

Date Submitted: July 02, 2019

Proceeding name: BCUC Indigenous Utilities Regulation Inquiry

Participant contact information

Organization or individual name: First Nations Energy and Mining Council

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Province: British Columbia

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For organizations only - representative contact information

Name: Paul Blom

Organization (if different from above):

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Province: British Columbia

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Also representing (if applicable):

Additional information

Please state your reasons for intervening in this proceeding:

The First Nations Energy and Mining Council (FNEMC) supports and advocates for First Nations in their efforts to manage and develop energy and mineral resources in ways that protect and sustain the environment while enhancing their social, cultural, economic and political well-being. The FNEMC's mandate is to provide technical advocacy support to BC First Nations. The FNEMC takes direction from and reports to the BC First Nations Leadership Council and is

accountable to the Chiefs through their respective assemblies. The First Nations Leadership Council is composed of the political executives of the Union of British Columbia Indian Chiefs, the First Nations Summit and the British Columbia Assembly of First Nations. The Indigenous Utilities Regulation Inquiry deliberations, by definition, involve matters of energy and mining project development on First Nations ancestral lands on which the Province of British Columbia is situated. FNEMC's reasons for intervening in the Inquiry are to set out the collective view of BC First Nations Leadership Council on matters of Indigenous utilities regulation.

Please state how you are directly or sufficiently affected by the Commission's decision in this matter; or describe your experience, information, or expertise relevant to this matter that would contribute to the Commission's decision making:

The Commission's advice to the Lieutenant Governor in Council on the appropriate nature and scope, if any, of the regulation of Indigenous utilities will potentially impact the (1) reserve lands of all 203 BC First Nations communities, (2) ancestral lands imprinted by common law Aboriginal title and rights and subject to First Nations inherent rights of jurisdiction, authority and ownership, and (3) lands subject to pre-confederation Douglas, Barricade, and other treaties, Treaty No. 8 and modern treaties.

Please list the key issues you intend to address in the proceeding:

In this new era of federal and provincial Crowns' adoption of the United Nations Declaration on the Rights of Indigenous Peoples, we see an opportunity to bolster the legitimacy of energy regulation to the collective benefit of First Nations, both provincially and regionally. The Supreme Court of Canada has confirmed that the purpose underlying section 35 of the Constitution Act, 1982 is the reconciliation of the prior existence of First Nations societies with assumed Crown sovereignty, and that Indigenous customary laws are part of the constitutional fabric of Canada. The Constitution Act, 1867 allocates certain jurisdictions to the federal Crown and provinces, but also leaves space for the operation of First Nations' inherent right of self-government, protected under section 35 of the constitution. Few Canadians and proponents know and appreciate this reality. Progressive proponents recognize First Nations as having rights of self-determination and self-government, and the right to choose how lands and resources are used in their respective territories. These proponents have demonstrated respect and thereby earned the support of First Nations. In light of the foregoing, FNEMC intends address issues on the interplay of neighbouring provincial, territorial and international jurisdictions, the jurisdictions of the governments of Canada and British Columbia on reserves and in fresh, intertidal and marine waters, and specific matters regarding the Utilities Commission Act, the Clean Energy Act and British Columbia's energy objectives.

For administrative purposes only

Do you intend to participate fully, including attendance at hearings and submission of evidence or information requests, if applicable?: Yes

Do you intend to request PACA funding? This does not impact your ability to participate: Yes

Have you or your organization web-registered as an intervener or interested party in the past 12 months?: No

If yes, please provide your username: