DONOVAN AND COMPANY, BARRISTERS AND SOLICITORS
"ABORIGINAL LAW ON THE ABORIGINAL SIDE"

ABORIGINAL LAW NEWSLETTER

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THE INDEPENDENT ASSESMENT PROCESS: WHAT TO EXPECT

The Independent Assessment Process (IAP) is the out-of-court process for Residential School Survivors to bring forward their claims of sexual abuse, serious physical abuse and other wrongful acts. The process typically involves a private hearing, where the survivor speaks about his or her experience at Residential School.

The IAP focuses on the victim—it gives the individual Survivor the chance to share his or her traumatic personal experiences at residential school. It is Canada's opportunity to acknowledge the harm done at Residential School and attempt to reconcile on a personal level. Survivors have the potential to obtain compensation and healing, which can directly benefit the individual's life.

To learn all about the Independent Assessment Process and what to expect at a hearing, please turn to page 5 of this newsletter.

NOTE TO THE READERS

This ABORIGINAL LAW NEWSLETTER is intended to provide our general comments on new developments in the law. The NEWSLETTER is not intended to be a comprehensive review of all developments. It is not intended to provide legal advice. Readers should not act on information in the NEWSLETTER without first seeking legal advice on the particular matters that are of concern to them.

THE RESIDENTIAL SCHOOLS FOCUS ISSUE

- *Supreme Court Win: Unanimous Court Rules in Favour of Residential School Survivor*
- *The Deadline for Residential School Claims*
- *The Independent Assessment Process: How it Works*
- *Profile: Our Residential Schools Lawyers: Karim Ramji and Niki Sharma*

WHATS INSIDE:

MAJOR VICTORY AT THE SUPREME COURT OF CANADA:UNANIMOUS COURT RULES IN FAVOUR OF RESIDENTIAL SCHOOL SURVIVOR

Today, a residential school survivor can bring forward his or her claim for compensation for sexual and physical abuse in a relatively non-adversarial, private and efficient process. The new claims resolution model is by no means perfect, but it is a significant improvement on the painfully slow and adversarial court process by which these claims, until very recently, were resolved.

Canada has long been aware that physical, sexual and cultural abuse that ran rampant in residential schools. That knowledge, however, was not sufficient to motivate the government to resolve the injustice. It took thousands of individual court cases, brought by survivors of residential schools abuse from across the country, to drive Canada to the negotiation table where a class action settlement was ultimately achieved. It took an amazing amount of courage and strength on the part of the individual survivors, who had already suffered greatly, to drive each case forward. In this article we briefly tell the story of one of these courageous individuals, whose case took the best part of a decade to make its way through all three levels of court, finally resulting in an unanimous decision in his favour from the Supreme Court of Canada.

"IT TOOK THOUSANDS OF INDIVIDUAL COURT CASES BROUGHT FORWARD BY SURVIVORS OF RESIDENTIAL SCHOOLS ABUSE ACROSS THE COUNTRY TO DRIVE CANADA TO THE NEGOTIATION TABLE, WHERE A CLASS ACTION SETTLEMENT WAS ULTIMATELY ACHIEVED."

F.H. was a resident at the Sechelt Indian Residential School. During his time there he was physically and sexually assaulted. In 2000, through his lawyer Karim Ramji of Donovan & Company, he commenced litigation against Canada, the Church and the abuser. Each of these defendants vigorously defended against the action. After review of the evidence brought forward during the three weeks of trial, the trial judge ruled in favour of F.H.—finding that he had been sexually abused by the individual defendant and that he had been strapped by the other personnel at the school.

Instead of settling the case, Canada, the Church and the individual defendant all appealed. The matter then went before a three judge panel at the British Columbia Court of Appeal. Two judges ruled that the trial decision should be overturned, concluding that the plaintiff had not met the heavy burden of proof that, in their view, must be met by the individual alleging sexual assault. One of the judges in the majority seemed to go so far as to require that the party alleging sexual assault provide corroborating evidence – a near impossibility in many historical sexual abuse cases. The third judge dissented, noting that it was the job of the trial judge to assess all of the evidence and to determine questions of fact and credibility. The trial judge had done her job properly and her decision should stand.

F.H. sought leave to appeal to the highest court in the land—the Supreme Court of Canada. Not every case can reach this level in the court system. In fact, the Supreme Court grants court "leave to appeal" to only about one in every eight cases that seek to come before it. If the Supreme Court decides to grant leave, then the case may be argued on its merits. If the Supreme Court of Canada "declines leave", the case proceeds no further. *(Continued on page 3)*

MAJOR VICTORY AT THE SUPREME COURT OF CANADA, CONTINUED.

