



# SHACKAN INDIAN BAND

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[www.shackan.ca](http://www.shackan.ca)

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June 22, 2021

Ministry of Forests, Lands, Natural Resource  
Operations and Rural Development  
Province of British Columbia

Attention: Minister Katrine Conroy

## **Re: Old Growth Strategic Review Recommendations**

Dear Minister Conroy:

Shackan Indian Band calls on the British Columbia Ministry of Forests, Lands Natural Resource Operations and Rural Development to act on our comments and concerns regarding the failure of the BC government to take steps to implement the urgent recommendations of the Old Growth Strategic Review panel. This call requires BC to take meaningful action toward honouring your commitments regarding old-growth forest management, including the implementation of immediate logging deferrals and enabling the full participation of Indigenous Nations in these processes.

### **BACKGROUND**

Indigenous Nations throughout BC have strong relationships with our forests stemming from thousands of years of Indigenous-led stewardship. Despite this relationship, and the deep knowledge it provides, our Nations have been left out of decision-making processes regarding our resources and have watched the destruction of our forests from commercial logging and other developments.

In September 2020, the BC government announced their new, holistic approach to protecting old-growth forests and committed to implementing all of the recommendations put forward by the April 2020 Old Growth Strategic Review report. These recommendations, particularly as they relate to collaboration with Indigenous Nations and protection of at-risk forests, presented BC with the opportunity to build lasting and meaningful relationships with Indigenous communities and to realize your commitment to reconciliation. However, as of now, no meaningful action has been taken to implement these recommendations and our forests – and the many Aboriginal rights that rely on them – remain at risk.

### **SHACKAN INDIAN BANDS CONCERNS**

Our forests play an integral ecological role in the biodiversity and health of BC ecosystems and possess incalculable and irreplaceable cultural value and significance for our Nation.



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In light of the ongoing risk of development to old-growth forests and the importance of these forests to our Nation's well-being – including our cultural, spiritual and economic needs – we demand that the BC government take immediate and sustained action to defer all harvest and development activities within areas of concern and to ensure that we as a Nation are included, consulted, and enabled to provide free, prior and informed consent respecting all commercial activity within our traditional territory.

In particular, we call on BC to enact the following:

- Immediately defer all harvest and harvest related activities (including road building) in all remaining old growth forests in our territory, using any and all tools available to you (for example, by instructing BC Timber Sales to cease any development in the area and/or by declining new permits and licenses);
- Immediately defer harvest in all areas where the status of old forest is in doubt or there is insufficient data to conclude that the forest is not at risk (that is, enable the precautionary principle);
- Immediately defer harvest in forests with high ecological and cultural values, which are essential to long-term resilience and recovery in our territory, at least until recovery and regenerative planning is complete in;
- Support our Nation in developing a new planning process/land use vision, based in both our Indigenous knowledge and science to ensure long-term ecological integrity and economic opportunities for our citizens; and
- Establish and support a Government-to-Government approach to decision-making that respects our sovereignty and ensures a well-resourced, transparent, and accountable approach to the paradigm shift for old growth management in BC.

### CONCLUSION

We remind the province that in the Tsilhqot'in Nation case, the BC Supreme Court found that BC's entire forestry regime was *ultra vires* provincial powers. This determination resulted from the province's prioritization of maximizing economic return from forests over the protection and preservation of these spaces for Indigenous well-being and rights exercises. Further, the Court found that BC's forestry practices could not be justified without reference to a detailed record of species needs and a full and robust understanding of an Indigenous Nation's specific rights practices. These determinations on forestry rights highlight some of the problems that remain within the Province's current regime which have not been altered to implement court guidance.

In addition, BC has committed to upholding the minimum human rights standards in the United Nations Declaration on the Rights of Indigenous Peoples. These include standards regarding the right to be involved in decision-making, land stewardship, and the necessity to obtain free, prior, and informed consent. By adopting



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the Declaration on the Rights of Indigenous Peoples Act, the province must interpret laws of British Columbia through lens of the UN Declaration and ensure the human rights of Indigenous peoples are being upheld.

Our Shackan Indian Band is committed to ensuring that fundamental changes are made to the forest management approaches and priorities within BC and that the Crown recognizes our right to be involved in land-based decisions that are made on our territory. We believe that the Old Growth Recommendations are a good first step to seeing these changes come to fruition.

Given the high risk to ecological and cultural values associated with ongoing old-growth logging in our territory and in BC more broadly, we cannot stress enough the urgency of this call to action and the need for your rapid response. As such, we call on the Minister to make deferrals for the forests within our territory and to begin the process of engaging with our community in a way that is consistent with the BC Government's commitments under the Declaration on the Rights of Indigenous Peoples Act and the honour of the Crown.

Sincerely,

Chief Arnold Lampreau

Councilor Yvonne Joe

Councilor Lindsay Tighe

cc: The Honourable John Horgan, MLA, Premier  
The Honourable Murray Rankin, QC, MLA, Minister of MIRR  
The Honourable Nathan Cullen, MLA, Minister of State