



Nisga'a Lisims Government

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September 8, 2021

David Grace, Project Assessment Director

Environmental Assessment Office
PO Box 9426 Stn. Prov. Govt.
Victoria, BC., V8W 9V1

Dear Mr. Grace:

Re: Proposed Eskay Creek Revitalization Project

We write in response to your letter dated August 3, 2021 concerning the above-noted file and the Initial Project Description (“IPD”) and Engagement Plan for the Eskay Creek Revitalization Project (“Eskay Creek”), submitted by Skeena Resources Limited (the “Applicant”) per Section 11 of the *Environmental Assessment Act* (2018).

Based on the information provided, Nisga’a Lisims Government (“NLG”) has the following comments on the IPD and the Engagement Plan:

General Comments

- The IPD incorrectly assumes at page 60 that there will be no impacts from the proposed project on Nisga’a Treaty interests even though trucking of concentrate (and possibly other dangerous materials) will take place within the Nass Area and the Nass Wildlife Area. Additionally, it is difficult to determine the extent to which there may be additional impacts to Nisga’a Treaty interests as a result of shipping the ore from the Stewart area once unloaded from the trucks that have delivered it there. Given this potential for impacts to Nisga’a Treaty interests, it is the Nisga’a Nation’s view that the proposed project must undergo the assessments required under paragraphs 8(e) and 8(f) of Chapter 10 – Environmental Protection and Assessment of the *Nisga’a Final Agreement* (the “Treaty”).
- Given the above, the IPD and the Engagement Plan fail to adequately describe the Nisga’a Nation’s Treaty interests that may be impacted and they do not set out in sufficient detail how the proponent intends to engage with the Nisga’a Nation in a way that will ensure that the assessments required under the Nisga’a Treaty will be properly carried out.
- Additionally, we would like to remind the EAO and the IAAC that the assessment under Chapter 10 must be carried out regardless of the requirements or provisions of existing environmental assessment legislation. As such, it is the Nisga’a Nation’s view that it does not need to identify as a Participating Indigenous Nation under the new BCEAO EA legislation in order for the Chapter 10 assessment to occur. Notwithstanding this view, we suggest that we meet as soon as possible in order to confirm the process that EAO and IAAC will be following in respect of its obligations under Chapter 10 of the Nisga’a Treaty.

Nisga'a Wildlife and Aquatic Concerns

- The IPD states that the Nisga'a interest as it relates to roadkill is captured in Table 6-1 and Table 10-2 also identifies "Direct mortality of wildlife due to vehicle-wildlife collisions and indirect mortalities from mine operations." NLG suggest that the scope of that wildlife effect be clearly stated in the IPD to include all project-related road and marine traffic that goes through the Nass Area or Nass Wildlife Area.
- Similarly, we note that the IPD states, at page 60, that "No effects from the Project are anticipated on the Nass Watershed." However, both freshwater and marine aquatic values for the Nisga'a Nation could be affected by accidents and malfunctions along the transport routes as well as shipping effects in Portland Canal and Inlet. These risks should be properly scoped into the IPD.
- Consequently, the following should be added to Table 6-1 and Table 4 of the IPD: *Nisga'a Nation also has concerns about shipping related effects in Portland Canal and Portland Inlet.*

We reserve the right to comment on any future dealings with this project and NLG looks forward to any further updates in respect of the status of this file.

Yours truly,

NISGA'A LISIMS GOVERNMENT



Collier Azak,
Chief Executive Officer

cc: Eva Clayton, President, Nisga'a Lisims Government
Brian Tait, Chairperson, Nisga'a Lisims Government
Charles M. Morven, Secretary Treasurer, Nisga'a Lisims Government
Cheryl Moore, Executive Director, Nisga'a Lisims Government
Mansell Griffin, Director of Lands and Resources, Nisga'a Lisims Government
Harry Nyce, Director of Fisheries and Wildlife, Nisga'a Lisims Government