

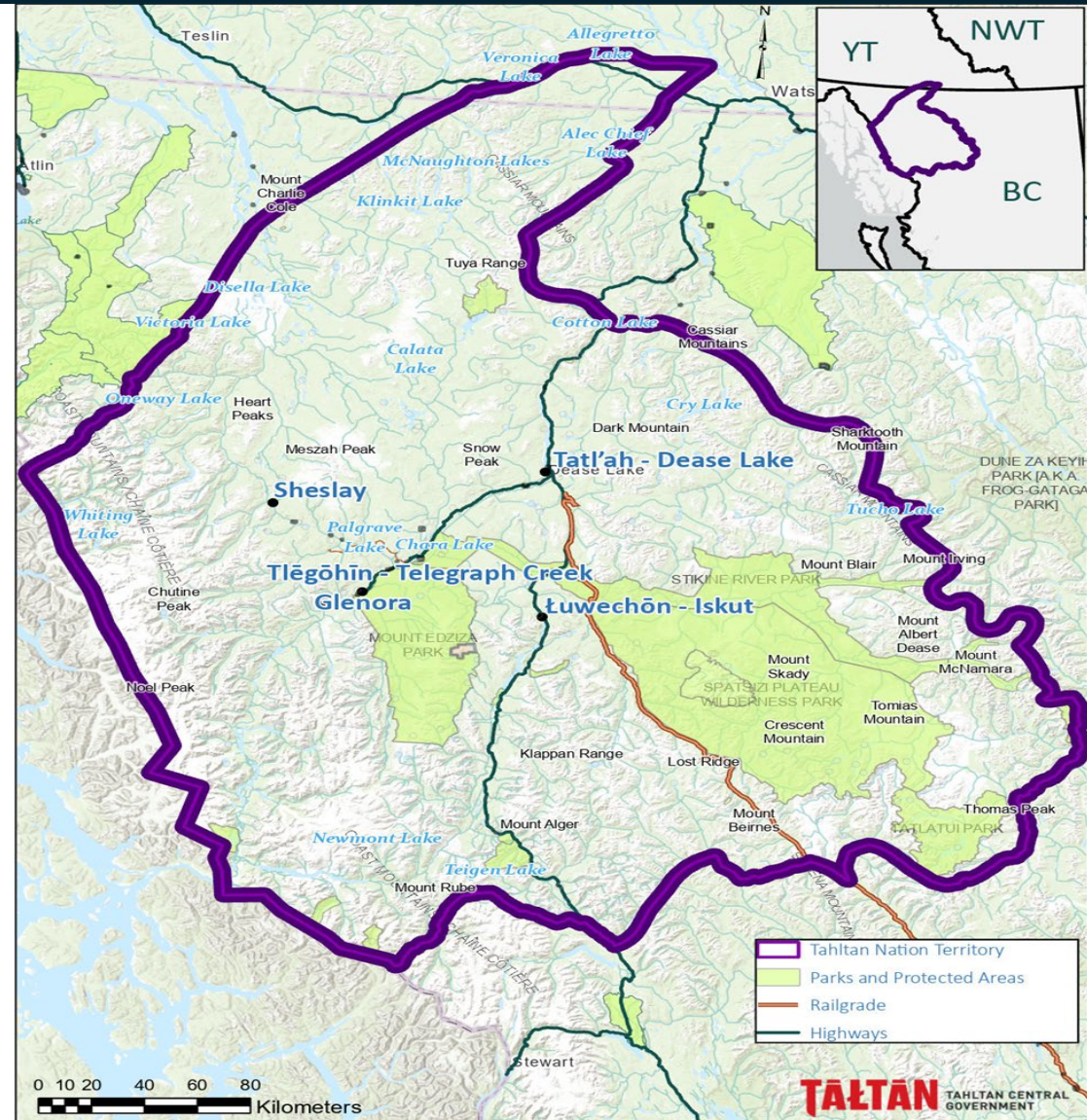
Tahltan Trails: The Journey From Consultation To Consent



The Tahltan Nation

Tahltan Territory Overview

- ❖ Roughly 11% of British Columbia.
- ❖ Comparable to the size of the country of Portugal.
- ❖ Local communities are Dease lake, Iskut and Telegraph Creek.
- ❖ Governed by the TCG, Tahltan Band, Iskut Band.
- ❖ Home of the “Golden Triangle” – mineral region in Northern British Columbia.
- ❖ Has a long and complex history of mineral exploration and mining activities.



