



TÎLHQOT'IN NATION

Impact Assessment Framework

*Nexwenen ts'egulhtsanx gwech'a
zelhelh naguxetaghat'alh*



Tsilhqot'in
NATIONAL GOVERNMENT



*“Nexwenen ts’egulhtsanx
gwech’a ?elhelh
naguxetaghat’alh.”*

*“Together we will put in place
whatever we decide so our land
will not get ruined.”*



WILLIAM MYERS XINLI,
YUNĖŠIT’IN ELDER AND TŠILHQOT’IN CULTURAL EXPERT,
ILIA WORKSHOP, JULY 8, 2021

FRONT COVER

Tsinlhqox Biny (Chilko Lake)

Photo Credit: C. Fell

BACK COVER

Težtan Biny (Fish Lake)

Photo Credit: C. Fell



FOREWORD

FROM TRIBAL CHAIR

The T̓silhqot'in people have an intricate governance system grounded in laws and customs that we abided by before the time of contact. We know when and how to come together and make decisions as a Nation. Our system **had** many layers and **was** far more complex than the Canadian system. Colonization and the *Indian Act* tried to break our governance system – our laws and traditions. Fortunately, our ancestors were strong, and while colonization has damaged our institutions, we remain proud T̓silhqot'in who are undertaking the hard work of rebuilding our own true way of making decisions. Our landmark Title decision is a testament to our enduring resolve to stand up our laws and reclaim our rightful role as decision-makers in our **Territory**.

The T̓silhqot'in Nation Impact Assessment Framework puts on paper our process for making decisions and the requirements for T̓silhqot'in consent. Our traditional T̓silhqot'in ways of life connects us to the **nenqay** (land and resources). When you impact the *nenqay*, you are impacting the *deni* (people). We look at land use in a holistic manner, and our decisions have to consider how projects impact our culture. This includes looking

at both the potential negative impacts resource development and infrastructure projects could have on our *nenqay*, and the benefits that projects done right can bring to our communities.

We must understand that all activities on the **nenqay** have an effect. When you put your hand into the river, the fish will scatter. But this is only what we can see. Impacts always go deeper than what is on the surface.

If a project touches T̓silhqot'in **nenqay** or *deni*, then it will fall within this process. We will only consent to projects that meet *all* the criteria outlined in this document.

We encourage everyone to come to our table. Meet us as equals and get to know us. The first step to any project is to build a trusting relationship with one another. We welcome business opportunities when proponents are prepared to develop an understanding of the depth of our connection to *nenqay* and respect our Nation's responsibilities and jurisdiction.

Our people have been here since time immemorial and will remain here forever. As the true stewards and guardians of our territory, we are responsible for caring for the *nenqay*. This is our responsibility.

CHIEF OTIS GUICHON, T̓SIDELDEL FIRST NATION

T̓SILHQOT'IN NATIONAL GOVERNMENT TRIBAL CHIEF

THE SIX T̂SILHQOT'IN COMMUNITIES:



Xeni Gwet'in
(NEMIAH)



Yunešit'in
(STONE)



T̂si Deldel
(REDSTONE)



Tl'etinqox
(ANAHAM)



ʔEsdilagh
(ALEXANDRIA)



Tl'esqox
(TOOSEY)

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TŚILHQOT'IN VOCABULARY GLOSSARY¹

TŚILHQOT'IN TERM	ENGLISH TRANSLATION
<i>ch'ih ghidelh</i>	way of life
<i>dechen ts'edilhtan</i>	laws
<i>deni</i>	people
<i>dešniqi</i>	families
<i>ʔesggidam</i>	ancestors
<i>lhiz</i>	soil
<i>lhuy</i>	fish, including fish in the ocean, lakes, rivers and streams
<i>mus</i>	moose
<i>nen</i>	the land and the natural resources on and in the land, including <i>tu</i> (water), <i>yiz</i> (air), <i>lhiz</i> (soil), <i>nent'an</i> (plants), and <i>nulh</i> (animals)
<i>nenqay</i>	the whole world
<i>nenqay detelʔaš</i>	how <i>nexwenen</i> changes and impacts our cultural security
<i>nent'an</i>	all plants

TŚILHQOT'IN TERM	ENGLISH TRANSLATION
<i>nexwe ch'ih ghidelh</i>	our way of life
<i>nexwedeni</i>	our people
<i>nexwenen</i>	our <i>nen</i>
<i>nexwenen gwelex</i>	our land/community there
<i>nists'i</i>	deer
<i>Nits'ilʔin-Qi</i>	the Council of Chiefs consists of the six elected Chiefs of all six Tśilhqot'in communities
<i>Nits'ilʔin-Yaz-Qi</i>	the elected Chief and Council of a Tśilhqot'in community
<i>nulh</i>	animals
<i>Tśilhqot'in ch'ih</i>	Tśilhqot'in language
<i>Tśilhqot'in Ts'iqi Dechen Jedilhtan</i>	the Tśilhqot'in Women's Council consists of one to two representatives from each of the six Tśilhqot'in communities (Xeni Gwet'in, Yunešit'in, Tl'etinqox, ʔEsdilagh, Tśideldel, and Tl'esqox)
<i>tu</i>	water
<i>yiz</i>	air

¹Disclaimer: It is not possible to capture the full essence of the Tśilhqot'in terms when translated into English. Caution should be applied when using them and we acknowledge that English words will never adequately describe what it means to be Tśilhqot'in or to live the Tśilhqot'in way of life.

DEFINITION OF TERMS

Adaptive management:

- The responsibility to monitor and adjust the operation of a project to ensure that mitigation and/or enhancement measures, commitments, and conditions are effective, support sustainable management practices and respond to any unanticipated conditions or adverse effects.

