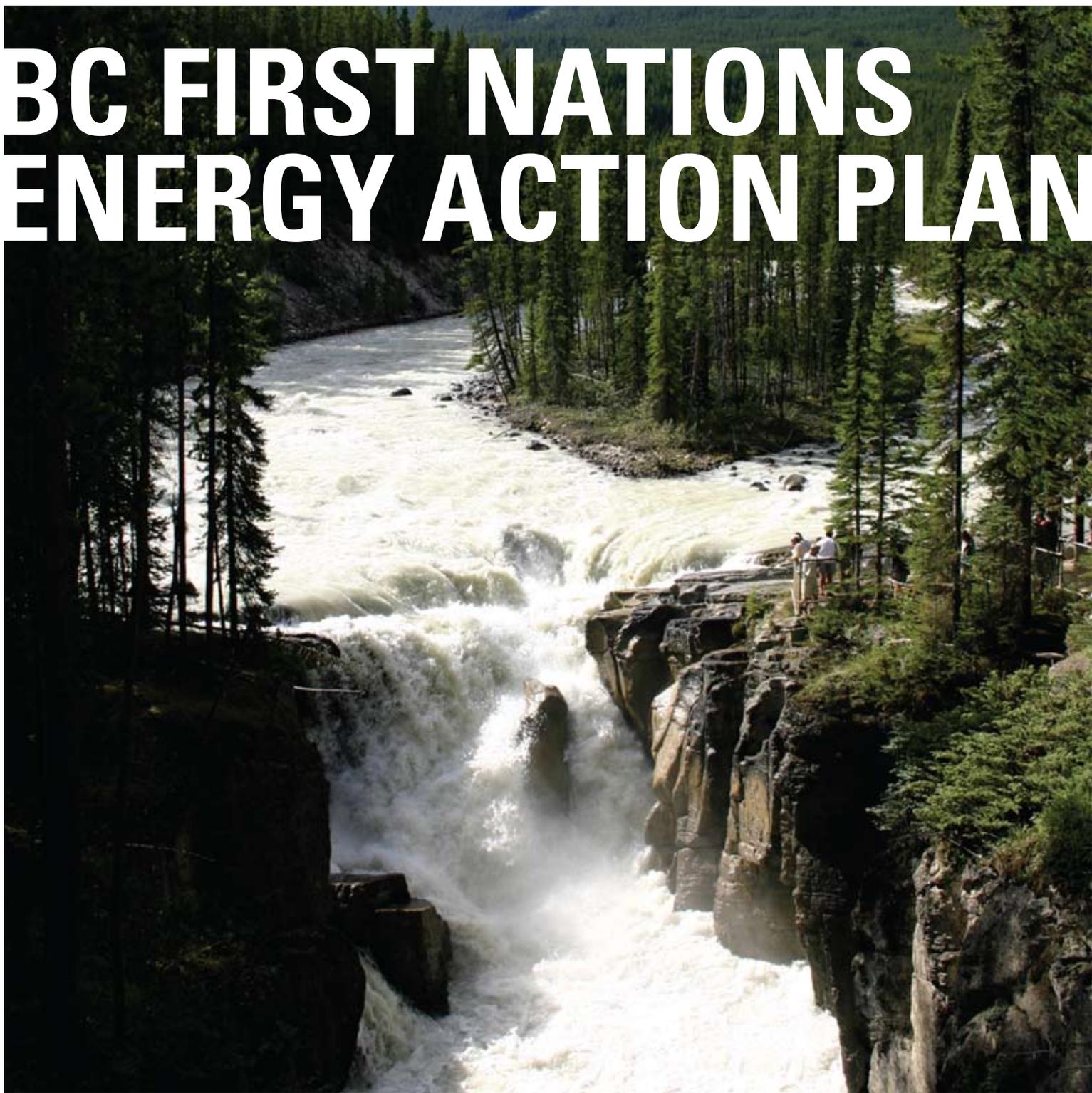
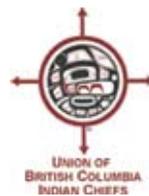


# BC FIRST NATIONS ENERGY ACTION PLAN





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# INTRODUCTION

## ENERGY AND THE ENVIRONMENT

In British Columbia, energy accounts for more Crown revenues than any other natural resource sector, and is still fast growing. In the last decade, exploration for oil, gas and coalbed methane has been accelerating. New proposals for expansive oil and gas pipelines and for electricity transmission lines are being developed, and demand continues to grow for greater hydroelectric capacity. More than ever, First Nations are called upon to comprehensively respond to wide-ranging proposals for energy development within our territories.

