

GCT DELTA PORT – BERTH 4 PROJECT (DP4) JOINT GUIDELINES

Section 13 Nation-specific Assessment: S’ólh Téméxw Stewardship Alliance

April 20, 2022

The S’ólh Téméxw Stewardship Alliance (STSA) self-identified as a participating Indigenous nation to the EAO on December 4, 2020. The Impact Statement must include an aggregate assessment of project effects on the Indigenous interests of member Indigenous nations of the S’ólh Téméxw Stewardship Alliance: Aitchelitz First Nation, Seabird Island First Nation, Shxwhà:y Village, Skowkale First Nation, Soowahlie First Nation, Sq’ewlets, Squiala First Nation, Tzeachten First Nation, Yakweawkwoose First Nation, Kwaw’Kwaw’Apilt First Nation, Scowlitz First Nation, Skawahlook (Sq’ewá:lxw) First Nation, Skwah First Nation, Sumas First Nation, and Yale First Nation.

The STSA has stated:

Today, in continuity with thousands of years of history, the Stó:lō (People of the River) occupy and use S’ólh Téméxw, the lower Fraser River watershed of southwestern British Columbia. As Halq’eméylem speaking Coast Salish people, Stó:lō are culturally and familiarly tied to many Coast Salish Tribes, and families. Stó:lō are interconnected with the land and resources of S’ólh Téméxw, culturally spiritually, physically, psychologically, and economically. They maintain a long-standing and deep-seated relationship with, defense and protection of, and continued management and use throughout their territory, S’ólh Téméxw. Stó:lō occupation of S’ólh Téméxw extends back thousands of years, to time immemorial.

The Stó:lō-specific assessment should be conducted in collaboration with Stó:lō communities and the STSA, via the People of the River Referrals Office. Stó:lō interests intersect with many of value components identified in these Joint Guidelines (e.g. Harvesting and Subsistence Activities; Fish, fish Habitat, and aquatic environments; Freshwater; Cultural Use Sites and Areas; Economic Activities; Indigenous Health and Wellbeing). However, a “thorough and complete assessment” would be conducted through a Stó:lō lens to understand the impacts of DP4 on all relationally connected Sxoxōmes in S’ólh Téméxw. This requires that the assessment be conducted by weaving together knowledges from multiple epistemologies (knowledge systems).

The assessment should focus on the impacts on Stó:lō relational engagements with Sxoxōmes (‘gifts of the Creator’, Chíchelh Siyá:m). These impacts should be explored through a Stó:lō lens, including through a Stó:lō cumulative effects framework that centres on Stó:lō knowledge systems and laws. This means

engaging with Stó:lō communities and providing support for a Stó:lō-led analysis of data that is provided by the proponent. The proponent should consult with PRRO technical staff to assist in identifying appropriate data needs.

The following components should guide the co-development of the assessment methodology when considering impacts on Stó:lō First Nations:

1. Mewk stam ilileq'tol (everything is connected); xaxastexw te mekw' stam (respect all things)

Stó:lō relations within S'ólh Téméxw do not fit neatly into western heuristics, such as the identification of discrete and externalized ecological value components. S'ólh Téméxw consists of inter-connected watersheds which are living beings. Stó:lō sxwōxwiyám (the oral history of the distant past) indicates that humans are the most dependent of all Sxoxōmes ('gifts of the Creator', Chichelh Siyá:m). All of these gifts are alive and interconnected in a relational system of being (which includes humans). Across the array of relationally-connected beings (Sxoxōmes) in S'ólh Téméxw extends a foundation of interdependency and interconnectedness (mekw stam ilileq'tol): no one thing is independent of the other, though there are varying degrees of dependency. At times, Sxoxōmes has been translated to mean "resources". But this simplifies relational connections among all beings within S'ólh Téméxw as a living being full of interdependencies. For Stó:lō, respectful practices in relation to Sxoxōmes are an important part of maintaining the integrity of S'ólh Téméxw and a healthy community.

2. S'ólh Téméxw te íkw'elò, xólhmet te mekw'stám ít kwelát (This is our land, we have to look after everything that belongs to us).

Any proposed works within S'ólh Téméxw should take the extent of impacts across S'ólh Téméxw as the minimum geographical limit of an environmental assessment. S'ólh Téméxw is depicted in Figure 1 – a spatial/geographical representation that has been recognized by the Crown in several negotiated agreements with the STSA. S'ólh Téméxw is defined as:

Stó:lō Territory; the Halq'eméylem word for "our world" or "our land", including the lower Fraser River watershed downriver of Sailor Bar Rapids in the lower Fraser River Canyon. S'ólh Téméxw represents the world transformed by the actions of the Xexá:ls, Tel Sweyal and other 'agents' of Chichelh Siyá:m [the Creator]. S'ólh Téméxw is defined through the known extent of occupation and land use of the Halkomelem speaking peoples of mainland British Columbia.

