGG: Good morning, Mr. Commissioner.

29 THE COMMISSIONER: Good morning.

30
31 PRESENTATION BY MR. IRVIN FIGG AND MR. PAUL KANDT /
32 PRÉSENTATION PAR M. IRVIN FIGG ET M. PAUL KANDT
33

34 MR. FIGG: I'm Irvin Figg. As you know, I'm president
35 of the United Fishermen and Allied Workers' Union,
36 which is a local of the Canadian Auto Workers.

37 Thirty-three years ago I came out to this
38 coast and got a job as a carpenter at what was
39 then the largest salmon cannery in North America.
40 I started in the beginning of August, peak Fraser
41 River sockeye season. It was a village of over
42 1,200 people on two shifts for six weeks without a
43 day off, totally something that I'd never seen
44 before. People there came to work in a fish plant
45 and spent their lives, got married, raised their
46 families, bought a house -- a really good job.
47 Fishermen did well. It was a wonderful place to

Presentation by Mr. Figg and Mr. Kandt /
Présentation par M. Figg et M. Kandt

1 work.

2 And in a relatively short period of time, it
3 appears that we've come down to this. Not that
4 many fishermen are still fishing, still in that
5 fleet. The processing business has basically
6 consolidated over and over again, restructured so
7 many times we can't keep count. People who used
8 to make a living off of salmon in this province
9 can't do it any more. I see people in the three
10 processing plants that we represent and the one
11 cold storage -- Fraser River sockeye used to be
12 the number one driver for their incomes in a year.
13 Now it's just barely a memory.

14 Most members that we have left, you know, are
15 kind of, well, like me, older, been around for
16 quite some time, still hanging in there. We
17 remember the good times. We want to be in this
18 industry. They all want to be in this industry.
19 But they've all had to change. They've suffered
20 pretty severe financial consequences over the last
21 fifteen years in particular. People have left the
22 business in droves. Those of us left, though,
23 they've done their best to make their lives and
24 have totally changed their lives, but kept their
25 interest in the fishing industry, which primarily
26 in the salmon companies and fleets used to always
27 have Fraser River sockeye as a primary driver in
28 every year.

29 But now it's not that way. However, when
30 there's an opening we go fishing. And when
31 there's fish in the plant, we go to work. So we
32 hang on.

33 And do we have an interest in this? I'd have
34 to say that my most direct interest is in
35 particular, over the last twelve to fifteen years,
36 our members in all three sections of our
37 membership have asked the leadership of the union
38 a myriad number of questions. We in turn have
39 asked those questions, tried to find answers, and
40 frankly we've met with very little success. And I
41 can't tell you how pleased we are that this
42 process is now in place and it's getting under
43 way, and we hope to fully participate in this.

44 I'd like to turn this over to my colleague,
45 who is a long-time union member and activist,
46 former member of our general executive board, and
47 still one of those guys that is a Fraser River

Presentation by Mr. Figg and Mr. Kandt /
Présentation par M. Figg et M. Kandt

1 gillnetter, Paul Kandt.

2 THE COMMISSIONER: Thank you, sir.

3 MR. KANDT: Mr. Commissioner, my name is Paul Kandt.

4 I'm a third generation commercial fisherman and
5 proud to be it. I followed my father, who
6 followed my grandfather into the business. I had
7 a cousin who was lost at sea and an uncle who's
8 retired in the business. I guess I'm the last of
9 our generation and I'm hoping I'm not the only one
10 that'll continue in my family in the business, but
11 it's looking very grim.

12 I think I wanted to come up here and
13 embellish on our written submission, primarily
14 probably point number two, where we talk about the
15 union and its long-standing committee, the Fraser
16 River District Council, which I've been a member
17 of since I began fishing in 1979 and my father was
18 before me. We've always had a real concern over
19 Fraser River and primarily sockeye, which is the
20 mainstay of our industry.

21 We've had people that have participated from
22 our Fraser River District Council and our locals
23 that have been on the Salmon Commission as panel
24 members. Edgar Birch, who's left us, deceased
25 now, was one of our primary fellows that would
26 keep us in tune and back and forth. We were
27 always concerned about where the stocks were and
28 openings and what our future was and treaty
29 negotiations et cetera. We've had Russ Nugent as
30 well, and Terry Lubzinski, still alive. We've got
31 these people within our organization that -- I'm
32 only one of the people that want to be represented
33 in these hearings and participate and bring our
34 input.

35 We have important information, our logbooks.
36 We have fishermen that fished all the way from the
37 North Island all the way through the Johnstone
38 Straits, and great knowledge from Canoe Pass right
39 to the Mission Bridge. We have members that have
40 fished every opening and every chance they get,
41 logbooks, historic knowledge, personal knowledge,
42 and they've always been involved in the fishery,
43 not just because it's a livelihood but a real
44 concern for the future of the industry and the
45 future of the stocks. And we've always taken
46 every opportunity as members to participate in any
47 reviews of the industry and of the stocks, and we

Presentation by Mr. Figg and Mr. Kandt /
Présentation par M. Figg et M. Kandt

1 want to be part of that continuing trend.

2 We have the local knowledge, like I've
3 referred to. We've fought for the right to do
4 that and we want to be part of that again. We see
5 many issues. We've even seen things -- over
6 thirty years ago we sent a team to Norway of our
7 membership to see what was going on with fish
8 farms there. So we feel that we've always been
9 ahead of what we think are problems. We bring to
10 light issues such as the Moran Dam and the Kemano
11 Completion Project. We've had members involved in
12 trips to spawning grounds: Rivers Inlet, Chilko,
13 Horsefly, Adams River surveys. We've analyzed
14 them in our own annual conventions.

15 And we feel that we've -- you know, we're
16 part of the community. Our community is directly
17 involved by the health of the resource and our
18 livelihoods. And there's less and less of us all
19 the time, but we do have a genuine concern and we
20 do have historical knowledge that may not be able
21 to come from other sources, and we think that we
22 could be a participant to this and add a different
23 view that may be not shown in written documents
24 and other places. And we may have alternate views
25 that could help the Commission in reaching a
26 conclusion and finding solutions perhaps to where
27 the problems lie. And we feel that we're probably
28 one of the groups that are the most directly
29 affected.

