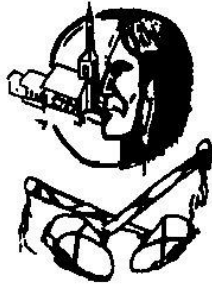


## Kingsclear First Nation



October 8<sup>th</sup>, 2015

Hello community members of Kingsclear First Nation

I want to formally introduce myself as the Resource Development Consultation Coordinator (RDCC) for Kingsclear First Nation. The mandate/objective of the RDCC is to provide information on any resource development within the Maliseet territory. This will include aid to community members, Chief and Council, and Government officials to protect the integrity of our traditional territory. To respond and track all industry activities in the territory and to receive comments/questions/concerns from community members in regards to any resource development. It will be my priority that all community members be informed/ included in any resource development as it relates to our community.

With respects to collecting and providing information and receiving communities input, I will start by establishing a community engagement committee. I will be posting information on the Kingsclear First Nation Website at [www.kingsclear.ca](http://www.kingsclear.ca) or all information located at my office as it relates to Consultation in the Maliseet nation.

My office will be located at the Bandhall and my availability will be Monday-Thursday from 9am-4:30pm and Friday from 9am-12pm. If you have any questions regarding consultation, don't hesitate to contact me by email [sydneypaul@kingsclear.ca](mailto:sydneypaul@kingsclear.ca) or by phone at 363-3028 ext. 143.

In Spirit,

Sydney Paul, BBA

Resource Development Consultation Coordinator

Kingsclear First Nation, NB

**What will the Resource Development Consultation Coordinator do?**

Coordinate all levels of consultation activities on proposed projects in New Brunswick that have the potential to impact Aboriginal and Treaty Rights and share information with community members.

### **What are Aboriginal and Treaty Rights?**

Is in Section 35 of the Constitution Act, 1982.

- The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed
- In this Act, “aboriginal peoples of Canada” including the Indian, Inuit, and Metis peoples of Canada
- For greater certainty, in subsection (1) “treaty rights” includes rights that now exist by way of land claims agreements or may be so acquired
- Notwithstanding any other provision of this Act, the aboriginal and treaty rights referred to in subsection (1) are guaranteed equally to male and female persons

### **What is consultation?**

Is the process by which the Crown carries out their Duty to Consult with Aboriginal People.

### **What is Duty to Consult?**

From a legal perspective, a number of court cases (for example, Haida, Taku River, Mikisew Cree) have found that governments have a duty to consult with Aboriginal peoples where their claimed rights may be impacted or infringed. The legal situation continues to evolve, but the current legal context generally suggests:

- Governments may have a duty to consult Aboriginal peoples prior to making decisions that might adversely affect their claimed or asserted treaty rights, Aboriginal rights and title claims;
- The extent of consultation and accommodation that may be required depends on the strength of the claim and the seriousness of the impact of the proposed activity. However, ultimate decision-making authority remains with government.

### **Does consultation involve First Nations and government only?**

No, in order to fulfill the “Honor of the Crown”, the Crown must start and oversee the consultation process but can delegate procedural aspects of the Duty to Consult to project proponents (the companies that propose a project).