

Appendix B.16 – Bonaparte Indian Band

I - Background Information

Bonaparte Indian Band (Bonaparte) is a Secwe'pemc (pronounced “*Shi-HUEP-muh*” or “*She-KWE-pem*”) community consisting of 924 members, of which 186 live on-reserve. Bonaparte holds nine reserves between Cache Creek and Clinton, approximately 70 kilometres (km) northwest of Kamloops, British Columbia (BC). The main community is on Bonaparte Indian Reserve No. 3, located just north of Cache Creek. Bonaparte asserts a traditional territory as identified in the 2011 *Forest and Range Consultation and Revenue-Sharing Agreement* with the province of BC¹.

Approximately 20 % of Bonaparte members, or Stuctwesecm, speak the traditional language Secwepemcstin to some degree. Bonaparte members are ethnographically recognized as part of the ‘Bonaparte Division’ of the Secwe'pemc or Shuswap people. The Secwe'pemc are part of the Interior Salish People, who were considered historically as a semi-nomadic trading society, gathering berries in the summer, and hunting and fishing throughout the year. In the winter, Secwe'pemc traditionally built pithouses as shelter.

Bonaparte is party to the Secwe'pemc Nation protective *Writ of Summons*, which was filed in the BC Supreme Court on December 10, 2003, asserting Aboriginal title to a territory identified in the writ. The existing and proposed right of way (RoW) crosses through the area identified in the Secwe'pemc Nation writ for approximately 350 km.

II - Preliminary Strength of Claim Assessment

The Project does not overlap Bonaparte's asserted traditional territory. The closest location of the Project to Bonaparte's asserted traditional territory boundary is approximately 7 km, and the Project Right-of-Way (RoW) is approximately 46 km from the nearest Bonaparte reserve.

III - Involvement in the NEB and Crown Consultation Process

Given the nature and location of the Project, and the potential impacts of the Project on Bonaparte's Aboriginal Interests, the Crown is of the view that the legal duty to consult Bonaparte lies at the middle portion of the *Haida* consultation spectrum. In consideration that the Project would not intersect with Bonaparte's asserted traditional territory, Bonaparte was placed on Schedule C of the Section 11 Order issued by the Environmental Assessment Office (EAO). The consultation that was provided to Bonaparte is described in Section III of this appendix and is consistent with the middle portion of the *Haida* spectrum.

Bonaparte did not participate in the National Energy Board (NEB) hearing process, and did not submit an application for funding to the NEB. Bonaparte has not responded to any Crown correspondence to date.

¹ http://www2.gov.bc.ca/assets/gov/environment/natural-resource-stewardship/consulting-with-first-nations/agreements/frcsa_bonaparte.pdf

The Major Projects Management Office (MPMO) offered Bonaparte \$6,000 in participant funding for consultations following the close of the NEB hearing record. MPMO offered Bonaparte an additional \$7,000 to support their participation in consultations following the release of the *NEB Recommendation Report*. Bonaparte did not use these funding opportunities.

The Crown provided a first draft of this Report to Bonaparte for review and comment on August 17, 2016. The Crown did not receive comments from Bonaparte on the draft Report. A second draft of this Report was provided to Aboriginal groups for review and comment on November 1, 2016. The Crown has not received comments from Bonaparte.

IV - Summary of Key Bonaparte Interests and Concerns Raised

Bonaparte did not participate in the NEB review, nor have they communicated with the Crown. In reviewing the proponent's Aboriginal Engagement Log, the Crown understands that Bonaparte did not respond to the proponent's correspondence and did not meet with the proponent. Consequently, the Crown does not have information about any Aboriginal Interests or concerns that Bonaparte may have in relation to the Project.

The Crown is in receipt of an open letter sent to Prime Minister Justin Trudeau, Alberta Premier Rachel Notley, and British Columbia Premier Christy Clark from a collective of Aboriginal groups, including Bonaparte. This letter identifies interests and concerns related to Indigenous consent of the Project and the Project's consultation process.

Bonaparte's Response to NEB Recommendation Report

No specific comments received on the *NEB Recommendation Report*.

V - Potential Impacts of the Project on Bonaparte's Aboriginal Interests

A discussion of the Crown's assessment approach and understanding of the potential impacts of the Project on Aboriginal Interests are provided in Sections 2.4.3 and Section 4.3 of this report, respectively. The Crown recognizes that areas within the asserted or established traditional territory of each Aboriginal group may be particularly important and valuable for specific qualities associated with traditional cultural or spiritual practices. These areas may also be used for traditional harvesting activities (e.g., hunting, trapping, fishing and gathering), by individual members or families).

It is the Crown's understanding that Bonaparte did not participate in the NEB process and did not complete a traditional land and resource use study for the Project. As a result, the Crown has limited information on the specific sites and resources used by Bonaparte for traditional purposes that could be impacted by the Project.

The general direct and indirect effects of the Project on Aboriginal Interests, along with key mitigation measures, are described in Section 4.3 of the main body of this Report. As described in that section, routine Project-related activities are likely to result in low to moderate impacts on the lands, waters and resources that Aboriginal groups use to exercise their hunting, trapping, plant gathering, fishing, and

other traditional activities. Short-term, temporary access disruptions to traditional activities are expected, although these impacts would be localized within the Project footprint for the pipeline and associated facilities. The distance of Bonaparte's traditional territory from the Project area of approximately 7 km reduces the potential for Bonaparte's exercise of Aboriginal Interests to be directly impacted by routine Project activities. In consideration of the information available to the Crown from the NEB process, the proponent's proposed mitigation measures and the recommended NEB conditions, as well as relevant proposed conditions of any Environmental Assessment Certificate issued by the Province, the Project is expected to result in a negligible impact on Bonaparte's Aboriginal Interests.

A discussion of the potential impacts of a pipeline spill on Aboriginal Interests is provided in Section 4.3.6 of this Report. In consideration of this information and analysis, as well as information available to the Crown on Bonaparte's Aboriginal Interests, and the distance of Bonaparte's asserted traditional territory to the Project area, a pipeline spill associated with the Project could result in negligible to moderate impacts on Bonaparte's exercise of Aboriginal Interests, depending on the characteristics and severity of the spill. The Crown acknowledges the numerous factors that would influence the severity and types of effects associated with a pipeline spill, and that an impacts determination that relates the consequences of a spill to specific impacts on Aboriginal Interests has a high degree of uncertainty.

VI - Conclusions

The Crown understands the Project could adversely impact the ability of Aboriginal groups to use lands, waters and resources for traditional purposes. In respect of these findings, and based on the information available to the Crown about areas where Bonaparte exercises Aboriginal Interests, the Crown expects that under the typical conditions for construction and operations, impacts of the Project on Bonaparte would be negligible.

The Crown is supportive of consultation requirements provided by the NEB and EAO in the various conditions, which would support Bonaparte's ongoing involvement and participation in the proponent's detailed Project planning including the development of site-specific measures or pipeline routing to ensure negligible impacts on Bonaparte's Aboriginal Interests, as well as the involvement of Bonaparte in emergency response planning activities.