

Environmental Assessment Revitalization Indigenous Implementation Committee Meeting – July 24, 2019 – 9:00 AM to 12:00 PM

Chairs: Bob Chamberlin and Amy Avila (for Scott Bailey)

Attending Members:

Anna Usborne, Bruce Muir, Verna Power, Nicole Kapell, Angel Ransom, Chief Maureen Chapman, Dave Nordquist, Ang Smith

EAO Attendees: Amy Avila, Nathan Braun, Fern Stockman, Danielle Smyth, Tanner May-Poole

FNEMC Observer(s): Paul Blom

Regrets: Nalaine Morin, Sunny LeBourdais, John Risdale (Chief Na'Moks), Jackie Thomas, Melanie Walker

Opening Remarks

- The IIC requested greater detail in meeting materials to allow the IIC to review and provide feedback on substantial drafts.
 - The EAO explained that the July 10 and 24 meetings were introductory meetings to ensure all attendees had the same baseline knowledge moving forward and that the IIC had proposed in the planning sessions to use the overview to aid in identifying priorities. Future meetings will include draft detailed presentation and policy materials to the extent that they are available.
- The IIC noted that they will be reporting out to leadership through the Provincial Territorial Organizations (UBCIC, BCAFN, FN Summit).

Remuneration

- The IIC stated lack of certainty regarding falling under the Treasury Board Directive (TBD)
 - The EAO confirmed the IIC falls under TBD and will provide context for when the committee was formed (this was provided to Bob Chamberlain by Kevin Jardine).
 - The IIC requested other avenues of funding be considered with lesser constraints
 - The IIC noted that they could contact the Minister directly
 - The EAO requested time to review justification for TBD and potential other options before IIC contacts Minister (the Minister's Office was contacted by Bob Chamberlain)
- The IIC expressed the remuneration was not reflective of the expertise held by the group
- Note: post-meeting the EAO determined that budget allocation was not available for meetings without representation from both the IIC and the EAO as the intent of these meetings was to be in a collaborative manner.

Terms of Reference

- The IIC wished to ensure the TOR is clear that the representatives of the IIC are there to provide expertise, not representing consultation with the nations they are a part of or work for.

- The EAO agreed to update the TOR for clarity (complete to be circulated with August 13 meeting materials).
- The IIC would like to have pre-meetings before each IIC meeting and have these included in the TOR.
 - EAO has made a proposal that is currently being considered by the Committee on those pre-meetings.

Upcoming Meeting Schedule

- Two potential meeting schedules with potential discussion topics were provided to the IIC.
- The IIC decided to have meetings continue in early August. It was determined that August 13 would be the next IIC meeting. This meeting would focus on further details of the RPR. The IIC would hold a pre-meeting on August 12 to discuss materials that would be provided by the EAO. It was noted by members of the IIC that not all members would be able to attend this meeting, but the meeting should proceed.
- The second August meeting would be held either August 27 or 28.
 - The IIC requested a change of the discussion topic to focus on dispute resolution in this meeting.
 - The EAO noted that various discussion topics could be discussed as options but had to confer with the dispute resolution team to determine if materials would be ready (EAO has followed up and proposed to meet on Indigenous Knowledge which was also identified as a priority as materials for dispute resolution would likely not be ready)
 - The IIC requested that areas of expertise that overlapped discussion topics would be accounted for to assist with further development.
 - The EAO agreed this should be considered and recommended it is discussed in the August 27 or 28 meeting.
- The IIC noted that meeting structures were being displayed with relatively rigid topics
 - The EAO responded that IIC representatives can assist with decision on meeting topics and that as meetings occur connections will be identified and the topics moving forward can be adjusted as needed.
- The IIC asked the EAO to provide the detailed documents that would be reviewed prior to meetings. The IIC later requested all documents, not just those in the IIC Priorities Documents, be made available for their review.
 - The EAO responded that they would post all documents on an FTP site. Two folders would be made with IIC Priorities Documents and remaining documents.
- The remainder of the IIC meetings would be scheduled via DoodlePoll (A Doodle Poll was circulated to the group with a request for a response by July 30 2019)

Reviewable Projects Regulation

- The IIC raised concerns regarding the current material being high level.
 - The EAO noted that this meeting would provide an overview of the RPR with the August 13 meeting providing greater detail as well as any other more detailed materials that may be available to review prior to the meeting. The EAO also recommended reviewing the current RPR.

- The IIC requested more detailed version of the updated RPR be provided for review and comment.
 - The EAO explained that regulations had yet to be developed but that the EAO would work to provide the information being developed.
 - The EAO would work with Bob to identify materials to be shared with IIC
- The IIC queried as to the lack of inclusion of fish farms and forestry in RPR project types.
 - The EAO explained that forest harvesting, and agricultural projects are not seen by provinces as major projects requiring an EA.
 - The EAO offered to explore justification for exclusion of fish farms further as part of the deep dive discussion
- The IIC noted that additional criteria are being made available in the RPR to require EAs on projects that may previously have not required them. However, a concern was voiced about proponents who provide components of a project as individual projects to avoid the RPR. In addition, projects could provide initial proposals at small scales (e.g., mines) to avoid RPR and then after being approved outside of the EA process begin expanding (e.g., apply for tailings pond permit).
 - The EAO acknowledged this as a good point to explore further. (This may be explored on August 13 in relation to Project Notification thresholds).
- The IIC requested clarification as to who is notified following RPR being triggered.
 - The EAO explained that they notify the proponent and that the proponent needs EAO approval and is not able to proceed with stages of the project from other government ministry approvals or by municipal government approval.
- The IIC queried if a nation or anyone can request a project that would be exempted is required to undergo an EA
 - The EAO noted that the proponent themselves can simply “opt in” and an opportunity will be available for nations or public to request a project be deemed reviewable.
- The IIC ask for clarification as to reviewable projects that are not wholly on federal lands.
 - The EAO explained that projects not wholly on federal lands are not excluded as the Act applies to anything overlapping Provincial territory no matter status of the land.

Tripartite Co-Operation Agreement Report-Out

- The IIC noted that nations are developing a letter to have sent to Ministers regarding comments made by Chief Edward John. However, this is at a political level, not the responsibility of the IIC.
 - The EAO agreed to notify policy teams at the EAO. EAO will also brief Kevin on the desire for a general report out at the All Chiefs Event.

Communication

- The IIC highlighted an interest in ensuring external/public parties know what the IIC does and who they are.
 - The EAO referenced the information available on the EAR website.
 - The IIC queried as to the number of members of the public who visit this website and the volume of documents on the website itself.
 - The EAO referenced making the role of the ICC clear as part of direct engagement being undertaken with nations having voiced interested in further engagement regarding EAR.

- The IIC is discussing internally how to develop clear communication materials for communities.

Action Items

- Bob, Nathan and Amy would work to construct an agenda for August 13
 - IIC members should provide discussion topics ASAP.
- Tanner, Paul and Ang will develop summary notes for IIC meetings. Tanner will draft initial notes and provide to Paul and Ang for edits prior to distribution to all IIC members.
- TOR needs to be collaborated on for clear interpretation. Paul, Ang and Bob will provide feedback to the EAO to assist with this.