These local pressures exist within a global context of rising fuel prices, increasing need of finding secure energy supplies, and the threat of climate change, which introduces new realities for everyone. The recent findings of an international scientific panel - the Intergovernmental Panel on Climate Change - confirm that climate change is indeed occurring. The Panel concludes that both the average global temperature and the amount of greenhouse gases causing dangerous climate change have increased significantly. As well, before the end of this century, the Panel confirms that: 11 of the last 12 years rank among the warmest years on record; sea ice will shrink in the Arctic and Antarctic and late summer sea ice in the Arctic could disappear almost entirely; extreme weather events including heavy precipitation and droughts will become more common; and rising sea levels will become a reality. With respect to British Columbia, Environment Canada predicts that British Columbia will be a major source of increasing greenhouse gas emissions in the coming years.

Governments have been responding at the national, provincial and territorial levels. In the first few months of 2007 alone: the Government of British Columbia released *The BC Energy Plan: A Vision for Clean Energy Leadership*; the federal government announced \$2.5 billion in environmental spending, including a \$1.5 billion ecoTrust fund for provincial/territorial climate change programs and a \$1.5 billion fund for renewable energy; and Prime Minister Stephen Harper announced \$200 million to support British Columbia provincial projects that will result in real reductions in greenhouse gas emissions and air pollutants<sup>1</sup>.

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<sup>1</sup> The government of British Columbia has indicated that it will use the Canada ecoTrust funding to move forward on several provincial projects, which may include:

- Extracting energy from sawmill scrap and wood infested with pine beetles;
- Providing clean electricity to remote rural areas now fuelled by dirty diesel, such as electrification of Highway 37;
- Support for the development of a “hydrogen highway,” a network of hydrogen fuelling stations for fuel celled buses and vehicles; and
- Support for new geothermal and bioenergy projects, including the capture of biogas from landfill sites.

## **FIRST NATIONS**

First Nations recognize the significance of, and are experiencing directly, the impacts of climate change. We are the original inhabitants of the lands, with Aboriginal title and rights, and are the holders of thousands of years of traditional knowledge about the land. We are, therefore, key players in addressing challenging environmental and climate issues and can lead the world in advancing sustainable energy development. Our traditional knowledge can contribute to a greater understanding of impacts and causes and thereby help to identify remedial measures to reverse trends of climate change and to promote sustainable use of our precious lands, resources and territories – including responsible energy development in the context of broader resource development and use (e.g. cumulative impacts of resource development).

## **POLITICAL CONTEXT**

### **FIRST NATIONS - LEADERSHIP ACCORD**

On March 17, 2005, the political Executives of the First Nations Summit, Union of BC Indian Chiefs and BC Assembly of First Nations (the “First Nations Leadership Council”) signed the historic Leadership Accord, committing to work together in unity to advance reconciliation of Aboriginal title and rights with the assertion of Crown sovereignty and to improve the socio-economic circumstances of First Nations peoples and communities in British Columbia.

### **FIRST NATION – CROWN**

There have been significant political advancements in British Columbia where First Nations, governments and others have agreed to work collaboratively on initiatives to advance reconciliation of pre-existing Aboriginal title and rights with the assertion of Crown sovereignty, address issues of concern to us all (e.g. climate change), promote economic growth for mutual benefit, and to close the gap in socio-economic conditions between First Nations and other British Columbians. Three political initiatives in particular provide the framework through which collaboration will occur in British Columbia – the First Nations-Federal Crown Political Accord on the Recognition and Implementation of First Nation Governments, the New Relationship and the Transformative Change Accord.

## **NEW RELATIONSHIP**

In March 2005, First Nations in British Columbia, represented by the First Nations Leadership Council, and the Province of British Columbia entered into a New Relationship, agreeing to a new government-to-government relationship based on respect, recognition and accommodation of Aboriginal title and rights and reconciliation of co-existing titles and jurisdictions. Goals set by First Nations in the New Relationship include:

- Achieving First Nations self-determination through the exercise of their aboriginal title including realizing the economic component of aboriginal title, and exercising their jurisdiction over the use of the land and resources through their own structures; and
- Ensuring that lands and resources are managed in accordance with First Nations laws, knowledge and values and that resource development is carried out in a sustainable manner including the primary responsibility of preserving healthy lands, resources and ecosystems for present and future generations.
- Development of mechanisms that ensure that lands and resources are managed in accordance with First Nations laws, knowledge and values and that resource development is carried out in a sustainable manner.
- Recognition by all Parties that First Nations economic self-sufficiency will require strong economic partnerships and shared decision-making

Activities under the New Relationship include: the development of new institutions or structures to negotiate Government-to-Government Agreements for shared decision-making regarding land use planning, management, tenuring and resource revenue and benefit sharing that recognize the need to preserve each First Nations' decision-making authority; and, working together to achieve strong governments, social justice, and economic self-sufficiency for First Nations.

