



Media Release: August 11, 2020

Sipekne'katik requests for immediate stop of Windsor Causeway blockage pending Aboriginal rights review (Indian Brook First Nation, NS) - In light of the recent Nova Scotia Supreme Court decision in Sipekne'katik vs Alton [2020 NSSC 111], the courts have directed the Crown, with guidance on the sufficiency of consultations under the current environmental assessment process in Nova Scotia. The court has found that a legal duty to consult cannot be fulfilled within the environmental assessment process alone. A deep and meaningful consultation process should take place to address the Aboriginal rights, established treaty rights including assertions of title of the Mi'kmaq.

The impact of fish kills, and ongoing blockages of fish passage is of serious concern to the Sipekne'katik members living and relying on the food sources within the Bay of Fundy ecosystem, also referred to as the Sipekne'katik district of the Sipekne'katik Mi'kmaq.

Sipekne'katik Chief, Michael P. Sack states "where there is a fish kill there is an immediate concern of the impact to those species and the impact to our collective rights. This should be immediately addressed as an on-going environmental emergency".

Whereas, the current structure (and the proposed new structure options), have significant fish and wildlife impacts, significant land alterations and or significant water impacts, the potential to impact Aboriginal and treaty rights including title is of the highest level of infringements, the fiduciary duties of the Band to its members are triggered.

Due to the risk of continued harm and the possibility of irreparable harm to species, territory, and rights, Sipekne'katik calls on the Province of Nova Scotia to:

1. Temporarily cease any further blockage of the causeway;
2. Review the past and upcoming permits to ensure rights-based consultations are conducted, outside of environmental processes, which meet the legal duty to consult the Sipekne'katik Mi'kmaq on Aboriginal rights, treaty rights and asserted Title of the Mi'kmaq; and
3. Begin discussions with Sipekne'katik that meets the guidance set out in both the recent Alton Decision and the Supreme Court of Canada in Clyde River [2017 SCC 40] to address rights based impacts starting with a "strength of claim" of the Sipekne'katik Mi'kmaq Aboriginal rights, established treaty rights and asserted Mi'kmaq title.

Media availability and questions can be directed to Cheryl Maloney.

Email: cmaloney@eastlink.ca Phone: 902-805-9990