**Draft for FNLC Consideration**

Minister Bruce Ralston

Ministry of Energy, Mines and Petroleum Resources

Dear Minister Ralston,

**Re: Bill 6 – 2020: *Mines Amendment Act, 2020***

We write to share our concerns about the recent introduction of Bill 6 in the BC Legislature and your Ministry’s news release of June 22nd, 2020 announcing these proposed changes. We understand that these changes have been proposed as a result of the *Mines Act* Intentions Paper released last fall, and for which the First Nations Energy and Mining Council (“FNEMC”) provided a detailed submission to your ministry staff on November 28, 2019.

We also understand that these proposed changes fall short of the reforms called for by Auditor General in its May 2016 Audit of Compliance and Enforcement of the Mining Sector. That Audit revealed that regulatory capture is a real concern and recommended that there be an independent body outside of your Ministry to oversee mining, which is not anticipated by these proposed reforms.

Your predecessor, Minister Michelle Mungall had committed to working toward mining reforms in partnership with FNEMC and FNLC. FNEMC has worked steadily with your ministry over the past several years to advance reforms to strengthen mining laws in BC to better protect Indigenous peoples, the environment, and restore public trust in mining. These commitments appear to have been largely ignored despite FNEMC’s ongoing engagements with your staff.

The FNLC relies on the work of the FNEMC. We are disappointed to learn that your Ministry appears to be advancing its policy and legislative agenda work from a “business as usual” perspective, despite the *Declaration of the Rights of Indigenous Peoples Act* (“*Declaration Act*”).

In respect of Bill 6, FNEMC had indicated that the release of last fall’s *Mines Act* Intentions Paper was inconsistent with, and should be recalibrated to, align with the *Declaration Act*.

FNEMC had recommended that the process be recalibrated by engaging the FNLC through FNEMC on the next steps, including inviting FNEMC to contribute to the review of consultation results and collaborative drafting of legislative amendments, as was done with Bill 51, BC’s new *Environmental Assessment Act*.

It appears that none of this is reflected in either the process or the substance of Bill 6 – there has been no government to government approach, no response to FNEMC’s submission on the Intentions paper, nor has there been advance notification of the tabling of this bill.

We recommend that further steps in relation to Bill 6 be paused until we have had an opportunity to meet with you to discuss our concerns and ensure that next steps on this Bill proceed in a manner consistent with the *Declaration Act*.

FNLC and FNEMC believe that there are constructive approaches to modernize mining in BC to ensure consistency with the *Declaration Act*. We believe our collaborations will be important as your government implements the UN Declaration. We look forward to hearing from you as soon as possible.

Sincerely,

FNLC

cc: Dave Porter, CEO, BC First Nations Energy and Mining Council