



Save the Caribou – Stop the Tar Sands: Alberta First Nations Unite to Fight

Four nations send demand letter to Ottawa

Four First Nations issued an ultimatum to Ottawa, giving the federal government until August 27, 2010 to create an emergency plan to stop development in areas of north-eastern Alberta that are critical to the woodland caribou population. If the government fails to act, the group will seek a court order forcing Canada to protect the caribou.

United behind the action are:

- **Athabasca Chipewyan First Nation**
- **Beaver Lake Cree Nation**
- **Chipewyan Prairie Dene First Nation**
- **Enoch Cree Nation**

The four nations jointly sent a letter to Federal Environment Minister Jim Prentice on July 15.

The demand letter, crafted by Woodward and Company LLP's **Sean Nixon**, states that Canada is more than three years behind on its promise to create a recovery strategy for woodland caribou, which have been listed as a threatened species since 2002 under the *Species At Risk Act* (SARA).

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Profile: Holly Vear

Style and substance – Holly returns from Salt Spring

Holly and her canine co-associate, Finnegan, are returning to Woodward & Company LLP after working at Clement Murphy & Woodward on Salt Spring Island for close to one year. Holly's time on the island rounded out her skill set to include commercial transactions, employment law, local government law, estates and civil litigation. Following an intensive year as a "generalist" lawyer, Holly is well-positioned to assist clients in a more holistic way.

Holly has always been passionate about protecting the land from poorly-planned, unsustainable development, which, among other things, stands to negatively affect the positive exercise of Aboriginal rights and title and ultimately impedes the healthy development of communities. Holly remains connected to Canada's environmental community through the Canadian Environmental Network's Environmental Planning and Assessment Caucus, so that she can more effectively advocate for strong environmental laws that ensure fair results and a process that respects Aboriginal rights and title.

Holly has an academic background in environmental science and forestry and has worked extensively in the silviculture industry. She is pursuing professional standing as a BC Registered Professional Forester and enjoys applying her forestry knowledge to assist clients in B.C., Yukon and Alberta.

UPCOMING EVENTS:



Sept. 30, 2010 : Speaking Engagement - **Dominique Nouvet** will present a Consultation and Accommodation Update at a one-day conference in Vancouver at Renaissance Vancouver Hotel Harbourside. For more information and to register visit www.pbli.com/872.

In her down-time, Holly enjoys exploring the beautiful west coast with her dog, Finn.



The letter references research by University of Alberta researcher Dr. Stan Boutin who has studied the caribou population for 15 years. His report, *Scientific Review for the Identification of Critical Habitat for Woodland Caribou, Boreal Population (Rangifer tarandus caribou)* concludes the caribou populations whose ranges overlap Beaver Lake's traditional use lands are "not self-sustaining."

The Cold Lake Air Weapons Range herd has declined 74 per cent since 1998, while the East Side Athabasca River herd shrank by 71 per cent since 1996. The decline is directly attributed to the cumulative effects of rampant industrial development on caribou habitat, particularly by the oil and gas industry.

The letter gives the environment minister 45 days to prepare an emergency order protecting caribou. Preserving the habitat is essential to herd survival, which is why the letter states any new industrial activity or development on the traditional lands of the four nations must be prevented.

Chief Al Lameman of BLCN wrote: "It is difficult for us to express the anger and disappointment we feel over the loss of this noble animal from our territory." The government has not yet responded to the letter. ❖

FIGHT TO SAVE TEZTAN BINY CONTINUES IN WAKE OF CEEA REPORT

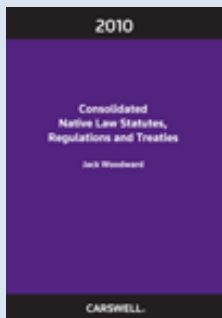
On July 2nd the independent federal review panel released its report on the proposed Prosperity gold-copper mine, and since then a public campaign has been waged in earnest by the pro-mine camp to convince the federal government that the project should go forward despite the panel's major findings of harm to the Tsilhqot'in Nation.

The environmental review panel found that the Prosperity Mine Project will have "significant adverse effects" on the environment, and "high magnitude, long term irreversible" impacts on Tsilhqot'in people and culture. The panel also concluded that the project will result in devastating impacts on productive fisheries and threatened grizzly bear populations, and the permanent loss of an "important cultural and spiritual area" and a "place of spiritual power and healing" for the Tsilhqot'in people.

In spite of these conclusions, Taseko Mines Ltd. and the BC government continue to actively campaign on the grounds that the economic benefits outweigh the negative effects to environment, First Nations and habitat. (This is in the face of evidence from economic analysts stating the benefits touted by the company and province are highly over-stated and that the mine will in fact burden the province with a \$20 million/year net loss.)

This is a watershed moment for First Nations' cultures and environmental protection in Canada. The federal government will make its decision known in early September. Until then, letter writing campaigns, public declarations of support for the Tsilhqot'in Nation like the recent pledge from the Assembly of First Nations, and open letters to various media from the Tsilhqot'in chiefs will attempt to convey to the public what is at stake for the Tsilhqot'in people.

There are two court cases pending in this area: the appeals from the Tsilhqot'in Aboriginal title case (the William decision) are scheduled to be heard in November 2010 (note that the Aboriginal right of the Tsilhqot'in people to hunt and trap throughout the Claim area, including the project area, is not under appeal and will stand regardless of the outcome of the appeals); the Baptiste case asserting a Tsilhqot'in Aboriginal fish right at Teztan Biny is on hold awaiting the outcome of the federal review process. ❖



2010 Consolidated Native Law Statutes, Regulations and Treaties – Now Available!

Jack Woodward's updated work consolidates in a practical and timely way the significant statutes, regulations and treaties that affect the area of native law.

This legislation has been added to the publication:

- *Maanulth First Nations Final Agreement Act S.C. 2009, c. 18*

The following proposed legislation has also been included:

- Bill C-3- An Act to promote gender equity in Indian registration by responding to the Court of Appeal for British Columbia decision in *McIvor v. Canada* (Registrar of Indian and Northern Affairs).
- Bill S-4 - An Act respecting family homes situated on First Nation reserves and matrimonial interests or rights in or to structures and lands situated on those reserves.