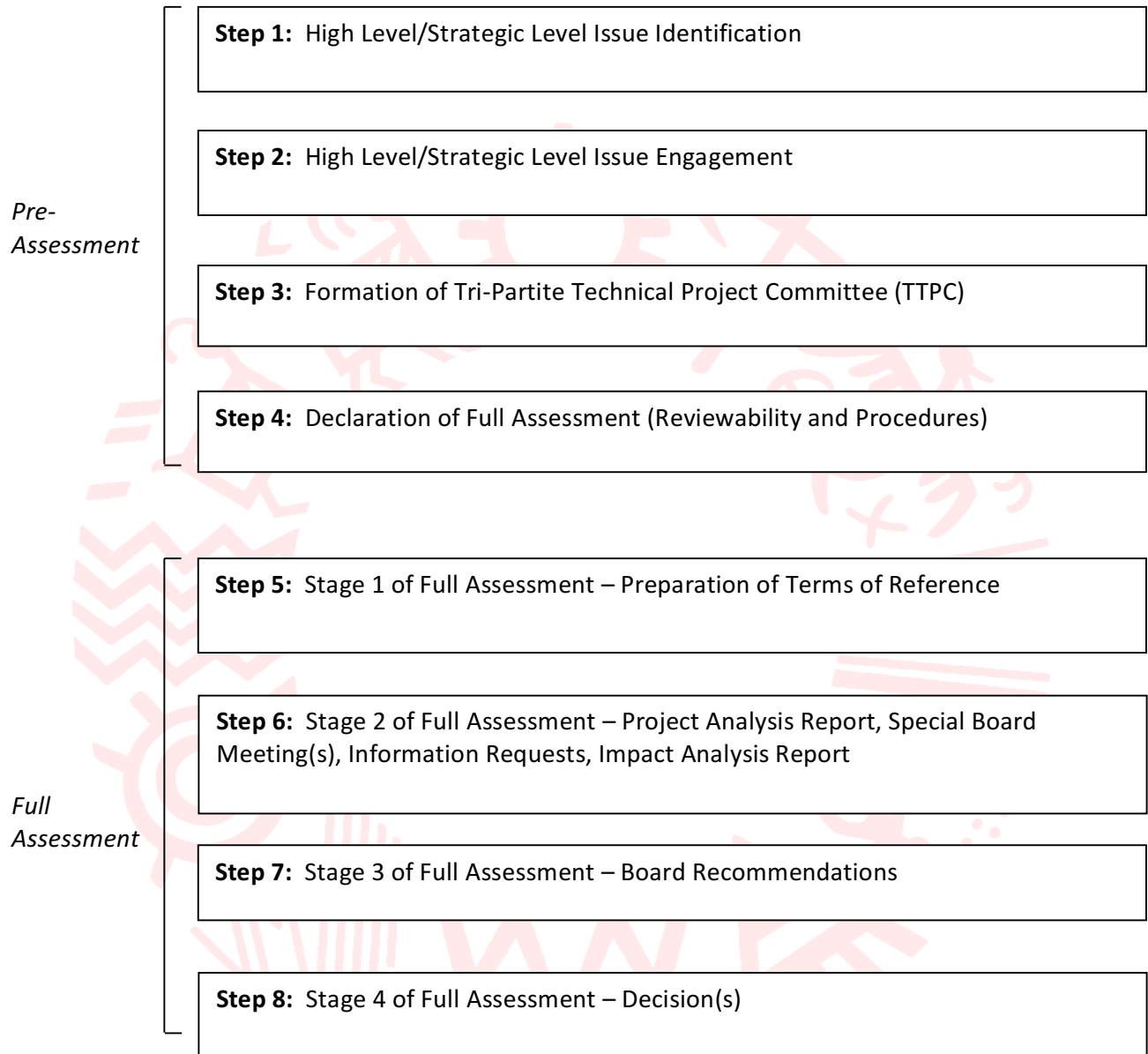


Recognition Based Environmental Assessment¹

Prepared by the NNTC



¹ This document describes, at a high level, the basic process elements of an approach to an environmental assessment process that (1) Respects the Board structure in place between the Province and NNTC and the Political Accord; (2) Reflects the recognition of Nlaka’pamux Title and Rights; (3) Is aligned with the BC 10 Principles and the United Nations Declaration on the Rights of Indigenous Peoples; (4) Is aimed at obtaining consent throughout the process and in the final decision; and (5) Is designed to ensure collaboration and effectiveness every step of the way. Underlying the entire process is the understanding that NNTC and the Province are distinct governments and jurisdictions, with distinct laws, and this process has exists between the NNTC and Provincial governments reflecting this fact. As this document describes the process elements only at a high level, the NNTC is happy to provide more explanation of how Nlaka’pamux Title, Rights, jurisdiction, and laws would be reflected and considered in this process.

