

1 **11.9 Tsawwassen First Nation**

2 **11.9.1 Context**

3 This subsection summaries context information for Tsawwassen First Nation.

4 I. **FortisBC and Tsawwassen First Nation’s approach to the presentation of background**  
5 **information about Tsawwassen First Nation: “Culture is the context”**

6 **A call for a different approach to presenting background information about Tsawwassen First Nation:**  
7 Through FortisBC’s engagement with Tsawwassen First Nation, Tsawwassen First Nation has clearly  
8 expressed that it desires to have background information presented in a way that reflects how Tsawwassen  
9 is a vibrant community with a strong identity rooted in its cultural connections, its modern Treaty context  
10 and its clear, forward-looking vision. Tsawwassen First Nation has explained that this (re)framing of  
11 background information is required for FortisBC to truly understand Tsawwassen First Nation and what  
12 matters to them. As Tsawwassen explains, this acknowledgement of Tsawwassen as a vibrant community  
13 is, in turn, necessary for identifying the nature and extent of potential effects on the Nation. To address  
14 this input, FortisBC and Tsawwassen First Nation have developed a unique approach to presenting  
15 background information about Tsawwassen First Nation, one in which all background information is  
16 organized around a core concept: the context for the effect assessment (in the sense of critical  
17 background information), is Tsawwassen First Nation culture.

18 **Culture is the foundation of Tsawwassen First Nation (Scəw’aθən Məsteyəxʷ) identity.** In order to  
19 understand how the proposed Project may affect Tsawwassen First Nation’s Indigenous interests, it is  
20 critical to be grounded in an understanding of Tsawwassen First Nation’s culture. In other words, from the  
21 Tsawwassen perspective, understanding Tsawwassen First Nation requires understanding Tsawwassen  
22 culture and having an understanding of Tsawwassen culture is required to understanding proposed Project  
23 effects. For the Nation in general, maintaining connection to culture in a modern-day context guides  
24 decision making and ensures the longevity of Tsawwassen First Nation. As stated in the Tsawwassen  
25 First Nation’s Strategic Plan (Tsawwassen First Nation 2018):

26 *“The Tsawwassen Government is committed to responsive and engaged decision-making, guided by our*  
27 *culture, traditions and long-term vision as a Nation.”*  
28

29 **Maintaining a strong and vibrant culture is pivotal to the exercise of Tsawwassen First Nation’s treaty**  
30 **rights.** Tsawwassen First Nation holds the distinction of being the first modern treaty through tripartite  
31 negotiations (Tsawwassen First Nation, Canada, and British Columbia) in an urban setting in British  
32 Columbia (B.C.) through the Tsawwassen First Nation Final Agreement (“Tsawwassen Final Agreement”  
33 or “Treaty”) with Canada and B.C., which came into effect on April 3, 2009. Prior to becoming a Treaty  
34 First Nation, Tsawwassen Lands and resources were controlled under the Federal government reserve system  
35 (Government of Canada et al. 2010a; Tsawwassen First Nation n.d.k), its harvesting rights were undefined,  
36 and its stewardship values and aspirations were unrecognized. While Tsawwassen First Nation’s traditional  
37 territory (known as Tsawwassen Territory in the Tsawwassen Final Agreement) extends beyond the spatial  
38 boundaries of the Treaty Lands, meaning the over 724 ha lands over which Tsawwassen First Nation now has  
39 ownership (Government of Canada et al. 2010a), the Nation’s ability and obligation to be active stewards of  
40 the traditional territory, waters, and resources has become a core component of the Nation’s forward-looking  
41 vision as a modern treaty nation. The Treaty also recognizes defined harvesting rights, which are dependent  
42 on the continuation of cultural connections and which contribute to cultural revitalization.

1           **II.           Tsawwassen First Nation (Scəwaθən Məsteyəx<sup>w</sup>) is a Vibrant People**

2           **For Tsawwassen, Culture has infused everything since time immemorial**

3           **Tsawwassen First Nation members are united, proud and confident in their culture that has served the**  
 4           **Nation since time immemorial.** The ability of future generations to exercise rights and to maintain the  
 5           cultural practices and connections that support those rights, is of paramount importance to Tsawwassen  
 6           First Nation (Tsawwassen First Nation 2019b). It is also one of the things that connects Tsawwassen  
 7           First Nation to its ancestors. Tsawwassen First Nation’s ancestors were skilled hunters and fishers; feeding  
 8           on fish, waterfowl, sea mammals, elk, deer, black bear and beaver. For thousands of years, Tsawwassen  
 9           First Nation ancestors have maintained stewardship values and activities tied to the territory in which the  
 10          Nation has lived. Historically, food was abundant and traded and bartered with other Nations, and later,  
 11          with settlers (Tsawwassen First Nation 2019a). Tsawwassen People are salmon people, sce:lhtun  
 12          xwelme<sup>w</sup>, culturally, spiritually, and economically dependent on salmon (Tsawwassen First Nation  
 13          2019c). Indeed, šx<sup>w</sup>k<sup>w</sup>ecxənəm, or stewardship, requires a fully realized, reciprocal relationship between  
 14          Tsawwassen First Nation members, the land and sea, and the human and non-human inhabitants.  
 15          The lower Fraser River has been described by the Tsawwassen First Nation as the lifeblood of Tsawwassen  
 16          and a defining characteristic of Tsawwassen First Nation existence and culture (Tsawwassen First Nation  
 17          2021b).

18          **Tsawwassen First Nation members are connected to a flourishing and practiced culture according to**  
 19          **traditional and family teachings that have been passed down by Elders.** Tsawwassen First Nation Elders  
 20          are held in high regard as memory holders, inspiration, guides, and preservers of language, culture, and  
 21          tradition (Tsawwassen First Nation n.d.h). Elders are knowledge keepers who play a pivotal role in helping  
 22          to ensure cultural continuity. As living connections to the past, Elders serve as teachers, healers, advisors  
 23          and counsellors. The united and cohesive Tsawwassen First Nation community has strong connections  
 24          between community members living both on and off Tsawwassen lands.

25          **Declaration of Tsawwassen Identity and Nationhood**

26          **The Tsawwassen Declaration of Identity and Nationhood underscores Tsawwassen’s resolve to honour**  
 27          **its culture and centre its nationhood around cultural vitality.** It states:

28                 *On the day that the Tsawwassen Treaty went into effect (April 3, 2009) Tsawwassen First Nation*  
 29                 *declared: “We are scəwaθən məsteyəx<sup>w</sup> (Tsawwassen People – ‘People facing the sea’),*  
 30                 *descendants of our kwθə syəwənełct (ancestors) who exercised sovereign authority over təməx<sup>w</sup>ct*  
 31                 *(our land) for thousands of years. Tsawwassen People were governed under the səniw (advice) and*  
 32                 *guidance of si<sup>?</sup>em (leaders), sci<sup>?</sup>ət (high-born women) hiwaq<sup>w</sup> (headmen), and sq<sup>w</sup>iq<sup>w</sup>el (speakers)*  
 33                 *through countless generations.*

34                 *We honour the ni sqwel kwθe syəwənełct (words of our ancestors) who preserved our history, our*  
 35                 *hənqəmin’əm’ (language) and protected our inheritance. We lift our hands to our ancestors and*  
 36                 *Elders who imparted syawən (teachings), sɣ<sup>w</sup>ə x<sup>w</sup>əyəm (stories), stiləm (songs) and q<sup>w</sup>əyələx*  
 37                 *(dances) that allowed us to maintain our unique identity and way of life. We honour our children*  
 38                 *and future generations who will ensure these teachings carry on.*

39                 *We honour the Creator from whom all life flows as the source of our spirituality. We will uphold our*  
 40                 *fundamental belief system to maintain harmony with all of creation. The deep pride we hold with*  
 41                 *regard to our xe<sup>?</sup>xe<sup>?</sup> sya:ys (sacred traditions) enhances our sense of belonging in this world. We will*  
 42                 *continue to protect our spiritual healing and purification sites and the sacred resting places of our*  
 43                 *ancestors.” (Tsawwassen First Nation 2009a)*

1 **Tsawwassen First Nation values are rooted in cultural practices and connections**

2 **Three components support the exercise of Tsawwassen Treaty rights and values - culture, harvesting,**  
3 **and stewardship and governance.** For Tsawwassen First Nation, the exercise of its Treaty rights, and the  
4 social, cultural and physical health of Tsawwassen First Nation people, depends on having the suitable  
5 conditions to maintain a strong and vibrant Tsawwassen culture. Understanding Tsawwassen First Nation's  
6 relationship to the lands and waters of Tsawwassen Territory is critical to understanding the conditions  
7 needed to maintain Tsawwassen First Nation's culture (Tsawwassen First Nation 2022a).

8 Harvesting for food, social, ceremonial, and economic purposes occurs when there are abundant, healthy  
9 and accessible traditional resources. Harvesting also relies on the ability for harvesters to feel safe while  
10 harvesting, as well as depending on a sense of place within the Tsawwassen Territory (Tsawwassen  
11 First Nation 2022a).

12 The importance of stewardship and governance is evident in the multiple laws passed through the  
13 authority set out in the Final Agreement. The law-making is tied to Tsawwassen First Nation's connection  
14 to the land and waters and to Tsawwassen First Nation's tradition and culture with a view to caretaking the  
15 land, water and resources (Tsawwassen First Nation 2022a).

16 **Tsawwassen First Nation's three pillars of life embody its values** (Tsawwassen First Nation 2019c):

17 Pillar 1 – Social and Human Health: Social and human health includes viewscape, landscape, and  
18 access to Tsawwassen First Nation territory. Moreover, it includes the ability of Tsawwassen First  
19 Nation community members to enjoy their lands and their territory. Social and human health  
20 includes physical and mental health of community members.

21 Pillar 2 – Harvesting Rights: Harvesting rights includes the right of Tsawwassen First Nation  
22 community members to exercise their Treaty Rights to harvest. Harvesting rights are to fish, hunt,  
23 and harvest plants for food, social, and ceremonial (FSC) purposes.

24 Pillar 3 – Culture and Heritage: Culture and heritage includes Tsawwassen First Nation's way of life,  
25 including its intangible cultural heritage, such as its spiritual relationship with the Southern  
26 Resident Killer Whales (SRKWs) and the significance of the spiritual relationships and the unique  
27 cultural values with which the relationships strengthen and enhance Tsawwassen First Nation's  
28 way of life. Access to the land, sea, and resources provides Tsawwassen First Nation with the ability  
29 to teach the language, laws, and culture to the next generations and to continue Tsawwassen First  
30 Nation's traditional way of life.

31 **Tsawwassen First Nation's Relationship to the Lands and Water in its Territory supports Tsawwassen's**  
32 **cultural vibrancy and identity**

33 **Tsawwassen is a hən̓q̓əmin̓əm̓ word that means "Land Facing the Sea," and the Nation's land base is**  
34 **deeply connected to that identity.** Since time immemorial, the Tsawwassen people have occupied and  
35 used a large coastal territory rich with fish, wildlife, and other natural resources. Tsawwassen territory's  
36 eastern extent is from Pitt Lake to the Pitt River, following its course to the Fraser River, and includes a  
37 portion of New Westminster, B.C., along the Fraser River until the Fraser River meets Sea Island.

38 Tsawwassen territory's western extent is across the Salish Sea to Galiano Island and Saltspring Island to  
39 Sampson Narrow. The southern extent of Tsawwassen territory runs between Saltspring Island and the  
40 Saanich Peninsula in Satellite Channel, then to the north to Swanson Channel, including Pender and  
41 Saturna Islands, heading to Boundary Pass. The northern extent is Boundary Pass to White Rock to the  
42 Serpentine and Nicomekl Rivers back to Pitt Meadows, B.C., but does not include the Campbell River  
43 watershed (Tsawwassen First Nation 1998, 2021b).

1 **A number of culturally important areas for Tsawwassen First Nation are present on the lower Fraser**  
2 **River.** The importance of the river and surrounding lands to Tsawwassen First Nation is demonstrated with  
3 this quote from the Tsawwassen Declaration of Identity and Nationhood (Tsawwassen First Nation 2009a):

4 *The lands, eco-systems and resources within our traditional territories have always been essential*  
5 *to our way of life. Our ancestors acted as stewards and guardians to control access to our lands*  
6 *and resources in order to protect our way of life and our economic foundation. These traditional*  
7 *values are reflected in the Land Act; the Land Use Planning & Development Act; the Fisheries,*  
8 *Wildlife, Migratory Birds and Renewable Resources Act.*

9 **Tsawwassen’s relationship to traditional resources, like salmon, is Integral to Tsawwassen Identity and**  
10 **Culture**

11 As salmon people, sce:lhtun xwelmexw, Tsawwassen First Nation are culturally, spiritually, and  
12 economically dependent on salmon (Tsawwassen First Nation 2019c). Its way of life and identity is  
13 inherently linked with fish and marine resources, and, as such, the ability for Tsawwassen First Nation  
14 community members to harvest fish and marine resources is critical to the success of the Nation  
15 (Tsawwassen First Nation 2019c). The lower Fraser River has been described by the Tsawwassen  
16 First Nation as the lifeblood of Tsawwassen and a defining characteristic of Tsawwassen existence.  
17 In addition to salmon, Tsawwassen First Nation also harvest sturgeon, crab, and flatfish to support their  
18 way of life (Tsawwassen First Nation 2021b).

19 **Tsawwassen is Passionate About Connections to Their Place, šx<sup>w</sup>k<sup>w</sup>ecxənəm (stewardship), and**  
20 **Understanding Stewardship’s Role in Tsawwassen Culture**

21 **Stewardship is a core component of Tsawwassen First Nation values (B.C. EAO 2022).** The hənqəmin’əm  
22 word šx<sup>w</sup>k<sup>w</sup>ecxənəm means to be stewards of the land and encompasses three distinct elements that are  
23 not fully captured in the English translation. First, as the English translation suggests, šx<sup>w</sup>k<sup>w</sup>ecxənəm refers  
24 to a number of practices close to the land and water. Second, “šx<sup>w</sup>” changes the word to a noun that  
25 highlights that stewardship is also a matter of Tsawwassen First Nation identity. This is a state of being that  
26 is integral to Tsawwassen people are because it reflects their holistic world view that everything is  
27 interconnected, both in physical and spiritual realities. Third, šx<sup>w</sup>k<sup>w</sup>ecxənəm is a relationship that goes  
28 beyond a simple desire to ensure resource abundance. Tsawwassen First Nation stewardship is a  
29 relationship built on respect and gratitude for having healthy waters, lands, and species in the territory  
30 that exist in equilibrium with the social, cultural, and economic lives and activities of Tsawwassen members  
31 (Tsawwassen First Nation n.d.).

32 **Tsawwassen harvesting activities respect stewardship principles.** The First Salmon ceremony, for example,  
33 recognizes that the salmon are “supernatural beings who [come] every year to give their flesh to the people  
34 who were obliged to treat them properly” (Tsawwassen First Nation 2015a). As part of this ceremony, the  
35 salmon are prepared in a special way and their bones are returned to the water (Tsawwassen First Nation  
36 2015a). Tsawwassen First Nation also brings stewardship principles into the practice of harvesting through  
37 monitoring and building understanding of the current state of the territory; caring for the territory and  
38 preparing for anticipated changes; maintaining the Nation’s identity as stewards of the cherished places in  
39 which Tsawwassen First Nation has harvesting rights.

1 **Tsawwassen First Nation's recognized rights support and are grounded in Tsawwassen culture**

2 The Tsawwassen Final Agreement allows for a modern approach to reconciliation and clarifies legal rights  
3 to lands, resources, and self-government. The following quote from the Tsawwassen Declaration of  
4 Identity and Nationhood describes the Treaty (Tsawwassen First Nation 2009a):

5 *The Tsawwassen People exist as part of two worlds: traditional and modern-day. We now institute*  
6 *the system where our two worlds can co-exist. We have connected our fundamental teachings*  
7 *together with universally held principles of responsible government to establish the Tsawwassen*  
8 *Government and to enact Tsawwassen Laws for the betterment of our People.*

9 Tsawwassen First Nation provided the following Treaty Objectives to guide the development of  
10 subsection 11.9:

11 **Healthy Rights – Healthy River:** Positive outcomes for exercise of Tsawwassen's Treaty rights,  
12 including the physical environment in and around the Project area that supports the exercise of  
13 those rights.

14 **Healthy Culture – Strong Stewardship:** Furtherance of Tsawwassen's vision for ṣx<sup>w</sup>k<sup>w</sup>ecxənəm  
15 under Treaty in and around the Project area.

16 **Healthy Relationships:** Creation of the foundation for a positive relationship between FortisBC  
17 and Tsawwassen that is based on mutual respect and respect for and recognition of Tsawwassen  
18 as a Treaty Nation.

19 **Healthy Future for Future Generations:** Meaningful progress towards a future state of the Fraser  
20 River in the vicinity of the proposed Project site that supports the Treaty rights and interests of  
21 Tsawwassen's future generations.

22 These Treaty Objectives are central to the assessment methodology as described above.

23 **The Tsawwassen First Nation Final Agreement recognizes Tsawwassen First Nation's hunting, fishing**  
24 **(including salmon), and plant gathering rights within the Tsawwassen Territory.** It also confirms the  
25 three parties' shared intention to recognize and support Tsawwassen First Nation's aspirations to assert its  
26 place as stewards of its lands and resources (B.C. EAO 2022). As a modern Treaty Nation, Tsawwassen  
27 First Nation has certainty of land ownership and law-making authority, self-determination, self-  
28 governance, and government-to-government relations (Government of Canada et al. 2010b). Tsawwassen  
29 First Nation has the right to participate in decisions that may affect its Treaty Rights and the right to  
30 conduct enhancement initiatives and stewardship activities within the Tsawwassen Territory (Government  
31 of Canada et al. 2010b).

32 **Since the establishment of the Tsawwassen First Nation Final Agreement, Tsawwassen First Nation has**  
33 **made significant investments in being a vibrant people.** Tsawwassen First Nation has made significant  
34 investments in housing and infrastructure, generated financial benefits and employment for Members,  
35 and invested in social programs and services to address socioeconomic gaps (Tsawwassen First Nation  
36 2018). The Tsawwassen First Nation Final Agreement continues to guide planning for Tsawwassen  
37 First Nation's future, including land use planning, economic development, health and wellbeing,  
38 education, and more. This will help to ensure access for all Members to the rights and benefits of the  
39 Treaty.

40 **Tsawwassen is Actively Engaged Throughout its Territory and is Planning for its Future**

41 **Tsawwassen First Nation is actively planning for the future of the Nation through strategic, land use,**  
42 **and sustainability planning.** Laid out in its Strategic Plan, Tsawwassen First Nation describes its vision and

1 long-term plans for the Nation, including plans for housing, infrastructure, education, health, employment,  
2 and culture (Tsawwassen First Nation 2018). The Tsawwassen First Nation Land Use Plan provides a long-  
3 term vision, goals, and objectives for development of Tsawwassen Lands. These include employment and  
4 economic development, a variety of housing types, transportation and infrastructure developments, and  
5 alternative land holdings (Tsawwassen First Nation and AECOM 2009). In addition, Tsawwassen First  
6 Nation is currently working on building capacity to advance climate action and review greenhouse gas  
7 (GHG) emissions through the Province of B.C.'s Local Government Climate Action Program (Tsawwassen  
8 First Nation 2023).

9 **III. Tsawwassen First Nation is a Constitutionally Enshrined Level of Government**

10 **Tsawwassen First Nation has a unique status as a government in that they are the first modern treaty**  
11 **Nation in an urban setting in B.C.** As previously stated, the Tsawwassen First Nation Final agreement is a  
12 tri-partite agreement between Canada, B.C., and Tsawwassen First Nation (Tsawwassen First Nation. n.d.f).  
13 The Tsawwassen Final Agreement establishes a government-to-government relationship based on mutual  
14 respect, providing the basis for a new approach to reconciliation between Tsawwassen First Nation and the  
15 Crown (Tsawwassen First Nation 2022a). The Final Agreement provides Tsawwassen First Nation with  
16 municipal, provincial, and federal types of jurisdictions over a land base of 724 ha. Tsawwassen  
17 First Nation is also the first First Nation to become a full member of Metro Vancouver (Tsawwassen  
18 First Nation. n.d.c).

19 **Tsawwassen is an Equal Government in Canada**

20 **As a Treaty Nation, Tsawwassen First Nation has certainty of land ownership and law-making authority,**  
21 **self-determination, self-governance, and government-to-government relations** (Government of Canada  
22 et al. 2010b). Under this range of law-making authority, Tsawwassen First Nation makes laws, regulations,  
23 policies, and programs that are within its authority and jurisdiction. The Tsawwassen First Nation  
24 *Constitution Act* outlines the principles of governance in accordance with Tsawwassen First Nation's  
25 traditional laws and its right to self-governance. The Tsawwassen First Nation *Constitution Act* describes  
26 citizenship, rights and freedoms, the Tsawwassen government and elections, Tsawwassen First Nation law-  
27 making authority and delegation of powers, among other matters (Tsawwassen First Nation 2009b).

28 **Tsawwassen Roles and Responsibilities as a Self-Governing Nation**

29 **Tsawwassen First Nation, as a self-governing Indigenous nation, has established laws regarding the**  
30 **following** (Government of Canada et al. 2010b):

- 31 Tsawwassen Lands (including land management, agricultural lands, forest resources, and
- 32 subsurface resources)
- 33 Citizenship
- 34 Fishing, wildlife harvesting, and migratory birds (including licensing, harvesting methods, timing,
- 35 locations, and transportation)
- 36 Education, health, and social development
- 37 Culture and heritage
- 38 Children and families
- 39 Taxation
- 40 Governance and elections

41 **The Tsawwassen Government is comprised of the Tsawwassen Legislature, the Chief, the Executive**  
42 **Council, the Judicial Council, and the Advisory Council.** The division of responsibilities for each of these  
43 institutions is set out in the Tsawwassen First Nation *Constitution Act* (Tsawwassen First Nation 2009b).

