



## Kwicksutaineuk/ Ah-Kwa-Mish First Nations

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### Media Release

#### ***Class-Action Law Suit launched by Kwicksutaineuk/Ah-Kwa-Mish against the British Columbia Government to address the impacts of aquaculture on wild salmon in their territory***

(Vancouver, February 4, 2009) Today, representatives of the Kwicksutaineuk/Ah-Kwa-Mish (*kwik wasoo tea noox & ha kwa meesh*) First Nation (KAFN) gathered at the Union of B.C. Indian Chiefs' office to launch a Class-Action law suit involving B.C. Government's regulation of open net-cage salmon farms, and the very survival of B.C.'s wild salmon.

Filed in the British Columbia Supreme Court, the suit is being brought against the B.C. Government by a First Nation whose territory is within the area known as the Broughton Archipelago. This is the formerly salmon rich area of mainland coast, islands and bays east of the northern tip of Vancouver Island (*see map below*). Currently, 29 fish farms are authorized by the B.C. Government to operate in the area. The KAFN contends that these fish farms are licensed and regulated in a manner that has significant negative impacts on wild salmon stocks.

Chief Bob Chamberlin is the Representative Plaintiff, acting for the entire class of First Nations affected by the current fisheries management regime. He is a KAFN Chief and a long time advocate for aquaculture industry reforms to protect wild salmon. At the media conference, Chief Chamberlin was supported by community elders and representatives of other B.C. First Nations.

Chief Chamberlin explained that the decision to take the B.C. Government to Court was not entered into lightly, but has become a last resort. He stated, "We have been patient and respectful, attending countless meetings while damage continues to be inflicted on the wild salmon by open net-cage salmon farms. We have waited for provincial support for closed containment technology and we have advanced farm following plans and schedules to no avail. We have tried to work with the Government, at a government to government level and through the New Relationship initiative, but we are out of time. Wild salmon stocks throughout the entire Broughton are in a sustained and serious decline; some salmon runs may become extinct and never be replaced. The salmon have existed here as long as we have, and it is essential to the survival of our distinct aboriginal culture that plentiful stocks of wild salmon survive."

Referencing the Statement of Claim prepared by the legal team from the Vancouver law firm of Camp, Fiorante and Matthews (CFM), assisted by the Victoria office of Woodward & Company, Chief Chamberlin provided an overview of what is being sought by the KAFN:

- A declaration that how the province has authorized and regulated the salmon farms has contributed to a significant decline in the wild salmon stocks;
- A declaration that how the province has authorized and regulated the salmon farms has infringed the KAFN and other Class Members' fishing rights in violation of s.35 of the *Constitution Act*
- An injunction prohibiting the issuing of salmon aquaculture permits in the Broughton Archipelago, until adequate consultation and accommodation has occurred; and
- A declaration that the province must remediate the impact of salmon farms on wild salmon.

Class-Action lawyer JJ Camp from CFM stated, "This is an important claim, deserving attention for its merits and for being the first time a Canadian First Nation has used the *Class Proceeding Act* to advance an Aboriginal rights claim." Camp observed that, "The Class-Action law suit approach was chosen in part because of the speed with which it can be acted upon. This is important, since there is an immediate and current threat to wild salmon from parasites (sea-lice) and disease, especially young salmon migrating near the fish farms this spring."

Class-Actions offer access to justice and promote judicial efficiency because the same issue is not litigated repeatedly. They often promote policy changes by defendants who would not normally be motivated to change.

JJ Camp explained that the Courts will determine whether the proposed action will be allowed to proceed as a Class-Action, which is required to be determined within 90 days of the filing today. Once certified as a Class-Action, the next step is a trial of the common issues, similar to an individual trial, except the outcome dictates the result for all class members.

The KAFN’s lawyer, Krista Robertson (Woodward & Company), explained how the B.C. Government currently permits and regulates the aquaculture industry, despite uncertain jurisdictional authority, and how the industry impacts the wild fishery and Aboriginal rights. She noted that “The KAFN have repeatedly expressed their concerns to the federal and provincial governments about the permitting of farms in areas where there are significant runs of juvenile wild salmon, without adequate protection from the transfer of disease, sea-lice and other parasites, or even basic environmental assessments.” She concluded, “The province has continually infringed upon the KAFN’s constitutionally protected fishing rights, without justification.”

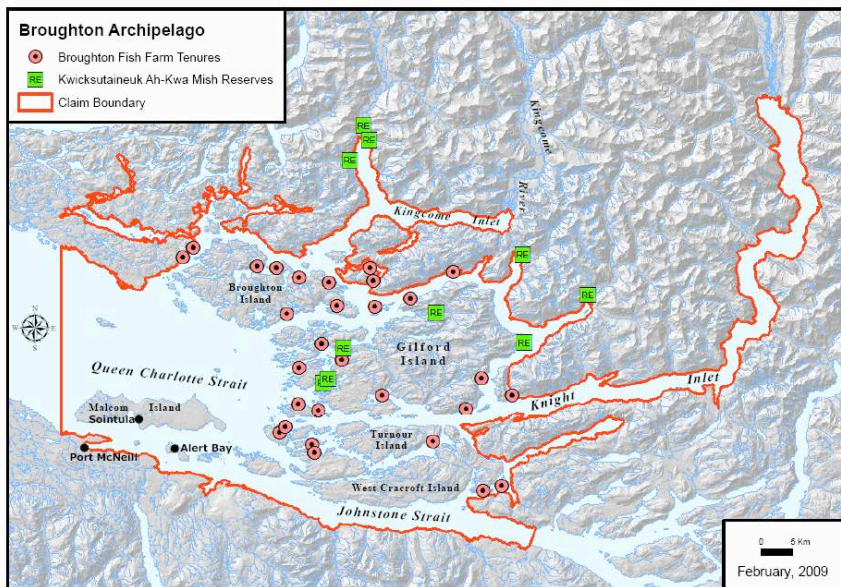
Chief Chamberlin lauded the tireless efforts of other First Nations, non-Aboriginal communities, non-governmental organizations, the ecotourism industry and the many individuals working to protect wild salmon from the negative impacts of the salmon farming industry. He referred to the many letters of support, e-mails, and calls he has received from other First Nations and BC residents who want the problem fixed before it is too late. He stated, “I know in my heart that saving wild salmon is important to all Canadians.”

**To schedule media interviews, please contact: Don Huff, Penasi Communication/Environmental Communication Options, at: 416-972-7404 / on-site (Vancouver) 416-805-7720 or email [huffd@huffstrategy.com](mailto:huffd@huffstrategy.com).**

*Copies of the Statement of Claim are available at <http://huffstrategy.com/MediaManager> and at [www.cfmlawyers.com](http://www.cfmlawyers.com).*



*Sea-lice and young salmon*



*Map of Broughton Archipelago*