30 I guess we kind of want to know what would be
31 your expectations of us to be part of the
32 participation of this Commission.

33 THE COMMISSIONER: Thank you, sir. I wonder if you'd
34 be kind enough just to remain there, and counsel
35 may have some questions for you. And if you'd be
36 gracious enough to be patient with us --

37 MR. KANDT: Sure.

38 THE COMMISSIONER: -- and answer those questions, we
39 would appreciate it. Thank you.

40 MR. MARTLAND: Mr. Commissioner, I do have some
41 questions. And I know that if this were an
42 ordinary courtroom or the House of Commons, my
43 questions would go through you. If it's
44 agreeable, I may simply pose them and invite Mr.
45 Kandt or Mr. Figg to try to address those through
46 you.

47 THE COMMISSIONER: Yes, of course.

Presentation by Mr. Figg and Mr. Kandt /
Présentation par M. Figg et M. Kandt

1 MR. MARTLAND: First, I really appreciate the
2 submissions that have been made today and they're
3 helpful. If I might pick up, Mr. Kandt, one of
4 the points that you made is really that you feel
5 that the union has different views and perhaps
6 views that aren't reflected in the sort of
7 ordinary stream of documents and reports and so
8 forth. Is that something you might be able to
9 expand on as to how the union's perspectives and
10 views are different?

11 MR. KANDT: I think that we -- you know, we have annual
12 conventions and we have meetings and we talk
13 amongst ourselves and we -- I mean, one of the
14 things that we were thinking of how we would react
15 to this is we'd hold meetings within our
16 membership to find out if we -- we'd take
17 questions back to our membership and get views of
18 our members. I mean, not just have one person up
19 here talking but to go back to the membership and
20 come up with what the membership knowledge is and
21 go more globally than one person expressing it.
22 So it's trying to represent many of us and better
23 views. Maybe Irv can --

24 MR. FIGG: If I may, the one thing about us is we
25 represent people in all three gear types in the
26 salmon, okay? And within a union, we represent
27 fishermen, shore workers and packing crews, right?
28 And there's not a year goes by that there are not
29 competing interests from all of these groups, and
30 we have a long history of banging each other's
31 heads together, right?, before season, to get all
32 of this sorted out, which I think gives us a
33 unique perspective on the resource.

34 Our fishermen choose to join the union,
35 right? Nobody forces them. They don't have a
36 deduction made if they don't want to, you know.
37 They choose. And my experience as just a shore
38 worker -- I'm not a fisherman. My experience is,
39 though, these guys, our membership, do it out of
40 far more different reasons than just making a buck
41 and the economics of the fishery.

42 MR. MARTLAND: Can I equally pick up on the point about
43 the logbooks. I'd be quite curious to learn a
44 little bit more about the logbooks and how it is
45 that that would be helpful, what might be involved
46 in actually collecting them. I don't know if
47 that's a really onerous type of task.

Presentation by Mr. Figg and Mr. Kandt /
Présentation par M. Figg et M. Kandt

1 MR. KANDT: It would probably be onerous, but we could
2 collectively come up with -- you know, people keep
3 track of the timing of runs, although there
4 is -- you know, the Salmon Commission does have
5 their own timing. But we do, you know -- our
6 members do track this in their own records and
7 say, you know, four years ago over the cycles when
8 we did have fisheries and why we did have
9 fisheries and what the results of the fisheries
10 were in different areas.

11 MR. MARTLAND: I wonder if you can indicate to what
12 extent the union would typically take a position
13 on an issue, whether that would be - to pick up on
14 some of the comments - the fish farms or something
15 like that. And is that something the union does
16 on occasion or regularly is to say, this is our
17 position on a particular issue that affects the
18 fishery?

19 MR. FIGG: Yeah. We're like any trade union. We have
20 conventions, right?, and resolutions are put
21 before the convention, and the convention decides
22 after debate on what position to take on issues
23 such as you've just spoken to, salmon aquaculture
24 in the province. Those positions are all voted in
25 the general executive board and the officers are
26 all instructed to follow those positions.

27 MR. MARTLAND: I know I'm peppering you with questions.
28 I think this may be my very last one. One of the
29 questions for my part as I've been looking through
30 different applications just to try and understand
31 how the union's perspective and how the union's
32 role in our process might be similar to or
33 different from, for example, different commercial
34 fishers' groups.

35 MR. FIGG: I think I've kind of said before, we -- you
36 know, you may see applications that -- I'm not
37 sure who everybody is that's applied, you know,
38 but it's only logical that in the area groupings,
39 you know, you're looking at D-E-G, H-E, right?,
40 and they may put in their perspectives. But some
41 of those people will only be licensed in that area
42 and that's the only place they fished since 1996
43 when the coast was divided up. Okay? We do have
44 a significant number of members who are multi-
45 licensed for different areas and we have members
46 in all three of those areas, who will end up in
47 our process for this round of hearings -- in our

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Présentation par M. Figg et M. Kandt

1 process they're going to end up sitting in the
2 same room together, right?, you know. And we will
3 be talking to all of them to get together a
4 coherent presentation for this Commission on what
5 we believe are some of the prime factors in the
6 decline of the Fraser River sockeye.

7 That's where I think we have an advantage, is
8 that, you know, we cut through that chaff before
9 it hits the microphone.

10 MR. MARTLAND: And I said that was my last question.
11 I've misled you because I thought of one more as
12 you answered, which is this. Hypothetically, what
13 would be the union's attitude towards or
14 perspective on working alongside some of those
15 commercial fishers' groups, perhaps in a coalition
16 or perhaps with a single grant of standing with
17 others? Is that something that strikes you as
18 viable or unrealistic or somewhere in between?

