

**NORTHWEST TRIBAL TREATY NATIONS**

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Gerald D. Wesley, Tsimshian Nation

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August 18, 2003

*Via facsimile and post—*

Grant D. Aldonas, Esq.  
Under Secretary for International Trade  
Central Records Unit, Room 1870,  
United States Department of Commerce  
Pennsylvania Avenue and 14<sup>th</sup> St. NW.,  
Washington D.C. 20230

Fax: (202) 482-4821

**Re: Resolution to the Softwood Lumber Dispute and the Recognition of Aboriginal Rights and Title to the Land**

Dear Mr. Aldonas,

The Northwest Tribal Treaty Group is an association of First Nations and Tribal Groups in northern British Columbia. The membership includes in excess of 50 First Nations. In order to clarify our position it is important to inform you of the following:

- Unextinguished Aboriginal title continues to exist in BC, and is constitutionally protected. The First Nations of BC have claimed Aboriginal title and rights to their territories, encompassing the entire province, and have or are preparing evidence to demonstrate their good *prima facie* case for Aboriginal title and/or and rights.
- Logging activities in First Nations territories, driven by Canadian subsidies, have caused infringements of constitutionally protected Aboriginal title and rights. The provincial Crown failed to fulfill its fiduciary duty of utmost good faith to all First Nations when it gave approvals and permits to allow this logging to occur. The passing of softwood related legal changes will also result in further infringements of Aboriginal title and rights.

- The Supreme Court of Canada has made it clear that compensation will ordinarily be required when Aboriginal title is infringed.

Observing the United States-Canada softwood lumber dispute we are aware that many changes to the BC provincial framework were imminent. Throughout the last two years our organization has attempted to meet with the British Columbia Ministry of Forests to ensure that our Aboriginal interests are taken into account before any changes were made to the provincial forest legislation and policy. Unfortunately the province of BC unilaterally made sweeping changes to the forest policy and legislation with no consultation or accommodation of our interests and while many of our Nations are actively negotiating land claims.

While these changes may assist to serve as a remedy to the international dispute they have further alienated relationships within Canada between the province and First Nations. If substantial changes are not undertaken by the province of BC to serve our interests we may have no alternative but to legally challenge the new provincial legislation. Examples of accommodation to BC First Nations for the legislative changes are a reduction in the Allowable Annual Cut to ensure that the First Nations style of ecosystem based management model is followed and that a minimum of 50% of the BC AAC is owned by First Nations.

Our organization fully supports the comments submitted by the Indigenous Network on Economies and Trade to the US Department of Commerce regarding the conduct of changes circumstances review of the countervailing duty order on softwood lumber from Canada.

Respectfully,  
**Northwest Tribal Treaty Group**

  
**Justa Monk**

Co-Chair

Cc: Arthur Manuel, Spokesperson, Indigenous Network on Economies and Trade  
Northwest Tribal Treaty Nation Chiefs