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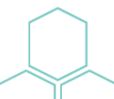
Changing Landscape- Aboriginal & Environmental Laws

Presented to
Minerals North
26 April 2018

Presenter
Sharon Singh

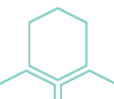
Changing Political Landscape

- › Federal Government
 - › Indigenous Reconciliation
 - › Environmental & Regulatory Reform
 - › Building Community Trust
- › BC NDP-Green Coalition
 - › Supply and Confidence Agreement
 - › Mandate letters
- › International Law
 - › United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)



Aboriginal Law 101

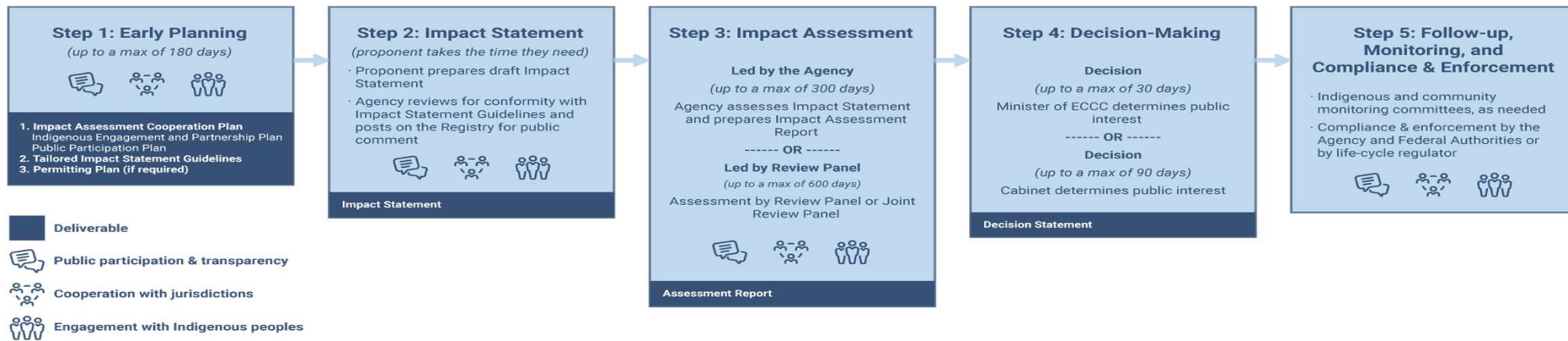
- › Aboriginal Rights
- › Duty to consult
- › Duty to accommodate
- › Crown role
- › Proponent role
- › Indigenous community/leadership role
- › *Changing: Who defines the duty's content and what does it require to discharge that duty.*



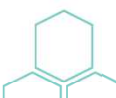
Federal Changes

› Federal *Impact Assessment Act*

- › Single agency
- › Expanded scope of Impact Assessments
- › New planning phase
- › Greater emphasis on Indigenous and public participation
- › Legislated timelines



*Regional and strategic assessments would be proactively conducted outside of individual project reviews. This will help inform project assessments, manage cumulative impacts, and support decision-making.



Federal Changes

- › Canadian Navigable Waters Act
 - › New, expanded definition of “navigable water”
 - › Greater participation of Indigenous peoples
- › Fisheries Act
 - › Expands protection to all fish and fish habitat
 - › Re-introduces prohibition against HADD
 - › Prohibits carrying on any work, undertaking, or activities resulting in fish death
 - › Requires the Minister to consider the adverse effects of any decision on the rights of Indigenous peoples
- › Indigenous Reconciliation
 - › 10 principles respecting the Government of Canada’s relationship with Indigenous Peoples
 - › Private Member’s Bill C-262, the United Nations Declaration on the Rights of Indigenous Peoples Act



Provincial Changes & Priorities

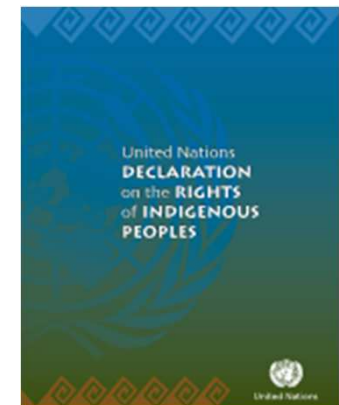
- › Maintaining platform commitments and maintaining agreement with BC Greens
- › Maintaining government
- › Priorities
 - › Greater involvement by Indigenous communities in decision-making
 - › Review project approvals processes
 - › Strengthening the regulatory regime



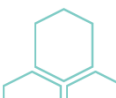
Greater involvement by Indigenous communities in decision-making

- › Adopt the "principles" of UNDRIP and the Calls to Action of the Truth and Reconciliation Commission
 - › All ministerial mandate letters contain this commitment
 - › Each Minister to review "policies, programs and legislation to determine how to bring the principles of the declaration into action in British Columbia"
 - › Limited thought out action to date

**Truth and Reconciliation
Commission of Canada:
Calls to Action**

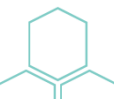


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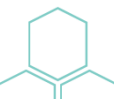
New project approvals processes

- › "Develop an improved and properly resourced approval process to assess mining applications and increase industry safety by establishing an independent oversight unit"
 - › Mining Jobs Task Force announced on February 26, 2018
- › "Revitalize the Environmental Assessment process [established by the NDP in the 1990s] and review the professional reliance model to ensure the legal rights of First Nations are respected, and the public's expectation of a strong, transparent process is met"
 - › Engagement is currently underway
 - › Reforms are expected to be introduced in Fall 2018



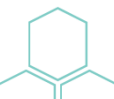
Strengthening compliance and enforcement

- › “Enact an endangered species law and harmonize other laws to ensure they are all working towards the goal of protecting our beautiful province”
 - › In November, 2017, Andrew Weaver tabled Private Member’s Bill M 208-2017, Endangered Species Act, 2017
 - › Engagements currently underway
- › Establish an independent oversight committee and review the professional reliance
 - › Review into professional reliance has started
- › Other actions
 - › Carbon Tax increase



Closing Thoughts

- › Reconciliation
 - › Procedural changes to achieve substantive reform
 - › Reconciling Reconciliation with greater proponent involvement, less reliance on Government
- › UNDRIP
 - › Canadian Law
- › Areas to watch out for:
 - › Treaty challenges
 - › Cross border challenges (environmental and Indigenous)





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