26. Assessment of Effects on Asserted or Established Aboriginal Rights and Interests

26.1 INTRODUCTION

This chapter of the Environmental Assessment Certificate / Environmental Impact Statement (Application/EIS) describes the potential adverse effects on asserted or established Aboriginal rights and interests arising from the Project during the Construction, Operation, Closure, and Post-Closure phases. The assessment identifies measures to mitigate or accommodate for these effects. The chapter also provides a summary of past and planned consultation activities undertaken by the Proponent with Aboriginal groups. Other chapters of the Application/EIS have informed the assessment and are cross-referenced where applicable.

Aboriginal groups considered in the assessment include the Skii km Lax Ha and Tahltan Nation (represented by the Tahltan Central Council), as identified in the BC Environmental Assessment Office (EAO) Section 11 Order. In addition to these groups, the Environmental Impact Statement (EIS) Guidelines issued by the Canadian Environmental Assessment Agency (the CEA Agency) require the inclusion of the Métis (represented by Métis Nation BC).

In the *Haida* (2004a), *Taku River* (2004b), and *Mikisew Cree* (2005) decisions, the Supreme Court of Canada (SCC) held that the Crown has a duty to consult and, where appropriate, accommodate when the Crown contemplates conduct that might adversely impact potential or established Aboriginal or Treaty rights. This duty has been applied to an array of Crown actions (and decisions) and in relation to a variety of potential (asserted) or established Aboriginal or Treaty rights (AANDC 2011). Procedural aspects of the duty to consult can be delegated from the Crown to another party. The Provincial Crown has formally delegated this duty to consult with First Nations to Pretivm vis à vis the Section 11 Order.

The BC EAO (2013) guidance document, *Guide to Involving Proponents when Consulting First Nations in the Environmental Assessment Process* was used to inform this chapter.

26.1.1 Background on Aboriginal Rights, Title, and Treaty Rights

Aboriginal rights refer to practices, traditions, and customs that are unique to and distinguish each First Nation's culture. These practices, traditions, and customs were practiced prior to European contact and are held communally. Examples of rights include the right to fish, hunt, and trap on traditional lands, including the right to subsist on these resources, and may include cultural practices (*R. vs. Van der Peet* (1996)). Aboriginal rights are grounded in the recognition of the long-term use and occupancy of the land by Aboriginal peoples who were resident in Canada prior to European arrival and flow to descendants on this basis. Canada has recognized and affirmed Aboriginal rights under Section 35(1) of the *Constitution Act* (1982).

The test for Aboriginal rights recognized and affirmed in Section 35(1) of the *Constitution Act* (1982) was set out by the SCC in *R. v. Van der Peet* (1996). In order to be an Aboriginal right an activity must be "an element of a practice, custom or tradition integral to the distinctive culture" of the Aboriginal group claiming the right. Further, the practice, custom or tradition must have existed prior to contact with Europeans. Claims to Aboriginal rights must be characterized in context, on a specific rather than a general basis and must be founded upon an actual practice, custom or tradition of the particular group claiming the right.

Aboriginal title is a sub-set of Aboriginal rights and refers to an Aboriginal right to the exclusive use and occupation of land. Aboriginal title, as currently defined by the courts, is a right to the land itself and is broader than the activities a group may have traditionally carried out on the land. In other words, Aboriginal title is not limited to resources and traditional practices such as fishing, hunting, and gathering. First Nations in British Columbia (BC) frequently assert title in discussions about traditional territory and the right to the land. The issue of title is the subject of discussion between the Provincial and Federal Crowns and the First Nations; no procedural aspects of consultation related to Aboriginal title have been delegated to the Proponent. Therefore, an assessment of the potential effects of the Project on Aboriginal Title is not included in this report.

Treaty rights are rights defined by the terms of a historic treaty or rights set out in a modern land claims agreement (e.g., the *Nisga'a Final Agreement*; NFA). Examples of treaty rights include reserve lands, annual payments, and certain rights to hunt and fish. Treaties may also establish certain limitations on rights contained in a treaty (e.g., harvesting rights may be limited). The NFA, signed by the Government of BC, the Government of Canada and Nisga'a Lisims Government (NLG), came into effect on May 11, 2000 and requires BC and Canada, in undertaking the environmental assessment (EA) of the Project, to comply with Chapter 10 of the NFA. Potential adverse effects of the Project on Nisga'a Nation's interests and treaty rights are assessed in Chapter 27.

In *R. v. Powley* (2003), the Supreme Court of Canada (SCC) confirmed that Métis are a rights-bearing Aboriginal people under Section 35 of the *Constitution Act* (1982). The components of a Métis definition for the purposes of claiming Aboriginal rights include the self-identification as a member of a Métis community; the ancestral connection to the historic Métis community whose practices ground the right in question; and the acceptance by the modern community with continuity to the historic Métis community (SCC 2003). Rather than "the pre-contact test" for the emergence of rights-bearing communities demanded of Aboriginal peoples in the earlier *Van der Peet* (1996) decision, which specifically excluded Métis, *Powley* acknowledges that "Métis cultures by definition postdate European contact" (para. 16). The *Powley* decision looks to "the post-contact ethnogenesis of the Métis" (para. 36) and emphasizes that "the focus should be on the period after a particular Métis community arose and before it came under the effective control of European laws and customs" (para. 37). The year upon which "effective control of European laws and customs" is established, according to Teillet (2006) will be different across the country.

Skii km Lax Ha is a relatively small aboriginal rights-bearing community with distinctive Tsetsaut ancestry. As a result of the vagaries of Northwest Coast history, Skii km Lax Ha possesses a relatively large traditional territory, which is surrounded by the asserted traditional territories and treaty areas of more populous groups, including the Gitxsan, Gitanyow, Tahltan, and Nisga'a.

Aside from the potential adverse effects of any project on Skii km Lax Ha's aboriginal rights, Skii km Lax Ha believes that the Environmental Assessment (EA) process itself has become a source of adverse effects on its rights, in that it has created a context for the Province to diminish Skii km Lax Ha's territory while enlarging the territories of its neighbours, and undermining its right to self-identify as Tsetsaut. Skii km Lax Ha believes that the impacts of these decisions include loss of administrative control over lands and resources and loss of economic opportunities.

Skii km Lax Ha believes that the Province has never made attempts to reconcile its aboriginal rights and title interests with the Province's, as it routinely does with larger more populous entities. Its dealings with the Crown are confined to those that occur within environmental assessments.

Skii km Lax Ha feels that the Province of BC has dealt unfairly with its aboriginal rights and title interests through the EA process, beginning with the Northwest Transmission Line EA project review in 2009. Under the Section 11 Order for that project, Skii km Lax Ha was simply referred to as *The Skii km Lax Ha*, and as another First Nation among others (Section 11 Order issued 12 November 2007 for the Northwest Transmission Line Project. See definitions, pp. 4).

However, the Province subsequently issued a Section 13 Order dealing with the Skii km Lax Ha alone, altering the text of the original order to refer to Skii km Lax Ha as a *wilp* (house) of the Gitxsan (Order under Section 13 Amending Section 11 Order, 2 September 2009). The Province has generally referred to the Skii km Lax Ha as a *wilp* of the Gitxsan ever since, despite Skii km Lax Ha's repeated objections. Skii km Lax Ha believes that the Province's treatment of their rights and identity through the regulatory EA process violates the UN Declaration on the Rights of Indigenous Peoples (Article 33, which recognizes "the right of Indigenous Peoples to determine their own identity or membership in accordance with their customs and traditions"). In addition, Skii km Lax Ha points to the results of a recent lower court ruling, which noted that the Gitxsan Treaty Society has not fairly represented Skii km Lax Ha's interests (24 June 2013. *R. v Simpson and Simpson*, Reasons for Judgment (26), p. 10)

Skii km Lax Ha's asserted traditional territory (see Figure 26.6-1) was first registered with the then-Integrated Land Management Bureau in 2008, shortly after Darlene Simpson received the name and associated territorial responsibilities as Skii km Lax Ha. Skii km Lax Ha based these boundaries on oral history, traditional and current use and knowledge, and archival research.

Concurrent with the issuing of the Section 13 Order that described Skii km Lax Ha Nation as a *wilp* of the Gitxsan, the Province issued a new and much smaller territorial boundaries map, which forms the basis for its consultation today. Skii km Lax Ha Nation believes that although these acts of the Province are made possible by the EA process, the EA process does not establish a venue for Skii km Lax Ha to question their basis.

26.1.2 Location of the Project in relation to Aboriginal Traditional Territories

The proposed Project is located within the asserted traditional territory of the Skii km Lax Ha and in the vicinity of the asserted traditional territory of the Tahltan Nation. The traditional territories of the Skii km Lax Ha and Tahltan Nation are described below and the amount of overlap between the traditional territories with the Project area is provided in Table 26.1-1.

Table 26.1-1. Percentage of Overlap of Skii km Lax Ha and Tahltan Asserted Traditional Territories with Proposed Project Footprint

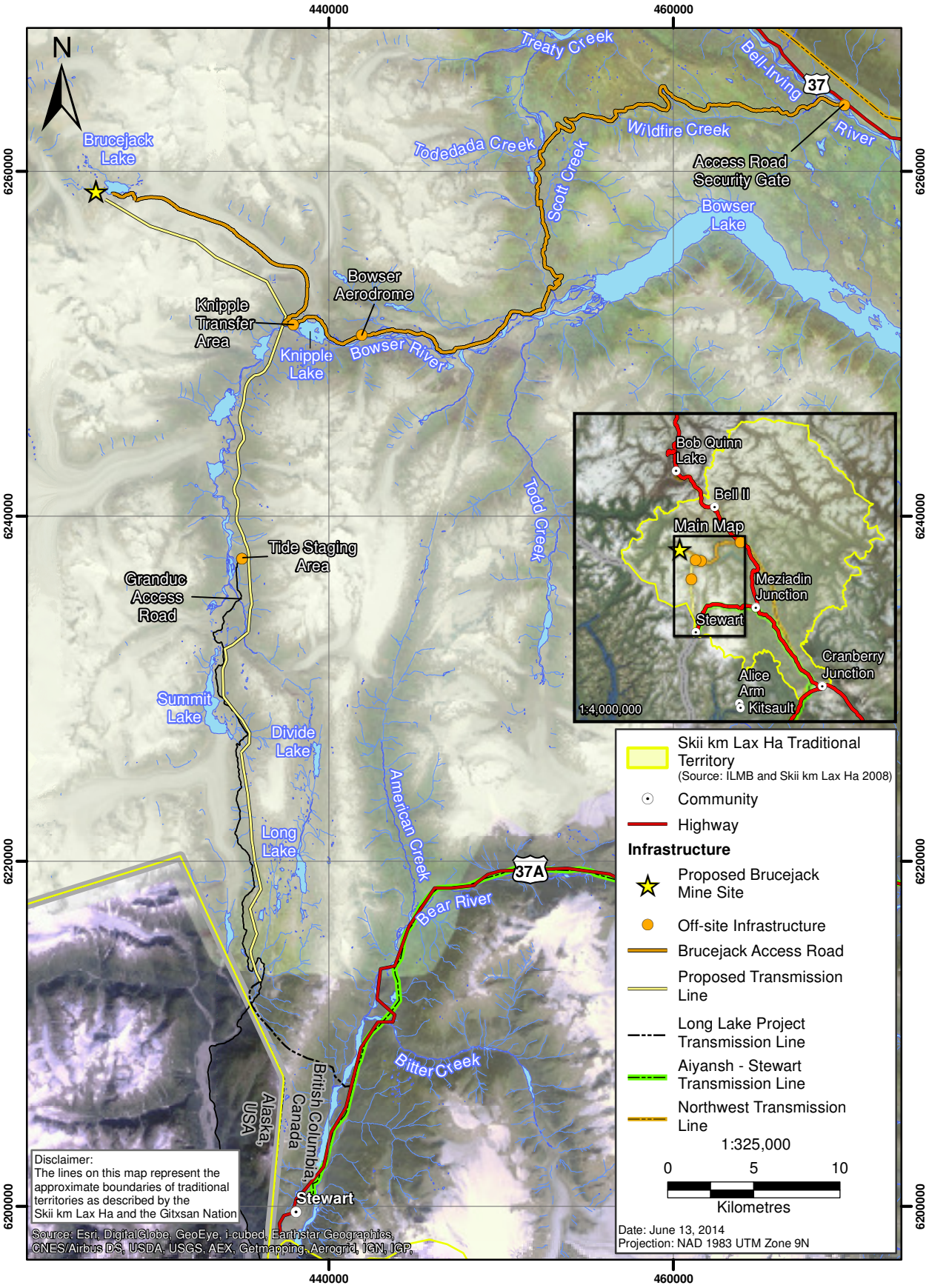
Aboriginal Group	Area of Traditional Territory (ha)	Project Area Overlap with Traditional Territory (ha)	% of Project Footprint Overlap with Traditional Territory	% Overlap of the Traditional Territory with the Project Footprint
Tahltan Nation	9,481,707	30	3.6	0.00032
Skii km Lax Ha	1,976,285	844	100.0	0.04271

26.1.2.1 Skii km Lax Ha

The Skii km Lax Ha asserted traditional territory encompasses approximately 19,800 km^2 (Figure 26.1-1). The traditional territory extends from the north side of the Cranberry River to Ningunsaw Pass, encompassing large portions of the Nass and Bell-Irving river basins. Much of the Skii km lax Ha territory lies on the eastern side of the Bell-Irving River. All Project components fall within the traditional territory and have the potential to impact Skii km Lax Ha rights and interests.

Figure 26.1-1

Skii km Lax Ha Traditional Territory, Brucejack Gold Mine Project



26.1.2.2 Tahltan Nation

Tahltan asserted traditional territory encompasses approximately 93,500 km^2 (Figure 26.1-2). The southern boundary of the territory follows the Unuk River north-east from the Canada-United States border, past Eskay Creek, and into the upper watershed near Unuk Lake. At that point the boundary bends southeastward and cuts across the upper drainage basin of South Teigen Creek. The boundary then follows Treaty Creek down into the Bell-Irving Valley, reaching its southernmost point near the confluence of McInnes Creek and the Bell-Irving River. The easternmost 9km of the Brucejack Access Road falls within this traditional territory. Neither the Brucejack Mine Site, nor the proposed Brucejack Transmission Line occur within Tahltan traditional territory.

