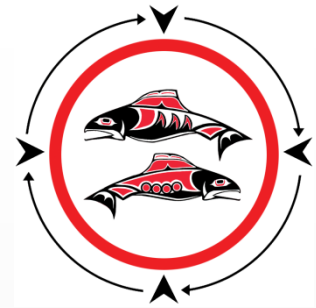




CSTC-UFFCA Experiences; Areas of Incongruence



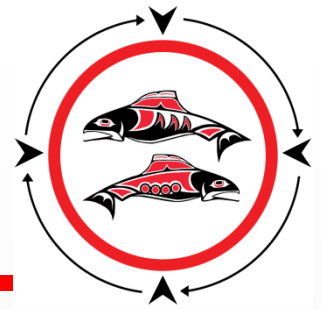
Between First Nation's Interests and Existing Environmental Assessment Processes



*BC-EAO & CSFN
Engagement on EA
Reform;
July, 2018*



The UFFCA



- ❑ Aggregate organization (23 First Nations in the upper Fraser)
- ❑ Strong attributes (core competencies) – related to salmon and the associated Consultation cycle
 - Working in collaboration on common issues
 - With one another & w/DFO
 - Technical capacity
 - A good understanding of Consultation



The UFFCA

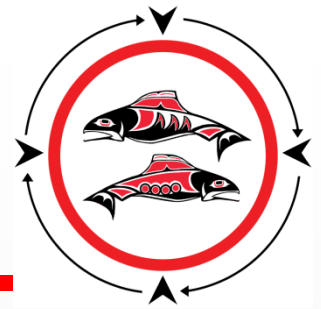
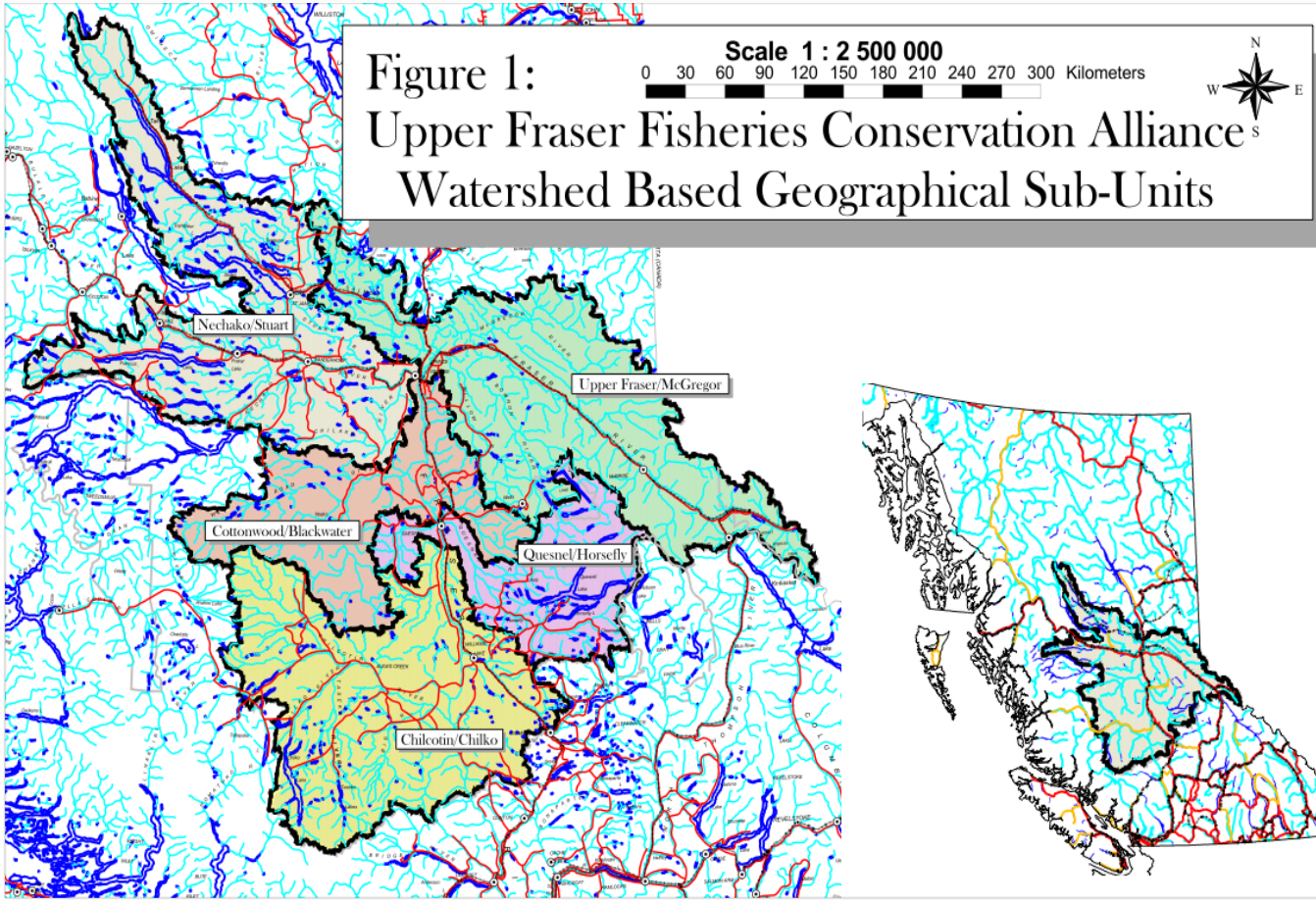


