

First Nation chiefs ask court to block forestry agreements

Chiefs seek injunction, alleging plan to give more Crown wood to industry violates treaty rights

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A group of First Nations chiefs in New Brunswick is asking the Court of Queen's Bench to block the provincial government's new forestry plan, which will give industry access to more Crown wood.

The chiefs have filed a motion asking for an injunction to prevent the government from signing logging agreements with several private companies, arguing the province has not met its legal and constitutional obligations to aboriginal people.

Several other people have also opposed the Crown forestry plan, including academics and former provincial government employees. (Jeff Bassett/The Canadian Press)

In the notice of motion, filed in Fredericton, they allege aspects of the provincial forestry strategy violate their aboriginal and treaty rights.

As of Friday afternoon, the provincial government had not yet filed a response to the motion.

A hearing is scheduled for Monday afternoon — just three days before the start of an election campaign in which Premier David Alward's TV ads will ask voters to "say yes" to his natural resource development plan.

The forestry plan, announced in March, gives J.D. Irving Ltd. and other Crown licence holders the right to cut 20 per cent more softwood on public land.

It also reduces the amount of public forest that is off limits to industry to 23 per cent, down from the previous standard of 28 per cent.

The deal is expected to result in the harvesting of an additional 660,000 cubic metres.

Earlier this week, Premier David Alward told CBC News the agreement with J.D. Irving Ltd., "will be ready within the very next few days."

The First Nations chiefs say they decided to take action after they heard Alward's comments because the agreements, once signed, would be legally binding on future governments and irreversible.

In the notice of motion, filed in Fredericton, the chiefs argue the government shouldn't be allowed to sign any such deals.

The applicants are the chiefs of the 15 Mi'kmaq and Maliseet First Nations of New Brunswick and the Assembly of First Nations Chiefs in New Brunswick Inc.

The application is supported by affidavits from several chiefs, a retired provincial forester and a retired provincial wildlife biologist.

In addition to the provincial government, the other respondents are the five companies that hold Crown timber licences: AV Cell Inc., Fornebu Lumber Company Inc., J.D. Irving Ltd., AV Nackawic Inc. and Twin Rivers Paper Company.

On Thursday, Alward announced he had invited First Nations chiefs to meet with him next week.

“Our government is working to instill a new spirit of co-operation with First Nations and identify the right path forward for our province,” Alward said in a statement.

The meeting would be the next step in establishing a new relationship between the provincial government and First Nations, he said.

Several other people have also voice opposition to the forestry strategy, including a group of 184 professors and academics, two former natural resources ministers, and a retired New Brunswick biologist.

A survey, commissioned by researchers at the University of New Brunswick, found 61 per cent of the 525 New Brunswickers asked either strongly opposed or opposed the new Crown forest strategy, compared to 20 per cent who strongly supported or supported the initiative.