

# GITANYOW WILP SUSTAINABILITY ASSESSMENT

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*BC Environmental Assessment Revitalization*

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# Purpose of Presentation



- Provide an Overview of:
  - The Gitanyow Huwilp & Lax'yip
  - Gitanyow Lax'yip Land Use Plan & Recognition & Reconciliation Agreement
  - Gitanyow Wilp Sustainability Assessment Process Conceptual Framework
- Provide an Overview of Main Challenges of Existing Environmental Assessment Process in BC

# The Gitanyow Huwilp

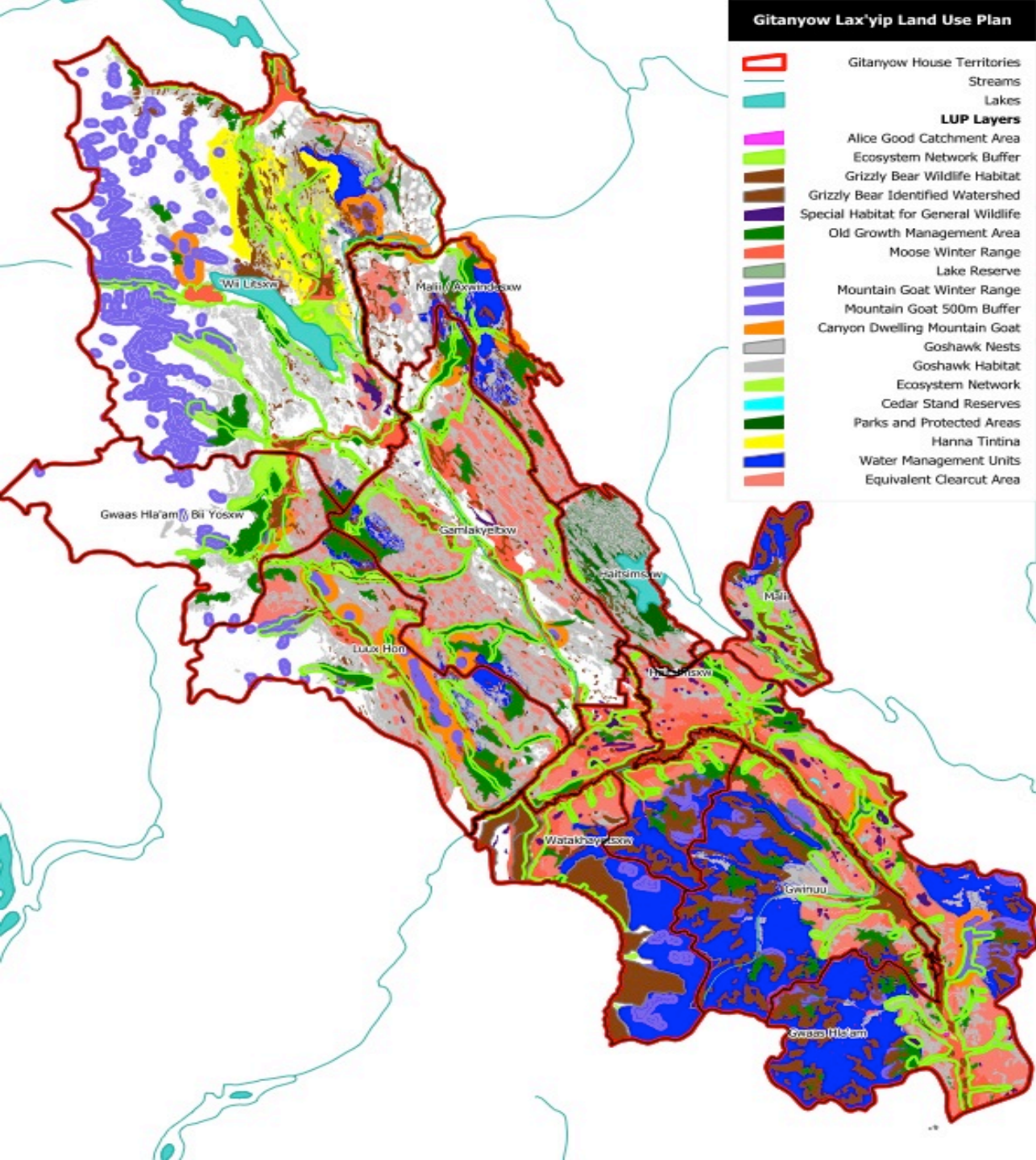


*Lisee'iw (Margaret Good) and her mother Gamlakyeltxw (Miriam Douse), 1910.*

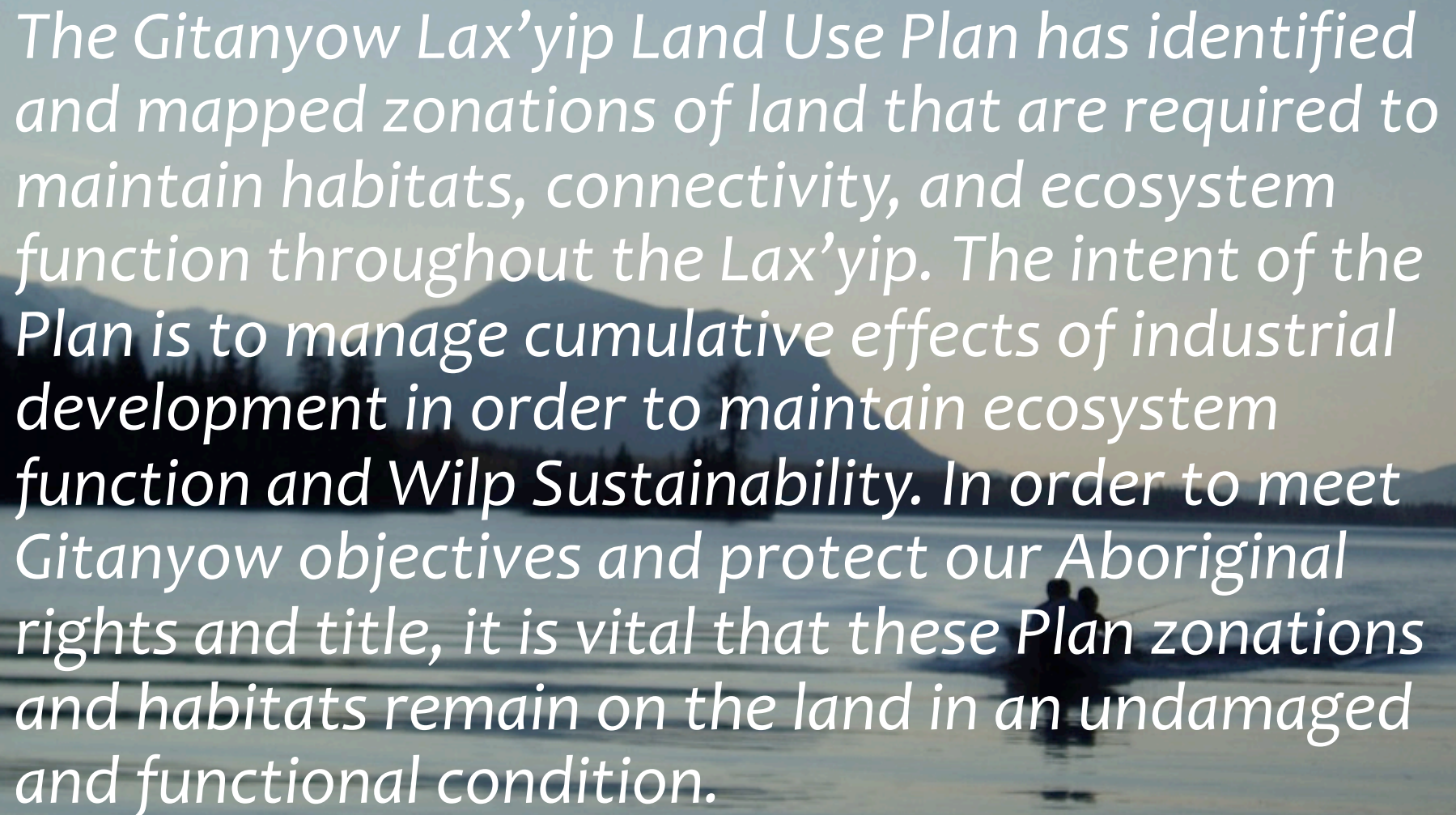
- Aboriginal peoples with rights recognized under the *Constitution Act, 1982*
- 8 historic Wilp (House Group), collectively known as the Gitanyow Huwilp
- Each Wilp owns and has authority over a defined Territory (Lax'yip)
- Aboriginal rights & title to the Lax'yip are held through the Wilp system, not the Indian Act band system



**Gitanyow Lax'yip Land Use Plan**



# The Gitanyow Lax'yip Land Use Plan



*The Gitanyow Lax'yip Land Use Plan has identified and mapped zonations of land that are required to maintain habitats, connectivity, and ecosystem function throughout the Lax'yip. The intent of the Plan is to manage cumulative effects of industrial development in order to maintain ecosystem function and Wilp Sustainability. In order to meet Gitanyow objectives and protect our Aboriginal rights and title, it is vital that these Plan zonations and habitats remain on the land in an undamaged and functional condition.*

