



Squamish Nation EA Process

TSILHQOT'IN NATIONAL GOVERNMENT – UBC WORKSHOP

INDIGENOUS-LED IMPACT ASSESSMENTS

JULY 8, 2021

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Background

Squamish Nation concerns with
EA on Woodfibre LNG project

Requirement of Squamish
consent

EAO/CEAA not cooperating

Decided to develop own EA and
make own decision on project

Overview of Squamish Process



Process Framework Agreement

Coordination with EAO/CEAA

Assessment of Project

EA Certificate Agreement

Space for Shared Decision-making

Framework Agreement

Agreement with proponents that the Squamish Process separate from the Crown EA

Squamish will have different & additional information requests of proponents

Requirement of confidentiality

Process funding

Timing

Procedural Fairness

Coordination with Crown



The EAO revised the Section 11 Order to recognize the separate Squamish Process

Access to the information used in the Crown Process

Timing of Squamish & Crown decisions

Government to Government table established outside of EA

Overview of Assessment



Information Gathering

Applying Squamish
Methodology

Assessment Report

Information Gathering

Purpose: Community driven
Define scope of assessment
Values to be included
Squamish Laws
Preliminary community concerns

Community engagement: Community meetings

Focus groups

Direct dialogue with individual knowledge holders

Existing Information: Land Use Plan & Agreement

Ethnographies & historical documents

Use & Occupancy Study

Independent Research SN Ecological and Cultural Knowledge
Western scientific knowledge

Squamish Methodology

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Squamish defined “valued component”

Interconnectedness of Squamish values is “VC”:

Land, waters, governance, use, occupancy, transmission of culture/history and growth/revitalization of language

Impacts not viewed as on a single biophysical component

Example: Seawater Cooling

Assessment Report

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Confidential Report

Recommendations to address community's
environmental, cultural and safety concerns

Recommended Conditions

Inclusion of dissenting views

Assessment Report

Council can approve as-is or send back for more information

Conditions different than what EAO/CEAA concludes: ex. Seawater Cooling, Pipeline Tunnel, Compressor Station

List of conditions issued to each proponent

Must enter into legally binding agreement regarding satisfaction of conditions

EA Certificate

Makes conditions legally binding

Fair process to satisfy conditions

Significant decision-making ability

Enforce compliance

EA Certificate

Legal remedies: injunction, specific performance, rescind EA Certificate

Expert panel to resolve technical disputes

Quasi-regulatory process done contractually

Economic benefits agreement satisfactory to SN is condition of project approval

Shared Decision- making?

Idea was to meet at G2G level to discuss similar and different conditions and a collaborative plan to enforce

EAO and CEAA did not engage

Result was proponent had to apply to amend provincial EA Certificate to comply with Squamish EA Certificate

CEAA decision statement more complicated

Conclusion

Basis for Squamish Process is inherent right to govern

Canadian law and UNDRIP regarding Indigenous consent

Creates an opportunity for the SN to manage its lands in a way consistent with its laws and community aspirations

Allows the SN to collect information it finds relevant and necessary to make an informed decision

Conclusion

In the absence of legislation, creative way for SN to develop a project review process that has legally binding terms of participation and legal mechanisms to enforce compliance.

Provides an opportunity for the other levels of gov't and SN to engage in a shared decision-making process.

Provides industry with certainty of process and decision.