19 MR. FIGG: I'd have to say somewhere in between, but
20 more to the side of definitely not our preference,
21 as I've described to you. When we come up with
22 our position on anything which we may come up with
23 at this hearing, we are already doing the
24 debating, right?, and the compromising and
25 whatever is involved within our own group, to come
26 out with something solid. And I just feel that if
27 we end up being pushed into another area group or
28 even perhaps a company group or whatever, that is
29 going to limit our ability as leaders of the union
30 to answer all those questions that I've been
31 telling you about that we've been listening to for
32 the last twelve years that we don't really have
33 any answers for, because you know, then we'd have
34 to go to another step after dealing with our
35 people to deal with whoever we're with, and I
36 don't believe we'll necessarily get what our
37 membership deserves from us out of this hearing.

38 MR. MARTLAND: Mr. Commissioner, I don't think I have
39 any further questions from my part. I don't know
40 if other counsel may or if you may.

41 THE COMMISSIONER: No, I don't. I want to thank the
42 two representatives who spoke here this morning,
43 Mr. Figg and Mr. Brandt. Thank you very much for
44 attending this morning. It is our hope and desire
45 that you will hear from us before Friday as to our
46 decision on standing with respect to your
47 application. I thank you both again for taking

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Présentation au nom de M. Walkus et du Chef Sewid

1 the time to be here this morning.

2 MR. FIGG: You're welcome.

3 THE COMMISSIONER: Thank you.

4 MR. MARTLAND: I'm doing this, I appreciate, backwards,
5 Mr. Commissioner, but I forgot to give you the
6 proper spelling of those two gentlemen's names,
7 just for the record, and perhaps I'll do that.

8 THE COMMISSIONER: Yes, that would be kind of you.

9 Thank you.

10 MR. MARTLAND: Thank you. And certainly if I get
11 anything wrong, I'll invite either gentleman to
12 correct me. Irvin Figg, I-R-V-I-N, Figg, F-I-G-G.
13 And secondly, Paul Kandt, Paul, ordinary spelling,
14 Kandt, K-A-N-D-T.

15 THE COMMISSIONER: Thank you. Thank you, Mr. Figg and
16 Mr. Kandt.

17 MR. MARTLAND: The next applicant before you is Keith
18 Oliver. I don't need to spell those two names.
19 Thank you.

20 THE COMMISSIONER: Good morning, Mr. Oliver.

21

22 PRESENTATION ON BEHALF OF JAMES WALKUS AND CHIEF HAROLD
23 SEWID / PRÉSENTATION AU NOM DE JAMES WALKUS ET DU CHEF
24 HAROLD SEWID

25

26 MR. OLIVER: Mr. Commissioner, I am appearing for Chief
27 Harold Sewid and James Walkus. Those are two
28 First Nations individuals who also happen to be
29 commercial fishermen.

30 They come from different bands. Mr. Walkus
31 is located in Port Hardy where his band resides,
32 and that band has a number of reserve affiliations
33 throughout the Queen Charlotte Strait area.

34 Chief Harold Sewid is in Campbell River. As
35 he's the chief he's at the band offices there.
36 But that band is responsible for a number of
37 reserve areas also in the Queen Charlotte Strait
38 area but southeast of the area that Mr. Walkus is
39 concerned with.

40 Now, I have downloaded a Google map, so it's
41 not very detailed, which I'll pass up.

42 THE COMMISSIONER: Thank you very much.

43 MR. OLIVER: That map, Mr. Commissioner, shows four
44 circles in pen on it. The furthest up is around
45 Port Hardy, where Mr. Walkus is located. But as I
46 mentioned, his band area includes most of the
47 portion of Queen Charlotte Strait that is north of

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1 that and along the mainland shore as far up as
2 Cape Caution. Now, I don't know, Mr.
3 Commissioner, what your own personal knowledge is
4 of the geography up there so I will assume there
5 is none. You can perhaps instruct me if you have
6 any detailed personal geographical knowledge.
7 THE COMMISSIONER: I've certainly visited Port Hardy
8 and that part of the province and Campbell River.
9 But if you're addressing the Charlottes or other
10 areas, you may want to fill me in on that.
11 MR. OLIVER: All right. Do you know where Cape Caution
12 is?
13 THE COMMISSIONER: I do.
14 MR. OLIVER: All right. So from Cape Caution southeast
15 along the mainland shore, down into the area
16 that's broken up amongst the islands of the
17 Broughton Archipelago, is the area where Mr.
18 Walkus's band is most concerned. And continuously
19 from where his band leaves off down through the
20 balance of the Broughton Archipelago to the
21 Vancouver Island shore, below where you see I've
22 put a circle around two spots. One is, the one on
23 the left, Alert Bay, and the one on the right is
24 Village Island. On Village Island is a reserve
25 called Mahmalillikullah, and that is the name of
26 the band that Chief Walkus is in charge of. The
27 band officers are down in Campbell River. That's
28 the fourth and final spot on the map that I've
29 circled.
30 Now, as commercial fishermen, these two
31 individuals of course don't stay in their home
32 waters all the time.
33 THE COMMISSIONER: I'm sorry. Just for clarification,
34 Mr. Walkus, his band office is where?
35 MR. OLIVER: Port Hardy.
36 THE COMMISSIONER: In Port Hardy itself? And Chief
37 Sewid's office is in Campbell River?
38 MR. OLIVER: That's correct. Now, as commercial
39 fishermen -- principally I'll address the
40 information provided to me by Chief Sewid. He was
41 born and grew up in the Mahmalillikullah and Alert
42 Bay areas and he commenced commercial fishing, he
43 proudly tells me, at the age of nine weeks when he
44 was taken aboard a boat captained by his father.
45 Both of these individuals as First Nations
46 have depended upon the sockeye salmon fishery
47 since time immemorial -- as Chief Sewid puts it,

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1 since the beginning of time. And as, Mr.
2 Commissioner, you might recognize the
3 archaeological history that we've been able to
4 assemble for the time that the First Nations have
5 been in this area goes back a long, long ways. It
6 goes back before any recorded history in Europe.
7 It certainly goes back before any Europeans ever
8 came to North America. And as Chief Sewid
9 indicates, it goes back to the beginning of time
10 in the sense of the First Nations own timekeeping.

11 Now, as the geography dictates, most of the
12 livelihood of the bands that are scattered along
13 that part of the coast was derived from the sea.
14 The sockeye salmon were an extremely important
15 part of that.