Step 1: Pre-assessment – High Level/Strategic Level Issue Identification

Goal:

Early identification of high level/strategic level issues as well as of any intractable NNTC concerns.

Benefits:

- Avoid thrown away costs by stopping ill-advised proposals at the concept stage.
- Facilitate strong working relationships between Proponents and NNTCs.
- Ensure NNTCs' concerns are considered and integrated early in planning stages.
- Develop a consensus based guide to inform terms of reference for assessment

When:

- Occurs at “concept” stage – when Proponent first forms a concept that may require an environmental assessment. As part of the process of determining whether a Project should go to a full assessment, a pre-screening for NNTC's issues would occur. There may be red flags identified that would render proceeding impossible.

How:

- Proponent and NNTC complete pre-screening assessment, and develop a report to the Board that outlines: (1) red flags identified; (2) matters that must be considered if assessment considers; (3) critical information areas for an assessment; and (4) the scope of the “project” for assessment purposes.

Step 2: Pre-assessment – High Level/Strategic Level Issue Engagement

Goal:

Address high level/strategic level concerns (if possible) and frame/inform scope of what is to be reviewed and studies required during full assessment.

Benefits:

- Possibility of an early “no” avoids wasted expense by Proponent.
- Allows design of proposal to be completed and lessens likelihood of intractable issues arising late.
- Ensures scope of review is adequate to meaningfully inform NNTC concerns.

How:

- SDM Board will review pre-assessment and seek consensus on recommendation whether to proceed to full assessment and critical matters that must be considered in the review should it proceed to assessment – including red flags regarding NNTC title, rights, culture, society etc. SDM Board will develop series of requirements developed for Project review to address concerns, including description of engagement and study requirements.
- If it is clear that the concept should not proceed to review – Proponent informed that concept will not meet standard to be sent to full assessment.

Step 3: Pre-assessment – Formation of Tri-Partite Technical Project Committee (TTPC)

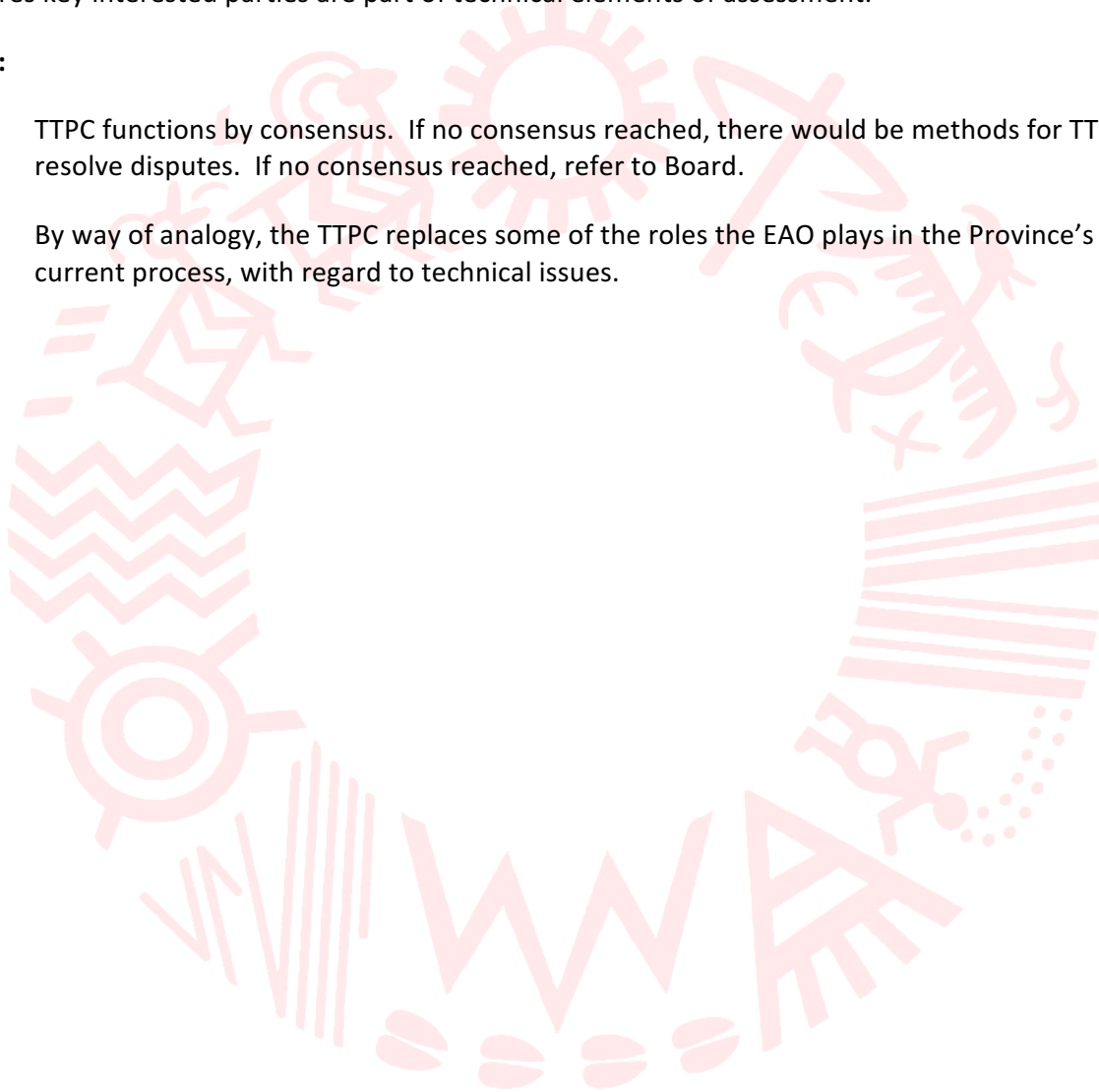
Establish project committee to implement all technical aspects of full assessment. Made up of NNTC, Province, and Proponent and will report to the Board

