

A topographic map is overlaid on a photograph of a forested landscape. The map features contour lines, a dashed line, and a crosshair. In the top right corner, there are three stylized chevron arrows pointing right. The background image shows a rocky foreground and a forest of trees with yellow and orange foliage, suggesting an autumn setting.

Action Plan

BC First Nations Mineral Exploration and Mining

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BC FIRST NATIONS MINING ACTION PLAN

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INTRODUCTION

The mineral exploration and development industry is booming in British Columbia, largely driven by demand for metals in Asia; mining is a major contributor to the Canadian economy (3.4% of the GDP in 2007) and much of this is generated in BC.

This increasing level of mineral exploration and mining is taking place on First Nations lands and territories. Many First Nations are exercising their authority through negotiations, direct actions, and litigation. The courts have stressed that First Nations must be consulted, accommodated, and compensated via negotiated agreements. In fulfilling its duty, the governments must uphold the honour of the Crown. Recent court decisions, and the establishment of political agreements such as the *New Relationship*, have affirmed the central role of First Nations in decision-making and management related to the mining sector.

Further, in acknowledgement of First Nations' rights, and First Nations' right to be consulted about activities in their territories, there are industry Participation and/or Impact Benefit Agreements with over 30 First Nations across Canada, covering both advanced exploration and producing mines. Most of these agreements provide for a direct transfer of funds and/or revenue-sharing with First Nations, employment quotas and training, contracts for mine supply, and ongoing consultation with respect to emerging issues. Some of these agreements also include independent environmental monitoring, land use planning, and/or protection of heritage or sensitive sites.

These agreements are reflective of the mining industry's recognition that it needs access to land and labour from First Nations to secure investors and for their projects to be viable. While some progress is being made through these negotiated agreements, legislative, regulatory, and policy change has not occurred. Mineral tenure processes – including the free entry and online staking systems – do not recognize First Nations title and rights or the Crown's duty to consult and accommodate.

Within this context, First Nations from across British Columbia gathered in Prince George on October 7-9, 2008 to assess available information – including social and cultural impacts, implications for title and rights, and economic opportunities – and strategize about processes, actions and priorities related to mining, while still being flexible and recognizing regional differences. This *BC First Nations Mining Action Plan* captures the discussion amongst First Nations and will also be an important basis for ongoing collaboration and engagement with key mining sector partners, including the Crown.



NATURE OF THE BC FIRST NATIONS MINING ACTION PLAN

Individual First Nations have the autonomy, jurisdiction and authority to make decisions with respect to their territories.

This Plan does not interfere with, or affect, First Nations' autonomy but, rather, captures the direction of BC First Nations to their provincial political leadership with respect to broad, provincial level issues related to the mining industry. These involve province-wide efforts in support of First Nations governments, communities and citizens, whatever their involvement in the mining industry.



CONTEXT: POLITICAL

Recent court decisions and the establishment of political agreements have affirmed the central role of First Nations in decision-making and management related to the mining sector.

First Nations Relations

On March 17, 2005, the political Executives of the First Nations Summit, Union of BC Indian Chiefs and BC Assembly of First Nation (the "First Nations Leadership Council") signed the *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.

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First Nation-Crown Relations

Three political agreements in particular provide the framework through which collaboration is occurring between First Nations and the Crown:

- **New Relationship:** In March 2005, BC First Nations 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. Commitments in the *New Relationship* include: the development of processes and institutions for shared decision-making about the land and resources and for revenue and benefit sharing; 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 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.

Taken together, these agreements signal 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 of First Nations' unique connections with their lands, resources and territories.

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National Developments

AFN and the Prospectors and Developers Association of Canada (PDAC), signed a Memorandum of Understanding (MoU) for the purposes of working together to improve the lives and local economies of First Nations. This historic initiative comes after a very well-received keynote address to the PDAC by the National Chief last October. The AFN and the Mining Association of Canada (MAC) also signed a Letter of Intent in November 2007 to work towards a Memorandum of Understanding in the AFN Corporate Challenge.