Consensus:

- General agreement with no active opposition.

Cultural security:

- The ability to practice, preserve and strengthen, and transmit T̓silhqot'in *ch'ih* (language), culture, and cultural practices effectively.
- For the T̓silhqot'in, cultural practices include practicing the traditional *ch'ih ghidelh* (way of life) of their T̓silhqot'in *?esggidam* (ancestors) such as fishing, hunting, gathering, partaking in ceremonies and spiritual practices, and being guided by the Nation's *dechen ts'edilhtan* (laws).

Cumulative effect:

- Changes to environmental, social, cultural, spiritual, health, and economic values caused by the accumulation and interaction of impacts from past, present, and potential future human activities and natural processes.

Food security:

- Access to preferred nutritious food that meets the dietary needs for a healthy and active lifestyle.
- The four pillars of food security include: availability, accessibility, utilization and stability.
- For the T̓silhqot'in, this includes the ability to harvest wild *nulh* (animals) primarily, *lhuy* (fish), *mus* (moose) and *nists'i* (deer), harvest wild *nent'an* (plants) for sustenance and medicine, grow agricultural crops, and raise domestic livestock.

Mitigation measures:

- Actions taken to avoid, prevent or reduce adverse project impacts.

Precautionary principle:

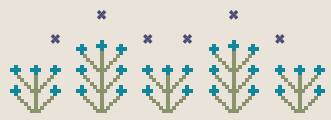
- If a project creates a real risk of harm to the health of the *nen* and/or the *deni* and a relevant knowledge gap exists on the matter, the project will not be deemed safe.

Stewardship:

- Caring for the *nen* (the land and the natural resources on and in the land, including *tu* (water), *yiz* (air), *lhiz* (soil), *nent'an* (plants), and *nulh* (animals)).

Sustainable:

- Able to meet the needs of the present without compromising the ability of future generations to meet their needs.
- For the T̓silhqot'in, the well-being of the *nen* and *deni* are deeply interconnected, and so a sustainable project is one that will not harm the *nen* or the *deni* for **seven+** future generations.



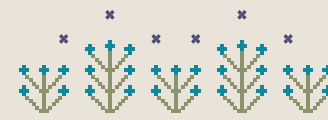
I. INTRODUCTION

The T̓silhqot'in Nation's Impact Assessment (IA) Framework:

- Outlines how the T̓silhqot'in Nation will assess proposed resource development and infrastructure projects that could affect T̓silhqot'in *nen* (land and the natural resources on and in the land, including² the *tu* (water), *yiz* (air), *lhiz* (soil), *nent'an* (plants), and *nulh* (animals)), *deni*, and title and rights;
- Shares the Nation's values and IA Decision-Making Criteria for consenting to proposed projects³, and
- Clarifies expectations for proponents (individuals or companies who propose projects) and the Crown (British Columbia and Canada).

²Including is defined as "including but not limited to"

³Projects refer to "resource development and infrastructure projects"



II. T̓SILHQOT'IN VALUES

Our T̓silhqot'in values come from the wisdom of our *?esggidam* (ancestors), elders and knowledge holders. Our decisions about *nexwenen* (our *nen*) are founded on our values and *dechen ts'edilhtan* (laws).

T̓silhqot'in values include:





III. T̂SILHQOT'IN IA GUIDING PRINCIPLES

The following principles will guide the T̂silhqot'in Nation's decision-making through an IA:

1. The health of *nexwenen* and *nexwedeni* (our people) are deeply interconnected:
 - › *nexwenen* sustains us,
 - › as T̂silhqot'in, our cultural identity is tied to *nexwenen*,
 - › *nexwedeni* and *nexwenen gwelex* (our land/community there) are only healthy if *nexwenen* is healthy.
2. *Tu* (water) is a sacred life form with its own spirit and agency and must be respected and protected.
3. *Nulh* (animals) have spirits and we must be caring and respectful, and share with *nulh*.
4. As T̂silhqot'in, we have an ancestral and sacred responsibility to protect and care for all aspects of *nexwenen* and *nexwedeni*.
5. We honour the past and plan for the future. Our T̂silhqot'in *dechen ts'edilhtan* guide us to take care of *nexwenen* in a sustainable manner for the benefit of *nexwedeni* and future generations of *nexwedeni*. By ensuring *nexwenen* is healthy, we ensure that it can continue to provide for us and sustain our cultural ways.
6. As T̂silhqot'in, we have the inherent jurisdiction to make decisions about proposed projects that could affect *nexwenen*, *nexwedeni* and *nexwe ch'ih ghidelh* (our way of life). Our decisions are informed by our *dechen ts'edilhtan*, values, visions, policies and *nen* plans.
7. Our T̂silhqot'in IA recognizes the expertise of the T̂silhqot'in Nation, knowledge holders and elders, and the views and priorities of the communities.
8. Assessing the impacts of a proposed project and the effectiveness of proposed mitigation measures requires understanding *cumulative effects* and *nenqay detel?aš* (how *nexwenen* changes and impacts our cultural security).
9. Proponents must develop a respectful relationship with the T̂silhqot'in Nation, share the information that we require to assess project impacts on *nexwenen*, *nexwedeni* and *nexwe ch'ih ghidelh*, and participate in our project assessments as requested.
10. T̂silhqot'in Nation representatives will share with proponents any major concerns that the Nation has with the proposed project and give proponents the opportunity to respond prior to the T̂silhqot'in Nation making a final decision about the proposed project.
11. The T̂silhqot'in Nation may coordinate and/or collaborate with the Crown on IAs if there are practical benefits to do so, and if the T̂silhqot'in Nation and the Crown reach an Agreement to guide the assessment approach.
12. Proponents and/or the Crown must provide sufficient capacity funding for the T̂silhqot'in Nation to complete T̂silhqot'in IAs on non-T̂silhqot'in projects.



