



Tsi Nahò:ten Karihwanákere Nó:nen'k

PRESS RELEASE

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MCK files application for Judicial Review

For immediate release

(Kahnawake – 21 Tsothóhrha/December 2023) The Mohawk Council of Kahnawà:ke (MCK) wishes to inform the community that an application for Judicial Review has been filed at the Federal Court of Canada, to contest the Department of Fisheries and Oceans (DFO) and Transport Canada's (TC) authorizations for the Île Aux Tourtes Bridge Reconstruction Project without first adequately consulting and accommodating Kahnawà:ke regarding impacts from the construction.

The MCK has been engaged in consultation with the DFO regarding this project since January 2022, and is particularly opposed to fish habitat compensation projects that will in turn destroy nesting sites of the Map turtle. The Map turtle is a vulnerable species by Provincial designation, a species of special interest by Federal designation, and an integral part of the ecosystem in that area. The MCK's involvement is based on the Kanien'kehá:ka people's recognized fishing rights in the project area, and on our environmental stewardship rights and responsibilities.

Additionally, while the legal action is taken directly against the federal authorizations, the MCK is also opposed to the provincial government's failure to consult and accommodate for impacts to Mohawk rights throughout the development of this provincial project. The federal government failed to address Quebec's breaches, and decided to authorize the projects despite the MCK's opposition.

MCK was led to believe that the federal government would prioritize the protection of the turtle nesting grounds. However, in late November the DFO informed the MCK that the authorization to proceed with the Bridge Reconstruction Project, including authorizing the destruction of Map turtle nesting grounds would be granted as-is, without further consultation with the MCK. On November 30, 2023, the DFO issued their authorization to the Quebec Ministry of Transportation and Sustainable Mobility to proceed with works related to the reconstruction. These fish habitat compensation projects could have been carried out elsewhere without impacting the turtle nesting sites.

"We are disappointed that the authorization was given to proceed with this project, contrary to the position of the MCK," said Ratsénhahienhs Ross Montour. "As always, it is up to the First Nations people to uphold our place, to ensure genuine due process in Canada's duty to consult obligations, and to continue our responsibility as stewards of the environment."

"While there is no question about the need for this project, we have to keep in mind the next seven generations," added Ratsénhahienhs Cody Diabo. "What we do now will have impacts beyond our lifetimes, so we need to prioritize our earth and our environment to the best of our abilities."

Montour and Diabo are both involved in the Environment and the Indigenous Rights & Research portfolios.

The Application was filed with the Federal Court of Canada today (Thursday, December 21st).

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