The unholy coalition of Canada, the individual abuser and the Church argued that the case lacked the "public or national importance" that is required for the Supreme Court of Canada to grant leave. The Supreme Court disagreed. The case had implications for all childhood sexual abuse cases and raised important legal issues. The Supreme Court granted leave to appeal.

> "THE UNHOLY COALITION OF CANADA, THE INDIVIDUAL ABUSER AND THE CHURCH ARGUED THAT THE CASE LACKED THE 'PUBLIC OR NATIONAL IMPORTANCE'...THE SUPREME COURT DISAGREED."

The Supreme Court of Canada is comprised of nine judges. They usually assign an odd number of judges—five, seven, or nine, to hear a case. This minimizes the chance of an embarrassing "tie" decision. F.H.'s case was heard in front of a panel of seven judges. The court reviewed detailed written arguments and case law submitted by all four sets of lawyers, supplemented by a morning's worth of oral argument. The court reserved its decision.

Four and a half months later the Supreme Court of Canada issued its judgment. The result was a unanimous win for the residential school survivor. The court ruled against the individual defendant, Canada and the Church. It found that the trial judge had carefully reviewed the evidence and upheld the special position of the trial judge to assess the credibility of the witnesses. Only the trial judge has the opportunity to review all of the evidence. Only the trial judge see each witness provide his or her testimony in person. Absent and clear and overriding error, it is not the role of an appellate court to interfere with the trial judge's findings of fact and credibility.

> "THE SUPREME COURT OF CANADA TOOK THE OPPORTUNITY TO SET THE LAW STRAIGHT CONCERNING THE BURDEN OF PROOF IN A SEXUAL ABUSE CLAIM."

The Supreme Court of Canada took the opportunity to set the law straight concerning the burden of proof in a sexual abuse claim. Older English cases suggested that there should be a higher burden of proof on the plaintiff alleging that the defendant has committed sexual abuse, given the seriousness of the allegation. This position was firmly rejected by the unanimous Supreme Court of Canada. The old position confused the seriousness of the allegation with the issue of probability. In reality, serious misconduct by those in authority was all too prevalent in residential schools. There is no reason to hold the plaintiff to a higher than ordinary burden of proof just because what happened to him or her at residential school was disturbing and terrible.

The court also rejected any approach that would require the abused party to provide evidence by a third party to support or "corroborate" the allegations. As the Supreme Court of Canada noted, requiring corroboration would elevate the evidentiary requirement in a civil case above that in a similar criminal case. Sexual abuse is usually undertaken in private and any judgment that requires third party corroboration would place an unfair and unrealistic burden on plaintiff. The Supreme Court's rejection of this outdated and harmful doctrine was welcomed and applauded. The journey for F.H. in the current legal system was long, but in the end resulted in complete vindication. We honour the courage and determination of F.H. and all other residential school survivors. We trust that Canada will approach the new Independent Assessment Process model for residential school cases keeping in mind the lessons learned in the F.H. litigation, and hopefully with the spirit of reconciliation, fairness and justice.

IMPORTANT DEADLINE: SURIVORS HAVE LIMITED TIME TO CLAIM FOR RESIDENTIAL SCHOOLS ABUSE

Since September 2007, Survivors of Indian Residential Schools have been bringing forward compensation claims through the Independent Assessment Process (IAP). This out-of-court process provides compensation to Survivors who suffered sexual abuse, serious physical abuse or other wrongful acts during their time at a residential school. *Those Survivors who may have a claim, but have not yet applied, should be aware of the time limits for the IAP*.

Prior to the Indian Residential School Settlement Agreement, a Survivor could sue Canada and the Churches for sexual abuse when they were ready to do so. In British Columbia, the old rules were that a lawsuit for sexual abuse did not have any legal time limits. The courts and the government removed these time limits in recognition of how difficult it is for people to bring claims of childhood sexual abuse to a courtroom.

"THOSE WHO MAY HAVE A CLAIM, BUT HAVE NOT YET APPLIED, SHOULD BE AWARE OF THE TIME LIMITS FOR THE IAP"

"IF A RESIDENTIAL SCHOOL SURVIVOR DOES NOT SUBMIT AN IAP APPLICATION BEFORE SEPTEMBER 19, 2012, THEY WILL LOSE THEIR CHANCE TO OBTAIN COPENSATION FOR THE HARMS THEY SUFFERRED..."