IV. T̂SILHQOT'IN IA DECISION-MAKING CRITERIA

To obtain consent from the T̂silhqot'in Nation, a proposed project must satisfy all of the following requirements:

1. The project aligns with T̂silhqot'in Nation's values and advances the T̂silhqot'in Nation's visions and priorities for stewarding T̂silhqot'in *nen* and caring for the T̂silhqot'in.
 - › This criterion will be assessed by considering our T̂silhqot'in *dechen ts'edilhtan*, *nen* plans, policies, and views of the T̂silhqot'in Nation.
2. The project will not harm or create a real risk of harm to the health of T̂silhqot'in *nen*.
3. The project will not harm or create a real risk of harm to the T̂silhqot'in, including future generations of T̂silhqot'in.

In particular, it will not:

 - a. undermine our *cultural security*,
 - b. undermine our *food security*,
 - c. harm a sacred place or otherwise undermine our spirituality or contravene our spiritual beliefs,
 - d. undermine our ability to practice our land-based rights and responsibilities,
 - e. undermine our current economic development activities or conflict with our economic development plans,

- f. undermine our self-determination,
- g. jeopardize the mental and physical health, and safety of our community members,
- h. create scarcity or drive up prices of essential goods and services (e.g. groceries, housing, health care services, etc.), and/or subject any T̂silhqot'in to harassment, racism, or violence, including sexual violence.

The following is applicable to criteria 2 and 3:

- a. The T̂silhqot'in IA addresses *cumulative effects* and *nenqay detel?aš*, and takes into account proposed mitigation and/or enhancement measures, and plans for monitoring, compliance and enforcement and *adaptive management*.
 - b. The T̂silhqot'in IA applies the *precautionary principle*.
4. The T̂silhqot'in Nation has appropriate and meaningful involvement throughout the life of the project, including during the finalization of the project design and throughout construction, operation, monitoring and evaluation of impacts, and any decommissioning and restoration activities.
 5. Proponents and the T̂silhqot'in Nation have established a respectful working relationship that they have committed to maintaining over the life of the project.
 6. For projects that undergo a T̂silhqot'in IA, a legally binding Project Agreement must be in place with the proponent and the T̂silhqot'in Nation that outlines how the project benefits the T̂silhqot'in and provides details on how the project meets the T̂silhqot'in Nation's environmental, social and economic objectives.



v. T̂SILHQOT'IN IA PROCESS

Sections II, III and IV of this Framework (Values, Guiding Principle and Decision-Making Criteria) focus on the substance of a T̂silhqot'in IA and identify the questions that guide each T̂silhqot'in IA and the T̂silhqot'in Nation's decision on whether or not to consent to a proposed project and if so, on what terms and conditions the proposed project could proceed. This section of the Framework (T̂silhqot'in IA Process) focuses on specifics about the T̂silhqot'in IA process, including the roles and responsibilities of participants during an IA and the phases of a T̂silhqot'in **IA**s.

This section is organized as follows:

1.

General
Comments
about the
T̂silhqot'in
IA Process

2.

Key
Participants
in IA Process

3.

Main
Process
Phases

1. GENERAL COMMENTS ABOUT T̂SILHQOT'IN IA PROCESS

- The T̂silhqot'in Nation will decide which proposed projects require a T̂silhqot'in IA pursuant to their inherent jurisdiction to manage T̂silhqot'in *nen* and care for the T̂silhqot'in. Based on T̂silhqot'in values, visions and priorities, the T̂silhqot'in Nation's determination may differ from the Crown's. Unlike the Crown, the T̂silhqot'in Nation has not set specific quantitative thresholds for projects that automatically trigger IAs. Rather, when the T̂silhqot'in Nation becomes aware of a proposed project – from British Columbia through the Nation's Stewardship Portal or direct referrals from Canada, or by other means – it will consider the proposed project in light of the T̂silhqot'in IA Decision-Making Criteria and the level of interest and/or concern it generates among the T̂silhqot'in.
- The T̂silhqot'in Nation may assess projects that are proposed to be built outside of T̂silhqot'in **Territory** in cases where they have the potential to affect T̂silhqot'in *nen, deni* or title and rights.
- The T̂silhqot'in IA process is customized to each proposed project based on various factors. Some of the factors that will determine the precise steps and timeline of a T̂silhqot'in IA and who is responsible for completing them include:
 - › the nature and extent of T̂silhqot'in interests in and concerns about the project;
 - › whether the project stands to affect primarily one community, multiple communities, or all of the communities;