# Recent Environmental Assessments Affecting Gitanyow

- Northwest Transmission Line
- Avanti Kitsault Mine
- KSM
- TransCanada Pipelines PRGT
- Spectra Energy WCGT
- WindRiver Kinskuch IPP (Pre-Application)
- Red Mountain Mine (EAO Denied Consultation Duty)
- Kutcho Mine (EAO Denied Consultation Duty)

# The Gitanyow Huwilp Recognition & Reconciliation Agreement – Schedule H Environmental Assessment

- Signed by 8 Wilp Chiefs and 2 Provincial Ministers in 2012, renewed 2016.
- Provides Recognition of Gitanyow Wilp boundaries, Wilp Sustainability & Gitanyow Strength of Claim to rights & title.
- Legal contract bringing into effect the Gitanyow Lax'yip Land Use Plan.
- Shared-Decision Making Framework for all Land & Resource Decisions within the Lax'yip.
- Begins to reconcile Gitanyow Ayookxw (Laws) with BC legislation and SRMP process.
- In 2016 renewal, was one of first G2G agreements to bring BC *Environmental Assessment Act* into agreement.



# RRA Schedule H

- Strength of Claim
- Section 11's – Affected Wilp for Consultation
- Consistency with GLLUP for Reviewable Projects
- Deep Consultation
- Wilp Sustainability Assessments
- Gitanyow/EAO Oversight Committee
- Collaborative Monitoring
- Engagement on any amendments to *EA Act*

# Wilp Sustainability Assessment Conceptual Framework

# Wilp Sustainability

A person wearing a cap and dark clothing is standing in a river, using a long-handled net to catch fish. The river is turbulent with white water rapids and large logs floating in the background. The scene is set in a natural, rocky environment.

*Wilp Sustainability means the conditions under which ecosystem function, socio-cultural and economic well-being are maintained, and risk to ecological integrity is low, thus providing the ecological foundation for the long-term socio-cultural and economic well-being of each Wilp.*

# UNDRIP

- UNDRIP: *Article 26*
- 1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
- 2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
- *Article 32*
- 2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

# Gitanyow Ayookxw

- Gitanyow Constitution, 2009:
- The Wilp Lax'yip incorporates everything, including lands, waters, landforms and life forms within the boundaries of a specific Wilp Lax'yip. This includes plants, animals, birds, and fish resources which make the Wilp Lax'yip home permanently or periodically.
- *Hla'Am Wil*: Wealth of Wilp Lax'yip which sustains the Wilp and allows it to uphold the Ayookxw relating to land ownership, e.g. distribution of wealth in the Li'ligit, carving and raising Git'mgan.
- A share must be paid to the Simogyet of the Wilp for any resources harvested from the Lax'yip.
- Gwelx ye'enst: the right and the responsibility to pass on Lax'yip in a sustainable manner from one generation to the next.

## Baseline Studies

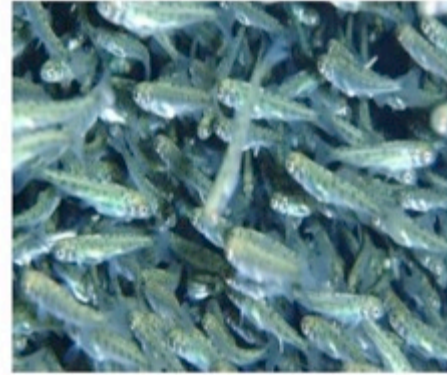
- Utilize best available science and methods – link to ESI.
- Partnerships or subcontracting with Gitanyow Fisheries Authority or Lax'yip Guardians (monitors).
- Increased oversight and agreement between proponent, BC and Gitanyow for all baseline studies.

## Regional Strategic Environmental Assessments

- Individual projects must be reviewed in context of a regional strategic environmental assessment or cumulative effects assessment.
- Not necessarily included individual project reviews, done by First Nations and government on regular basis (every 5 years?)
- Early planning with proponent and government on site selection, tailings options etc.