## Environmental Assessment Certificate Application

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1 Tsawwassen First Nation elected officials hold a 4-year term, with a general election held every 4 years  
2 (Tsawwassen First Nation n.d.g).

3 The administrative level of Tsawwassen Government is headed by the Chief Administrative Officer and  
4 comprises several departments, including the following (Tsawwassen First Nation n.d.a):

- 5 ▪ Health and Social Services
- 6 ▪ Education and Skills Development
- 7 ▪ Government Services
- 8 ▪ Policy and Intergovernmental Affairs
- 9 ▪ Natural Resources
- 10 ▪ Finance
- 11 ▪ Lands and Municipal Infrastructure
- 12 ▪ Human Resources
- 13 ▪ Economic Development

14 Additionally, Tsawwassen First Nation has several authorities and committees that play a role in  
15 governance and administration, including the Consultation Committee, Property Tax Authority, Standing  
16 Committee on Language and Culture, Enrolment Committee, Traditional Territory Boundary Commission,  
17 Advisory Design Panel, and Tsawwassen First Nation Trust Society (Tsawwassen First Nation n.d.b).

18 As part of the Tsawwassen First Nation Final Agreement, Tsawwassen First Nation reclaimed 724 ha of  
19 Tsawwassen Lands. Tsawwassen First Nation also has the first right of refusal for the purchase of Brunswick  
20 Point lands (Tsawwassen First Nation n.d.f). Tsawwassen Lands consist of the parcels of land set out in  
21 Appendix C-4 of the Tsawwassen First Nation Final Agreement:

- 22 ▪ Former Provincial Crown lands (Parcels 1 through 13)
- 23 ▪ Eagle Way (parcel of land connecting Highway 17 and former Tsawwassen reserve lands) and Lot 34
- 24 ▪ The former Tsawwassen Reserve

25 Tsawwassen First Nation also owns land that are not “Tsawwassen Lands”; those lands are defined as  
26 “Other Tsawwassen Lands” in the Treaty.

27 **The Tsawwassen First Nation Final Agreement reconciled their Aboriginal rights and title and restored**  
28 **their right to self-government** (Tsawwassen First Nation n.d.c). The Tsawwassen First Nation Final  
29 Agreement establishes a number of tools through which Tsawwassen First Nation and its Treaty partners,  
30 Canada and the Province of B.C., are to advance Tsawwassen First Nation’s aspirations for the  
31 management and preservation of the resources in its Territory (Tsawwassen First Nation 2020). So far,  
32 they have 26 laws that replace the *Indian Act* on Tsawwassen Lands (Tsawwassen First Nation n.d.c).  
33 In making the transition from the Tsawwassen Band Council to the Tsawwassen Government, Tsawwassen  
34 First Nation reclaimed their inherent right to political autonomy, economic independence and true  
35 reconciliation with Canada and B.C. (Tsawwassen First Nation 2009a).

36 **Treaty created new opportunities for the Tsawwassen Government to advance its Stewardship**  
37 **Aspirations**

38 **Tsawwassen First Nation’s vision statement in its Strategic Plan captures many of the elements of**  
39 **šxʷkwecxənəm, including being connected to and taking care of their lands and resources.** Being active  
40 stewards of the lands, waters, and resources is a core component of Tsawwassen identity and their  
41 forward-looking vision as a modern treaty nation. Tsawwassen First Nation’s aspiration is that  
42 šxʷkwecxənəm is practiced daily through reinforcing their values, participating in programs, and through

1 continued engagement of citizens acting as stewards and harvesting out on the land. The Tsawwassen  
2 First Nation Final Agreement confirms the parties' shared intention to recognize and support Tsawwassen  
3 First Nation's šxʷkʷecxənəm aspirations (Tsawwassen First Nation n.d.d). Since the signing of the Final  
4 Agreement, however, Tsawwassen First Nation's stewardship values and aspirations have become part the  
5 treaty relationship between Tsawwassen First Nation and the governments of Canada and B.C.

6 **šxʷkʷecxənəm requires a reciprocal relationship between community members, the land and sea, and**  
7 **the human and non-human inhabitants.** It can take many forms including decision making; listening,  
8 monitoring, and building understanding of the current state of the territory; caring for the territory and  
9 preparing for anticipated changes; maintaining Tsawwassen values and identity as stewards of their  
10 cherished places and resources; and harvesting food and medicines (Tsawwassen First Nation n.d.d).  
11 Tsawwassen First Nation has stated that its ability to be stewards of its lands, waters, and resources was  
12 challenged and eroded by Crown policies and development in its traditional territory for decades. Since  
13 the signing of the Final Agreement, however, Tsawwassen First Nation considers its stewardship values and  
14 aspirations have become part of the treaty relationship between Tsawwassen First Nation and the  
15 governments of Canada and B.C. (Tsawwassen First Nation n.d.d).

16 **Tsawwassen First Nation has stated that the ability to engage in stewardship over the resources within**  
17 **Tsawwassen Territory is a vital aspect of its Treaty Rights.** The Lower Fraser Fishing Authority (LFFA),  
18 of which Tsawwassen First Nation is a member, outlined the reciprocal responsibility to care for culturally  
19 important fish species, which includes ensuring the life cycles of fish species are maintained through  
20 spiritual and physical practices, restoring the habitat of fish to maintain or recreate abundance, and  
21 providing space and opportunities to learn from the fish (LFFA 2021). Cultural keystone fish species  
22 include salmon, eulachon, and sturgeon. According to the LFFA, Indigenous laws include the rights of fish  
23 to their cycle of life, the right to be respected, the right to clean and flowing water and to have navigable  
24 waters available for their travels, and the right be left alone or supported when needed (LFFA 2021).

25 **Tsawwassen First Nation has stated that the current state of the Fraser River is inconsistent with their**  
26 **stewardship aspirations.** Every new development along the Fraser River exerts additional pressure on the  
27 Nation, impairing Tsawwassen First Nation's ability to act as stewards of the lands and waters in its territory  
28 (B.C. EAO 2022). In relation to the adjacent Tilbury Marine Jetty (TMJ) project, Tsawwassen First Nation  
29 has voiced concern regarding contamination from industrial activities in and around the lower Fraser River,  
30 which harms not only the animals and plants that rely on the river, but also Tsawwassen First Nation  
31 members who seek to protect this important area, including limiting opportunities to pass knowledge and  
32 values to younger generations.

#### 33 **IV. Tsawwassen is Dedicated to Being a Healthy Community**

34 **The overall health of the Tsawwassen First Nation community is inextricably linked to the health of the**  
35 **lands and waters they rely upon, including protection of these resources for future generations.**  
36 Specifically, the Tsawwassen First Nation Strategic Plan (the Strategic Plan) outlines goals, objectives, and  
37 indicators for a healthy community. These are organized by the following themes:

- 38 ▪ Housing, lands, and infrastructure
- 39 ▪ Culture, community, and traditions
- 40 ▪ Education and employment
- 41 ▪ Health and healing
- 42 ▪ Economic development
- 43 ▪ Governance and operations

1 These key themes provide the foundation for Tsawwassen First Nation to continue planning for a healthy  
2 community.

### 3 **Employment Equity and Opportunities**

4 **Tsawwassen First Nation aspires for economic development that reflects their values and ethics and**  
5 **benefits all members.** A foundation of the Tsawwassen First Nation Final Agreement is the aspect of self-  
6 determination and self-governance relating to social and economic well-being. The Strategic Plan  
7 includes objectives to leverage economic development projects to generate community benefits that  
8 reflect the skills and needs of Members. This includes gender equity and ensuring that all Members have  
9 meaningful access to employment and entrepreneurial opportunities through Tsawwassen First Nation  
10 economic development (Tsawwassen First Nation 2018).

11 **The Tsawwassen First Nation Economic Development Department seeks to create a sustainable**  
12 **economy for Tsawwassen First Nation by generating revenues for the Tsawwassen First Nation**  
13 **Government, and providing skills, training, and employment opportunities for Members and their**  
14 **businesses.** The Economic Development Department achieves this through leasing Tsawwassen's land  
15 assets, forming partnerships and joint ventures, and developing business opportunities for Members  
16 (Tsawwassen First Nation. n.d.e). Economic Development Department activities are conducted through  
17 subsidiaries of Tsawwassen First Nation. Tsawwassen First Nation subsidiaries have entered into four Joint  
18 Ventures with reputable and experienced companies that are leaders in their fields. These include a civil  
19 construction and environmental contracting firm (Tsawwassen First Nation Construction/Matcon Civil JV),  
20 a security services firm (the Gardaworld JV), a construction firm (Wales McLelland JV), and a development  
21 and infrastructure company (BA Blacktop and Eurovia BC JV) (TFN n.d.k).

22 **Tsawwassen First Nation has many skilled and talented Members that own and operate a range of**  
23 **companies.** These include artisans, lodging and attractions, business and residential services, professional  
24 consulting, transportation services, construction, and heavy equipment operators (TFN n.d.k. The  
25 Economic Development Department also provides a range of support and training services to Member  
26 businesses, including proposal and contract writing support, and access to the small business program,  
27 which provides grants and coaching services to start or expand existing businesses (TFN n.d.k).

28 **Tsawwassen First Nation has substantially invested in infrastructure projects, including new roads,**  
29 **buildings and a state-of-the-art sewage treatment facility.** Tsawwassen Mills and Tsawwassen Commons  
30 opened in 2016, comprising the largest non-resource development deal ever signed by a B.C. First Nation.  
31 The Nation has reached deals on their industrial lands to generate revenue and jobs for Members. Above  
32 all, Tsawwassen First Nation has invested in programs and services to address socioeconomic gaps and to  
33 ensure all Members have access to the rights and benefits provided by the Treaty (Tsawwassen First  
34 Nation 2019a).

### 35 **Prevalence of Language Speakers**

36 **The Tsawwassen language is a reflection of identity.** A key objective of the Strategic Plan related to  
37 culture is that "hənqəmínəm' is alive and well, spoken throughout the community and used in Tsawwassen  
38 Government as a way of holding close the memory and information of thousands of years" (Tsawwassen  
39 First Nation 2018). Language is not only used for communication purposes but also describes places,  
40 activities, and how Tsawwassen First Nation relates to the lands, waters, with one another, and other  
41 people (Tsawwassen First Nation 2019c). The Declaration of Tsawwassen Identity and Nationhood states  
42 that (Tsawwassen First Nation 2009a):

1       *"The hən'qəminəm' language is of vital importance to our cultural inheritance. It is a personal and*  
2       *cultural expression of our identity as a People through which our history and our way of life is*  
3       *taught. It both describes the world we live in while also connecting us back thousands of years.*  
4       *The Tsawwassen Government is determined to protect and promote the education and utilization*  
5       *of our language, culture and traditions as reflected in the Culture & Heritage Act".*

6       **Tsawwassen First Nation has made substantial investments in language and culture.** Currently, there are  
7       15 hən'qəminəm' speakers (1 fluent and 14 semi-fluent) and 46 language learners in the community  
8       (First Peoples' Cultural Council n.d.). Through its Language and Culture Department, Tsawwassen  
9       First Nation offers a hən'qəminəm' Proficiency Diploma Program and Language and Cultural Classes within  
10      its programs at the Youth Centre and Daycare (Tsawwassen First Nation 2022b). Moreover, Tsawwassen  
11      First Nation offers language Zoom classes and cultural programs that include language training  
12      (Tsawwassen First Nation 2022b).

### 13      **Land Use and Housing**

14      **The Tsawwassen First Nation Land Use Plan (Land Use Plan) provides a long-term vision, goals, and**  
15      **objectives for development of Tsawwassen Lands.** These include opportunities for different types of  
16      housing, transportation and infrastructure developments, and alternative land holdings (Tsawwassen  
17      First Nation and AECOM 2009). Moreover, the Land Use Plan incorporates aspects of cultural priorities,  
18      such as developing a sense of place, community building, recreational and cultural amenities, community  
19      and cultural reflection within the built environment, and environmental sustainability (Tsawwassen First  
20      Nation and AECOM 2009).

21      **The Tsawwassen First Nation Lands and Municipal Infrastructure Department promotes housing**  
22      **development through its land use and community area plans which apply to Tsawwassen Lands:**

- 23      ▪ Tsawwassen First Nation Community Area Plan (Revised 2022) (Tsawwassen First Nation 2022b)
- 24      ▪ Tsawwassen First Nation Neighbourhood Plan (consolidated 2022) (Tsawwassen First Nation 2019a)
- 25      ▪ Tsawwassen First Nation South Neighbourhood Plan (consolidated 2022) (Tsawwassen First Nation  
26      2015b)

27      As of September 2024, Tsawwassen First Nation has 544 Members with approximately 267 Members  
28      living on Tsawwassen lands and approximately 277 Members living off Tsawwassen lands (based on  
29      mailing address).

30      **Tsawwassen First Nation wants to raise their families on their land.** Having a close-knit community, with  
31      elders and youth at the core of the community is a key component of Tsawwassen's Land Use Plan. The  
32      plan focuses in part on ensuring Members living off-Lands can return home to Tsawwassen First Nation  
33      lands. Tsawwassen First Nation has the following facilities on Tsawwassen Lands (as set out by the  
34      Tsawwassen First Nation Final Agreement): community buildings, recreation centres for youth and Elders,  
35      a daycare and childhood development centre, a longhouse, and a cemetery (Tsawwassen First Nation and  
36      AECOM 2009; Urban Systems Ltd. and Tsawwassen First Nation 2014). In addition to the community-  
37      based infrastructure already in place, Tsawwassen First Nation guides future development on Tsawwassen  
38      Lands through specific plans, such as the Tsawwassen First Nation Integrated Rainwater Management Plan  
39      (Tsawwassen First Nation 2013), and Tsawwassen First Nation Bulk Water and Sanitary Trunk Master Plan  
40      (Urban Systems Ltd. and Tsawwassen First Nation 2014). According to the Tsawwassen First Nation  
41      Community Development Internal Tsawwassen First Nation Roads Analysis (Bunt & Associates 2013),  
42      additional roads, pedestrian pathways and connections (such as sidewalks), greenways and multiuse paths,

1 bikeways, and parking will be required in future developments. Part of the vision statement includes  
2 (Tsawwassen First Nation and AECOM 2009):

3 *Our people will be proud of our culture, traditions, and stories and the Hunq'um'i'num language will be*  
4 *enjoying a revival.*

### 5 **Harvesting (ʔaləx̣əṭ)**

#### 6 **Participating in harvesting activities is an integral component of Tsawwassen First Nation's culture.**

7 Tsawwassen First Nation has a deep cultural tie to the land and the interconnected nature of Indigenous  
8 traditional land use. The Final Agreement recognizes Tsawwassen First Nation's hunting, fishing, and plant  
9 gathering rights within the Tsawwassen Territory. The Tsawwassen Fishing Area includes Boundary Bay,  
10 the lower reaches of the Fraser River, and roughly out to the "elbow" of the USA/Canada marine border.  
11 The Tsawwassen Wildlife Harvest Area and Tsawwassen Migratory Bird Harvest Area includes the lands  
12 surrounding Pitt Lake, much of the area of the lower mainland south of Burnaby and Vancouver, and areas  
13 on Saltspring Island, Mayne Island, Saturna, and Pender Islands (MPWGSC 2009; Tsawwassen First Nation  
14 2022a).

15 **Youth develop a strong sense of identity from being involved in harvesting out on the land.** In relation to  
16 the Vancouver Fraser Port Authority's Roberts Bank Terminal 2 project, Tsawwassen First Nation reported  
17 that young men are the most vulnerable subgroup affected by the expansion (Tsawwassen First Nation  
18 2021b). Traditionally, young men were often employed as fishers. Despite the decline in fisheries  
19 Tsawwassen First Nation youth are still very interested in fishing as a career. With more projects being  
20 developed in Tsawwassen First Nation traditional territory, the Nation states that the viability for fishing as  
21 a long-term career is reduced. Not only do the cumulative effects from multiple projects affect fishing as a  
22 career but they reduce opportunities for young men to interact with elders and mentors thereby reducing  
23 the transmission of core cultural skills and competencies to this vulnerable subgroup. Without the  
24 opportunity to harvest, young Tsawwassen First Nation men are at increased risk of losing their sense of  
25 identity, and poor mental health can lead young men into negative behavioural choices (Tsawwassen First  
26 Nation 2021b).

27 **The Final Agreement establishes the Treaty Right to harvest fish<sup>1</sup> for domestic<sup>2</sup> purposes, and provided**  
28 **the opportunity for Canada, the Province of B.C. and Tsawwassen First Nation to enter a Tsawwassen**  
29 **First Nation Harvest Agreement that sets commercial harvest allocations (Government of Canada et al.**  
30 **2009, 2010a).** That right is exercised by Tsawwassen First Nation community members under the  
31 authority of the Tsawwassen First Nation *Fisheries, Wildlife, Migratory Birds and Renewable Resources Act*.  
32 The Final Agreement specifies domestic allocations for salmon and crab and for unallocated species that  
33 Tsawwassen First Nation may harvest to meet its FSC needs. These unallocated species may include  
34 bivalves, prawns, herring, or any other species of interest within the Tsawwassen Fishing Area and  
35 Intertidal Bivalve Area (Figure 11.9-1) (Tsawwassen First Nation 2015c).

36 **Tsawwassen First Nation's harvesting of historically abundant marine and terrestrial food and material**  
37 **resources sustained one of the "highest population densities and levels of social complexity on the**  
38 **North American Continent" prior to contact with European settlers (Tsawwassen First Nation 1998).**  
39 Tsawwassen First Nation relies on country foods, such as salmon, bivalves, crab, and eulachon, all of which

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<sup>1</sup> Fish are defined in the Tsawwassen Final Agreement (Government of Canada et al. 2010a) as fish, intertidal bivalves and other shellfish, crustaceans, and marine animals, excluding cetaceans; the parts of fish, intertidal bivalves and other shellfish, crustaceans, and marine animals, excluding cetaceans; and the eggs, sperm, spawn, larvae, spat, juvenile stages, and adult stages of fish, intertidal bivalves and other shellfish, crustaceans, and marine animals, excluding cetaceans.

<sup>2</sup> In the Tsawwassen First Nation Final Agreement the term Domestic Purposes is defined as FSC purposes.

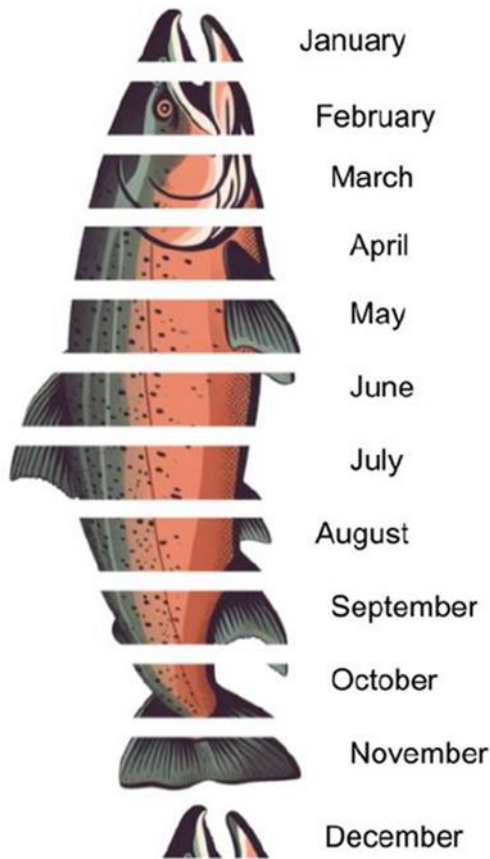
1 are important to the cultural and economic health of Tsawwassen First Nation community members  
2 (Tsawwassen First Nation 2015a). Migratory birds are of such significant cultural value that they are  
3 acknowledged in Place Names throughout the Tsawwassen Territory (Tsawwassen First Nation 2015c).  
4 Tsawwassen First Nation community members hunt waterfowl, such as ducks and loons, along the flats of  
5 Tsawwassen Territory for traditional uses and food sources (Tsawwassen First Nation 1998). Ducks and  
6 geese are an essential winter food and source of feathers, which are used for ceremonial purposes  
7 (WesPac 2019).

8 **Tsawwassen First Nation harvests at least 34 different species of plants including cedar, camas, bog**  
9 **blueberries, and wild cranberries.** Plants, as defined under the Tsawwassen First Nation Final Agreement,  
10 includes all flora and fungi but does not include aquatic plants (included in the definition for fish) or trees  
11 except for their bark, branches, and roots (Government of Canada et al. 2010a).

## 12 **Food security**

### 13 **Despite the promise of Treaty, Tsawwassen First Nation faces food security vulnerability.**

14 Traditional marine foods are central to Tsawwassen's ability to meet the nutrition and food security needs  
15 of scəw'a θ ən məsteyəx<sup>w</sup>. However, Tsawwassen reports that its members are exposed to a high level of  
16 food security vulnerability (refer to image below). Many active harvesters experience traditional food  
17 shortages, while 2 out of 5 households report difficulties in purchasing sufficient amounts of food to feed  
18 their families. While crab and salmon are the two most frequently eaten marine foods and appear in the  
19 diet of many families as a result of Tsawwassen First Nation distribution, the amounts currently eaten fall  
20 far below food security needs. As stated previously, food insecurity arising from lack of fish abundance or  
21 other impediments to harvesting has disproportionate impacts within the Tsawwassen community: young  
22 men are particularly interested in fishing but with fewer young men having the opportunity to harvest  
23 there are subsequent impacts on food sharing networks. Tsawwassen First Nation reports that with a  
24 decline in harvesters, young men are unable to provide food to their family and within their networks  
25 which can have serious effects on food security and mental health for this subgroup (Tsawwassen First  
26 Nation 2021b).



