



Hupacasath First Nation

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Hupacasath Achieve Another Victory in Court!

Today, Justice Lynn Smith gave reasons for judgment in *Ke-Kin-Is-Uqs v. British Columbia (Ministry of Forests)*. Hupacasath First Nation filed this case as a result of the Minister of Forests decision in 2004 to permit the removal of over 70,000 hectares of private land from Tree Farm Licence 44 without first consulting Hupacasath. In the original decision the court granted two years for consultation to occur for the province to address Hupacasath's interests. The parties fell critically short of reaching an agreement within the two year consultation period, and Hupacasath commenced action against the provincial crown for failure to consult as per the court order.

"The Crown refused to understand the amount of damage they consented to on the removed lands and how our rights are impacted and to accommodate our interests to that degree," stated Chief Councillor Judith Sayers on the reason for action, "The forests are our cathedrals and our interest is to protect that which most sacred and precious to us."

Justice Smith's decision, states that the Crown did not correctly understand what was required of them in consultation and misunderstood its duty to consult and accommodate in this instance; that the crown conducted its process in an unreasonable manner; that the crown should have sought ways to meet Hupacasath's interest to continued access to lands removed from TFL 44, including access to sacred sites, harvesting of cedar and traditional medicines, and hunting. The Court Order calls for a mediator to be appointed and the parties have six months to reach resolution.

"We are very pleased with the outcome of the court's decision", stated Chief Councillor, Judith Sayers. "The Crown cannot continue to say there is no impact to our rights with their decision, the court has been clear; they must consult and accommodate our interests. "

Chief Councillor Judith Sayers also added that "this is another clear message to government that they need to change the way they consult and accommodate First Nations. Failure to consult adequately means investor uncertainty and the Vision of Recognition and Reconciliation set out in the New Relationship will never be achieved if consultation cannot be done properly."

"Hupacasath has always demonstrated a willingness to engage in meaningful consultation and we look forward to that now taking place under the direction and supervision of the court", concluded Chief Councillor Sayers.

For Further Information Contact Judith Sayers at 250 720-9328 or 724-4041 ext. 24 or Judith@hupacasath.ca. Decision attached.