KI 6 and Ardoch Algonquin First Nation

The KI6 are Chief Donny Morris, Deputy Chief Jack McKay, Councillors Cecilia Begg, Samuel McKay and Daryl Sainnawap, and community member Bruce Sakakeep of Kitchenuhmaykoosib Inninuwug First Nation (Big Trout) in northern Ontario. They were jailed on March 18, 2008 for contempt of court for refusing to follow a court injunction. The KI leaders, in accordance with direction from the community, refused to allow mining company Platinex to proceed with mineral exploration on their Traditional Territory without their consent. The KI Council, together with the Ardoch Algonquin First Nation leader Bob Lovelace faced a similar situation, had submitted a proposal to Ontario proposing: 1) a moratorium on exploration and mining in the disputed areas, 2) a joint panel to investigate exploration and mining issues and 3) the negotiation of an interim measures agreement. The community stated that Ontario did not respond to their proposal. The jailing of these First Nations leaders in Ontario is an important reminder to all that First Nations title and rights should not be held secondary to industry rights to mining. The national mining associations (MAC and PDAC) both publicly opposed these jailings.

International Developments

BC First Nations have been involved in, and have supported, international efforts for the respect and recognition of the rights of Indigenous Peoples, including the right to self-determination. The United Nations General Assembly has adopted a *Declaration on the Rights of Indigenous Peoples*, which includes the following provisions relevant to mineral exploration and mining:

- Article 3: Indigenous peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
- Article 10: Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.
- Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.
- Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
- Article 26: Indigenous peoples have the right to the lands, territories, and resources which they have traditionally owned, occupied or otherwise used or acquired. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.
- Article 27: States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

- Article 27: Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, occupied, used or damaged without their free, prior and informed consent. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.
- Article 30: Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands, territories and other resources. 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, territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources. States shall provide effective mechanisms for just and fair redress for any such activities and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

The United Nations Permanent Forum on Indigenous Issues has focused on many important issues, most recently in May 2007 the special theme of "Territories, Lands and Natural Resources".

CONTEXT: MINING

British Columbia has significant mineral potential, including: coal; metals, such as gold, silver and copper; industrial minerals, such as sulphur and silica; and construction aggregates, such as sand, gravel, limestone and clay. BC is well-positioned to exploit this mineral potential, due to the availability of low-cost power and transportation systems, and its strategic location to international markets.

Mineral exploration and mining contributes significantly to both the federal and provincial economies. Spending in mineral exploration reached over \$2.5 billion in Canada in 2007, and investment in BC mineral exploration totaled over \$220 million in 2008 (an increase of 660% from 2001). In 2007, half of the proposed major mine projects nationwide were located in BC, and more than 60% of the Canadian exploration and mineral companies are based in BC. The mining sector directly employs 9300 people (on the average earning \$94,000/yr) and another 8000 are employed in related sectors.

Mineral exploration and mining also pose significant environmental hazards. In 2003, there were 1887 closed or abandoned mines in BC, 1171 of which are of environmental concern and present public health and safety issues. Because of this and other risks, mineral exploration and development is often a source of conflict. As it relates to First Nations, the conflict is further compounded by the fact that the existing mining regime does not effectively address their title, rights and interests.

In terms of regulatory systems, British Columbia has a free entry tenure system for mineral staking, in which prospectors acquire mineral rights by registering lands as mineral claims with government. This is done through Mineral Titles Online (MTO), through which prospectors can acquire mineral interests as long as they have a free miner certificate, internet connection, and credit card. MTO was launched in January 2005 – in its first week of operation, the website received 2.56 million hits and 3110 claims were acquired. Less than 9 months after the launch of MTO, 12,800 claims had been acquired online – an increase of 160% over the previous year. For the most part, the system does not recognize unextinguished title and rights; while some “no staking reserves” have been established to prevent new mineral rights being granted on First Nations lands, over 85% of the province is still open to mineral exploration. This complete absence of consultation often leads to disputes which carry through the full mining cycle.