Tahltan's Past Decision-Making Experience

Setting the Stage

- ❖ Tahltan's relationship with Federal and Provincial regulators has been shaped by decades of interaction (positive and negative).
- ❖ Under pre-2018 environmental assessment processes, Tahltan's participation was mainly limited, to:
 - ❖ Technical Advisory Committees (TAC)
 - ❖ Raising concerns and interests on project effects
 - ❖ Providing input on project conditions
- ❖ Tahltan could raise concerns about project effects and impacts on rights and title, yet the Crowns focus was on showing how it had "considered" these concerns and interests.



Tahltan's Past Decision-Making Experience

What This Meant for Tahltan?

- ❖ This system restricted Tahltan to comment on technical issues and potential effects on Tahltan Values and way of life.
- ❖ Federal and Provincial governments retained control over effects outcomes and legal conditions.
- ❖ Decisions about Tahltan's lands, waters and communities were ultimately made without Tahltan authority or consent, reinforcing a pattern where Tahltan Knowledge and priorities were acknowledged but not acted upon.



The First Turning Point

Modernizing Environmental Assessment

- ❖ In 2018, BC introduced a new *Environmental Assessment Act*, that enabled initial opportunities with the coming *Declaration on the Rights of Indigenous Peoples Act* (DRIPA).
- ❖ This created space for a fundamentally different relationship – one built on consensus-seeking, dispute resolution, indigenous-led assessments, and consent-based decision-making under Section 7 of DRIPA.



A New Foundation For Tahltan Authority

DRIPA: Section 7

- ❖ On June 6, 2022, and November 1, 2023, TCG and the Province of BC entered into the first and second Section 7 Consent-Based Decision-Making Agreements under the *Declaration Act*.
- ❖ This marked a shift from being consulted and seeking-consensus to being recognized as a decision-maker whose consent was required.



A New Foundation For Tahltan Authority

The Opportunities

Independent Assessment

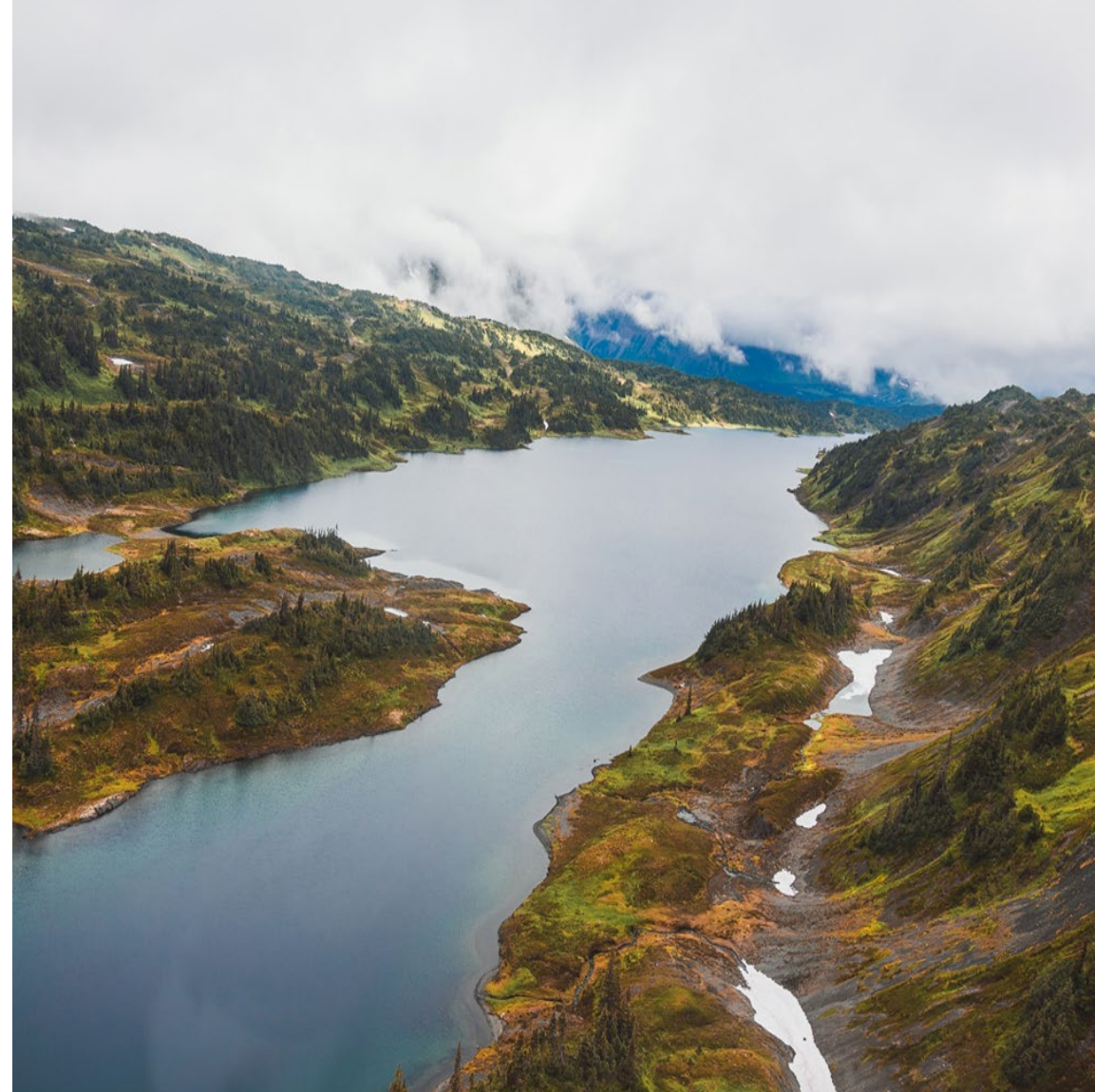
- ❖ Ability for Tahltan to determine project effects outcomes separate from Province of BC.