26.2 ABORIGINAL SETTING

This section provides an overview of the Skii km Lax Ha, Tahltan and Métis social, cultural and economic context and current use of lands and resources for traditional purposes. The information in this section is taken from Chapter 19 (Assessment of Potential Economic Effects), Chapter 20 (Assessment of Potential Social Effects), and Chapter 25 (Assessment of Potential Effects to Current Use of Lands and Resources for Traditional Purposes) and baseline study reports included in various chapter appendices, in particular the Ethnographic Overview Report (Appendix 25-A).

26.2.1 Skii km Lax Ha

26.2.1.1 Social Setting

The Skii km Lax Ha population is comprised of approximately 30 people, residing in Hazelton or New Hazelton (D. Simpson, pers. comm., 2013). Most Skii km Lax Ha members are either of school age or retired. Currently several working-age members are actively engaged in mine exploration and mining related environmental assessment in a variety of supply and service roles.

The Skii km Lax Ha do not have any Indian reserves. They have a *wilp* system similar to the Gitxsan and Gitanyow Nation. The use of *wilp* territory is controlled by the Skii km Lax Ha hereditary chief (Appendix 25-B, Skii km Lax Ha Traditional Knowledge / Traditional Use Report). In the Section 11 Order, they are considered a *wilp* of the Gitxsan Nation by the BC EAO.

The Skii km Lax Ha are not currently recognized by the Government of Canada as a distinct "band" as defined by the *Indian Act* (1985). In the EIS Guidelines issued by the CEA Agency, they are identified as "Skii km Lax Ha First Nation." The Skii km Lax Ha continue to advance their claim to nationhood with both the federal and provincial governments.

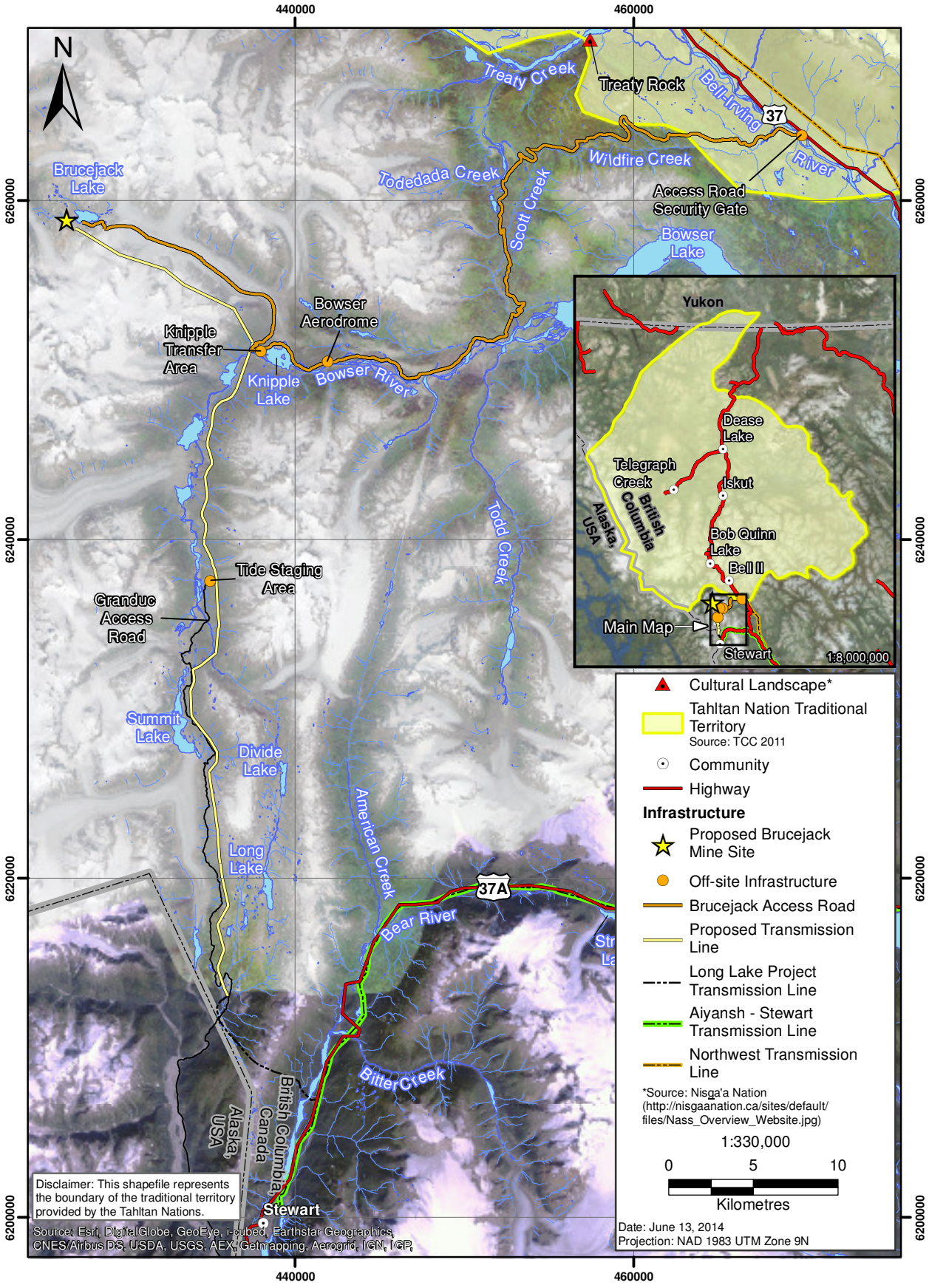
26.2.1.2 Economic Setting

A Skii km Lax Ha company, Tsetsaut Ventures Ltd., provides contract employment opportunities for Skii km Lax Ha, Gitxsan and other Hazelton-area residents. The company supports mineral exploration through building core boxes, providing general labourers, skilled staff and equipment with equipment operators for exploration activities associated with the KSM and Brucejack mine projects.

In July 2012, Tsetsaut Ventures Ltd. and Gitxsan Development Corporation signed a Cooperation Agreement to enable the employment of 25 Gitxsan and Skii km Lax Ha on the construction of the Northwest Transmission Line Project (GDC 2012). Work by the Gitxsan and Skii km Lax Ha included transmission line clearing and environmental monitoring.

Figure 26.1-2

Tahltan Nation Traditional Territory, Brucejack Gold Mine Project



There are no publically reported income and earnings statistics available for Skii km Lax Ha[1] as they are not a Statistics Canada census community.

26.2.1.3 Health Setting

Information on health conditions, issues and trends specific to the Skii km Lax Ha is not available because they are not a Statistics Canada census or service community.

26.2.1.4 Cultural Heritage

The Skii km Lax Ha are descended from the Raven clan of the Eastern Tsetsaut ethnolinguistic group. The Skii km Lax Ha have indicated that previous generations spoke the Tsetsaut language, also known as *Wetalh*, a dialect of the Athapaskan language family (FPHLCC n.d.). The language is no longer spoken and is likely extinct. Currently, English is the predominant language used by the Skii km Lax Ha, though some members can still speak the Gitxsan language (D. Simpson, Pers. Comm., 2013).

The Skii km Lax Ha have identified three designated heritage sites as being important to them: Graveyard Point (Borden number HcTj-1), Awiijii (Borden numbers HdTk-1 and HdTk-2) and Bell I (Borden number HbTh-1).

26.2.1.5 Current Use of Lands and Resources for Traditional Purposes

The Skii km Lax Ha assert rights to hunt, fish, trap and harvest berries and other food and medicinal plants throughout their asserted traditional territory (see Chapter 25, Section 25.3.4.1 for additional detail on the assessment of current use of lands and resources for the Skii km Lax Ha).

Fish species harvested by the Skii km Lax Ha include Pacific salmon *sp.*, steelhead, Rainbow trout, and Dolly Varden (see Chapter 25, Table 25.3-1). The Skii km Lax Ha typically consume Chinook and sockeye salmon two to three times per week throughout the year. The meat, head, and bones of the salmon are all consumed (Appendix 21-A, Brucejack Gold Mine Project: Country Foods Baseline Assessment). Rainbow trout are consumed two to three times per month, while Dolly Varden and steelhead are consumed less frequently; only the meat of these fish is consumed. Oolichan is utilized for its grease, and is consumed two to three times per week with dried meat (Appendix 21-A). Fishing areas identified by the Skii km Lax Ha in the regional vicinity of the Project include areas along the Bell-Irving River between Treaty and Wildfire Creeks as well as Todedada Lake and Gilbert Lake (Figure 25.3-2).

The Skii km La Ha hunt for moose, grizzly and black bear, mountain goat, and birds (ptarmigan, grouse and Canada geese; see Chapter 25, Table 25.3-2). Moose is the most important wildlife species for the Skii km Lax Ha, and it is consumed two or three times per week throughout the year. All parts of the moose are used, and the meat and internal organs are frozen for future consumption (Appendix 21-A). Black bear is consumed fresh in the spring, and processed into sausage for consumption in the fall and winter. Ducks are consumed approximately two or three times per month, while grouse, ptarmigan, and Canada geese are consumed infrequently, less than once per month (Appendix 21-A). Hunting areas identified by the Skii km Lax Ha in the vicinity of the Project include the north side of Mount Anderson on Bowser Lake, and the Scott Creek and Todedada Creek valleys (Figure 25.3-3).

[1] Income and earning statistics for the Skii km Lax Ha would be included in statistics for communities where they reside, such as Hazelton.

The Skii km Lax Ha trap marten, beaver, wolf, marmot and wolverine. They hold three registered traplines (TR 0616 T011, TR 0617 T015, and TR 0617 T013). TR 0616 T011 overlaps the eastern half of the Brucejack Access Road. The Skii km Lax Ha have not used their traplines since 2009, but anticipate using them in the future (Appendix 25-B, Skii km Lax Ha Traditional Knowledge/Traditional Use Report, Figure 4.3-1b).

The Skii km Lax Ha harvest berries (huckleberries, blueberries, cranberries, and soapberries), mushrooms, and medicinal plants such as Devil's club (Chapter 25, Table 25.3-3). Soapberries are consumed daily. Blueberries are consumed two to three times per week, and are consumed during feasts. Bog cranberries are consumed occasionally (less than once per week). As for other plants, Devil's club is intensively utilized in the springtime, as much as four to five times per week (Appendix 21-A). The inner bark of Devil's club is steeped in boiling water and drunk as tea for medicinal purposes. Plant gathering areas in the vicinity of the Project identified by the Skii km Lax Ha include the upper Bowser River, and the north side of Bowser Lake (Figure 25.3-4, Appendix 25-B).

The Skii km Lax Ha historically had cabins at Gilbert Lake, Todedada Lake, the confluence of Treaty Creek and North Treaty Creek, Summit Lake along the Salmon River, the Jeannette Creek and upper Bowser River confluence, and the Todd Creek and upper Bowser River confluence. Currently used cabins are located at Skowill Creek, Bell Creek, and the outlet of Bowser Lake. The Skii km Lax Ha use trails and travel corridors in the Salmon River valley (portions of which most likely are now covered by the Granduc Access Road), along Wildfire Creek and Wildfire Ridge, and along Scott Creek overland to Treaty Creek (Figure 25.3-5).

26.2.2 Tahltan Nation

26.2.2.1 Social Setting

Population and Communities

The Tahltan Nation includes the Iskut First Nation and the Tahltan Band. The Iskut First Nation has three Indian reserves totalling 107.9 ha (BC MARR 2011). Iskut members primarily live on Iskut No. I6, on Highway 37, which is approximately 83 km south of Dease Lake. Iskut's other reserves include Kluachon Lake No. 1 and Stikine River No. 7, which are not populated. The Tahltan Band has 12 reserves totalling 1,338.5 ha. Tahltan Band members reside on Telegraph Creek No. 6 and Guhthe Tah No. 12 near Telegraph Creek, and Dease Lake No. 9, 4 km north of Dease Lake. Telegraph Creek is 108 km southwest of Dease Lake.

As of 2012, the Tahltan Nation has a population of 2,600 people (TCC 2012). As of April 2014, the Tahltan Band has a registered population of 1,837 and an off-reserve population of 1,491 (81%; AANDC 2014).

Social Organization and Governance

Tahltan social organization is kinship-based, characterized by matrilineal descent and divided into two moieties: the Raven and the Wolf (Albright 1984). Each moiety consists of three clans named after the geographical areas based on hunting areas (B. B. MacLachlan 1981).

The Tahltan Band are governed by a Chief and five Councillors elected for two-year terms under the *Indian Act* electoral system (AANDC 2014). The Tahltan Central Council (TCC) represents the Tahltan Band and Iskut First Nation. It is governed by an Executive Committee and a Board of Directors comprised of family representatives. An Elders Advisory Council also provides guidance.

On March 14, 2013, the Tahltan Nation and BC signed a government-to-government agreement that establishes a collaborative framework for ongoing land and resource decision-making in Tahltan traditional territory (MARR n.d.).

Housing and Community Infrastructure

According to the 2011 Census, there were 17 private dwellings on Dease Lake No. 9, 82 on Iskut No. 6, and 70 on Telegraph Creek No. 6 and Guhthe Tah No. 12.[2] Over half of the housing stock on Tahltan reserves is relatively new (post 1986); however, the proportion of houses needing major repairs is above the provincial average. Overcrowding in Tahltan communities is also an issue, and in some cases, it is almost double the provincial rate of 2.5 persons per household (Statistics Canada 2007b; see Appendix 19-A, Brucejack Gold Mine Project: Socio-economic Baseline Report).

Electricity for Telegraph Creek and Iskut is provided by diesel generators. Dease Lake is supplied by a small hydro plant at Hluey Lake. Community landfills are owned and operated by the Regional District of Kitimat-Stikine (RDKS). Sewage is disposed of through individual household septic systems. Telephone and satellite television services are available in the communities. In early 2012, high speed internet was made available in Telegraph Creek, Dease Lake and Iskut.

Education Facilities, Programs, and Post-secondary

The Tahltan Elementary-Secondary School at Telegraph Creek is part of Stikine School District (SD) 87 and provides K-12 education to about 40 students (K-12 Education by Numbers 2012). The school is run by the Tahltan Band with funding from AANDC. Some Iskut and Telegraph Creek high school students attend school in Dease Lake, Whitehorse, Smithers, Terrace, and Prince George (Rescan 2009a).

Further information on the Tahltan social setting is provided in the *Brucejack Gold Mine Project: Socio-Economic Baseline Study* (Appendix 19-A).

26.2.2.2 Economic Setting

Education, Skills Development, and Training

High school non-completion rates in the Tahltan communities are around 60 to 65%, almost three times higher than the provincial rate of 19.9%. The percentage of individuals with college and other non-university diplomas in the three Tahltan communities also fall below the provincial rate of 16.7% (Statistics Canada 2007b). According to the Tahltan 2007 Census, 4% of Tahltan members graduated from college or university, while 5% completed trades or apprenticeship training (GMG Consulting 2009).