## **A FIRST NATIONS- FEDERAL CROWN POLITICAL ACCORD**

On May 31, 2005, A First Nations-Federal Crown Political Accord on the Recognition and Implementation of First Nation Governments was signed between the Assembly of First Nations (AFN), on behalf of First Nations, and Indian and Northern Affairs Canada (INAC) on behalf of the Government of Canada. It commits the parties to work jointly to promote meaningful processes for reconciliation and implementation of constitutionally recognized aboriginal rights with First Nation Governments to achieve an improved quality of life and to support policy transformation in other areas of common interest.

## **TRANSFORMATIVE CHANGE ACCORD**

On November 25, 2005, at the conclusion of the First Ministers' Meeting on Aboriginal Issues held in Kelowna, BC, the tripartite Transformative Change Accord was signed by the First Nations Leadership Council, the Government of Canada, and the Province of British Columbia. The Accord commits the parties to efforts to close the socio-economic gap between First Nations and other British Columbians over the next 10 years, reconcile Aboriginal title and rights with Crown title, and establish a new relationship based on mutual respect and recognition. Specific areas of focus under the Accord are: relationships; health; education; housing; and economic opportunities.

## SUMMARY

The achievement of these historic agreements signals a new era of unity and strength among First Nations and a greater willingness by governments to explore new ways of working together in recognition of Aboriginal title and rights, and treaty rights, and First Nations' unique connections with their lands, resources and territories.

Within this context, now is the time for a call to action. First Nations need to create and implement a clear framework to ensure First Nations understand the emerging energy sector issues and trends, identify the range of opportunities available to First Nations to participate in sustainable energy sector developments, dialogue with others, develop strategies for the stewardship of our lands, resources and territories, address issues such as climate change using our own traditional knowledge systems, and implement processes for the accommodation of Aboriginal title and rights.

## ENERGY DEVELOPMENT

Energy development pressures in the province are many and varied, as reflected by the following:

- Northeast and central British Columbia have experienced an all time high in exploration and production of oil and gas. This development occurred without having reached government-to-government understandings with the affected First Nations, and has resulted in strained relationships and an ad hoc approach to addressing the Crown's duty of consultation and accommodation with affected First Nations.
- There has been minimal activity in the Nechako, Bowser and offshore basins; not for lack of energy potential, but for reasons such as the moratorium on offshore development, the remoteness factor, and the lack of infrastructure.
- Coalbed methane interests are at an all time high, with exploration occurring throughout British Columbia.
- Discussions have begun with regard to the Site "C" hydro expansion of the Williston reservoir.
- ALCAN is attempting to sell more power into the grid and several micro hydro projects are on the drawing board.

Currently, there is no clear framework that ensures First Nations full participation in energy development, or to address First Nations' legitimate concerns about the adverse effects of energy development within our traditional territories. Further, First Nations across British Columbia already deal with a staggering number of resource development pressures in other sectors, including mining, forestry, and agriculture.

Many First Nations are experiencing the direct negative impacts of climate change. For example, a number of First Nations communities are impacted by the mountain pine beetle epidemic sweeping British Columbia. This epidemic, predicted by our Elders, is a result of 10 years of warmer than usual winters; previously, colder winters kept the beetle under control. Now, more than one billion cubic meters of mature pine are dead and dying, posing serious safety risks and disrupting the cultural practices of those who live off the land, both humans and animals alike. Other factors, such as the risks of in-

creased flooding and the unusually severe windstorms, are equally significant and concerning and are causing substantial damage and disruption in communities. Adding energy development proposals against this backdrop will only intensify the challenges and potential impacts in these communities.

Yet, at the same time, energy development presents economic opportunities. First Nation creativity, entrepreneurship and initiative in developing renewable energy sources, such as wind, solar, hydro and biomass, could be extremely important in “powering” the future both for our communities and the province overall in a sustainable manner that responds to climate change. These and other environmental technologies hold great potential for First Nations and First Nations are best positioned to lead the province in sustainable energy development.