- › whether T̓silhqot'in Nation representatives establish a productive dialogue with the proponent and the terms of any T̓silhqot'in Nation–Proponent IA Process Agreement (Assessment Process Agreement);
 - › whether the project is being proposed by a T̓silhqot'in-owned business; and
 - › whether the T̓silhqot'in Nation has an Assessment Coordination Agreement and/or Assessment Collaboration Agreement with the Crown, which may happen if the T̓silhqot'in Nation sees practical benefits to coordinating or collaborating.
- There are six T̓silhqot'in communities (Xeni Gwet'in, Yunešit'in, Tl'etinqox, ʔEsdilagh, T̓sideldel and Tl'esqox), each with its own elected leadership, needs and aspirations, and caretaker areas within T̓silhqot'in Territory. There are over 4000 registered T̓silhqot'in members that reside both on and off reserve. The large size of territory, number of members and self-governing communities, and geographical dispersion of members and communities are all factors affecting the amount of time and capacity funding required for the T̓silhqot'in Nation to conduct IAs. Proponents and the Crown must be mindful of this reality.
- The Phases of the Main IA Process described below (Section V.3) are premised on the T̓silhqot'in's preferred practice of respectful engagement with proponents. The T̓silhqot'in Nation reserves the right to limit or stop engagement with a proponent if they are disrespectful of the T̓silhqot'in, or show a lack of transparency or good faith.
- The T̓silhqot'in Nation requires adequate capacity funding to conduct T̓silhqot'in IAs. The T̓silhqot'in Nation expects the proponent and Crown to provide this funding. Depending on the complexity of the project, the Nation may also require funding

to do the initial review and determine whether the proposed project needs to undergo a T̓silhqot'in IA.

- **Engagement with the proponent and Crown on proposed projects and acceptance of capacity funds to conduct IA does not constitute support for a project.** Rather, engagement and funding will support the T̓silhqot'in Nation to make informed decisions about whether they will consent to a proposed project and if so, on what terms and conditions.
- **Proponents and the Crown must be respectful of T̓silhqot'in culture and cultural practices throughout the IA process, including respecting that T̓silhqot'in *ch'ih* and ceremonies will be embedded in the process.**
- **Proponents and the Crown must respect T̓silhqot'in ownership of T̓silhqot'in knowledge.** The T̓silhqot'in *deni*, *dešniqi*, and community that shares the knowledge always remain the owners of that knowledge, including when sharing it through an externally funded study. The T̓silhqot'in decide what knowledge to share. They may decide not to share particularly sensitive knowledge or to do so under an agreement with the recipient to limit who sees the information and protect it from unauthorized uses. T̓silhqot'in knowledge may only be used for the assessment; any additional use requires further T̓silhqot'in consent.
- **The T̓silhqot'in IA Process may evolve over time.** In particular, the T̓silhqot'in Nation is developing a T̓silhqot'in governance model to fully implement the Nation's inherent rights of self-government and self-governance. Once developed, the governance model may require adjustments to the IA process. Any material changes will be captured in a revised T̓silhqot'in IA Framework document and these changes will be publicly shared activities and natural processes.

2. KEY PARTICIPANTS IN THE T̂SILHQOT'IN IA PROCESS

A. NITS'IL?IN-QI

- The *Nits'il?in-Qi* (Council of Chiefs) consists of the six elected Chiefs of the six T̂silhqot'in communities: Xeni Gwet'in, Yuneŕit'in, Tl'etinqox, ʔEsdilagh, T̂sideldel, and Tl'esqox. The *Nits'il?in-Qi* are the Board of Directors for the T̂silhqot'in National Government (TNG).
- If a proposed project undergoes a T̂silhqot'in IA, the *Nits'il?in-Qi* will be the final decision-makers for the T̂silhqot'in Nation and, by consensus, the Chiefs will determine whether to consent to a proposed project or not and, if so, on what terms and conditions. Each *Nits'il?in* is responsible for ensuring that their community has been sufficiently informed and engaged about the proposed project, and that their decision is supported by the *Nits'il?in-Yaz-Qi*. Before consenting on behalf of Nation, the *Nits'il?in-Qi* may also require formal consent to the project (in the form of a Band Council Resolution) from one, some or all *Nits'il?in-Yaz-Qi*.
- For proposed projects that affect one or more communities (or caretaker areas) more than others, the final decisions will still be collective decisions by the *Nits'il?in-Qi* (in the form of a Nation Resolution). However, the *Nits'il?in-Yaz-Qi* of the community (or communities) that will be most affected may take a co-lead role with TNG to conduct the IA. The *Nits'il?in-Yaz-Qi* of the affected community (or communities) will inform the project assessment and influence the final decisions of the *Nits'il?in-Qi*.

B. T̂SILHQOT'IN NATIONAL GOVERNMENT

- The *Nits'il?in-Qi* are the Board of Directors for TNG. If a proposed project undergoes a T̂silhqot'in IA, the Nation's final-decision on whether a proposed project could be consented to or not and if so, on what terms and conditions, will be made by the *Nits'il?in-Qi*, as set out in (A).
- During an IA, the T̂silhqot'in Nation may be represented by a designated individual or team. TNG will lead the T̂silhqot'in IA Process or co-lead the process with an impacted community (or impacted communities). An IA Coordinator (TNG employee or contractor) will be designated on a project-specific basis by TNG to coordinate a T̂silhqot'in IA.
- TNG staff with knowledge and expertise relevant to the project impact assessment will participate in assessments, as needed, by providing verbal and written information and advice, participating in internal T̂silhqot'in meetings, as well as technical meetings with the proponent, Crown and/or independent experts.



C. T̂SILHQOT'IN COMMUNITY GOVERNMENTS

- The T̂silhqot'in Community Governments are Xeni Gwet'in First Nations Government, Yunešit'in Government, Tl'etinqox Government, ʔEsdilagh First Nation, T̂sideldel First Nation, and Toosey Indian Band (Tl'esqox)
- T̂silhqot'in Community Government staff with knowledge and expertise relevant to the project impact assessment will participate in assessments, as needed, by providing verbal and written information and advice, participating in internal T̂silhqot'in meetings, as well as technical meetings with the proponent, Crown and/or independent experts.