Labour Force

The Tahltan are employed by the public and natural resource sectors. The primary employers are the two Band offices, and the TCC, followed by mining and mineral exploration (SNDS 2007; Statistics Canada 2007b). Public sector employment in the Stikine Region – which formerly included Dease Lake – represents 40% of local incomes; mining and construction represented 11% and 15% respectively (Horne 2009). The Tahltan have worked in several past producing mines including Eskay Creek, Cassiar, and Golden Bear.

[2] There was one dwelling on Telegraph Creek No. 6, 55 on Guhthe Tah No. 12, and 14 on Tahltan No. 1, but note that no population was reported on Tahltan No. 1 in 2011 (Statistics Canada 2012).

Tahltan Businesses and Capacity

The Tahltan Nation Development Corporation (TNDC), based on Dease Lake No. 9, was established in 1985 to ensure long-term economic and environmental sustainability within Tahltan communities and Tahltan participation in regional mining and related construction activities (Jepsen 2005). The TNDC has evolved into an important local and regional employer. It is involved in mining, road construction, hydroelectric power generation, and forestry, both independently and through a number of joint ventures with existing service providers (TNDC 2007). TNDC is engaged in a range of businesses including catering, custodial work, heavy construction, road development, and transportation (TNDC 2007; ATCO Group 2011).

Further information on the Tahltan economic setting is provided in *Brucejack Gold Mine Project: Socio-economic Baseline Study* (Appendix 19-A).

26.2.2.3 Health Setting

Health Services

Iskut and Telegraph Creek are located in the Telegraph Creek Local Health Area (LHA; No. 94), while Dease Lake is a part of the Stikine LHA (No. 87). Both LHAs are part of the Northwest Health Service Delivery Area with health services governed by the Northern Health Authority (NHA). First Nation residents are also covered by the federal government's First Nations, Inuit, and Aboriginal health program, which provides direct health care (and/or funding) on-reserve.

The Stikine Health Centre in Dease Lake is the primary health centre for the region. The Tahltan Band runs a health and nursing program for its members through the Tahltan Health and Social Services Authority (THSSA) based in Telegraph Creek. The THSSA operates under Health Canada's First Nations and Inuit Health Branch. The Telegraph Creek Nursing Station has a community health nurse, community health programming, National Native Alcohol and Drug Abuse Program (NNADAP), and home care support.

The Iskut Valley Health Services (IVHS) is the first "stand-alone" First Nations nursing station in Canada. It is responsible for all health and nursing services in the community. IVHS also provide first-response service for traffic accidents on Highway 37, as needed (HealthLinkBC 2011). The Iskut Nursing Station provides a range of community health services and emergency care; however, there is no capacity for overnight treatment or to handle more serious health issues. As with Telegraph Creek, patients are transported to the Stikine Health Centre in Dease Lake, Terrace, Smithers, Prince Rupert, or Vancouver, depending on the seriousness of the medical condition.

Social Services

Social services in Telegraph Creek and Dease Lake are delivered by the THSSA, which delivers the NNADAP, mental health and shelter services for women affected by domestic violence. They also organize patient travel, provide victim services and access to home and community care, and provide the Ku We Gahan justice program and access to a crisis line (Province of BC 2011). The Headstart program in Telegraph Creek, run by the THSSA, provides group childcare and pre-school (Healthspace n.d.).

In Iskut, social services are coordinated through Iskut Valley Health Services (IVHS) including pre-school and childcare programs such as Headstart.

Emergency Services

The Dease Lake RCMP detachment is responsible for policing in Dease Lake, Telegraph Creek, and Iskut. The detachment employs seven officers, including two stationed at Telegraph Creek. The Tahltan have also established community-policing positions.

Telegraph Creek has a volunteer fire department, which is equipped with a fire truck and vehicle extrication equipment. Fire services in Iskut are provided by the volunteer Dease Lake Fire Department, which has approximately 12 to 15 volunteer fire fighters, a pump truck, a water haul truck, portable pumps, and other equipment (C. Pitre, Pers. Comm., 2007).

Ambulance service for Tahltan communities is provided by the BC Ambulance service, based out of the Stikine Health Centre in Dease Lake.

Community Health Trends and Issues

As with many Aboriginal communities, diabetes is an issue of increasing concern for the Tahltan. IVHS provides counselling and nutrition education to diabetes patients, with regular community visits by a nutritionist (IVHS 2006). Sexually Transmitted Infections (STIs) have notably decreased in the past few years (with zero incidences in 2005/06). Suicide is a concern in the community, and the nursing staff report threats or attempts on a regular basis (IVHS 2006). Similarly, cause-of-death records for the Northwest Health Service Delivery Area (including Iskut) indicate significantly more incidences of "risky" behaviours (such as drug and alcohol abuse) among First Nations residents than their non-Aboriginal peers (Bridges and Robinson 2005).

Further information on the Tahltan health setting is provided in *Brucejack Gold Mine Project: Socio-economic Baseline Study* (Appendix 19-A).

26.2.2.4 Culture and Heritage

The Tahltan have previously identified archaeological issues that they consider priorities for further study including ice patch and glacier sites, cave and rock shelter sites, cairns, trails, and regional archaeology (Asp 2006; THREAT 2011). Of particular cultural and historic significance to the Tahltan is "Treaty Rock", a one-hectare designated heritage site (Borden number HdTj-1) surrounding a large outcrop along Treaty Creek. It marks the site of a peace treaty reached between the Tahltan and Nisga'a towards the end of the 19th century.

The traditional language of the Tahltan is Athapaskan (Krauss and Golla 1981). A language needs assessment conducted in 2010 surveyed 2,212 Tahltan and found that less than 25% of Tahltan people had any understanding of the Athapaskan language, although the Nation is making proactive efforts to revitalize its use (TCC 2013).

26.2.2.5 Current Use of Land and Resources for Traditional Purposes

The Tahltan collectively hold rights to hunt, fish, trap and gather plants throughout their asserted traditional territory. The harvesting of fish, wildlife and plants sustains the non-wage economy and is an important food source for most households. Chapter 25, Section 25.3.6.1 describes Tahltan current use of lands and resources.

Pacific salmon (chinook, sockeye, coho, chum, and pink) and steelhead feature prominently in Tahltan cultural identity and practice, with numerous fish-bearing rivers running through the Tahltan traditional territory. The traditional summer fisheries are currently located in the mid Stikine, upper Nass and upper Skeena basins (THREAT 2009). Sixty-four percent of the Tahltan eat salmon at least once per week, and 22% eat other fish at least once a week (GMG Consulting 2009).

Moose are a primary food source in the Tahltan diet. According to a recent survey (GMG Consulting 2009), three quarters of the Tahltan eat moose meat at least once a week. Moose have replaced caribou as a game species for the Tahltan. Mountain goat, traditionally prized for its hair as well as

meat, is not as prominent for the Tahltan as it once was. Traditional foods that are still eaten at least once a week are caribou (10%), rabbit (10%), beaver, groundhog (hoary marmot), and porcupine (each less than 5%; (GMG Consulting 2009).

The Teigen-Snowbank-Ningunsaw corridor has been identified in other studies as important to the Tahltan for its wildlife values (Rescan 2009b). Trapping for fur-bearing mammals provides a nominal source of income for individuals and families who run traplines. Trapped species include rabbit, beaver, hoary marmot, and porcupine (GMG Consulting 2009).

The majority of Tahltan hunting and trapping occurs in the Iskut River and Klappan River drainages (Bruce B. MacLachlan 1981; Albright 1984). McIlwraith (2007) notes the Iskut hunt for moose in the valley of the Klappan and at the headwaters of the Spatsizi River, starting in August and running through much of the fall. Caribou are also hunted in this area. The BC Rail Grade, which was constructed along the Klappan and upper Skeena rivers, is used as a travel corridor to access hunting areas.

The harvesting of plants and berries continues to be an important traditional Tahltan activity. Plants are used for medicinal and subsistence purposes. The Tahltan harvest approximately 25 species of berries and numerous wild green vegetables, roots, and plants, some of which are used medicinally to treat a variety of minor ailments (Albright 1984; School District 87 2000). Soapberries and blueberries are commonly eaten (GMG Consulting 2009). Several species of edible mushrooms are found within Tahltan traditional territory. Pine mushroom gathering is economically important, especially for Iskut community members (Coast Mountain Hydro Corp 2002).

26.2.3 Métis

26.2.3.1 Social Setting

Population and Communities

There are Métis Chartered Communities in Terrace (Northwest BC Métis Association) and Smithers (Tri River Métis Association). The Northwest Métis Association has approximately 164 members and the Tri River Métis Association has approximately 150 members (MNBC 2012-2014).

Based on 2006 Census data, there are 935 Métis residing in the Regional District of Kitimat-Stikine and 195 in the Buckley-Nechako Regional District, Electoral Area A (Statistics Canada 2007a). The large variation in population numbers between the MNBC statistics and the 2006 Census is due to voluntary membership in existing chartered communities, differences for self-identification of Métis, and different definitions of Métis.

Social Organization and Governance

MNBC is the governing body in British Columbia recognized by the Métis National Council. MNBC was created in 1996 and formally incorporated as the Métis Provincial Council of British Columbia. In 2003, the MNBC Constitution was ratified, thereby establishing a new Métis Nation governance structure (MNBC 2012-2014). The relevant MNBC regional government council for the proposed Project area is that of Region 6 (Northwest BC). The MNBC represents 37 Métis Chartered Communities in British Columbia and is “mandated to develop and enhance opportunities for Métis communities by implementing culturally relevant social and economic programs and services” (MNBC 2012-2014). To qualify as a Métis Chartered Community, the community must have at least 25 Métis citizens who are over 18 years of age.

In May 2006, the Province of BC and MNBC signed the Métis Nation Relationship Accord (the Accord). The Accord formalized the relationship between the Province and the Métis people of British Columbia, identifying mutual goals to close the gap in quality of life between Métis people and other British Columbians (BC MARR 2006). The Accord commits the provincial government to support MNBC's health care, housing, education, and employment initiatives, which are intended to improve the life circumstances of Métis people. However, both the federal and provincial governments contribute to MNBC's finances (Barman and Evans 2009).

MNBC provides services to its communities, including programming related to children and families, culture, economic development, education, employment and training, health, natural resources, sport, veterans, women, and youth (MNBC 2012-2014).

Land and Resource Management

The Natural Resources Act (Revised 2010) of MNBC allows harvesting of fish and wildlife for food, social, ceremonial, and traditional (but not commercial) purposes. To harvest for these purposes, MNBC harvesting cards can be applied for by Métis citizens. MNBC harvesting cards apply only to species, areas, and times of year, as described by regulations developed by the BC Métis Assembly of Natural Resources. Currently, harvesting cards only replace the Canadian Migratory Bird license; they do not, on their own, authorize freshwater fishing, saltwater fishing, hunting (other than migratory birds), cutting timber, or trapping (MNBC 2012-2014).

26.2.3.2 Economic Setting

Education, Skills Development, and Training

Just over half of Métis adult respondents to the MNPS (51.2%) had at least a high school education, with 21% having a college education. Only 7% of Métis respondents had completed a university education[3] (BC Provincial Health Officer 2009). In 2006, 14.4% of Métis in BC had an apprenticeship or trades certificate, compared to 10.8% of the non-Aboriginal population in the Province (BC MARR 2010-2011). Eighty percent of Métis youth surveyed in the MNPS considered education and training to be the most important issue to them (BC Provincial Health Officer 2009). MNBC administers the Métis Employment and Training Program to improve the employment potential, earning capacity and self-sufficiency of Métis people in BC (MNBC 2012-2014).

Labour Force

In 2006, the unemployment rate for Métis people in BC was 9.4%, compared to 5.6% for the non-Aboriginal population. The median employment income for Métis people in BC was $38,035 (BC MARR 2010-2011). This is congruent with the MNPS which reported 55% of Métis household incomes being lower than $40,000 per year (MNBC n.d.).

26.2.3.3 Culture and Heritage

The language spoken by Métis in BC is typically English, though the traditional Métis language is Michif. The MNPS from 2006 reported that less than 5% of the Métis population surveyed speak Michif themselves; almost 15% indicated that Michif was spoken by someone in their home. Despite the fact that the language is not widely spoken, over two-thirds of the respondents indicated that they were interested in learning Michif (BC Provincial Health Officer 2009).

[3] It is unclear from the structure of the question whether or not diplomas/degrees were obtained as a result of this education.

26.2.3.4 Current Use of Lands and Resources for Traditional Purposes

MNBC has identified interests related to several harvesting traditions including hunting, fishing, and trapping (MNBC 2010).

Data recovered from the harvest survey and mapping tool for the KSM Project (Rescan 2013) indicates there have been:

- 320 separate incidences of fish harvesting in both the lower and upper Bell-Irving River watersheds;
- 455 separate incidences of harvesting of deer, bear, and moose in the lower and upper Bell-Irving watersheds;
- 320 incidences of small game harvesting in the lower and upper Bell-Irving watersheds;
- 135 separate incidences of deer, bear, and moose harvesting in the Unuk River watershed; and
- 320 separate incidences of plant (non-timber) harvesting in both the lower and upper Bell-Irving River watersheds.

No precise information is available on the locations of harvesting areas, or the types and numbers of harvested species (Rescan 2013).

26.3 ABORIGINAL CONSULTATION

26.3.1 Introduction

This section of the Application/EIS provides a summary of past and planned consultation activities by the Proponent with the Skii km Lax Ha, Tahltan Nation and Métis. Aboriginal consultation has been guided by:

- the requirements set out in the BC EAO Section 11 Order issued for the Project;
- the Project Aboriginal Consultation Plan (Appendix 3-K);
- the Project AIR and EIS Guidelines;
- requests from Aboriginal groups; and
- direction provided by the BC EAO and CEA Agency.

26.3.2 EA Working Group

Pursuant to the Section 11 Order, Skii km Lax Ha and Tahltan Nation are part of the EA Working Group. During the pre-Application stage of the EA process, the BC EAO/CEA Agency held working group meetings on September 4, 2013 and May 8, 2014. Pretium attended the meetings to provide information and respond to questions. These meetings are discussed in Chapter 3 (Information Distribution and Consultation; Section 3.3, Brucejack Gold Mine Project Technical Working Group).

26.3.3 Capacity Funding

The Proponent has had, and continues to have, discussions on capacity funding with the Skii km Lax Ha and Tahltan to enable their participation in consultation activities related to the EA process. To date, no agreements have been finalized with these Aboriginal groups.