Tahltan Conditions

- ❖ Ability to establish and jointly administer Tahltan-specific conditions.

Independent Decisions

- ❖ Either TCG or EAO could reject the project with the other approving it; however, required Tahltan consent to build the project.



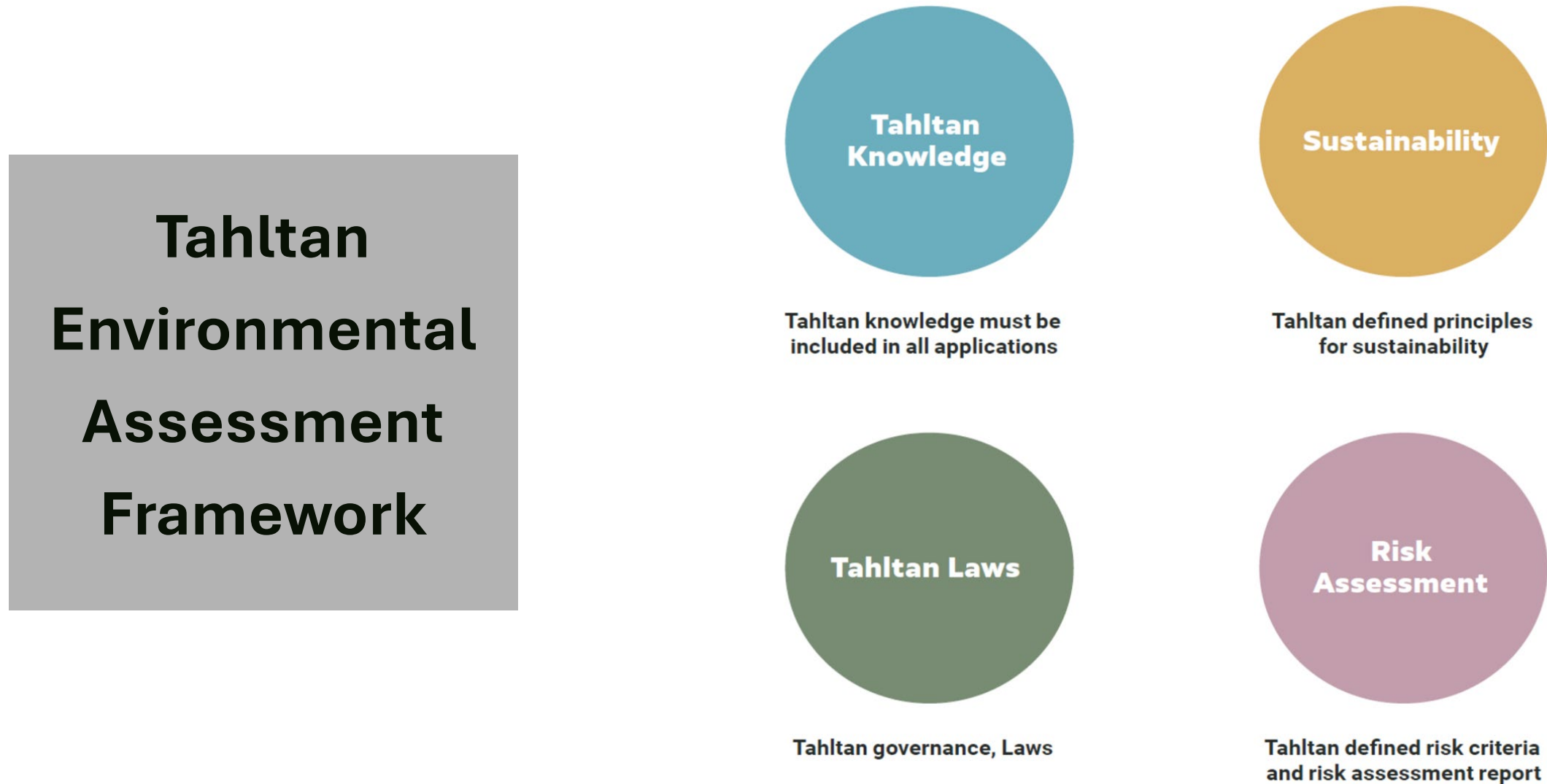
The Tahltan Risk Assessment

A Different Way of Seeing a Project

- ❖ For Eskay Creek, Tahltan utilized these new opportunities to lead their own assessment grounded in the Tahltan worldview, values, and decision-making principles through the Tahltan Risk Assessment.
- ❖ This assessment supported the necessary outcomes to develop the foundation conditions that now guide the project and sit within the various regulatory authorizations and agreements (EA Certificate, Permits, and IBA).



