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BYLINE: MARK HUME

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FISHING / FEDERAL INVESTIGATION Ottawa gives B.C. judge broad powers to probe collapse of salmon stock

MARK HUME VANCOUVER -- A veteran Supreme Court of British Columbia justice with an interest in sustainable development and the environment has been given sweeping powers by Prime Minister Stephen Harper to investigate a catastrophic collapse of salmon stocks in the Fraser River.

Stockwell Day, the regional minister for B.C., said Mr. Justice Bruce Cohen has "as broad a scope as possible" in the judicial inquiry to probe the question of why the Fraser's once prodigious sockeye salmon runs have collapsed.

"There has been an alarming decline in the return of sockeye to the Fraser River," Mr. Day said at a press conference. "Many analysts were predicting the return rate would be something of the order of 10 million sockeye, but tests have shown it is less than 1 million, and that is very concerning, not just to the people of British Columbia, but to our Prime Minister. In fact, it has broad implications well beyond our province." He said the situation on the Fraser "has been a matter of very significant concern," to Mr. Harper, who called for action after hearing growing public demands for a judicial inquiry. "This situation is something that needs to be looked into. We need to find out the reasons for this . . . it has huge implications, economic implications, social and cultural," Mr. Day said.

So few salmon returned to the Fraser this year that commercial and recreational fishing were halted and native communities were unable to catch enough fish for ceremonial activities.

Under the terms of reference Judge Cohen will investigate "the causes for the decline of Fraser River sockeye salmon including, but not limited to, the impact of environmental changes along the Fraser River, marine environmental conditions, aquaculture, predators, diseases, water temperature and other factors." Mr. Day said Judge Cohen has the authority to summon witnesses and to gather information as he sees fit.

"The latitude allowed him under the Inquiries Act is extremely broad," he said.

Judge Cohen is expected to make a preliminary report by next August - in time for the return of next year's spawning run - with a final report due by May, 2011.

Judge Cohen declined to be interviewed yesterday, saying he needs time to get organized for his new task.

Born in Vancouver, he got a bachelor of law at the University of British Columbia in 1965, followed by a master of law at the University of California (Berkeley), then worked at the Vancouver firm of Ladner Downs before becoming a provincial Supreme Court judge in 1987.

Judge Cohen is past president of the Canadian Institute for the Administration of Justice, and when the CIAJ held its annual conference in Vancouver, in 2006, the theme was "Sustainable Development and the Law - People - Environment - Culture." Phil Eidsvik, a spokesman for the BC Fisheries Survival Coalition, said he wants the inquiry to lead to significant changes to the way the Department of Fisheries and Oceans operates on the West Coast.

"I hope that we end up with a fisheries management system that's accountable and is based on science rather than politics," he said.

Peter Julian, the federal NDP's Western fisheries critic, welcomed the inquiry, but urged the government to take immediate action on B.C.'s salmon crisis.

"Our concern is with the time - we are talking about nearly two years before the recommendations will be coming back to government," he said.