There are five general phases of mining: Prospecting and Geoscience; Exploration; Development; Production; and Closure/Reclamation.

- 1) *Prospecting and Geoscience:* Prospecting takes place to find mineral bodies that warrant exploration. Geoscience forms the basis of prospecting in that it is scientific information relating to the earth.
- 2) *Exploration:* The purpose of exploration is to find areas of high mineralization, and to discover the boundaries of those areas. Exploration activity ranges from seismic or magnetic surveys, to field work (collecting samples, trenching and drilling), and extensive drilling and road-building.
- 3) *Development:* Pre-feasibility and feasibility studies are then conducted to estimate development costs and analyze/certify the ore body. If the deposit is viable, an Environmental Assessment is done.
- 4) *Production:* After a project has received its Environmental Assessment certificate and federal approval, it moves into a permitting phase. A large number of permits are required – as many as 25 for mine start-up. Following permitting, 1-2 years of construction may take place before a mine is fully operational (there are a number of different ways to extract minerals – i.e. open pit or underground), and generally in BC have a life of less than 20 years.
- 5) *Closure/Reclamation:* Reclamation should be taking place throughout the life of the mine in order to reduce long-term liabilities. In BC, conceptual closure plans must be filed before a mine receives its Certificate of Environmental Compliance, and companies are also required to pay into a Mine Reclamation Fund. When a company cannot, or will not, pay for reclamation costs, the mine is considered orphaned or abandoned and the provincial government becomes responsible for reclamation.

FIRST NATIONS MINING ACTION PLAN

This *Action Plan* was developed through the efforts of a small technical team composed of representatives of the organizing First Nations and was further developed through feedback received at the First Nations Mining Summit on October 7-9, 2008.

Opening Statement

As Indigenous Peoples, First Nations, of this great land we put our minds together – to stand together and support each other in our continued use and plans and priorities for our respective lands, territories and resources.

We have historic and continued interests in our respective territories to use, plan and make decision about our lands, territories and resources.

We acknowledge and respect our autonomy in our territories and agree to take this framework on mineral exploration and development back to our people to review it as our commitment to each other.

For our continued survival, dignity and well-being, any and all development of our lands, territories and resources requires our free, prior and informed consent.

Vision

Indigenous Peoples – as the original and continuing stewards of the land – exercising our title, rights and authority, and fulfilling our responsibilities as stewards and protectors of our traditional and spiritual ways.

Indigenous Peoples driving decision-making with respect to the timing and extent of mineral activity on our lands, and managing mineral activity, including through respectful government-to-government and community relationships based on legislated recognition and respect of our title and rights in our respective territories.

Indigenous Peoples, where they have provided their free, prior and informed consent, benefitting from all phases of a growing, , safe, environmentally responsible and viable mining industry that enhances the sustainability, vitality, health, culture and prosperity of our communities.

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Principles

- **Respect and Recognition:** First Nations are the original owners and stewards of our lands and resources. There must be recognition of, and respect for, Aboriginal title and rights, and treaty rights, and for the governance systems and autonomy of individual First Nations. Aboriginal title includes the authority to use lands and resources, to choose the uses to which those lands and resources are put and to benefit from any economic component. Crown (federal and provincial government) and third parties must honor the international standard of free, prior and informed consent based on recognition of, and respect for, Aboriginal title and rights.
- **Reconciliation and Relationships:** Reconciliation and effective relationships are needed amongst First Nations, First Nations and Government, and First Nations and industry.
- **Crown Obligations:**
 - Shared decision-making: The Province must fulfill its commitment to developing new institutions and processes for shared decision-making over planning, management and tenuring as it relates to all phases of the mining cycle.
 - Economic Benefits: As the original owners and stewards of the lands, First Nations participate in economic benefits from mining development or protection in all its stages. The Province must fulfill its commitment to develop new institutions and processes for revenue and benefit sharing.

