



MIKISEW CREE FIRST NATION
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Mikisew Cree First Nation celebrates win in court challenge of the Federal Government's 2012 changes to environmental protection and assessment laws

FORT CHIPEWYAN – The Mikisew Cree First Nation is pleased with today's Federal Court decision confirming that the Federal Government was required to consult with Mikisew about sweeping changes to environmental protection and assessment legislation introduced through two omnibus bills in 2012.

Mikisew is located in northeastern Alberta. The First Nation is a signatory to Treaty No. 8 and has constitutionally protected treaty rights, which are intrinsically related to the environment in their lands. In 2012, Canada introduced and passed two lengthy omnibus budget bills (Bills C-38 and C-45), which dramatically changed key federal environmental laws including the *Canadian Environmental Assessment Act*, the *Fisheries Act*, the *Species at Risk Act* and the *Navigable Waters Protection Act*. These included changes to the scope, depth and frequency of federal environmental assessments and protections in Mikisew's territory and throughout Canada.

In a 64 page decision, Justice Hughes confirmed that the duty to consult was triggered when the federal government introduces legislation that has a potential to adversely impact Mikisew's treaty rights. In this case, Justice Hughes found that "no notice was given and no opportunity to make submissions was provided. In fact, each Bill, which was structured as a "confidence" Bill, when through Parliament with remarkable speed." He determined that "the Crown ought to have given the Mikisew notice when each of the Bills were introduced into Parliament together with a reasonable opportunity to make submissions may have an effect on the future respecting continuing obligations to the Mikisew under Treaty 8."

"This is a major step forward in acknowledging the federal government's failure to properly consider treaty rights before making fundamental changes to environmental laws," said Mikisew Chief Steve Courtoreille. The Chief went on to say that "Mikisew now expects the federal government and all other governments in Canada to consult with First Nations early on legislation that may adversely affect our rights. Those governments should not be afraid of us. We have valuable information and contributions to make on these important issues."

For Chief Courtoreille, the message is that the government needs to slow down and consider impacts to First Nations' rights. "I think this case is a rebuke for the Federal government in rushing these laws through Parliament without any consultation at all."

Mikisew hopes this decision signals a stronger role for First Nations in determining how the lands in their territories will be used and in protecting the environment for future generations of all Canadians.

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