The BC EAO has provided $5,000 in capacity funding to Skii km Lax Ha to enable their participation in the pre-application stage of the environmental assessment (EA) process. Additional funding in the amount of $10,000 will likely be made available to support participation during the Application review stage. Information on capacity funding provided to the Tahltan Nation by the BC EAO is not available at this time.

The CEA Agency provided the Métis with $10,500 of capacity funding to enable their participation in the review of the EIS and EA Report.

26.3.4 Consultation Activities

Consultations activities undertaken with the Skii km Lax Ha and Tahltan Nation include: discussions around capacity funding, provision of project information, information on employment and contracting opportunities, meetings to discuss the Project, opportunities to provide traditional knowledge (TK) and traditional use (TU) information, consultation on the Aboriginal Consultation Plan and Pre-Application Aboriginal Consultation Reports, and memoranda summarizing the potential effects of the Project on Aboriginal rights and interests.

Consultation with the Métis has focused on providing opportunities to gather TK/TU information, and distributing key documents relevant to the EA process. The Proponent has written to the MNBC, Tri-River Métis Association, and Northwest BC Métis Association to provide the dates of the EAO-led open houses. Pretium anticipates there may be further communication with Métis during the Application/EIS review stage.

Information regarding Pretium's consultation activities with Aboriginal groups can also be found in Chapter 3 (Information Distribution and Consultation), Appendices 3-D (Summary of Communications with Aboriginal Groups) and 3-E (Aboriginal Issues Tracking Tables), Appendix 3-K (Aboriginal Consultation Plan) and Appendix 3-L (Pre-Application Aboriginal Consultation Report) filed with the BC EAO.

Table 26.3-1 provides a summary of the issues raised by Aboriginal groups with respect to the EA to date (i.e., up to and including May 16, 2014). Issues raised include concerns around the Project scope, assessment methodology, indirect economic effects, indirect effects on current use of lands and resources for traditional purposes, consultation and engagement, mitigation, land use, education and training, economic effects, Project design, traditional knowledge, wildlife, traffic, and cumulative effects. These issues were documented during meetings and correspondence with Aboriginal leadership, and the Working Group. Tahltan Nation and Skii km Lax Ha provided comments on the draft AIR via their participation in the Working Group review of the document. These comments were tracked in a separate process. The final draft AIR issues tracking table is available on the public registry here: http://a100.gov.bc.ca/appsdata/epic/html/deploy/epic_document_395_37530.html.

26.3.5 Aboriginal Traditional Knowledge

BC EAO does not currently provide guidance with regards to the incorporation of TK into an Application/ EIS. Under CEAA 2012 (the Act; 2012), the consideration of Aboriginal traditional knowledge (s.19(3)) may help to meet one of the expressed purposes of the Act which is to promote communication and cooperation with Aboriginal peoples during an environmental assessment (s.4(1)(d)). Towards this objective, the CEA Agency has produced an Operational Policy Statement entitled *"Considering Aboriginal Traditional Knowledge in Environmental Assessments Conducted under the Canadian Environmental Assessment Act – Interim Principles"* (CEA Agency 2013). In it, they state that TK can assist with:

- scoping the project and the assessment;
- the collection of baseline information;

Table 26.3-1. Issues Identified by Aboriginal Groups during Consultation Activities (excluding AIR comments)

Issue	Pretivm Response*	Subject Area or Valued Component Related to the Issue	Effect Related to the Issue	Chapter/Section in the Application/ EIS Addressing the Issue
Skii km Lax Ha				
Consultation and Engagement - Draft AIR does not clearly lay out how the Skii km Lax Ha will be engaged to help interpret the impact on use of land and impact to rights.	Engagement and consultation activities with Aboriginal groups are described in the Aboriginal Consultation Plan. On May 7, 2014, Pretivm provided the Skii km Lax Ha with a memo summarizing the assessment of potential effects of the Project on Skii km Lax Ha rights and interests. The memo was provided to the Skii km Lax Ha in part to follow up on how they would like to be engaged. On May 15, 2014, Pretivm followed up with Skii km Lax Ha to inquire whether they would like to discuss the memo prior to the submission of the Application/EIS and offered to arrange a meeting. Follow-up communication is on-going.	Aboriginal Consultation Plan Current Use of Lands and Resources for Traditional Purposes Asserted or Established Aboriginal Rights and Interests	N/A	Appendix 3-K Chapter 25 Chapter 26
Mitigation – Interested in discussing proposed mitigations with the proponent.	On May 7, 2014, Pretivm provided the Skii km Lax Ha with a memo summarizing the assessment of potential effects of the Project (including mitigation) on Skii km Lax Ha rights and interests. On May 15, 2014 Pretivm followed up with Skii km Lax Ha to inquire whether they would like to discuss the memo prior to the submission of the Application/EIS and offered to arrange a meeting. Follow-up communication is on-going.	Environmental Management Plans Conclusions	N/A	Chapter 29 Chapter 35
Land Use - Difference between commercial and non-commercial land-use as it applies to First Nations traditional land use and where in the EA would the latter be considered.	Effects to commercial and non-commercial land use, excluding Aboriginal land use, are assessed in Chapter 24 of the Application/EIS, "Commercial and Non-commercial Land Use." Consideration of Aboriginal traditional land use is assessed in Chapter 25 of Application/EIS, "Current Use of Lands and Resources for Traditional Purposes".	Commercial and Non-Commercial Land Use Current Use of Lands and Resources for Traditional Purposes	N/A	Chapter 24 Chapter 25
EA Methodology - Interested in discussing the definitions of the significance ratings.	On May 7, 2014, Pretivm provided the Skii km Lax Ha with a memo summarizing the assessment of potential effects of the Project on Skii km Lax Ha rights and interests. On May 15, 2014, Pretivm followed up with Skii km Lax Ha to inquire whether they would like to discuss the memo or any other issues (e.g., significance methodology) prior to the submission of the Application/EIS and offered to arrange a meeting. Follow-up communication is on-going.	Assessment Methodology	N/A	Chapter 6

(continued)

Table 26.3-1. Issues Identified by Aboriginal Groups during Consultation Activities (excluding AIR comments; continued)

Issue	Pretivm Response*	Subject Area or Valued Component Related to the Issue	Effect Related to the Issue	Chapter/Section in the Application/EIS Addressing the Issue
Skii km Lax Ha (cont'd)				
Project Scope - Rationale for excluding an assessment of exploration road construction.	In 2011, a screening level type of environmental assessment for the Brucejack Exploration Road was undertaken and coordinated by the CEA Agency for the exploration access road under CEAA 1992 due to a federal permitting trigger under the now repealed *Navigable Waters Protection Act* (Transport Canada was the Responsible Authority). When CEAA 2012 came into force, the screening level EA for the Brucejack exploration road was terminated. The scope of the assessment of the Application/EIS includes the Construction, Operation, Closure, and Post-closure phases of the Project and does not include the exploration phase of the Project. Upgrades to the road required to support operational traffic and use of the Brucejack Access Road from Construction through Closure are described in Section 5.13.1.1 and Appendix 5-F of the Application/EIS. Potential effects related to the exploration access road upgrades as well as use of the road throughout the Construction, Operation, and Closure phases are part of the scope of the assessment and are included in the relevant chapters for each Valued Component.	Assessment Process	N/A	Chapter 2
Current Use of Lands and Resources for Traditional Purposes; Indirect Economic Effects - Where in the Application/EIS will current use of lands and resources, including economic losses to Aboriginal groups, be captured.	Indirect effects on current use of lands and resources as a result of changes to the environment caused by the Project are considered in Chapter 25. Indirect economic effects on Aboriginal groups from changes to the environment caused by the Project are considered in Chapter 19.	Current Use of Lands and Resources for Traditional Purposes Economic Effects	N/A	Chapter 25 Chapter 19

(continued)

Table 26.3-1. Issues Identified by Aboriginal Groups during Consultation Activities (excluding AIR comments; continued)

Issue	Pretivm Response*	Subject Area or Valued Component Related to the Issue	Effect Related to the Issue	Chapter/Section in the Application/EIS Addressing the Issue
Skii km Lax Ha (cont'd)				
Education/Training - Interest in training to create a skilled labour force to take advantage of employment opportunities.	Pretivm will communicate the Project development schedule and workforce requirements to local post-secondary educational institutions to ensure that relevant programs are available to support Project employment opportunities. Information will be provided with respect to workforce job categories, workforce schedule, and training needs to assist administrators in taking pro-active steps to prepare resources to meet the demand. Pretivm will make available training and skill development to Project employees across departments, including on-the job training, in order to support on-going enhancement of worker skillsets and internal job advancement	Education, Skills Development, and Training	Change in Education Profile and Attainment Levels	Chapter 19 (Section 19.5.1.) Chapter 20 (Section 20.5.1)
Project Design- Preference for burning waste wood at Brucejack site.	Waste wood will be burned on site and pressure wood will be removed from the site and disposed of in a permitted facility.	Project Design and Alternatives	N/A	Chapter 4
Traditional Knowledge / Traditional Use - Confidentiality concerns related to sensitive information in TK/TU Study.	TK/TU information provided by the Skii km Lax Ha has not been identified by the Skii km Lax Ha as sensitive or confidential. Pretivm understands the sensitive nature of some TK/TU information and will consider any requests from Skii km Lax Ha respecting the treatment of sensitive information.	Current Use of Lands and Resources for Traditional Purposes	N/A	Chapter 25 Appendix 25-A
Wildlife - Increase in bear and marten sightings near camps as a result of cooking odors in camp.	Garbage will be managed to mitigate the potential for bears to become attracted to the camp. An Environmental Management Plan and Standard Operating Procedures - Bear, Marten, Education and Camp Hygiene/Exclusion has been implemented during exploration to minimize wildlife-human interaction. This plan was provided to the Skii km Lax Ha for review and comment.	Wildlife - (Grizzly) Bear Marten Wildlife Management and Monitoring Plan	Attractants	Chapter 18 (Sections 18.5.6, 18.6.3.7, and 18.6.4.5) Chapter 29 (Section 29.21)
Wildlife - Observed impacts to bear and marten during the summer as a result of (unspecified) Project activity.	As a result of concerns raised by the Skii km Lax Ha, an Environmental Management Plan and Standard Operating Procedures - Bear, Marten, Education and Camp Hygiene/Exclusion was developed to minimize wildlife-human interaction and attraction to the Project area. This plan was provided to the Skii km Lax Ha for review and feedback. The plan has been implemented.	Wildlife - (Grizzly) Bear Marten Wildlife Management and Monitoring Plan	Attractants	Chapter 18 (Sections 18.5.6, 18.6.3.7, and 18.6.4.5) Chapter 29 (Section 29.21)

(continued)

Table 26.3-1. Issues Identified by Aboriginal Groups during Consultation Activities (excluding AIR comments; continued)

Issue	Pretivm Response*	Subject Area or Valued Component Related to the Issue	Effect Related to the Issue	Chapter/Section in the Application/EIS Addressing the Issue
Skii km Lax Ha (cont'd)				
Wildlife- Plough escape openings for moose in snow banks along the Brucejack Access Road where the road curves.	The Wildlife Management and Monitoring Plan (Section 29.21 of Chapter 29, Environmental Management and Monitoring Plans of the Application/EIS) includes a commitment stating that refuge areas will be ploughed along the road during winter; further, gaps in snow banks on roads will be created at optimal spacing to allow an escape for wildlife, preferably on corners to allow moose to escape. Wildlife sightings for moose will also be recorded along the Brucejack Access Road to identify high use areas such as movement corridors.	Wildlife – Moose Wildlife Management and Monitoring Plan	Disruption of Movement Direct Mortality	Chapter 18 (Sections 18.5.4.1, 18.6.1.4, and 18.6.1.5) Chapter 29 (Section 29.21)
Tahltan				
Traffic - Concern about number of trucks and traffic on Highway 37 from a wildlife perspective.	The scope of the EA does not include Highway 37 as the Project will contribute a negligible number of vehicles. Thus safety impacts are not expected. Pretivm is participating in the Highway 37 advisory group, which will be considering safety issues in addition to potential environmental impact issues.	Wildlife	Disruption of Movement Direct Mortality	Chapter 18 (Sections 18.5.3, 18.5.4 and 18.9.5)
Cumulative Effects - Would like to be involved in the design of the cumulative effects study.	Management of cumulative effects is the responsibility of all contributors to a cumulative effect. Pretivm is open to discussions on this subject and will defer to the BC EAO and the CEA Agency to guide the establishment of future sub working groups on cumulative effects as required.	Cumulative Effects	Cumulative Effects	Chapter 34
Scope of the Project – Brucejack Access Road should be included within the scope of the EA.	The use of the Brucejack Access Road during the Construction and Operation phases of the Project is included in the scope of the assessment.	N/A	N/A	Chapter 2 Chapter 6 (Section 6.4.1.1)
Scope of the Assessment - Comparative analysis of impacts of building a new access road and upgrading the existing exploration road, including effects to moose.	Ground access alternatives to the Knipple Transfer Area are considered in Chapter 4 (Alternatives Analysis), including a screening level comparison of upgrading the existing exploration access road, constructing a new access road extending north from the Granduc area in the Upper Bowser River Valley, and barging across Bowser Lake. Options other than upgrading the existing access road are not technically or economically feasible.	Project Alternatives	N/A	Chapter 4

(continued)

Table 26.3-1. Issues Identified by Aboriginal Groups during Consultation Activities (excluding AIR comments; continued)

Issue	Pretivm Response*	Subject Area or Valued Component Related to the Issue	Effect Related to the Issue	Chapter/Section in the Application/EIS Addressing the Issue
Tahltan (cont'd)				
Wildlife - Cumulative impacts to moose, especially as a result of the Brucejack Access Road.	The effects of traffic along the Brucejack Access Road on moose are assessed in the Wildlife Effects Assessment chapter (Section 18.6.1 of Chapter 18) in the Application/EIS. Residual effects on moose (Section 18.7.1 of Chapter 18) include: disruption of movement, direct mortality, and indirect mortality. An analysis was conducted for each species to characterize the residual effects, significance, likelihood and confidence. The residual effect of disruption of movement, direct mortality, and indirect mortality due to the Project (including the Brucejack Access Road) is considered not significant.	Moose	Disruption of Movement Direct Mortality Indirect Mortality	Chapter 18 (Section 18.6.1)
Cumulative Effects - Eight new mines proposed in Tahltan territory.	Past, present and reasonably foreseeable future projects with the potential to interact with the Project are listed in Section 6.9.1 in Chapter 6, Assessment Methodology. The projects that are considered include mining activity, the Red Chris Project, Northwest Transmission Line, Forrest Kerr Hydroelectric Power Facility, and KSM Project. Some of these proposed projects such as the Red Chris Project, Northwest Transmission Line, Forrest Kerr Hydroelectric Power Facility, KSM Project, and the Arctos Anthracite Coal Project are within, or overlap Tahltan traditional territory. Potential cumulative effects between residual effects of the Project and these regional projects are considered in each predictive study and effects assessment chapter, as well as the federal Cumulative Effects Assessment (Chapter 34 of the Application/EIS).	N/A	Cumulative Effects	Chapter 34