D. NITS'IL?IN-YAZ-QI

- **The elected Chief and Council of each T̂silhqot'in community.**
- The *Nits'il?in-Yaz-Qi* develop an understanding of the views and concerns of their community members in regards to proposed projects. Each community follows its own process when it comes to how *Nits'il?in-Yaz-Qi* engage with and takes guidance from community members, and T̂silhqot'in IAs respect and make space for those differing approaches.
- For projects that undergo a T̂silhqot'in IA, the *Nits'il?in* of each community will share their community's views with the *Nits'il?in-Qi*, and these views will help inform the *Nits'il?in-Qi*'s decision on whether a project may proceed and if so, on what terms and conditions. If the project has major implications for a community, the *Nits'il?in-Qi* may seek a formal decision about the project (by way of a Band Council Resolution) from that community's *Nits'il?in-Yaz-Qi* before the *Nits'il?in-Qi* make a final decision on behalf of the Nation (by way of a Nation Resolution).
- The *Nits'il?in-Yaz-Qi* of the community (or communities) that will be most affected by a proposed project may take a co-lead role with TNG to inform the IA and influence the final decisions by the *Nits'il?in-Qi* on whether to consent to a proposed project or not and if so, on what terms and conditions.

E. DENI

- The T̓silhqot'in are First Nation members of the six T̓silhqot'in communities who live both on and off reserve.
- **The** T̓silhqot'in members will have the opportunity to learn about proposed projects, share their views and provide information relevant to the T̓silhqot'in Decision-Making Criteria. The information and views shared by community members will help shape each community's and the Nation's collective view on the proposed project and, ultimately, the Nation's final decision on whether a proposed project could be consented to or not and if so, on what terms and conditions.

F. ELDERS AND KNOWLEDGE HOLDERS

- T̓silhqot'in elders and knowledge holders with valuable expertise on specific topics and issues relevant to the IA. Each elder and knowledge holder has unique expertise based on their lived experiences, the focus of their land-based activities and social interactions, and the parts of the *nen* they are most familiar with.
- Elders and knowledge holders advise on the *dechen ts'edilhtan* and assist the Nation during an IA to determine the potential impacts of a proposed project on *nexwenen* and *nexwedeni* (i.e. matters relevant to T̓silhqot'in Decision-Making Criteria 1 and 2 especially, as well as Criterion 3).

G. T̓SILHQOT'IN TS'IQI DECHEN JEDILHTAN

- The T̓silhqot'in *Ts'iqi Dechen Jedilhtan* (Women's Council) is an advisory body comprised of T̓silhqot'in matriarchs from each community.
- The T̓silhqot'in *Ts'iqi Dechen Jedilhtan* advises the *Nits'il?in-Qi* on a range of matters, and the advice of the T̓silhqot'in *Ts'iqi Dechen Jedilhtan* will be sought for projects undergoing a T̓silhqot'in IA.

H. IA COORDINATOR

- A TNG employee or contractor designated on a project-specific basis by TNG to coordinate a T̓silhqot'in IA.
- The IA Coordinator's responsibilities include the following:
 - › developing a customized Assessment Plan for the proposed project in collaboration with other T̓silhqot'in Nation representatives,
 - › identifying the T̓silhqot'in Nation's capacity funding needs,
 - › requesting and compiling relevant information from the proponent, the Crown, T̓silhqot'in elders and other knowledge holders, TNG and community staff, and external experts,
 - › ensuring that community members have opportunities to learn about and share their views on the proposed project,
 - › tracking progress under the Assessment Plan and flagging any delays or hold ups, and
 - › delivering the Assessment Report, Project Application and all other supporting documents and reports to the **Nits'il?in-Qi** for consideration.

