

# Wabauskang First Nation

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## ***Wabauskang First Nation Asks Ontario Court of Appeal to Clarify Province's Duty to Consult Obligations***

**Wabauskang First Nation  
Treaty 3  
September 10, 2014**

Wabauskang First Nation has asked the Ontario Court of Appeal to hear its challenge of the recent decision dismissing Wabauskang's lawsuit against the Ontario government over its approval of Rubicon Minerals' proposed Phoenix Gold Mine near Red Lake.

"Our Treaty rights and our relationship and responsibilities with our lands and territory must be respected," said Wabauskang Chief Martine Petiquan. "The lower court's decision ignores fundamental aspects of our Treaty relationship and Ontario's constitutional obligations to our First Nation. We're ready to take this fight to the Court of Appeal to make sure that Ontario honours our Treaty the way it is supposed to."

Wabauskang filed the lawsuit in 2012 opposing Rubicon's proposed Phoenix Gold Mine in Treaty 3 territory. Wabauskang asked the Court to cancel Ontario's approval of a Closure Plan, which is the primary authorization allowing the mine to go into production, because Ontario unlawfully delegated consultation to Rubicon. In a decision released on August 28, 2014, the Court sided with Rubicon and Ontario and held that the Closure Plan will stand. Yesterday, Wabauskang applied to appeal the decision at the Ontario Court of Appeal.

The *Rubicon* decision comes after the Supreme Court's July 2014 decision in *Grassy Narrows*, which imposed onerous legal obligations on Ontario when making land-use decision that affect Treaty rights.

"The Supreme Court sent a clear message to the Province," said Chief Petiquan. "Ontario is now directly responsible for making sure our Treaty rights are respected. Ontario can't continue to hide behind mining companies. Resource development in our territory can't take place unless the terms of our Treaty are honoured. We expect that

the Court of Appeal will agree with us and confirm that Ontario needs to step up and fulfil its Treaty obligations.”

For more information please contact:

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