

FIRST NATIONS LEADERSHIP COUNCIL

News Release

For Immediate Release

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Overdue environmental assessment reform a much-needed path to reconciliation

Coast Salish Traditional Territory/Vancouver: First Nations leaders heard today's announcement by the Hon. George Heyman, Minister of Environment, on behalf of the Province of BC, that a new process is under way to revitalize the BC environmental assessment process, including revising the Environmental Assessment Act. The process must be reformed to reflect the standards affirmed in the United Nations Declaration on the Rights of Indigenous Peoples (the UN Declaration), consistent with the Government's promise to Indigenous peoples to fully implement the UN Declaration.

The political executives of the BC Assembly of First Nations, the First Nations Summit, and the Union of BC Indian Chiefs (collectively working together as the First Nations Leadership Council), and the First Nations Energy and Mining Council, have engaged with the Province to ensure that First Nations have a central role in the design of a reformed environmental assessment process in BC. We have worked in collaboration to develop a workshop process with First Nations, as well as to jointly establish an Environmental Assessment Advisory Committee to provide recommendations for reform. We also encourage government-to-government discussions with First Nations and seek to ensure wide-ranging opportunities for First Nations to voice their perspectives on what is required for an effective provincial environmental assessment process.

"First Nations in BC have long called for a complete overhaul of the BC Environmental Assessment Act," said BC Assembly of First Nations Regional Chief Terry Teegee. He added, "There is little trust in the current provincial environmental assessment process, which has largely failed to adequately protect First Nations' rights. We look forward to working with BC First Nations, the Province, industry and the public, to restore confidence in the provincial environmental assessment process."

In recent years, First Nations such as Tsleil-Waututh, the Stk'emlupsemc te Secwepemc, and Squamish, have opted to conduct their own impact assessments of major projects, based on traditional laws and practices, due to inadequacies of the provincial and federal environmental assessment processes. Some BC First Nations have participated in provincial environmental assessments, only to find that the process inadequately involves them, and does not meaningfully address their inherent rights. As an example, First Nations, British Columbians and the Tsilhqot'in National Government watched in frustration as the previous BC government approved the Prosperity (Fish Lake) mining proposal, despite a federal review which rejected the project proposal.



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"Environmental assessment is fundamentally important – it is used to assess the impacts, both good and bad, of proposed development projects in our territories. However, environmental assessments have often been flashpoints of conflict, because the Province's legislation does not recognize First Nations as decision-makers in either the process or outcomes of environmental assessment," explained Robert Phillips of the First Nations Summit Political Executive. He added, "Previous governments watered down the environmental assessment process, fostering an atmosphere of court challenges and protests. It is time to create a reformed process that is transparent, free of political interference, embodies the important standards in the UN Declaration, and supports First Nations-led environmental assessments where desired. This will ultimately lead to greater predictability for all."

Conflict over the outcomes from environmental assessment processes in BC has led to dozens of court challenges in British Columbia, causing many projects to be delayed, quashed by judicial decisions or cancelled.

"The current process is largely proponent-driven, and there is a serious lack of independent, credible information. This has led to distrust of the process and the BC Environmental Assessment Office, as there is a deeply held view that most provincial assessments lead to 'yes', even where affected First Nations have determined that impacts on their inherent title and rights will be too great," stated Kukpi7 Judy Wilson, Secretary-Treasurer of the Union of BC Indian Chiefs. Kukpi7 Wilson continued, "There are also many types of activities that are not assessed at all. This includes cumulative impacts of multiple resource uses and developments over time. A reformed process needs to foster an understanding of ecological limits, and must assist us to determine past, present and future infringements to fully assess impacts". Kukpi7 Wilson concluded, "First Nations seek a reformed provincial environmental assessment process that serves as a planning tool that helps us choose the best option for our communities and the land, including the option of not proceeding, reflecting our role as decision-makers and our inherent right of free, prior and informed consent."

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The First Nations Leadership Council is comprised of the political executives of the BC Assembly of First Nations, First Nations Summit, and the Union of BC Indian Chiefs.

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