- Consultation and Accommodation: Governments must uphold the honour of the Crown and fulfill the Crown's duty to meaningfully consult with, accommodate and compensate, First Nations regarding potential impacts to Aboriginal title and rights, and treaty rights. The Crown must account for the lasting impacts from past mining that infringe Aboriginal title and rights, and culture, and for future mining impacts.
- **Sustainability:** "Take care of the land and water and the land and water will take care of you." Mining development must be conducted in an environmentally, socially, ecologically, culturally and economically sustainable and viable manner for future generations to continue to exercise their rights make their own choices. Reciprocity remains a keystone of sustainability. First Nations sustainability and environmental standards must be respected.
- **Cultural Diversity:** The cultural diversity amongst First Nations must be respected, recognized and supported by governments, the public, and others through adaptive approaches and processes with respect to each First Nation's interests and priorities. The Crown and industry must respect First Nations shared territories and respect First Nations' ability to resolve shared territories issues through Indigenous knowledge, customs and laws.
- **Communication:** First Nations must be fully aware and informed of proposed mining and exploration activities in their traditional territory, prior to any activity. Communication must be ethical and respectful between all parties where First Nations are actively involved.
- **Quality Research and Information Sharing:** Quality, relevant 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 the terms of reference for these studies, decision-making for the researchers and reviewers, as well as approval of the final product. All information and exchanges of information must be conducted in a culturally-appropriate fashion.
- **Indigenous Knowledge:** Indigenous knowledge, including proprietary rights, of First Nations will be respected. First Nations will direct the use and management of indigenous knowledge, including identifying when indigenous knowledge is confidential. Indigenous knowledge must be treated at least equal to Western knowledge and be incorporated respectfully into environmental assessment, research and development.

- **Education, Training and Capacity:** Comprehensive education, training and capacity building are priorities for First Nations. First Nations must have the understanding, human capacity and financial resources to meaningfully engage in decision-making with respect to mining development, and to be employed at all levels within the mining industry.
- **Accountability:** Crown and industry must be accountable for any infringement of Aboriginal title and rights, and for any environmental impacts.
- **Financial Resources:** First Nations need adequate financial resources to engage in shared decision-making processes (from the first discussions on the project to the closing of the mine) and for capacity building.

Goals

The following goals have been established by First Nations in relation to mining exploration and development in British Columbia:

1. Implement First Nations Decision-Making and Effect Legislative and Policy Development and Reform
2. Restore, Maintain and Protect Healthy Ecosystems through Stewardship and Planning
3. Build capacity through research and education
4. Build and Maintain Capacity through Research, Training and Education Foster relationships and networking
5. Build Profitable and Sustainable Economic Opportunities for First Nations
6. Develop and Foster Relationships and Networking

In the following sections, a number of action items have been established that, when implemented in accordance with the guiding principles, will achieve progress in fulfilling the vision First Nations have developed in relation to the mineral sector.



GOAL 1:

IMPLEMENT FIRST NATIONS DECISION-MAKING & AFFECT LEGISLATIVE AND POLICY DEVELOPMENT AND REFORM

Context

Through the *New Relationship*, the Province of BC and First Nations agreed: to a new government-to-government relationship based on respect, recognition and accommodation of Aboriginal title and rights; to establish shared decision-making about the land and resources; and to implement revenue and benefit sharing. Although progress has been made on these matters in certain sectors, the *New Relationship* has not been implemented in any meaningful way as it relates to the mining industry. Mining legislation, regulations and processes are generally antiquated, and in need of reform in light of the direction of the Courts and political commitments to change. It is imperative that any new legislation, regulations, and policy be jointly drafted with First Nations.

