ANNUAL GENERAL ASSEMBLY
July 15, 16, & 17, 2008, Quebec City, QC

Resolution no. 24/2008

SUBJECT:	Environment Canada Wastewater Effluent Regulations Consultation Process
MOVED BY:	Chief Isadore Day, Serpent River First Nation, ON
SECONDED BY:	Chief Joanna Bernard, Madawaska Maliseet First Nation, NB
DECISION:	Carried by consensus.

WHEREAS:

A. In Fall 2007, Environment Canada (EC) conducted consultations concerning the *Draft Canada-wide Strategy for the Management of Municipal Wastewater Effluent* (the 'CCME Strategy') and EC's Proposed Regulatory Framework ('EC Regulatory Framework');

B. A legal review of the process has determined that the EC sessions cannot be characterized as having been for the purposes of Crown consultation within the meaning of Section 35 of the *Constitution Act, 1982*, since:

   i. the Crown did not provide information required prior to commencing a Crown consultation process with First Nations;
   ii. the schedule was unrealistic and unreasonable as a time period during which to implement a process to address First Nation concerns;
   iii. all First Nations that may be potentially impacted by the Crown decision were not present;
   iv. the Crown did not fully respond to concerns raised by participants regarding potential impacts on rights, administrative and financial burdens, and comments regarding the EC consultation process itself; and
   v. First Nations rights and interests were not accommodated by the Crown; and

C. The Crown has recently released its consultation guidelines entitled "Aboriginal Consultation and Accommodation: Interim Guidelines for Federal Officials to Fulfill the Legal Duty to Consult".

Certified copy of a resolution adopted on the 17th day of July, 2008 in Quebec City, QC.

Phil Fontaine, National Chief

THEREFORE BE IT RESOLVED that:

1. The Chiefs-in-Assembly request that the Government of Canada respect the Honour of the Crown and immediately conduct meaningful consultation and accommodation with First Nations in this matter.
2. The Chiefs-in-Assembly mandate AFN to advocate with Environment Canada to delay the publication of the regulations in the Gazette until the consultations are complete.
3. The Chiefs-in-Assembly further request that the Government of Canada provide adequate resources to First Nations to fully assess the impacts of the proposed regulations on their rights and interests and to enable them to participate in Crown consultations.

Certified copy of a resolution adopted on the 17th day of July, 2008 in Quebec City, QC.

Phil Fontaine, National Chief