16 What Chief Sewid tells me is that the oral
17 history is very important. The oral history has
18 been passed down through many generations, and he
19 talks to me about such things as learning to fish
20 from his great-uncle, who taught his father as
21 well, that his great-grandfather was the first of
22 the First Nations fishermen to obtain a commercial
23 fishing licence. Those were hoarded by the non-
24 First Nations people under the government of the
25 day until something just under a hundred years ago
26 when they decided to allow First Nations to
27 possess commercial fishing licences, and his
28 great-grandfather was the very first one of those.
29 He had a boat, approximately a 40-footer, which
30 was considered large, very large at the time, with
31 which he fished until he was done fishing. The
32 boat stayed in the fleet until, Chief Sewid tells
33 me, approximately 1980.

34 That was crewed by mostly family members.
35 Apparently the great-grandfather had a lot of
36 sons, and of those, they were all fishermen and
37 would have crewed for him.

38 Chief Sewid himself worked on fish boats from
39 when he was nine years old in the summers. He
40 would be in school in the portions of the year
41 that the boats were out fishing for other things,
42 but in the summers he would be there for the
43 sockeye fishery. From the age of nine, he was a
44 crew. From the age of nineteen, he was the
45 captain of his own boat. And he continues to be
46 in that fishing industry although, when asked
47 about recent years, he has a very grim tale to

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1 tell of the amount of fishing that is done
2 generally speaking. He does say that 2005 was a
3 remarkable year. He talks about other remarkable
4 years. He said it was big in 1998, it was big in
5 1978, but he doesn't know of a year in his
6 lifetime of fishing when it was as big as 2005.

7 He talks about listening to a woman he calls
8 his grandmother, but he says in fact she is a
9 great-aunt or a great-great-aunt, who, although
10 uneducated, was able to pass on the predictability
11 of watching the signs, and she would advise the
12 First Nations fishermen which years were going to
13 be a decent year. It's worth fixing up your nets
14 and going out and catching the fish.

15 After many years of doing that, Chief Sewid
16 asked her what it was that she relied upon to be
17 able to come up with predictions that were
18 generally more accurate than the predictions that
19 came out of DFO. And it was the signs that were
20 read by her, and presumably she relied on what
21 other First Nations people who were reading signs
22 would tell her, but those signs included such
23 things as looking at certain mountains from
24 certain vantage points, and if those mountains had
25 snow at the end of May, then they knew there would
26 be enough of a snow pack that the temperature of
27 the water in the Queen Charlotte Strait area would
28 be low enough to invite the sockeye salmon in
29 rather than too warm, in which event they
30 apparently choose Juan de Fuca Strait and the
31 return down Queen Charlotte Strait is minimal.

32 Chief Sewid also has insight into some of the
33 reasons why the fishery seems to have collapsed.
34 Four years after the biggest year ever, 2005, was
35 the collapse that spawned this Commission. Chief
36 Sewid says he has had conversations with other
37 chiefs and notes that chiefs up the Fraser River
38 on its tributaries where there are spawning
39 grounds have told him of no fish returning in
40 2005, despite that being the biggest year ever in
41 the areas where Chief Sewid was concerned.

42 And he has tried to understand why that might
43 be, and he has his theories. And his theories are
44 not necessarily the same as the theories that you
45 might hear from other groups. One of the things
46 that he told me was part of his theory is that the
47 sockeye are susceptible to certain viruses when

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1 they have to coexist in close proximity to one
2 another in warm waters, and that had the
3 Department of Fisheries allowed a smaller
4 escapement into the Fraser River in 2005, then
5 there wouldn't have been such high concentrations
6 of fish in close quarters in warm waters and more
7 would have survived to reach the spawning grounds.

8 He has a number of insights that will no
9 doubt be different from the insights that you will
10 hear from other groups that may present before
11 you. All of his insights and those of the other
12 First Nations commercial fishermen that may choose
13 to come along with him are insights that this
14 Commission must go out of its way to hear. This
15 Commission must have representation from all of
16 the diverse groups that have significant insights
17 into the behaviour of the salmon and upon which we
18 can rely for the Commission to come up with some
19 proper recommendations.

20 The substantial and direct interest of the
21 First Nations commercial fishermen extends to
22 their food fishery. The food fishery before the
23 First Nations people got into commercial fishing
24 was done by band members generally. Since there
25 have been commercial fishermen as part of the
26 bands, the food fishery has become something that
27 they do for the rest of the band.

28 For example, chief Sewid advised me that in
29 2005, he put in 100,000 pounds of sockeye in the
30 commercial fishery and then went out for a week
31 and a half after the commercial fishery was over
32 to put in food fishery. He doesn't tell me
33 exactly how many pounds, but he does say he had
34 11,000 sockeye that he distributed to, firstly,
35 his own band, families that are in his extended
36 family, and then to others from all over Vancouver
37 Island. He had people coming to him from bands
38 located in Sooke at the south end all the way up
39 to Port Hardy at the north end, notably from
40 Chemainus, Duncan, Nanaimo, and that distribution
41 of 11,000 sockeye in 2005, up to 600 per family
42 and as few as 50 per family, until the fish are
43 all gone.

44 Now, more recently, he says, in 2007 there
45 wasn't very much food fish. In 2008 there was
46 none. In 2009 there was a little. He says he
47 went out in 2009 and he brought in -- I'm just

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1 looking for the exact number here. He said it was
2 only about a hundred fish. And he had to run for
3 eight hours to get to the Robson Bight from
4 Campbell River in order to find even those few
5 fish. He said normally there would have been
6 three of his family's boats out on the food
7 fishery, but when there's no fish, there is no
8 point in them each spending \$2,500 or so on fuel
9 to get to where the fish might be. So that fell
10 to just him. And there was so little food fish it
11 would seem that it wasn't money well spent just on
12 the fuel to get to the grounds.

13 Chief Sewid and any of the other band members
14 that he brings along will be able to give you
15 insight into the cost to them of the severe drop-
16 off in the availability of the sockeye salmon.

17 He says that last year he distributed all of
18 those food fish that he did catch, up to twenty-
19 five per family. Yes, I found my number. It was
20 just a few hundred, he told me.