Desired Outcome(s)

- Recognition of our title and rights, including through implementation of free, prior and informed consent, shared decision-making and revenue and benefit sharing
- First Nations making decisions, and resourced to make decisions, relating to mining activities within their traditional territories
- Principles and standards for recognition of Aboriginal title and rights, and treaty rights, reflected in environmental assessment and mining-related legislation, regulation, policy and process, and existing legislative and policy issues resolved
- Effective, transparent processes that empower communities to foster better relations with the exploration and mining industry
- Compensation for past mining developments

Action Items

Legislative and Policy Review, Development and Reform

- Support the development of provincial legislation to recognize Aboriginal title and rights, and implement *New Relationship* commitments to shared decision-making over planning, management and tenuring, and revenue and benefit sharing.
- Support First Nations in the development of standards, guidelines and regulations for their territories.
- Develop a consistent and regular process for First Nations involvement in all stages of legislative review, development and reform in relation to federal and provincial mining and environmental assessment legislation.
- Work to ensure that governments uphold their obligations to meaningfully consult and accommodate in good faith and discuss issues directly with First Nations communities. For example the Crown has a duty to consult and accommodate before exploration occurs. In order to undertake this obligation there must be immediate amendments to the free entry system (online mineral staking) and companies can only enter the territory if they receive the consent of the impacted First Nation.
- Conduct an analysis of barriers within existing legislation and policy (including how this legislation impacts Aboriginal title and rights) and create shared decision-making opportunities to address short- and long-term goals and strategic plans for policy change.
- Review the *BC Indian Mineral Resources Act*.
- Amend the Metal Mining Effluent Regulations to ensure that lakes are not used for tailings and waste rock, and to encourage industry to utilize new technology (i.e. dry stacking).
- Conduct an analysis of other legislative and regulatory systems for mining worldwide (i.e. New Zealand and Ontario) in order to redefine mining legislation in BC.

- Support First Nations organizations to define and implement mining resource revenue-sharing. The Crown must agree that resource revenue sharing is a priority and commit to implementing this action.
- Achieve tenure reform, including:
 - The implementation of the UN Declaration on the Rights of Indigenous Peoples, including the standard of free, prior and informed consent from affected First Nations;
 - Replacing the free entry tenure system with a system that requires the approval of the impacted First Nation(s); and
 - Implement financial assurances at the exploration stage, to ensure that resources are available for remediation efforts.
- Work with BC First Nations to develop a province-wide direct action strategy, including a media strategy, and engaging and educating the public.
- Work towards the full recognition of First Nations surface and subsurface rights.
- In collaboration with the First Nations Energy Council, ensure that First Nations play a lead role in the development of policy pertaining to carbon offsets and the mining industry.
- Work with the First Nations Fisheries Council to amend the Federal 'no net loss' policy.
- Ensure that the Crown upholds and honours agreements/arrangements with First Nations, even through changes in government.

Information and Data Development:

- Promote horizontal integration across government Ministries, to decrease misinformation, duplication, and other coordination challenges.



GOAL 2:

RESTORE, MAINTAIN & PROTECT HEALTHY ECOSYSTEMS THROUGH STEWARDSHIP & PLANNING

Context

Mining developments can have potentially devastating impacts on the environment and, in turn, on First Nations title, rights, societies, peoples, and cultures. Healthy ecosystems are the primary consideration in the assessment and development of any mining opportunity. First Nations will have a key decision-making role in stewardship and planning activities to ensure that healthy ecosystems exist for: current and future generations; the exercise of First Nations title and rights; and the ongoing existence and vitality of First Nations cultures and societies.

Desired Outcome(s)

Ecosystem stewardship and traditional use / land use planning and decision-making amongst First Nations, including development and implementation of First Nations plans, and respect for those plans by the Crown and others

- First Nations as the stewards, managers and caregivers of their respective territories actively involved in all stages of mining development, including resourcing to support First Nations stewardship and enforcement
- Reclamation and restoration of abandoned mines and other environmental issues
- Fostering and maintaining First Nations title, rights, cultures, beliefs, values and traditions.
- Effective relationships with the Crown and proponents with the common goal of environmental health and sustainability

Action Items

Data

Support First Nations to collect specific and comprehensive data on habitat, fish and wildlife, which can be used in environmental assessment.

