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COHEN COMMISSION OF INQUIRY: M.P. JOHN CUMMINS

ADAM STIRLING (Host, CFX-R): Back on the air here at CFX 2070. It's becoming one of the scientific mysteries that's plaguing researchers here on the West Coast. What is happening with BC sockeye salmon? We had one year where we were expecting 10 million fish, one million showed up. This year we were expecting far fewer fish than normal, then we had 30 million sockeye, one of the largest levels since the early 1900s, show up.

Well, the Cohen inquiry right now is underway to try to get to the bottom of what has happened with BC's seemingly wildly unpredictable levels of sockeye salmon. Here to give his thoughts on how it's shaping up so far, as well as ways it could be improved, we're joined by John Cummins. He's the Member of Parliament for Delta-Richmond East, also a commercial fisherman.

John Cummins, we thank you so much for coming on the show today.

JOHN CUMMINS (Conservative MP for Delta-Richmond East): My pleasure.

STIRLING: Now, you've represented that area for over 15 years as a Member of Parliament, you're a commercial fisherman, you served until recently on the House of Commons standing committee on Fisheries and Oceans. Given your perspective and your experience with this portfolio, how would you characterize the way that the Cohen inquiry has been proceeding thus far?

CUMMINS: Well, I'm extremely disappointed in the Cohen inquiry. The Prime Minister, when he established the Cohen inquiry, established it out of his office, not the office of the Minister of Fisheries, because he wanted the inquiry to be independent of Fisheries and Oceans. And he was very concerned about that. He also made it very clear in the terms of reference that the subject of the Cohen inquiry... of the inquiry was to be the Department's management of the Fraser River fishery. This does not mean a review of science or science analysis necessarily, but it was directed at looking at how the Department manages the fisheries.

And there's a huge distinction between how the Department manages the fisheries these days and how the fisheries were managed prior to 1985 when the Fraser River fishery was managed in large part by the International Pacific Salmon Commission. And prior to 1985, the salmon commission allowed for ongoing fisheries throughout the course of the year and it used the information it gained from those fisheries to determine run size and

just how it was to manage the fishery as the fish got closer to the river. And what we've seen this year, of course, is just the exact opposite.

There are three ways that the Department can determine a run, and one is with test fisheries, the other is with ongoing fisheries, and of course the third is the last one and that's the hydroacoustic station at Mission. But there weren't any ongoing fisheries and so the Department was somewhat taken aback by the number of fish that arrived.

Mind you, I had fishermen phoning me early on, like three weeks before the fishery started, telling me that there were huge numbers of fish in the system and in their view that the fishery should have been happening. But the Department didn't seem to see that. They preferred instead to allow the huge amounts of fish to return to the spawning grounds in the early fishery and then it was only later that they opened the commercial fishery. And that's simply not the way to go.

STIRLING: Why not?

CUMMINS: Well, number one I guess is that if you only harvest the late parts of the run, and you do that consistently, over time you're going to change the timing of the fishery because you're simply targeting those fish that come back late and so genetically you can alter the run.

The second thing is that when you do that you're really out of step with what's going on. If you don't have that early fishery, you'll never

really get a handle on what's coming back and how you should manage the whole fishery.

And what we've seen this year, I mean, mistakes can be made or errors can be made in estimating returns. That's something that's always going to be with us because you don't really know what happens to those fish once they've left the spawning grounds and their time in the lake and head out into the ocean. So our estimates can be off.

But it's how you respond to the in-season changes that matters. And what the Department has been doing over the last little while, it's been plugging the spawning grounds with far more fish than is necessary, and it's resulted in part in some of the scarcity of fish over the last couple of years. And, you know, some people say, well, why this year? Why were there, you know, a huge number of returns?

STIRLING: Well, exactly.

CUMMINS: I think there are two reasons. One is that back in 2006 the Department limited the spawners. There was only about a million spawners, which is about less... probably half of what they had been allowing in previous cycles. So the number of spawners that got onto the spawning grounds, in my view, was an appropriate number.

