

Appendix B.25 - Stswecem'c Xgat'tem (Canoe Creek / Dog Creek Indian Band)

I - Background Information

Stswecem'c Xgat'tem consists of two communities sharing a single administrative structure, after being joined together following a population decline resulting from the smallpox epidemic. Stswecem'c Xgat'tem is a Secwe'pemc group consisting of 752 members (253 are living on their reserves, 52 are living on other reserves, and 444 are living off reserve). Stswecem'c Xgat'tem holds 12 reserves, totalling approximately 5,583 hectares (ha), between 70 Mile House and the Fraser River, stretching north toward Alkali Lake. Stswecem'c Xgat'tem signed a Forest and Range Consultation and Revenue Sharing Agreement with the Province of British Columbia (BC) in 2015, within which their traditional territory is identified.¹

A small group of Stswecem'c Xgat'tem members speak the traditional language, Secwepemcstin. Stswecem'c Xgat'tem members are ethnographically recognized as part of the 'Fraser River division' of the Secwepemc or Shuswap people, which also includes Esk'etemc First Nation, High Bar First Nation, Whispering Pines/Clinton Indian Band, Williams Lake Indian Band and Soda Creek First Nations. 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, hunting and fishing throughout the year. In the winter, Secwe'pemc traditionally built pithouses.

Stswecem'c Xgat'tem is a member First Nation of the Northern Secwe'pemc te Qelmucw Nation and Northern Shuswap Tribal Council, which asserts territory in an area west of the North Thompson River to Alexis Creek, and south of McBride to Lillooet. The Northern Secwe'pemc te Qelmucw Nation also filed a protective *Writ of Summons* with the BC Supreme Court on December 10, 2003, asserting Aboriginal title to a territory identified in the *writ*. The Northern Secwe'pemc te Qelmucw Nation is in Stage 4 negotiations within the BC Treaty Commission Process and has submitted a Statement of Intent Map to this process.

II - Preliminary Strength of Claim Assessment

- Stswecem'c Xgat'tem is a member of the Northern Secwe'pemc te Qelmucw Nation. The pipeline right of way (RoW) follows along the north-eastern and south-eastern edges of the Northern Secwepemc te Qelmucw asserted territory at Valemound and Clearwater for approximately 42 kilometres (km), of which 1.2 km is new RoW. Stswecem'c Xgat'tem's closest reserve is located approximately 88 km from the RoW.
- The Project does not overlap the Stswecem'c Xgat'tem's asserted traditional territory. The closest location of the Project to the traditional territory boundary is more than 30 km away.

¹ http://www2.gov.bc.ca/assets/gov/environment/natural-resource-stewardship/consulting-with-first-nations/agreements/stswecemc-xgatterem_fcra_executed_april_30_2015.pdf

III - Involvement in the NEB and Crown Consultation Process

Given the nature and location of the Project, the Crown is of the view that the legal duty to consult Stswecem'c Xgat'tem lies at the low end of the *Haida* consultation spectrum. In consideration that the Project would not intersect with Stswecem'c Xgat'tem's asserted traditional territory, Stswecem'c Xgat'tem was placed on Schedule C of the Section 11 Order issued by the Environmental Assessment Office (EAO).

Stswecem'c Xgat'tem was not an intervenor in the National Energy Board (NEB) review process, and did not submit an application for funding to the NEB. The Major Projects Management Office offered Stswecem'c Xgat'tem \$3,000 in participant funding to support their participation in consultations following the release of the *NEB Recommendation Report*. Stswecem'c Xgat'tem did not use this funding offer.

A first draft of this Consultation and Accommodation Report (the Report) was provided to Aboriginal groups for review and comment on August 17, 2016. Stswecem'c Xgat'tem did not provide comments on the Report or participate in Crown consultation meetings. 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 Stswecem'c Xgat'tem.

IV - Summary of Key Stswecem'c Xgat'tem Issues and Concerns Raised

This section offers a summary of the key issues raised by Stswecem'c Xgat'tem, and does not present the views of the Crown as to whether it agrees or not with the issues. The Crown's assessment of the impact of the Project presented in the subsequent section incorporates a consideration of these issues and includes the Crown's views and conclusions. The Crown's understanding of Stswecem'c Xgat'tem's key Project-related issues and concerns are summarized below:

Stswecem'c Xgat'tem has not participated in the NEB review process nor engaged in consultation with the Crown. The Crown is not aware of any issues or concerns that Stswecem'c Xgat'tem may have with the proposed Project.

Stswecem'c Xgat'tem's Response to NEB Recommendation Report

Stswecem'c Xgat'tem did not provide any comments on the *NEB Recommendation Report*.

V - Potential Impacts of the Project on Stswecem'c Xgat'tem's Aboriginal Interests

A discussion of the Crown's assessment approach and understanding of the potential impacts of the Project on Aboriginal Interests is provided in Sections 2.4.3 and Section 4.3 of this Report, respectively. The Crown recognizes that areas within the asserted 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 Stswecem'c Xgat'tem 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 Stswecem'c Xgat'tem 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 Stswecem'c Xgat'tem's traditional territory from the Project area of approximately 30 km significantly reduces the potential for Stswecem'c Xgat'tem'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 Stswecem'c Xgat'tem'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 Stswecem'c Xgat'tem's Aboriginal Interests, and the distance of Stswecem'c Xgat'tem's asserted traditional territory to the Project area, a pipeline spill associated with the Project could result in negligible to moderate impacts on Stswecem'c Xgat'tem'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 Stswecem'c Xgat'tem exercises Aboriginal Interests, the Crown expects that under the typical conditions for construction and operations, impacts of the Project on Stswecem'c Xgat'tem would be negligible.

The Crown is supportive of consultation requirements provided by the NEB and EAO in the various conditions, which would support Stswecem'c Xgat'tem'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 Stswecem'c Xgat'tem's Aboriginal Interests, as well as the involvement of Stswecem'c Xgat'tem in emergency response planning activities.