1 **1.2 Chinook Salmon per Tsawwassen First Nation Member per year**

2 **The Cəlislə̀m Community Farm was established by Tsawwassen First Nation to support community**  
3 **food sovereignty and security goals while contributing to cultural revitalization.** The farm provides  
4 healthy, Nation-grown food for Members, alleviating the need to purchase groceries elsewhere. It serves as  
5 a means of bringing the community together, by providing a community gathering place to hold events  
6 and share food. It also provides skill building opportunities for Members, including youth who participate  
7 in internships during the summer. Canning programs are provided, and excess produce is shared among  
8 the community, including elders, youth, and the daycare centre. Cultural revitalization is an important part  
9 of the farm, with the Tsawwassen First Nation cultural team participating in events. Furthermore, working  
10 on the land supports community well-being as the garden has spiritual value for community members  
11 (Agrarians Foundation 2024).

12 **Multi-generational connectivity**

13 Tsawwassen First Nation's governance system is rooted in preserving the physical, cultural, and spiritual  
14 resources important to Tsawwassen First Nation for future generations (Tsawwassen First Nation 2020).  
15 Tsawwassen First Nation has stated its obligation to ensure future Tsawwassen generations (at least seven  
16 generations out) have the opportunity to continue their culture by protecting and restoring the territory  
17 and its resources and by revitalizing cultural teachings. Tsawwassen knowledge, culture, and teachings are  
18 passed to future generations through shared time on the land and water, as well as the repetition of oral

1 transmission of stories and histories, experiences, and observations. Tsawwassen First Nation is supporting  
 2 and promoting cultural continuity as a generation of Knowledge Holders ages, while current and ongoing  
 3 opportunities for these Knowledge Holders to engage in the transfer of knowledge with younger  
 4 generations is threatened by reduced access to important locations, experiences, and cultural practices  
 5 (Tsawwassen First Nation 2019b).

6 **Table 11.9-1. Indicators for Existing Conditions and Future Vision**

Indicator	Tsawwassen Vision/ Aspirations
Employment equity and opportunities	<ul style="list-style-type: none"> <li>▪ More employment in different sectors, including marine and fishing based sectors and sectors relating to environmental protection and restoration</li> <li>▪ Increased employment opportunities from traditional resources</li> <li>▪ More Tsawwassen First Nation members cite being on Tsawwassen First Nation traditional lands and waters as a reason to move back to Tsawwassen First Nation Lands for employment</li> <li>▪ Gender equality in all sectors</li> </ul>
Prevalence of Language speakers	<ul style="list-style-type: none"> <li>▪ More language speakers</li> <li>▪ Broader awareness of Tsawwassen place names among Tsawwassen members</li> <li>▪ External recognition of Tsawwassen place names by non-Tsawwassen members</li> <li>▪ More opportunities to learn language on the Fraser River</li> </ul>
Land use/housing	<ul style="list-style-type: none"> <li>▪ More members live on Tsawwassen lands</li> <li>▪ Greater number of youths are able to be on – and are interested being on – the land and waters around the Fraser River</li> <li>▪ Reduction in cumulative effects of development that causes loss of cultural connection to traditional areas</li> <li>▪ Increased number of ceremonial and spiritual programs take place in and around important cultural areas on the Lower Fraser</li> </ul>
Harvesting (?aləx̣ət)	<ul style="list-style-type: none"> <li>▪ Increased opportunities to engage in harvesting rights in preferred locations</li> <li>▪ Improvements in fish stocks and fish habitat</li> <li>▪ Restoration of sloughs and fish habitat, such as the slough on Tilbury Island</li> <li>▪ Increase in land-based harvesting opportunities (hunting, plant gathering) on the Fraser River</li> <li>▪ Reduced traffic on the Fraser River and improvement in viewsapes in and around harvesting areas on the Fraser River</li> <li>▪ Harvesting areas reflect implementation of the šx̣ẉḳẉecx̣ənəm vision</li> </ul>
Food security	<ul style="list-style-type: none"> <li>▪ Greater access to healthy, abundant traditional foods</li> <li>▪ Greater access to opportunities to harvest in line with cultural protocols and connections</li> <li>▪ Reduction in cumulative effects that reduce opportunities to engage in harvesting</li> <li>▪ Perception of Fraser River, Tilbury Island and other important areas improve</li> </ul>

Indicator	Tsawwassen Vision/ Aspirations
Multi-generational connectivity	<ul style="list-style-type: none"> <li>▪ Members feel connected to culture</li> <li>▪ Community members feel safe and hopeful on the water</li> <li>▪ Elders and family members can take youth to traditional areas</li> <li>▪ Tsawwassen identity as stewards of lands, water and resources is strengthened</li> </ul>

1           **V. Tsawwassen’s Relationship to its Lands and Waters is Central to Tsawwassen Identity**

2   **Every aspect of the Tsawwassen's territory holds cultural significance - from the river and ocean to the**  
 3 **plants and animals.** These elements are not just physical features, but are integral parts of their cultural  
 4 narratives, spiritual beliefs, and historical memory. This guides Tsawwassen First Nation’s stewardship of  
 5 the land, their social structures, and their spiritual beliefs. Disenfranchisement from any part of their  
 6 territory can therefore impact their cultural integrity, regardless of whether it's a recognized cultural site  
 7 or not.

8   **Tsawwassen First Nation continues to practice ceremonial and spiritual activities, such as naming,**  
 9 **childbirth, ceremonial protocols, and training throughout the Tsawwassen Territory** (Tsawwassen  
 10 First Nation 1998). Many ceremonies are connected to special aspects of the land, such as cultural  
 11 landforms, transformation sites, and sites where supernatural beings are known to occupy (Tsawwassen  
 12 First Nation 1998).

13 Tsawwassen First Nation harvesting areas are within the Tsawwassen Territory and include the lower  
 14 Fraser River and the location of the proposed Project Site (MPWGSC 2009), including Tilbury Island.

15   **Tilbury Island**

16 **Tilbury Island is an important part of Tsawwassen identity and vision.** Tsawwassen members have  
 17 harvested fish and wildlife in the Tilbury Island area for countless generations and continue to do so today.  
 18 The area is deeply connected to Tsawwassen First Nation’s harvesting, cultural, and stewardship practices.  
 19 This part of the lower Fraser River continues to be an important location for waterfowl harvesting and  
 20 fishing. Tsawwassen fishing practices revolve around the movement of salmon around Tilbury Island and  
 21 Tsawwassen First Nation members identify the waters in the direct vicinity of Tilbury Island as a critical  
 22 fishing zone.

23   **Lower Fraser River (stałəw)**

24 **The lower Fraser River has been described by the Tsawwassen First Nation as the lifeblood of**  
 25 **Tsawwassen and a defining characteristic of Tsawwassen existence** (Tsawwassen First Nation 2021b).  
 26 The lower Fraser River is more than fishing to Tsawwassen First Nation; it is the Tsawwassen classroom.  
 27 Members are the teachers and the kids are the students out on the river learning Tsawwassen knowledge,  
 28 teachings and identity creating individual and community pride. Tsawwassen First Nation members’ use of  
 29 the Fraser River is about intergenerational relationships and transfer of knowledge. Tsawwassen First  
 30 Nation also states that the Fraser River brings people together in a way that cannot be replicated  
 31 elsewhere. For example, historically Tsawwassen First Nation held potlatches, participated in mask  
 32 dancing, trade, and welcomed canoes that came in along the river (B.C. EAO 2022).

1 **Tsawwassen First Nation uses areas near the mouth of the Fraser River for cultural activities that are**  
2 **directly and inextricably linked to the harvest of salmon.** Most notably among these activities is the  
3 "First Salmon" ceremony, as described in the Historical Context subsection. There are no other places  
4 where Tsawwassen can engage in this activity within Tsawwassen First Nation territory (Tsawwassen  
5 First Nation 2015c).

#### 6 **Culturally important species**

7 **Tsawwassen First Nation stewardship reflects their holistic view that everything is interconnected,**  
8 **both in spiritual nourishment and physical sustenance.** There is and has always been a fundamental  
9 connection between Tsawwassen Members and the lands, waters, and resources of their Territory.  
10 The Tsawwassen language is also linked to the lands and waters of their Territory. In relation to the  
11 environmental assessment for the adjacent TMJ project, Tsawwassen First Nation stated that the  
12 conditions it identifies as necessary for the practice of Treaty rights relating to cultural keystone species  
13 are not being met. This in turn means that Tsawwassen's basic harvesting needs for species such as  
14 salmon, sturgeon and eulachon are not being met.

15 **Historically, salmon was the most essential food species and tidal traps, gaff-hooking, sack-netting,**  
16 **harpooning, and reef-netting were all used to catch thousands of fish, especially Chinook and sockeye**  
17 **salmon, each year.** When caught in the fall and winter, salmon were eaten fresh or smoked. When caught  
18 in the summer they were preserved by wind-drying for winter use (Tsawwassen First Nation 2021b).

19 **In addition to salmon, sturgeon, dungeness crab, and eulachon provide not only sustenance for**  
20 **Tsawwassen community members but are also of cultural and economic importance.** Elk, deer, marine  
21 mammals, eulachon, traditional plants and migratory birds were also in abundance and important  
22 traditional resources in Tsawwassen territory. Harvesting has always been an important cultural activity  
23 between youth and Elders. Tsawwassen First Nation has stated its concerns that culturally important  
24 species are in increasingly short supply due to development on the Fraser River which therefore has an  
25 effect on the cultural continuity of the Nation.

#### 26 **11.9.1.1 Harvesting (ʔaləxət) is Integral to who Tsawwassen is**

#### 27 **Treaty Rights**

28 **The Tsawwassen First Nation Treaty Right to fish for FSC purposes includes the right to trade and barter**  
29 **fish and aquatic plants<sup>3</sup> among Tsawwassen First Nation community members or with other Indigenous**  
30 **People of Canada (Government of Canada et al. 2009, 2010a).** That right is exercised by Tsawwassen  
31 First Nation Members under the authority of the Tsawwassen First Nation *Fisheries, Wildlife, Migratory*  
32 *Birds and Renewable Resources Act*. The Final Agreement specifies domestic allocations for salmon and  
33 crab and for unallocated species that Tsawwassen First Nation may harvest to meet the FSC needs of the  
34 Tsawwassen First Nation. These unallocated species may include groundfish or any other species of  
35 interest to Tsawwassen First Nation within the Tsawwassen Fishing Area (Figure 11.9-1) (Tsawwassen  
36 First Nation 2015c). The Tsawwassen Treaty Right to fish and harvest aquatic plants extends to all fish and  
37 aquatic plants for which there are harvesting opportunities within the Tsawwassen Fishing Area and the  
38 Intertidal Bivalve Fishing Area. In particular, this includes species of importance to Tsawwassen, such as  
39 intertidal bivalves, shrimp, prawns, and groundfish species (Tsawwassen First Nation 2015b).

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<sup>3</sup> Aquatic plants are defined in the Tsawwassen Final Agreement (Government of Canada et al. 2010a) as all benthic and detached algae, brown algae, red algae, green algae, golden algae, and phytoplankton, as well as all marine and freshwater flowering plants, ferns, and mosses growing in water or soils that are saturated during most of the growing season.

1 **Today, in accordance with the Harvest Agreement, Members are able to operate their own fisheries for**  
2 **economic purposes in approved areas of the Fraser River, and a number of Tsawwassen community**  
3 **members fish in pursuit of a livelihood.** However, due to declines in salmon populations, for many  
4 Members salmon fishing is changing from an annual tradition to an event they can participate in only  
5 occasionally (B.C. EAO 2022; Tsawwassen First Nation 2019b).

6 **Plant species gathered by Tsawwassen First Nation include 34 different species of plants.** As outlined in  
7 the Tsawwassen First Nation Final Agreement, Tsawwassen First Nation community members have rights  
8 to gather plants for domestic purposes, limited by conservation, public health, and public safety measures  
9 (Government of Canada et al. 2010a), and including the right to trade or barter plants among themselves  
10 or with other Indigenous Peoples resident in B.C., as well as to exchange regalia or traditional or artistic  
11 objects made of plants among themselves or with other Coast Salish Peoples for ceremonial purposes.  
12 Plants, as defined under the Final Agreement, includes all flora and fungi but does not include aquatic  
13 plants (included in the definition for fish) or trees except for their bark, branches, and roots.

14 **There are four Tsawwassen Plant Gathering Areas designated under the Tsawwassen First Nation Final**  
15 **Agreement.** Tsawwassen First Nation's plant gathering areas extend to a portion of Burns Bog Ecological  
16 Conservation Area, a portion of the Fraser River delta, including the South Arm Marshes Wildlife  
17 Management Area (which includes but is not limited to Kirkland, Duck, Woodward, and Barber Islands),  
18 which are in proximity (within 5 kilometres [km]) to the proposed Project Footprint (refer to  
19 Figure 11.9-1). Additional Treaty-defined plant gathering areas include areas within the Pinecone Burke  
20 Provincial Park, south and along the eastern shore of Pitt Lake, and areas within Golden Ears Provincial  
21 Park to the east of Pitt Lake (approximately 38 km from the proposed Project Footprint) (Government of  
22 Canada et al. 2010b). Harvesting of aquatic plants is described under fishing, as allocations and locations  
23 for harvest of aquatic plants are described in the Tsawwassen First Nation Final Agreement together with  
24 fishing.

25 **As outlined in the Tsawwassen First Nation Final Agreement, Tsawwassen First Nation community**  
26 **members have guaranteed rights to harvest wildlife for domestic purposes,** with limitations based on  
27 conservation, public safety, and public health. Tsawwassen First Nation is also able to continue to trade  
28 and barter wildlife or wildlife parts (Government of Canada et al. 2010a). The Final Agreement identifies  
29 Tsawwassen First Nation's Wildlife Harvest Area wherein Tsawwassen First Nation community members  
30 may exercise their right to harvest and which include lands within the Fraser River delta extending to the  
31 Pitt River to Pitt Lake, encompassing the proposed Project Site (Government of Canada et al. 2010b).

32 **Members also have the right to trade and barter wildlife or wildlife parts, including meat and furs**  
33 **harvested under the Tsawwassen Right to Harvest Wildlife,** among themselves or with other Indigenous  
34 People of Canada resident in B.C. However, due to the heavily urbanized nature of the Tsawwassen  
35 Territory, the exercise of the right to harvest wildlife is limited (Tsawwassen First Nation 1998).  
36 Tsawwassen First Nation may exercise the Tsawwassen Right to Harvest Wildlife within Burns Bog  
37 Ecological Conservancy Area if wildlife harvesting is permitted on the lands, and any such harvesting must  
38 be in accordance with federal and provincial law, as well as local government bylaws (Government of  
39 Canada et al. 2010a).

40 **Tsawwassen First Nation has the right to hunt migratory birds for domestic purposes in accordance with**  
41 **the Final Agreement** within the Tsawwassen Wildlife Harvest Area and the Tsawwassen Migratory Bird  
42 Harvest Area (Figure 11.9-1). These areas extend the length and breadth of the Tsawwassen Territory.  
43 The Tsawwassen Right to Harvest Wildlife is limited by measures necessary for conservation, public health,  
44 or public safety. Tsawwassen First Nation stated that due to cumulative effects of development, ongoing

1 urbanization, loss of habitat, and regulations regarding use of firearms in proximity to commercial and  
2 residential developments and highways, only a fraction of the Migratory Bird Harvest Area can be used by  
3 Tsawwassen First Nation community members to exercise their Treaty right (Tsawwassen First Nation  
4 2015c; WesPac 2018).

## 5 **What is Needed for the Exercise of Rights**

6 **Hən̓q̓əmin̓əm “is indelibly linked to the lands and waters of [Tsawwassen] Territory” (Tsawwassen**  
7 **First Nation 2019c).** The language is not only used for communication purposes but also serves to  
8 describe places and their uses and activities on the land and also describes how Tsawwassen First Nation  
9 relates to the lands and waters, with one another, and other people (Tsawwassen First Nation 2019c).  
10 Tsawwassen First Nation states the following (Tsawwassen First Nation 2009a):

11 *“The hən̓q̓əmin̓əm’ language is of vital importance to our cultural inheritance. It is a personal and*  
12 *cultural expression of our identity as a People through which our history and our way of life is*  
13 *taught. It both describes the world we live in while also connecting us back thousands of years.”*

14 **A goal of Tsawwassen First Nation is to increase the ability and opportunities of its community members**  
15 **to fish and harvest, learn the language of Hən̓q̓əmin̓əm, and to continue to gain knowledge and practise**  
16 **its traditions** (Tsawwassen First Nation 2019b). Although these elements are distinct from fishing,  
17 harvesting, and the biophysical environment, they are inherently connected to and dependent on each  
18 other. Tsawwassen First Nation is supporting and promoting cultural continuity as a generation of  
19 Knowledge Holders ages, while current and ongoing opportunities for these Knowledge Holders to engage  
20 in the transfer of knowledge with younger generations is threatened by reduced access to important  
21 locations, experiences, and cultural practices (Tsawwassen First Nation 2019b). Loss of access to the land  
22 and sea can affect Tsawwassen First Nation’s ability to teach its language, and this is detrimental to the  
23 work being done to reclaim language (Tsawwassen First Nation 2019c). Fewer opportunities for  
24 experiential teaching and learning can reduce members’ quality of life (Tsawwassen First Nation 2015a).

25 **Tsawwassen First Nation has an obligation to ensure future Tsawwassen generations (at least seven**  
26 **generations out) have the opportunity to continue their culture by protecting and restoring the territory**  
27 **and its resources and by revitalizing cultural teachings.** Tsawwassen knowledge, culture, and teachings  
28 are passed to future generations through shared time on the land and water, as well as the repetition of  
29 oral transmission of stories and histories, experiences, and observations. Therefore, considering future  
30 conditions and opportunities for future use, including anticipated Tsawwassen population growth and  
31 ability to restore rights use, are important to establishing the context in which the proposed Project’s  
32 potential effects on Tsawwassen First Nation’s rights may occur (Tsawwassen First Nation 2019b).

33 **The ability for Members to practice harvesting activities and other Treaty rights relies on a sense of**  
34 **safety.** The Nation reports that a diminished sense of place and reduced safety in the Fraser River are  
35 causing Tsawwassen First Nation Members stress and anxiety in the exercise of their Treaty rights. In  
36 addition, increased development and the related increase in the number of fishing vessels impedes the  
37 practice of Treaty rights in the Fraser River, which in turns affects the Nation’s cultural well-being (B.C. EAO  
38 2022). Tsawwassen First Nation has advised that sense of place stems from being in the environment and  
39 being able to experience a connection to the lands and waters that is uninterrupted by external stressors  
40 and annoyances and unimpeded by access constraints.

41 **Tsawwassen First Nation’s ability to engage in stewardship over the resources within Tsawwassen**  
42 **Territory is a vital aspect of its Treaty Rights.** The LFFA outlined that there is a reciprocal responsibility to  
43 care for culturally important fish species, which includes ensuring the life cycles of fish species are

1 maintained through spiritual and physical practices, restoring the habitat of fish to maintain or recreate  
2 abundance, and providing space and opportunities to learn from the fish (LFFA 2021).

### 3 **Harvesting in the Fraser River**

4 **Tsawwassen First Nation's health and well-being is directly linked to the quality of the lands, air, and**  
5 **water, as well as the quality and quantity of resources therein.** Any degradation of the land and its  
6 resources can lead to both physical and mental health impacts, from nutritional deficits to the  
7 psychological distress of losing access to traditional land. Historically the Nation had an abundance of  
8 resources such as clams, crab, shellfish, salmon, sturgeon, elk, deer, marine mammals, eulachon,  
9 traditional plants and migratory birds in a healthy state within their territory. Today, Chinook salmon are in  
10 decline and limited DFO openings do not permit Members to meet either community needs or allocations  
11 under Treaty-based agreements. In addition, eulachon is a traditional food that was historically relied  
12 upon but eulachon populations can no longer meet the needs of Members (B.C. EAO 2022).

13 **Tsawwassen First Nation states that its Members have more difficulty accessing traditional food**  
14 **resources that were once readily available due to, in part, increased pollution and climate change**  
15 **factors affecting Tsawwassen Territory including the south arm of the Fraser River** (Tsawwassen  
16 First Nation 2021b). Tsawwassen First Nation has reported that contamination from industrial activities in  
17 and around the lower Fraser River harms not only the animals and plants that rely on the river but causes  
18 stress on Tsawwassen First Nation Members who seek to protect traditional resources and pass knowledge  
19 and values to younger generations (B.C. EAO 2022). Tsawwassen First Nation has emphasized that  
20 proponents of projects must give real consideration to Members' avoidance of areas and resources  
21 resulting from perceived contamination or incompatibility with cultural values (Tsawwassen First Nation  
22 2019b).