# Gitanyow Socio-Cultural Needs Assessment

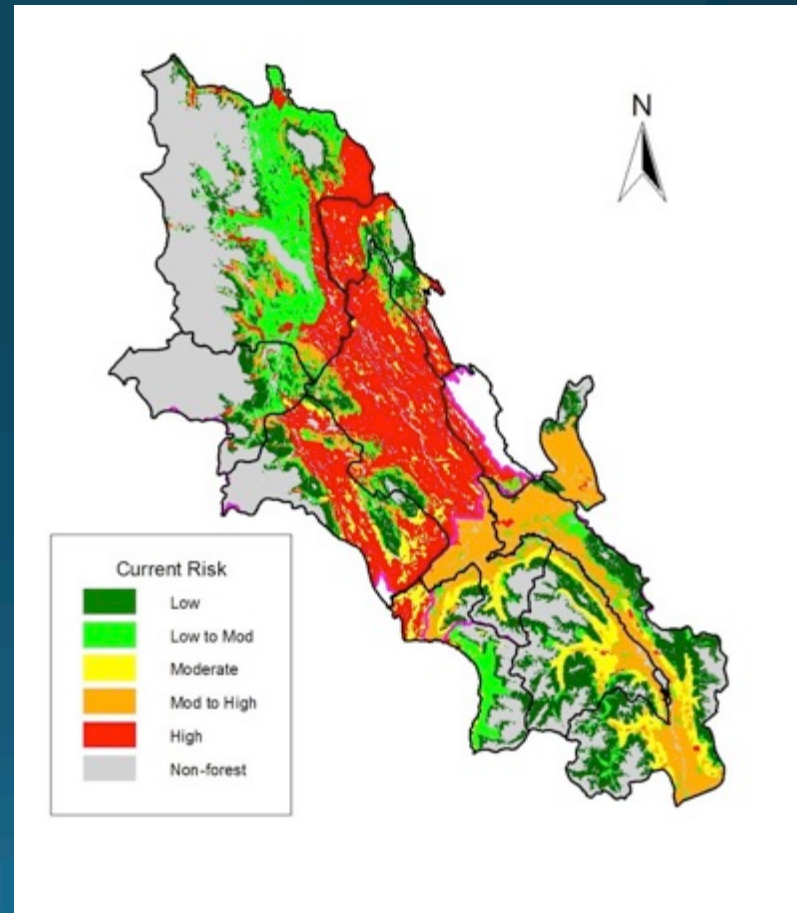
- Wilp-based surveys similar to a census.
- Establish indicators and needs for: social, cultural, education, health for Gitanyow Wilp members.
- Use baseline to track positive and negative trends over time, before, during and after major project development.
- Results shared with proponents, BC Environmental Assessment Office, other provincial ministries.
- Conducted in 2010 and 2014.



# Ecosystem Function & Representation: Current & Future Risk Assessment

- Assessment of forestry activities and major projects impacts on ecological integrity and habitat loss.
- Conserving adequate amounts of representative ecosystem types necessary to maintain ecosystem function.
- Current, mid-term, and long-term risk assessed by Wilp territory. Low, moderate, high risk.

Long-term future risk by ecosystem type





# Climate Test for Major Emitting Projects

- Gitanyow, like many First Nations, experiencing significant effects from climate change.
- Have sought full-cost carbon/GHG accounting for recent projects, has not been provided through multiple level EAs and permitting.
- Decision-makers need to answer following questions:
  - Is the province or federal jurisdiction on track to meet its climate targets?
  - Is carbon pollution from the project being minimized?
- The project should not proceed if the answer to either question is no.

# Free, Prior & Informed Consent

## ENVIRONMENTAL ACCOMMODATIONS

- Benefits must outweigh environmental risks.
- Not just EA Certificate Conditions.
- Gitanyow Socio-Cultural Plans.
- Gitanyow Environmental Management Plans (Water, Access, Fisheries, Wetlands etc)
- Collaborative Monitoring & Adaptive Management

## ECONOMIC ACCOMMODATIONS

- Economic Agreements with the Crown - true revenue sharing.
- Reduce pressure to sign IBAs before EA Certificate granted (does not uphold FPIC).
- Involvement in regional planning for benefits to health, education, services, etc

# Additional Recommendations

- Remove political interference from decision making:
  - Create stronger legislated triggers for independent panels to be struck, with First Nation positions on panels.
  - Create political lobbying registry for each Environmental Assessment to provide greater transparency (posted on EPIC).
- Redress, restitution for past projects where damages or impacts exceeded benefits.
- Gitanyow-led bonding process, or involvement in bonds, revenue sharing from fines for infractions, to allow for Gitanyow to be involved in any environmental restoration work.
- Concerted effort to engage on reconciling Indigenous-led environmental assessments with new BC legislation.

# Next Steps

- Gitanyow is seeking a commitment to work collaboratively to:
  - Engage on development of Wilp Sustainability Assessment Process over next 6-12 months.
  - Provide additional resources to allow Gitanyow to develop the Wilp Sustainability Assessment Process.
  - Ensure reconciliation parameters are contained in new legislation and reconciliation for Gitanyow and any similar First Nations EA processes.
  - EAO to conduct and disclose analysis on 10 year review for all EAO reviewed projects. This could include: status (approved, rejected, withdrawn, constructed or not); summary of effectiveness of mitigation measures, % of EA Conditions met, % of projects where First Nations in support of project.
  - Additional 2-3 meetings over next 6 months between Gitanyow and EAO.



Ha'mya (Thank You!)

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