## **LEGAL**

In the past several years, there have been a number of Supreme Court of Canada and other court decisions strengthening the legal recognition of Aboriginal title and rights in British Columbia, with resulting implications for governments and industry. The Courts have confirmed the existence of Aboriginal title and rights in the province and that the Crown has a legal obligation to consult with, and accommodate, First Nations with regard to decisions and activities that may impact Aboriginal title and rights.

## **INTERNATIONAL**

First Nations’ leadership has been involved in, and has supported, international efforts for the respect and recognition of Indigenous Peoples’ rights, including the right to self determination, through the development and adoption by the United Nations General Assembly of a United Nations *Declaration on the Rights of Indigenous Peoples* and the development of the Declaration of the II Summit of the Indigenous Peoples of the Americas. The United Nations Permanent Forum on Indigenous Issues has focused on many important issues, most recently the special theme of “Territories, Lands and Natural Resources” in May 2007. The continuing important work of this and other international forums will continue to assist us to develop strategies and standards in British Columbia.

## **THE BC FIRST NATIONS ENERGY SUMMIT — APRIL 2007**

In spring-summer 2006, the members of the First Nations Summit, Union of BC Indian Chiefs, and the BC Assembly of First Nations passed resolutions calling on the First Nations Leadership Council to host a province-wide First Nations Energy Summit to develop a First Nations Energy Action Plan.

In spring of 2007, the BC First Nations Energy Summit became a reality and was held April 2-4, 2007 at the Chief Joe Mathias Centre, Squamish Nation Territory. The Summit was co-hosted by the First Nation Leadership Council and the

Carrier Sekani Tribal Council and was attended by more than 200 people including Chiefs and other First Nation delegates, government, industry, labour and NGO representatives.

The first day and a half of the BC First Nations Energy Summit focused on information-sharing through a series of dynamic presentations and discussion on all aspects of energy development in British Columbia including oil and gas (as well as offshore), coalbed methane, hydro-electric power, including independent power producers; and alternative and other renewable energy options as well as regulatory and labour force issues. Based on these discussions, First Nation delegates spent the remainder of the conference developing the *BC First Nations Energy Action Plan* which was supported by resolutions of the BC Assembly of First Nations, the First Nations Summit and the Union of BC Indian Chiefs.

The Province of British Columbia developed the BC Energy Plan in February 2007. Although there was minimal input from First Nations, we seek to work collaboratively with the Province to ensure the BC Energy Plan reflects and responds to First Nations' issues and expectations and to identify opportunities to address issues collaboratively in the spirit of the New Relationship and Transformative Change Accord.

# **BC FIRST NATIONS ENERGY ACTION PLAN**

# VISION

We are the original Peoples of this land. We were given responsibility for our territories, the lands, resources, waters and air by the Creator to take care of for our children, our grandchildren, and many generations yet to come. Our ancestors passed to us their teachings and practices that reflect the traditional values of respect for the natural world and for each other. We have an immediate responsibility, in our time, to pass these teachings and practices to our children.

We carry the sacred responsibility to protect the health and well-being of our Nations, people and communities; our culture and languages; and, our lands, waters and resources. We have inherent authorities and jurisdiction, and will fully exercise our Aboriginal title and rights, and treaty rights, to achieve our political, cultural, social and economic aspirations.

As First Nations, we will build a better future for our children by working together, respecting and strengthening the honour and trust among our Nations and ensuring that no First Nation is left behind.

Stewardship of our lands and resources and the acceptance of energy development in our territories will be based on our traditional values, sustainability, the potential to enhance the common good of our communities and the protection of our environment.

Our political and economic relationships with the Crown, industry and other third parties with regard to energy development will be grounded in respect, recognition and accommodation of our constitutionally recognized and affirmed Aboriginal title and rights, and treaty rights.

