



Haida Salmon Restoration Corporation

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HAIDA SALMON RESTORATION CORP. SEEKS TO SET ASIDE SEARCH WARRANT

Old Massett Village Seeks Relief in the British Columbia Supreme Court

Following a search of Haida Salmon Restoration Corporation (HSRC) offices by Environment Canada under the Canadian Environmental Protection Act (CEPA) on 27 March 2013, the company's legal team, headed by Straith Litigation Chambers has filed an application for an Order setting aside the Search Warrant issued in Provincial Court in an application to British Columbia's Supreme Court.

The application seeks to set aside the search and seizures as unconstitutional **as there is no applicable Canadian Law**. The research activities undertaken by HSRC fall outside of the legal definition of "disposal" under CEPA as they are "*placement of a substance for a purpose other than its mere disposal*" (s 122(1)(i) of CEPA.

"No supporting legislation dealing with ocean pasture replenishment and restoration has been enacted by Canada with regard to the London Convention London protocol 2008/2010, as asserted by the Crown."

Further HSRC notes the federal government has stated the crown "*prohibits the village scientific research as illegitimate because of its commercial for profit characteristic,*" This ban on commercial applied ocean science intrudes into Provincial jurisdiction. HSRC asserts "*the crown may only create laws and regulation through Parliament or Orders in Council, and that neither has been done by the government in this context.*" The application which is filed under Vancouver Supreme Court action Number **26321**, seeks to set aside the search warrant. Expectations are the application will be heard as soon as possible.

Environment Canada undertook an overnight search lasting 23 hours of the HSRC Ocean science office in Vancouver in breach of the express terms of the search warrant. EC removed from the office the entire collection of scientific measurements and data, scientific and instrument journals, scientific reference collections, intellectual property notes and files, legal files, and corporate documents. Simultaneous search warrants were conducted at other locations in the Province including offices of the research ship charter company who hosted at sea work during summer and fall 2012 on the ocean pasture of the village.

Lead legal counsel Mr. Jay Straith, paraphrases Professor Peter Hogg, Canada's foremost constitutional law expert famous book Canada's Constitutional Law 1982; "***For Environment Canada to assert by fiat of a single bureaucrat that words from a non-binding international convention have passed directly into Canadian law is simply not true, in such a case it would be the Crown who was in violation of the law not the company.***"

Internationally acclaimed environmental law professor Dr. Ted Parson of UCLA's School of Law states, "*Critics of the Old Massett Haida project are claiming it violates international law, but this is simply not true. Mainly due to vigorous lobbying by a couple of small NGOs (the same ones now outraged at the Haida project), parties to the CBD have adopted two decisions discouraging ocean fertilization, and geoengineering generally. But these are purely advisory – and are moreover so clumsily drafted that even if they were legally binding (which they are not), their operational meaning would be utterly opaque.*" (<http://goo.gl/wMn9Z>)

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