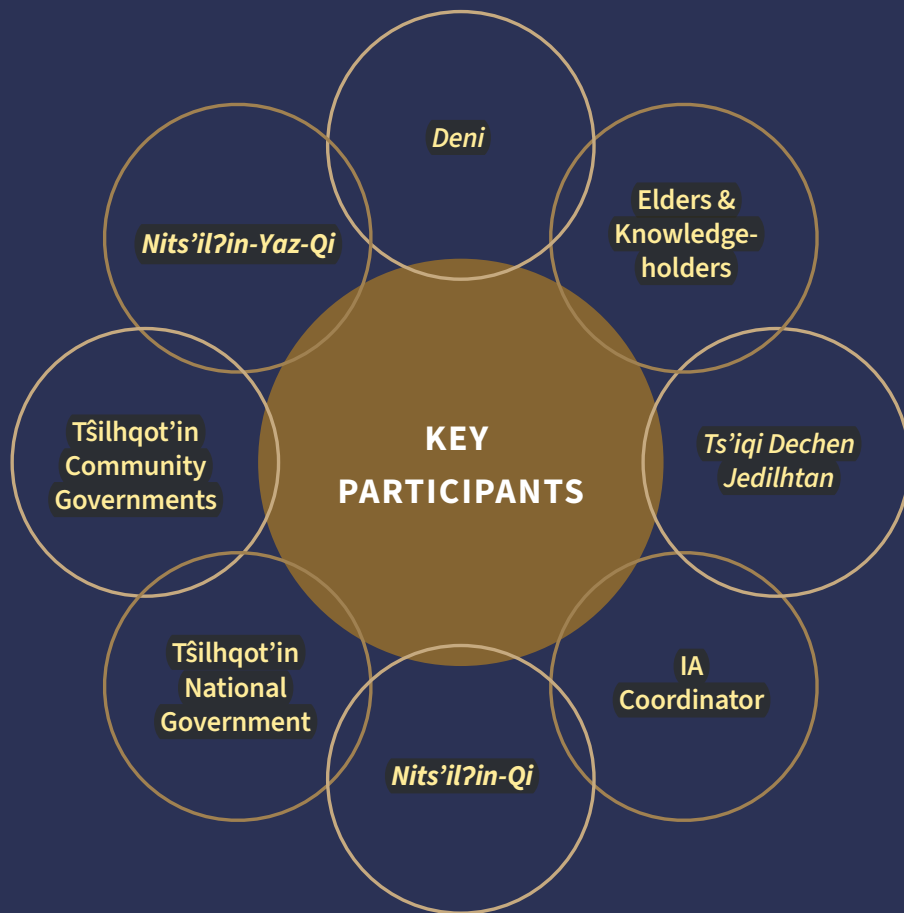


Figure 2: Key participants in the Ts'ilhqot'in IA process

Nunitsiny (grizzly bear) →
Photo Credit: M. Nishima





3. MAIN IA PROCESS PHASES

A. PROJECT INTRODUCTION AND RELATIONSHIP BUILDING

Proponent introduces the proposed project and starts developing a respectful working relationship with the Nation.

B. INITIAL PROJECT REVIEW AND DECIDING WHETHER AN IA IS REQUIRED

T̓silhqot'in review project proposal against the 6 T̓silhqot'in Decision-Making criteria and decide whether to:

- i. approve the project right away (project raises no real questions or concerns);
- ii. reject the project right away (project clearly cannot satisfy T̓silhqot'in requirements); or
- iii. proceed to full assessment.

IF INITIAL REVIEW RESULTS IN THE DECISION TO PROCEED WITH A FULL ASSESSMENT (B. III.), THE DENI, THE CROWN AND PROPONENT WILL BE NOTIFIED AND PHASES (C), (D), AND (E) WILL BE COMPLETED.

C. PREPARING FOR A T̓SILHQOT'IN IA

T̓silhqot'in prepare to conduct IA. This includes a number of tasks such as identifying any co-lead community(ies), appointing an IA Coordinator and securing funding to do the IA.

D. T̓SILHQOT'IN IA

T̓silhqot'in Nation reviews the project. At the end, an Assessment Report is prepared that brings together the information and analysis needed to apply the 6 T̓silhqot'in Decision-Making criteria. It may also include a recommendation for or against the Project.

E. T̓SILHQOT'IN DECISION-MAKING AND IMPLEMENTATION

The T̓silhqot'in *Nits'il?in-Qi* consider all the information and views about the project, including those of their own community and Council, and they reach consensus on whether or not to approve the project and if so, on what terms and conditions. The *Nits'il?in-Qi* share the decision with their *deni*, and the Crown and proponent.



A) PROJECT INTRODUCTION AND RELATIONSHIP BUILDING

- Proponents must always be respectful, honest, transparent and cooperative with the T̓silhqot'in and must begin developing a respectful relationship with the T̓silhqot'in Nation at the earliest opportunity and before beginning project design.
- Proponents will need to:
 - › learn about the T̓silhqot'in Nation by reviewing this IA Framework, other information available on the TNG and community websites, and any information or knowledge shared by the T̓silhqot'in Nation with them;
 - › reach out to T̓silhqot'in Nation's leadership and staff representatives and offer to meet with them in person;
 - › share information about their proposed project and answer questions from the T̓silhqot'in Nation in a timely and transparent way, using plain language;
 - › provide the T̓silhqot'in Nation with the opportunity to share T̓silhqot'in knowledge and, if deemed appropriate, co-develop baseline information in order to support evaluations of any upcoming project application;
 - › be as responsive as possible to the T̓silhqot'in Nation's preliminary concerns and proposals regarding the proposed project;
 - › provide capacity funding to support T̓silhqot'in Nation engagement with T̓silhqot'in members on the proposed project; and
 - › partake in opportunities to learn about T̓silhqot'in culture and values, when requested.

- If the proposed project raises substantial questions relating to the T̓silhqot'in IA Decision-Making Criteria, the T̓silhqot'in Nation may request that the parties (the T̓silhqot'in Nation and the proponent) enter into an agreement to guide the initial engagement process, provide capacity funding, and support the T̓silhqot'in Nation in making the determination on whether a T̓silhqot'in IA is required.
- Proponents must seriously consider any requests by the T̓silhqot'in Nation to co-develop project proposals.
- As part of the Project Introduction and Relationship Building phase, proponents must provide a description of the proposed project to the T̓silhqot'in Nation.

The description must:

- › Describe all components of the proposed project and its operational plan including:
 - ▶ the project location and footprint,
 - ▶ a description of the project components and the accompanying activities associated with all phases of the project, including:
 - infrastructure development plans,
 - resource requirements and projected use (i.e. water and water use), and/or
 - transportation requirements,
 - ▶ if applicable, the range of options and/or alternatives that are being considered, and if this process is already complete, the rationale for the chosen alternative,
 - ▶ the project construction and operational timeline,



- a conceptual closure and reclamation plan,
 - a preliminary analysis of the potential impacts of the project that is informed by the T̓silhqot'in IA Decision-Making Criteria and all publicly available T̓silhqot'in policy guidance documents for T̓silhqot'in IAs
 - explain how the project relates to any publicly available T̓silhqot'in community or Nation *nen* plans,
 - provide a preliminary identification of potential project benefits to the T̓silhqot'in Nation, and
 - provide a clear statement about how the proponent has engaged with the T̓silhqot'in in developing the project description, what it heard and whether it made any changes based on the input.
- It is strongly recommended that early and meaningful engagement occur prior to and during the development of project descriptions.
- Further expectations for proponent conduct are outlined in the following document:
- Doing Business the T̓silhqot'in Way: Reference guide to foster respectful engagement with the T̓silhqot'in