(continued)

Table 26.3-1. Issues Identified by Aboriginal Groups during Consultation Activities (excluding AIR comments; completed)

Issue	Pretivm Response*	Subject Area or Valued Component Related to the Issue	Effect Related to the Issue	Chapter/Section in the Application/EIS Addressing the Issue
Tahltan (cont'd)				
Economic Effects - Employment/Economic Opportunities - General Interest.	The Project will provide substantial employment and numerous business opportunities. The Project will contribute to household income, regional and provincial GDP, as well as regional, provincial and federal tax revenue. Project benefits are described in Section 1.9 of Chapter 1 (Project Overview) of the Application/EIS. In general, the Project is expected to create 3,912 person-years of direct (on-site), indirect and induced employment in BC during Construction (estimated duration of 2 years), which will contribute approximately $308 million to household income. The provincial GDP is expected to benefit by $395 million, whereas regional, provincial and federal government revenue will increase by approximately $64 million. During the 22 years of Operation, approximately 28,956 person-years of direct (on-site), indirect and induced employment is expected to be created in BC with household income of $2,331 million. Provincial GDP is expected to increase by $2,914 million, whereas regional, provincial and federal tax revenue will increase by approximately $527 million. Construction and Operation of the Project will bring jobs mainly in construction and mining; however, other industries in BC will also benefit, including, but not limited to: professional, scientific, and technical services, accommodation and food services, manufacturing, transportation, warehousing, wholesale and trade.	Project Benefits	N/A	Chapter 1 (Section 1.9)

- consideration of the environmental effects of a project;
- evaluation of environmental effects and the determination of their significance;
- evaluation of any cumulative environmental effects of the project;
- evaluation of the effects of the environment on the project;
- identification or modification of mitigation measures; and
- the design and implementation of any follow-up programs.

The extent to which TK informs the above depends both on the efforts of the proponent to collect the data, and the willingness of the Aboriginal groups to share the data. It also depends on the amount of data collected and on the relevance of the data to the location being studied. The potential to integrate data increases when more data is made available. Also, site-specific data is always more valuable than broader, regional patterns or trends. Usher (2000) states that it is the responsibility of affected parties (in this case Aboriginal groups) to bring TK into the public review process, to ensure their interests are fully considered.

TK and scientific (or empirical, commonly referred to as "western") knowledge can complement one another. In many situations, western and traditional knowledge systems will be complimentary in the insights that they can provide to EA practitioners, and thus they can be reconciled with one another in the EA. Where they cannot be reconciled, the CEA Agency advises that EA practitioners juxtapose what is suggested by each knowledge system in the Application/EIS, demonstrate how they have considered each in their EA, and how each type of knowledge has been considered in the EA (CEA Agency 2013). The following sections describe the process and gives examples, where readily apparent, that demonstrate the way Pretivm has taken reasonable effort to collect TK during the EA process and how this information has been integrated and considered in the Application/EIS.

26.3.5.1 Project Design Phase

Pretivm initiated consultations with the Skii km Lax Ha, TCC, NLG, Gitxsan Nation, and Gitanyow Nation in 2011. These consultations expanded on efforts carried out by the previous owners of the Project, Silver Standard Resources. Pretivm presented the Project Description to these Aboriginal groups prior to formally submitting it to the BC EAO and CEA Agency. Aboriginal groups were provided with the opportunity to address their concerns regarding project design based on knowledge they possessed about the surrounding environment. While no TK or concerns raised by Aboriginal groups to date have resulted in substantive design changes, some of the decisions on Project design did anticipate what the Proponent saw as likely Aboriginal concerns about alternatives previously considered. Chapter 4 (Project Design and Alternatives Assessment) details the attributes utilized in the decision making process which ultimately led to the final Project design.

During the project design phase, Aboriginal groups were also invited to express their concerns, including the reasons for such concerns, about the anticipated environmental, social, and economic impacts of the proposed Project. Usher (2000) identifies this expression of important phenomena, places and processes as the first of four phases of public review of a development proposal that could involve TK data. Stevenson (1996) argues that this kind of contribution from Aboriginal groups is part of a fuller, more meaningful use of TK in environmental assessment.

26.3.5.2 Baseline Information Collection

The impact of TK on baseline data collection finds its most obvious and primary expression in recording the current use of lands and resources for traditional purposes by Aboriginal groups. As stated earlier,

the results of desk-based and primary source TK data collection efforts are discussed in Appendices 25-A and 25-B. The collection of data on verified land use such as hunting and trapping also lent support, for example, to predictive modeling results for wildlife habitat and provided insight into potential future effects such as increased access on wildlife (Chapter 18, Assessment of Potential Wildlife Effects).

The consideration of traditional land uses from ethnographic and primary source information by Project archaeologists increased the predictive capacity of the field workers to determine where archaeological sites may be located. Places near the Project that were noted to be heavily used by Aboriginal groups received more attention than those that were not; this is referred to as judgmental sampling, and is usually combined with systematic or random sampling in low potential areas in an effort to conduct the most exhaustive assessment possible. Oral knowledge about use of a camping site, for example, would be combined with previous knowledge about preferred site locations (e.g., southern aspect, well drained soils, level slopes, access to drinking water) to increase the precision of shovel test locations (Chapter 22, Assessment of Potential Heritage Effects).

Another important way, however, that TK may affect baseline data collection is when TK disagrees with data collected scientifically in the field (Stevenson 1996). In instances such as this, attempts would be made to rectify the discrepancy, such as additional baseline data collection. If the additional efforts rectify the discrepancy, these results can be considered and, if needed, the scoping or assessment of potential effects can be adjusted. To date, no discrepancies between TK and baseline data collection have been identified.

26.3.5.3 Project Scoping and Valued Component Selection

Ogwuche (2012) states that the involvement of indigenous people and the integration of their knowledge in impact assessments begins when they identify valued components (VCs) from their perspective. By documenting their concerns, Aboriginal people participate directly and effectively in impact prediction and assessment. Concerns are based on what people know, what they have experienced, or what they fear might happen in the future.

TK data collection, in combination with Working Group meetings and other consultation events, helped to influence the selection of VCs and confirmed the list of potential effects to be assessed. For example, the Skii km Lax Ha raised the concern that marten were being attracted into the Brucejack exploration camp due to food odours (Table 26.3-1); this confirmed the identification of “attractants” as a potential effect to wildlife. The identification of marten as a species of concern by the Skii km Lax Ha supported the inclusion of “marten” as a VC to be included in the assessment of effects to Wildlife (Chapter 18). The results of these initial consultations were incorporated into the draft AIR.

Aboriginal groups were provided an opportunity to comment on the draft AIR and to submit any relevant TK to the proponent, BC EAO, and CEA Agency regarding the preliminary VCs selected and the potential effects of the Project on those VCs. This opportunity was provided to the Aboriginal groups through their involvement in the EA Working Group for the Project. For example, the Skii km Lax Ha in consultations with the Proponent’s consultant identified wolverine as a valued resource and a species of concern. While this concern was noted, it was ultimately excluded as a VC because effects on other species (e.g., loss of grizzly bear habitat) can be used as a proxy for wolverine habitat use (see Table 18.4-3).

Tahltan Nation was concerned that sediment quality was excluded as a VC in the draft AIR (http://a100.gov.bc.ca/appsdata/epic/html/deploy/epic_document_395_37530.html). This confirmed that sediment quality was an important indicator to consider in the chapter on Aquatic Resources

(Chapter 14). It was ultimately excluded as a VC because it is the change in sediment quality (identified as an intermediate component in the cause-effect pathway) that affects the quality of aquatic resources (the VC), which contains a number of sub-components such as fish and aquatic invertebrates (Table 14.4-3).

Tahltan Nation was also concerned about the exclusion of visual quality as a VC, since changes to visual quality would affect Aboriginal land users (http://a100.gov.bc.ca/appsdata/epic/html/deploy/epic_document_395_37530.html). The importance of visual quality, however, was not overlooked. The change in sensory disturbances, including visual quality, on the experience of the Aboriginal harvester is assessed in the chapter on effects to Current Use of Land and Resources for Traditional Purposes (Chapter 25) and indirectly in Chapter 24, Assessment of Potential Commercial and Non-commercial Land Use Effects.

As a result of meetings held with the Skii km Lax Ha, CEA Agency and BC EAO, Pretivm agreed to include, in the scope of the effects assessment, a separate chapter on the effects to current use of lands and resources for traditional purposes (Chapter 25). This was not originally included in the draft AIR; however, the AIR was modified to satisfy the concerns of the Skii km Lax Ha in this regard.

26.3.5.4 Effects Assessment and Determination of Significance

Active and meaningful involvement of Aboriginal people at the assessment stage ensures that their values and knowledge contribute to understanding and identifying environmental effects. Prior experience of Aboriginal groups with impacts from development activities can also contribute to better understanding and prediction of cumulative effects (Stevenson 1996).

During the review of the draft AIR, the Skii km Lax Ha requested that effects to family and cultural well-being be assessed due to loss of opportunity to conduct traditional subsistence activities (http://a100.gov.bc.ca/appsdata/epic/html/deploy/epic_document_395_37530.html). A discussion of well-being effects due to changes in harvesting opportunities is provided in Section 20.5.3 under effects to Family and Worker Well-being.

The Skii km Lax Ha also requested that wildlife health be considered in the environmental effects on wildlife, as a result of increased metals and contaminants in the environment as a result of the Project. This provided weight to the inclusion of “chemical hazards” in the discussion of potential effects to wildlife (Chapter 18).

Information on the locations of currently-used cabins was digitized into GIS format and used as receptor locations for modeling changes to air quality (Chapter 7) and noise (Chapter 8). Contaminant concentrations and noise levels due to Project activities were predicted for each of these receptors and compared against ambient thresholds, allowing for a more meaningful assessment of these potential effects. Additionally, information from other Projects (e.g., the KSM Application/EIS) was used to inform the Application/EIS for the Brucejack Gold Mine Project. For example, the Skii km Lax Ha identified the need to include cabins and burial sites in the KSM assessment due to their heritage value. Cabins and burial sites were included in the assessment of effects to current use of lands and resources for traditional purposes (Chapter 25) and summarized in Section 26.8.4 for this Project.

Traditional use information for plants used or considered important by Aboriginal groups (e.g., soapberry, pine mushrooms, and devil’s club) directed terrestrial ecologists to model habitat with low, medium and high potential to contain these plants within a local study area, and then to calculate the amount of this habitat that would be lost as a result of Project activities. Effects to the “Culturally Important Plants” VC are characterized in Chapter 16 (Terrestrial Ecology).

Based on the concerns raised by the Skii km Lax Ha and other Aboriginal groups regarding the declining regional moose population, and effects on fish species (Dolly Varden/bull trout), moose and fish (Dolly Varden/bull trout) were selected as Valued Components in the Fish (Chapter 15) and Wildlife (Chapter 18) effects assessments, and were also included in the screening-level risk assessment (SLRA) for country foods (Chapter 21).

It should be noted that the assessment of significance of an effect by an Aboriginal group may differ substantially from that of a research scientist, even where the information inputs are similar. Ogwuche (2012) states that as Aboriginal peoples maintain a close relation to, and reliance on, the land and its resources, they tend to have a greater degree of exposure to environmental degradation and change, and to suffer more directly from the impacts of environmental degradation, than non-Aboriginal people. Therefore, the resultant and cumulative impacts of past and potential future developments have the potential to affect the suitability and well-being of indigenous communities to a greater extent. Faced with this reality, Aboriginal groups tend to set the significance threshold much lower than non-Aboriginal scientists. This fact has been considered by the proponent throughout the EA as reported in the Application/EIS.

26.3.5.5 Mitigation, Monitoring, and Follow-up

A follow-up program serves to verify the accuracy of an assessment and to determine the effectiveness of mitigation measures. The involvement of indigenous people, according to Ogwuche (2012) should be comprehensive, including participation in the initial design, ongoing implementation, and analysis of the results of any monitoring or follow-up programs.

Concerns raised by the Skii km Lax Ha about the impacts on wolverine influenced the writing of the Wildlife Management Plan by necessitating the inclusion of mitigation and management strategies specifically required for wolverine, as well as monitoring that will occur specific to wolverine and wolverine dens.

TK may be especially valuable in distinguishing project-related impacts from natural changes in the environment. Thus, Aboriginal monitors may be in an especially favourable position to assess whether systemic changes in local environments are project-related or simply natural variation (Stevenson 1996).

26.3.6 Planned Aboriginal Consultation during the Application/EIS Review Stage

The proposed plan for consultation with Aboriginal groups during the Application/EIS review stage is intended to meet the requirements of the BC EAO Section 11 order, as well as the EIS Guidelines. During the Application/EIS review stage, Pretivm will:

- distribute copies of the Application /EIS to Skii km Lax Ha and Tahltan Nation for information and consultation purposes (per Section 12.2.1 of the Section 11 Order);
- write to each Aboriginal group to identify the dates of the public comment period on the Application/ EIS, and the dates, times and locations of BC EAO/CEA Agency open houses;
- consider and respond to issues that are identified in comments submitted by Aboriginal groups during the review of the Application/EIS (per Section 14.4 of the Section 11 Order);
- where requested by the BC EAO, provide specified additional information in relation to, or to supplement, the information provided in the Application/EIS (per Section 22.1 of the Section 11 Order);
- attend working group meetings organized by the BC EAO and the CEA Agency to provide information related to the Application/EIS and to respond to questions on the Application/EIS;

- compile, track, and, where possible, address issues raised by Aboriginal groups during consultation and engagement activities, including the resolution of any outstanding issues;
- review and consider Aboriginal groups' comments during the Application/EIS review stage;
- provide written responses to comments received from Aboriginal groups on the Application/EIS;
- by mutual agreement, hold discussions with Aboriginal groups to discuss potential effects of the proposed Project on Aboriginal rights and interests, and ways to mitigate or accommodate these effects as appropriate (per Section 14.3 of the Section 11 Order);
- within time limits set by the BC EAO (Section 17.3 of the Section 11 Order) prepare an Aboriginal Consultation Report that summarizes engagement to date with Aboriginal groups including feedback and information received from Aboriginal groups, identifies potential adverse impacts of the proposed Project on Aboriginal rights and interests and ways to mitigate or accommodate these impacts as appropriate, and discuss next steps/future engagement activities if different from those activities previously planned;
- provide drafts of the Aboriginal Consultation Reports to the Skii km Lax Ha and Tahltan Nation for review and discussion, and incorporate feedback received from the Aboriginal groups into the final Aboriginal Consultation Reports to be distributed to the Skii km Lax Ha, Tahltan Nation, BC EAO, and CEA Agency;
- consider other means of engagement brought forward by Aboriginal groups, if applicable; and
- undertake further engagement with by Aboriginal groups as directed by the BC EAO and the CEA Agency.

