

Notes from Court #1 – Clearcutting Moose Country, January 28, 2021

I spent the day in the Nova Scotia Supreme Court on January 26th, observing WestFor's application to extend the temporary injunction they were granted in December against the Extinction Rebellion Nova Scotia Association and John and Jane Doe.

Nine Moose Country forest protectors -- including me -- were arrested for failing to obey this injunction. The injunction barred anyone from blocking any logging road anywhere on crown land that WestFor has a license to harvest. We face criminal charges of disobeying a court order. Our cases will be heard on March 15th in Provincial Court in Digby. We are all forbidden, under the terms of the undertaking we signed when we were arrested, from setting foot on any of the crown lands covered by the injunction. Due to COVID regulations, I was the sole representative in the public gallery of the people who blockaded logging roads in Digby County for 8 weeks. I submitted an affidavit but WestFor's lawyers chose not to cross-examine me.

I plan to write several different notes covering different aspects of the hearing. This first one has to do with a map of the 'Moose Concentration Area' that was entered into evidence by WestFor manager, Marcus Zwicker, as Exhibit A of his rebuttal affidavit.

WestFor's lawyer, Ian Dunbar, seemed to agree that we had set up the blockades in order to protect the habitat of the endangered Mainland moose. He based his case for making the temporary injunction more permanent on the notion that, since WestFor planned to go on cutting down moose habitat, people who cared about moose might try to get in the way again.

He directed Justice Coady's attention to the map made by the province in 2012 of the 'Moose Concentration Area' in Southwest Nova Scotia. To my unlaywerly ears, Mr. Dunbar's argument went like this: WestFor is going to cut in this area. Therefore we need you to extend this injunction so that no-one can interfere in any direct or indirect way with our ability to remove moose habitat anywhere we have a license to harvest. This means you, John and Jane Doe. You don't have to be one of the people who was arrested. You don't have to have visited the blockades. You don't even have to be a member of Extinction Rebellion Nova Scotia. This injunction applies to you, whoever you are.

Meanwhile, the Department of Lands and Forestry, the very same Department that licenses WestFor to cut in the Moose Concentration Area, still has not complied with last May's Supreme Court order. It still has not identified core habitat for the moose. Something the province was supposed to do back in 2004, a year after the Mainland moose were added to the endangered species list.

WestFor's contractor has started clearcutting the rare mature coniferous forest that our Rocky Point Lake blockade was protecting. 36,000 Nova Scotians have signed a petition calling for an immediate halt to clearcutting on the crown land we were protecting. Crown land in the Moose Concentration Area. Crown land that could one day be designated core habitat, if the province ever does its job. This is no time to take the spotlight off this government and the permission it gives its licensee, WestFor, to destroy essential habitat for an endangered species. Unlike Nova Scotia's citizens, the Department of Lands and Forestry is allowed to intervene to protect irreplaceable moose habitat. So please, keep calling Minister Mombourquette, keep emailing, keep sending postcards.

p.s. We don't know how long it will take for Justice Coady to reach a decision.

-- Nina Newington, Extinction Rebellion Annapolis County