And secondly, people are saying, well, because of this huge return we can't point any fingers at the fish farming industry. Well, the fact is

that in 2008 when these fish went to sea, the fish farming industry in Johnstone Strait, Broughton Archipelago and so on, was virtually on lockdown. Many of the farms were fallow and the fishing... the farm fishing industry was taking great pains to reduce lice infestation. And so that in 2008 there was only 1 to 2 percent of the chum and the pink salmon, for example, in the Broughton Archipelago that were infested with lice, and they only had 1.2 lice... roughly 1.2 lice per fish. In 2007 and again in 2009, those kinds of... that effort wasn't made on either side of this run. And at that time there were 70 percent infestation rate and the fish had somewhere between 9 and 11 lice per fish.

And so, you know, for folks to say, well, this huge return this year proves that the fish farming industry is benign, that it's not an... it doesn't have an impact on sockeye returns, I think is getting ahead of the game.

STIRLING: You mentioned...

CUMMINS: (Inaudible)...

STIRLING: Oh, I'm sorry. Yu mentioned that Prime Minister Stephen Harper, when he set up this inquiry, he wanted it to be independent. Now we've heard that the inquiry has contracted, is it a former media spokesperson for the DFO? What is the significance of this?

CUMMINS: Well, what's significant here is that there has been 13 contracts... I guess 12 of these projects that have been set up by the Cohen inquiry and they're to conduct various investigations. Project number 11

is to investigate basically the science and management of the Fraser River fishery. And two of the people that are involved in that are Bert Ionson and Mike Staley.

Ionson was at one time the DFO media spokesperson of the year. He... interestingly enough, he appeared before the Williams inquiry and when he was asked whether or not there was any effort made to inquire the numbers of fish caught by aboriginals, he said, well, you really can't do that. He said it would be an infringement on their rights. And Justice Williams said, you're trying to tell me that it'd be an infringement to ask a commercial fisherman how many fish he's caught? And Ionson says, yeah, quite frankly we don't care. He says that it... you can't ask that of an aboriginal fisherman. And Justice Williams was simply totally taken aback.

The other individual on that inquiry, and there are actually three of them there, but the other guy that's on there is Mike Staley. And Staley was a spokesman and a biologist for the Cheam Indian band, for other various aboriginal organizations, and when he was asked if he supported or opposed the illegal sale of fish, and the Cheam had been accused of that, he said, well, as a biologist, he said, that doesn't matter to me. So then he went on and he was asked if DFO should do everything to stop illegal fishing and he said, well, I don't need to answer that question.

STIRLING: Why not?

CUMMINS: And this was... well, yeah, why not? I mean, it's just a... a... you know, it's beyond the pale that he would respond to a House of Commons committee that way. And yet this guy now is on Cohen's... is one of the experts that Cohen has hired to give him advice on Fraser River... the management of the Fraser River fishery. I mean, it's absolutely stunning to think that these guys are going to provide any kind of answer that we need.

And the third guy on that panel is Edwin Blewett and he's an independent consultant, but he's an economist who also worked years ago for DFO and has done contract work and whatnot for them in the interim.

So really this is an inside job. It's DFO investigating itself. People in British Columbia were shocked with... after the taser incident in Vancouver when the RCMP were investigating their own actions, and yet here we've had Justice Cohen allow his inquiry to be taken over by DFO. In fact, he's put them basically in charge. And I think the public should be outraged that he would... he would move in this direction.

STIRLING: Do you think the public will be outraged, though?

CUMMINS: Well, I sure hope so. The folks that I talk to, the people that are paying attention to this, certainly are upset. They see this as inside job. They just can't understand it that Cohen is a lawyer and as a judge doesn't understand conflict of interest. You know, the man in the street

understands that. Why can't a lawyer and a judge understand that? And yet he just doesn't seem to get it. And I find... I'm just stunned by the appointments that he's made and by the direction that he took.

STIRLING: Is it possible to hold a federal inquiry into anything and be completely 100 percent objective? Or are there always going to be problems with people who have previous affiliations or people who have certain political affiliations?