Based on issues and concerns raised by Aboriginal groups during the Application/EIS review stage, and based on input from Aboriginal groups, Pretium will consider other measures to respond to issues and concerns raised by these groups.

26.4 MÉTIS INTERESTS

As part of the environmental assessment (EA), the Canadian Environmental Assessment Agency (CEA Agency) will determine whether or not the proposed Project will affect Métis interests, including Section 35 Aboriginal rights. Métis land use practices and activities in the vicinity of the Project were reviewed by considering information from the British Columbia Métis Mapping Research Project (BC MMRP; Appendix 25-C). The BC MMRP includes an inventory of Métis harvest activity (wildlife, birds, fish, and non-timber forest products) on a watershed-by-watershed basis.

The inventory includes both historical and contemporary uses. The available information suggests that Métis harvesters have hunted large game in both the Unuk and Bell-Irving watersheds. Small game, birds, fish, and non-timber forest products appear only to have been harvested in the Bell-Irving watershed. No anticipated impacts on Métis rights are anticipated based on the information provided in the Métis Interests Desktop Study provided in Appendix 25-C.

26.5 ASSESSMENT METHODS

Potential adverse effects of the Project on Aboriginal rights (i.e., practices, traditions, and customs) have been assessed for each Aboriginal group by adapting the assessment methodology framework described in Chapter 6. The methods follow three general steps described below.

The first step is to conduct a scoping exercise to screen which potential effects should be considered in the Aboriginal rights assessment. Both indirect and direct potential effects of the Project are

considered for Valued Components that are connected to an Aboriginal right. Scoping also includes selecting the spatial boundaries to support the assessment.

The second step involves characterizing the impact of the Project on Aboriginal Rights using criteria described in the CEA Agency's document *A Reference Guide for the Canadian Environmental Assessment Act – Determining Whether a Project is Likely to Cause Significant Adverse Environmental Effects* (1994)". The following criteria are used:

- *magnitude* (i.e., severity) of Project and cumulative residual effects and resulting impact on the exercise of rights;
- *duration* of residual effects and length of time the right(s) is/are anticipated to be at risk of infringement;
- *geographic extent* of residual effects and overlap with traditional territories;
- *frequency* of use by Aboriginal groups (both historical, current, and future) in the potentially affected area of their asserted traditional territories; and
- *reversibility* (i.e., are residual effects that impact the exercise of Aboriginal rights reversible in the short, medium, or long-term, or are they permanent).

The third and final step is to evaluate whether Project and cumulative residual effects have a negligible, low, moderate, or high impact on Aboriginal rights; this is derived by considering the following elements:

- Will the ability to exercise rights by Aboriginal groups be unaffected, modified, or completely restricted?
- What is the impact to the exercise of rights in the LSA compared to the exercise of rights in the RSA (if any)?
- Will the long-term displacement of access to use and occupy lands in the LSA affect the exercise of Aboriginal rights?

26.6 SCOPING THE ABORIGINAL RIGHTS ASSESSMENT

There is a potential for adverse effects on Aboriginal rights where there is an interaction between project components or activities and resources that are essential to the exercise of the Aboriginal right, or to the access of a resource. In considering potential effects on Aboriginal rights, it is assumed these types of activities may occur in the vicinity of the Project, even if site-specific areas or activities were not well identified or characterized by Aboriginal Groups.

26.6.1 Potential Effects on Aboriginal Rights

As directed by the BC EAO and CEA Agency and as described in relevant documents (e.g., AIR; EIS Guidelines), results from the scoping and assessment of relevant Project effects presented in the Application/EIS on different Valued Components help to inform the assessment of impacts on Aboriginal rights. Both indirect and direct effects on Aboriginal persons should be considered, which are:

- *indirect effects* under Section 5(1)(c) of CEAA 2012 on human health, socio-economic, physical and cultural heritage components (i.e., habitations, trails, burial sites and cultural landscapes), and current use of lands and resources for traditional purposes; and
- *direct effects* that are potentially linked to Aboriginal rights (i.e., fish and fish habitat; wildlife, human health; terrestrial ecology (economically and culturally important plants); and heritage.

26.6.1.1 Indirect Effects on Valued Components

Indirect effects under Section 5(1)(c) of CEAA 2012 were evaluated in the Application/EIS in the following sections:

- Assessment of Potential Health Effects – Chapter 21;
- Assessment of Potential Social Effects – Chapter 20;
- Assessment of Potential Economic Effects – Chapter 19;
- Assessment of Potential Heritage Effects – Chapter 22; and
- Assessment of Potential Effects to Current Use of Lands and Resources for Traditional Purposes – Chapter 25.

The Application/EIS concludes the Project is not expected to cause changes to the environment with respect to Aboriginal people as follows:

- Changes to the environment as a result of the Project are not predicted to affect the socio-economic conditions of Aboriginal people due to the lack of predicted effects on human health (country foods, water and air quality) and the distance of the Project from Aboriginal communities. Consequently, these potential effects were scoped out of the effects assessment (Section 20.1.1.1) and will not be considered further in the Aboriginal rights assessment.
- Changes to the environment as a result of the Project are not predicted to affect the physical heritage (synonymous with "any structure, site or thing that is of archaeological significance") of Aboriginal people with the effective implementation of the Heritage Management Plan (Section 29.8). Physical heritage components will not be considered further in the Aboriginal rights assessment.
- Changes to the environment as a result of the Project are not predicted to affect any structure, site or thing that is of historical, paleontological or architectural significance to Aboriginal people as these types of resources are not present within the Heritage RSA; these effects were scoped out of the effects assessment (Section 22.4.1.3). Structures, sites, or things of historical, paleontological or architectural significance will not be considered further in the Aboriginal rights assessment.

Indirect effects on human health, cultural heritage (i.e., habitations, trails, burial sites and cultural landscapes), and on the current use of lands and resources for traditional purposes by Aboriginal groups were scoped into the effects assessments presented in Chapter 21 and Chapter 25; these are presented in Table 26.6-1 below.

26.6.1.2 Direct Effects on Valued Components

Table 26.6-1 identifies the linkages between VCs assessed elsewhere in the Application/EIS and Aboriginal rights, provides a summary of the effects and mitigation and presents significance conclusions for both Project and cumulative residual effects. The assessment on rights for each Aboriginal group will only be conducted where a residual effect was identified; these are shown in green in Table 26.6-1.

The scoping exercise in Table 26.6-1 demonstrates there are no predicted residual effects for a number of VCs (listed below). Any potential impacts on Aboriginal rights as a result of Project effects on these VCs are considered to have been adequately accommodated for through the implementation of mitigation measures in the EA process; these effects and VCs will not be assessed further.

Table 26.6-1. Links between Aboriginal Rights, VCs, Effects, Mitigation, and Significance Conclusions in the Application/EIS

Type of Aboriginal Right	Valued Component	Potential Effect	Mitigation / Accommodation	Residual Effects		Scoped into the Aboriginal Rights Assessment (Y/N)
				Project Only	Cumulative	
Fishing	Fish (Dolly Varden, Bull Trout, Pacific Salmon)	Direct Mortality	Use of best management practices to minimize fish mortality with construction machinery. Adhere to DFO's operational statements. Adhere to appropriate construction operating window for instream work. Site isolation; controlled access; implement of no fishing policy for employees and contractors.	Not significant	Not significant	Y
	Fish (Dolly Varden, Bull Trout, Pacific Salmon)	Erosion and Sedimentation	Use of best management practices to minimize sediment entry to waterbodies. Adhere to DFO's operational statements. Adhere to appropriate construction operating window for instream work and the Soils Environmental Management Plan. Riparian re-vegetation; dust suppression on roads; work site isolation; water quality maintenance.	Not significant	Not significant	Y
	Fish (Dolly Varden, Bull Trout, Pacific Salmon)	Change in Water Quality	Implementation of ML/ARD Management Plan (Section 29.10), Waste Rock Management Plan (Section 29.18), Tailings Management Plan (Section 29.15), Water Management Plan (Section 29.19), Aquatic Effects Monitoring Plan (Section 29.3), Spill Prevention and Response Plan (Section 29.14).	N/A	N/A	N
	Fish Habitat	Erosion and Sedimentation	Use of best management practices to minimize sediment entry to waterbodies. Adhere to DFO's operational statements. Adhere to appropriate construction operating window for instream work and the Soils Environmental Management Plan. Riparian re-vegetation; dust suppression on roads; work site isolation; water quality maintenance.	Not significant	Not significant	Y
	Human Health (Country Foods)	Change in Country Foods Quality	Section 29.2, Air Quality Management Plan Section 29.3, Aquatic Effects Monitoring Plan Section 29.16, Transportation and Access Management Plan	N/A	N/A	N

(continued)

Table 26.6-1. Links between Aboriginal Rights, VCs, Effects, Mitigation, and Significance Conclusions in the Application/EIS (continued)

Type of Aboriginal Right	Valued Component	Potential Effect	Mitigation / Accommodation	Residual Effects		Scoped into the Aboriginal Rights Assessment (Y/N)
				Project Only	Cumulative	
Fishing *(cont'd)*	Fishing Opportunities and Practices	Change in Access or Ability to Access or Use Land and Resource Areas	Discussions with Skii km Lax Ha regarding their interest in using the Brucejack Access Road.	N/A	N/A	N
	Fishing Opportunities and Practices	Change in Quality of Experience of the Natural Environment	Noise Management Plan (Section 29.11), monitoring, consultation with Aboriginal groups.	N/A	N/A	N
	Fishing Opportunities and Practices	Change in the Abundance and Distribution of Resources	Soils Management Plan (Section 29.13); Transportation and Access Management Plan (Section 29.16), BMPs, adaptive management, monitoring, consultation with Aboriginal groups.	N/A	N/A	N
	Fishing Opportunities and Practices	Change to the Quality of Resources	Aquatic Effects Monitoring Plan (Section 29.3); Hazardous Materials Management Plan (Section 29.7); and Spill Prevention and Response Plan (Section 29.14), BMPs, adaptive management, monitoring, consultation with Aboriginal groups.	N/A	N/A	N
Hunting and Trapping	Wildlife (Moose, mountain goat, grizzly bear, American marten, migratory birds)	Habitat Loss	Avoidance of important habitat where practicable alternatives are available; re-vegetation/reclamation of some components during Closure.	N/A	N/A	N
	Wildlife (Moose, mountain goat, grizzly bear, American marten, migratory birds)	Sensory Disturbance	Section 29.11, Noise Management Plan; using directed/focused lighting.	Mountain Goat (Not significant)	Mountain Goat (Not significant)	Y

(continued)

Table 26.6-1. Links between Aboriginal Rights, VCs, Effects, Mitigation, and Significance Conclusions in the Application/EIS (continued)

Type of Aboriginal Right	Valued Component	Potential Effect	Mitigation / Accommodation	Residual Effects		Scoped into the Aboriginal Rights Assessment (Y/N)
				Project Only	Cumulative	
Hunting and Trapping *(cont'd)*	Wildlife (Moose, mountain goat, grizzly bear, American marten, migratory birds)	Disruption of Movement	Section 29.21, Wildlife Management and Monitoring Plan	Moose Grizzly Bear (Not significant)	Moose Grizzly Bear (Not significant)	Y
	Wildlife (Moose, mountain goat, grizzly bear, American marten, migratory birds)	Direct Mortality (e.g., Wildlife-vehicle interactions, electrocution from power lines)	Traffic, road management and monitoring.	Moose Grizzly Bear (Not significant)	Moose Grizzly Bear (Not significant)	Y
	Wildlife (Moose, mountain goat, grizzly bear, American marten, migratory birds)	Indirect Mortality (i.e., increased harvest pressure from increased access)	Minimize development of new roads, control access on existing project roads and regional monitoring.	Moose Mountain Goat Grizzly Bear (Not significant)	Moose Mountain Goat Grizzly Bear (Not significant)	Y
	Wildlife (Moose, mountain goat, grizzly bear, American marten, migratory birds)	Attractants	Waste management protocol, and planting less attractive roadside vegetation.	Grizzly Bear American Marten (Not significant)	Grizzly Bear American Marten (Not significant)	Y
	Wildlife (Moose, mountain goat, grizzly bear, American marten, migratory birds)	Chemical Hazards	Section 29.1, Air Quality Management Plan Section 29.3, Aquatic Effects Monitoring Plan Section 29.7, Hazardous Materials Management Plan Section 29.10, ML/ARD Management Plan Section 29.13, Soils Environment Management Plan Section 29.14, Spill Prevention and Response Plan Section 29.17, Waste Management Plan Section 29.19, Water Management Plan	N/A	N/A	N

(continued)

Table 26.6-1. Links between Aboriginal Rights, VCs, Effects, Mitigation, and Significance Conclusions in the Application/EIS (continued)

Type of Aboriginal Right	Valued Component	Potential Effect	Mitigation / Accommodation	Residual Effects		Scoped into the Aboriginal Rights Assessment (Y/N)
				Project Only	Cumulative	
Hunting and Trapping *(cont'd)*	Human Health (Country Foods)	Change in Country Foods Quality	Section 29.2, Air Quality Management Plan Section 29.3, Aquatic Effects Monitoring Plan Section 29.16, Transportation and Access Management Plan Section 29.21, Wildlife Management and Monitoring Plan	N/A	N/A	N
	Hunting and Trapping Opportunities and Practices	Change in Access or Ability to Access or Use Land and Resource Areas	Discussions with Skii km Lax Ha regarding their interest in using the Brucejack Access Road.	N/A	N/A	N
	Hunting and Trapping Opportunities and Practices	Change in Quality of Experience of the Natural Environment	Noise Management Plan (Section 29.11), monitoring, visual quality BMPs, project design, consultation with Skii km Lax Ha	N/A	N/A	N
	Hunting and Trapping Opportunities and Practices	Change in the Abundance and Distribution of Resources	Wildlife Management Plan (Section 29.21); Waste Management Plan (Section 29.17); Noise Management Plan (Section 29.11), Transportation and Access Management Plan (Section 29.16), monitoring, consultation with Aboriginal groups.	Not significant	Not significant	Y
	Hunting and Trapping Opportunities and Practices	Change to the Quality of Resources	Consultation with Aboriginal groups, monitoring of country foods.	N/A	N/A	N
Gathering	Economically and Culturally Important Plants	Loss of Ecosystem Extent/Function	Minimize clearing areas; effective internal reporting of environmental incidents and concerns.	Not Significant	Not significant	Y
	Economically and Culturally Important Plants	Alteration of Ecosystem Extent/Function	Minimize clearing areas; dust suppression; effective internal reporting of environmental incidents and concerns.	N/A	N/A	N