Tahltan EA Framework – Importance of Tahltan Stewardship



Foundational Documents

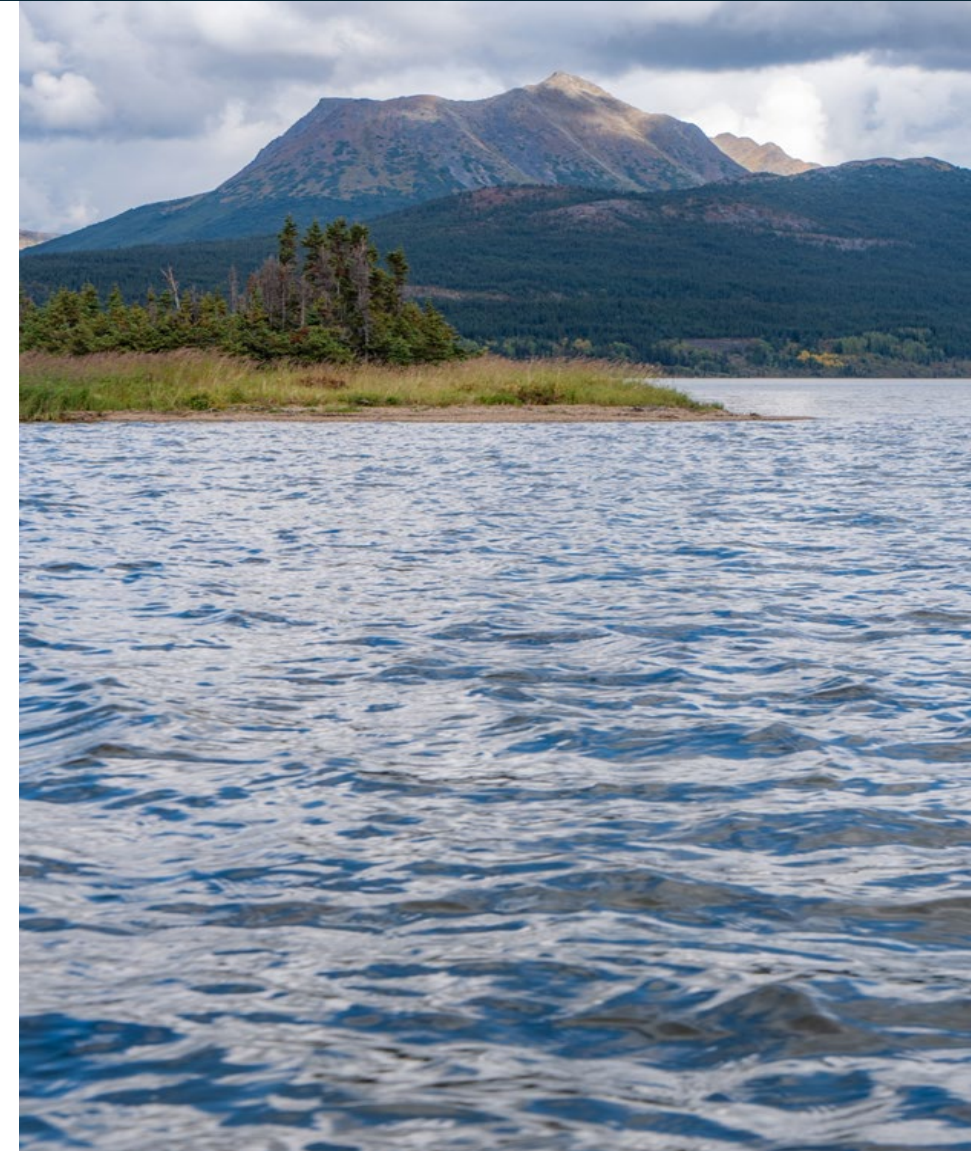
Foundational Documents Supporting the Tahltan Risk Assessment Process:

1910 Declaration

- ❖ Establishes Tahltan sovereignty over Tahltan Territory.
- ❖ Signed on October 18, 1910, by 83 Tahltan members, including Nanok (Chief of the Tahltans), Nastulta (Little Jackson), and George Assadza Kenetl (Big Jackson).

1987 Tahltan Resource Development Policy

- ❖ Establishes that all development must align with Tahltan principles to protect rights and ensure a sustainable way of life.
- ❖ Confirms Tahltan Nation is not opposed to economic opportunity or resource development.