# PRINCIPLES

- **Respect, Recognition, and Accommodation:** Aboriginal title and rights, and treaty rights, must be respected and recognized and there must be processes for shared decision-making, resource sharing, consultation and accommodation, and other Government-to-Government arrangements on land and marine use planning.
- **Decision-making:** Crown and third parties must honour the international standard of free, prior and informed consent. First Nations mutually recognize inter-tribal differences, including individual First Nations autonomy and decision making processes.
- **Honour of the Crown:** The Crown has a legal duty to uphold the honour of the Crown when dealing with First Nations. The Crown must meaningfully consult with, and accommodate, First Nations regarding potential impacts to Aboriginal title and rights, and treaty rights, as part of the process of reconciliation.
- **Accountable leadership:** First Nations leadership is accountable to community members.
- **Ecosystem Stewardship Plans/Land and Marine Use Plans:** First Nations Ecosystem Stewardship Plans/Land Use Plans are a prerequisite to any and all stages of energy developments, from exploration through to reclamation.
- **Sustainability:** “Take care of the land and the land will take care of you.” Energy development must be conducted in an environmentally, socially, culturally and economically sustainable manner. Sustainability and sustainable development are about ensuring a good quality of life for everyone, now and for future generations and is the legacy we leave to those who follow us. Sustainability is a complex mix of interdependent environmental, social and economic issues. The commonly used Brundtland definition of “sustainable development” is: “development that meets the needs of the present without compromising the ability of future generations to meet their own needs.”
- **Cultural diversity:** First Nations are culturally diverse and this must be respected, recognized and supported through adaptive approaches and processes with respect to First Nations involvement in energy initiatives.
- **Innovation:** There must be new approaches and means of conducting business and responding to energy development and climate change in a responsible and successful manner.

- **Economic Opportunities:** As the original occupants and inherent stewards of the lands, First Nations must share in economic benefits from energy development in all its stages.
- **Research/Information Sharing:** All relevant studies and information must be shared with First Nations in a timely and effective manner. First Nations must be involved in determining which studies need to be conducted, the development of terms of reference for these studies, decision-making for the researchers and reviewers, as well as approval of the final product.
- **Traditional knowledge:** Traditional knowledge of, and research conducted by, First Nations will be respected. First Nations will direct the use and management of traditional knowledge, including identifying when traditional knowledge is confidential. Where requested by the First Nation, the Crown and industry will enter into a protocol setting out the appropriate rights to ownership, management and control of First Nation traditional knowledge.
- **Food Sovereignty:** First Nations are connected to their ancestral homelands and resources and the continued sustainability of our cultural practices on our lands is a prerequisite to our survival as indigenous peoples.
- **Education and Training:** Education, training and capacity building are priorities for First Nations.
- **Capacity:** To achieve informed decision-making, First Nations must have the human capacity and financial resources to engage in consultations and negotiations with respect to energy development.

# GOALS

- **Healthy Ecosystems:** Ensure energy developments respect environmental health and sustainability as determined by the First Nations.
- **Recognition:** All plans, agreements, strategies and action plans regarding energy sector respect, recognize and accommodate Aboriginal title and rights, and treaty rights.
- **Stewards of our territories:** First Nations continue to fulfill our inherent responsibilities as caretakers of our lands and resources.
- **Implement New Relationship:** In particular, “Develop new institutions or structures to negotiate Government-to-Government Agreements for shared decision-making regarding ecosystem stewardship planning, management, tenuring and resource revenue and benefit sharing”.
- **Shared Decision-Making:** Undertake and complete Ecosystem Stewardship Planning (land and marine use planning), management, and decision-making that is premised on First Nations inherent rights, culture, traditions, values and laws and that reflects our unique connection with the land, the ocean, waters and resources.
- **Self-sufficiency:** Achieve energy self-sufficiency in First Nation communities, with priority for renewable energy.
- **Relationships:** Establish and build positive inter-tribal relationships and relationships with the Crown and third parties.
- **Legislative and Policy Development and Reform:** Maximize First Nations meaningful involvement in the development and reform of legislative, regulatory and policy frameworks to ensure respect, recognition and accommodation of Aboriginal title and rights, and treaty rights as envisioned by the New Relationship.
- **Collaborative Resolution:** Establish processes to collaboratively address disputes as an alternative to litigation.
- **Increased Awareness, Knowledge and Education:** Coordinate opportunities for First Nations to:
  - ♦ learn about energy issues and existing/proposed energy developments;
  - ♦ share First Nation perspectives on policies on sustainability and stewardship;

- ♦ increase awareness and understanding of Aboriginal title and rights, treaty rights;
  - ♦ increase awareness and understanding of the role and jurisdiction of First Nations in energy development;
  - ♦ increase awareness of First Nations culture and history;
  - ♦ learn about reduced consumption of energy products;
  - ♦ learn about and contribute to international dialogue on energy issues;
  - ♦ share information on industry plans and policies; and
  - ♦ build and sustain individual and community capacity.
- Maximize potential economic benefits and opportunities for First Nations: Ensure First Nations receive economic benefit from all stages of energy sector development, including resource revenue-sharing, the negotiation and accommodation of impact benefit agreements, employment opportunities, and entrepreneurship. First Nations must be able to be business owners and managers and build business capacity.
  - Climate Change: Contribute to global leadership for new, innovative and responsible approaches responding to the impacts of climate change and helping us all stabilize greenhouse gas concentrations at safe levels.
  - Past Developments and Cumulative Impacts: Address past developments and cumulative impacts (e.g. reclamation/ restoration and increasing toxicity levels in the food chain and in our peoples' communities).
  - Scientific Data: First Nations will determine which science should be relied upon for decision-making (e.g. in deciding whether to lift the offshore oil and gas moratorium).