(continued)

Table 26.6-1. Links between Aboriginal Rights, VCs, Effects, Mitigation, and Significance Conclusions in the Application/EIS (completed)

Type of Aboriginal Right	Valued Component	Potential Effect	Mitigation / Accommodation	Residual Effects		Scoped into the Aboriginal Rights Assessment (Y/N)
				Project Only	Cumulative	
Gathering *(cont'd)*	Human Health (Country Foods)	Change in Country Foods Quality	Section 29.2, Air Quality Management Plan; Section 29.3, Aquatic Effects Monitoring Plan Section 29.16, Transportation and Access Management Plan	N/A	N/A	N
	Gathering Opportunities and Practices	Change in Access or Ability to Access or Use Land and Resource Areas	Discussions with Skii km Lax Ha regarding their interest in using the Brucejack Access Road.	N/A	N/A	N
	Gathering Opportunities and Practices	Change to the Abundance and Distribution of Resources	Ecosystem Management Plan (Section 29.5), and BMPs.	N/A	N/A	N
	Gathering Opportunities and Practices	Change to the Quality of Resources	Consultation with Aboriginal groups, monitoring of country foods.	N/A	N/A	N
Cultural Practices	Habitations, Trails, Burial Sites and Cultural Landscapes	Change in Access or Ability to Access or Use Land and Resource Areas	Discussions with Skii km Lax Ha regarding their interest in using the Brucejack Access Road.	N/A	N/A	N

Note: Shading indicates the residual effect is scoped into the Aboriginal Rights Assessment.

For the VCs listed below, because there are no predicted residual effects (as identified in Table 26.6-1), there can be no potential to infringe on an Aboriginal right(s). Therefore, these effects and/or VCs have been scoped out of the Aboriginal rights assessment:

- effects to fish due to changes in water quality;
- effects to human health to changes in country foods quality;
- effects to wildlife VCs harvested by Aboriginal groups due to habitat loss;
- effects to moose, grizzly bear, American marten, and migratory birds due to sensory disturbances;
- effects to mountain goat, American marten, and migratory birds due to disruption of movement;
- effects to mountain goat, American marten, and migratory birds due to direct mortality;
- effects to American marten and migratory birds due to indirect mortality;
- effects to moose, mountain goat, migratory birds due to attractants;
- effects to wildlife VCs (moose, mountain goat, grizzly bear, American marten, migratory birds) harvested by Aboriginal groups due to chemical hazards;
- effects to culturally and economically important plants due to alteration of ecosystem extent or function;
- effects to fishing, hunting and trapping or gathering opportunities and practices due to a change in access or ability to access or use land and resource areas;
- effects to fishing, hunting and trapping or gathering opportunities and practices due to a change in quality of experience of the natural environment;
- effects to fishing and gathering opportunities and practices due to change in the abundance and distribution of resources;
- effects to fishing, hunting and trapping or gathering opportunities and practices due to a change in the quality of resources; and
- effects to habitations, trails, burial sites and cultural landscapes.

26.6.1.3 Spatial Boundaries

Potential adverse effects of the Project on Aboriginal rights are considered within a spatial boundary, corresponding to the geographic extent of the Current Aboriginal Use Local Study Area (LSA) and Regional Study Area (RSA) described in Chapter 25 (Assessment of Potential Effects to Current Use of Lands and Resources for Traditional Purposes), Section 25.4.2. These boundaries were selected because impacts on Aboriginal rights are heavily influenced by Project effects on traditional land use activities. Cross-references to Chapter 25 will be relied on throughout the assessment to avoid redundancy.

26.7 ASSESSMENT OF IMPACTS ON ABORIGINAL RIGHTS

26.7.1 Skii km Lax Ha

The Skii km Lax Ha assert rights to hunt, fish, trap, and harvest berries and other food and medicinal plants throughout their traditional territory. The Skii km Lax Ha have traditionally, and currently hunt, trap, fish, camp and harvest plants, berries and mushrooms in their asserted traditional territory. The Project footprint is entirely (100%) within the boundaries of Skii km Lax Ha territory. Current Skii km Lax Ha traditional sites closest to Project infrastructure include a gathering area along the Bowser

River, west of Bowser Lake (near the Brucejack exploration access road), and a hunting and trapping area on the north side of Mount Anderson where moose, grizzly bear, mountain goat, and marten are harvested. Figures 25.3-2 through 25.3-4 map the fishing, hunting and trapping, and gathering areas, respectively, in relation to Project components.

26.7.1.1 Impact to the Exercise of Fishing Rights

Fish species harvested by the Skii km Lax Ha include Pacific salmon (*sp.*), steelhead, Rainbow trout, and Dolly Varden (see Chapter 25, Table 25.3-1). The Skii km Lax Ha typically consume Chinook and sockeye salmon two to three times per week throughout the year. The meat, head, and bones of the salmon are all consumed (Appendix 21-A, Brucejack Gold Mine Project: Country Foods Baseline Assessment). Rainbow trout are consumed two to three times per month, while Dolly Varden and steelhead are consumed less frequently; only the meat of these fish is consumed. Oolichan is utilized for its grease, and is consumed two to three times per week with dried meat (Appendix 21-A). Fishing areas identified by the Skii km Lax Ha in the regional vicinity of the Project include areas along the Bell-Irving River between Treaty and Wildfire Creeks as well as Todedada Lake and Gilbert Lake (Figure 25.3-2).

As indicated in Chapter 25, the Project is not anticipated to have any residual effect on fishing opportunities and practices in the LSA and RSA, particularly at Skii km Lax Ha fishing sites at Todedada Lake, Gilbert Lake and Wildfire Creek.

The characterization of impact to Skii km Lax Ha fishing rights are as follows:

- less than 0.1% of Skii km Lax Ha traditional territory is overlapped by the Project footprint;
- the magnitude of the residual effects affecting fish are minor to negligible;
- the geographic extent of the majority of the effects to fish, if any, are predicted to be localized to the Project footprint, minimizing effects in areas of higher use in the Skii km Lax Ha traditional territory;
- the effects are anticipated to be reversible in the short or medium term;
- no residual effects were predicted to the quality of fish resources;
- no change in Skii km Lax Ha access or their ability to access fishing sites is anticipated; and
- the construction of Project infrastructure will not displace Skii km Lax Ha's ability to access fishery resources in their territory.

Impacts on rights as a result of residual effects will be accommodated for through the implementation of mitigation measures described in the Application/EIS. A number of Environmental Management and Monitoring Plans will also be undertaken to accommodate impacts on rights, including an Aquatic Effects Monitoring Plan and a Soils Management Plan. Consultation and engagement activities by Pretivm will continue with the Skii km Lax Ha.

Based on the results of the assessment of effects to fishing opportunities and practices in Chapter 25 (Section 25.5.1), and the summary of residual effects to VCs that are linked to Aboriginal fishing rights listed in Table 26.6-1, the Project is predicted to have a **low** level of impact on the exercise of Skii km Lax Ha fishing rights.

26.7.1.2 Impact to the Exercise of Hunting and Trapping Rights

The Skii km La Ha hunt for moose, grizzly and black bear, mountain goat, and birds (ptarmigan, grouse and Canada geese; see Chapter 25, Table 25.3-2). Moose is the most important wildlife species for the

Skii km Lax Ha, and it is consumed two or three times per week throughout the year. All parts of the moose are used, and the meat and internal organs are frozen for future consumption (Appendix 21-A). Black bear is consumed fresh in the spring, and processed into sausage for consumption in the fall and winter. Ducks are consumed approximately two or three times per month, while grouse, ptarmigan, and Canada geese are consumed infrequently, less than once per month (Appendix 21-A). Hunting areas identified by the Skii km Lax Ha in the vicinity of the Project include the north side of Mount Anderson on Bowser Lake, and the Scott Creek and Todedada Creek valleys (Figure 25.3-3).

The Skii km Lax Ha trap marten, beaver, wolf, marmot and wolverine. They hold three registered traplines (TR 0616 T011, TR 0617 T015, and TR 0617 T013). TR 0616 T011 overlaps the eastern half of the Brucejack Access Road**.** The Skii km Lax Ha have not used their traplines since 2009, but anticipate using them in the future (Appendix 25-B, Figure 4.3-1b).

As indicated in Section 25.6.1, Residual Effects on Hunting and Trapping Opportunities and Practices, the Project has the potential to adversely affect Skii km Lax Ha hunting and trapping opportunities and practices in the LSA and RSA due a change in the abundance and distribution of resources due to wildlife-vehicle interactions, sensory disturbances to wildlife, and disruption of wildlife movement. Residual effects to moose, grizzly bear, mountain goat and marten were anticipated. No other residual effects to hunting and trapping opportunities and practices were anticipated.

The characterization of impact to Skii km Lax Ha hunting and trapping rights are as follows:

- less than 0.1% of Skii km Lax Ha traditional territory is overlapped by the Project footprint;the magnitude of the residual effects affecting wildlife are minor to negligible;
- the effects are anticipated to be reversible in the long term;
- the majority of the effects on wildlife are localized to the Project footprint;
- no residual effects were predicted to the quality of wildlife resources;
- no change in Skii km Lax Ha access or ability to access hunting and trapping areas are anticipated; and
- project infrastructure and activities will not displace Skii km Lax Ha's ability to access wildlife resources in their territory.

Impacts on rights as a result of residual effects will be accommodated for through the implementation of mitigation measures described in the Application/EIS. A number of Environmental Management and Monitoring Plans will also be undertaken to accommodate impacts on rights, including a Wildlife Management Plan (Section 29.21), a Waste Management Plan (Section 29.17), a Noise Management Plan (Section 29.11), and a Transportation and Access Management Plan (Section 29.16). Consultation and engagement activities by Pretivm will continue with the Skii km Lax Ha.

Based on the results of the assessment of effects to hunting and trapping opportunities and practices in Chapter 25 (Section 25.5.2), and the summary of residual effects to VCs relevant to Aboriginal hunting and trapping rights listed in Table 26.6-1, the Project is predicted to have a **low** level of impact on the exercise of Skii km Lax Ha hunting and trapping rights.

26.7.1.3 Impact to the Exercise of Gathering Rights

The Skii km Lax Ha harvest berries (huckleberries, blueberries, cranberries, and soapberries), mushrooms, and medicinal plants such as Devil's club (Chapter 25, Table 25.3-3). Soapberries are consumed daily. Blueberries are consumed two to three times per week, and are consumed during

feasts. Bog cranberries are consumed occasionally (less than once per week). As for other plants, Devil's club is intensively utilized in the springtime, as much as four to five times per week (Appendix 21-A, Brucejack Gold Mine Project: Country Foods Baseline Assessment). The inner bark of Devil's club is steeped in boiling water and drunk as tea for medicinal purposes. Plant gathering areas in the vicinity of the Project identified by the Skii km Lax Ha include the upper Bowser River, and the north side of Bowser Lake (Figure 25.3-4, Appendix 25-B).

As indicated in Chapter 25, Assessment of Potential Effects to Current Use of Lands and Resources for Traditional Purposes, the Project is not anticipated to have any residual effect on gathering opportunities and practices in the LSA and RSA, particularly at Skii km Lax Ha gathering sites along the upper Bowser River or the north side of Bowser Lake.

The characterization of impact to Skii km Lax Ha gathering rights are as follows:

- less than 0.1% of Skii km Lax Ha traditional territory is overlapped by the Project footprint;
- residual effects to economically or culturally important plants are of minor to negligible magnitude;
- the geographic extent of the majority of the effects are predicted to be restricted to localized areas, minimizing effects within Skii km Lax Ha traditional territory;
- the effects are anticipated to be reversible in the long-term;
- no residual effects were predicted to the quality of plant resources;
- no change in Skii km Lax Ha access or ability to access gathering areas are anticipated; and
- Project components and activities do not significantly displace Skii km Lax Ha's ability to access plant resources in their territory.

Impacts on rights as a result of residual effects will be accommodated for through the implementation of mitigation measures described in the Application/EIS. A number of Environmental Management and Monitoring Plans will also be undertaken to accommodate impacts on rights, including an Ecosystem Management Plan. Consultation and engagement activities by Pretivm will continue with the Skii km Lax Ha.

Based on the results of the assessment of effects to gathering opportunities and practices in Chapter 25 (Section 25.5.3), and the summary of residual effects to VCs relevant to Aboriginal gathering rights listed in Table 26.6-1, the Project is predicted to have a low level of impact on the exercise of Skii km Lax Ha gathering rights.

26.7.1.4 Assessment of Overall Impacts on the Exercise of Skii km Lax Ha Aboriginal Rights

Given the above analysis and that the Proponent has committed to implementing a range of mitigation measures, residual effects of the Project are predicted to have an overall low level of impact to Skii km Lax Ha's Aboriginal rights. The Project is not expected to affect the ability of present and future generations to exercise their rights, or modify their customs and practices related to fishing, hunting, and gathering. There is a medium likelihood of the impact occurring, with a medium confidence in its characterization.

26.7.2 Tahltan Nation

The Tahltan assert rights to hunt, fish, trap and harvest berries and other food and medicinal plants throughout their asserted territory. The harvesting of fish, wildlife and plants sustains the non-wage

economy and is an important food source for most households. Only a minor portion (3.6%) of the Project footprint is within Tahltan territory.

26.7.2.1 Impact to the Exercise of Fishing Rights

Pacific salmon (chinook, sockeye, coho, chum, and pink) and steelhead feature prominently in Tahltan cultural identity and practice, with numerous fish-bearing rivers running through the Tahltan traditional territory. The traditional summer fisheries are currently located in the mid Stikine, upper Nass and upper Skeena basins (THREAT 2009). Sixty-four percent of the Tahltan eat salmon at least once per week, and 22 percent eat other fish at least once a week (GMG Consulting 2009).