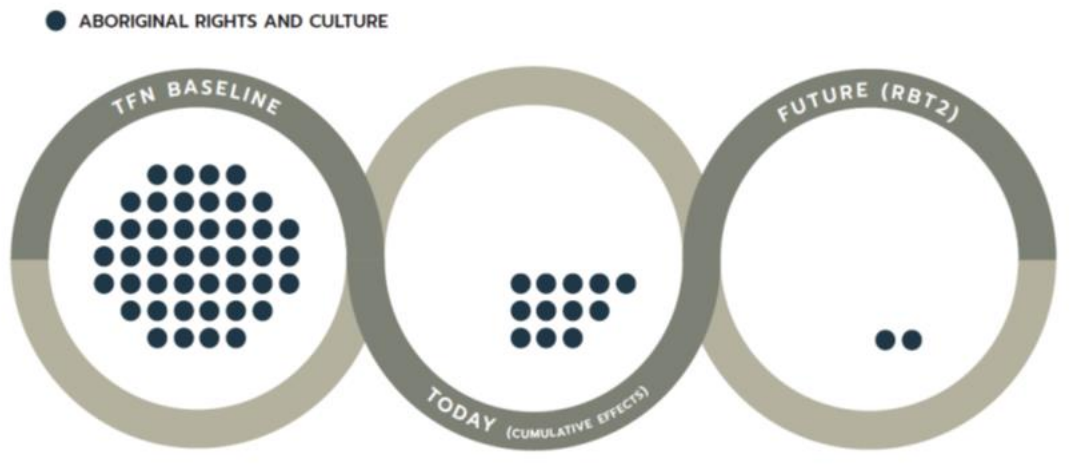
23 **The Nation reports that harvesting practices in the lower Fraser River are affected by the presence of**  
24 **large vessels, which can be linked to the rate of development witnessed in Tsawwassen First Nation**  
25 **lands and waters.** Further, the Nation notes that declines in coho, chinook, and sockeye salmon, as well as  
26 steelhead trout populations, have occurred because of the existing cumulative effects associated, in part,  
27 with past and present extensive urban and industrial development (B.C. EAO 2016; DFO 1982). According  
28 to Tsawwassen First Nation, these negative cumulative effects have been compounded by issues created  
29 by both Provincial and Federal governments, which have previously instituted policies that have negatively  
30 affected Indigenous interests relating to fishing (NEB 2014a).

31 Fraser River chinook and coho have undergone a decline in total return to the Fraser River since the  
32 1950's, attributed mainly to overfishing and habitat degradation (both natural and man-made) (DFO  
33 1982). According to Tsawwassen First Nation, the decline or loss of these species due to cumulative  
34 effects from industrial development and environmental degradation negatively impacts their ability to  
35 exercise their treaty rights and cultural practices. For example, the presence of large vessels, persistence  
36 of harmful noise levels, and light pollution along the Fraser River impedes the harvesting experience of  
37 Tsawwassen First Nation Members.

38 **Tsawwassen First Nation has long advocated for a cumulative effects assessment conducted on a**  
39 **regional basis for the entire Fraser River Lowland** (Tsawwassen First Nation 2019c). The Nation has noted  
40 that existing research and management initiatives associated with the Fraser River and resources within it  
41 are inadequate in addressing the cumulative effects that it is experiencing on the Fraser River (B.C. EAO  
42 2022). As well, existing cumulative effects from development and environmental factors, such as shipping  
43 lanes, sludge buildup in intertidal zones, highways and ferry terminals, and the loss of sloughs and creeks  
44 have reduced the ability of Tsawwassen First Nation to access crab along the marine foreshore. The decline

1 of salmon populations, increased ship and tug movements within shipping lanes, and seasonal closures  
 2 and restrictions from the DFO have affected Tsawwassen First Nation’s ability to fish (Tsawwassen First  
 3 Nation 2021b). According to Tsawwassen First Nation, in order to assess impacts on Treaty rights  
 4 proponents must first understand the context of cumulative effects in which rights are exercised, and  
 5 future developments must consider the extent to which the exercise of those rights has already been lost  
 6 (Tsawwassen First Nation 2019c). Tsawwassen explains that the purpose of doing so is to establish a more  
 7 accurate understanding of how Tsawwassen First Nation is actually impacted by developments because it  
 8 helps the Crown and proponents see that the loss or impairment of even some aspects of the Nation’s  
 9 ability to exercise its harvesting or stewardship rights may, while seemingly small in isolation, result in the  
 10 Nation having no meaningful ability to exercise its rights left. Tsawwassen First Nation developed a graphic  
 11 to help illustrate this during the environmental assessment for the Roberts Bank Terminal 2 Expansion.  
 12 Tsawwassen First Nation explains that the circle on the left is meant to illustrate a full bundle of rights,  
 13 with the dots representing that there are many opportunities to engage in the exercise of rights in a  
 14 preferred manner when the Nation has all the conditions it needs to exercise their rights. The middle circle  
 15 shows what Tsawwassen First Nation experiences presently, with the reduced number of dots illustrating  
 16 that Tsawwassen First Nation experiences limited opportunities to engage in the exercise of rights because  
 17 cumulative effects have taken many of the conditions available for Tsawwassen First Nation members to  
 18 engage in harvesting activities. Tsawwassen explains that when the circle on the right is only viewed in  
 19 comparison with the middle circle, there is a risk that a proponent will conclude that their project only  
 20 results in a small, incremental loss. From Tsawwassen First Nation’s perspective; however, what it actually  
 21 experiences is the project operating with existing cumulative effects such that the incremental loss is, in  
 22 fact, the near total elimination of the conditions needed to support the exercise of its rights.

23



24

25 **VI. Tsawwassen has a strong vision for the future**

26 **Tsawwassen First Nation is a forward-thinking Nation.** Its Strategic Plan sets out the Nation’s vision for  
 27 the future and long-term goals. It helps protect and celebrate Tsawwassen identity, pride, and uses  
 28 relevant measures of success so the Nation can track progress and identify areas of improvement. It  
 29 includes goals related to housing, infrastructure, education, health, culture, economic development and  
 30 governance. Continuously reviewing strategies and laws is a key objective to ensure the Nation’s programs  
 31 are achieving their objectives. To this end, Tsawwassen First Nation’s Strategic Plan is considered a ‘Living  
 32 Strategic Plan’ that is regularly evaluated and updated as circumstances facing the Nation change  
 33 (Tsawwassen First Nation 2018).

1 **Tsawwassen First Nation's Land Use Plan represents shows how Tsawwassen First Nation is charting a**  
2 **healthy future on Tsawwassen First Nation Lands.** The Final Agreement provides the tools to operate as a  
3 self-governing Nation, with the ability to create laws and make decisions regarding their land use  
4 (Tsawwassen First Nation 2019a). The Land Use Plan provides certainty for the development of the  
5 community, serving as a foundation for policies, regulations, and decisions pertaining to land use and  
6 development on Tsawwassen First Nation Treaty lands. A combination of consultation with community  
7 Members, technical research and a market review of land use plans were used to develop the Land Use  
8 Plan which is intended to guide all future development for the Nation. Priorities for future development  
9 include a safe and accessible community, a close-knit community with elders and youth at the core of the  
10 community and active industrial and commercial development that provides significant revenue for  
11 Tsawwassen First Nation. Having a range of housing options available, where families can safely and  
12 affordably raise children is a guiding principle of the Land Use Plan (Tsawwassen First Nation and AECOM  
13 2009).

14 **Tsawwassen First Nation's Treaty Objectives show the holistic path the Nation sees for its territory,**  
15 **Rights and relations.** While the Nation's Land Use Plan showcases a vision for reconciliation on the lands  
16 owned by Tsawwassen, that is only one strand of the Nation's vision. Because of the way places the Tilbury  
17 Island and the Lower Fraser River intersect with the Nation's Treaty rights, Treaty aspirations and of  
18 šxʷkʷecxənəm vision, Tsawwassen shares that a more appropriate way to see their holistic vision is  
19 through the concept of Treaty Objectives. While presented above, Tsawwassen has requested that they be  
20 replicated in this section to ensure they are understanding in the context of Tsawwassen's vision for the  
21 future:

22 **Healthy Rights – Healthy River:** Positive outcomes for exercise of Tsawwassen's Treaty rights,  
23 including the physical environment in and around the Project area that supports the exercise of  
24 those rights.

25 **Healthy Culture – Strong Stewardship:** Furtherance of Tsawwassen's vision for šxʷkʷecxənəm  
26 under Treaty in and around the Project area.

27 **Healthy Relationships:** Creation of the foundation for a positive relationship between FortisBC  
28 and Tsawwassen that is based on mutual respect and respect for and recognition of Tsawwassen  
29 as a Treaty Nation.

30 **Healthy Future for Future Generations:** Meaningful progress towards a future state of the Fraser  
31 River in the vicinity of the proposed Project site that supports the Treaty rights and interests of  
32 Tsawwassen's future generations.

33 **šxʷkʷecxənəm is a core part of Tsawwassen's vision for its future:** Tsawwassen First Nation's vision  
34 statement in its Strategic Plan captures many of the elements of šxʷkʷecxənəm: Tsawwassen Members are  
35 united, proud, and confident in our culture; are connected to and taking care of our lands and resources;  
36 and are healthy, self-reliant, and prospering. This statement, according to Tsawwassen First Nation,  
37 summarizes the Nation's sincere desire to ensure that šxʷkʷecxənəm is practiced daily through reinforcing  
38 our values, through participating as individuals and as a community in programs, activities, and through  
39 continued engagement of citizens acting as stewards and harvesting out on the land. Tsawwassen explains  
40 that its šxʷkʷecxənəm vision is to proactively undertake the Nation's role as stewards of its territory so that  
41 the relationship it has with its territory is maintained, transmitted across the multiple generations of  
42 Tsawwassen members to come and, hopefully, strengthened over time.

1 **Tsawwassen’s šxʷkʷecxənəm Vision includes visions for specific places off Tsawwassen First Nation**  
2 **Lands:** Tsawwassen First Nation note that it cannot simply ‘go somewhere else’ to maintain its aspirations  
3 and values to be stewards of our lands and waters. Its vision for the future includes working to reduce  
4 cumulative effects on the Fraser River, restore and rejuvenate habitat and fish/wildlife populations on the  
5 Fraser River (including around Tilbury Island), and reduce competition and other impairments of its  
6 members’ experiences when on the Fraser River. This vision is an expression of Tsawwassen’s government-  
7 to-government relationship with the Crown established through the Tsawwassen First Nation Final  
8 Agreement and is directly tied to Tsawwassen’s stewardship aspirations as articulated in the Preamble of  
9 the Treaty.

10 **Using culture and tradition to achieve mental, spiritual, emotional and physical well-being is an**  
11 **important objective.** As described in the Strategic Plan, the Nation supports and provides delivery of  
12 comprehensive services that address all aspects of well-being: mental, spiritual, emotional and physical  
13 (Tsawwassen First Nation 2018). The Nation is committed to promoting access to recreational and  
14 physical activities on Tsawwassen Lands that supports healthy and active lifestyles for community  
15 Members. The intergenerational legacy of residential schools has had a lasting impact on Tsawwassen  
16 First Nation. By helping Members connect with Tsawwassen First Nation culture, reducing the harms of  
17 substance abuse, and improving mental health and parenting skills the Nation is taking steps towards  
18 healing. Tsawwassen First Nation also runs a Family Empowerment program that provides support to  
19 children and families, and a Personal Care Aide Program that provides people who have chronic and acute  
20 illnesses with the care they need in their home or community (Tsawwassen First Nation n.d.h).

21 **As a forward-thinking Nation, Tsawwassen First Nation’s goal is to be sustainable in every way –**  
22 **culturally, economically, socially and environmentally.** Tsawwassen First Nation strives to build a  
23 successful and sustainable economy that will increase self-sufficiency, enhance the education system,  
24 improve socio-economic conditions of Members and revitalize Tsawwassen First Nation language and  
25 culture. With the implementation of the Final Agreement, the Nation has the opportunity to play a lead  
26 role in its economic growth and development, and sustainability is at the core of Tsawwassen First Nation’s  
27 long-term growth plans. The Nation is continuing to build their economy through responsible and careful  
28 land development. Recent and ongoing projects are developing new sources of revenue, building new  
29 infrastructure, and creating many new jobs that will promise a bright future for Members’ children and  
30 their children’s children (Tsawwassen First Nation 2019d).

31 **Partnerships are key to the success of Tsawwassen First Nation.** Forging strong relationships with  
32 Government partners have helped Tsawwassen First Nation implement the Final Agreement, while  
33 community partners are working with the Nation to deliver programs and services to community Members  
34 (Tsawwassen First Nation 2019d). An innovative relationship with the Delta Police has improved the safety  
35 of the Tsawwassen First Nation community, while investment partners have helped the Nation build  
36 transformational projects (Tsawwassen First Nation 2019a). In addition, Tsawwassen First Nation’s vision is  
37 for all proponents that operate (or intend to operate) in and around areas of cultural importance to  
38 Tsawwassen First Nation, like the Fraser River, to act consistently with its šxʷkʷecxənəm aspirations under  
39 Treaty and to positively contribute to the health of Tsawwassen First Nation’s territory and traditional  
40 resources.

41

42

**TSAWWASSEN FIRST NATION  
INDIGENOUS INTERESTS**

**TILBURY PHASE 2 LNG  
EXPANSION PROJECT**

- Project Area
- Tsawwassen Lands
- Tsawwassen Rights of Refusal Lands
- Tsawwassen Water Lots
- Tsawwassen Intertidal Bivalve Area
- Tsawwassen Fishing Area
- Tsawwassen Wildlife Harvest Area
- Tsawwassen Plant Gathering Area
- Tsawwassen Territory
- Other First Nation Reserve
- International Border
- Railway
- Highway
- Road
- Park/Protected Area
- Waterbody
- Local Assessment Area:  
- Healthy Future for Future Generations  
- Healthy Relationships
- Local Assessment Area:  
- Healthy Rights - Healthy River  
- Healthy Culture - Strong Stewardship
- Regional Assessment Area:  
- Healthy Rights - Healthy River  
- Healthy Culture - Strong Stewardship  
- Healthy Future for Future Generations  
- Healthy Relationships

Note:  
Healthy Future for Future Generations and Healthy Relationships includes the following local assessment areas: air quality, acoustic, archaeological and heritage resources, culture, surface water, ground water, soil, vegetation, wildlife and wildlife habitat, fish and fish habitat, and land and resource use.

Healthy Rights - Healthy River and Healthy Culture - Strong Stewardship includes the following local assessment areas: culture, employment and economy, human health, infrastructure and services, and land and resource use.

Cultural Use Sites and Areas, Harvesting and Subsistence Activities, Healthy Future for Future Generations, Healthy Relationships, Healthy Rights - Healthy River and Healthy Culture - Strong Stewardship includes the following regional assessment areas: air quality, acoustic, archaeological and heritage resources, culture, employment and economy, human health, infrastructure and services, surface water, ground water, vegetation, wild and wildlife habitat, fish and fish habitat, and land and resource use.

Not to be used to limit or deny any Indigenous Rights or Title.

Project Site at NTS Grid: 092G03  
49° 8' 27.4" N 123° 2' 4.8" W

Scale: 1:425,000



(All Locations Approximate)

**Jacobs**

Project Number CE778100

BC Albers Projection, NAD83: UTM Zone 10 North.  
Project Area: Jacobs (05-09-2021); Traditional Territory: Province of BC, 2005; Tsawwassen Treaty and Treaty related lands: Tsawwassen First Nation; 2022 First Nation Reserves: Government of Canada 2018; LAA/RMA Boundaries: Jacobs, August 19, 2022; International Boundary: ESRI 2005; Roads: NRCAN 2015; Hydrography: BC Forests, Lands and Natural Resource Operations 2011; Municipal Boundaries: BC MF/LNRO 2016; Railway: BC MF/LNRO 2015; Parks: NRCAN 2017; Metro Vancouver 2020; BC MF/LNRO 2008; Service Layer Credits: Sources: Esri, Airbus DS, USGS, NGA, NASA, CGAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatenzentrum, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community

Although there is no reason to believe that there are any errors associated with the data used to generate this product or in the product itself, users of these data are advised that errors in the data may be present.

Mapped By: SZ

Checked By: DN

## 1 11.9.2 Summary of Engagement

2 This subsection summarizes engagement between FortisBC and Tsawwassen First Nation, including how it  
3 has evolved since 2019, when FortisBC began engaging on the proposed Project. This subsection, while  
4 still responsive to the requirements of the AIR, is presented in a thematic format rather than the more  
5 standard approach, summarizing engagement through the use of tracking tables and presenting FortisBC  
6 and Tsawwassen First Nation perspectives on engagement separately. We have presented the summary of  
7 engagement in this format in response to input from Tsawwassen that such tracking tables can reinforce a  
8 “tit for tat” style of engagement and obscure the transparent identification of the issues that require  
9 further engagement. Tsawwassen First Nation has suggested that a thematic summary of engagement  
10 better aligns with the approach to engagement we are trying to implement for the proposed Project,  
11 namely an engagement approach focused on collaborative efforts and an effort to “speak with one voice”.

### 12 *A commitment to teach and a commitment to learn*

13 Tsawwassen First Nation has communicated their desire to work collaboratively with FortisBC throughout  
14 the EA, to share learnings about Tsawwassen culture and modern Treaty rights, and to work together  
15 toward a shared understanding of potential proposed Project impacts. FortisBC is grateful to Tsawwassen  
16 First Nation for the clear effort they have put into their engagement with us to date. Tsawwassen starts  
17 each meeting with a prayer to help the participants work together with open minds and hearts and talks  
18 about the importance of being in the same canoe, paddling together in the same direction, as a cultural  
19 teaching for working together toward the common objective of protecting and respecting Treaty.  
20 Tsawwassen First Nation has invited FortisBC to attend a variety of events so that FortisBC can learn first-  
21 hand about Tsawwassen culture, Treaty, and governance and invites FortisBC to share its cultural learnings  
22 in meetings. Tsawwassen First Nation identified areas where, from its perspective, FortisBC’s engagement  
23 was inadequate and provided input on opportunities for improvement to FortisBC.

24 FortisBC shares the goal of working collaboratively together and is grateful to Tsawwassen for its  
25 generosity and patience in sharing its culture. We have learned about the significance of the Fraser River  
26 to Tsawwassen First Nation identity and culture and recognize that understanding the context of how  
27 Tsawwassen are salmon people - sce:lhtun xwelmexw, for whom the Salish Sea and Fraser River serve as  
28 the lifeblood of its food and cultural systems, is fundamental for engagement with Tsawwassen First  
29 Nation. We are committed to continuing to learn about the significance of the Tsawwassen Treaty and the  
30 rights and aspirations of the Tsawwassen First Nation that it supports.

### 31 *Establishing initial capacity supports*

32 As noted above, FortisBC initiated preliminary engagement on the proposed Project in 2019 following the  
33 engagement principles and methods described in the June 2020 *Tilbury Phase 2 LNG Expansion Project*  
34 *Engagement Plan* (FortisBC 2020). FortisBC and Tsawwassen First Nation began discussing proposed  
35 Project capacity agreements early in the engagement process. FortisBC and Tsawwassen First Nation  
36 executed a Capacity Funding and Engagement Agreement for multiple Tilbury projects in 2023. The  
37 agreement includes FortisBC’s commitment for stewardship studies and environmental funding. FortisBC  
38 and Tsawwassen First Nation also signed an Indigenous-led Assessment Agreement in 2022 for the  
39 proposed Project to enable Tsawwassen to conduct an assessment reflective of the values and  
40 perspectives of Tsawwassen First Nation.

41 A critical part of engagement for the proposed Project is the Indigenous Engagement and Collaboration  
42 Plan (IECP), which was developed to support the transparent sharing of information between FortisBC and  
43 Indigenous nations, to provide a high-level summary of engagement undertaken to date, and to describe

1 planned future engagement. FortisBC has confirmed in the IECP and workplan with Tsawwassen  
2 First Nation that it will continue to work on an ongoing basis to discuss capacity constraints identified by  
3 Tsawwassen First Nation and work to address funding constraints collaboratively.

#### 4 ***Building Treaty Objectives into the Indigenous Engagement and Collaboration Plan***

5 FortisBC provided the first draft of the IECP to Tsawwassen First Nation first in September 2023.  
6 Tsawwassen First Nation raised concerns regarding content in the IECP to FortisBC in December 2023, and  
7 the subsequent draft of the IECP, noting it was missing details including the unique nature of Tsawwassen  
8 First Nation as a modern treaty nation, incorporation of Indigenous Knowledge and gaps related to a  
9 commitment to collaboration. Tsawwassen First Nation informed FortisBC that the Treaty context is  
10 relevant to collaboration and engagement on the proposed Project as it clarifies the relationship between  
11 Tsawwassen First Nation as a self-governing nation and the Crown, and it encapsulates Tsawwassen  
12 aspirations to its lands and territory.

13 With guidance from the B.C. EAO, FortisBC and Tsawwassen First Nation agreed to prepare a separate  
14 Tsawwassen Schedule as part of the IECP (Schedule A: Tsawwassen First Nation [Schedule A to the IECP])  
15 that reflects the ways that FortisBC and Tsawwassen First Nation specifically intend to bring a Treaty-  
16 based approach to their engagement. Tsawwassen First Nation and FortisBC discussed revising Schedule A  
17 to the IECP in tandem with preparation of the workplan. The workplan would address the unique nature of  
18 the Tsawwassen First Nation treaty and would guide collaboration and engagement in a more detailed way  
19 than Schedule A to the IECP. The workplan would also identify engagement activities that are informed by  
20 the Treaty Objectives and would be supported by FortisBC and Tsawwassen First Nation's Capacity Funding  
21 and Engagement Agreement. FortisBC and Tsawwassen First Nation agreed to regular and frequent  
22 meetings to co-draft the two documents. The final draft of Schedule A to the IECP and workplan were  
23 submitted to the B.C. EAO on September 27, 2024. Schedule A to the IECP describes how engagement and  
24 collaboration between FortisBC and Tsawwassen First Nation is driven by the Nation's Treaty Objectives  
25 and provides a set of Treaty-based engagement principles that will guide the engagement process. The  
26 specific engagement activities are detailed in the workplan that is intended to be a living document that  
27 the parties can revisit based on their learnings as engagement progresses.