Benefits:

Ensures key interested parties are part of technical elements of assessment.

How:

- TTPC functions by consensus. If no consensus reached, there would be methods for TTPC to resolve disputes. If no consensus reached, refer to Board.
- By way of analogy, the TTPC replaces some of the roles the EAO plays in the Province's current process, with regard to technical issues.



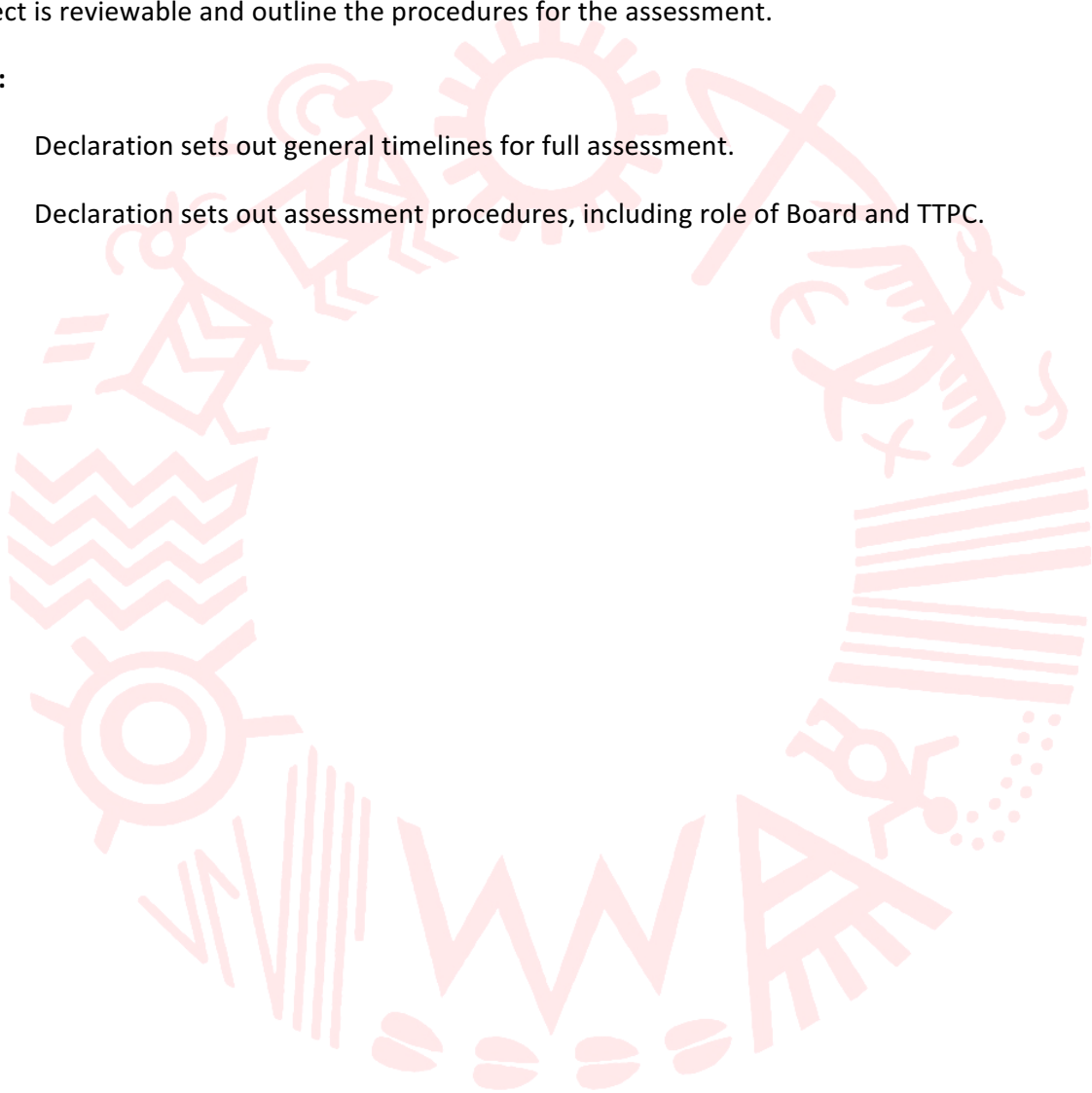
Step 4: Pre-assessment – Declaration of Full Assessment (Reviewability and Procedures)