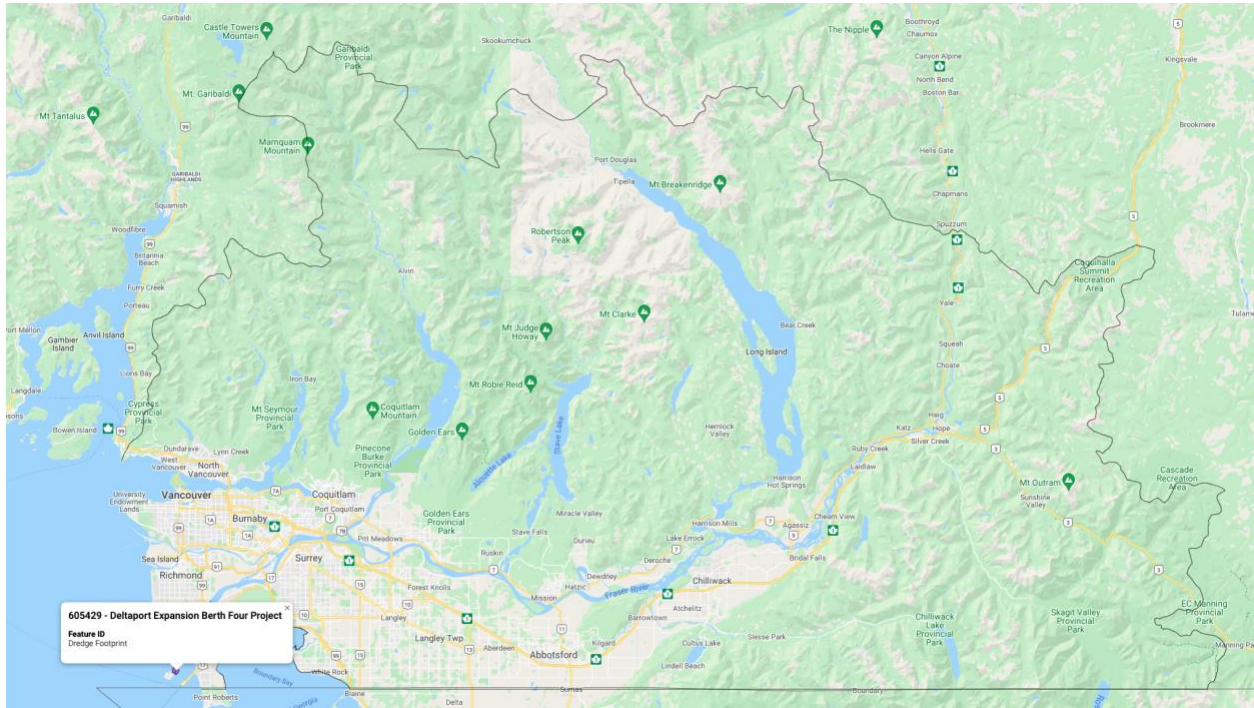


Figure 1. S’ólh Téméxw in Canada

DP4 project will have significant effects within S’ólh Téméxw. Some of these are identified in Table 13.20. Proponents should work with the STSA to clarify the scope of the project and ensure that any other potential impacts are also considered and addressed.

Table 13.20 S’ólh Téméxw Stewardship Alliance-Specific Potential Effects on Indigenous Interests

Preliminary Indigenous Interests	Preliminary Potential Effects
Harvesting and Subsistence Activities	<p>Effects of the project on Indigenous rights to harvesting enshrined in historical and modern treaties and the Constitution.</p> <p>Effects on harvesting for Food, Social, and Ceremonial purposes.</p> <p>Effects on historical and contemporary preferred harvesting sites and accessibility of culturally important harvesting sites.</p> <p>Changes to the abundance, distribution or quality of resources relied upon to engage in harvesting and subsistence activities.</p> <p>Effects of the project on current and future availability, quality and quantity of traditional foods.</p>

The Impact Statement must also consider effects on Indigenous interests relating to Harvesting and Subsistence Activities identified by the S’ólh Téméxw Stewardship Alliance listed in the rows below.

Project effects on fish and fish habitat, other marine and aquatic species, and habitat.

Effects of the project on migratory bird harvesting.

Impacts on hunting and trapping activities (e.g. from increased rail traffic and infrastructure).