28 Once Schedule A to the IECP and workplan were near completion, the parties started discussions on  
29 co-drafting subsection 11.9. Tsawwassen requested that the subsection be driven by the Nation's Treaty  
30 Objectives and FortisBC began revising the subsection based on Tsawwassen's request. FortisBC and  
31 Tsawwassen First Nation met regularly to develop a revised table of Indigenous Interests and effects  
32 pathways that the assessment would be based on. This subsection 11.9 uses the revised interests;  
33 however, FortisBC and Tsawwassen First Nation agree that engagement timelines did not allow for the  
34 same level of collaboration and engagement on the methodology, Indigenous Knowledge and effect  
35 assessment portions of subsection 11.9 as the context portion. As such, and in line with the Tsawwassen  
36 schedule of the IECP, Tsawwassen First Nation and FortisBC will continue to meet regularly during  
37 Application Review to share learnings and information, implement the IECP workplan, and continue to  
38 collaborate on ways to bring the Treaty Objectives into the finalization of the subsection for the Revised  
39 Application.

#### 40 ***Engagement activities during initial phases of the EA process***

41 In addition to working together on the Schedule A to the IECP, workplan, and Section 11.9, a summary of  
42 key engagement activities that have taken place since the start of engagement for the proposed Project  
43 include:

1 From **July 2019 to September 2020**, FortisBC provided the draft IPD to Tsawwassen First Nation for  
2 review. FortisBC incorporated Tsawwassen First Nation's comments and provided the draft IPD back to  
3 Tsawwassen First Nation for confirmation.

4 From **August 2020 to January 2021**, FortisBC provided the draft AIR to Tsawwassen First Nation for  
5 review. In October 2020, and January 2021, FortisBC met with Tsawwassen First Nation to discuss  
6 Tsawwassen First Nation's comments on the draft AIR and VC selection. From FortisBC's perspective, the  
7 feedback was incorporated into the final AIR.

8 From **September 2019 to January 2021**, the draft DPD was provided to Tsawwassen First Nation. FortisBC  
9 met with Tsawwassen First Nation to review the draft DPD to ensure Tsawwassen First Nation's interests,  
10 feedback, and issues raised were reflected in the DPD. Tsawwassen First Nation provided comments on  
11 the draft DPD, which from FortisBC's perspective, was incorporated into the final DPD. Tsawwassen  
12 First Nation was invited to the two DPD workshops held on October 27, 2020, and June 16, 2021.  
13 Tsawwassen First Nation attended the June 16, 2021, DPD workshop.

14 From **January 2021 to October 2022**, FortisBC provided Tsawwassen First Nation with lists of secondary  
15 sources it had prepared to use in the proposed Project Application if Tsawwassen First Nation approved.  
16 On January 21, 2021, and January 31, 2022, FortisBC met with Tsawwassen First Nation to discuss  
17 Indigenous Knowledge Studies and secondary sources. FortisBC invited Tsawwassen First Nation to two  
18 Indigenous Knowledge workshops being held for participating Indigenous nations on March 29, 2022, and  
19 April 22, 2022. FortisBC provided Tsawwassen First Nation with partially complete drafts of subsection  
20 11.9 (Rev A and Rev B) to Tsawwassen First Nation to review how Indigenous Knowledge has been  
21 captured in subsection 11.9. FortisBC and Tsawwassen will continue to discuss Indigenous Knowledge in  
22 its meetings.

23 Other objectives of providing Revs A and B to Tsawwassen First Nation included the description of the  
24 proposed review and development process for subsection 11.9 and to request Tsawwassen First Nation's  
25 input in the identification and understanding of Tsawwassen First Nation's Indigenous interests regarding  
26 the proposed Project.

27 From **October 2020 to May 2022** FortisBC invited Tsawwassen First Nation to participate in fieldwork  
28 studies, either virtually via summary calls or in-person. Tsawwassen First Nation was not able to attend  
29 fieldwork studies.

30 From **January to March 2023**, Tsawwassen First Nation was invited to participate in the following B.C. EAO  
31 workshops:

- 32 ▪ January 26, 2022: Terrestrial and Aquatics
- 33 ▪ February 23, 2022: Cumulative Effects Assessment
- 34 ▪ March 8, 2022: Air Quality and Human Health
- 35 ▪ April 6, 2022: Greenhouse Gas Emissions
- 36 ▪ April 26, 2022: Public Safety, Accidents, and Malfunctions
- 37 ▪ March 23, 2023: Proposed Project changes

38 From **November 2021 to Present**, FortisBC invited Tsawwassen First Nation to participate in proposed  
39 Project Site tours. FortisBC offered virtual and in-person site tour options.

1 In **March 2022**, FortisBC provided Tsawwassen First Nation with the opportunity to review TDRs prior to  
2 their inclusion in the Application. FortisBC provided a list of TDRs and asked Tsawwassen First Nation to  
3 specify which TDRs Tsawwassen First Nation would like to review.

4 From **February 2023 to Present**, FortisBC provided updates to Tsawwassen regarding the proposed scope  
5 change related to barging.

### 6 ***Integration of Tsawwassen First Nation input and feedback into the engagement process***

7 Tsawwassen First Nation expressed a number of concerns about the engagement approach for the  
8 proposed Project through the earlier stages of the assessment. Below are highlighted three areas where  
9 Tsawwassen First Nation's input relating to Treaty-based engagement resulted in significantly revised  
10 engagement approaches and examples of specific practices we have incorporated into an updated  
11 engagement process.

12 **Enhanced consideration of Treaty:** Tsawwassen First Nation expressed that the uniqueness of being the  
13 only modern treaty involved in the proposed Project was not adequately acknowledged by FortisBC.  
14 Tsawwassen First Nation took considerable time and effort to explain to FortisBC that Treaty had  
15 ramifications for the process and substance of engagement and identified various shortcomings in  
16 FortisBC's early engagement steps that were not consistent with Tsawwassen First Nation's Treaty-based  
17 engagement approach. Tsawwassen First Nation explained that FortisBC's engagement activities lacked  
18 explicit incorporation of the rights, principles, aspirations and relationships flowing from the Tsawwassen  
19 Final Agreement. FortisBC recognizes that as a modern Treaty nation, Tsawwassen First Nation brings a  
20 Treaty-based approach to their engagement and a shared commitment with FortisBC to be accountable  
21 for actioning that approach during the assessment of the proposed Project. In response to Tsawwassen  
22 First Nation's concerns regarding FortisBC's engagement approach, Schedule A to the IECP establishes a  
23 set of core Treaty interests, (that is Treaty Objectives). The IECP describes how the Treaty Objectives will  
24 inform all engagement and collaboration activities between Tsawwassen First Nation and FortisBC for the  
25 proposed Project.

26 These Treaty Objectives are:

- 27 1. Healthy Rights – Healthy River: Positive outcomes for the exercise of Tsawwassen's Treaty rights,  
28 including the physical environment in and around the proposed Project area that supports the  
29 exercise of those rights
- 30 2. Healthy Culture – Strong Stewardship: Furtherance of Tsawwassen's vision for šxʷkʷecxənəm under  
31 the Treaty in and around the proposed Project area
- 32 3. Healthy Relationships: Creation of the foundation for a positive relationship between FortisBC and  
33 Tsawwassen that is based on mutual respect and recognition of Tsawwassen as a Treaty Nation
- 34 4. Healthy Future for Future Generations: Meaningful progress towards a future state of the River in the  
35 vicinity of the proposed Project Site that supports the Treaty rights and interests of Tsawwassen's  
36 future generations

37 **Opportunities to “speak with one voice”:** Tsawwassen First Nation expressed concern that FortisBC's  
38 approach to engagement felt 'transactional', where documents were traded back and forth and there was a  
39 disproportionate emphasis on documenting comments and meetings rather than focusing on discussion  
40 and consensus-building. Based on this feedback FortisBC adjusted how it advanced the development of  
41 aspects of Section 11.9 for the assessment of potential proposed Project effects on Tsawwassen First  
42 Nation.

1 After FortisBC provided initial drafts of Section 11.9 to Tsawwassen First Nation with boxes for Tsawwassen  
2 to input comments separately from the content of the section, the Nation explained that a preferred an  
3 approach was to meet to discuss issues and develop a new outline for the context section collaboratively  
4 and then return to developing content. This process took several meetings in which we shared learnings  
5 and worked together to better reflect Tsawwassen as a modern Treaty nation with a vibrant culture and  
6 strong vision for the future into the updated draft.

7  
8 Tsawwassen First Nation undertook a somewhat similar exercise for the identification of Tsawwassen First  
9 Nation Indigenous interests in the draft materials. The Nation took the initial table prepared by FortisBC  
10 based on the AIR, but then took a step back to consider how to adjust the list of interests and effect  
11 pathways to align with its shared commitment to approach the Application through the lens of Treaty  
12 Objectives.

13 **Cultural accountabilities:** Tsawwassen First Nation has also shared with FortisBC that cultural learnings are  
14 integral to their engagement process and requested that the engagement process better reflect cultural  
15 teachings and approaches. From Tsawwassen First Nation's perspective, the engagement process must  
16 avoid being narrowly focused on documents required by the assessment process and should include steps  
17 by FortisBC to understand Tsawwassen culture and what it means to be a member of Tsawwassen  
18 First Nation. In response, our engagement process now regularly considers opportunities for FortisBC to  
19 participate in and experience Tsawwassen First Nation cultural events to better understand the Nation.  
20 To avoid this becoming a "check box" exercise, we have also included in our engagement regular  
21 discussions about what FortisBC has experienced and learned as well as opportunities for FortisBC to ask  
22 questions and demonstrate how it can bring those teachings into our engagement regarding the Project.

### 23 ***Integration of Tsawwassen First Nation Input, Feedback and Perspectives into subsection 11.9***

24 As described above, portions of Section 11.9 are the culmination of drafting efforts over weekly or  
25 bi-weekly meetings between Tsawwassen First Nation and FortisBC through the summer and into  
26 September 2024. To recap:

27 Subsection 11.9.1, Context has been revised to provide a holistic understanding of the modern-  
28 day context of Tsawwassen First Nation's culture.

29 The framing of Tsawwassen First Nation's Indigenous interests has been revised and is now driven  
30 by the Nation's Treaty Objectives.

31 The list of effect pathways was revised collaboratively to track the updated approach to  
32 Tsawwassen First Nation's Indigenous interests and to respond to Tsawwassen First Nation's  
33 feedback that the pathways needed to have a focus on cultural and non-biophysical effects.

34 For the portions of Section 11.9 relating to the assessment of potential effects of the proposed Project on  
35 Tsawwassen First Nation, FortisBC has included descriptions, separate and apart from FortisBC's content,  
36 with Tsawwassen First Nation's concerns and disagreements with FortisBC's conclusions.

### 37 ***How we plan to address unresolved issues and advancing engagement through the lens of the Treaty*** 38 ***Objectives***

39 A Tsawwassen First Nation member shared with FortisBC that the Nation views engagement and working  
40 together similar to paddling in a canoe together. If both parties are paddling in different directions,  
41 nothing will be accomplished. By paddling together in harmony, the Nation and FortisBC can reach the  
42 same destination. Tsawwassen First Nation stated that is the approach it intends during the remaining  
43 stages of the assessment process regarding the issues and concerns that have not been resolved or remain

1 incomplete to date. Below, three areas that are planned to be addressed through further engagement  
2 under the IECF are described.

3 **Effects assessment and proposed avoidance/mitigation measures:** Beyond the inputs outlined in  
4 subsection 11.9.1, Context, Tsawwassen First Nation has informed FortisBC that the Nation is concerned  
5 with the potential effects of the proposed Project on the exercise of Tsawwassen's Treaty and/or  
6 Aboriginal Rights. Tsawwassen First Nation asserts that assessing impacts on the exercise of Aboriginal  
7 and Treaty rights requires understanding the cultural context of the Nation as well as historical and  
8 contemporary cumulative effects (refer to subsection 11.9.1, Context) and sufficient information about  
9 proposed mitigation measures. Due to time constraints, FortisBC did not have the opportunity to engage  
10 in the same type and level of discussions with Tsawwassen First Nation regarding the effects assessment  
11 portions of Section 11.9 as it did for the earlier subsections of 11.9 and that, in light of concerns  
12 Tsawwassen has with those portions, Tsawwassen First Nation stated that expects further engagement on  
13 incorporation of the Treaty Objectives into these particular subsections and information sharing to allow  
14 the Nation to provide further perspectives and information. The IECF includes commitments for FortisBC  
15 and Tsawwassen First Nation to work to address unresolved concerns around the effects assessment,  
16 including, for example, the incorporation of Indigenous Knowledge, the identification and consideration of  
17 potential avoidance, mitigation or offsetting measures, and opportunities to advance Treaty Objectives.  
18 FortisBC is committed to continuing this work with Tsawwassen First Nation and providing updates to  
19 reflect the outcomes of that work with Tsawwassen First Nation.

20 **Methodology:** In a briefing note submitted to FortisBC on September 10, 2024, Tsawwassen detailed  
21 concerns with the methodology FortisBC is using in Section 11.9 and requested that FortisBC revise its  
22 methodology to incorporate specific principles shared by Tsawwassen First Nation for the assessment of  
23 potential effects on Tsawwassen First Nation Interests. Tsawwassen First Nation also referred FortisBC to  
24 federal guidance documents relating to the assessment of impacts on indigenous rights as an example of  
25 an approach that is more closely aligned with the Nation's perspective and, in Tsawwassen's experience,  
26 consistent with provincial guidance.

27 FortisBC subsequently provided Tsawwassen First Nation with a rationale for its methodology approach  
28 (that it is consistent with B.C. EAO guidance) and why it has not incorporated the concerns in Section 11.9.  
29 Tsawwassen First Nation responded that it does not accept FortisBC's rationale for declining to address the  
30 Nation's concerns and has reiterated its view that FortisBC has misinterpreted the AIR relating to  
31 methodology and that FortisBC is applying a methodology that is inconsistent with good assessment  
32 practice and inconsistent with accepted principles for assessing impacts to Treaty rights requires.  
33 For example, Tsawwassen First Nation has expressed concern FortisBC has conflated environmental  
34 effects with a rights assessment and, in doing so, has inadequately considered that Tsawwassen Treaty  
35 rights and interests are inseparable from, among other things, Tsawwassen identity, cultural connections,  
36 relationships to places and resources, and perceptions and trust in environmental or cultural conditions.  
37 FortisBC and Tsawwassen First Nation have identified this as an unaddressed issue in subsection 11.9.  
38 FortisBC and Tsawwassen First Nation are committed to further engagement on methodology through the  
39 IECF commitment to discuss the characterization of effects through the lens of Treaty Objectives and the  
40 identification of mitigation measures that consider Treaty Objectives.

41 **Cumulative Effects:** Tsawwassen First Nation has raised concerns about how FortisBC has considered  
42 cumulative effects in Section 11.9. FortisBC has indicated that it believes it has met B.C. EAO requirements  
43 relating to cumulative effects in Section 11.9.

1 For Tsawwassen, assessment of cumulative effects must be considered apart from standard EA  
 2 approaches that may limit consideration of cumulative effects on Treaty rights and interests to residual  
 3 effects. Tsawwassen First Nation has described how fish and wildlife declines in and along the Fraser River  
 4 have occurred because of the existing cumulative effects associated with past and present urban and  
 5 industrial development. From Tsawwassen First Nation’s perspective, development and activities in the  
 6 lower mainland and along the Fraser River have degraded the cultural environment and impacted  
 7 harvesting activities and use of the land and territory. Tsawwassen First Nation uses the term “death by a  
 8 thousand cuts” to describe how all projects, including the proposed Project, contribute to cumulative  
 9 effects. FortisBC and Tsawwassen have recognized the challenges of dealing with cumulative effects in a  
 10 project-specific review like this one and that this may be an area where we continue to have  
 11 non-consensus. Nonetheless, In light of our shared commitment to approach this process through the lens  
 12 of Treaty Objectives and our engagement commitments and principles in the IECF we will continue to seek  
 13 ways to explore, and potentially address, these issues during the assessment process., We trust that the  
 14 above helps clarify that, while we have identified unaddressed input and issues from Tsawwassen, FortisBC  
 15 and Tsawwassen First Nation intend to continue to meet to discuss potential effects of the proposed  
 16 Project on the Nation’s Treaty and/or Aboriginal rights, including cumulative effects.

17 **11.9.3 Tsawwassen First Nation Indigenous Interests**

18 FortisBC and Tsawwassen First Nation engaged in a collaborative process to reframe the Indigenous  
 19 interests in the assessment plan around the Treaty Objectives. Through that work, FortisBC and  
 20 Tsawwassen First Nation developed Indigenous interests described in Table 11.9-2. Indigenous interests  
 21 summarized in Table 11.9-2 replace the Tsawwassen First Nation’s Indigenous interests identified via the  
 22 proposed list of preliminary Indigenous interests included in the AIR (B.C. EAO Schedule C – AIR Table 6).

23 **Table 11.9-2. Tsawwassen First Nation’s Indigenous Interests Related to the Proposed Project**

Indigenous Interest	Topics/Potential Effects to Be Included
Healthy Rights – Healthy River	<p>Potential effects to Tsawwassen First Nation’s goal of increasing positive outcomes for the exercise of Tsawwassen First Nation’s Treaty rights in and around the Project area, due to:</p> <ul style="list-style-type: none"> <li>▪ Changes in the physical environment in and around the proposed Project area that supports the exercise of those rights</li> <li>▪ Changes, or increases/reductions in risks, to the recovery of Tsawwassen First Nation country foods on the River</li> <li>▪ Changes in Tsawwassen First Nation’s ability to harvest near/within project footprint and in area of Fraser River near the proposed Project</li> <li>▪ Changes in Tsawwassen First Nation’s enjoyment, experience, preferences, and trust in the conditions in and around the proposed Project area, including conditions that support the preferred exercise Tsawwassen First Nation’s harvesting rights</li> <li>▪ Changes in opportunities to create or improve conditions needed to improve the exercise of Tsawwassen First Nation’s harvesting rights around the proposed Project area</li> <li>▪ Changes in conditions needed to improve and maintain a strong and vibrant Tsawwassen First Nation cultural connection to Tilbury Island and the Fraser River, including a sense of identity, place, and safety in relation to those areas, that support the exercise of Tsawwassen First Nation harvesting rights</li> </ul>

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Indigenous Interest	Topics/Potential Effects to Be Included
Healthy Culture – Strong Stewardship	<p>Potential effects on Tsawwassen First Nation’s vision for šxʷkʷecxənəm under the Treaty in and around the proposed Project area due to:</p> <ul style="list-style-type: none"> <li>▪ Changes in ability to support Tsawwassen First Nation identity, including the cultural, spiritual, psychological, emotional and social connection in and around Tilbury Island that foster Tsawwassen First Nation identity</li> <li>▪ Changes in ability to engage in šxʷkʷecxənəm (stewardship) over Tilbury Island and the Fraser River</li> <li>▪ Changes in conditions that support Tsawwassen First Nation access to culturally important sites on the River</li> <li>▪ Interference with Tsawwassen First Nation’s ability to uphold Tsawwassen resource management principles in relation to Tilbury Island and the Fraser River</li> <li>▪ Interference with Tsawwassen First Nation’s ability to practice, maintain and grow resilience of Tsawwassen culture and spirituality through actioning šxʷkʷecxənəm over Tilbury Island and the Fraser River</li> <li>▪ Change in availability and conditions of tangible and intangible cultural heritage resources on Tilbury Island and nearby areas of the Fraser River</li> <li>▪ Changes to Tsawwassen First Nation’s ability to advance cultural traditions, laws, and governance systems that inform how they advance their interests</li> </ul>
Healthy Relationships	<p>Potential effects to the creation of the foundation for positive relationships based on mutual respect and recognition of Tsawwassen First Nation as a Treaty Nation due to:</p> <ul style="list-style-type: none"> <li>▪ Effects on the establishment of a positive relationship between FortisBC and Tsawwassen First Nation</li> <li>▪ Effects on the intercommunity relationships between Tsawwassen First Nation and other communities</li> <li>▪ Interference with the recognition of Tsawwassen First Nation as a constitutionally recognized order of governance</li> </ul>
Healthy Future for Future Generations	<p>Potential effects on Tsawwassen First Nation’s efforts to achieve a future state of the River in the vicinity of the proposed Project site that supports the Treaty rights and interests of Tsawwassen’s future generations due to:</p> <ul style="list-style-type: none"> <li>▪ Effects on Tsawwassen First Nation’s ability to revitalize, develop, and participate in intergenerational cultural transmission</li> <li>▪ Effects on Tsawwassen First Nation’s ability to restore connections to and use of Tilbury Island and nearby areas of the Fraser River</li> <li>▪ Changes to individual and community well-being</li> <li>▪ Effects on Tsawwassen First Nation’s ability to share knowledge, language and culturally important activities and practices with young and future generations.</li> <li>▪ Effects on Tsawwassen First Nation’s future aspirations for sites and traditional resources surrounding the proposed Project</li> <li>▪ Potential effects on Tsawwassen First Nation’s ability to achieve goals and interests identified in its strategic planning</li> </ul>

1 **11.9.4 Methodology Overview**

2 FortisBC's EA methodology is described in subsection 11.1.

3 **11.9.4.1 Tsawwassen First Nation Perspective**

4 As noted previously, Tsawwassen First Nation submitted a briefing note to FortisBC that identified  
5 concerns with FortisBC's methodology for conducting the effects assessment on Tsawwassen First Nation's  
6 Indigenous Interests, which follows the B.C. EAO's guidelines. The briefing note included the following  
7 concerns with FortisBC's methodology:

- 8 1. There is no support for FortisBC's claim that it must use a one-size-fits-all methodology for all  
9 indigenous peoples
- 10 2. There is no support for FortisBC's claim that federal guidance for assessing impacts to rights is  
11 inconsistent with provincial requirements
- 12 3. Fortis' methodology overly focuses on biophysical effects
- 13 4. Fortis' methodology lacks an appropriate consideration of existing conditions
- 14 5. Fortis' methodology dilutes effects.