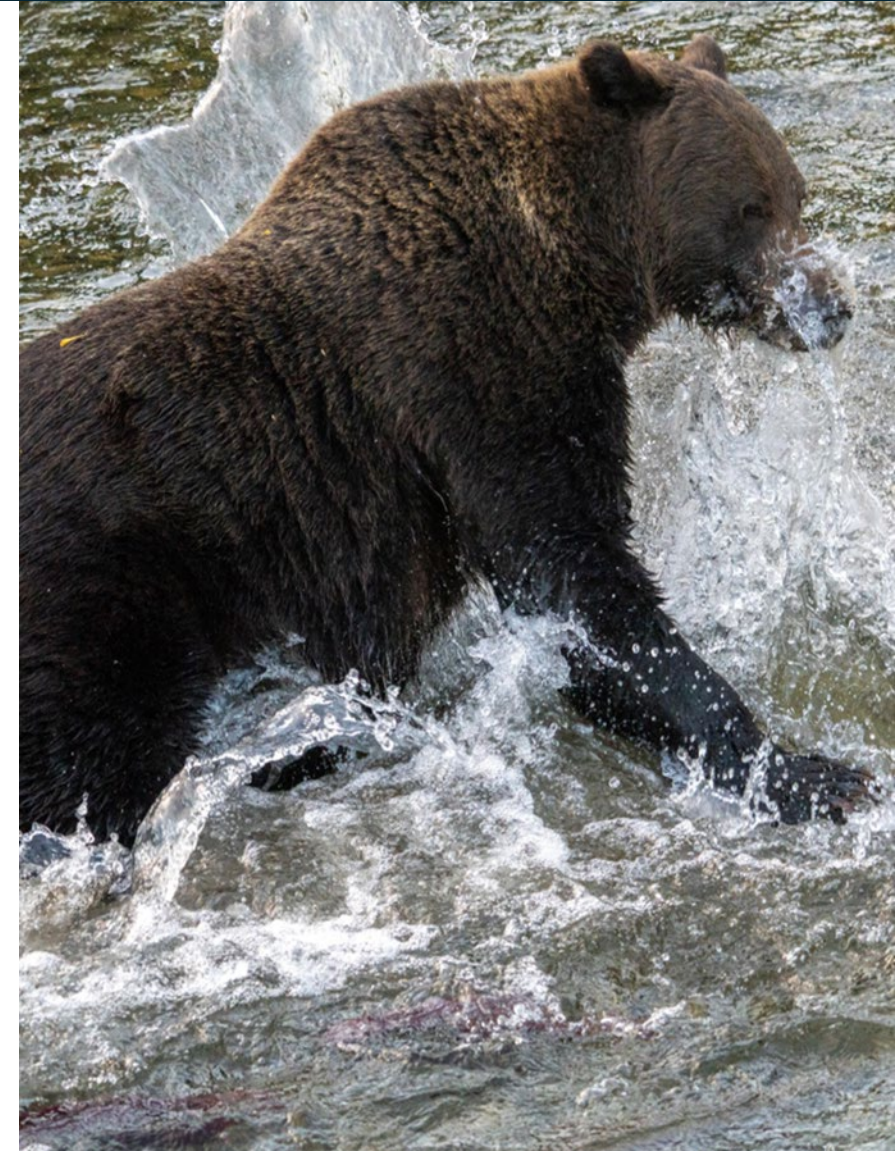
Foundational Documents

Out of Respect – The Tahltan, Mining, and the Seven Questions to Sustainability (2003)

- ❖ Provides direction on Tahltan requirements for engagement, people, environment, economy, and other factors.
- ❖ Applies across the full life cycle of projects, from exploration through closure.
- ❖ Continues to guide today's Impact Assessment Policy and Tahltan Assessment Strategy.

Tahltan Impact Assessment Policy (2022)

- ❖ Approved by the Tahltan Central Government Board of Directors in November 2022.
- ❖ Clarifies:
 - Types and application of Tahltan Knowledge.
 - Tahltan assessment requirements.
 - Agreements supporting impact assessments.
 - Member engagement processes.
 - Roles, responsibilities, and decision-making.
- ❖ First of its kind for the Nation; designed to evolve as Tahltan leads more consent-based regulatory and environmental assessments.



Tahltan Risk Assessment

Methodology

A TAHLTAN RISK ASSESSMENT IS INITIATED

A project is proposed within Tahltan Territory and a Tahltan Risk Assessment is initiated

STEP 1

What is the condition of Tahltan lands, culture, and communities?

Identify Scales of Assessment

Identify Tahltan Values and connections between them

Identify Areas of Interest and describe



STEP 2

What are the expected project effects on Tahltan lands, culture, and communities?

Identify expected project effects



STEP 3

How severe could the effects from the project be?

Assess how severe the project effects could be



STEP 4

What are the overall project effects to Tahltan lands, culture, and communities?

Initial determination of the overall significance of project effects



STEP 5

Are further mitigation measures or terms and conditions needed for the project to address project effects?

Identify any further mitigation, terms and conditions



STEP 6

Conclusion

Final determination of the overall significance of potential effects from the project



Importance of Membership Engagement

Engagement on Tahltan Assessment of Eskay Creek Environmental Assessment Process

From September 1st, 2022 – December 17th, 2025:

- ❖ Over 90 engagement and information opportunities.

Tahltan Risk Assessment information opportunities include:

- ❖ Materials available for public comment
- ❖ In-person community and virtual sessions
- ❖ Tahltan Elders Council Sessions
- ❖ Sharing of the membership feedback packages



Results of Engagement with Tahltan Members

Membership Engagement Outcomes

- ❖ Engagement activities supported values scoping, document review, verification of findings, and opportunities for members to ask questions and express perspectives on the positive aspects, negative aspects, uncertainties, and risks associated with the Project.
- ❖ Members also provided input and recommendations that contributed to the development and refinement of potential Tahltan conditions to address Tahltan interests, concerns and potential effects from the Project.



