



## **W&Co Intervenes at SCC in Carrier Sekani Case**

**Jay Nelson** appeared at the Supreme Court of Canada on May 21 in the *Rio Tinto Alcan Inc., et al. v. Carrier Sekani Tribal Council* appeal, on behalf of the interveners Duncan's First Nation and Horse Lake First Nation.

This appeal raises for the first time the question of whether regulatory tribunals have a duty to ensure that the Crown has discharged its consultation duties to First Nations before issuing approvals.

Duncan's First Nation and Horse Lake First Nation, two First Nations on the frontlines of energy development in Alberta, are affected every day by the decisions of regulatory tribunals approving oil and gas projects, oil sands extractions, pipelines and other development. They intervened before the Supreme Court of Canada in hopes of securing a voice in these regulatory processes that are deciding the future of their lands, their rights and their distinctive cultures.

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### **UPCOMING EVENTS:**

July 2: CEAA Panel Decision - The federal environmental review panel reviewing Taseko Mines Ltd.'s proposed Prosperity Mine finished the public hearing process and will release its report and decision 60 days after the hearings closed.

July 2 - 4: Beaver Lake Cree Nation Pow Wow - Jack Woodward will attend the annual gathering at Lac La Biche, Alberta.

## **June Profile: Jenny Biem**

*Committed to making a difference*

Jenny grew up in both Calgary and Vancouver. Prior to entering the field of law, Jenny spent 10 years living in northern B.C. where she filled both staff and managerial positions in the non-profit sector, owned a yoga teaching and tourism business, and worked as a newspaper reporter. While at UBC Faculty of Law, she completed a specialization in Environmental and Natural Resource Law, worked as a research assistant examining the legal implementation of the Kyoto Protocol around the world, and was awarded the 2007 Davis and Company Prize in First Nations Law. She joined Woodward and Company in 2008.

Jenny has worked on disputes involving consultation and accommodation, oil and gas law, and environmental impact assessment in both British Columbia and Alberta. Jenny also has a history of involvement in community economic development and a keen interest in the liabilities arising from the effects of pollution on human health, property, and the environment.

In reflecting on her life, Jenny came to this: "I spend a lot of time working. When I'm not lawyering I am. . .

Doing the dishes  
Caring for my child  
Growing a little food  
Practicing yoga  
Doing the dishes  
Riding my bike  
Washing the laundry  
Eating with friends  
Doing the dishes.



Doing the dishes while  
Gazing out my kitchen  
window  
at the roof of the flower shop  
through the power lines up  
the avenue  
Troubled by the state of the  
world.  
Dreaming of revolution.

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Please visit the Woodward & Co website and take the time to watch our colleague's submission. There is a link to the SCC video on the home page. Of Jay's presentation Jack Woodward notes, "This was a model of good advocacy. Jay confined his comments to one clearly stated point at the heart of the matter. He observed every member of the bench and kept their attention. He respectfully built upon the submissions of previous counsel for the same side (Art Pape, Robert Janes)." Congratulations, Jay!

You can also find the submission at this link: [http://www4.insinc.com/ibc/mp/md/open\\_protected/c/486/1915/201005210500ww450en,001](http://www4.insinc.com/ibc/mp/md/open_protected/c/486/1915/201005210500ww450en,001)

Jay's submission begins at the 5 hour mark. ❖

## CELEBRATING 25 YEARS OF THE MEARES ISLAND INJUNCTION



Ahousaht dancers perform at the Tofino Community Centre as part of the night's festivities.

Photo: Linda Stanton.

On May 15<sup>th</sup>, **Jack Woodward** hosted a standing-room only celebration dinner in Tofino to mark the 25<sup>th</sup> anniversary of the court injunction that stopped logging on Meares Island until Nuu-chah-nulth land claims are settled. More than 300 members of the Tla-oh-qui-aht and Ahousaht First Nations attended, including hereditary and tribal chiefs. Presentations were made by Jack and other lawyers from the firm to the chiefs, followed by a night of spectacular dancing and song.

Jack stayed in Tofino to present at the International Funders of Indigenous People's conference about his current battle on behalf of the Beaver Lake Cree Nation to stop the expansion of the tar sands industries. ❖

## Hello's and Good-bye's

W&Co would like to welcome University of Victoria co-op student Steve Parr to our offices. Steve joins us for the summer to assist some of the firm's lawyers.

And we say a sad farewell to Rhonda Soldera who joined the firm eight years ago. Our loss is Hugh Armstrong Law Corporation's gain – Rhonda will join the Duncan-based law firm and no longer needs to make the daily commute into Victoria. Best wishes from all of us, Rhonda!



## A Victory in the Fish Farm Fight

Congratulations to former W&Co lawyer **Krista Robertson**, now with Robertson Law, who represented the Musgamagw-Tsawataineuk Tribal Council (MTTC) as interveners supporting the position of Alexandra Morton in her court battle to stop salmon farming. *Morton v. British Columbia (Agriculture and Lands)*, 2010 BCSC 100 effectively resulted in a freeze on any new salmon farm licenses or expansion on any current licenses until December 2011. This benefits First Nations because it allows them time to fully engage with the Department of Fisheries and Oceans around the development of a new regulatory system that will hopefully build indigenous interests in the new regime.

Krista, on behalf of the MTTC, successfully applied for intervener status, arguing that their collective reliance on the Broughton Archipelago fishery and the impacts of aquaculture necessitated they be meaningfully consulted and involved in decisions concerning the fishery. "We intervened with the additional perspective that First Nations concerns lend significant weight to the need for a better system." ❖