



July 15, 2010

## Cohen Hires Cheam Fishery Advisor

**Delta-Richmond**—“In April the Cohen Inquiry contracted Mike Staley to conduct a review of DFO’s management of Fraser sockeye to guide and assist its legal staff in structuring public hearings where DFO officials will be called to account for their management of the fishery,” said John Cummins, M.P. (Delta-Richmond East).

Staley has been an advisor and advocate for various Aboriginal groups including the Cheam Fishery Authority, B.C. Aboriginal Fisheries Commission, the First Nations Summit Task Groups, the Fraser River Aboriginal Fisheries Secretariat, the First Nations Marine Society and First Nations throughout British Columbia.

The inquiries conducted by John Fraser and Justice Bryan Williams all identified massive problems in the aboriginal fishery. They identified widespread illegal sale of food fish and fishing in unauthorized and illegal fisheries that threatened the future viability of the fishery.

“Staley’s report into DFO’s management of Fraser sockeye will go to the heart of the work of assigned to the Cohen Inquiry which is to investigate DFO’s management of Fraser River sockeye,” stated Cummins.

Staley has refused to show a commitment to a fishery where there is room for everyone and where everyone must obey the law. In 2006 he appeared before the House of Commons Fisheries Committee as a staffer for the Cheam Fishing Authority. When questioned if he supported or opposed illegal sale of fish he appeared indifferent to the long-time problem that has undermined fisheries management since the early nineties, stating “As a biologist, it doesn’t matter [to me].” When asked if “DFO should do everything they can to stop” illegal sales of fish caught for food purposes, he refused to answer stating “I don’t need to answer that question.”

The Williams Inquiry saw another side of Staley in 2005 where it was clear that Staley, the biologist, appeared to support weak and ineffective enforcement. He requested that Justice Williams ask fishery officers about DFO’s Cheam safety protocol that forced them to give advance notice before coming to observe Cheam fishing, advance notice that allowed time for illegal activity to be quietly shut down before the arrival of the fishery officers. Staley wanted fishery officers to explain to the Inquiry if the Cheam safety protocol “improved the relationship” with the Cheam.

“How can someone who exhibits such bias, who promotes weak and ineffective enforcement, who refuses to acknowledge illegal fishing activity is a problem and who refuses to even acknowledge that DFO should actively respond to illegal activity, the very problems that confront the Inquiry, now provide advice to the Inquiry on DFO’s management of the fishery?” asked Cummins.

In his report for the Fraser River Aboriginal Fisheries Secretariat, *Review of the 2006 Fraser River Sockeye Fishery*, Staley recommended curtailment of the commercial fishery in coastal waters and in the lower Fraser so as to provide more fish to upper river aboriginal fisheries. He saw as inevitable “a shift in harvesting” and a “redistribution of the catch.”

“He has assigned the commercial and sports fishery to the scrap heap before the inquiry has even begun its work,” noted Cummins.

If the Cohen does not understand that it is fundamentally wrong for a judicial inquiry to use (i) DFO staff who have managed the fishery, (ii) staff from commercial, recreational and aboriginal fishing organizations or (iii) contractors that regularly work for either the department or fishing organizations, then the Cohen Inquiry does not have the capacity to undertake the job set out for it by the Prime Minister on November 6th.

“The appointment of Mike Staley adds to a growing awareness in the fishery that the Cohen Inquiry is off-track and a fear that what was to be the most significant investigation into the Department’s management of the B.C. fishery, since the federal government took over responsibility for fisheries management in the 1870’s, is now headed for a train wreck unless corrective action is taken immediately,” said Cummins.

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# Mike Staley - Backgrounder

## House of Commons Fisheries Committee Proceedings – October 19, 2006

**Mr. Peter Stoffer:** ... Are you aware, sir, of anybody taking some of those fish—as I myself have witnessed from both sides when I lived in B.C., from aboriginal and non-aboriginal people—and going to the back of a Legion or the back of a store and selling some of them out of a plastic bucket and getting two or three dollars apiece for them? Are you aware of any of those transactions happening?

**Mr. Mike Staley:** I've heard of them, but I have never witnessed them.

**Mr. Peter Stoffer:** As a biologist, would that be something you would support, or would you oppose it?

**Mr. Mike Staley:** As a biologist, it doesn't really matter. I'm worried about the survival of the fish. Once they're out of the water and dead, they're not going to be able to reproduce.

**Mr. Peter Stoffer:** You work with the Cheam Band, is that correct?

**Mr. Mike Staley:** As well as others, yes.

**Mr. Peter Stoffer:** I don't want to put words in your mouth, but I would assume that as a person employed by the Cheam Band, if they're catching x number of pounds of fish for food, social, and ceremonial purposes, and if there are individuals who are not sanctioned by the band but who are circumventing that particular rule, that would be of concern to everybody...

If this fish is intended for a certain purpose, then it should not be sold... But right now, if individuals are selling fish out of the back of a truck illegally, be they aboriginal or non-aboriginal, **shouldn't DFO do everything they can to stop that activity?**

**Mr. Mike Staley:** I don't need to answer that question. That's not a biology question, so I think others should answer that question.

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## Williams Inquiry – Transcript of Proceedings for February 21, 2005

**MR. STALEY:** Good afternoon. My name is Mike Staley, S-t-a-l-e-y.

And I have a quick question. We've heard a lot about the difficult and strained relationship between Cheam and DFO and these officers over the last little while. We had in 2004, which I believe is the focus of your enquiry here, a sort of departure and attempt to depart from that relationship. And we – and there was an agreement between the leadership of the band and DFO.

And I wanted to ask the question whether the officers here felt that by virtue of the existence of that agreement that their job was – or at least doing their job and attaining their objectives was easier or was more facilitated?

Was the resource protected better as a -- because of the agreement and was -- or not?

And finally, do you feel that agreements like this one that was experimented with this year are a way in which to improve the relationship and go forward rather than backwards in this process?