Figure 1:
Upper Fraser Fisheries Conservation Alliance
Watershed Based Geographical Sub-Units

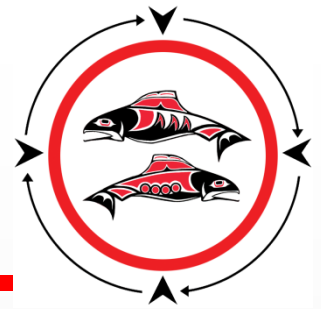
Scale 1 : 2 500 000
0 30 60 90 120 150 180 210 240 270 300 Kilometers



“Working to further the fisheries and aquatic resource related interests of Upper Fraser First Nations.”



CSTC – EA (NG Pipelines)



- ❑ 2013, the UFFCA was asked to assist the Carrier Sekani Tribal Council (CSTC) with engagement in the EA processes related to NG PLs (emerging LGN sector)
 - CSTC - 8 neighboring Carrier and Sekani First Nations in the central interior of BC (7 collaborating in the NGPL EA processes)
 - Up to 8 different NGPLs proposed to cross their Territories. 4 presently have received their EACs

Carrier Sekani Tribal Council & Natural Gas Projects in Northern BC

Carrier Sekani Tribal Council territory
 The combined territories of CSTC member First Nations is approximately 78,700 sq. km (7.87 million HA), approximately 8.3% of BC.

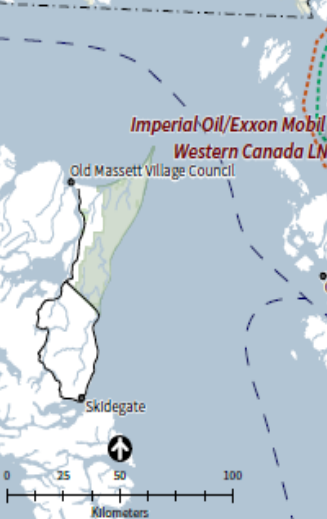
- Potential/Proposed LNG Facility
- Existing Pipeline Right of Way
- - Potential Tanker Routes

Proposed Natural Gas Pipelines

- Pacific Northern Gas (Looping Project)
326 km within CSTC (approximately)
- Pacific Trails Pipeline (462km)
369 km within CSTC (approximately)
- Coastal GasLink Pipeline TransCanada
381 km within CSTC (approximately)
- - - Spectra Energy Pipeline: Coastal Routes
220 km within CSTC (approximately)
- Spectra Energy Pipeline Primary Route
220 km within CSTC (approximately)
- - - Prince Rupert Gas: Coastal Routes
- Prince Rupert Gas Transmission Project
170 km within CSTC (approximately)