Fish, fish habitat, and aquatic environments	<p>Impacts on Fraser River ecosystem.</p> <p>Impacts on migrating and spawning salmon.</p> <p>Impacts on freshwater ecosystems from expanded road and rail activities.</p>
Freshwater	<p>Impacts on groundwater and surface water due to expanded road and rail activities.</p>
Cultural Use Sites and Areas	<p>Effects of project activities on the cultural and ceremonial use of areas in and around the project area.</p> <p>Cumulative effects on the Southern Resident Killer Whale, to which the S’ólh Téméxw Stewardship Alliance member First Nations have a significant cultural connection.</p> <p>Assess linkages between various project activities and cultural values and spiritual activities.</p> <p>Effects on the Fraser River and sockeye salmon run, which are culturally significant not just subsistence resources (Sto:lo means “people of the river”; Sto:lo are salmon people).</p> <p>Impact on cultural sites do to potentially expanded road and rail infrastructure to accommodate increased traffic.</p>
Economic Activities	<p>Effects on Indigenous and economic rights to marine fisheries and commercially licensed fishing, hunting, trapping and gathering.</p> <p>Economic losses from project effects on harvesting.</p>
Indigenous Health and Well-being	<p>Changes to the experience when exercising an Indigenous interest, including presence of visual disturbances, changes in air quality, effects of vibrations, and acoustic disruption.</p> <p>Effects on Indigenous health due to:</p> <ul style="list-style-type: none"> ● changes in harvesting and subsistence activities; ● changes in air quality and water quality; and ● effects of vibrations and acoustic disturbance. <p>Considerations relating to road and rail infrastructure and traffic include:</p> <ul style="list-style-type: none"> ● Dust caused by construction and increased rail traffic



- Reduced air quality as a result of increased rail and vessel traffic
- Health and safety considerations (including suicide), such as through transportation corridors, in settlements, and in relation to harvesting practices as a result of increased road and rail traffic.
- Safety concerns relating to increased road traffic, particularly through Stó:lō communities that are bisected by major routes without appropriate infrastructure (e.g. Seabird Island First Nation).
- Potential loss of land due to expanded road and rail infrastructure to accommodate increased demands.
 - Cumulative effects of increased road and rail traffic, such as the exacerbation of cultural stress, which results from the erosion of integrity of cultural systems and manifests as psychological, physical, emotional, and/or spiritual health disorders. Cultural stress contributes to the overrepresentation of Stó:lō First Nations suicide rates relative to Canada's national averages. Today, cultural stress is linked to the cumulative effects of pressures on S'ólh Téméxw.

Assessments should not be restricted to direct physical impacts within the geographical extent of S'ólh Téméxw. For example, assessment should consider diffuse and cumulative effects. Diffuse effects include contributions to climate change, which require complex analyses linking various activities and works to assessments of both the drivers of climate change and the effects that would be felt in S'ólh Téméxw. This may include impacts that “originate” beyond S'ólh Téméxw (such as wider fluctuations in temperatures, leading to increased frequencies and volumes of meltwaters, leading to an increased propensity of flooding, landslides, etc.).

Stó:lō have been managing the effects of environmental change for millennia. Environmental changes had been both experienced and managed in terms of inter-connected watersheds. A Stó:lō-Coast Salish Historical Atlas (2001, Douglas & McIntyre Press) states that “watersheds (or their equivalents) form the geographical basis for the relationship between associated Coast Salish towns and villages popularly know as ‘tribes’”. Changing coastal and ice cover conditions have historically influenced salmon runs up the Fraser River, to which Stó:lō have adapted with shifting resource stewardship practices. Shifting dynamics in the headwaters of river systems have affected downstream activities, including navigation, trade, traditional harvesting etc. Some of these shifts reflected broader environmental trends, but they were still felt and managed by Stó:lō peoples and communities.



The same applies today. Interconnections and impacts throughout the watersheds that make up S'ólh Téméxw must be taken into account when assessing impacts of various works within S'ólh Téméxw. Assessments must take into account the broad and yet unpredictable impacts of climate change, meaning they must move beyond simply acknowledging sector-specific and incremental contributions (e.g. relating to specific emissions and their localized effects).

3. Xólhmet et mekx' stam s'i:wes te selsila:lh chet (take care of everything our great grandparents taught [showed] us); haqles chexw xwelmi:ay staxwelh (remember the future generations).

The connection between the past and future seven generations rests with those living today. This connection is known as tómiyeqw. Tómiyeqw is both an ethic of human and more-than-human reciprocal caring (oyeqelhtel) and a measure of community wellbeing; it accounts for all that is needed to care for future generations. Stó:lō obligations created through this relationship foster attitudes and practices to protect and preserve the Stó:lō way of life into the future. Environmental assessments should consider sxoxó:mes in line with tómiyeqw, ensuring that the assessments and projects are respectful to Stó:lō relatives seven generations past and future.