The Indian Residential School Settlement Agreement changed all that. There is now a strict legal deadline for filing an application to obtain compensation for residential school abuse. The Agreement sets an "IAP Application Deadline". Now all claims must be filled within a five-year window. **This means that the IAP Secretariat will only be accepting IAP applications until September 19, 2012**.

It is important that all Survivors are aware of the IAP Application Deadline because the Settlement Agreement also took away their right to go to court. Unless a survivor opted out of the class action settlement (the deadline for opting out has already passed), the IAP is the only option to be compensated for proven abuse. ***If a residential school survivor does not submit an IAP Application before September 19, 2012, they will lose their chance to obtain compensation for the harms they suffered at residential school***.

Survivors should consult a lawyer to determine if they have a claim under the IAP and submit their application *well before the deadline* to ensure that their rights are protected. For more information on Indian Residential Schools matters, please call Karim Ramji or Niki Sharma at Donovan and Company: 1-866-688-4272. Your talk with Karim or Niki is completely free of charge and the number provided above is toll free.

THE INDEPENDENT ASSESSMENT PROCESS: WHAT TO EXPECT, CONTINUED FROM PAGE 1.

The Independent Assessment Process (IAP) is the out-of-court process for Residential School Survivors to bring forward their claims of sexual abuse, serious physical abuse and other wrongful acts. The process typically involves a private hearing, where the survivor speaks about his or her experiences at Residential School.

The IAP focuses on the victim—it gives the individual Survivor the chance to share his or her traumatic personal experiences at residential school. It is Canada's opportunity to acknowledge the harm done at Residential School and attempt to reconcile on a personal level. Survivors have the potential to obtain compensation and healing, which can directly benefit the individual's life.

During an IAP hearing, a Survivor must be prepared to speak about their past mistreatment at Residential School and how the experience affected their life. It is difficult to speak with strangers about abuse that, for many Survivors, is kept hidden away for many years. To be better prepared, it is important to know what to expect at a typical IAP hearing.

An IAP hearing is designed to provide a non-adversarial method for resolving residential school abuse claims. The process aims to ensure that all of the evidence is collected in a safe and respectful manner.

Here is an overview of what to expect during the IAP:

1. A Health Support Program is available to Survivors entering the IAP.

   Before the hearing, a Survivor may want regular counselling sessions to help cope with the emotional impacts of the IAP. The Indian Residential School Health Support Program provides mental health and emotional support services to Survivors and their families before, during and after the IAP hearing. To access this program in British Columbia call: 1-877-477-0775.

2. The Survivor can give their choice of the hearing location.

   The process attempts to accommodate the Survivor's needs regarding the location of their hearing. IAP hearings are held in private locations all over the country, including very remote communities. Before a hearing is scheduled, the Survivor will be asked for their top two choices for hearing location. If possible, the IAP Secretariat will schedule the hearing at the first choice of location.

3. The Survivor can choose supporters to accompany him/her to the hearing.

   It is important that Survivors have the support they need on the day of the hearing. The IAP Secretariat will provide funding for two adult supporters to attend the hearing. These supporters can be family members, friends or counsellors. An Aboriginal Health Support Worker is also available for each hearing. These support workers are meant to guide the *(continued on page 6)*

THE INDEPENDENT ASSESSMENT PROCESS, CONTINUED.

Survivor through the hearing with their knowledge of the process and their sensitivity of the Survivor's circumstances.

4. A Survivor can request traditional ceremonies.

A Survivor can request a traditional prayer or ceremonies at the beginning or end of the hearing. They can also request the presence of an Elder supporter to perform a prayer at the hearing.

5. Hearings are confidential.

Every hearing is strictly confidential. Every person in the hearing room must sign a confidentiality agreement, agreeing not to discuss anything heard during the course of the hearing.

For extra privacy, a Survivor can ask their supporters to wait outside during the hearing room while they are giving evidence about their experiences at Residential School.

The Survivor must also sign a confidentiality agreement. This agreement does not place any limits on their ability to speak about their own story. Rather it requires that if the survivor hears information about other people, they must agree not to speak about this outside of the hearing.

6. The Survivor must promise to tell the truth.

Although the hearing does not take place in a courtroom, the IAP is a legal process. As a result, the Survivor must affirm or swear to tell the truth before giving evidence. A Survivor can request that this affirmation or oath be given on an eagle feather or a bible.