Goal:

Declaration establishes Project entering into full environmental assessment process. This declaration would be made by both the NNTC and the Province pursuant to respective NNTC and Provincial laws and jurisdictions. The declaration of full assessment would include a statement the Project is reviewable and outline the procedures for the assessment.

How:

- Declaration sets out general timelines for full assessment.
- Declaration sets out assessment procedures, including role of Board and TTPC.



Step 5: Stage 1 of Full Assessment – Preparation of Terms of Reference

Goal:

Reach agreement on Terms of Reference (TOR).

Benefit:

- Consensus on TOR limits likelihood of future conflicts, and provides measure of certainty to process.

How:

- TTPC prepares draft TOR based on pre-assessment report, Board recommendation and guidance received in declaration of full assessment.
- TOR outlines the information that must be gathered and studies required.
- TTPC reviews TOR and seeks consensus on it.
- TTPC makes recommendation to Board to approve TOR.
- If TTPC cannot reach consensus, differences documented in writing, and dispute resolution used to achieve consensus.

Step 6: Stage 2 of Full Assessment – Project Analysis Report, Special Board Meeting(s), Information Requests, Impact Analysis Report

Goal:

An assessment is conducted and an impact assessment report is prepared by the TTPC for Board consideration.

How:

- TTPC completes studies outlined in TOR, and compiles them in impact assessment report.
- Board convenes series of special meetings during the review in which TTPC presents elements of findings and studies and Board has opportunity to question and seek further information.
- Informed by the special meeting(s) and provision of further information (as requested), TTPC finalizes the report outlining:
 - Information gathered and analyzed to meet TOR;
 - How issues identified in pre-assessment are considered;
 - additional studies or information required and completed;
 - remaining information gaps;
 - impacts that need to be addressed;
 - other interests and concerns; and
 - framework for obtaining consent .
- This step is iterative. If the TTPC identifies further studies needed, they would be agreed upon and completed prior to the final draft of the impact assessment report. As well, the Board can order further special meetings and provision of additional information.

Step 7: Stage 3 of Full Assessment – Development of Board Recommendation – measures, conditions, accommodations, recommendation of yes or no

Goal:

The Board engages in conditions, measures, and accommodation discussions based on impact assessment report with goal of achieving consensus recommendations .

How:

- Direct discussions based on impact assessment report;
- Discussions would involve all aspects of title and rights, including their cultural, jurisdictional and economic components.
- Goal is to reach a consensus recommendations, including conditions, measures, and accommodations.
- Dispute resolution may be employed to resolve impasse.
- If impact analysis identifies fundamental, intractable concern, Board will explore if there are ways to address it.
- Board may refer matters back to TTPC as part of trying to achieve a consensus recommendation, or develop certain conditions, measures, or accommodations
- Formal agreements between NNTC and the Province or Proponent on particular items or to address particular topics may form part of the recommendations.

Step 8: Stage 4 of Full Assessment – NNTC and Provincial Decisions

Goal:

Receipt of Board report, and final decision(s) on Project by NNTC and Province, pursuant to respective laws and jurisdictions.

How:

NNTC and Provincial leadership will meet prior to making their final decisions to review Board report and recommendations, including regarding any potential agreements or arrangements that are required.

NNTC and Provincial leadership will establish a “solutions forum” of senior officials to engage to resolve any differences that may be apparent between potential NNTC and Provincial decisions (prior to decisions being rendered). This may include referring matters to the Board or to a third party to be addressed. Solutions forum process will be time-limited, but goal will be to ensure a consent-based decision is reached.

NNTC and Province will release their respective final decisions, which may include a joint statement of decision, conditions and measures.

