SPECIAL CHIEFS ASSEMBLY
DECEMBER 4, 5 & 6, 2012,GATINEAU, QC

Resolution no. 80/2012

TITLE:	Support for Fort Nelson First Nation Call for a Moratorium on all *Water Act* Licencing for Fracking
SUBJECT:	Water
MOVED BY:	Chief Daniel Manuel, Upper Nicola Indian Band, BC
SECONDED BY:	Chief Ian Campbell, Squamish Nation, BC
DECISION:	Carried by Consensus

WHEREAS:

A. Shale gas development is rapidly expanding on First Nations' territories throughout British Columbia.

B. First Nations have constitutionally protected Aboriginal rights to ownership and jurisdiction of our lands and natural resources, as recognized and affirmed by section 35(1) of the Constitution Act, 1982 and shale gas developments on First Nations' traditional territories in British Columbia adversely impact these rights.

C. Article 27 of the United Nations Declaration on the Rights of Indigenous Peoples declares that "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 [and] Indigenous peoples shall have the right to participate in this process".

D. First Nations continue to voice serious concerns regarding the health and safety of community members, air quality, and land and water resources resulting from shale gas developments.

E. Shale gas developments, including but not limited to well sites, hydraulically fractured wells, gas and water pipelines, drilling waste disposal, forest clearances, borrow pits and water usage, continue to occur either without adequate consultation or in some cases (notably water assignments) with no consultation.

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F. In 2011, the BC Assembly of First Nations passed Resolution 06(1)/2011, "Call for Canadian Government to launch formal investigation into cumulative impacts of shale gas developments on First Nation lands, resources and environment."

G. In November 2012, the BC government is poised to issue 20 long-term water licences impacting on trillions of litres of fresh water in North East British Columbia to oil and gas companies for hydraulic fracturing and "deep oilfield injection" under the BC Water Act.

H. British Columbia First Nations and Fort Nelson First Nation in particular, have expressed grave concerns regarding the negative impacts of these licences on their Aboriginal and Treaty Rights and interests, and on the land and waters themselves.

I. British Columbia First Nations are concerned that very little traditional and scientific data exists in order to understand the cumulative effects of water loss and contamination in the traditional territories of British Columbia First Nations due to hydraulic fracturing processes.

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

1. Support Fort Nelson First Nation in their call for a moratorium on all *Water Act* licencing and assessments for hydraulic fracturing in their traditional territories until:

- Full joint regional baseline studies are completed in the Shale Gas plays in British Columbia;
- Companies and the Province are required to submit multi-year pre-development plans that identify all proposed water sources, well sites and other proposed infrastructure prior to any development permits being applied for;
- Mutually agreed, cumulative effects and environmental assessment processes are in place to ensure that gas industry water withdrawals are capped at acceptable levels to First Nations;
- Culturally significant land and water resources are protected and made off-limits to industry activities;
- Industry water withdrawals and associated gas extraction activities are subject to rigorous monitoring and enforcement efforts by an independent body.

2. Direct the Crown to convene a commission of inquiry to investigate in an in-depth manner the cumulative effects of shale gas developments on the environment and public health and safety.

- The commission composition shall include First Nation representation and have, as part of its mandate, a policy framework that would assess and accommodate cumulative impacts on the land, air and water and Aboriginal and Treaty rights and interests in First Nations' territories affected by shale gas development;
- That such an inquiry have the power to compel witnesses to testify, be open to members of the public, be required to publicly report its findings and make recommendations on how to mitigate cumulative impacts and accommodate First Nation interests and ensure compliance in the oil and gas industry.

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