

Environmental Assessment (EA) Revitalization Engagement S'ólh Téméxw Stewardship Alliance (STSA)

April 19, 2018, 9:00am – 3:00pm

Skwah First Nation Hall, 619 Wellington Ave, Chilliwack

Attendees

Chief Derek Epp – Tzeachten First Nation

Tannis Tommy – People of the River Referrals Office

Chief Robert Combes – Skwah First Nation

Loren Muth – Tzeachten First Nation

Dave Schaepe - People of the River Referrals Office

Chief Mark Point – Skowkale First Nation

Debra Schneider – Sq'ewa:lxw First Nation

Chief Angie Bailey – Aitchelitz First Nation / Ts'elxwéyeqw Tribe Management Ltd

Bobbi Peters – Chawathil Council / S'ólh Téméxw Stewardship Alliance

Damodar Khadka – Ts'elxwéyeqw Tribe, People of the River Referrals Office

Janson Wong – Lower Fraser Fisheries Alliance

Yvette Lizee – Ministry of Indigenous Relations and Reconciliation

Mike Goold – People of the River Referrals Office

Keri Ardell – Ts'elxwéyeqw Tribe

Matt McGinity – People of the River Referrals Office

Shana Roberts – Stó:lō Research and Resource Management Centre

Nathan Braun – Environmental Assessment Office

Ricardo Toledo – Environmental Assessment Office

Edwin Hubert – Environmental Assessment Office

Summary

The EAO is in engaging with the STSA to gather specific feedback about Stó:lō views, experiences and proposed options to revitalize the environmental assessment process. Ricardo Toledo and Nathan Braun (EAO) presented an overview of the EA Revitalization process as well as a draft conceptual model designed to present a possible future state for discussion purposes.

Process for Feedback on Revitalization

- STSA wants on the record that the FNEMC does not engage on behalf of the STSA, and that the STSA is independent of the FNEMC.
- STSA is going to do their own internal process and provide input back to the EAO. STSA is going to have a couple of internal workshops for a full review, and bring the information back to the communities.
- The revitalization process as laid out is not enhancing Indigenous confidence. The process has been framed on the mandate instructions, and those are clearly stated, where leadership saying they are

going to ask and not tell, and yet the minister set up a committee without consultation on the make-up of that committee.

- Concerned that the EAO will decide what is important to include in the report internally without going back out to make sure that it is reflective of the input.
- Need to reflect that there are different opinions in different areas of the province.
- Don't trust this process and worry that things will be selectively used to fit EAO's purposes.
- There is a strong desire for the EAO to come back and show how the recommendations report was implemented and how feedback was considered.

Consultation in the EA

- Consultation needs to be based in reconciliation and consent, as well as being recognition based. The new process still ends with a Minister's decision. Consultation should be a process of equivalency.
- Is BC going to consider First Nation's policies on consultation and engagement specifically in the EA process?
- It is really hard to understand the decision-making process, and it is important that First Nations are more involved in the decision-making process.
- In an EA a lot of the engagement is very technical and focussed on the benefits of the project. It's not honest, it's a sales job.

Capacity

- Proponents should fully cover the costs of consultation.
- Capacity to be involved in a meaningful way is a challenge that needs to be addressed through this process.
- Negotiation of capacity funding should not be counted as part of the consultation record. There is a lot of effort to negotiate that funding, which is a drain, and is not about talking about the impacts of a project.
- Need to figure out a way of supporting First Nations' needs and aspirations on a project.
- Without funding support you can't understand what it will take to engage with the community, technical support, etc. Need to develop an engagement framework before we flesh out the internal process.
- First Nations are trying to help the EAO, and building their capacity helps the EAO. EAO does not have it currently. Trust is the biggest barrier. First Nations' leadership is concerned about every project because of lack of trust. You need to be able to sustain the First Nation staff that can support the EAO.

Early Engagement

- Would call it pre-engagement instead of early engagement because it's before engagement on the project starts.
- Early engagement is very important and needs to be a big open window.
- Assessments currently seem to be all or nothing, could there be a tiered assessment, and develop a stepped process and scope that still require consultation?
- It is easy for projects to skirt certain regulatory thresholds. Aggregates is based on volume of product shipped out, and a proponent can start off small and keep it below the threshold to start with. The Tilbury project didn't trigger an assessment, only the marine terminal component, whereas the whole project needs to be assessed.

Cumulative Effects

- Scope of assessment needs to include a better cumulative effects assessment.
- Baseline data for First Nations is different, it's before contact, and the proponent's baseline is the current starting point. Need to acknowledge the initial conditions, bring in the traditional knowledge, and then what the impacts of the project are. What might be acceptable as a marginal impact from someone externally, it might be much more of an effect with the inclusion of local knowledge.
- Stó:lō has a cumulative effects web model. With Trans Mountain, fishing could be destroyed. Once Stó:lō mitigation is applied it might not be as bad. If you don't know how things have been broken up to that point, you don't know what the project is going to do to that tipping point. You need the foundational information.

Professional Reliance

- Whoever pays for a report directly influences how the report turns out. We need a solution so that consultants can be trusted. There is a massive gap between what the proponent provides and what is required. A solution would be that a proponent pays into a trust fund that the EAO holds and pays consultants, as well as overseeing the work.
- Need to swing back from the professional reliance model.
- There are consultants that have no awareness of the traditional knowledge of an area because they are from somewhere else and they have no understanding of the baseline.
- EAO doesn't have control of who the proponent hires, would like to see a validation process through independent consultants.

Traditional Knowledge

- First Nations want to develop their own standards. Provincial standards may be different than a First Nation's. For example, water turbidity levels in relation to fish are different than those related to spiritual practices. This different understanding needs to be able to be fed into the process. Currently, the proponent just needs to do the bare necessity.

Decision Making

- We don't trust government when it comes to environmental assessments. No charges were laid following Mt. Polley, which just demonstrates that money rules over the environment.
- When it comes to the Minister making a decision, benefits are a major part of decision making.
- Pleased that many comments heard today about UNDRIP and rights recognition are the same as what was heard at the federal workshop attended last week.
- All of UNDRIP must be implemented, not just picking a few articles, because the current process isn't working for our 16 communities.

Revitalization

- There have been lots of promises made before. Appreciate the difficulty of the task, you didn't create the mess but are trying to right the ship. Promises aren't kept, and there are winds of change with every election. BC needs to demonstrate that it is serious about its relationship with First Nations.
- The stated purpose of the EAO is important, and influences how EAs are conducted. OGC's purpose is to have projects built.
- Definition of "environment" would be good; not necessarily the same definition as the First Nations definition of environment. We have a policy paper on what this is.