7. The Adjudicator asks the questions.

Once an oath is taken, the adjudicator will ask the Survivor questions based upon their IAP application and the documents submitted on their behalf. It is the adjudicator's job to review all of the evidence after the hearing and write a decision to determine whether the claim has been established and, if it has, how much compensation will be given to the Survivor.

The adjudicator is the only person allowed to ask the survivor questions during the hearing. The Survivor can request a male or female adjudicator. Generally, the adjudicators will ask questions that cover:

- the Survivor's life before residential school,
- details of the abuse that happened at the school,
- how the abuse affected the life of the survivor,
- how the abuse affected the education or work history of the survivor, and
- if the survivor is committed to seeking treatment under the future care plan.

(*continued on page 7)*

THE INDEPENDENT ASSESSMENT PROCESS, CONTINUED.

8. The Survivor can ask for breaks during the hearing.

The Survivor can ask for breaks whenever they feel it is necessary. At times, the adjudicator will also take breaks to speak with Canada's representative and the Survivor's lawyer. This is to make sure that the entire story is fully recorded as evidence.

9. The lawyer is there to handle the legal complexities of the process.

The IAP has certain legal standards and rules that must be followed to determine the amount of compensation awarded to a Survivor. At the hearing, the Survivor's task is to answer all questions honestly and tell their entire story. It is the lawyer's job to handle all legal aspects of the claim.

During the hearing, the adjudicator will take breaks to speak with the Survivor's lawyer and Canada's lawyer. During these breaks, the lawyers will have a chance to ensure that the adjudicator's questions have covered all necessary legal elements of the claim. The lawyers can suggest lines of questions that the adjudicator should ask to ensure that no areas of the story are missed.

After the Survivor has provided the evidence of abuse, the lawyers will make the final legal submissions . The survivor's lawyer will present the Survivor's claim, including all of the evidence and the necessary legal requirements under the IAP Model.

10. The adjudicator will explain the Legal Fee Review Process.

At some point during the hearing, the adjudicator is required to speak with the Survivor and their lawyer about the legal fee review option. This provides Survivors with the option of having the legal fees reviewed if they believe that these fees are not fair and reasonable. The adjudicator may also choose to review legal fees after their decision is made.

11. What happens after the hearing depends on the Survivor's claim.

The hearing will continue until the Survivor has finished telling his/her story and all of the evidence is recorded. What happens next depends upon the type of claim that the Survivor is making under the IAP process. The Survivor's lawyer or the adjudicator should fully explain the remaining steps after the hearing.

These are the general elements that occur before, during and after a typical IAP hearing. For more information on this process or other Indian Residential Schools matters, please call Karim Ramji or Niki Sharma at 1-866-688-4272. Your talk with Karim or Niki is free of charge and the number is toll free.

OUR RESIDENTIAL SCHOOLS LEGAL TEAM

KARIM RAMJI

Karim Ramji has successfully litigated claims of Residential School survivors and has achieved numerous settlements through the new Independent Assessment Process. Karim also represents First Nations in litigation and negotiation, corporate commercial work and governance matters. If you are in need of support or guidance regarding a Residential School Claim, please feel free to contact Karim any time.

Call Toll-Free: 1-866-688-4272

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NIKI SHARMA

Niki Sharma works extensively with Residential School Claims helping survivors to achieve fair compensation in the Independent Assessment Process. Niki also performs legal research on a wide range of subjects for First Nations, including reserve-based issues, specific claims and aboriginal rights and title. If you are in need of support or guidance concerning a Residential School Claim, please feel free to contact Niki.

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Allan Donovan, Karim Ramji and Niki Sharma (pictured above) appeared before the Supreme Court of Canada in F.H. v. McDougall et al. The Supreme Court ruled unanimously in favour of our client—a Residential Schools survivor.

THE NEW *CLEAN ENERGY ACT*: CHANGES TO THE REGULATION OF ENERGY USE AND DEVELOPMENT IN BRITISH COLUMBIA SPARKS CRITICISM FROM FIRST NATIONS

On June 3, 2010, the Province of British Columbia passed into law a new *Clean Ener*gy *Act*, ostensibly to support the Province's Clean Energy Plan. According to the government, the *Clean Energy Act* supports provincial objectives such as energy self-sufficiency, the promotion of independent power projects for public benefit, and the development of clean, renewable sources to meet the future needs of British Columbia. The *Act*, however, has been strongly criticized by First Nations and the Opposition for quietly shifting more authority over major power projects in BC away from the British Columbia Utilities Commission (BCUC) to the provincial government.