CUMMINS: Well, I think it's a tough call but, you know, the Prime Minister made every effort. Judge Cohen was recommended to him, he asked me what I thought and I, you know, asked people in the know about Justice Cohen and was told that he was a middle-of-the-road balanced guy, that he should do a good job. He gets appointed and he goes sideways. And I just don't understand that. Like I said, I'm... it's... I find it stunning that he could take... go in the direction that he has. It's the worst nightmare. The Prime Minister... the Prime Minister was very clear in conversation with me that he wanted this inquiry to be independent of the Department and that's why it was being managed out of his office. It's as simple as that. And yet the first act that Cohen took when he was appointed was to go to the Department for advice on how to conduct the inquiry! He never went to the people who are calling for the inquiry and said, well, what it is that concerns you? Why do you think that we should be doing this inquiry? What is it that you really think I should be looking

at? He went to the guys instead that... who most folks were seeing as the root of the problem, the guys that brought us the collapse of the North Atlantic cod, and he asked them for advice on how to conduct his inquiry! I mean, it's just... you know, it... it's just beyond belief that he would do that.

STIRLING: Given what has happened, will the public be able to trust the results of this inquiry?

CUMMINS: Well, I sure as hell won't! I'm going to be very, very sceptical and I... I mean, given the advice that he's taken and the appointments that he's made, where is he going to get the contrary advice on what's happened? He's going to get sugar-coated advice about what's gone on in the past and he'll make some comment, well, we could have done this better, we should have done that differently, maybe this program went on too long, and, you know, here's some recommendations on how we can fix things in the future. But it's not going to be good enough. We've already seen in the last little while where Carl Walters from UBC, who really was one of the architects of DFO's management plans, saying that they continued this plan too long and they should have... they should have dropped it as merely being not quite as successful and not as necessary, I think he said, now as it was in the past, and perhaps harmful. Well, I think that this plan, DFO's management scheme, has been a problem since it was implemented. We've been calling for an end to their management

style since, you know, the mid-'90s, and now, as I say, even one of the architects of that plan is saying enough is enough.

STIRLING: You have the ear of the Prime Minister. What does he think of all this? Or has he responded?

CUMMINS: I haven't talked to him really since the... the... in depth since the inquiry went on. But I can say this, that the Prime Minister suggested to me right at the get go that once these inquiries are appointed we have no control over them. They can go sideways on you and there's nothing you can do about it because the last thing you want is the Prime Minister to get involved and then all of a sudden it becomes a political issue again. And so you have to let the thing, you know, take its course. And the Prime Minister cautioned me right at the get go; he said this happens more often than you want that when these inquiries are put in place they go sideways because the judge wants to do this, wants to do that, doesn't see it the way you do or the public does or those who've got concerns. And of course, in my view, that's exactly what's happened in this case.

STIRLING: What have you heard from the average Canadians, the fishermen out there who are really concerned about this topic?

CUMMINS: Well, it's interesting. I've heard from people, you know, from fishermen in, you know, the... you know, the Fraser River gill-netter to the seine boat skipper, even to folks that are, you know, former

managers of some of the largest fishing companies in British Columbia. In fact, I just got an email a couple of days ago from a senior manager, a former senior manager of the Canadian Fishing Company advising me of his concern about the inquiry and the direction that it could be taking, and saying that in some ways that he wasn't really surprised but he was deeply saddened that it really wasn't going to get to the root of the problem. That's sort of the tenor of the comments that I'm getting. It's this... you know, at first there was a euphoria that we were finally going to get this judicial inquiry, and then all of a sudden there's this sort of stunned silence as people see the direction that it's taking and realize that DFO is really pulling Justice Cohen's cords and, you know, he's just dancing like puppet there. And they're very, very upset by that.

STIRLING: John Cummins, almost out of time. Any final thoughts on what you're going to be watching next in this file?

CUMMINS: Well, I'd just like to see Justice Cohen at some point acknowledge that these folks that he's put in place are the wrong folks, that he's going to be very sceptical about the kind of information they get. But I'd also like to see him provide a little bit of support for those people who were calling for the inquiry and who he has really short-changed when it comes to funding to prepare their arguments for the inquiry. And that's another issue, I guess, that's very, very upsetting, is that the very people that were calling for it have really been short-changed there. The inquiry is paying for some legal time

for them but is not giving them any support to put their... the papers together that... you know, many, many inches of files and so on that they have on this case and on these issues and put them in a form that's suitable for the inquiry. So you've got people doing it on their own.

STIRLING: John Cummins, we're going to have to leave it there because we're all out of time. We thank you so much and I'm sure we'll be touch as we follow this story.

CUMMINS: Thank you very much. It's been a pleasure talking with you.

STIRLING: Take care. That's John Cummins. He's a commercial fisherman as well as the Member of Parliament for Delta-Richmond East.

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