



'NAMGIS
FIRST NATION

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'Namgis First Nation sues to prevent restocking of open-net fish farm at Swanson Island without DFO testing for disease

Vancouver, BC, 2018-03-13: On Tuesday, March 6, 'Namgis filed a *Notice of Application* in Federal Court seeking a judicial review of the Minister of Fisheries and Oceans' policy not to test farmed Atlantic salmon for the blood virus, piscine reovirus (PRV), prior to transferring smolts from Marine Harvest Canada Inc.'s hatcheries into open-net pen fish farms in 'Namgis territory. Then, on March 9, 'Namgis First Nation filed a motion for an interlocutory injunction to prevent the Minister from issuing a licence to transfer the smolts into Marine Harvest's open-net pens without first testing for the blood virus PRV, pending resolution of the judicial review.

Marine Harvest is preparing to restock their Swanson Island fish farm approximately 16 km east of Alert Bay ('Namgis territory) with Atlantic salmon despite 'Namgis' strenuous objection and lack of consent. Despite 'Namgis' repeated attempts to engage the Minister on this crucial issue, the Minister has not consulted with 'Namgis and has not even replied to any of the multiple letters 'Namgis has sent to the Minister over the last three months.

In 2015, the Federal Court in *Morton v. Canada* confirmed that PRV is a disease agent that may be harmful to the protection and conservation of fish, and that the Minister of Fisheries and Oceans is prohibited from issuing licences to transfer fish infected with PRV. Despite the Minister abandoning the appeal of *Morton v. Canada*, the Minister refuses to comply with the 2015 ruling and continues to unlawfully approve transfers of fish without even testing for PRV.

Despite the accumulating evidence that PRV is harmful to wild salmon, and a legal prohibition on transferring PRV-infected smolts into the marine environment, both the Minister and Marine Harvest claim that PRV poses no danger to wild salmon.

'Namgis' application for judicial review states that the Minister's decision not to test farmed Atlantic salmon for PRV is unlawful, made in bad faith, and threatens irreparable harm to the already extremely depleted wild salmon populations in their territory, a resource that has sustained them for millennia. Furthermore, 'Namgis states that the Minister's PRV policy threatens the ongoing process of reconciliation in Canada.

As part of its exercise of Aboriginal title and rights in its Territory, 'Namgis has spent millions of dollars to restore wild salmon by operating a hatchery, voluntarily reducing fishing, and pioneering land-based salmon farming through Kuterra Ltd, to demonstrate that the salmon farming industry can operate can without harming wild salmon. Despite its constitutionally protected rights and Canada's promises to implement the United Nations Declaration on the Rights of Indigenous People, Canada has not consulted nor sought 'Namgis' consent to this unlawful transfer of potentially disease-infested salmon into its Territory.

"We have made every attempt to engage Canada in good faith on their PRV Policy and the transfer of Atlantic salmon into our territory but it refused to consult with us" ...

"'Namgis has no other option to protect wild salmon, our title and rights and ultimately who we are as a people but to ask the Court to intervene to prevent the serious, irreversible harm being visited upon us by Canada and Marine Harvest." Chief Don Svanvik

See following page for quick facts on PRV and HSMI.
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Quick Facts

PRV (Piscine orthoreovirus, a blood virus, formerly known as Piscine reovirus) causes the fatal Heart and Skeletal Muscle Inflammation (HSMI) and is associated with other adverse health effects that impair cardiac capacity in salmon, reducing their ability to evade predators and return to their spawning grounds.

- ❑ PRV is a blood virus that infects red blood cells. It infects sockeye, coho, pink, chum and Chinook salmon.
- ❑ PRV reduces cardiac capacity in salmon and impairs their ability forage for food, evade predators, and swim upstream to spawn.
- ❑ PRV has been proven to cause HSMI. HSMI causes morbidity and mortality in Atlantic salmon.
- ❑ HSMI has been confirmed to occur in BC fish farms.
- ❑ Public reports show that 80% of BC farmed salmon are infected with PRV.
- ❑ Marine Harvest has publicly admitted that all but one of its hatcheries are infected with PRV.
- ❑ The Marine Harvest Group has, since 2012, listed HSMI as one of the top four causes of death in its facilities worldwide both by number of fish and biomass.
- ❑ Fish farms have been found to act as a reservoir proven to amplify the spread of viruses and increase their virulence.
- ❑ The Marine Harvest fish farm located off of Swanson Island is approximately 16 km from 'Namgis' main community of Alert Bay and approximately 19 km from the mouth of the Nimpkish River.
- ❑ The Swanson Island fish farm has an approved biomass of 3,294 metric tonnes – the equivalent of approximately 96% of the sockeye salmon that returned to the Fraser River in 2016.
- ❑ Experts expect that if only 50% of the fish in the Swanson Island fish farm became infected with PRV, that the fish farm could shed 6.6×10^{16} PRV virus particles per hour.
- ❑ PRV particles are expected to travel 30 km or more in the marine environment.
- ❑ Experts have identified 41 vulnerable populations of wild salmon that use the marine environment in 'Namgis Territory.
- ❑ The Committee on the Status of Endangered Wildlife in Canada has listed nine of those populations as endangered, three as threatened and five as of special concern.

PRV is the same blood virus that was found in the waste blood water discharged from farm salmon rendering and packing facilities in Clayoquot Sound and Discovery Passage in 2017:

- ❑ Blood Water: B.C.'s Dirty Salmon Farming Secret (Tavish Campbell, 2017, 03:58)
<https://vimeo.com/238445419>

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'Namgis First Nation spokesperson, Chief Don Svanvik, will be available for media enquiries.

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