There are two important changes within the *Act* that are of interest to First Nations. Firstly, the oversight role of the BCUC over the long-term resource plan has been essentially eliminated by the new *Act*. The Minister will now be approving BC Hydro's long-term resource plans, including a thirty-year transmission plan.

"IT IS UNCLEAR WHAT ROLE, IF ANY, FIRST NATIONS WILL HAVE IN ENERGY RESOURCE PLANNING UNDER THE NEW *CLEAN ENERGY ACT*."

"THE OVERSIGHT ROLE OF THE BCUC OVER THE LONG-TERM RESOURCE PLAN HAS BEEN ESSENTIALLY ELIMINATED BY THE NEW *ACT*. THE MINISTER WILL NOW BE APPROVING BC HYDRO'S LONG-TERM RESOURCE PLANS…"

Under this new arrangement, the BCUC will have no oversight over the thirty year transmission plan. Approval of such a plan now rests with the Minister. The Minister is required to enact regulations that specify the consultation which will take place during the development process, but this does not guarantee that the government will listen to the recommendations of First Nations. It is unclear what role, if any, First Nations will have in energy resource planning under the new *Clean Energy Act*. Optimistically, since BC Hydro has sought First Nations' input for its thirty-year transmission plan in the past, it may continue to do so. Furthermore, under the new *Clean Energy Act,* certain projects may be exempt from various approvals that were previously required under the *Utilities Commission Act.* High-impact proposals such as the Northwest Transmission Line, Mica Unit 5 and 6, Revelstoke Unit 6 and the controversial Site C Clean Energy Project have already been exempted. *(Continued on page 10)*

THE NEW CLEAN ENERGY ACT, CONTINUED.

The second significant change resulting from the *Act* is the creation of a fund that will allow First Nations to participate in revenue sharing from some power projects. The *First Nations Clean Energy Business Fund* will be given an initial contribution of 5 million dollars, with further contributions based on a percentage of the provincial fees paid by power projects that fit the *Act*'s criteria. Many key energy sites are excluded from the *Fund*'s scope, however, including all BC Hydro projects. In addition, the *Act* does not define the percentage profit to be provided to First Nations.

> "FIRST NATIONS LEADERSHIP CALLED FOR THE DELAY OF THE ACT'S PASSAGE SO THAT A PROPER FIRST NATIONS CONSULTATION AND ACCOMIDATION PROCESS COULD TAKE PLACE. THIS REQUEST WAS IGNORED."

British Columbia's First Nations have criticized the government for developing the *Clean Energy Act* without consultation, and for not incorporating most of the First Nations recommendations, as expressed by the Green Energy Task Force, into legislation. Recommendations that have been ignored include an expanded and comprehensive arrangement for First Nations revenue sharing, prior consideration to First Nations with possession of independent power projects, First Nations ownership and use of carbon credits, and First Nations priority in proposals for new energy projects. First Nations Leadership called for the delay of the *Act*'s passage so that a proper First Nations consultation and accommodation process could take place. This request was ignored.

Other opposition to the *Clean Energy Act* was vocal as well. The law has been called the 'dirty energy act' because of fears that despite its 'green' promise it will increase risk to the environment and raise electricity rates while increasing private profits. Further, power generated by private providers has been referred to as 'junk power,' since the often seasonal nature of independent power projects will not create the reliable power needed to meet the Province's peak demands. Criticism focused on the lack of public consultation, removal of regulatory oversight, reversal of significant policy decisions by eliminating the watchdog role of the BCUC, development of an export market with assets paid for by BC resident tax dollars, and overall, the 'spectre of privatization' of energy in BC.

The 2010 Clean Energy Act in Review
First Nations Recommendations Ignored:
☐ An expanded and comprehensive arrangement for First Nations revenue sharing
☐ Prior consideration to First Nations with possession of independent power projects
☐ First Nations ownership and use of carbon credits
☐ First Nations priority in proposals for new energy projects

MININGWATCH CANADA V. CANADA WILL HAVE SIGNIFICANT IMPACT ON FUTURE PROJECT REVIEWS IN BRITISH COLUMBIA

In January of 2010, the Supreme Court of Canada issued an important decision in *MiningWatch Canada v. Canada (Fisheries and Oceans)*, addressing the level of discretion that a federal department has in determining assessment scope and type under the *Canadian Environmental Assessment Act* (CEAA).