- Secure appropriate and efficient technical resources to create a regional inventory and mapping of cumulative impacts from mining within impacted traditional territories.

Environmental Assessment and Monitoring:

- Pursue legislative reform of environmental assessment processes: conduct an independent review of the federal and provincial environmental review processes and draft a proposal for a process to reform the environmental assessment process to respect First Nations authority and decision-making, including a political government-to-government process between First Nations and government. Legislative reform to include addressing in the current environmental review process that permits small mines to expand into larger ones without a fair environmental review.
- Secure resources to support development and implementation of First Nations environmental assessment and monitoring.
- Provide opportunities for First Nations and others to ensure that environmental performance objectives are achieved through effective monitoring and reporting.
- Ensure that First Nations have access to resources to engage with exploration and mining companies on referrals from the pre-planning stage. Each community should have access to a minimum of three full time equivalent staff persons (or more depending upon the level of exploration and mining activity).

Planning and Management

Support First Nations ecosystem / traditional use / land use planning, including protection of areas allocated for spiritual use and habitat, and ensure that such support is in place prior to mining development.

- Work to implement a requirement that all exploration and mining activities conform to First Nations ecosystem stewardship/conservation/land use plans.
- Develop and implement culturally-relevant land management strategies and approaches, including trained and resourced First Nations guardians and enforcement officers.
- Provide information to First Nations technical staff that helps them to engage and support traditional land holders / governance systems.
- Work with other First Nations organizations to secure support for long-term First Nations ecosystem stewardship and conservation planning, to assess the cumulative impacts of resource exploitation within traditional territories, and to support the development of cultural impacts assessments.

Restoration

- Examine all proposed, existing, and closed projects from the perspective of the environmental impacts associated with mine closures, and secure resources for reclamation.
- Review and provide a report and analysis with recommendations on the current bonding policy.



GOAL 3:

BUILD & MAINTAIN CAPACITY THROUGH RESEARCH, TRAINING & EDUCATION

Context

Mining activity is increasing within First Nations territories, and there is an increasing recognition of the legitimate role that First Nations must play in this process. First Nations require capacity through research, training and education – including in negotiations, administration, geology, engineering, environmental assessment and monitoring, enforcement and other sectors – to supplement indigenous knowledge in order to effectively participate in decision-making, management, and employment throughout the entire mining cycle.

Desired Outcome(s)

- "Level playing field" for First Nations in terms of resourcing, up-to-date research, and technical support relating to abandoned, on-going and future mining initiatives
- Capacity-building through business training, and other training and educational opportunities in mining-related fields at all levels (e.g. planning, management, operations, etc.). Accessible, responsive, respectful, timely, resourced information-sharing protocols between First Nations, First Nations and government, and First Nations and industry
- First Nations capacity to deal with government and proponents through shared decision-making (and, in the interim, consultation and referral processes) and to conduct planning and stewardship activities in order to make informed decisions
- Accessible and available research, technology, and education tools, such as comprehensive digital mapping and imaging, for full ability to analyze and understand mining and exploration initiatives

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Action Items

Research and Information Development

- Identify and/or develop and share case studies, "best practices", templates, and tools for First Nations relating to successful partnerships and ventures in the mining sector.
- Direct and full access to research, maps and the Land Resource Data Warehouse to assist First Nations in making informed decisions prior to development and for future planning and management of First Nations territories.
- Develop safe and protected ways in which to share traditional use studies and knowledge between First Nations.
- Establish a First Nations mining capacity building/research fund for any affected First Nation. This fund is to be advanced by First Nations to identify our priorities for research and capacity building.
- Secure resources for First Nations to gather base-line data.
- Establish coordinated processes for information-sharing and dialogue among and between First Nations and with the mining industry and all government sectors.
- Provide technical and advisory services on mining matters, including the structuring of economically viable ventures and information relating to all phases of mining development.
- Establish a committee of mining experts for First Nations use and access.