21 He tells me that in Alert Bay there used to
22 be over a hundred seiners working in the
23 commercial fishery and operated and crewed, not
24 exclusively but almost exclusively, by First
25 Nations people.

26 He identified for me the names of some of his
27 boats. And I'll digress. Back in 1967, I went
28 commercial fishing myself, and a friend of mine
29 worked on a boat called the Sleep Robber. Chief
30 Sewid says that was his father's boat. On boats
31 like that, that would be a wooden 72-foot seiner,
32 they had a crew of five. The crew would be
33 composed all of family members unless they had a
34 particular spot they could not fill with a family
35 member, and that occurred with some frequency.
36 These boats were generally owned and operated by
37 B.C. Packers, and B.C. Packers would provide the
38 engineer. And he advised me that on his boats he
39 frequently had an engineer who was a close friend
40 of some of the other crew members or of himself.
41 He remembers one year having a Russian, one year
42 having someone from Newfoundland, and my own
43 friend's father was a Swede. He was aboard the
44 Sleep Robber.

45 THE COMMISSIONER: Mr. Oliver, I don't want to
46 necessarily interrupt. I do want to leave some
47 time for counsel who might have questions for you.

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1 So thank you.

2 MR. OLIVER: All right. I'll try and be brief. I'm
3 actually probably quite near the end of my notes
4 here in any event.

5 What I wish to impress upon you, Mr.
6 Commissioner, is that this application for
7 standing comes from two people who do have a very
8 direct and very substantial interest in the
9 subject matter of this Commission. They, their
10 families and their ancestors have depended upon
11 this fishery for generations. They have that oral
12 history. They can bring their own special
13 insights to the Commission so that the Commission
14 is made more aware of all of the things that no
15 one else will tell the Commission.

16 They have their cultural, spiritual and
17 economic relationship with this Fraser River
18 salmon. The economics, of course, are changing
19 drastically. They will be able to advise you of
20 how they think those changes in the economics
21 ought to be managed, that if it's necessary to
22 reduce the size of the fleet, they have their
23 opinions on how that can be accomplished. They
24 are most anxious to ensure that you have as
25 complete a picture as is possible of the different
26 views that are out there so that you can come to
27 proper conclusions.

28 And it's my submission that they meet your
29 criteria for standing and ought to be granted that
30 standing.

31 I thank you.

32 THE COMMISSIONER: Thank you, Mr. Oliver. And again,
33 if you'd be kind enough just to remain so counsel
34 may have some questions.

35 MR. OLIVER: Yes.

36 THE COMMISSIONER: Thank you very much.

37 MR. MARTLAND: Mr. Oliver, I do have a handful of
38 questions. One of them is just to confirm that I
39 understand it correctly, that your two clients are
40 seeking standing as individuals, and I'm wondering
41 if you can enlighten us on why they've sought
42 standing as individuals as opposed to through
43 either their nations or some other way.

44 MR. OLIVER: Well, as I've indicated, they are aware
45 that there are other views out there. And I think
46 principally they are aware that the other views
47 out there do not always coincide with their own,

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1 and they do not wish to have to come to a meeting
2 of a great number of others who don't share their
3 views and see their views lost when that meeting
4 presents its own presentation to the Commission.

5 MR. MARTLAND: Just to pick up, then, on that, is there
6 a way for the Commission, then, to be confident
7 that their views are representative of more than
8 simply two individuals' perspectives or
9 experiences and that that's more representative
10 for a broader type of perspective?

11 MR. OLIVER: At this stage, I don't think there is any
12 evidence that I can bring to the Commission to
13 give you that assurance, but once standing is
14 granted, then these two individuals will be able
15 to bring others of like mind to the hearings and
16 have their evidence presented. That's what we
17 plan to do. At this point it's difficult to
18 motivate individuals. It's somewhat easier to
19 motivate groups that have already collected
20 themselves together. But individuals are faced
21 with the enormity of the Commission process and
22 it's remarkable that these two have taken the
23 steps that they have and come this far.

24 There are quite a number of other individuals
25 out there, so I'm advised, who do not wish to
26 affiliate themselves as yet with anybody. And
27 yet, both of my clients have indicated that their
28 views are not unique to themselves, although they
29 may differ in some very serious respects from the
30 views that may be put forward by groups that
31 purport to represent the Native bands.

32 MR. MARTLAND: Are there examples of where your two
33 clients may have a perspective or a viewpoint
34 that's different, whether from particular nations
35 or whether from commercial fishers' groups? I
36 appreciate you've made that point, that their
37 interests and their viewpoint may be significantly
38 different. Are there some examples you can give
39 us of that?

40 MR. OLIVER: Well, I've given you the example of what
41 Chief Sewid has advised me as to the failure of
42 fish to return to spawning areas in 2005, as he's
43 advised by a couple of upcountry chiefs. And he
44 knows that what flows from that is a theory of
45 survival of the salmon that is not shared by other
46 groups, by the DFO, by other groups that he's
47 aware of having stated their positions. At this

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1 stage, however, we're a bit early to know all of
2 the various nuances of where their views might
3 differ from everybody else's.

4 In his experience, he has advised that he
5 knows that he has a longer history than most and
6 is able to rely on that longer history and that
7 the conclusions he draws from it are not always
8 shared by all of the other Natives that he
9 associates with in his role as a chief.

10 MR. MARTLAND: Would Chief Sewid be willing to testify
11 as a witness?

12 MR. OLIVER: Oh, yes. He plans to.

13 MR. MARTLAND: Mr. Commissioner, I don't have any
14 further questions for my part. Thank you.

15 THE COMMISSIONER: Mr. Oliver, I thank you, sir, and I
16 would like you to express our appreciation to your
17 clients for their interest in our Commission and
18 for having you appear here today.