15 Regarding point 5, Tsawwassen First Nation provided two examples: (1) Spatial boundaries: FortisBC has  
16 proposed to scope the geographical boundaries of the assessment in the broadest possible way without  
17 regard to context. It is critical that Fortis understand the particular importance of the areas/activities that  
18 may be affected by the proposed Project. (2) Overreliance on un-developed mitigation plans: In many  
19 cases, FortisBC claims that future mitigation plans will eliminate any proposed Project effects, even though  
20 those plans have not been developed or shared.

21 Tsawwassen maintains that, in light of FortisBC's rejection of Tsawwassen's input and perspectives, there  
22 has been inadequate effort to understand Tsawwassen's concerns regarding methodology and, in effect,  
23 no engagement on the methodology used in Section 11.9.

24 **11.9.4.2 FortisBC Perspective**

25 Tsawwassen First Nation has chosen to complete a Tsawwassen-led Assessment to assess the potential  
26 effects of the proposed Project on Tsawwassen First Nation and its rights pursuant to Section 19(4) of the  
27 *B.C. Environmental Assessment Act*. FortisBC executed an agreement with Tsawwassen First Nation and  
28 continues to provide capacity funding requested by the Nation to complete the scope of the Tsawwassen-  
29 led Assessment described in the Process Order and Process Planning Documents, in addition to capacity  
30 funding to support Tsawwassen First Nation's participation in the broader environmental assessment. It is  
31 FortisBC's perspective that the Tsawwassen-led Assessment is the more appropriate place for undertaking  
32 an effects assessment that reflects the Indigenous Knowledge, values and perspectives of Tsawwassen  
33 First Nation.

34 As stated in subsection 11.1, FortisBC has met the requirements of the AIR. FortisBC has implemented a  
35 methodology consistent with B.C. EAO guidelines to assess potential effects of the proposed Project on  
36 Indigenous interests and believes that incorporating the methodology outlined in Tsawwassen's briefing  
37 note is inconsistent with the methodology set out in the B.C. EAO guidelines and otherwise required by the  
38 AIR. As stated in subsection 11.1.5.6 of the AIR, 'drawing on B.C. EAO guidelines and engagement with  
39 Indigenous nations, the Application must examine the proposed Project's potential effects on Indigenous

1 interests...” In response to Tsawwassen concern about the overemphasis on biophysical effects FortisBC  
 2 believes that, in accordance with subsection 11.1.5 of the AIR, its methodology appropriately incorporates  
 3 information from the analysis of any linked VCs assessed in Section 7 (residual effects conclusions of both  
 4 biophysical, socio-economic, cultural) into the effects assessment for each Tsawwassen Indigenous  
 5 interest, as FortisBC will provide Section 7 and associated proposed mitigation measures to Tsawwassen  
 6 First Nation so that Tsawwassen can utilize this information in its Indigenous-led assessment from the  
 7 Tsawwassen perspective.

8 Section 25(2)(d) of the 2018 *B.C. Environmental Assessment Act*, requires that Applications, when  
 9 feasible, identify and highlight existing conditions pertaining to the exercise of Indigenous interests,  
 10 which may differ for Indigenous nations in comparison to the wider population. In addition, as described in  
 11 subsection 11.1.3, the B.C. EAO’s AIR provides guidelines on the assessment of potential disproportionate  
 12 effects on distinct human populations who may be more vulnerable to potential proposed Project effects.  
 13 When available, information has been disaggregated for each Indigenous nation’s contextual information  
 14 and existing conditions to reflect a GBA+<sup>4</sup> approach. The context, existing conditions, or Indigenous  
 15 interest(s) for which data and information have been disaggregated, the type of GBA+ data and  
 16 information disaggregated, and the location of that data and information are outlined in Table 11.9-3.

17 **Table 11.9-3. Tsawwassen First Nation Gender Based Analysis Plus Disaggregation Table**

Context, Existing Condition, or Indigenous Interest	Type of GBA+ Disaggregated Data and Information	Location
Population	Age	
Community Health and Wellness	Age	
Housing Characteristics	Binary gender	
Education	Binary gender	N/A
Labour Force Indicators	Binary gender	
Employment by Industry	Binary gender	
Employment by Occupation	Binary gender	
Healthy Rights – Healthy River	N/A	N/A
Healthy Culture – Strong Stewardship	N/A	N/A
Healthy Relationships	N/A	N/A
Healthy Future for Future Generations	N/A	N/A

Note:

N/A indicates that no disaggregated data are available.

<sup>4</sup> GBA+ provides a framework to describe the full scope of potential adverse and positive effects. GBA+ is an analytical framework that guides practitioners, proponents, and participants to ask important questions about how proposed projects may affect diverse, distinct, or potentially vulnerable population groups (IAAC 2021).

1 **11.9.5 Information Sources**

2 FortisBC provided Tsawwassen First Nation opportunity to provide information sources. FortisBC  
3 incorporated the following sources into Section 11.9:

- 4 ▪ Various Tsawwassen First Nation Management Plans, Reports, Studies, Acts and assessments.
- 5 ▪ Information on Tsawwassen First Nations website including education services, health and social  
6 services, language, economic development, harvesting information.
- 7 ▪ Tsawwassen First Nation evidence submissions regarding similar projects along or near the Fraser  
8 River, including the Trans Mountain Expansion Project and the Proposed Roberts Bank Terminal 2  
9 Project.
- 10 ▪ Tsawwassen First Nation Final Agreement with Canada and British Columbia.
- 11 ▪ Agreements between Tsawwassen First Nation and various Government of Canada authorities,  
12 including harvesting agreements and project agreements.
- 13 ▪ Government and Regulatory Reports on the fish and fish habitat within the Fraser River (including  
14 DFO, the Government of Canada, and the B.C. EAO).
- 15 ▪ Government of Canada information on Tsawwassen First Nation and Fisheries within the Lower  
16 Fraser River.
- 17 ▪ Information from similar projects along or near the Fraser River, including submissions made by other  
18 proponents and Indigenous Nations that have undergone regulatory review, including environmental  
19 assessment certificate (EAC) Applications, written evidence and B.C. EAO assessment reports. Projects  
20 include the TMJ project, Pattullo Bridge Replacement project and the WesPac Tilbury Marine Jetty  
21 Project.

22 It is important to note that the publicly available sources, such as ethnographic sources, are limited in their  
23 utility as they are viewed through a Eurocentric lens.

24 **11.9.6 Assessing Potential Effects on Indigenous Interests**

25 The following Indigenous interests are assessed:

- 26 ▪ Healthy Rights – Healthy River
- 27 ▪ Healthy Culture – Strong Stewardship
- 28 ▪ Healthy Relationships
- 29 ▪ Healthy Future for Future Generations

30 The Tsawwassen First Nation Indigenous interest effects assessment draws forward the results (predicted  
31 residual effects) of the effects assessments for the following VCs:

- 32 ▪ Subsection 7.2, Air Quality
- 33 ▪ Subsection 7.3, Acoustic
- 34 ▪ Subsection 7.4, Surface Water
- 35 ▪ Subsection 7.5, Groundwater
- 36 ▪ Subsection 7.6, Soil
- 37 ▪ Subsection 7.7, Vegetation
- 38 ▪ Subsection 7.8, Wildlife and Wildlife Habitat
- 39 ▪ Subsection 7.9, Fish and Fish Habitat
- 40 ▪ Subsection 7.10, Employment and Economy
- 41 ▪ Subsection 7.11, Land and Resource Use
- 42 ▪ Subsection 7.12, Infrastructure and Services
- 43 ▪ Subsection 7.13, Archaeological and Heritage Resources

- 1   ▪ Subsection 7.14, Culture
- 2   ▪ Subsection 7.15, Human Health

3   A summary of existing conditions and residual effects assessment conclusions for linked VCs used in the  
4   assessment of potential effects on Indigenous interests is presented in subsection 11.1.13, Summary of  
5   Valued Components Linked to Indigenous Interests.

### 6   **11.9.6.1   Assessment Boundaries**

7   The boundaries of the Indigenous interests assessment are based on the potential for the proposed  
8   Project to have an effect on the Indigenous interests of Tsawwassen First Nation.

#### 9   **Spatial Boundaries**

10   All proposed Project components are within the Tsawwassen Territory, as well as within the Tsawwassen  
11   Wildlife Harvest Area, Migratory Bird Harvest Area, and the Tsawwassen Fishing Area, as defined by the  
12   Tsawwassen First Nation Final Agreement (Government of Canada et al. 2010a) (Figure 11.9-1).  
13   Two of the Tsawwassen Plant Gathering Areas as defined by the Tsawwassen First Nation Final Agreement  
14   are within the proposed Project Healthy Rights – Healthy River LAA whereas the other two Treaty-defined  
15   Tsawwassen Plant Gathering Areas are within the proposed Project Healthy Rights – Healthy River RAA.  
16   The LAA of each Indigenous interest encompassed the area of potential effects from the proposed Project  
17   and consists of the combined LAAs of VCs that are linked to the Indigenous interest (Table 11.1-3),  
18   whereas the RAA of each Indigenous interest consists of the combined RAAs of VCs that are linked to the  
19   Indigenous interest (Figure 11.9-1).

20   The assessment of potential effects of the proposed Project on Indigenous interests applies to all  
21   community members of Tsawwassen First Nation living, working, or exercising Indigenous interests within  
22   the LAAs of the Indigenous interests. The effects assessment in this chapter draws forward the results  
23   (predicted residual effects) of the effects assessments of linked VCs, where applicable, including the  
24   anticipated spatial extent of predicted residual effects (after the implementation of proposed mitigation  
25   measures) that may overlap with identified Indigenous interests.

#### 26   **Temporal Boundaries**

27   The potential effects specific to the proposed Project are based on the three main phases described  
28   as follows:

- 29   ▪ Construction phase – Estimated 3- to 6-year duration
- 30   ▪ Operation phase – Estimated 40-plus year duration
- 31   ▪ Decommissioning phase – Estimated 2-year duration

32   Construction is planned to commence as early as 2027, with an anticipated proposed Project in-service  
33   date of 2028-plus. A detailed proposed Project schedule is outlined in subsection 1.5.1 (Schedule).

#### 34   **Administrative Boundaries**

35   The Administrative Boundary of the assessment area of the proposed Project includes Tsawwassen  
36   Territory (including harvesting areas) up to Tsawwassen Lands. The Final Agreement sets out  
37   administrative boundaries including boundaries of different harvesting areas within Tsawwassen Territory  
38   and Tsawwassen Lands as described in subsection 11.9.1.3.

1 **Technical Boundaries**

2 Technical boundaries, including data limitations, associated with Tsawwassen First Nation include  
3 the following:

4 The FortisBC Application has also been informed by recent EAs and regulatory reviews of projects along  
5 the Fraser River. Sources of information include proponent environmental assessment certificate (EAC)  
6 applications, B.C. EAO assessment reports, federal Review Panel Environmental Impact Statements and final  
7 review panel reports, associated project provincial and federal conditions, and VFPA PER permits. These  
8 sources of information were used to reduce some uncertainty in conclusions due to the technical boundaries  
9 described previously (such as use of reports from the neighbouring TMJ project EAC application).

10 **11.9.6.2 Existing Conditions**

11 **Tsawwassen Perspective**

12 Existing conditions information related to Tsawwassen First Nation are provided in subsection 11.9.1  
13 under Context.

14 **FortisBC Perspective**

15 The proposed Project Footprint is located predominately on private property owned by FortisBC within an  
16 existing Tilbury LNG facility on Tilbury Island in the Tilbury Industrial Park adjacent to the Fraser River in  
17 Delta, B.C. The proposed Project Footprint is not accessible by foot. the proposed Project is located within  
18 a current brownfield and industrialized area and circumstances related to accessibility and availability of  
19 traditional lands and resources are anticipated to be comparable to existing conditions.

20 Past and present project activities that have affected existing conditions of Tsawwassen First Nation's  
21 ability to exercise Indigenous interests include the following:

- 22 ▪ Settlement and urban development that have reduced lands available for harvesting and gathering
- 23 ▪ Railway developments and expansions that have had adverse effects to Fraser River fish and fish  
24 habitat, and that have increased the loss of, and access to, cultural use areas because of associated  
25 tenures and land ownership
- 26 ▪ Industrial accidents that have resulted in adverse effects on fish and fish habitat, wildlife and wildlife  
27 habitat, water quality and quantity, settlements and travelways, plants, and plant species
- 28 ▪ Growth of the Port of Vancouver and ongoing development along the Fraser River and in the Salish  
29 Sea<sup>5</sup> that have adversely affected marine and aquatic life and habitat, and wildlife and wildlife habitat  
30 through riparian areas
- 31 ▪ Pollution and contamination of air, water, and land due to industrial, commercial, and residential  
32 development and increased population
- 33 ▪ Depletion of resources by industry, including forestry, commercial fisheries, mining, and other  
34 resource extraction

35 Existing conditions at and directly adjacent to the proposed Project Footprint will likely be altered by work  
36 occurring outside the scope of the proposed Project. This work will be terrestrial only and will not include  
37 instream works or disturbance of the riparian area. Prior to the commencement of construction of the  
38 proposed Project, existing conditions along the foreshore of Tilbury Island will likely be altered by

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<sup>5</sup> Salish Sea: The Salish Sea is an inland sea that encompasses Puget Sound, the San Juan Islands, and the waters offshore from Vancouver, B.C. The sea stretches from the channels of the Discovery Islands, north of the Strait of Georgia, to Budd Inlet at the south end of Puget Sound.

1 construction activities associated with two separate projects on Tilbury Island. These projects, which are  
2 anticipated to be constructed and in operation prior to the proposed Project and which may cause  
3 foreshore alteration in the foreshore area adjacent to the existing facility site, are as follows:

4 T1B expansion project has been authorized by the Government of B.C. through B.C. Order-In-  
5 Council (749/2014) Direction No. 5 to the BCUC under the B.C. *Utilities Commission Act* and will  
6 involve increasing LNG production capacity and power supply. T1B facilities are currently in the  
7 early design and engineering stages, with the earliest in-service date planned for 2027 to 2028.  
8 Prior to the commencement of construction of the proposed Project, vegetation within the  
9 existing facility site will be removed by construction activities associated with the existing Tilbury  
10 facility and the T1B project.

11 The TJLP's TMJ project may require development of the area to provide temporary bunkering  
12 capacity and a construction dock. The proposed TMJ-related developments along the foreshore  
13 area are described in the TMJ project EA application materials and include a dock at the same  
14 location as the T1B project.

15 The T1B project, the TMJ project, and the proposed Project are undergoing or will undergo independent  
16 authorizations or regulatory reviews of proposed infrastructure and activities.

### 17 **11.9.7 Potential Effects on Indigenous Interests**

18 The intent of this subsection is to provide a holistic understanding of the potential effects of the proposed  
19 Project on the Indigenous interests of Tsawwassen First Nation, from both the perspective of FortisBC and  
20 Tsawwassen First Nation.

21 The Application has been prepared in accordance with the AIR, in which potential effects were identified  
22 from waterborne delivery (that is, barge deliveries) associated with the proposed Project and construction  
23 of the MOF. As described in subsection 1.5.5, as a result of concerns received during the Application  
24 Development phase engagement activities that occurred after the development of the AIR, the proposed  
25 Project will no longer utilize any waterborne delivery of modular components and bulk construction  
26 materials to the proposed Project Site during construction as an avoidance mitigation measure. As a result,  
27 no MOF is required for any phase of the proposed Project. Implementation of this avoidance mitigation  
28 measure has been incorporated into the determination of potential residual effects on linked VCs.

29 To inform the holistic discussion of the effects assessment, this subsection provides:

- 30 ▪ Identification of potential interactions of the proposed Project with Indigenous interests.
- 31 ▪ The VCs and indicators used to assess the potential effects.
- 32 ▪ Potential pathways by which the proposed Project activities could affect Indigenous interests.
- 33 ▪ Effects determined to be consequential or requiring mitigation.

### 34 **Overview of Tsawwassen First Nation Perspective**

35 Tsawwassen First Nation anticipates that proposed Project activities will likely interact negatively with the  
36 Treaty Objectives that Tsawwassen and FortisBC have agreed to use for the Indigenous Interests when  
37 considering proposed Project effects on Tsawwassen First Nation.

38 Tsawwassen First Nation states that it is an inescapable conclusion that the proposed Project will have  
39 negative interactions with the Treaty Objectives if any of the following approaches are utilized, including  
40 approaches that:

- 1   ▪ Seriously engage with the Treaty Objectives
- 2   ▪ Consider and respect Tsawwassen cultural values, particularly relating to the connection to Tilbury
- 3    Island and the surrounding area
- 4   ▪ Consider and respect Tsawwassen Treaty aspirations, such as šxʷkʷecxənəm, as part of the considering
- 5    the Treaty Objectives
- 6   ▪ Respectfully and diligently consider cultural continuation and opportunities for intergenerational
- 7    knowledge transmission
- 8   ▪ Take into account spiritual connections and other intangible values
- 9   ▪ Avoid outdated and highly problematic perspectives of Treaty rights as centered on Tsawwassen First
- 10   Nation Lands
- 11   ▪ Avoid an overreliance on biophysical proxies (particularly where biophysical information has not been
- 12    adequately shared with Tsawwassen)
- 13   ▪ Avoid asserting that vague and undefined mitigation measures will fully mitigate any and all proposed
- 14    Project effects

15   When applying these approaches, Tsawwassen First Nation anticipates that negative interactions with its  
16   Treaty Objectives are likely to occur from construction activities, operational activities and  
17   decommissioning of the proposed Project.

18   Tsawwassen First Nation has shared that it anticipates, based on experiences with the types of effect  
19   management measures listed by FortisBC in the Application materials, that the proposed Project will likely  
20   have residual, negative effects of the Treaty Objectives. Tsawwassen explains that it has used its  
21   experiences with effect management measures from other experiences because it does not have sufficient  
22   information or details about the effect management measures that FortisBC has relied upon when  
23   asserting that the proposed Project, in FortisBC's belief, will not result in negative residual effects with  
24   Tsawwassen's rights and interests.

25   Tsawwassen First Nation states that its concerns with FortisBC's Application materials relating to "Potential  
26   Effects on Tsawwassen's Indigenous Interests" should not be characterized as "matters of disagreement" or  
27   "different viewpoints and perspectives." Rather, Tsawwassen First Nation believes the Application materials  
28   relating to "Potential Effects on Indigenous Interests" are deficient and incomplete as (i) the Nation asserts  
29   that insufficient information (such as biophysical information and information relating the effects  
30   management) has been provided to the Nation, (ii) the materials reflect an initial, yet partial/incomplete,  
31   effort at applying the lens of Treaty Objectives to the identification of proposed Project effects with  
32   considerable gaps yet to fill, (iv) relatedly, FortisBC does not appear to have considered all identified  
33   effect pathways and (iv) the Parties have agreed to undertake further work regarding the identification of  
34   effects utilizing the co-developed IECP appendix and this work will be reflected as appropriate in the  
35   Revised Application s once engagement has advanced.

36   Tsawwassen First Nation notes that, unlike other areas of Section 11.9 that include content that was  
37   collaboratively developed and/or revised through engagement between FortisBC and Tsawwassen  
38   First Nation to more directly provide Tsawwassen's perspectives, the remainder of this subsection  
39   regarding Potential Effects on Tsawwassen's Indigenous Interests is different. Specifically, the content  
40   relating to Tsawwassen's perspective has been selected and presented by FortisBC rather than  
41   Tsawwassen. To make this clear, the headings are described as "FortisBC's Summary of Tsawwassen First  
42   Nation Perspective". Tsawwassen First Nation notes it will be important to update these sections as  
43   information is provided to Tsawwassen, gaps are addressed and, most critically, as the parties' complete  
44   further engagement under the IECP.

1 Tsawwassen First Nation has indicated that it looks forward to further engagement with FortisBC regarding  
2 the subsections in the Application relating to the identification of potential effects pursuant to the IECP  
3 and the parties' shared commitment to approach effects assessment through the lens of the Treaty  
4 Objectives. Tsawwassen has shared that it expects that final Application materials will better reflect the  
5 AIR, and the approach and commitments set out in the IECP schedule for Tsawwassen First Nation.

### 6 **Overview of FortisBC Perspective**

7 Anticipated interactions between proposed Project activities and Tsawwassen First Nation's Indigenous  
8 interests during construction, operation, and decommissioning are shown in Table 11.9-4. Based on  
9 information shared by Tsawwassen First Nation related to current use of the proposed Project Area (refer  
10 to discussions in subsection 11.9.1), and the residual effects of the proposed Project on related VCs (refer  
11 to subsection 11.1.13 for a summary and Appendix A of the Application for a list of proposed measures to  
12 mitigate effects to VCs), FortisBC anticipates that Indigenous interests or aspects of Indigenous interests  
13 do not interact with the proposed Project activities.

14 Potential effect pathways by which the proposed Project activities could affect Indigenous interests, from  
15 both shared and divergent perspectives from Tsawwassen First Nation and FortisBC, are shown in  
16 Table 11.9-5. Effect pathways identify potential interactions between proposed Project activities, the  
17 relevant indicators, and potentially linked VCs, allowing for the nature of the potential effect to be  
18 assessed (that is positive versus negative and direct versus indirect). Direct effects are a result of a cause  
19 and effect relationship between the proposed Project and an Indigenous interest, whereas indirect effects  
20 result from a change that the proposed Project may cause that is one step removed from the proposed  
21 Project's activities due to complex relationships among VCs and Indigenous interests (B.C. EAO 2021).

22 Indicators are one of the methodological tools used to identify and assess effects on Indigenous interests  
23 and are applied holistically when evaluating potential proposed Project effects. It is acknowledged that  
24 Indigenous interests are multifaceted and interrelated and that potential changes to the exercise of these  
25 interests cannot be comprehensively represented through a list of indicators. As the Indigenous interests  
26 are interrelated, some indicators listed in Table 11.9-5 are repeated for multiple effect pathways.

