

FIRST NATIONS LEADERSHIP COUNCIL



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April 19, 2012

Honourable Joe Oliver
Ministry of Natural Resources Canada
House of Commons
Ottawa, ON, K1A 0A6

Sent via facsimile: 613-943-1562

OPEN LETTER: Federal Announcement of the *Responsible Resource Development Plan* (April 17th, 2012)

Dear Minister Oliver:

We are writing with respect to your government's shocking announcement to completely gut the environmental assessment process. We are gravely concerned with this announcement to eviscerate the process for environmental review on resource development projects after the changes lay waste to the credibility of the process. These environmental laws and the associated processes do not replace the judicially-recognized and constitutionally-protected Aboriginal Title, Rights and Treaty Rights, but are vital parts of the Crown's relationship with First Nations. Fundamental changes to the environmental assessment process and other environmental protection laws can only be undertaken with meaningful consultation with First Nations. We urge the federal government to work with First Nations to improve environmental protections rather than weaken them with the reduction of assessment timelines and the reduction of required organizations responsible for such reviews.

First Nations have legal and constitutionally protected rights and responsibilities to protect their traditional territories and all that this encompasses, and are not merely stakeholders in resource development projects. Both domestic and international law recognize the importance of Indigenous Peoples' relationship to resources and all activities that take place on our traditional territories. A recent report by the United Nations Committee on the Elimination of Racial Discrimination emphasized the need for Canada to include Indigenous peoples in decision making, recommending that Canada "Implement in good faith the right to consultation and to free, prior and informed consent of Aboriginal peoples whenever their rights may be affected by projects carried out on their lands, as set forth in international standards and the State party's legislation." Further, the *United Nations Declaration on the Rights of Indigenous Peoples* sets out in Article 26(1) that "Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied, or otherwise used or acquired." We fully expect Canada to uphold its commitment to this important international doctrine.

We remind you that the Crown cannot legislate itself out of its duties to consult and accommodate First Nations. With upcoming projects that require further review such as Taseko Mines Ltd's Prosperity Mine, expansion of the Kinder-

Morgan pipeline, Enbridge Northern Gateway Project as well as other resource development projects, the Federal government must engage in good faith and meaningfully consult with First Nations. Removing or weakening environmental reviews for projects will only result in greater uncertainty and heightened conflict on the land.

We are keenly aware that the British Columbia government is simultaneously working to create regulations to exempt some so-called “low-risk activities” from the requirement to hold a *Mines Act* permit. The regulatory changes to the *Mines Act* were set out in Bill 19, which was introduced on November 14th and rushed through the House to receive Royal Assent on November 24th, the last day that the Legislative Assembly sat in 2011. We wish to put you on notice that we are monitoring the dovetailing approaches taken by both the provincial and federal governments to categorically erode the approval process for environmental projects in favour of industry and in complete disrespect for Aboriginal Title and Rights and Treaty Rights.

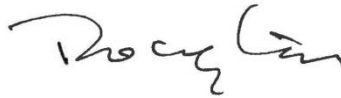
Again, we are deeply disturbed by these developments and we urgently request a meeting with you to further discuss how these proposed changes to the environmental assessment process and other environmental protection laws will impact on the Aboriginal Title, Rights and Treaty Rights of First Nations in BC.

FIRST NATIONS LEADERSHIP COUNCIL

On behalf of the FIRST NATIONS SUMMIT:



Grand Chief Edward John



Chief Douglas White III Kwulasultun



Dan Smith

On behalf of the UNION OF BC INDIAN CHIEFS:



Grand Chief Stewart Phillip



Chief Bob Chamberlin



Chief Marilyn Baptiste

On behalf of the BC ASSEMBLY OF FIRST NATIONS:



Regional Chief Jody Wilson-Raybould

CC: BC First Nations