# ACTIONS

The action items set out in this plan are organized according to three support ‘pillars’ of sustainable development: environment, cultural/social, and economic. While some actions belong in more than one category, a decision was made to include it in one of the three sections to avoid duplication.

To ensure this Action Plan is advanced, First Nations require the support of a province-wide body with technical expertise on energy and related issues and to lead its implementation.

## **ACTION:**

First Nations, through the First Nations Leadership Council, will establish a First Nations Energy Council to implement the First Nations Energy Action Plan.

# ACTION ITEMS

## SECTION 1: ENVIRONMENT

Stewardship of our lands and resources, and the acceptance of energy development in our territories, will be based on our traditional values, sustainability, the potential to enhance the common good of our communities and the protection of our environment. First Nations will maintain their connections to their lands, sacred areas, waters, resources, traditional values and practices, and will ensure lands to support and sustain future generations.

### **ACTION:**

- Develop an interim process with the Province to ensure there is consultation with First Nations, and accommodation of their Aboriginal title and rights, on all energy tenures, plans and other referrals (including agreement on an interim process that allows for an open-ended extension on all referrals) until a permanent process is in place under the New Relationship.
- Support the development and the implementation of First Nations land and marine use/eco-system stewardship plans and the development or reconciliation of such plans with Crown land and resource use plans based on equal consideration and mutual recognition.
- Support long term planning by First Nations to ensure that any proposed energy projects will be developed responsibly and in the most sustainable manner possible, giving priority to renewable energy projects.
- Advance the position that exploration and development does not occur unless/until free, prior, and informed consent is granted by the impacted First Nation.
- Advance the position that all energy project proposals are provided to all potentially affected First Nations before they are submitted to the federal and/or provincial governments (this may be addressed by establishing shared decision making processes/structures).

- Support First Nations shared decision-making with the federal/provincial governments regarding administrative and operational plans, including tenure referrals, general development plans, and site-specific permits.
- Support First Nation comprehensive cumulative impact assessments, including areas where tenures have already been issued. These assessments should:
  - ♦ be undertaken on a regional basis in advance of any tenures or permits being granted to inform decision making;
  - ♦ ensure that a minimal amount of land is disturbed; and
  - ♦ require that coordinated governmental multi-agency collaboration occurs to maintain these highest environmental standards.
- Advance the position that energy development is not permitted where it may have harmful impacts on community livelihoods, sacred or spiritual sites, protected areas, fragile ecosystems, or other critical cultural or ecological values; including fish and fish habitat.
- Support the application of best practices, from a First Nations perspective, and best available technology for all energy development within the province, including full performance and reclamation bonding.
- Work with industry to establish a common vision and strategy, including process(es), with respect to energy development on territories in advance of any development occurring.
- Support the undertaking of First Nations title and rights studies (traditional use and infringement studies) to inform planning processes. These will be prepared in the context of the New Relationship and treaty making in British Columbia.
- Support full First Nation participation in any proposed changes to legislation, regulations, and policies as set out in the New Relationship to ensure respect and recognition of title and rights.
- Promote and support changes to legislation, regulations and policy to ensure First Nations title and rights are protected in a First Nations, or harmonized, environmental review process.
- Promote and support the protection and preservation of archaeological and heritage sites, including amendments to provincial legislation (e.g. *Heritage Conservation Act*), regulations, and policy.
- Support First Nations involvement in all reclamation and remediation projects and that these initiatives are completed to the satisfaction of the affected communities. Develop the highest standards for monitoring.
- Support the position that the expense of all referrals is the responsibility of the federal and provincial governments.