19 MR. OLIVER: Thank you, Mr. Commissioner. I will do
20 that.

21 THE COMMISSIONER: Thank you so much, sir.

22 MR. MARTLAND: Mr. Commissioner, the last applicant
23 who's speaking this morning is Jack Emberly, E-M-
24 B-E-R-L-Y.

25 THE COMMISSIONER: Good morning, sir.

26

27 PRESENTATION BY MR. JACK EMBERLY / PRÉSENTATION PAR

28 M. JACK EMBERLY

29

30 MR. EMBERLY: Good morning, Mr. Commissioner. Thank
31 you for hearing me today.

32 As Mr. Martland said, I am an unaligned
33 private citizen. I grew up in North Vancouver and
34 as a kid took a stick and a piece of line and
35 caught fish about 500 yards from where I lived,
36 and if I was lucky enough to go down to the salt
37 shock, I could catch salmon too.

38 Salmon are an integral part of who I am as an
39 individual. I am also an avid outdoorsman, canoer
40 and kayaker, and last May I discovered a huge fish
41 kill in the North Alouette River in Pitt Meadows.

42 My submission is based on the premise that
43 the survival of Fraser River salmonids is in part
44 dependent upon the collaborative efforts of the
45 public, Environment Canada and the Department of
46 Fisheries and Oceans, the two agencies mandated to
47 protect the streams and tributaries of the Fraser,

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1 and that this should be the goal of all
2 participants. The better we function as partners,
3 the greater our chance of reducing fish mortality
4 or minimizing fish habitat disturbance or
5 destruction. I believe the public partner is
6 being short-changed.

7 I make this submission today almost one full
8 year after reporting a massive fish kill, fry-
9 sized fish, on the North Alouette River on May
10 25th, 2009, File DGIR948, samples of which experts
11 in the area of salmonid enhancement in Pitt
12 Meadows/Maple Ridge have observed and declared
13 were salmon. I note that just prior to my
14 discovery of those 100,000 or so dead fish in the
15 North Alouette River, Allco Fish Hatchery, located
16 just above the kill area, released 200,000 chum
17 fry and 150,000 chinook -- Alouette River
18 Management Society data, Maple Ridge, April 27 to
19 29.

20 I believe a large portion of that population
21 may have perished by a cause that neither the DFO
22 or EC has yet identified, but might have with a
23 quicker and more effective response, and that this
24 failure leaves the efforts of this hatchery to
25 return a healthy salmonid population to the North
26 Alouette in jeopardy. Furthermore, that the noble
27 efforts and the dedication of the Alouette River
28 Management Society, currency of another fashion,
29 and the contribution of other volunteers who have
30 selfishly dedicated themselves to fish and habitat
31 in this area, may be in vain.

32 Is the Alouette watershed the only area in
33 B.C. where this scenario might play out? It is
34 not. I make this submission after being
35 frustrated and disappointed at the response of
36 both agencies mentioned above. Try as I might, I
37 was not able to get either to show any passion
38 similar to that that I've heard this morning
39 already of the public partners I have mentioned,
40 to begin a timely and effective investigation
41 process even after being implored to do so on
42 several occasions, or to show any desire, DFO or
43 EC, to go beyond, quote/unquote, inspection of the
44 fish kill site, not even to take the fish I had
45 collected for them for analysis. It just didn't
46 seem important to them.

47 The efforts of the EC, for example, were also

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1 fruitless from the start. The officer who
2 reluctantly agreed to visit the kill site did so
3 only after a lot of encouragement. When she did
4 come out on May 26th, she arrived without any
5 preparation for an investigation. No boat, no hip
6 waders, no net. I know this because I asked. It
7 was pouring rain that morning. You can't see the
8 edge of the water by walking the dyke and you
9 would not see fish unless you were close to the
10 water. The officer reported seeing perhaps two
11 dead fish. When she reported this to me on the
12 morning of the 26th when she finished her
13 inspection by cell phone, I was dumbfounded. I
14 asked her to come back when it was not raining.
15 My request was refused.

16 Did EC senior staff think to order a second,
17 more prepared visit when it was not raining? They
18 did not. It wasn't important.

19 By the way, I returned later that day with a
20 butterfly net from the dollar store. It wasn't
21 raining. I had hip waders. The fish were still
22 there. I collected about a hundred and froze them
23 within about a half hour.

24 Kids and dads fish on the North Alouette
25 River. People swim in it, kayak in it. We don't
26 know to this day what killed 100,000 dead fish on
27 the North Alouette River or whether this summer a
28 similar event might kill more than fish. Does it
29 matter?

30 DFO opened and closed its efforts in this
31 area on the same day, May 25th, prematurely and
32 without justification. The lack of interest was
33 clear from my first conversation with a senior
34 officer in this organization. I was asked - I was
35 asked - what was the cause of the mortality. How
36 was I to determine this? "Come out and
37 investigate," I suggested. Isn't that what they
38 do? The senior officer wasn't prepared to do
39 that, but he assured me someone - quote/unquote
40 the right person - would get back to me right
41 away. It was a phrase I would hear from several
42 officers in the DFO and Environment Canada over
43 the next several weeks as Environment Canada and
44 the DFO debated with me the question of which
45 department should conduct the actual
46 investigation. Nobody really seemed to want it.
47 It was a hot potato.

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1 DFO had decided - unilaterally, by the way,
2 and one particular branch of that organization, I
3 believe - that the kill was likely the result of
4 quote/unquote toxic substances, EC's mandate,
5 according to a 1985 memorandum of understanding
6 which portioned off responsibility for
7 investigations and enforcement.

8 This is a claim that DFO officials as a whole
9 have repeated countless times in quote/unquote
10 media lines issued by them whenever the *Maple*
11 *Ridge News*, Global TV or CBC's *Go Public* asked why
12 they didn't respond immediately with someone on
13 the ground. DFO's answer: We look after
14 sediment. EC handles toxic substances. The fish
15 kill was most likely toxic substances.

16 DFO and Environment Canada officials both
17 repeatedly refused to take the fish I had
18 collected. But after relentless media coverage of
19 the fish kill, EC accepted my samples a month
20 after I collected them. The *Maple Ridge News*
21 snapped a photo of the handover on or about June
22 26th. Test results were reported as inconclusive.
23 I was told by EC that they received the fish too
24 late.

