
NEWS RELEASE

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Ministry of Energy, Mines and Low Carbon Innovation
Gitxaala Nation
Ehattlesaht First Nation

Orders protect Gitxaala, Ehattlesaht Nations' mineral interests, signal Mineral Tenure Act reform

VICTORIA – New interim measures place restrictions on mineral claim registrations and mining activities in Gitxaala Nation and Ehattlesaht First Nation territories, while the important work of modernizing B.C.'s Mineral Tenure Act (MTA) proceeds.

The interim measures follow an agreement between B.C. and the two Nations on how to approach the September 2023 Gitxaala v. British Columbia B.C. Supreme Court ruling. Justice A. Ross found that the Province owes a constitutional duty to consult with First Nations prior to registering mineral tenures under the MTA and that there are negative impacts to Gitxaala Nation's and Ehattlesaht First Nation's territories and rights from registration of mineral claims. A. Ross gave the Province 18 months to reform the MTA to incorporate the duty to consult.

Gitxaala and Ehattlesaht had remaining concerns that the impacts on their rights found by the court would continue while MTA reform was underway and until a new regime was in place. The Nations filed appeals including requested orders to quash specific mineral claims and prevent new claim registrations until a consultation regime is in place. They have agreed not to proceed with those aspects of their appeals in light of protective measures enacted by the Province.

"This resolution demonstrates that meeting in person, government to government, allows us to develop solutions together, and I want to recognize and express my gratitude to Ehattlesaht and Gitxaala for coming to the table with us to move forward the important work of reforming the Mineral Tenure Act," said Josie Osborne, Minister of Energy, Mines and Low Carbon Innovation. "These interim measures mean that instead of ongoing litigation that could have far more significant and longer-term impacts to the sector, we are instead able to focus on our work together to reform the act, providing greater certainty to First Nations, industry and British Columbians."

The orders pause the limited current mining activities as well as the issuance of new permits in Gitxaala and Ehattlesaht territories and prevent the registration of new mineral claims without agreement by the respective Nations.

The two Nations and the Ministry of Energy, Mines and Low Carbon Innovation have also agreed to support amendments to the interim orders if Ehattlesaht or Gitxaala reach agreement with companies seeking to explore or mine in their territories.

"Gitxaala is ready to work with the Province and other First Nations to ensure B.C. meets its commitment to establish a mineral tenure law that aligns with the United Nations Declaration

on the Rights of Indigenous Peoples and respects Gitxaala laws,” said Gitxaala-elected Chief Councillor Linda Innes. “The orders enacted by the Province are an important step to begin this work together.”

“Ehattesaht has always preferred sitting down and working through issues over going to court. In our view, these interim measures offer the Province and industry the opportunity to sit down with us as we take on the hard work of finding both certainty and reconciliation for our territory,” said Chief Simon John, Ehattesaht Nation. “We have continually told the Province and proponents that we are not against mining, but if you want to mine here, we have to find ways that keep our lands and waters healthy and that respect our rights and culture. We know what bad mining looks like and we can’t go back there again.”

The Province, First Nations and First Nations organizations will have the opportunity to address the B.C. Supreme Court ruling as part of their work to modernize the MTA in alignment with the Declaration Act and UN Declaration. A clear process for consultation and co-operation with First Nations in British Columbia and engagement with industry, environmental non-governmental organizations, all other interested parties, and British Columbians begins this month.

Quick Facts:

- In September 2023, the B.C. Supreme Court declared that the provincial Crown’s conduct in establishing an online system allowing automatic registration of mineral claims without creating a system for consultation breaches the obligations of the Crown to First Nations.
- The Province has committed to modernize the MTA in consultation and co-operation with First Nations in the Declaration on the Rights of Indigenous Peoples Act Action Plan and will focus on the reform of the MTA.
- In June 2023, an MTA Modernization Office was established, along with the First Nations Leadership Council and B.C. technical working group, to advance legislative modernization efforts.

Learn More:

To learn more about the consultation and cooperation and engagement processes, email: mta@gov.bc.ca

For more information about B.C. legislation, visit: <https://strongerbc.gov.bc.ca/Legislation>

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