- Work with the federal and provincial governments to evaluate the relative climate change implications of current and proposed energy developments.
- Collaborate with the federal and provincial governments on a Climate Action Plan to: mitigate the climate change impacts of energy development and other resource related activities on First Nations territories; and, to adapt to those impacts that are already occurring.
- Participate in provincial, national or international negotiations regarding climate change emission reduction targets to ensure that negative impacts of climate change in British Columbia are considered and that aggressive measures are taken to mitigate or offset any impacts.
- Assist with developing climate adaptation measures in response to specific projects as part of a project approval process.
- Support affected First Nations to engage in and develop proactive climate change adaptation strategies and ensure these are considered in energy development proposals.
- Support First Nations, federal/provincial governments and others to quantify the associated upstream and downstream carbon emissions, and support measures to ensure that energy development on First Nation territories reflects the goals of those impacted (e.g. carbon neutral emissions).
- Promote the continuation of the moratorium on uranium mining.
- Explore the possibility of hosting an Indigenous climate change summit in 2010.
- Work with impacted First Nations to eliminate routine flaring and any other negative environmental impacts at oil and gas wells.
- Support the position that the lifting of the offshore oil and gas moratorium may only be lifted where the free, prior, and informed consent of all impacted First Nations is provided.

## SECTION 2: CULTURAL/SOCIAL

Healthy communities, and preserving the dignity and well-being of First Nations people, is the priority for First Nations in British Columbia. Energy development can help support this priority by guaranteeing energy self-sufficiency for local communities and by providing business opportunities, revenue, and employment.

### **ACTION:**

- Support First Nations' exercise of their jurisdiction to ensure energy development is carried out in a manner that contributes to the dignity, health and well-being of individuals and communities.
- Work with First Nations to develop measures to restore, strengthen and protect First Nations knowledge, customs, traditions and practices which may be affected by energy development, including, but not limited to:
  - ♦ Sustenance activities (hunting, fishing, gathering of medicinal and edible/sacred plants, etc.);
  - ♦ Ownership, protection and use of traditional knowledge and information (e.g. information-sharing agreements, security agreements);
  - ♦ Use of First Nation languages;
  - ♦ Leadership mentoring of youth;
  - ♦ Exercise traditional roles as environmental stewards; and,
  - ♦ Trails, traditional and sacred/spiritual sites.
- Work with and support First Nations to undertake comprehensive community planning to prepare for and to address community impact issues including:
  - ♦ Teaching our youth about our history and way of life in order to protect the land;
  - ♦ Development of a comprehensive strategy to address capacity/training needs of community and preparing for local workforce participation;

- ♦ Establishment of education benchmarks (post-secondary, skills/trades) in order to monitor whether community goals are being met;
  - ♦ Development and provision of services for community members (e.g. healing);
  - ♦ Mitigating the effects of “boom and bust” economies including the sudden influx of monies into communities resulting from development (e.g. company investment, increased employment income of community members);
  - ♦ Provision of life skills training/planning for members, including youth (e.g. investing income/money management);
  - ♦ Addressing the potential influx of outside workers into communities;
  - ♦ Addressing potential alcohol and drug abuse; and
  - ♦ Other social impacts.
- Advance the position that all proposed energy projects recognize the underlying principles for cultural indicators for food sovereignty.
  - Support the achievement of energy self-sufficiency for First Nation communities in accordance with their own priorities (e.g. renewable/non-renewable resources).
  - Work with First Nations to involve youth and to help the youth to understand the context within which decisions are made by today’s leadership (including within the teachings and practices of our people), as the youth will inherit those decisions.
  - Support First Nations education and training initiatives as priorities, including traditional teachings (e.g. oral histories, language).
  - Promote energy efficiency and savings in private residences and public buildings. Undertake a project to analyze energy performance in these buildings.
  - Promote corporate social responsibility when companies come into First Nation territories to pursue development – support First Nations to work with industry to ensure they are fully accountable for potential social, economic, cultural, community and cumulative effects of proposed energy developments and take proactive steps to prevent or mitigate any adverse impacts (e.g. invest in community infrastructure, healing lodges, sports centres, youth programs).
  - Support and monitor the establishment of cross-cultural awareness and training and programs at all levels of government and industry to ensure that First Nations values are respected. Build relationships with all levels of government, industry and land owners.