Anchoring Tahltan Priorities

Impacts on Tahltan Communities & Way of Life

- ❖ Mining is part of a 25 – 50 year pattern of cumulative impacts on:
 - ❖ Shrinking communities;
 - ❖ Declining services;
 - ❖ Reduced infrastructure;
 - ❖ Pressures on families; and
 - ❖ Impacts on health of lands & waters and Tahltan way of life.
- ❖ The Tahltan Risk Assessment recognized and reaffirmed these realities and developed conditions to respond directly to them.



Tahltan Conditions

Tahltan Priorities

To address potential effects to Tahltan, the following conditions were developed and approved to protect what matters most to Tahltan:

- ❖ Tahltan Satisfaction and Work With
- ❖ Tahltan Sustainability Reporting
- ❖ Tahltan Water Field Verification Program
- ❖ Tahltan Reclamation and Effective Closure/Future Generations Plan
- ❖ Tahltan Food Sovereignty Plan
- ❖ Tahltan Way of Life Plan
- ❖ Tahltan Sociocultural Measures Plan
- ❖ Tahltan Regional Cumulative Effects Initiatives

They form the backbone of how the Project must operate.



Tahltan Conditions

Challenges & Strengths of Condition Development

Challenges for developing conditions related to this being the first Section 7 decision-making agreement in the province.

- ❖ EAO, IAAC, and provincial agencies were not used to having Tahltan as a co-regulator on the project, and this resulted in more front-end planning and time dedicated to collaborate and finding solutions.
- ❖ It was a challenge to Tahltan that there was only the one consent decision, so crafting conditions required additional time to work through current and future expected outcomes.
- ❖ Ensuring there was full understanding with Tahltan members and comfort from leadership was also essential.



Section 7 Decision Outcome

The Eskay Creek Mine Decision

- ❖ In January 2026, the Tahltan Leadership met and reviewed both the TRA and EAO Assessment outcomes.
- ❖ During this time, the Tahltan Central Government Board of Directors issued a Tahltan Notice of Decision with terms and conditions. The Notice with the TRA was provided to the CEO as part of the referral package to Ministers.
- ❖ On January 27th, the project received an environmental assessment certificate from the Provincial BC Ministers.



Lessons Learned

Experiences with the First Tahltan Consent Decision

- ❖ Having a proponent accepting and endorsing: Consent, Tahltan's EA Framework, Tahltan Assessment Requirements and knowledge weaving was foundational to success.
- ❖ Having the project more fully designed during earlier stages will help to reduce uncertainties and timeline delays later in the process.
- ❖ Ensuring all ancillary processes and agreements are finalized prior to the consent decision can reduce delays and stress on the process.



Lessons Learned

Experiences with the First Tahltan Consent Decision

- ❖ The EAO and Major Mines Office being open to a different worldview for decision-making with Tahltan as co-regulators was vital for supporting successful issue resolution.
- ❖ Maintaining informed engagement throughout the entire process. Other priorities apply pressure on communities and members.
- ❖ Building in multiple opportunities to pre-brief leadership as the process moves closer towards a consent decision.



What Does the Future Hold

Would Tahltan do this again?

- ❖ The Declaration Act Agreement enabled TCG and Tahltan to be involved as a co-regulator throughout the process.
- ❖ Even with today's EA Act, the discussions would have been much more limited during the Effects Assessment Stage of the EA.
- ❖ The Tahltan Risk Assessment enabled moving from concept to application with Tahltan-specific ways of reducing effects and supporting positive legacies from a major project.
- ❖ Consent process provided the opportunity to successfully showcase how provincial decision-making and Tahltan decision-making could be successful through the DRIPA.



Key Take Aways

Recommendations

- ❖ Spend the time to develop process (policies, foundational documents, engagement strategy, and appropriate timelines).
- ❖ Work to establish positive relationships between regulators and proponents and focus on structures to support collaborative outcomes.
- ❖ Build in contingencies to your process.
- ❖ Do not underestimate the importance of good engagement (respecting cultural practices, fatigue, and not making people feel pressured).
- ❖ Capacity, capacity, and capacity (Staff up to leadership).
- ❖ Remembering it's a marathon not a sprint. Building relationships and trust takes time, patience, understanding and a willingness to change.



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