The case was brought forward by a public interest group called MiningWatch Canada, who argued that the Department of Fisheries and Oceans (DFO) had reduced the scope of the Red Chris Mine's development proposal contrary to the requirements of the *Act*. The project's proponent, Imperial Metals, had proposed to build a large-scale copper and gold mine in proximity to an area considered sacred by First Nations, and to use a nearby fish-bearing lake as a holding pond for toxic mine waste. Initially, the DFO determined that the project required a comprehensive assessment under CEAA. At a later date, however, the DFO reduced the scope of its assessment to consider the pond only, and proceeded with a screening instead of a comprehensive assessment.

"…THE DEPARTMENT OF FISHERIES AND OCEANS (DFO) HAD REDUCED THE SCOPE OF THE RED CHRIS MINE'S DEVELOPMENT PROPOSAL CONTRARY TO THE REQUIREMENTS OF THE *ACT*."

"THE SUPREME COURT SIDED WITH MININGWATCH … RULING THAT THE DFO WAS NOT ALLOWED TO REDUCE THE SCOPE OF THE PROJECT BY ARTIFICIALLY SPLITTING IT INTO COMPONENTS."

Screenings do not require public consultation and involve less complete environmental reviews than federal comprehensive assessments. A comprehensive assessment requires public consultation throughout the process. Funding is available in a comprehensive assessment to encourage public involvement. Further, a comprehensive assessment entails a more rigorous environmental assessment that must consider the purpose of and need for the project, as well as alternatives. The DFO therefore dramatically reduced the rigour of the assessment by considering only a portion of the project.

MiningWatch Canada challenged DFO's decision to reduce the scope of the environmental review. The Supreme Court sided with MiningWatch and allowed the appeal, ruling that the DFO was not *(Continued on page 12)*

THE MININGWATCH DECISION, CONTINUED.

allowed to reduce the scope of the project by artificially splitting it into components. More fundamentally, the decision found that the Responsible Authority, in this case the DFO, does not have the power to choose the environmental assessment track (screening or comprehensive study).Rather, the track must be determined by the nature of the project as proposed by the proponent. Once the track has been determined, the Responsible Authority may broaden, but not limit, the scope of the assessment as proposed by the proponent.

"THE DECISION FOUND THAT THE RESPONSIBLE AUTHORITY…DOES NOT HAVE THE POWER TO CHOOSE THE ENVIRONMENTAL ASSESSMENT TRACK …"

"…THE PROPONENT'S DEVELOPMENT PROPOSAL WILL DETERMINE THE TYPE OF ASSESSMENT TO BE CONDUCTED UNDER CEAA."

In response to the Court's decision, the federal government has established a new set of guidelines to assist Responsible Authorities to determine the assessment track and scope. The guidelines stress that the proponent's development proposal will determine the type of assessment to be conducted under CEAA (the assessment track). If a development proposal attempts to artificially split a project into multiple projects, the Responsible Authority may include all the project parts in the scope of the project for the purpose of determining the assessment track. If a project proposal that previously did not trigger a comprehensive assessment under CEAA is re-scoped by the Responsible Authority, its track can be changed from a screening to a comprehensive assessment, resulting in a more comprehensive assessment requiring public consultation. The re-scoping can, however, only broaden the scope and cannot reduce it. The federal government has also developed guidelines for federal-provincial cooperative mechanisms to carry out assessments together in order to reduce overlap in reviews.

The *MiningWatch* decision has important implications for future project reviews in Canada. First Nations should carefully examine the project proposal to assess whether there are additional projects components that are connected and should be included within the project. This will ensure that the most comprehensive environmental assessment possible will be undertaken, potentially influencing the outcome of the review.

"FIRST NATIONS SHOULD CAREFULLY EXAMINE THE PROJECT PROPOSAL TO ASSESS WHETHER THERE ARE ADDITIONAL PROJECTS COMPONENTS…"

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Donovan & Company:

"Aboriginal Law on the Aboriginal Side"
Energy and Experience

Donovan & Company provides services in all areas of aboriginal practice including litigation, specific claims, treaty negotiations, residential schools claims, aboriginal business issues, natural resource ventures, tax matters, negotiations with government and industry, and other issues faced by First Nations.

The lawyers at Donovan & Company practice exclusively in the service of Aboriginal Nations and Aboriginal peoples concerning a wide range of issues. Please feel free to contact any one of us at any time.

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