

OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

FOUNDING HEAD OFFICE
209 - 345 Yellowhead Highway
Kamloops, B.C. V2H 1H1
Tel: 250-828-9746
Fax: 250-828-0319



VANCOUVER OFFICE
5th Floor, 342 Water Street
Vancouver, B.C. V6B 1B6
Tel: 604-684-0231
Fax: 604-684-5726
1-800-793-9701
Email: ubcic@ubcic.bc.ca
Web: www.ubcic.bc.ca

July 15, 2010

Honourable Gail Shea
Department of Fisheries and Oceans Canada
Ottawa, Ontario
K1A 0A6

Fax: 613-992-1974 (original by mail)

Dear Minister Shea,

We are writing with respect to Union of BC Indian Chiefs (UBCIC) position that the Federal Government has completely dishonoured their duty of adequate and meaningful consultation with BC First Nations with respect to the recent release of the BC Aquaculture regulations published in the Canada Gazette on July 10, 2010.

The UBCIC rejects these regulations because the process in which these regulations were developed does not meet Canada's legal and constitutional obligations of consultation to First Nations. BC First Nations should not be engaged solely as stakeholders; First Nations must be included as a level of government specifically with respect to the proposed joint BC-DFO decision-making table which will be responsible for industry wide decision making processes.

It is particularly troubling that DFO plans to continue to issue licences without meaningful consultation when it is apparent that any potential licence has the potential to infringe on Aboriginal Title and rights. It is even more shocking that in light of the Government's recent commitment to endorse and support the *United Nations Declaration on the Rights of Indigenous Peoples* which articulates:

Article 32:

- 1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and others resources.*
- 2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.*

That the Government refuses to consult in good faith and completely disregards current case law and SCC decisions with respect to the duty of consultation.

Although these regulations are based on a fundamentally flawed process, there is some useful information coming from the process which could be used to inform a more meaningful consultation process that fully embraces the Crown's obligations. It is with this expectation, the UBCIC urges Canada to meaningful engage with all affected First Nations about the appropriate process to develop Regulations and Strategic Action Plan for aquaculture.

The UBCIC strongly feels that Canada's Aquaculture Regulations must give expression to First Nations laws, authority, and traditional knowledge and must incorporate the economic component of Aboriginal Title and Rights and Treaty Rights in order to adequately address and develop a regulatory framework and policies around aquaculture.

If there are any questions or comments please contact Bob Chamberlin, Secretary-Treasurer at 604-684-0231 or 778-988-9282.

On behalf of the UNION OF BC INDIAN CHIEFS



Grand Chief Stewart Phillip
President



Chief William Charlie
Vice-President



Chief Bob Chamberlin
Secretary-Treasurer

CCd: BC First Nation Fisheries Council