Assessments must consider such Stó:lō worldviews, without simply inserting, integrating, or collapsing them into the western world view of environmental assessments (doing so is a form of knowledge assimilation).

The STSA is developing a cumulative effects framework that is centred on the principle of tómiyeqw. Any cumulative effects analyses that consider effects on Stó:lō peoples or S'ólh Téméxw should consider Stó:lō values at the centre of the analysis – a process that requires collaboration with the STSA and its technical teams.

4. Safeguarding slhq'él:exw (knowledge) and sxwōxwiyám (oral history)

When considering how Stó:lō knowledges can be applied within the assessment process, a thorough protocol for protecting sacred and privileged Indigenous knowledge must be established. Agreements should be established that identify when and where Stó:lō knowledges can be disclosed, and to establish processes for acquiring consent for further disclosures. These protocols should adopt OCAP principles (ownership, control, access, and possession) at all times. That is, Stó:lō First Nations maintain ownership and control over their knowledges, including the ability to revoke Indigenous knowledge and disclosure consent at any time. To help develop protocols further, environmental assessments may make use of the First Nations Information Governance Centre's First Nations Data Governance Strategic Framework.

Any breaches of these protocols would be considered a breach of Stó:lō Indigenous laws.



5. **Protecting snoweyelh (teachings; laws of the land): respecting Stó:lō rights, title, and laws.**

Stó:lō First Nations exercise numerous Indigenous rights at the estuary of the Fraser River, including Roberts Bank. These are shared rights with neighbouring First Nations. The Fraser River – including the estuary – is arguably the most significant travel corridor for Stó:lō First Nations, and it continues to be used today for fishing, canoe journeys, etc. Stó:lō First Nations have a right to govern and manage the Fraser River in accordance with Stó:lō law. Stó:lō Nations continue to exercise this authority today through the activities of the STSA, treaty negotiations, participating in environmental assessments, etc.

As People of the River, fishing is directly connected to nearly every aspect of Stó:lō culture and identity. The Stó:lō-Coast Salish Historical Atlas (2016, Douglas & McIntyre, p120) describes the importance of salmon to the Stó:lō:

The Fraser River and its fish, especially salmon, have not only provided a source of food for the Stó:lō but have also embodied the essence of Stó:lō identity and life. Tins importance is recorded in traditional practices such as the First Salmon Ceremony; in the Halq'eméylem language, which includes 147 identified words related to methods of catching and processing fish; and in oral traditions, which affirm that “no other living creature except the sockeye salmon possesses a soul”.

As a migratory species, salmon pass through the estuary of the Fraser River, both for migration to sea as juveniles and for return migration to the Fraser River for place-dependent spawning that is critical for species survival. Any proposed works that might impact salmon habitat in the Fraser River or at the Fraser Estuary – including consequences on water quality, temperature, etc. – are of critical concern to Stó:lō First Nations’ abilities to exercise their rights to fish in a meaningful way.

These are just some examples of Stó:lō inherent rights. Assessments of the impacts of proposed works on Stó:lō rights must consider all Stó:lō rights in line with snoweyelh, meaning that Stó:lō peoples determine appropriate measures for addressing impacts.

6. **Self-government and Nation-to-Nation relationships in shared Indigenous jurisdictions**

Proponents must support a shift in the balance of relationships involved in environmental assessment processes. As Federal and Provincial governments shift towards new nation-to-nation and government-to-government relationships with First Nations, so proponents must support this shift by applying reconciliation protocols to their work. This includes:

- a) Recognizing and respecting First Nations jurisdictional authority, which means working with First Nations to identify and explore how Indigenous cultural practices and laws can be applied

- to understand proposed works and develop policy and regulatory options for their governance.
- b) Recognizing and respecting the complexity of overlapping and shared Indigenous jurisdictions. There are numerous Indigenous Nations who claim Aboriginal rights and title in parts of S'ólh Téméxw (e.g. the Fraser River Delta). If Indigenous Nations contest each other's asserted rights, it could lead to conflicts that are difficult to resolve in the context of the impact assessment or indeed at court. Ongoing territorial and rights claims illustrate the challenges of resolving claims regarding treaty interpretation, consultation, and Aboriginal title where overlapping territories are involved. Proponents should work collectively with First Nations with overlapping rights, creating opportunities for collaborative input, consensus-making, and decision-making. Proponents should support the long history of shared use in S'ólh Téméxw, supported by Indigenous laws and inter-Nation relationships.
 - c) As BC DRIPA and the Federal UNDRIPA begin to be implemented and take effect, proponents should ensure that their processes and assessments align with these regulations and their related Action Plans.