

Goal 1: Effect 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 renovation 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):

- First Nations decision-making relating to mining developments within their traditional territories
- Recognition principles and standards reflected in mining-related legislation, regulation, policy and process
- Effective, transparent processes and a reduction in mining-related disputes

Action Items:

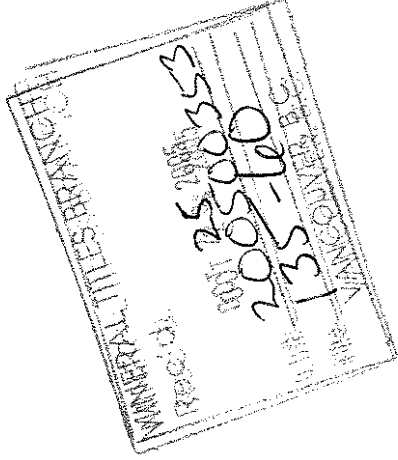
- Work to ensure Province fulfills its New Relationship commitment to shared decision-making over planning, management and tenuring, and revenue and benefit sharing;
- Work to ensure that governments uphold their obligations to consult and discuss issues directly with First Nations communities. For example 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;
- Support the implementation of the standard of free, prior and informed consent from affected First Nations;
- Support First Nations organizations to implement mining resource revenue-sharing. The Crown must agree that resource revenue sharing is a priority and commit to implementing this action;
- Conduct an analysis of other mining legislative and regulatory systems worldwide (i.e. New Zealand);
- Conduct an analysis of barriers within existing legislation and policy and identify short- and long-term goals and strategic plans for change;
- Achieve tenure reform, including:
 - Replacing the free entry tenure system with a system that requires the approval of the impacted First Nation(s);
 - Implement financial assurances at the exploration stage, to ensure that resources are available for remediation efforts; and
- 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 legislation.

PROVINCE OF BRITISH COLUMBIA
REGULATION OF THE CHIEF GOLD COMMISSIONER

Mineral Tenure Act

I, Gerald German, Chief Gold Commissioner, Ministry of Energy, Mines and Petroleum Resources order that

1. A reserve is established for minerals and placer minerals over the following lands in the Skeena Mining Division, Cassiar Land District:
 All that parcel or tract of land together with all that foreshore or land covered by water as shown outlined and shaded on the attached sketch.
2. A free miner may register a mineral or placer claim in the reserve established by section 1 subject to the conditions listed in section 3.
3. A free miner or an agent of a free miner must not obstruct, endanger or interfere with the construction, operation or maintenance of a hydroelectric project in the reserve established by section 1.



DEPOSITED

OCT 25 2005

B.C. REG. 316/2005

October 25, 2005

Date


 Chief Gold Commissioner
 Ministry of Energy, Mines and Petroleum Resources

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section:- Mineral Tenure Act, Section 22, RS1996, c.292

Other (specify):-

October 21, 2005

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925/5002/526/13

BC Reg 316/2005