

OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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June 16, 2010

Minister Gail Shea
Fisheries and Oceans Canada
200 Kent Street
Ottawa, Canada K1A 0E6
Via facsimile: 613-990-1886

OPEN LETTER: UBCIC RESOLUTION 2010-17, SUPPORT FOR NUU-CHAH-NULTH TRIBAL COUNCIL LEGAL BATTLE TO ESTABLISH FIRST NATIONS RIGHTS TO AN ECONOMIC FISHERY

Dear Minister Shea

We are writing with respect to the Union of BC Indian Chiefs (UBCIC) Resolution 2010-17, Support for Nuu-Chah-Nulth Tribal Council Legal Battle to Establish First Nations Rights to an Economic Fishery (enclosed), carried at the UBCIC Chiefs Council on June 3, 2010.

The UBCIC Chiefs Council applauded and celebrated the B.C. Supreme Court decision on November 3, 2009 in *Ahousht Band and Nation v. Canada*. Five (5) Nuu-chah-nulth Nations won a major legal victory in the ruling that Nuu-chah-nulth Peoples have an Aboriginal Right to fish for any species of fish in their territories, and sell catch. Further, the B.C. Supreme Court ruled that the *Fisheries Act* and regulations pursuant to the *Act* infringe the Aboriginal Right of Nuu-chah-nulth Peoples to fish and sell catch.

However, we are deeply disappointed that Canada chose to appeal the B.C. Supreme Court decision in *Ahousht Band and Nation v. Canada*. We are writing to alert you that the UBCIC Chiefs Council fully supports the Nuu-chah-nulth Tribal Council in their ongoing legal battle with Fisheries and Oceans; UBCIC will diligently work with like-minded organizations to proudly support the Nuu-chah-nulth.

On behalf of the UNION OF BC INDIAN CHIEFS,

Grand Chief Stewart Phillip
President

Chief William Charlie
Vice-President

Chief Robert Chamberlin
Secretary-Treasurer

Encl: UBCIC Resolution 2010-17 Support for Nuu-chah-nulth Tribal Council Legal Battle to Establish First Nations Rights to an Economic Fishery

CC: Cliff Atleo, President, Nuu-chah-nulth Tribal Council
Grand Chief Ed John, Chief Doug White and Dan Smith, First Nations Summit Task Group
Regional Chief Jody Wilson-Raybould, BC Assembly of First Nations
First Nations Fisheries Council
Minister Chuck Strahl, Indian and Northern Affairs Canada
Minister George Abbott, Ministry of Aboriginal Relations and Reconciliation, British Columbia
Minister Barry Penner, Ministry of Environment, British Columbia

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UNION OF B.C. INDIAN CHIEFS
CHIEFS COUNCIL
JUNE 2ND TO JUNE 3RD, 2010
VANCOUVER, B.C.

Resolution no. 2010-17

RE: Support for Nuu-chah-nulth Tribal Council Legal Battle to Establish First Nation Rights to an Economic Fishery

WHEREAS since time immemorial, the Nuu-chah-nulth have built their societies, economies and culture around fishing and have been stewards of their ocean resources;

WHEREAS on November 3rd, 2009, Nuu-chah-nulth Nations won a major legal victory in the British Columbia Supreme Court, in the fight to have a constitutionally protected Aboriginal Right to fish for commercial purposes. In *Ahousaht Indian Band and Nation v. Canada (Attorney General)* Madam Justice Garson ruled that the Nuu-chah-nulth peoples have an Aboriginal Right to fish for any species of fish in their territories, and to sell fish. Further, Madam Justice Garson ruled that the *Fisheries Act* and regulations made pursuant to the *Act* infringe the Aboriginal Right of the Nuu-chah-nulth peoples to fish and to sell catch;

WHEREAS after more than a decade of legal preparations, *Ahousaht Indian Band and Nation v. Canada* was brought to the courts by the Ehattesaht, Mowachaht/Muchalaht, Hesquiaht, Ahousaht and Tla-o-quiaht First Nations;

WHEREAS the B.C. Supreme Court directed the parties to consult and negotiate the manner in which the plaintiffs' Aboriginal Rights to fish and sell catch can be accommodated and exercised. The Court also directed that if consultations and negotiations are not successful after two years, then Canada has leave to apply at a subsequent trial to tender further evidence on the issue of justification;

WHEREAS Canada has chosen to appeal the November 3rd, 2009 decision of the British Columbia Supreme Court that established economic rights-based fisheries for these five Nuu-chah-nulth Nations;

WHEREAS these five Nuu-chah-nulth Nations need the financial and moral support of all First Nations in British Columbia and Canada in order to secure victory through the B.C. Court of Appeal;

THEREFORE BE IT RESOLVED that the Union of BC Indian Chiefs Council fully supports the Nuu-chah-nulth Tribal Council in their ongoing legal battle with Department of Fisheries and Oceans to firmly establish First Nation rights to an economic fishery;

THEREFORE BE IT FINALLY RESOLVED that the Union of BC Indian Chiefs Council directs the UBCIC Executive and staff to work with the First Nations Summit, BC Assembly of First Nations and like-minded organizations, to work with and support the Nuu-chah-nulth in their ongoing legal battle.

Moved: Chief Nelson Leon, Adams Lake Indian Band

Seconded: Chief Wayne Christian, Splants'in First Nation

Disposition: Carried

Date: June 3, 2010