As noted in Chapter 25, the Tahltan did not provide information on fishing areas in the Current Aboriginal Use LSA or RSA.

The characterization of impact to Tahltan fishing rights are as follows:

- less than 0.1% of Tahltan traditional territory is overlapped by the Project footprint;
- the magnitude of residual effects affecting fish are minor to negligible;
- the geographic extent of the majority of the effects to fish, if any, are predicted to be localized to the Project footprint, with no effects to fishing areas utilized by the Tahltan;
- the effects are anticipated to be reversible in the short or medium term;
- no residual effects were predicted to the quality of fish resources;
- no available evidence of the historical and current use of fishery resources in the LSA or RSA by the Tahltan; and
- the construction of the Mine Site and related Project facilities will not displace the Tahltan's ability to access fishery resources in their territory.

Impacts on rights as a result of residual effects will be accommodated for through the implementation of mitigation measures described in the Application/EIS. A number of Environmental Management and Monitoring Plans will also be undertaken to accommodate impacts on rights, including an Aquatic Effects Monitoring Plan and a Soils Management Plan. Consultation and engagement activities by Pretivm will continue with the Tahltan.

Based on the results of the assessment of effects to fishing opportunities and practices in Chapter 25 (Section 25.5.1), and the summary of residual effects to VCs relevant to Aboriginal gathering rights listed in Table 26.6-1, the Project is predicted to have a **negligible** impact on the exercise of Tahltan fishing rights.

26.7.2.2 Impact to the Exercise of Hunting Rights

Moose are a primary food source in the Tahltan diet. According to a recent survey (GMG Consulting 2009), three quarters of the Tahltan eat moose meat at least once a week. Moose have replaced caribou as a game species for the Tahltan. Mountain goat, traditionally prized for its hair as well as meat, is not as prominent for the Tahltan as it once was. Traditional foods that are still eaten at least once a week are caribou (10%), rabbit (10%), beaver, groundhog (hoary marmot), and porcupine (each less than 5% (GMG Consulting 2009).

As indicated in Chapter 25, Assessment of Potential Effects to Current Use of Lands and Resources for Traditional Purposes, the Tahltan did not provide information on hunting or trapping areas in the Current Aboriginal Use LSA or RSA.

The characterization of impact to Tahltan hunting and trapping rights are as follows:

- less than 0.1% of Tahltan traditional territory is overlapped by the Project footprint;
- the magnitude of the residual effects affecting wildlife are mostly of minor concern;
- the effects are anticipated to be reversible in the long term;
- the majority of the effects on wildlife are localized to the Project footprint;
- no residual effects were predicted to the quality of wildlife resources;
- no evidence of the historical and current use of wildlife resources in the LSA or RSA by the Tahltan currently exists; and
- the construction of the Mine Site and related Project facilities will not displace the Tahltan's ability to access wildlife resources in their territory.

Impacts on rights as a result of residual effects will be accommodated for through the implementation of mitigation measures described in the Application/EIS. A number of Environmental Management and Monitoring Plans (Chapter 29) will also be undertaken to accommodate impacts on rights, including a Wildlife Management Plan (Section 29.21), a Waste Management Plan (Section 29.17), a Noise Management Plan (Section 29.11), and a Transportation and Access Management Plan (Section 29.16). Consultation and engagement activities by Pretivm will continue with the Tahltan.

Based on the results of the assessment of effects to hunting and trapping opportunities and practices in Section 25.5.2, and the summary of residual effects to VCs relevant to Aboriginal gathering rights listed in Table 26.6-1, the Project is predicted to have a low level of impact on the exercise of Tahltan hunting rights, and a negligible impact on the exercise of Tahltan trapping rights.

26.7.2.3 Impact to the Exercise of Gathering Rights

The harvesting of plants and berries continues to be an important traditional Tahltan activity. Plants are used for medicinal and subsistence purposes. The Tahltan harvest approximately 25 species of berries and numerous wild green vegetables, roots, and plants, some of which are used medicinally to treat a variety of minor ailments (Albright 1984; School District 87 2000). Soapberries and blueberries are commonly eaten (GMG Consulting 2009). Several species of edible mushrooms are found within Tahltan traditional territory. Pine mushroom gathering is economically important, especially for Iskut community members (Coast Mountain Hydro Corp 2002).

As indicated in Chapter 25, Assessment of Potential Effects to Current Use of Lands and Resources for Traditional Purposes, the Tahltan did not provide information on gathering areas in the Current Aboriginal Use LSA or RSA.

The characterization of impact to Talhtan gathering rights are as follows:

- less than 0.1% of Tahltan traditional territory is overlapped by the Project footprint;
- the magnitude of residual effects affecting culturally or economically important plants are of minor to negligible severity;

- the geographic extent of the majority of the effects is predicted to be restricted to localized areas, occupying a very small proportion of Tahltan territory;
- the effects are anticipated to be reversible in the long-term;
- no residual effects were predicted to the quality of plant resources; no evidence of the historical and current use of plant resources in the LSA or RSA currently exists; and
- Project components and activities will not displace Tahltan's ability to access plant resources in their territory.

Impacts on rights as a result of residual effects will be accommodated for through the implementation of mitigation measures described in the Application/EIS. A number of Environmental Management and Monitoring Plans will also be undertaken to accommodate impacts on rights, including an Ecosystem Management Plan. Consultation and engagement activities by Pretivm will continue with the Tahltan.

Based on the results of the assessment of effects to gathering opportunities and practices in Chapter 25 (Section 25.5.3), and the summary of residual effects to VCs relevant to Aboriginal gathering rights listed in Table 26.6-1, the Project is predicted to have a **negligible** impact on the exercise of Tahltan gathering rights.

26.7.2.4 Assessment of Overall Impacts on the Exercise of Tahltan Aboriginal Rights

Considering the above analysis and that the Proponent has committed to implementing a range of mitigation measures that serve to accommodate impacts on rights, the overall impact on the exercise of Tahltan Aboriginal rights is expected to be low. The Project is not expected to affect the ability of present and future generations to exercise their rights, or modify their customs and practices related to fishing, hunting, and gathering. There is a medium likelihood of the impact occurring, with a medium confidence in its characterization.

26.8 OTHER INTERESTS OF ABORIGINAL GROUPS AND MITIGATION MEASURES

This section of the Application/EIS identifies broader concerns and interests raised by Aboriginal groups with respect to potential environmental, economic, social, heritage and health effects of the proposed Project. As defined in the AIR, "interests" refers to issues that may be raised by Aboriginal groups that are not an Aboriginal right. All issues raised by Aboriginal groups are summarized in Table 26.3-1.

26.8.1 Employment and Economic Opportunities

The Tahltan expressed interest in employment and economic opportunities. Chapter 19, Assessment of Potential Economic Effect, details measures to be implemented by the Proponent to enhance employment and economic opportunities for Aboriginal groups including:

- providing first opportunity for employment to LSA residents, followed by the RSA and the province;
- communications with Aboriginal communities in the LSA to provide these groups with an understanding of the Project development schedule, workforce requirements and hiring schedule and the workforce recruitment process;
- formal, clear and transparent communications with Aboriginal groups, when Closure is going to occur in advance so that affected Project, contractor and local business employees are able to adjust accordingly; and
- workforce transition programs to support training and career development opportunities prior to Closure, including worker training programs as part of worker recruitment and on-the-job training to enhance worker job expertise.

26.8.2 Aboriginal Education, Skills, and Training

The Skii km Lax Ha through consultation events identified an interest in training to create a skilled labour force to take advantage of employment opportunities. Chapter 20, Assessment of Potential Social Effects, details measures to be implemented by the Proponent to enhance Aboriginal education, skills, and training including:

- training and skill development offered to Project employees across departments, including on-the job training;
- promoting and support for mining-related training and education for vulnerable groups as led and implemented by educational institutions within the RSA;
- training initiatives will specifically target potential Aboriginal workers and to maximize Aboriginal participation in Project employment; and
- pursuit of Impact Benefit Agreements or other forms of agreements to address some of the barriers their community members face with respect to gaining higher levels of education and skill attainment.

26.8.3 Concern over Economic Losses from a Change in Use of Lands and Resources

The Skii km Lax Ha raised the issue of potential effects of the Project on the use of lands and resources and subsequent economic losses. The environmental effects of the Project on Aboriginal uses of lands and resources are addressed in Chapter 25, Assessment of Potential Effects to Current Use of Lands and Resources for Traditional Purposes. No significant residual effects to fish, wildlife or plant resources utilized by Aboriginal groups were anticipated as a result of Project activities. Those who utilize wildlife as country foods, therefore, should not expect their consumption levels to drop and hence require the purchase of more store-bought foods to make up for the shortfall. Aboriginal trappers who utilize traplines in the Project area should not see any impacts to the furbearers they harvest, and any economic gains from trapping activities should remain the same as without the Project.

There are also potential social and cultural effects that result from changes to the use of lands and resources. Employment with the Project has the potential to indirectly affect the ability and opportunity of Aboriginal employees to partake in harvesting activities throughout the year. Missing key harvesting times may affect the amount of fish, wildlife and plant resources that Aboriginal harvesters could put away for future use, and require families to purchase store-bought food to make up for the shortfall, affecting their overall consumption of country foods, as well as their cultural connection to harvesting activities.

Based on literature review, the opinions of Aboriginal people with regard to work schedules affecting the use of lands and resources is mixed. Some studies reported Aboriginal groups spending less time on the land hunting, fishing and practicing other culturally-related activities, resulting in less opportunities for learning traditional skills and knowledge from their family members and Elders (Gibson and Klick 2005), and shortages of country foods in the home (Hobart 1982).

However, other studies suggest that increased income associated with mining employment may allow Aboriginal employees to purchase tools and equipment needed during harvesting activities which were formerly out of reach, such as snowmobiles, boats, tents, ATVs, and the associated maintenance costs. A number of studies have showed a continuation and even an increase in harvesting where employment has resulted from non-intrusive development projects (Hobart 1982; Kleinfeld, Kruse, and Travis 1983).

26.9 SUMMARY

As per the relevant directives in CEAA 2012, the AIR, and the EIS Guidelines, the proponent has assessed the potential effects on the Aboriginal rights and interests of Skii km Lax Ha, Tahltan Nation, and MNBC in relation to Project activities. Drawing on the individual assessments of the environmental, social, health, heritage, and use of lands and resources components that comprise the Application/EIS, this chapter has identified and characterized the potential interactions between VCs and Aboriginal interests and rights. Further, the chapter has summarized the potential effects, and their significance ratings, on those identified Aboriginal rights and interests and provided cross-referencing to other sections of the Application/EIS wherever applicable.

Specifically, the chapter summarized the setting for each Aboriginal group, as well as the consultation that has occurred- and is planned to occur- with each group, as well as the status of TK in the EA. The chapter then summarized the potential adverse effects relating to Aboriginal interests, the environmental effects of the Project on Aboriginal people, and the assessment of impacts to the exercise of Aboriginal rights. Following mitigation the assessment found the potential effects on Aboriginal rights, to be low to negligible.

Skii km Lax Ha, Tahltan Nation, and MNBC all had the opportunity to review and comment on the preliminary assessment of potential effects of the Project on Aboriginal rights and interests. The proponent will continue with the implementation of its Aboriginal Consultation Plan throughout the remainder of the pre-Application/pre-Submission stage, and during the Application/EIS review stage.

Table 26.9-1 summarizes the potential effects of the Project on the exercise of Aboriginal rights as well as mitigation/accommodation measures to minimize effects to those rights

Table 26.9-1. Summary of Potential Effects on Aboriginal Groups Rights and Accommodation Measures

Residual Effect to VC Related to Aboriginal Right	Aboriginal Group/ Right Potentially Affected	Mitigation/Accommodation Measures	Impact on Aboriginal Right
Direct Mortality to fish	Skii km Lax Ha right to fish	Use of best management practices to minimize fish mortality with construction machinery. Adhere to DFO's operational statements. Adhere to appropriate construction operating window for instream work. Site isolation; controlled access; implement of no fishing policy for employees and contractors.	Low
	Tahltan right to fish		Negligible
Erosion and Sedimentation affecting fish and fish habitat	Skii km Lax Ha right to fish	Use of best management practices to minimize sediment entry to waterbodies. Adhere to DFO's operational statements. Adhere to appropriate construction operating window for instream work and the Soils Environmental Management Plan. Riparian re-vegetation; dust suppression on roads; work site isolation; water quality maintenance.	Low
	Tahltan right to fish		Negligible
Sensory Disturbances to Mountain Goat	Skii km Lax Ha right to hunt	Section 29.11, Noise Management Plan Using directed/focused lighting.	Low
	Tahltan right to hunt		Low

(continued)

Table 26.9-1. Summary of Potential Effects on Aboriginal Groups Rights and Accommodation Measures (completed)

Residual Effect to VC Related to Aboriginal Right	Aboriginal Group/ Right Potentially Affected	Mitigation/Accommodation Measures	Impact on Aboriginal Right
Disruption of Movement affecting moose and grizzly bear	Skii km Lax Ha right to hunt	Section 29.21, Wildlife Management and Monitoring Plan	Low
	Tahltan right to hunt		Low
Direct Mortality (e.g., Wildlife-vehicle interactions, electrocution from power lines) affecting moose and grizzly bear	Skii km Lax Ha right to hunt	Traffic, road management and monitoring.	Low
	Tahltan right to hunt		Low
Indirect Mortality (i.e., increased harvest pressure from increased access) affecting moose, mountain goat, and grizzly bear	Skii km Lax Ha right to hunt	Minimize development of new roads, control access on existing project roads and regional monitoring	Low
	Tahltan right to hunt		Low
Attractants affecting grizzly bear and American marten	Skii km Lax Ha right to hunt and trap	Waste management protocol, and planting less attractive roadside vegetation.	Low
	Tahltan right to hunt and trap		Low
Change in the Abundance and Distribution of Resources affecting hunting and trapping opportunities and practices	Skii km Lax Ha right to hunt and trap	Section 29.21, Wildlife Management Plan Section 29.17, Waste Management Plan Section 29.11, Noise Management Plan Section 29.16, Transportation and Access Management Plan	Low
	Tahltan right to hunt and trap		Hunting rights: Low Trapping rights: Negligible
		Monitoring, consultation with Aboriginal groups.	
Loss of Ecosystem Extent/ Function affecting culturally and economically important plants	Skii km Lax Ha gathering rights	Minimize clearing areas; effective internal reporting of environmental incidents and concerns.	Low
	Tahltan gathering rights		Negligible

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