

Federal Court of Appeal



Cour d'appel fédérale

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.

Federal Court of Appeal



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**Respondents**

**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.

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"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