

Ryan Cormier, Edmonton Journal, Canadian Press

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The Métis Nation of Alberta Association has launched a \$3-billion lawsuit against B.C. Hydro and the Government of Canada for damage to the Lake Athabasca delta created by two dams on British Columbia stretches of the Peace River.

The suit, launched by the Fort Chipewyan chapter of the association, claims that the Bennett and Peace Canyon Dams have had disastrous effects on the Lake Athabasca delta created by the meeting of the Peace and Athabasca Rivers in northeastern Alberta.

The dams have substantially reduced the flow of the Peace River and dried the delta by "virtually eliminating" the spring flooding. That lack of flow has had "irreversible" debilitating effects on wildlife and plants that the Métis rely upon to continue their way of life, the suit states. The reduced flow also infringes upon entrenched Métis water rights.

The construction of the dams decades ago was "arrogant, high-handed, offensive, intentional and totally lacking in concern" for the Métis and their rights, according to a statement of claim. The construction "failed to respect the plaintiffs' Métis rights, constitutional rights and human dignity to such a gross extent that significant aggravated and punitive damages are required."

The suit notes the Métis were not consulted about the dams' potential impacts and no environmental assessments were completed before construction. The Bennett Dam was built in 1968 and the Peace Canyon Dam in 1980. The hydroelectric dams are 23 kilometres apart on Peace River.

B.C. Hydro was created with the construction of the Bennett Dam and runs both dams. In addition to that Crown corporation, the suit names the federal Ministries of Aboriginal Affairs and Northern Development, Transport, Environment, and Fisheries and Oceans for failing to protect Métis rights, wildlife and waterways in the area.

At inappropriate times, the dam also releases excessive amounts of water that interferes with the wetland ecosystem, the Métis claim. The slower river flow has adverse effects on waterfowl,

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Written by Joan Russow

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muskrat, moose and fox populations and limits the fur trade in the area. The Métis also rely upon the depleted delta for food, building supplies and travel.

On Monday, Fred Fraser, president of the Métis Fort Chipewyan chapter that launched the lawsuit, declined to comment. The Athabasca-Peace Delta is the largest freshwater inland delta in the world.

The suit, filed in November, comes as landowners protest B.C. Hydro's renewed proposal for Site C, a third Peace River dam seven kilometres downstream from Fort St. John that would flood an 83-kilometre stretch of the Peace River upstream.

Joint federal-provincial review hearings under the banner of the Canadian Environmental Assessment Agency began Monday in Fort St. John to hear concerns from area landowners and First Nations groups. A decision is expected in mid-2014.

The Métis lawsuit is not the first legal conflict over the Peace River dams.

In the 1990s, the Northern River Basins Study found nearly half of the affected wetlands had disappeared by 1989. Annual flooding patterns were severely disrupted. River levels during normal high-water periods were found to be significantly lower after the Bennett construction.

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Those conclusions were supported by the Indian Claims Commission, which agreed that treaty rights of the Athabasca Chipewyan band had been violated by the damage inflicted by the Bennett Dam.

The commission recommended a negotiated settlement. The federal government, however, refused to talk and the band accepted a \$4-million out-of-court settlement in 2002.

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Statements of claim contain allegations not proven in court.

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No statements of defence have yet been filed.

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