- Develop, gather and provide information, educational materials, workshops and general support for communities, and particularly land use staff, who are dealing with energy issues.
- Encourage and support development of curriculum materials on environmental and energy issues for First Nation schools.
- Work with the provincial and federal governments to negotiate an agreement that where subsidies to the oil and gas industry are used to encourage greater development they will be balanced with equal investments in programs to support and enable First Nations to respond to the social and cultural challenges that oil and gas development may bring.
- Develop a mandatory “points” system whereby companies’ involvement of First Nation in a project is acknowledged (e.g. to be considered as a significant positive factor in assessment/evaluation/permitting processes).
- Respect and promote United Nations declarations and conventions (e.g. *UN Declaration on the Rights of Indigenous Peoples*, *UN Convention on Biodiversity*).
- Encourage and strengthen an effective relationship with the labour movement particularly related to work force matters given the Aboriginal population is the fastest growing demographic in Canada.
- Create First Nations Emergency Response Teams (or expand existing First Nations Emergency Response Services Society) to develop energy-related Emergency Response Plans for communities throughout British Columbia.
- Encourage the use of First Nations languages and definitions in community-based Energy Action Plans.

# SECTION 3: ECONOMIC

First Nations are and will continue to be leaders in energy innovation. First Nations must participate in energy development opportunities and share in the revenues and benefits derived from energy development in their territories.

## **ACTION:**

- Promote investment in the development and implementation of sustainable technologies as a priority for any energy development on First Nations territories across British Columbia.
- Support First Nation leadership, innovation and entrepreneurship with regard to the identification and the development of renewable energy sources (e.g. biofuel, wood pellets, and co-generation). This could include a bio-energy strategy.
- Develop an inventory of all past, current and potential energy projects in British Columbia.
- Support the development and implementation of community-based Energy Action Plans, including strategies that address the potential for energy development to effect further alienation of First Nations lands and that address protection of fish, wildlife, plants, etc.
- Advocate legislative and regulatory reform to ensure First Nations perspectives are reflected and First Nation membership is included in regulatory processes.
- Engage and support First Nations partnerships, maximize the participation of First Nations businesses and ensure First Nations employment in all stages (including management) of energy development. First Nations must be part of any business activity to develop capacity.
- Advocate for equitable revenue sharing based on inputs and impacts (e.g. all forms of revenue, including royalties, leases and tax revenues), with the revenues realized by First Nations to be based on an approach negotiated by the First Nations. Promote government to engage with First Nations in equity ownership of existing and future transmission lines.

- Advocate for the expedited resolution of specific claims around energy infrastructure rights-of-way.
- Explore the concept of a “First Nations Heritage Fund” - to be funded by an additional portion of revenues from oil and gas development on First Nation territories - to address community needs and to support the transition to a sustainable energy future.
- Work with the federal/provincial governments to ensure training, professional development, and organizational support for First Nations.
- Support First Nations training, monitoring and enforcement capacity building regarding oil and gas regulations and in advance of projects proceeding on their territory to ensure future monitoring and compliance.
- Seek innovative mechanisms including market-based incentives for industry to pay for consultation costs to implement New Relationship commitments related to energy development through such measures as fee for service and/or other arrangements.
- Explore and design business models that benefit First Nations. Collaborate with economic development advisory groups who have successful models.
- Support First Nations to protect and promote traditional and local economies and the application of traditional values in economic endeavors.
- Work with First Nations to develop a carbon credit/offset program for land stewardship to maintain carbon reserves. Identify tree planting or any other activities that can enhance the value of their territories as “carbon sinks” in order to secure emerging economic benefits for communities. Prior to this proposed program, support First Nations communities to conduct a full assessment of the most appropriate policy options for ensuring better forest management, including the role of regulations versus incentives as well as other measures.
- Advocate that all economic development be in keeping with stewardship standards (e.g. minimal greenhouse gas emissions that contribute to climate change).
- Seek partnerships with British Columbia for power reservations on water systems for First Nations to develop run-of-the-river projects. These reservations should be for a period of 10-years in order for First Nations to prepare for this type of development.
- Investigate the following areas to work collaboratively with BC Hydro and BC Transmission Corporation:
  - ♦ Income opportunities. This could include a revenue sharing arrangement with First Nations that have power generation/transmission lines within their territories.

- ♦ Business joint ventures with ‘right of first refusal’ for contracts. The Province (e.g. BC Hydro) could joint venture with First Nations to generate power within their territories. First Nations might provide minimal start-up equity and could use the income generation to pay back their equity in the project. First Nations could contract as much of the work that their capacity can provide.
- ♦ Training funds for participation in power and transmission projects. This is to ensure that First Nations gain access to jobs that are created through projects (e.g. Manitoba Hydro provided \$60 million to First Nations/Métis for training to take advantage of contracts, jobs, and development).
- ♦ Employment retention. Provide apprenticeships to ensure continual capacity building.



