

Environmental Assessment (EA) Revitalization Engagement

Takla Lake First Nation

February 15, 2018, 10:00am – 12pm

Participants:

Lisa Krebs – Takla Lake First Nation

Fern Stockman, Mark Haines, Mary Rathbone – Environmental Assessment Office (EAO)

Final Summary Notes

Fern Stockman (EAO) presented the EA Revitalization process and facilitated a dialogue with Lisa Krebs representing Takla Lake First Nation. The following represents a summary of what the EAO heard from Takla Lake First Nation during the discussion.

Early Relationship Building

- Need stronger requirements for proponent and EAO to work with First Nations pre-application. Pre-application should always include relationship building between the proponent, the Province, and the First Nation. Come out and meet community, explain project and figure out how to work effectively with First Nation leaders.
- EAO should not even consider entertaining an EA for at least one year after EAO is notified of a project. This year should be used for relationship building, identifying info requirements, identifying what is happening on the land, and really understanding the context of the project.
- Pre-application should be as intensive as application review. Revitalized EA should have fulsome process from Pre-EA all the way through Post-EA. Should include identifying priorities of First Nation leaders and how priorities will be addressed in EA process or other processes.
- Even if EAO puts FPIC into action, pre-EA permitting (i.e. exploration permitting) needs to facilitate the relationship.
- Pre-EA engagement should apply UNDRIP and FPIC to decide whether or not a project goes to EA. Early decision as to whether or not to proceed.

Post-EA

- After certificate is issued, need to have a period to audit life of mine. Subsequent permitting and oversight are really important. Need FN involvement in this. Maybe an ongoing working group or annual auditing process. EAO should manage ongoing relationship between parties during subsequent permitting and monitoring. Accountability for how a project proceeds needs to rest with EAO, not permitting agencies. EAO should be responsible for maintaining relationships between parties.
- Need stronger oversight to make sure proponents are keeping promises. Need to be legally enforceable. If proponents knew effects would be monitored and they would be accountable then the EA would be much different. Need good systems for keeping proponents in check. If EAO was umbrella organization then that might help.

Capacity Funding

- Need consistent, predictable, stable funding to build internal capacity. Need base capacity to meaningfully participate.
- Proponents should fund capacity. Fee schedule could be back up in case proponent doesn't adequately fund. Want to be collaborative but with a big stick.
- Need structures to allow funding to come directly from proponent while maintaining transparency.

Cumulative Effects and Strategic Assessments

- Cumulative Effects Framework is not being effectively applied. Thresholds the Province uses are all being exceeded but since the thresholds are in different regulatory frameworks, nothing aligns. Need to create regional understanding and aligning of regulatory requirements.
- Projects need to be better considered within the broader regional context.
- EA standards need to align with other work such as strategic assessments.
- Regional environmental assessments and enforcement of that assessment is an important tool.

Role of First Nation in EA Projects

- Can't separate economic benefit discussions from the EA. Real partnership should include tools like loans for First Nations to be equity partners.
- Need to communicate to First Nation members and Proponent that the First Nation government is another level of government sitting along-side EAO in the decision making process.
- Would like to one day see Takla Lake First Nation issuing permits.
- Co-drafting of the assessment report is a very useful tool.
- The ability for First Nations to make decisions in their own way with their own processes is a major component of reconciliation. Governance structures will look different. Not one size fits all approach.

Role of EAO

- Strength of EAO is in its officers and managers. Need good training and the right, qualified people.
- EAO should be building relationships with First Nations. The moment a project is identified is when EAO should be engaging First Nations.
- Can EAO be a support agency to support the decision of the Minister AND First Nations?