

FAX – 4 pages, including cover page.

July 31, 2018

To: BC EAO (250) 387 – 0230

From: Teslin Tlingit Council (867) 390 – 2116

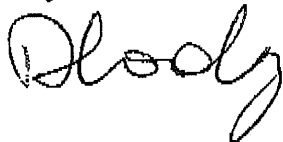
RE comments on the EA revitalization process.

To whom it may concern;

Good morning. I am faxing a letter with Teslin Tlingit Council comments on the revitalization process. I see deadline date on the web page for the online submissions was changed from July 31st to July 30th (yesterday) and the option to submit electronically was removed. I hope you will still honor that date originally on the page.

If you have questions, please call or email.

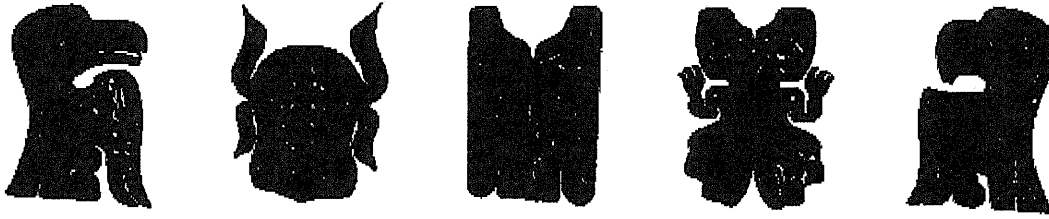
Many thanks.



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TESLIN TLINGIT COUNCIL

July 30, 2018

BC Environmental Assessment Office

Submitted online at <https://www.projects.eao.gov.bc.ca/p/environmental-assessment-revitalization/commentperiod/5ad8d5c9166674002447daac>

To whom it may concern;

RE: British Columbia Environmental Assessment Revitalization

The Teslin Tlingit Council (TTC) has occupied its traditional territory, including the portion in northern British Columbia, since time immemorial. TTC has been managing lands and resources within its traditional territory according to the principles of Haa Kusteeyi (“the Tlingit way”), including land, water cultural and heritage resources in ways that protect the integrity and sustainability of those resources for future generations. TTC is supportive of an environmental assessment (EA) process that upholds these values and respects TTC’s inherent right to make decisions about land and resource use within its traditional territory. In this light, TTC appreciates the opportunity to provide comments on the proposed Environmental Assessment Revitalization process in British Columbia.

In general, TTC is supportive of the proposals and concepts put forward in the “Environmental Assessment Revitalization Discussion Paper”. Since details on how the concepts might be achieved are not yet available, TTC offers the following high-level comments on issues that we see as being key to the interests of TTC in the management of lands and resources in its traditional territory.

Early and Meaningful Engagement

Early engagement with TTC on projects in TTC’s traditional territory will allow for the early identification of issues, interests, and information needs in relation to proposed projects as well as foster positive relationship-building and information-sharing between proponents and other agencies

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that may be involved. A formalized early engagement process would provide process certainty to TTC and proponents, and would ensure that TTC can receive the information it needs to support its own decision-making processes throughout the life of a project.

The process for the conduct of assessments within TTC's traditional territory will ideally be contained in a treaty agreement rather than determined on a project-by-project basis. An EA agreement would consider "one project, one assessment", with clearly outlined decision-making responsibilities including consensus-based decision-making for projects within TTC's traditional territory, and TTC's sole decision-making authority for projects that fall within lands under the administration and control of TTC. While factors to be considered in an EA must clearly be outlined in legislation, language in the new act should not inhibit the development specific EA process agreements with Indigenous groups, in whatever form those agreements take shape.

Decision-Making Opportunities Throughout

TTC supports consensus-based decision making at various decision points as identified by the EA Advisory Committee: that is, in the decision whether to proceed to an assessment, on the process order, on whether an application is complete, and on whether to issue an EA Certificate for projects in TTC's traditional territory in BC with overlapping jurisdiction. TTC will retain full decision-making authority for projects on treaty lands.

Adequately Resourced Participation

TTC requires adequate resourcing throughout an EA process to participate meaningfully in the process. Funding may be used for early engagement activities, EA process negotiation, collection of traditional knowledge and undertaking of traditional land use studies, collection of baseline data, soliciting comments from its citizens, communication materials, etc. Anticipated resource needs would ideally be identified in the early engagement phase.

Indigenous-led EA Process

TTC supports the inclusion of various options to conduct EAs, including collaborative and Indigenous-led models. TTC will be exploring options for EA processes within its BC territory during ongoing treaty negotiations, including options for substitution and/or delegation, in particular for TTC treaty / title lands.

Revise Reviewable Projects Regulations

TTC is supportive of the proposal to revise the Reviewable Project Regulation which would consider the potential for projects to result in adverse effects rather than relying exclusively on a capacity-based output model. Many projects deemed to have a smaller footprint can often have serious consequences to important resources, such as wildlife populations, in particular in remote areas where development is currently limited. The ability to request that a project be assessed is seen as a critical

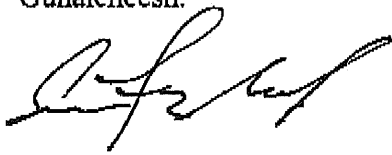
component of the EA process to TTC. Early engagement with TTC on all projects within its traditional territory, even those not obviously deemed Reviewable Projects, will be important in ensuring that TTC that rights and interests of TTC are adequately protected.

Regional and Strategic Environmental Assessment and Land Use Planning

The challenges around making decisions on specific projects in the absence of a broader, guiding framework around land uses (such as a resource development strategy, regional land use plan) or without regional goals/objectives are well known. TTC is supportive of additional resources being made available to undertake regional and strategic assessments, as well as land use planning, to better inform project-level assessments and cumulative effects assessments. TTC would have a leading role for such initiatives within its BC traditional territory.

Thank you for considering these comments. We look forward to the next phases of the EA Revitalization Process.

Gunalchéesh.



Emmie Fairclough
Director of Lands and Resources

Cc: Dave Keenan, Chief Negotiator
Dorothy Cooley, Teslin Tlingit Council, Lands and Resource Department
Jennifer Clark, Environmental Assessment Consultant