B) INITIAL PROJECT REVIEW AND DECIDING WHETHER AN IA IS REQUIRED

- The T̓silhqot'in Nation will conduct an initial review of the proposed project in light of the T̓silhqot'in IA Decision-Making Criteria to determine whether an IA is required. The T̓silhqot'in Nation will make their own determination based on their values and priorities as to whether a proposed project requires a T̓silhqot'in IA instead of simply following Crown decisions about whether to conduct IAs.
- There are three possible outcomes of the T̓silhqot'in Nation's Initial Project Review:
- i. If the proposed project and the potential impacts do not raise any substantial questions or concerns, the T̓silhqot'in Nation will proceed to Decision-Making without conducting a T̓silhqot'in IA.
 - ii. If the proposed project and the potential impacts raise substantial questions and/or concerns, the proponent, and, if applicable, the Crown, will be notified by the T̓silhqot'in Nation that a T̓silhqot'in IA will be required prior to making a final decision on whether or not to consent to a proposed project.
 - iii. If it is clear that the proposed project cannot satisfy the T̓silhqot'in IA Decision-Making Criteria, the T̓silhqot'in Nation will reject the project without conducting a T̓silhqot'in IA.



- The T̓silhqot'in Nation will communicate the outcome of the Initial Project Review and provide the rationale for their decision to the proponent, the *deni* and, if applicable, the Crown, in writing and in a timely way.
 - Unlike Canada and British Columbia, the T̓silhqot'in Nation has not set specific quantitative thresholds for projects that automatically trigger IAs. However, a project that triggers a provincial or federal assessment will likely require a T̓silhqot'in IA as well. The level of concern about the impacts of a proposed project among the T̓silhqot'in will be a good indicator of whether a T̓silhqot'in IA is required: the greater the concern from the *deni*, the more likely Initial Project Review outcomes (ii) and (iii) will be reached. Lastly, and most importantly, a T̓silhqot'in IA will be required if it is clear from the project description that it has the potential to have worrisome impacts on the *nen* or the *deni* (unless the impacts are so obviously severe as to warrant outright rejection under outcome (iii)).
 - The T̓silhqot'in Nation will not lightly make decisions to reject proposed projects without conducting T̓silhqot'in IAs. Such decisions will be informed by the T̓silhqot'in IA Decision-Making Criteria.
- Here are a few examples of the types of concerns that will likely lead to project rejection at the Initial Project Review stage:
 - › the T̓silhqot'in need to keep the proposed project area intact or free from the proposed type of resource development or infrastructure in order to protect cultural, spiritual and/or environmental values and/or prevent further *cumulative effects*;
 - › the project will require perpetual mitigation measures dependant on ongoing financing to ensure the project does not harm the *nen* or the *deni* after the project is completed (e.g. perpetual water treatment in order to manage contamination from the project);
 - › the project will directly undermine a valuable T̓silhqot'in economic development pursuit; the proponent has proven itself untrustworthy through misinformation or withholding important information; the proponent has actively disrespected T̓silhqot'in culture or spirituality.
 - Meeting the T̓silhqot'in Nation's expectations in the Project Introduction and Relationship Building phase will allow proponents to earn the Nation's trust and start to develop an understanding of the Nation's priorities, questions and concerns, which will in turn give the proponent the opportunity to develop a project proposal that could satisfy T̓silhqot'in IA Decision-Making Criteria (or, if the project is fundamentally problematic, to learn why at an early stage in project design).



C) PREPARING FOR A T̓SILHQOT'IN IA

The T̓silhqot'in will take the following steps to prepare to undertake an IA:

- Determine whether any community (or communities) will help lead the assessment with TNG, identify the person(s) who will prepare the Assessment Report, and appoint an IA Coordinator.
 - Identify the information needed to determine whether the proposed project will satisfy the T̓silhqot'in IA Decision-Making Criteria.
 - Identify the studies that will need to be completed in order to conduct the IA (e.g. baseline data collection, interviews to gather T̓silhqot'in knowledge, technical studies) and determine who will complete the studies.
 - Confirm the technical expertise (in-house and external) required to assess the project application and complete any relevant research.
 - Identify the funding needed to conduct the assessment and obtain funding from the proponent and Crown.
 - Prepare an Assessment Plan that sets out the assessment steps, tasks, timelines and the responsible parties in each case (e.g. T̓silhqot'in Nation, proponent, Crown).
 - Share with the proponent the T̓silhqot'in Nation's expectations regarding the proponent's participation in the T̓silhqot'in IA process.
- At a minimum, proponent participation will generally include:
 - › delivery of a draft project application covering the topics that the T̓silhqot'in Nation has identified as relevant to the assessment;
 - › a complete and timely response to the T̓silhqot'in Nation's questions about the draft project application;
 - › serious consideration of information, concerns, and proposals shared by the T̓silhqot'in Nation and all reasonable efforts to address these concerns in project application revisions;
 - › protection and permitting only authorized uses of T̓silhqot'in knowledge;
 - › provision of sufficient capacity funding for the assessment.
 - In addition to confirming proponent responsibilities in the Assessment Plan, the T̓silhqot'in Nation will normally pursue an Assessment Process Agreement with the proponent confirming the parties' responsibilities towards each other, including mutual commitments of good faith, respect, and transparency, as well as a commitment to make all reasonable efforts to meet timelines set in the Agreement.
 - If there is practical value to doing so, enter into an Agreement with British Columbia and/or Canada to coordinate or collaborate in relation to Crown assessment processes, as well as to confirm capacity funding.