25 The memorandum of understanding was supposed
26 to be a temporary solution to a mounting workload
27 and a way perhaps of avoiding duplication of
28 effort. But it's not working. In fact, it may be
29 reducing the effort along with the workload. It
30 is not just my opinion that the memorandum needs
31 revisiting. Reporter Phil Melnychuk in the *News*
32 *Friday*, March 19th, wrote that MP Randy Kamp said
33 that the incident shows there could be
34 improvements in how Environment Canada, which
35 deals with pollution, and Fisheries and Oceans,
36 which protects fish habitat, respond to incidents.
37 Kamp is quoted as saying, "I think probably we
38 could benefit from taking a look at how those are
39 divided, whether the boundaries are clear and
40 whether there's a way to coordinate that better."
41 Good ideas all.

42 My question is, why didn't DFO do this
43 earlier? Were they waiting for the public to
44 point out that the memorandum needs overhaul, that
45 it actually might impede the processes put in
46 place to protect salmon habitat? How long would
47 that go on if it wasn't for private citizens

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1 sounding the alarm and demanding effective action?
2 The public pays a lot for protection of our salmon
3 by maintaining the operations of the DFO and EC.
4 It needs to be money well spent.

5 Finally, I am making this submission after
6 reading and rereading interdepartmental DFO memos
7 shared between communications officers in
8 Vancouver, the Conservation and Protection Office
9 in Aldergrove and the Habitat Protection Branch
10 senior officers and area biologists. These
11 various memos focus on the fish kill from my
12 report to DFO on May 25th. They suggest to me
13 that communication within the DFO was ineffective
14 and confused about its own role and
15 responsibilities and that some officers may not
16 have known what other officers were doing or not
17 doing. Some officers asked colleagues to clarify
18 the DFO role in the fish kill event well after it
19 occurred.

20 One wrote: "Is this something we normally
21 would investigate? Should we follow up with
22 testing these 100 fish this person has collected?"
23 Some DFO personnel suggest they may have had an
24 early role to play, if "silt was an investigation
25 consideration." One wanted to know if other
26 officers had any knowledge of reports of silt. He
27 writes: "I was not advised of any concern
28 regarding silt (sediment, turbid water) during May
29 or any other time I recall. Other than that, I
30 have no knowledge of whether or not such a report
31 was made to or received by DFO."

32 The same person wrote: "It is important to
33 note that C&P" - Conservation and Protection -
34 "have treated the report of dead fish separately
35 from the report of habitat disturbance." Why?

36 There is much more along these lines. Memos
37 like these have created a lot of questions for me.
38 I think the answers might reveal information we
39 can use to strengthen the partnership for
40 protecting salmon.

41 So were any personnel within DFO privy to
42 information about silt or sediment about the time
43 I reported 100,000 dead fish in the river? Was
44 that information from concerned citizens
45 thoughtfully considered or relayed to personnel
46 within the Department who would be expected to act
47 upon such information perhaps through formal

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1 investigations on site and right away? There were
2 actually three different individuals who reported
3 digging in the river just a few days before I
4 discovered dead fish.

5 Was handing over the investigation to
6 Environment Canada the best course of action? Was
7 time and effort wasted if the answers to any of
8 these questions is yes? Can we afford that if we
9 hope to protect and sustain salmon in B.C.? These
10 are questions that need to be looked at closely.

11 Finally, I refer you to the *Maple Ridge News*
12 or www.savethealouette.ca, a website established
13 by citizens along the North Alouette who have
14 voiced concerns about low water levels to the
15 Water Stewardship Division of the B.C. Ministry of
16 the Environment repeatedly. Both sources have
17 noted that last year there was hardly enough water
18 in our rivers for salmon to spawn successfully,
19 and yet licensing for irrigation of cranberry
20 fields proceeds seemingly without the DFO on site
21 to assess potential impact on fish habitat. In
22 the *News*, the WSD has stated it sends these
23 applications to the DFO for review and
24 environmental assessment if they're concerned that
25 there may be impact on fish, and did so for one
26 pipe installation where work was observed by the
27 citizens I have mentioned.

28 DFO, in the same newspaper, denied it
29 received this notice. To this date we don't know
30 the facts. Where is the accountability here? The
31 system needs correction.

32 The Alouette Valley Association, I am sure,
33 would like to be assured that fish and habitat and
34 the water needed to sustain fish will be
35 guaranteed by registrations, legislation, the DFO
36 and Environment Canada. They know what it costs
37 to maintain these two latter agencies and think
38 they should get bang for their buck.

39 The 1997 B.C. ***Fish Protection Act***, not in
40 force but not yet rescinded, could actually do
41 that, but it collects dust on the shelves of
42 Victoria.

43 Let me say finally that we are in danger of
44 losing more than salmon in B.C. I am proud of the
45 fact that my fellow citizens love to see salmon
46 spawn in our rivers. I've heard many stories
47 about that actually happening, you know, somebody

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1 in their back yard having salmon spawn in a creek
2 which is three feet wide -- at one time. Not any
3 more. It's what makes them pick up the phone and
4 call the DFO if they see something happening that
5 could negatively impact fish or their habitat.

6 B.C. can't do without those calls. But they
7 will stop and the apparent disconnect between the
8 public partners and government will become
9 cavernous, if this isn't the case already. This
10 will happen if people become convinced that it's
11 not worth the effort to pick up the phone and call
12 the DFO.

13 Thank you.

14 THE COMMISSIONER: Thank you, Mr. Emberly. If you
15 would be kind enough just to remain for a moment.
16 Thank you.

17 MR. MARTLAND: Mr. Emberly, sir, I do have a couple of
18 questions, if I might.

19 One of them is you advised that there was -
20 and please correct me if I have this wrong - there
21 was some testing in relation to the fish kill that
22 you found in May of 2009 that indicated that they
23 were believed to be salmon. Was there any more
24 specific information as to the species, the type
25 of salmon?

26 MR. EMBERLY: I repeatedly asked them to tell me,
27 because they're the experts, what the species
28 were. The report came back without any indication
29 of that. When I handed the fish over to EC, Geoff
30 Clayton, who was an extremely well known and
31 knowledgeable man in salmon enhancement in Maple
32 Ridge, looked at them and said, "Those are silver.
33 There's a lot of silver there. There are
34 definitely a lot of salmonids in that sample."