27

**Table 11.9-4 Potential Proposed Project Activities Not Anticipated by FortisBC to Interact with Tsawwassen First Nation Indigenous Interests**

Project Phase and Activities	Interaction	Nature of Interaction and Rationale for Interaction Rating
<b>CONSTRUCTION – Land-based</b>		
<ul style="list-style-type: none"> <li>▪ Land-based ground stabilization and piling works</li> <li>▪ Construction of onshore facilities</li> <li>▪ Road transportation of construction materials and equipment</li> </ul>	Negligible interaction	<p>Negligible effect on dust (as identified in subsection 7.6), low magnitude effect on air quality along truck routes (as identified in subsection 7.2), negligible magnitude effect on atmospheric noise (as identified in subsection 7.3) during site preparations and truck transportation and low magnitude effect during construction of onshore facilities, and low residual effect to visual quality (as identified in subsection 7.11) from construction-related features, equipment, and activities are anticipated to result in a negligible effect to Indigenous interests compared to existing conditions.</p> <p>Negligible to low effect on Wildlife and Wildlife Habitat (as identified in subsection 7.8) and Vegetation (as identified in subsection 7.7) are anticipated to result in no effects on availability and presence of resources for harvesting compared to existing conditions.</p>
<b>OPERATION – Land-based</b>		
Natural gas processing and liquefaction	Negligible interaction	<p>Negligible effects on air quality from increases in NO<sub>2</sub>, CO, PM<sub>2.5</sub>, PM<sub>10</sub>, and VOCs and low magnitude effects on air quality from SO<sub>2</sub> are anticipated to result in a negligible effect to Indigenous interests compared to existing conditions.</p> <p>Low magnitude effect on atmospheric noise (as identified in subsection 7.3) is not anticipated to be detectable to Indigenous users compared to existing conditions.</p> <p>Low effect to visual quality (as identified in subsection 7.11) from construction-related features, equipment, and activities is anticipated to result in a negligible effect to Indigenous interests compared to existing conditions.</p>
Malfunctions and Accidents during operation	<i>Potential interaction</i>	Refer to Section 9 (Malfunctions and Accidents)

**Table 11.9-4 Potential Proposed Project Activities Not Anticipated by FortisBC to Interact with Tsawwassen First Nation Indigenous Interests**

Project Phase and Activities	Interaction	Nature of Interaction and Rationale for Interaction Rating
<i>DECOMMISSIONING – Land-based</i>		
Removal of facilities	Negligible interaction	<p>Negligible effects on dust (as identified in subsection 7.6) air quality (as identified in subsection 7.2), and atmospheric noise (as identified in subsection 7.3) during site decommissioning and truck transportation, and low magnitude residual effect to visual quality (as identified in subsection 7.11) from decommissioning-related features, equipment, and activities are anticipated to result in a negligible effect to Indigenous interests compared to existing conditions.</p> <p>Negligible to low magnitude effects on Wildlife and Wildlife Habitat (as identified in subsection 7.8) and Vegetation (as identified in subsection 7.7) are anticipated to result in no effects on availability and presence of resources for harvesting compared to existing conditions.</p>

**Table 11.9-5. Tsawwassen First Nation Treaty Objectives - Potential Effect Pathways and Indicators**

Tsawwassen First Nation Interest	Potential Effect Pathways	Indicators	Linkages to Other VCs	Proposed Mitigation Measures to Reduce or Eliminate Potential Effects to VCs (Refer to Appendix A of the Application for a Full List)	Identified Interaction and Potential Effect	
					No Interaction, Potential Interaction Negative or Positive	Direct or Indirect
Healthy Rights – Healthy River	<p>Potential effects to Tsawwassen First Nation’s goal of increasing positive outcomes for the exercise of Tsawwassen First Nation’s Treaty rights in and around the Project area, due to:</p> <ul style="list-style-type: none"> <li>Changes in the physical environment in and around the Project area that supports the exercise of those rights</li> <li>Changes, or increases/reductions in risks, to the recovery of Tsawwassen First Nation country foods on the River</li> <li>Changes in Tsawwassen First Nation’s ability to harvest near/within project footprint and in area of Fraser River near the Project</li> <li>Changes in Tsawwassen First Nation’s enjoyment, experience, preferences, and trust in the conditions in and around the Project area, including conditions that support the preferred exercise Tsawwassen First Nation’s harvesting rights</li> <li>Changes in opportunities to create or improve conditions needed to improve the exercise of Tsawwassen First Nation’s harvesting rights around the Project area</li> <li>Changes in conditions needed to improve and maintain a strong and vibrant Tsawwassen First Nation cultural connection to Tilbury Island and the Fraser River, including a sense of identity, place, and safety in relation to those areas, that support the exercise of Tsawwassen First Nation harvesting rights</li> </ul>	<ul style="list-style-type: none"> <li>Confidence and trust in the resources, including quality, quantity, and availability</li> <li>Availability, distribution, and abundance of harvested species</li> <li>Quality and quantity of habitat for harvested species</li> <li>Fish health, injury, and mortality</li> <li>Strength of connection to traditional harvesting practices, particularly fishing</li> <li>Harvesting in accordance with Tsawwassen knowledge and traditions</li> <li>Harvesting locations, including within or near the Project footprint</li> <li>Changes in harvesting effort (reported time, expense, and level of difficulty required to travel for harvesting purposes)</li> <li>Changes in harvesting success (frequency of successful harvests and quantity of harvested species or materials available for FSC purposes)</li> <li>Changes to harvesting methods and practices (such as timing and seasonality)</li> <li>Access to preferred areas and species</li> <li>Use of Fraser River and marine environment for navigation</li> <li>Sense of safety while harvesting</li> <li>Sense of place and identity</li> <li>Mental and emotional well-being tied to being on the land</li> </ul>	<ul style="list-style-type: none"> <li>Air Quality</li> <li>Acoustic</li> <li>Surface Water</li> <li>Groundwater</li> <li>Soil</li> <li>Vegetation</li> <li>Wildlife and Wildlife Habitat</li> <li>Fish and Fish Habitat</li> <li>Land and Resource Use</li> <li>Human Health</li> </ul>	<p>Proposed mitigation measures to reduce or eliminate potential effects to VCs identified in the following subsections:</p> <ul style="list-style-type: none"> <li>7.2 Air Quality</li> <li>7.3 Acoustic</li> <li>7.4 Surface Water</li> <li>7.5 Groundwater</li> <li>7.6 Soil</li> <li>7.7 Vegetation</li> <li>7.8 Wildlife and Wildlife Habitat</li> <li>7.9 Fish and Fish Habitat</li> <li>7.11 Land and Resource Use</li> <li>7.15 Human Health</li> </ul>	<p><i>Tsawwassen First Nation Perspective</i> Negative</p> <p><i>FortisBC Perspective</i> No interaction</p>	<p><i>Tsawwassen First Nation Perspective</i> Direct / Indirect</p> <p><i>FortisBC Perspective</i> N/A</p>

**Table 11.9-5. Tsawwassen First Nation Treaty Objectives - Potential Effect Pathways and Indicators**

Tsawwassen First Nation Interest	Potential Effect Pathways	Indicators	Linkages to Other VCs	Proposed Mitigation Measures to Reduce or Eliminate Potential Effects to VCs (Refer to Appendix A of the Application for a Full List)	Identified Interaction and Potential Effect	
					No Interaction, Potential Interaction Negative or Positive	Direct or Indirect
Healthy Culture – Strong Stewardship	<p>Potential effects on Tsawwassen First Nation’s vision for ʔxʷkʷecxənəm under the Treaty in and around the proposed Project area due to:</p> <ul style="list-style-type: none"> <li>Changes in ability to support Tsawwassen First Nation identity, including the cultural, spiritual, psychological, emotional and social connection in and around Tilbury Island that foster Tsawwassen First Nation identity</li> <li>Changes in ability to engage in ʔxʷkʷecxənəm (stewardship) over Tilbury Island and the Fraser River</li> <li>Changes in conditions that support Tsawwassen First Nation access to culturally important sites on the River</li> <li>Interference with Tsawwassen First Nation’s ability to uphold Tsawwassen resource management principles in relation to Tilbury Island and the Fraser River</li> <li>Interference with Tsawwassen First Nation’s ability to practice, maintain and grow resilience of Tsawwassen culture and spirituality through actioning ʔxʷkʷecxənəm over Tilbury Island and the Fraser River</li> <li>Change in availability and conditions of tangible and intangible cultural heritage resources on Tilbury Island and nearby areas of the Fraser River</li> <li>Changes to Tsawwassen First Nation’s ability to advance cultural traditions, laws, and governance systems that inform how they advance their interests</li> </ul>	<ul style="list-style-type: none"> <li>Qualitative changes in Tsawwassen First Nation’s ability to engage in stewardship over their lands</li> <li>Accessibility and availability of traditional lands, resources and cultural keystone species</li> <li>Disturbance or alteration of sites and areas of cultural use, including sites of historical importance and archaeological importance</li> <li>Access to and use of sites and areas of cultural importance</li> <li>Cultural practices, customs, beliefs, and values associated with cultural sites</li> </ul>	<ul style="list-style-type: none"> <li>Land and Resource Use</li> <li>Archaeological and Heritage Resources</li> <li>Culture</li> <li>Fish and Fish Habitat</li> <li>Wildlife and Wildlife Habitat</li> <li>Vegetation</li> <li>Surface Water</li> </ul>	<p>Proposed mitigation measures to reduce or eliminate potential effects to VCs identified in the following subsections:</p> <ul style="list-style-type: none"> <li>7.4 Surface Water</li> <li>7.7 Vegetation</li> <li>7.8 Wildlife and Wildlife Habitat</li> <li>7.9 Fish and Fish Habitat</li> <li>7.11 Land and Resource Use</li> <li>7.13 Archaeological and Heritage Resources</li> <li>7.14 Culture</li> </ul>	<p><i>Tsawwassen First Nation Perspective</i> Negative</p> <p><i>FortisBC Perspective</i> No interaction</p>	<p><i>Tsawwassen First Nation Perspective</i> Direct / Indirect</p> <p><i>FortisBC Perspective</i> N/A</p>

**Table 11.9-5. Tsawwassen First Nation Treaty Objectives - Potential Effect Pathways and Indicators**

Tsawwassen First Nation Interest	Potential Effect Pathways	Indicators	Linkages to Other VCs	Proposed Mitigation Measures to Reduce or Eliminate Potential Effects to VCs (Refer to Appendix A of the Application for a Full List)	Identified Interaction and Potential Effect	
					No Interaction, Potential Interaction Negative or Positive	Direct or Indirect
Healthy Relationships	<p>Potential effects to the creation of the foundation for positive relationships based on mutual respect and recognition of Tsawwassen First Nation as a Treaty Nation due to:</p> <ul style="list-style-type: none"> <li>Effects on the establishment of a positive relationship between FortisBC and Tsawwassen First Nation</li> <li>Effects on the intercommunity relationships between Tsawwassen First Nation and other communities</li> <li>Interference with the recognition of Tsawwassen First Nation as a constitutionally recognized order of governance</li> </ul>	<ul style="list-style-type: none"> <li>Respect for Tsawwassen First Nation's jurisdiction as an equal government in Canada.</li> <li>Changes to Tsawwassen First Nation's laws, customs, protocols, conservation, and stewardship activities due to the proposed Project.</li> <li>Participation in communal activities</li> <li>Participation in intercommunity activities, including trade</li> <li>Amount, type, or frequency of harvested materials traded between communities</li> </ul>	<ul style="list-style-type: none"> <li>Land and Resource Use</li> <li>Archaeological and Heritage Resources</li> <li>Culture</li> <li>Employment and Economy</li> </ul>	<p>Proposed mitigation measures to reduce or eliminate potential effects to VCs identified in the following subsections:</p> <ul style="list-style-type: none"> <li>7.10 Employment and Economy</li> <li>7.11 Land and Resource Use</li> <li>7.13 Archaeological and Heritage Resources</li> <li>7.14 Culture</li> </ul>	<p><i>Tsawwassen First Nation Perspective</i> Negative / Positive</p> <p><i>FortisBC Perspective</i> Positive</p>	<p><i>Tsawwassen First Nation Perspective</i> Indirect</p> <p><i>FortisBC Perspective</i> Direct</p>
<ul style="list-style-type: none"> <li>Healthy Future for Future Generations</li> </ul>	<ul style="list-style-type: none"> <li>Potential effects on Tsawwassen First Nation's efforts to achieve a future state of the River in the vicinity of the proposed Project site that supports the Treaty rights and interests of Tsawwassen's future generations due to:</li> <li>Effects on Tsawwassen First Nation's ability to revitalize, develop, and participate in intergenerational cultural transmission</li> <li>Effects on Tsawwassen First Nation's ability to restore connections to and use of Tilbury Island and nearby areas of the Fraser River</li> <li>Changes to individual and community well-being</li> <li>Effects on Tsawwassen First Nation's ability to share knowledge, language and culturally important activities and practices with young and future generations.</li> <li>Effects on Tsawwassen First Nation's future aspirations for sites and traditional resources surrounding the proposed Project</li> <li>Potential effects on Tsawwassen First Nation's ability to achieve goals and interests identified in its strategic planning</li> </ul>	<ul style="list-style-type: none"> <li>Participation in intergenerational transfer of traditional knowledge</li> <li>Participation in language revitalization</li> <li>Participation in culturally significant activities and practices on the land</li> <li>Changes to Tsawwassen First Nation's plans, such as economic development, land use, language and culture, and reclamation due to the proposed Project</li> <li>Indicators of a healthy community, including:                             <ul style="list-style-type: none"> <li>ʔaləxət (harvesting)</li> <li>Employment</li> <li>Language</li> <li>Housing</li> <li>Food security</li> <li>Multi-generational connectivity</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Land and Resource Use</li> <li>Culture</li> <li>Employment and Economy</li> <li>Infrastructure and Services</li> <li>Human Health</li> </ul>	<ul style="list-style-type: none"> <li>Proposed mitigation measures to reduce or eliminate potential effects to VCs identified in the following subsections:</li> <li>7.10 Employment and Economy</li> <li>7.11 Land and Resource Use</li> <li>7.14 Culture</li> <li>7.12 Infrastructure and Services</li> <li>7.15 Human Health</li> </ul>	<p><i>Tsawwassen First Nation Perspective</i> Negative and Positive</p> <p><i>FortisBC Perspective</i> Positive</p>	<p><i>Tsawwassen First Nation Perspective</i> Indirect / Direct</p> <p><i>FortisBC Perspective</i> Indirect / Direct</p>

1 The following subsections detail the potential effects assessment for Tsawwassen First Nation Indigenous  
2 interests with identified interactions from Table 11.9-5, from the perspective of both Tsawwassen  
3 First Nation and FortisBC.

4 For a summary of existing conditions and the residual effect conclusions of linked VCs, refer to subsection  
5 11.1.13. References to linked VC subsections (including TDRs) are provided when applicable, and further  
6 detail is available in these subsections. Proposed mitigation measures from linked VCs and the resulting  
7 potential residual effects are listed in Table 11.9-6 and provided in Appendix A of the Application.

### 8 **11.9.7.1 Effects to Healthy Rights – Healthy River**

9 This subsection provides an understanding of the potential effects of the proposed Project on the  
10 Indigenous interests of Tsawwassen First Nation related to Healthy Rights – Healthy River, from both the  
11 perspective of FortisBC and Tsawwassen First Nation.

12 The potential effects on Healthy Rights – Healthy River is related to positive outcomes for the exercise of  
13 Tsawwassen First Nation’s Treaty rights, including the physical environment in and around the proposed  
14 Project area that supports the exercise of those rights.

### 15 **FortisBC’s Summary of Tsawwassen First Nation Perspective**

16 On its website, Tsawwassen First Nation states that Tsawwassen means “Land facing the sea”. Tsawwassen  
17 Peoples are known as the Salmon People, as their traditions are deeply rooted to fishing (Tsawwassen  
18 First Nation n.d.a). Reduced availability of salmon and other aquatic country foods could directly adversely  
19 affect the traditional diets of Tsawwassen First Nation members and reduce access to healthy foods for the  
20 community (subsection 7.15.4). Tsawwassen First Nation way of life and identity is inherently linked with  
21 salmon and, as such, the ability for Tsawwassen First Nation community members to provide stewardship  
22 over and harvest salmon is critical (Government of Canada et al. 2010a). As described previously, fish  
23 resources are important for Tsawwassen First Nation ceremonies, community gatherings, identity,  
24 principles, protocols, and values (Tsawwassen First Nation 2009d, 2019b). Tsawwassen First Nation  
25 identified concerns about continued ability for community members to practice their Rights to harvest fish  
26 in the lower Fraser River within Tsawwassen Territory (Tsawwassen First Nation 2021b). As one  
27 Tsawwassen First Nation member described to FortisBC during a meeting, they went out to fish with their  
28 daughter and father, but there were no fish. Although fishing on the Fraser River has been limited in recent  
29 times, Tsawwassen First Nation members stated that they intend to continue to fish in the Healthy Rights –  
30 Healthy River LAA.

31 As outlined in the Tsawwassen First Nation Final Agreement, Tsawwassen First Nation community  
32 members have rights to gather plants for domestic purposes, limited by conservation, public health, and  
33 public safety measures (Government of Canada et al. 2010b). Tsawwassen First Nation have said that  
34 plants are mainly gathered in and around Tsawwassen Lands (where still available), and plans are  
35 currently underway to resume harvesting in designated areas and to support the transfer of traditional  
36 plant use knowledge to Tsawwassen youth (WesPac 2018).

37 Tsawwassen First Nation relies on country foods, such as migratory birds, salmon, bivalves, crab, and  
38 eulachon, all of which are important to the cultural and economic health of Tsawwassen First Nation  
39 community members (Tsawwassen First Nation 2015a). Tsawwassen First Nation has stated that its health  
40 and well-being is directly linked to the quality of the lands, air, and water, and the quality and quantity of  
41 resources therein. The Salish Sea and Fraser River serve as the lifeblood of Tsawwassen First Nation’s food

1 and cultural systems and the proposed Project, given its proximity to Tsawwassen Lands, and marine  
2 location, is proposed to be constructed at “Tsawwassen’s kitchen table.”

3 Tsawwassen First Nation identified viewscape, landscape, and access to Tsawwassen First Nation territory  
4 as part of its three pillars that support Tsawwassen First Nation social and human health. In its submission  
5 for the adjacent TMJ project EA, Tsawwassen First Nation discussed that there are words, including  
6 geographical names, in hən̓q̓əmin̓əm̓ that may lose or change their meaning if they can no longer be  
7 associated with specific reference points that were previously visible to Tsawwassen First Nation  
8 community members (Tsawwassen First Nation 2019c).

9 Tsawwassen First Nation members engage in a variety of distinct cultural and spiritual practices within  
10 the Tsawwassen Territory, including the lower Fraser River. The Fraser River has been identified as an  
11 important travel way for Tsawwassen First Nation to access fishing sites. As previously stated, the  
12 Tsawwassen First Nation currently fish under a communal FSC fishing licence from DFO pursuant to the  
13 *Aboriginal Communal Fishing Licences Regulations* to fish in the Fraser River (DFO n.d.c) south of the  
14 Port Mann Bridge to the Straight of Georgia. Many Tsawwassen First Nation ceremonies are also connected  
15 to special aspects of the land, such as cultural landforms, transformation sites, and sites where  
16 supernatural beings are known to occupy (Tsawwassen First Nation 1998) providing a sense of place and  
17 identity.

#### 18 **FortisBC Perspective**

19 The potential effects associated with Healthy Rights – Healthy River are discussed with reference to  
20 available information specific to Tsawwassen First Nation and to predicted residual effects on linked VCs,  
21 including Air Quality (subsection 7.2), Acoustic (subsection 7.3), Surface Water (subsection 7.4),  
22 Groundwater (subsection 7.5), Soil (Subsection 7.6), Vegetation (subsection 7.8), Wildlife and Wildlife  
23 Habitat (subsection 7.8), Fish and Fish Habitat (subsection 7.9), and Land and Resource Use (subsection  
24 7.11), and Human Health (subsection 7.15). For a summary of the existing conditions and residual effects  
25 assessment conclusions of linked VCs, refer to subsection 11.1.13. References to linked VC subsections are  
26 provided where applicable. Further detail is available in these subsections, including references to  
27 applicable technical data reports (TDRs).

28 As previously described, in response to engagement activities during the Application Development phase,  
29 the proposed Project will no longer utilize the waterborne delivery of modular components and  
30 construction materials and does not require the MOF. Implementation of this avoidance mitigation  
31 measure has been incorporated into the determination of potential residual effects of linked VCs including  
32 Fish and Fish Habitat, Vegetation and Wildlife and Wildlife Habitat.

33 The proposed Project Footprint is predominantly covered by anthropogenic surfaces, including paved  
34 areas and built-up fill and gravel existing infrastructure, and equipment laydown areas supporting little  
35 plant life. Over 98 percent of the proposed Project Footprint is industrial land use and is not vegetated.  
36 The proposed Project Footprint is not currently accessible for harvesting and will remain restricted for the  
37 life of the proposed Project. Therefore, no changes in the physical environment in and around the  
38 proposed Project area that supports the exercise of Tsawwassen First Nation’s Treaty rights are expected.

39 For reasons explained in the following subsections, FortisBC does not expect changes in Tsawwassen  
40 First Nation’s ability to harvest near or within the proposed Project Footprint and in the areas of the  
41 Fraser River near the proposed Project.