- If there is practical value to doing so and a shared interest in collaborating on aspects of an assessment, enter into an Assessment Collaboration Agreement with one or more neighbouring Indigenous Nations.
- Inform the *deni* about the IA preparations.
- During this phase, the T̓silhqot'in Nation and proponent may also launch without prejudice negotiations toward a Project Agreement, as a parallel stream of work. As a general rule, T̓silhqot'in Nation expects that such negotiations will normally be supported by a Negotiation Agreement that includes capacity funding.

D) T̓SILHQOT'IN IA

- The methodology for the T̓silhqot'in Nation's assessments is not pre-determined and may vary by project.

However, all assessments will:

- › serve to secure the necessary information (including Indigenous knowledge, scientific research and technical reports);

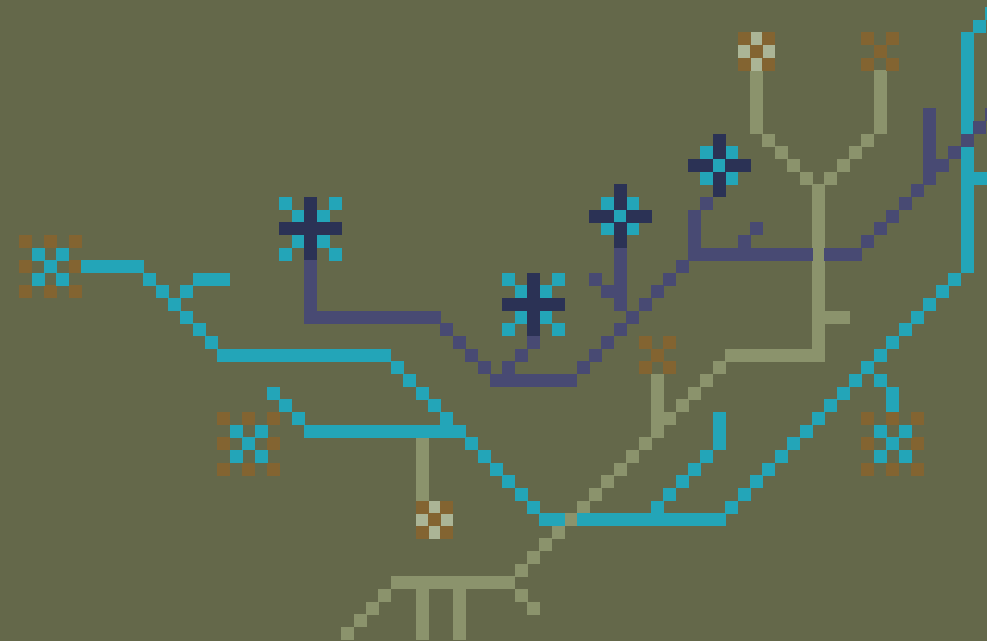
- › consider information from multiple sources including:
 - › the knowledge and advice of T̓silhqot'in elders and knowledge holders;
 - › the views of the T̓silhqot'in and each T̓silhqot'in community;
 - › advice from the T̓silhqot'in Nation staff with relevant knowledge and expertise;
 - › information provided by the proponent;
 - › information submitted as part of a Crown IA process;
 - › advice from external experts;
 - › conduct the analysis required to determine whether the proposed project will satisfy the T̓silhqot'in IA Decision-Making Criteria; and
 - › apply the *precautionary principle* as needed.
- The IA Coordinator will monitor the completion of the steps outlined in the Assessment Plan.
 - The designated person(s) will prepare the Assessment Report, which, if requested by the *Nits'il?in-Qi*, will include a recommendation for or against the project, and proposed project terms and conditions.
 - If any negotiations towards a Project Agreement are taking place in parallel to the assessment, the negotiations will ideally conclude by the end of the T̓silhqot'in IA phase, but regardless, Project Agreements must incorporate any conditions established by the *Nits'il?in-Qi*'s final decision.



E) T̂SILHQOT'IN DECISION-MAKING AND IMPLEMENTATION

- Once the Assessment Report is complete, the IA Coordinator will deliver the final Project Application and Assessment Report to the *Nits'il?in-Qi* for consideration. The IA Coordinator will ensure that all the supporting information and documents that were acquired and produced during the assessment are available for review by the *Nits'il?in-Qi*.
- If the T̂silhqot'in Nation and the proponent have negotiated a draft Project Agreement, the Project Agreement will also be shared with the *Nits'il?in-Qi* to inform their final decision.
- The *Nits'il?in* of each community will share their communities' views about the proposed project with the *Nits'il?in-Qi*. The *Nits'il?in-Qi* will decide by consensus whether they consent to the proposed project. The *Nits'il?in-Qi* will first seek input and potentially also formal decisions from *Nits'il?in-Yaz-Qi*. They may also seek guidance from T̂silhqot'in advisory bodies (such as the *Ts'iqi Dechen Jedilhtan*), elders and knowledge holders, and all *deni*.
- If the *Nits'il?in-Qi* consent, the terms and conditions required for the proposed project to proceed will be outlined for the proponent and, if applicable, the Crown. Some of the T̂silhqot'in Nation's terms and conditions may differ from those under consideration by the Crown.
- The *Nits'il?in-Qi* will communicate their final decision and rationale to the proponent, the *deni*, and, if applicable, the Crown, in writing and in a timely manner.

- The T̂silhqot'in Nation expects proponents and the Crown to respect their final decision about whether or not the project may proceed.
- If a proposed projects garners consent from the *Nits'il?in-Qi* pursuant to specified terms and conditions, the project terms and conditions must be confirmed in a T̂silhqot'in Nation–Proponent Project Agreement, even if the Crown has also imposed these terms and conditions as part of their approvals.





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