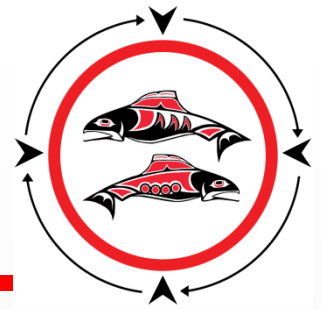
Parks and Protected Areas

- Alaska Wilderness
- Protected Area
- Ecological Reserve
- Provincial Park





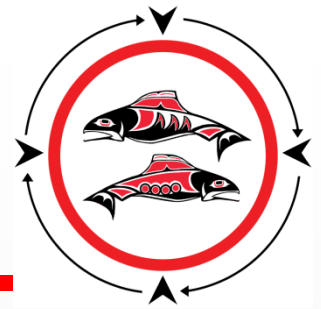
Objectives of the CSTC NGPL EA Work



- ❑ Review components of the EA process and methodology that may be incongruent with an adequate assessment of First Nation's Interests & Rights
- ❑ Why? Intent;
 - To inform an approach to move beyond responding to the EA's data and findings (sufficiency review)



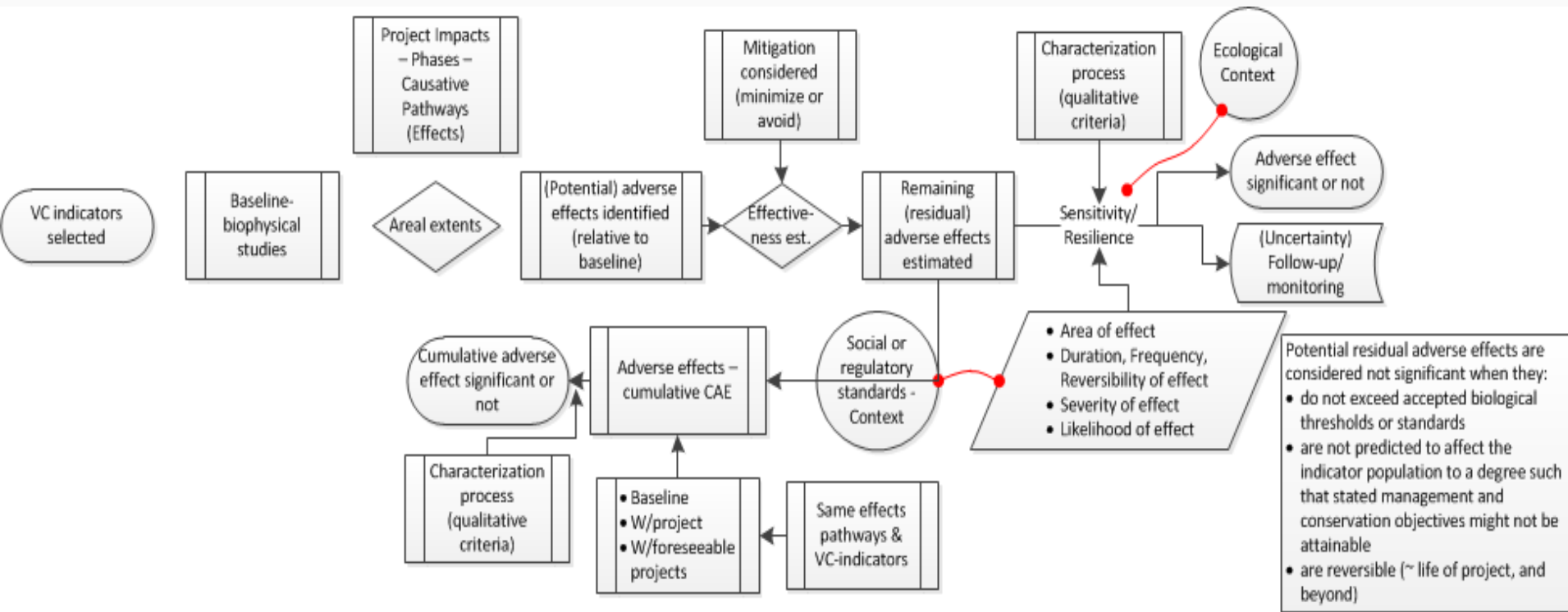
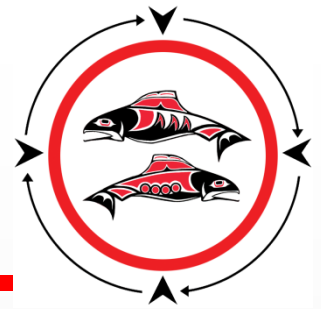
How Did We Assess the EA Methodology & Process



