



STELLAT'EN

FIRST NATION

SAIK'UZ



Next step in fight to protect Nechako fisheries and Aboriginal rights

First Nations will appeal BC Supreme Court ruling to hold mining company responsible for harm to Nechako River and fisheries.

FOR IMMEDIATE RELEASE

Saik'uz and Stlellaquo BC, February 3, 2022 – The Saik'uz and Stellat'en First Nations announced today that they will proceed with an appeal to the British Columbia Court of Appeal in their effort to hold Rio Tinto Alcan responsible for continuing harm to the Nechako River and its fisheries.

The Nations are bringing a limited appeal from a January 7, 2022 BC Supreme Court decision which otherwise made important rulings of fact and law in support of the Nations and their fight to protect their fisheries and rights. The Court found that Rio Tinto's management of the Kenney Dam breaches constitutionally protected Aboriginal rights and causes longstanding and ongoing harm to important Nechako fisheries, and the Indigenous cultures that depend upon them. However, Justice Kent held that the company could not be legally responsible for the nuisance since the dam and Rio Tinto's operations were authorized by Canada and British Columbia. The Nations will ask the Court of Appeal to review this legal conclusion.

The Court did emphasize the Crown "has an obligation to protect the plaintiffs' Aboriginal right to fish by taking all appropriate steps to protect the fish and to act honourably in doing so." The Nations remain ready to work with the federal and provincial governments to implement this important declaration by the Court, while they pursue appeal to hold Rio Tinto responsible for the company's role in the harm to their fisheries. Councillor Jackie Thomas, the named plaintiff for Saik'uz and Chief when the case was brought in 2011, said "We value the significance of the decision in our favour to affirm our rights and to establish accountability. The next step is to work on fixing this no longer justified infringement – for the future sustainability of the river."

The plaintiffs will ask the Court of Appeal to order the restoration of flows to the Nechako River that are sufficient to restore the natural functions of the river, and to support the fish populations dependent upon it, including sockeye and the highly endangered Nechako White Sturgeon.

"Our people have seen the impacts of the dam on our rivers and our fisheries, we know natural flows need to be returned before it is too late. Rio Tinto has responsibilities as well as government, and all parties need to be held to their obligations," said Stellat'en Chief Robert Michell. "Our way of life, culture and our future generations depend on it. We need the Courts to enforce our constitutionally protected rights."

Saik'uz Chief Priscilla Mueller said, "Our Nations are going to do what it takes to restore the river and protect the fish that populate the Nechako watershed. It is a matter of key importance for us to defend our cultural inheritance for future generations."

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