

**IN THE SUPREME COURT OF CANADA
(ON APPEAL FROM THE FEDERAL COURT OF APPEAL)**

BETWEEN:

MININGWATCH CANADA

**APPELLANT
(Respondent)**

and

**MINISTER OF FISHERIES AND OCEANS,
MINISTER OF NATURAL RESOURCES, and
ATTORNEY GENERAL OF CANADA**

**RESPONDENTS
(Appellants)**

BETWEEN:

MININGWATCH CANADA

**APPELLANT
(Respondent)**

and

**RED CHRIS DEVELOPMENT COMPANY LTD. and
BCMETALS CORPORATION**

**RESPONDENTS
(Appellants)**

MOTION FOR LEAVE TO INTERVENE

**By the CANADIAN ENVIRONMENTAL LAW ASSOCIATION, WEST COAST
ENVIRONMENTAL LAW ASSOCIATION, SIERRA CLUB OF CANADA,
QUEBEC ENVIRONMENTAL LAW CENTRE, FRIENDS OF THE EARTH and
INTERAMERICAN ASSOCIATION FOR ENVIRONMENTAL DEFENSE**

Pursuant to Rules 47 and 55 of the Rules of the Supreme Court of Canada

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**RED CHRIS DEVELOPMENT COMPANY LTD. and
BCMETALS CORPORATION**

RESPONDENTS
(Appellants)

NOTICE OF MOTION FOR LEAVE TO INTERVENE

**BY THE PROPOSED INTERVENERS CANADIAN ENVIRONMENTAL LAW
ASSOCIATION, WEST COAST ENVIRONMENTAL LAW, SIERRA CLUB OF
CANADA, THE QUÉBEC ENVIRONMENTAL LAW CENTRE, FRIENDS OF
THE EARTH CANADA, AND INTERNATIONAL ASSOCIATION FOR
ENVIRONMENTAL DEFENSE**

Pursuant to the *Rules of the Supreme Court of Canada*, Rules 47 and 55

TAKE NOTICE that Canadian Environmental Law Association, West Coast Environmental Law, Sierra Club of Canada, Québec Environmental Law Centre, Friends of the Earth Canada, and the Interamerican Association for Environmental Defense (“the Applicants”) hereby apply to a judge of this Honourable Court pursuant to Rules 47 and 55 of the *Rules of the Supreme Court of Canada*, for:

- (a) an order granting the Applicants leave to intervene in the within appeal on the following terms and conditions:
 - (i) the Applicants shall serve and file a joint factum, not exceeding 30 pages (or such other length as the said Judge may deem appropriate), within eight weeks of the issuance of this order;
 - (ii) the Applicants shall be permitted to make oral submissions at the hearing of the appeal, not exceeding 20 minutes (or such other duration as the said Judge may deem appropriate);
 - (iii) the Applicants shall not supplement the appeal record, file additional affidavits, or raise new issues in the within appeal; and
 - (iv) costs of this motion and the appeal shall not be awarded to or against the Applicants.

- (b) any further or other order that the judge may deem appropriate;

AND FURTHER TAKE NOTICE that the following documents will be referred to in support of such motion:

1. the Affidavit of Theresa McClenaghan, Executive Director and Counsel, Canadian Environmental Law Association, sworn on the 7th day of May, 2009;

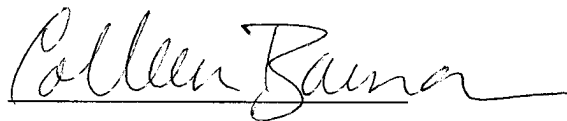
2. the Affidavit of Patricia Chew, Executive Director of West Coast Environmental Law Association, sworn on the 4th day of May, 2009;
3. the Affidavit of Stephen Hazell, Executive Director of the Sierra Club of Canada, sworn on the 6th day of May, 2009;
4. the Affidavit of Jean François Girard, President, Québec Environmental Law Centre, sworn on the 6th day of May, 2009;
5. the Affidavit of Beatrice Olivastri, Executive Director of Friends of the Earth Canada, sworn on the 6th day of May, 2009; and
6. the Affidavit of Anna Cederstav, Co-Executive Director of Interamerican Association for Environmental Defense, sworn on the 5th day of May, 2009.

AND FURTHER TAKE NOTICE that the motion shall be made on the following grounds:

1. As evidenced by their respective affidavits, the Applicants have a genuine and substantial interest in this appeal;
2. This appeal raises important issues which are directly within the Applicants' mandates and expertise;
3. The Applicants are able to provide useful, relevant and insightful submissions that will be of assistance to this Honourable Court;
5. The Applicants' submissions are unique, broader and materially different from those of the other parties in this appeal;
6. Granting the Applicants leave to intervene in this appeal will not delay this appeal nor prejudice any party;
7. The Applicants will be prejudiced if they are not granted leave to intervene in this appeal because no other party can represent their interests and perspectives;
8. Rules 47 and 55 to 59 of the *Rules of the Supreme Court of Canada*; and

9. Such further or other grounds as counsel may advise and may be permitted by the said Judge.

Dated at Ottawa, Ontario, this 7th day of May, 2009.



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NOTICE TO THE RESPONDENT TO THE MOTION: A respondent to the motion may serve and file a response to this motion within 10 days after service of the motion. If no response is filed within that time, the motion will be submitted for consideration to a judge or the Registrar, as the case may be.

If the motion is served and filed with the supporting documents of the application for leave to appeal, then the respondent may serve and file the response to the motion together with the response to the application for leave.