- ❑ Assessed how key interests were/weren't considered within the process
 - If they weren't, why?
- ❑ Considered how effects on the interests were assessed and “effects findings” were characterized
 - Are the methods of assessment and characterization congruent with the Priority of Aboriginal Rights?
- ❑ Documented other anomalies and incongruences

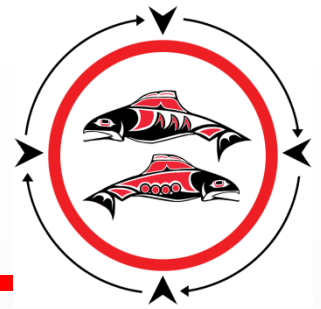


Simplified Effects Assessment Process





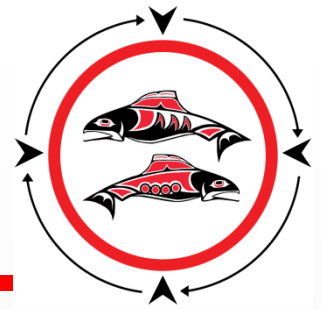
Key Findings...



- ❑ Major Process and Methodology Issues id'd...
 1. Guiding EA legislation and policy
 2. Establishment and characterization of baseline
 3. Effects characterization
 4. Cumulative effects assessment
- ❑ Brief overview of how these lead to incongruences, when the EA Application findings are used to consider First Nation's interests.



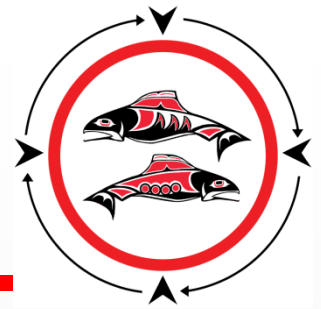
Guiding EA Legislation and Policy



- ❑ Focus on “Current Use” as a means of assessing impacts on First Nation interests
 - Approach has been “TUS” – site specific
 - Important for siting/routing project; poor surrogate for considering FN’s priority interests
- ❑ Mis-aligned with Crown and CSFN interpretations of Rights
 - Territory-based
 - Ecological integrity is a key component of Rights



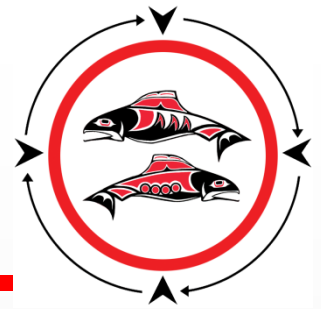
Baselines



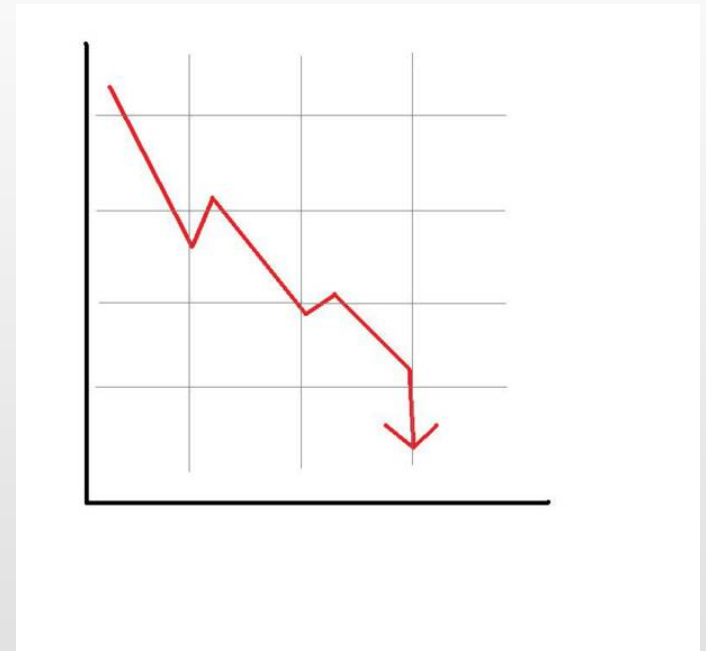
- ❑ For each VEC considered
- ❑ Spatial, temporal and biological baselines don't align with what would be required to consider a First Nation's interests
 - Project area, study area, regional study area vs. FN Territory
 - Over what historical timeframe/context
 - Biologically... population, stock, species level; doesn't consider what relevant to Rights