35 I also asked them too -- the analysis to show
36 whether there was silt in the gills, and I got no
37 response from that at all.

38 What I did get was just a statement saying
39 that, you know, they weren't collected in the
40 stipulated manner that EC collects fish and they
41 got them too late. So they could show no -- the
42 spectral analysis showed nothing, concluded
43 nothing.

44 MR. MARTLAND: I know you're aware of our Commission's
45 terms of reference, which cast, to use the net
46 analogy, quite a broad net over a host of
47 different topics. Could you expand a little bit

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1 on how the fairly specific information that you
2 have in relation to what happened basically a year
3 ago and no doubt onwards in your dealings with DFO
4 and Environment Canada since, how does that topic
5 interact with the Commission's terms of reference
6 in your view, sir?

7 MR. EMBERLY: I have here a PDF file that I received
8 through the **Freedom of Information Act** of all the
9 correspondence between -- interdepartmental
10 correspondence within the DFO's various branches
11 and offices regarding the fish kill, and they're
12 ponderous. And I think -- and this file, the file
13 number that I've quoted, is a living record of the
14 practices and procedures of the DFO investigating
15 and inspecting reports from a private citizen on a
16 fish kill, a large fish kill.

17 I think it may serve, then, as a model and a
18 source of information and questions for the
19 Commission so that they can determine whether or
20 not these practices and procedures that don't work
21 are endemic in the DFO and EC. If they are, you
22 know, they could be happening all over the
23 province with people trying to enhance rivers and
24 private citizens reporting things that the DFO
25 should look at, and maybe they're getting the same
26 ping pong behaviour from the agency. They're just
27 bounced around and nothing effective is really
28 happening.

29 So if it is a widespread problem, I think
30 this may lead to that conclusion.

31 MR. MARTLAND: And those file materials, I take it
32 you've kept records, you've kept the documents,
33 and more than that, obtained documents in relation
34 to your file. Is that information you'd be
35 willing to share with the Commission through
36 counsel?

37 MR. EMBERLY: Yes, I would, if you're willing to wade
38 through it. I have about four binders of e-mails,
39 press clippings and communications with countless
40 numbers of officials, and I'd be happy to turn
41 them over to you.

42 MR. MARTLAND: I think my last question, to pick up on
43 that, Mr. Emberly, is just to ask whether you
44 would be willing to meet with Commission staff or
45 Commission lawyers and, if it were determined to
46 be appropriate, to be called as a witness for
47 these hearings.

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1 MR. EMBERLY: Yes, I would.

2 MR. MARTLAND: Mr. Commissioner, I don't have further
3 questions. I don't know if anyone else may or if
4 Mr. Emberly had any last remarks.

5 MR. EMBERLY: Well, I just have one. I wasn't looking
6 to come here on my own today. I tried to get
7 aligned with other groups that were coming in and
8 were represented by counsel, and the bus was full,
9 so to speak. So I ended up coming on my own. But
10 I would be happy to be part of a group if that
11 works out.

12 MR. MARTLAND: And if I might, out of that, was there a
13 specific group or people you had in mind that
14 might align with your perspective?

15 MR. EMBERLY: I've just been told that I probably
16 don't fit. I'm like the boll weevil, looking for
17 a home. But I'm in Maple Ridge and that is a long
18 way for me to come, and I had a lot of difficulty
19 getting here through the traffic and everything.
20 I'm just a county boy. So any help you could give
21 me, I'd appreciate it.

22 THE COMMISSIONER: Thank you very much, Mr. Emberly.
23 Again, I appreciate your taking the time and the
24 energy to get here today. Thank you.

25 MR. EMBERLY: Thank you, sir.

26 THE COMMISSIONER: Mr. Martland.

27 MR. MARTLAND: Yes, Mr. Commissioner. Just by way of a
28 few last remarks. If I could express on the part
29 of Commission counsel, although today's appearance
30 was relatively brief and we didn't use all of the
31 time that we had reserved in the case that it was
32 necessary - I appreciate you may be aware of this,
33 but also to advise members of the public and the
34 applicants - the Commission has received a very
35 significant volume, dozens of applications for
36 standing that are being assessed, and this process
37 today permits us to hear in particular from some
38 of those applicants. The offer was given to
39 others who declined to attend. We very much
40 appreciate those who have attended today and shown
41 a true interest in the subject matter of this
42 inquiry. And from our point of view, we've
43 covered the ground that we felt was important to
44 cover through the process today. I would invite
45 any of the applicants or indeed anyone who has
46 questions stemming from this morning's appearance,
47 to follow up directly with me after court. I'm

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1 happy to be a point of contact.

2 Subject to any other points, I'd be proposing
3 that we'd be simply adjourning at this point until
4 Friday, the 26th, at 10:00 a.m. when there is a
5 hearing and meeting that's been scheduled for some
6 of the applicants to attend.

7 THE COMMISSIONER: Thank you, Mr. Martland. Does Ms.
8 Grant or Mr. Wallace have anything further to add?

9 MR. WALLACE: Thank you, Mr. Commissioner. I have
10 nothing further.

11 THE COMMISSIONER: Ms. Grant?

12 MS. GRANT: I don't have anything either, Mr.
13 Commissioner.

14 THE COMMISSIONER: Well, on behalf of the Commission,
15 may I express again our appreciation for your
16 attendance here this morning. I think there is at
17 least one member of the press here and I'm
18 grateful that the press has attended this morning
19 and has taken an interest in the proceedings. And
20 as Mr. Martland said, we're now going to adjourn
21 and we will be holding a meeting with other
22 applicants who've been invited to attend on Friday
23 morning, March 26th.

24 Thank you all and thank you to our registrar.

25 THE REGISTRAR: These hearings are now adjourned until
26 Friday, March 26th, at 10:00 a.m.

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28 (PROCEEDINGS ADJOURNED TO MARCH 26, 2010, AT
29 10:00 A.M. / PROCÈS AJOURNÉ JUSQU'AU 26 MARS
30 2010 À 10 HEURES)

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