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## **Nuu-chah-nulth Decision Must be Appealed says BC Wildlife Federation**

Vancouver, BC - "The November 3<sup>rd</sup> ruling by B.C. Supreme Court Madam Justice Nicole Garson flies in the face of previous Supreme Court of Canada rulings on First Nations commercial fisheries falling under the protection of Section 35 of the Canadian Constitution and must be appealed forthwith" said Rod Wiebe, vice president and chair of the B.C. Wildlife Federation Native Affairs Committee.

The ruling by Madam Justice Garson places the native Commercial Fishery in priority position second only to that of conservation and First Nations FSC requirements. Such a ruling and precedent is a major infringement on the Common Law Right to Fish held by all Canadians. Moreover previous Supreme Court of Canada rulings including one dealing with the Nuu-chah-nulth have held that such a commercial right did not in fact exist.

The Federation finds it incongruous that two B.C. Supreme Court Judges hearing two almost identical cases, with essentially the same evidence in both cases, (Nuu-chah-nulth and Lax Kw'alaams), should come up with two diametrically opposite judgments.

We in the BCWF are also dismayed at the actions of our Provincial Government who, in playing Pontius Pilot in this case and recusing themselves from participation have put our Steelhead and other provincial fish at risk. It needs to be understood that this ruling now gives the First Nations the right to harvest and sell Steelhead, Trout and Sturgeon should they wish to do so. Given that this commercial fishery now has the standing of a Section 35 right, history tells us that the only action the government can and will take to control these fisheries will be for conservation reasons. By that time all other fisheries will be long gone.

We also find incongruous the fact that Madam Justice Garson totally ignored the fact that the current lack of fishing capacity in the First Nations in the area is because they voluntarily sold their licenses back to the government. Secondly she failed to recognize that for the past years the Government of Canada has been spending millions of our tax dollars buying commercial fishing licenses and turning these over to First Nations, including the Nuu-chah-nulth.

It is our considered opinion that the Madam Justice got both the facts and the law wrong in this instance and our Federal Government should launch an immediate appeal. May we even hope that our Provincial Government would think enough of the other British Columbians to cease their ambivalence and at least take an intervener status?

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For further information contact Patti MacAhonic, Executive Director of the BCWF at 604-291-9990 extension 230 or at [patti@bcwf.bc.ca](mailto:patti@bcwf.bc.ca).

**The BCWF is a province-wide voluntary conservation organization representing over 35,000 British Columbian members whose aims are to protect, enhance and promote the wise use of the environment for the benefit of present and future generations.**

**The B.C. Wildlife Federation was incorporated under the B.C. Societies Act in 1951 and it became a registered charity in 1969. The Federation is British Columbia's largest and oldest conservation organization.**