

Date: 20080916

Docket: A-4-08

Citation: 2008 FCA 267

**CORAM: RICHARD C.J.
LÉTOURNEAU J.A.
TRUDEL J.A.**

BETWEEN:

**LES AMIS DE LA RIVIÈRE KIPAWA incorporated as
1162209036 QUEBEC INC.**

Appellant

and

**THE ATTORNEY GENERAL OF CANADA and
THE MINISTER OF PUBLIC WORKS AND GOVERNMENT SERVICES CANADA,
THE MINISTER OF FISHERIES AND OCEANS,
THE MINISTER OF TRANSPORT, and
DAVID S. LAFLAMME CONSTRUCTION INC.**

Respondents

Heard at Ottawa, Ontario, on September 16, 2008.

Judgment delivered from the Bench at Ottawa, Ontario, on September 16, 2008.

REASONS FOR JUDGMENT OF THE COURT BY:

RICHARD C.J.

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**REASONS FOR JUDGMENT OF THE COURT
(Delivered from the Bench at Ottawa, Ontario, on September 16, 2008)**

RICHARD C.J.

[1] We are all in agreement that the appeal should be dismissed.

[2] The environmental assessment did not ignore the question of navigation on the Kipawa River and through the dam. It also considered the interest of the appellant and recommended mitigating measures to preserve, as far as possible, the reasonable use of the river.

[3] Accordingly, the appeal will be dismissed with costs.

"J. Richard"
Chief Justice

FEDERAL COURT OF APPEAL
NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-4-08

**(APPEAL FROM A JUDGMENT OF THE HONOURABLE SIMON NOËL, DATED
DECEMBER 4, 2007 (DOCKET NO. T-452-08))**

STYLE OF CAUSE: LES AMIS DE LA RIVIÈRE
KIPAWA incorporated as
1162209036 QUEBEC INC. and THE
ATTORNEY GENERAL OF
CANADA and THE MINISTER OF
PUBLIC WORKS AND
GOVERNMENT SERVICES
CANADA, THE MINISTER OF
FISHERIES AND OCEANS, THE
MINISTER OF TRANSPORT, and
DAVID S. LAFLAMME
CONSTRUCTION INC.

PLACE OF HEARING: OTTAWA

DATE OF HEARING: September 16, 2008

REASONS FOR JUDGMENT OF THE COURT BY: (RICHARD C.J.,
LÉTOURNEAU J.A. &
TRUDEL J.A.)

DELIVERED FROM THE BENCH BY: Richard C.J.

APPEARANCES:

Rodney Northey and Kristi M. Ross FOR THE APPELLANT

Vincent Veilleux and Bernard Letarte FOR THE RESPONDENTS

SOLICITORS OF RECORD:

Birchall Northey LLP FOR THE APPELLANT

John H. Sims, Q.C.
Deputy Attorney General of Canada FOR THE RESPONDENTS