Training and Education

- Conduct an education and training needs assessment with respect to the employment opportunities in the mining industry, leading to education and training agreements with government and industry.
- With the consent of the impacted First Nations, pursue and support high-level mentoring, "train the trainer", training and capacity-building opportunities for First Nations in all mining sectors, including management.
- First Nations to guide and work with educational institutions to identify and promote educational and training opportunities for First Nations in the mining sector.
- Host, or co-host workshops to share information on mining issues and direct or indirect business or employment opportunities.
- Establish a Capacity Building and Human Resource Strategy to, among other things, achieve a First Nations employment goal (e.g. 50%) for mining projects, target youth, and provide First Nations employees with access to adequate education, training and union protection.
- As requested, hold educational workshops at the local and regional level on mining issues.
- Ensure First Nations are compensated for their time during training, and receive commitments for meaningful, full-time and long-term employment once training is complete.



GOAL 4:

BUILD PROFITABLE & SUSTAINABLE ECONOMIC OPPORTUNITIES FOR FIRST NATIONS

Context

The resources on First Nations territories provide tremendous opportunity for economic well-being and job creation for First Nations; however, this must be balanced with community priorities and the need for environmental protection, health and safety standards, maintenance of traditional economies, and long-term economic sustainability. First Nations require tools and support to create economies that provide long lasting, sustainable benefits that support healthy First Nations communities, peoples and economies.

The *BC First Nations Economic Development Action Plan* (2008) includes the implementation and recognition of Aboriginal title and rights as a priority for all BC First Nations, including recognition of the economic component of Aboriginal title through mechanisms such as revenue-sharing. Through this recognition, BC First Nations aim to create economic prosperity through participation in mining initiatives throughout their traditional territories.

Desired Outcome(s)

- Increased and meaningful partnerships and participation in the mining sector based on First Nations values and principles.
- First Nations generating wealth and establishing profitable and sustainable economies in and beyond the mining sector.
- Opportunities for First Nations employment at all levels in the mining sector, including business and procurement.
- First Nations revenue and benefit sharing, ownership and equity in mining operations.
- Mandatory requirement for Impact Benefit Agreements (IBAs) with affected First Nations.

Action Items

Information and Data

- Undertake First Nations-driven socio-cultural and socio-economic assessments, and develop a strategy to address impacts, before projects proceed.
- Investigate mining sector impacts on traditional economies and alternatives to mining related economic activities.
- Work with industry and government to facilitate First Nations access to the economic feasibility studies from the companies that propose to develop on their territories.
- Create a series of potential effective models for IBAs, profit and equity sharing between First Nations and mining and exploration companies.

Funding and Support

- Work with governments and industry to develop partnerships to fund mining-related employment and business development opportunities for First Nations.
- Support First Nations to pool resources and work at regional and local levels on economic opportunities related to mining.
- Legislate a requirement for IBAs between companies and First Nations before the environmental review commences.
- Legislate revenue and tax sharing with the Crown on all mining revenues.
- Require companies to direct award contracts to First Nations or in lieu of direct award contracts, financial compensation is provided.
- Work with other organizations to determine the feasibility of an equity fund for First Nations that seek to participate in proposed projects.



GOAL 5:

DEVELOP & FOSTER RELATIONSHIPS & NETWORKING

Context

Effective working partnerships and networking directly contributes to the identification of new opportunities, resources, and knowledge. These benefits can be realized through relationship development between First Nations, government, industry, educational institutions and others in the mining sector. First Nations need to first and foremost work on the relationships with our people, our territories and to build positive relationships amongst one another.