Effect Characterization e.g.

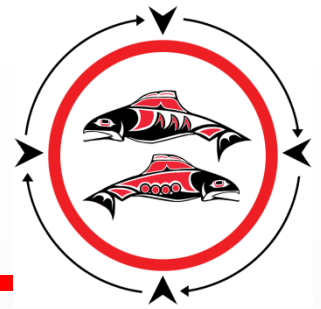


- ❑ What's significant?
 - Findings of “significance” are key triggers w/i the process
- ❑ When are First Nation's interests “effected”?
- ❑ At what point does the Priority nature of a First Nation's Right become recognized?





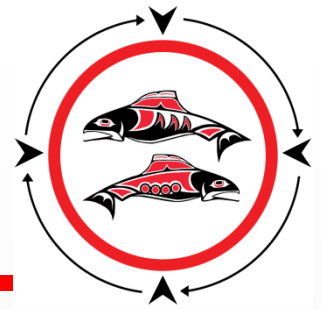
Cumulative Environmental Effects Assessment



- ❑ Data collection and analysis is typically done well
 - Effects characterization is the issue
 - No Provincial or Federal thresholds
 - Modifications to terrestrial landscapes that result in largescale alterations of wildlife habitat are generally unconstrained unless linked to a “recognized” wildlife conservation concern (typically a SARA listed species)



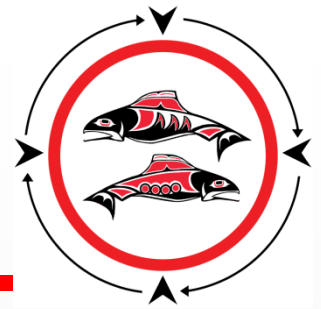
Therefore; Implications...



- ❑ Effects findings flowing from the EA process with respect to CS First Nation Rights and Interests are potentially invalid/unsubstantiated
 - Apparent that there were some major faults in the EA approach
- ❑ Recommendation;
 - Undertake an independent assessment of CS First Nation Rights & Interests (relative to the project's effects)



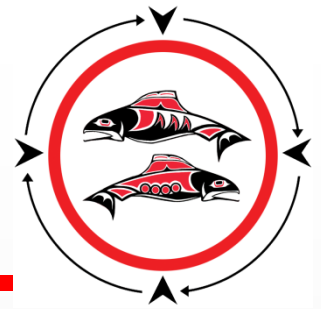
Response – Approach



- ❑ Looked at key species that support the exercise of rights
- ❑ Considered the status of those resources
 - Limited to where data was available
- ❑ Redressed a key flaw in the EA
 - Considered the correct spatial and biological scales, and produced the appropriate baseline
 - Allows consideration of that baseline relative to the project's effects



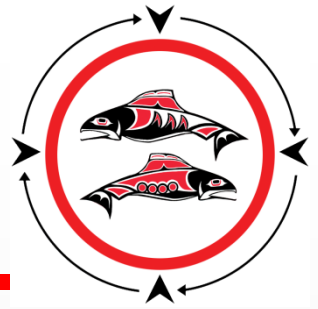
Summary Recommendations for Engagement



- ❑ Recognize the flaws and limits within the EA process
 - Recognize that it forms the basis of Consultation
- ❑ Complete your own assessment of your First Nation's interests
- ❑ Use the information within the EA App./EIS as possible



Thank you!



❑ Questions??