Desired Outcome(s)

- Effective working relationships amongst First Nations, including shared territories/overlap agreements
- Relationships with government, industry, educational institutions, and others built on recognition of Aboriginal title and rights and treaty rights
- Identification of successful opportunities for individual First Nations, and groups of First Nations, through effective partnership
- Maximize strategic investments and efficiencies by working with partners

Action Items

Strategic Alliances

- Support effective working relationships amongst First Nations recognizing our diversity, respecting each Nations differences, and the acknowledgement of the strength of unity.
- Foster effective partnerships and alliances with Indigenous Peoples in other provinces, territories and countries with respect to mining issues.
- Develop effective partnerships with research and educational institutions.
- Support First Nations efforts to build regional and local relationships, including amongst each other, and with local governments and regional districts.

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Tools and Mechanisms

- Work with other organizations to develop and implement a "Global Compact", setting out principles for engagement with, and respect for, Indigenous Peoples.
- Coordinate an effort amongst First Nations to develop standards of engagement, which could include, but are not limited to:
 - Guiding principles;
 - Free, prior and informed consent;
 - Environmental limits and rules (i.e. no use of lakes for mine waste; no contamination);
 - First Nations' role in environmental assessment, monitoring and enforcement;
 - Requirement for cultural education for proponents and governments;
 - Honest and open information sharing;
 - Accountability; and
 - Resourcing First Nations for engagement.

Action Items - 5

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- Develop relationship protocol agreement(s), and Memorandum of Understanding, including work plans to implement those agreement(s), with key First Nations and non-First Nations organizations, industry and industry associations, governments and government agencies, and labour unions.
 - Participate in government and industry trade and investment missions.
 - Establish a communications strategy and network, including website, between all First Nations communities to enable effective information sharing and to educate the public.
 - Host, or co-host existing, regional and province-wide mining forums to encourage networking and information-sharing.
 - Encourage cross-cultural education between First Nation and Government and First Nations and industry.
 - Secure First Nations representation on mining-related government and industry councils and associations (including worker safety and environmental forums).
 - Increase representation on national and international bodies to ensure that BC First Nations' perspectives are represented at national and international forums.

IMPLEMENTATION

An Interim First Nations Mining Council/Secretariat, supported by a technical advisory team, will be responsible for facilitating, advocating for, and supporting BC First Nations to achieve their goals and objectives in relation to mining, without compromising the rights and authority of First Nations with respect to their territories and resources. The Council/Secretariat will also coordinate the implementation of this *Action Plan*, this includes:

- Developing a "plain language" summary of this *Action Plan* to distribute within First Nations communities;
- Developing a mining political strategy for the provincial and federal elections;
- Through discussions with First Nations, developing, assessing, and recommending options for a permanent structure for a First Nations Mining Council/Secretariat, including: analyzing possibilities to team with other First Nations Council(s), particularly the First Nations Energy and Mining Council; how to involve youth and Elders in the process; how to achieve effective regional representation; and how to ensure expertise and expertise amongst Council members;
- Developing work plans, including timelines, fundraising strategies, and the division of actions into political and technical streams, for the implementation of priorities in this *Plan*;
- Reporting regularly to First Nations through effective communications (i.e. website, newsletters), presentations to the assemblies of the BC Assembly of First Nations, First Nations Summit, and Union of BC Indian Chiefs, and holding regular regional and province-wide mining forums;
- Coordinating the sharing of information on mining matters amongst First Nations, including potentially developing and supporting a communications protocol amongst BC First Nations;

- Coordinating and collaborating with other First Nations organizations (particularly those in the natural resources field, and in particular the First Nations Energy and Mining Council) to share information, pool resources and eliminate the duplication of efforts. This could be undertaken by an inter-institutional management group or through amalgamation of some of these groups;
- Building effective relationships and partnerships with governments and other mining-related organizations; and
- Creating an evaluation process for monitoring and measuring progress under this *Plan* on an annual basis, including the successes already achieved.



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BC First Nations Energy & Mining Council
Suite 618, 100 Park Royal South
West Vancouver, BC V7T 1A2

t. 604.921.2014