1 Regarding fishing, FortisBC considered the following key factors in predicting residual effects on Fish and  
2 Fish Habitat:<sup>6</sup>

- 3     ▪ Subsection 7.9, Fish and Fish Habitat, considered Indigenous nation concerns with the effects of  
4     proposed Project-related changes in Air Quality on fish and fish habitat. Based on the results of  
5     subsection 7.2, Air Quality, the Fish and Fish Habitat assessment concluded there are no proposed  
6     Project-related Air Quality interactions with Fish and Fish Habitat. The results of the Air Quality  
7     assessment show that the lower Fraser River within the RAA at Tilbury Island is not sensitive to acid  
8     deposition, and deposition from the proposed Project sources during operation are not predicted to  
9     result in acid exceedances in the RAA. In addition, eutrophication in the lower Fraser River is not  
10    nutrient limited, and other physical constraints limit the growth of algae; therefore, the trophic status  
11    of the river is not anticipated to change as a result of the nitrogen deposition from proposed Project  
12    emissions during operation.
- 13    ▪ As assessed in subsection 7.9, Fish and Fish Habitat, and previously stated, residual adverse effects to  
14    Fish and Fish Habitat are not anticipated after the implementation of proposed mitigation measures.  
15    A combination of avoidance and reduction measures will be incorporated into the CEMP (also  
16    summarized in Appendix A of the Application). As previously mentioned, the proposed Project will no  
17    longer utilize the waterborne delivery of modular components and construction materials or require  
18    the MOF. Previously identified predicted residual effects for fish and fish habitat are avoided due to  
19    the implementation of the proposed mitigation measure to avoid use of waterborne deliveries and the  
20    requirement for a MOF (that is, no in-river works). This avoidance measure has been included in the  
21    determination of residual effects to the Fish and Fish Habitat VC. With the implementation of  
22    proposed mitigation measures, potential changes to fish and fish habitat are avoided anticipated to be  
23    reduced to negligible levels. Proposed mitigation measures relate to sediment control BMPs, spill  
24    contingency measures, and stormwater and surface water management, and result in negligible  
25    proposed Project specific effects to the Fish and Fish Habitat VC. Proposed mitigation measures are  
26    generally considered by FortisBC as having high effectiveness with BMPs and technologies that are  
27    widely and successfully used in various industries in B.C. and worldwide.

28 As stated previously, the Tsawwassen First Nation's communal FSC fishery is within the Fraser River  
29 downstream of the Port Mann Bridge and into the Strait of Georgia (DFO n.d.b). Construction activities are  
30 not anticipated by FortisBC to affect the accessibility and availability of preferred fishing areas within and  
31 adjacent to the proposed Project Footprint. After the implementation of mitigation measures, effects to  
32 fish and fish habitat are avoided.

33 **Regarding Vegetation**, FortisBC considered the following key factors in assessing the potential effect of  
34 the proposed Project on Vegetation:<sup>7</sup>

- 35     ▪ Subsection 7.4, Surface Water, and subsection 7.7, Vegetation, assessed the potential for changes in  
36     hydrological or drainage patterns to affect Vegetation as a result of the proposed Project.
- 37     ▪ As assessed in subsection 7.6, Soil, the proposed Project Footprint has been previously disturbed  
38     and has little topsoil remaining. The proposed Project is not anticipated to result in negative changes  
39     to soil quality or quantity that could negatively affect Vegetation.
- 40     ▪ Subsection 7.7, Vegetation, considered potential effects of proposed Project-related changes in  
41     Air Quality and Surface Water on Vegetation. Based on the results of subsection 7.2, Air Quality, the

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<sup>6</sup> Refer to Section 11.1.13 for a summary of the Fish and Fish Habitat existing conditions and the results of the Fish and Fish Habitat residual effects assessment, including a discussion of any VCs linked to the Fish and Fish Habitat assessment and applicable proposed mitigation measures.

<sup>7</sup> Refer to subsection 11.1.13 for a summary of the Vegetation existing conditions and the results of the Vegetation residual effects assessment, including a discussion of any VCs linked to the Vegetation assessment and applicable proposed mitigation measures.

1 Vegetation assessment concluded there are no proposed Project-related Air Quality interactions with  
 2 Vegetation. Furthermore, the results of the Air Quality assessment show that nearby receiving  
 3 terrestrial environments for both Surface Water and Soil within the Air Quality VC RAA are not  
 4 susceptible to acidification, nitrogen loading, or eutrophication from the proposed Project  
 5 emissions. As such, there are no anticipated interactions with Vegetation, including wetlands, from  
 6 emissions generated by the proposed Project, and this effect pathway is not carried through to a  
 7 residual effect assessment.

- 8 ▪ Subsection 7.7, Vegetation, identifies a combination of avoidance and reduction measures that, along  
 9 with monitoring, will be incorporated into the CEMP and EMP (also summarized in Appendix A of the  
 10 Application). Proposed mitigation measures are generally considered by FortisBC as having  
 11 high effectiveness with BMPs and technologies that are widely and successfully used in various  
 12 industries in B.C. and worldwide.
- 13 ▪ As assessed in subsection 7.7, Vegetation, the residual adverse effects are anticipated after the  
 14 implementation of proposed mitigation measures, including the introduction or spread of invasive  
 15 plant species. With the implementation of proposed mitigation measures, residual effects to  
 16 Vegetation are negligible to low magnitude and restricted to the proposed Project Footprint.

17 Regarding Wildlife and Wildlife Habitat, FortisBC considered the following key factors in assessing the  
 18 potential effect of the proposed Project on Wildlife and Wildlife Habitat:<sup>8</sup>

- 19 ▪ Subsection 7.4, Surface Water, and subsection 7.8, Wildlife and Wildlife Habitat, took into account  
 20 concerns expressed by Indigenous nations regarding the potential for changes in water quality to  
 21 affect wildlife habitat or wildlife health and mortality risk.
- 22 ▪ Subsection 7.8, Wildlife and Wildlife Habitat, considered Indigenous nation concerns with the effects  
 23 of proposed Project-related changes in Air Quality on Wildlife and Wildlife Habitat. Based on the  
 24 results of subsection 7.2, Air Quality, the Wildlife and Wildlife Habitat assessment concluded there are  
 25 no proposed Project-related Air Quality interactions with Wildlife and Wildlife Habitat. The results of  
 26 the Air Quality assessment show that nearby receiving aquatic and terrestrial environments for both  
 27 Surface Water and Soil within the Air Quality VC RAA are not susceptible to acidification, nitrogen  
 28 loading, or eutrophication from the proposed Project emissions. As such, there are no anticipated  
 29 interactions with wildlife health risk from emissions generated by the proposed Project, and this effect  
 30 pathway was not carried through to the residual effect assessment in subsection 7.2.
- 31 ▪ Subsection 7.8, Wildlife and Wildlife Habitat, identifies a combination of avoidance and reduction  
 32 measures that, along with monitoring, will be incorporated into the CEMP (also summarized in  
 33 Appendix A of the Application). With the implementation of proposed mitigation measures, potential  
 34 changes to wildlife movement are reduced to negligible levels. Proposed mitigation measures are  
 35 generally considered by FortisBC as having high effectiveness with BMPs and technologies that are  
 36 widely and successfully used in various industries in B.C. and worldwide.
- 37 ▪ As assessed in subsection 7.8, Wildlife and Wildlife Habitat, some residual adverse effects are  
 38 anticipated after the implementation of proposed mitigation measures, including loss or alteration of  
 39 wildlife habitat and increased wildlife health and mortality risk. Wildlife habitat within a zone of  
 40 influence from the proposed Project Footprint may be altered by noise, vibration, light, and activity  
 41 associated with the proposed Project construction, operation, and decommissioning activities.  
 42 Sensory disturbance has potential to temporarily displace resident and migratory birds and other  
 43 wildlife species from the proposed Project Footprint. The magnitude of these residual effects to  
 44 Wildlife and Wildlife Habitat are predicted as negligible to low given the minor incremental

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<sup>8</sup> Refer to subsection 11.1.13 for a summary of the Wildlife and Wildlife Habitat existing conditions and the results of the Wildlife and Wildlife Habitat residual effects assessment, including a discussion of any VCs linked to the Wildlife and Wildlife Habitat assessment and applicable proposed mitigation measures.

1 contribution of the proposed Project (disturbance of approximately 1.46 ha of potentially suitable  
2 habitat that has been altered by existing disturbance and has limited wildlife habitat value).  
3 The magnitude is negligible for most wildlife species; however, the resilience of species at risk is lower  
4 and a precautionary rating of low is therefore used to capture potential residual effects to species at  
5 risk. No measurable effects to wildlife populations, including species at risk populations, are  
6 anticipated.

7 Opportunities to hunt or trap wildlife within the proposed Project Footprint and Healthy Rights – Healthy  
8 River LAA are extremely limited. Tsawwassen First Nation community members have stated they hunt  
9 waterfowl in the Healthy Rights – Healthy River LAA for traditional uses and food sources (Tsawwassen  
10 First Nation 1998) and their preferred harvesting areas for wildlife and migratory birds are the south side  
11 of Lulu Island; the small islands, sloughs, marshes and tidal flats of the lower Fraser River; and the Fraser  
12 River delta (WesPac 2019). Hunting rights could be potentially affected by the proposed Project. However,  
13 based on firearm restrictions adjacent to the proposed Project at Tilbury Island, lack of access to private  
14 industrial land on the proposed Project Footprint, and the small spatial area over which the effects to  
15 wildlife are anticipated to be experienced, proposed Project activities adjacent to the proposed Project  
16 Footprint are not anticipated to interact with Tsawwassen First Nation hunting activities (B.C. EAO 2022;  
17 DFO n.d.b).

18 Regarding country foods, FortisBC does not anticipate changes, either in increases or reductions in risks,  
19 to the recovery of Tsawwassen First Nation country foods on the River as a result of the proposed Project  
20 as predicted residual effects to Wildlife and Wildlife Habitat, and Vegetation due to the proposed Project  
21 are anticipated to be site specific (proposed Project Footprint) and negligible to low magnitude after the  
22 implementation of mitigation measures. Also, as previously identified, predicted residual effects for fish  
23 and fish habitat are avoided due to the implementation of the proposed mitigation measure to avoid  
24 waterborne deliveries and the need for use of the MOF (that is, no in-river works). Furthermore, changes in  
25 biophysical conditions (that is dust, air quality, visual landscape, and atmospheric noise) are also not  
26 anticipated to change the experience and preferences around the practice of harvesting rights in the  
27 Healthy Rights – Healthy River LAA, compared to existing conditions.

28 Community perceptions with respect to the quality of country foods have the potential to interact with  
29 Tsawwassen First Nation members' participation in harvesting and subsistence activities and cultural and  
30 spiritual practices even in the absence of identified adverse effects to the Land and Resource Use and  
31 Culture VCs (subsection 7.14). However, due to the negligible effect to the quantity, quality, and  
32 abundance of wildlife for harvesting and subsistence purposes, the industrialized nature of the area,  
33 likely existing perceived effects regarding the quality of country foods, and the elimination of waterborne  
34 deliveries, FortisBC predicts no interaction between the proposed Project and perceived effects on the  
35 quality of country foods from existing conditions.

36 Furthermore, FortisBC completed an HHRA<sup>9</sup> that examined the potential for the proposed Project to  
37 contaminate country foods (such as berries, fish, and game) via potential changes in soil quality, air  
38 quality, groundwater, and surface water. The HHRA concluded that contamination of country foods,  
39 including berries, fish and wildlife located off the proposed Project Footprint as a result of proposed  
40 Project activities is highly unlikely. No contamination to fish due to the proposed Project is anticipated.  
41 A contaminated soil site (arsenic) on the proposed Project Footprint will be excavated and disposed of at  
42 an appropriate facility prior to construction. No other contaminated sites have been identified and

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<sup>9</sup> The HHRA was completed prior to FortisBC's commitment to no use barges to deliver modules or materials to the proposed Project Site and contains analysis of construction of the MOF and barge deliveries. Therefore, conclusions of the HHRA should be considered a conservative prediction of potential effects to human health due to the proposed Project.

1 therefore, any discharge of groundwater or dust from onsite is not anticipated to affect offsite country  
2 foods. In addition, acid deposition or nitrogen deposition from air emissions on country foods was  
3 considered and no effects are predicted in the receiving environments from predicted acid deposition or  
4 nitrogen deposition from air emissions. Therefore, adverse effects from acid deposition and nitrogen  
5 deposition on country foods are unlikely. FortisBC predicts that there are no potential effects of the  
6 proposed Project on the quality of country foods due to contamination.

7 Regarding air quality, FortisBC does not anticipate that exceedances of NO<sub>2</sub> or SO<sub>2</sub> air quality criteria  
8 established by Municipal, Provincial, and Federal environmental and health authorities will occur during  
9 proposed Project operation (steady-state operation). With the installation of air emissions control  
10 technologies as part of the proposed Project design, residual air quality effects during operation are  
11 anticipated to be negligible for NO<sub>2</sub> (maximum concentrations due to the proposed Project are expected  
12 to be less than 5 percent of the air quality standards/objectives) and low magnitude for SO<sub>2</sub> (maximum  
13 concentrations to be less than 10 percent of their respective ambient air quality standards/objectives).  
14 The specific technology will be determined during detailed design following certification of the proposed  
15 Project by the B.C. EAO. Detailed modelling will be conducted post-approval for air permitting  
16 requirements and to inform final proposed Project design when emission control mitigation options are  
17 selected. Changes to air quality associated with proposed Project operation are therefore not expected to  
18 present a change to the experience of Indigenous Peoples engaged in land- and water-based cultural  
19 practices.

20 Regarding access and sensory effects, the proposed Project has the potential to affect the quality of  
21 experience for people engaged in activities on public lands and waters through sensory effects from  
22 changes in noise, odour, dust, air quality and the visual landscape. As described in subsection 7.11, Land  
23 and Resource Use, with the exception of a contribution to a potential perceived effects on recreational  
24 quality, no adverse effects on the daytime or nighttime visual landscape are anticipated as a result of the  
25 proposed Project. After the implementation of mitigation measures, changes to visual quality of the  
26 landscape could result in low-magnitude residual effects in the Land and Resource LAA to Indigenous  
27 nation members experience of cultural sites due to construction and operation of the proposed Project.  
28 As described in subsection 7.6, Soils, the incremental contribution of dust from the proposed Project in all  
29 Project phases is expected to not be discernable from that occurring during existing conditions  
30 and is therefore not expected to affect the quality of experience for people engaged in harvesting  
31 activities. Lastly, navigation in the Fraser River itself and access to cultural sites along the lower Fraser  
32 River are not anticipated by FortisBC to be affected by the proposed Project (subsection 7.11).

33 Noise levels are anticipated to increase due to proposed Project activities during all proposed Project  
34 phases but increases in land-based noise are anticipated to be similar to existing levels (approximately  
35 1 dB increase at times) and not anticipated to be above noise levels exceeding the %HA threshold or  
36 harmful to human health at noise receptors R1 to R4. Receptor R5 (informal pathway north of the  
37 proposed Project) are predicted to be greater than 3 dB higher than the existing ambient conditions  
38 during construction and operation. The CEMP and EMP will include mitigation and contingency measures  
39 to manage acoustic disturbance at Receptor R5. After the implementation of the proposed mitigation  
40 measures developed in the CEMP and EMS, the increase in noise during construction and operation is not  
41 anticipated to be harmful to human health.

42 The proposed Project is located within a current brownfield and industrialized area and circumstances  
43 related to the safe and peaceful enjoyment of Tsawwassen lands and waters are anticipated to be  
44 comparable to existing conditions. The proposed Project Footprint is not currently accessible for  
45 harvesting (except for a portion of the shoreline potentially accessible by boat) and will remain restricted

1 for the life of the proposed Project. The proposed Project activities are not anticipated to disrupt  
2 Tsawwassen First Nation community members' ability to physically access cultural use sites and areas.  
3 While some change may be detectable to some Tsawwassen First Nation members due to changes in  
4 visual landscape or the experience of fishing, these changes would not noticeably adversely affect  
5 Tsawwassen First Nation access to cultural sites when compared to existing conditions as there will be no  
6 proposed Project-related barge traffic on the Fraser River. As a result, FortisBC does not anticipate that  
7 changes in Tsawwassen's enjoyment, experience, preferences, and trust in the conditions in and around  
8 the proposed Project area, including changes in the conditions that support the preferred exercise of  
9 Tsawwassen's harvesting rights will occur as a result of the proposed Project.

10 Tsawwassen First Nation has expressed concern regarding potential effects on Tsawwassen First Nation's  
11 identity as a result of changes in its ability to engage in stewardship over its lands, including changes to  
12 ongoing conservation efforts to restore important fish species and habitat. Tsawwassen First Nation way of  
13 life and identity is inherently linked with salmon and, as such, the ability for Tsawwassen First Nation  
14 community members to provide stewardship over and harvest salmon is critical (subsection 11.9.2.18)  
15 (Government of Canada et al. 2010a). As described previously, fish resources are important for  
16 Tsawwassen First Nation ceremonies, community gatherings, identity, principles, protocols, and values  
17 (Tsawwassen First Nation 2009d, 2019b). FortisBC recognizes that Tsawwassen First Nation's sense of  
18 place and identity could experience changes due to physical changes to or loss of access to cultural sites  
19 and areas. Sense of place includes both tangible and intangible aspects of culture and is a reflection of  
20 members' attachment and affinity to place. Considering the ongoing industrialized nature of the area,  
21 FortisBC does not anticipate changes in conditions needed to improve and maintain a strong and vibrant  
22 Tsawwassen cultural connection to Tilbury Island and the Fraser River, including a sense of identity, place,  
23 and safety in relation to those areas, that support the exercise of Tsawwassen harvesting rights.

24 Tsawwassen First Nation identified concerns about continued ability for community members to practice  
25 their Rights to harvest fish in the lower Fraser River within Tsawwassen Territory (Tsawwassen First Nation  
26 2021b). As stated previously, on-land construction activities are not anticipated by FortisBC to affect the  
27 existing accessibility and availability of cultural sites, including their fishing grounds and overall, FortisBC  
28 does not anticipate changes in opportunities to create or improve conditions needed to improve the  
29 exercise of Tsawwassen First Nation's harvesting rights around the Project area as a result of the proposed  
30 Project.

### 31 **11.9.7.2 Effects to Healthy Culture – Strong Stewardship**

32 This subsection provides an understanding of the potential effects of the proposed Project on the  
33 Indigenous interests of Tsawwassen First Nation related to Healthy Culture – Strong Stewardship, from  
34 both the perspective of FortisBC and Tsawwassen First Nation.

35 The potential effects on Healthy Culture – Strong Stewardship is related to furtherance of Tsawwassen  
36 First Nation's vision for *šx<sup>w</sup>k<sup>w</sup>ecxənəm* under the Treaty in and around the proposed Project area.

### 37 **FortisBC's Summary of Tsawwassen First Nation Perspective**

38 As described previously, the *hən'qəminəm'* word *šx<sup>w</sup>k<sup>w</sup>ecxənəm* means to be stewards of the land.  
39 Tsawwassen First Nation's stewardship values and activities are tied to the territory in which the Nation has  
40 lived for thousands of years. *šx<sup>w</sup>k<sup>w</sup>ecxənəm* is described by Tsawwassen First Nation as requiring a fully  
41 realized, reciprocal relationship between Tsawwassen First Nation members, the land and sea, and the human  
42 and non-human inhabitants. This relationship is brought to life through: decision making; listening,  
43 monitoring, and building understanding of the current state of the territory; caring for the territory and

1 preparing for anticipated changes; maintaining Tsawwassen First Nation's strong values and identity as  
2 stewards of its cherished places and resources; and harvesting food and medicines (Tsawwassen First Nation  
3 n.d.i). As salmon people, sce:lhtun xwelmexw, Tsawwassen Peoples are culturally, spiritually, and  
4 economically dependent on salmon (Tsawwassen First Nation 2019c). The lower Fraser River has been  
5 described by the Tsawwassen First Nation as the lifeblood of Tsawwassen and a defining characteristic of  
6 Tsawwassen First Nation existence and culture (Tsawwassen First Nation 2021b).

7 Tsawwassen First Nation, through early engagement, has stated that the ability to engage in stewardship  
8 over the resources within Tsawwassen Territory is a vital aspect of its Treaty Rights. The LFFA, of which  
9 Tsawwassen First Nation is a member, outlined that there is a reciprocal responsibility to care for culturally  
10 important fish species, which includes ensuring the life cycles of fish species are maintained through  
11 spiritual and physical practices, restoring the habitat of fish to maintain or recreate abundance, and  
12 providing space and opportunities to learn from the fish (LFFA 2021). Cultural keystone fish species  
13 include salmon, eulachon, and sturgeon. According to the LFFA, Indigenous laws include that fish have the  
14 right to their cycle of life, the right to be respected, the right to clean and flowing water and to have  
15 navigable waters available for their travels, and the right be left alone or supported when needed (LFFA  
16 2021). Available water quality monitoring data for Tilbury Slough and the Fraser River within the Surface  
17 Water (subsection 7.4) LAA show some existing exceedances of the B.C. or Canadian Council of Ministers  
18 of the Environment (CCME) marine and freshwater guidelines for protection of aquatic life, irrigation, or  
19 wildlife for several metals.

20 Tsawwassen First Nation continues to practice ceremonial and spiritual activities, such as naming,  
21 childbirth, ceremonial protocols, and training throughout the Tsawwassen Territory (Tsawwassen  
22 First Nation 1998). Many ceremonies are connected to special aspects of the land, such as cultural  
23 landforms, transformation sites, and sites where supernatural beings are known to occupy (Tsawwassen  
24 First Nation 1998). The First Salmon ceremony, for example, recognizes that the salmon are "supernatural  
25 beings who [come] every year to give their flesh to the people who were obliged to treat them properly"  
26 (Tsawwassen First Nation 2015a). Physical changes (temporary or permanent) may therefore change  
27 Tsawwassen First Nation's sense of place and belonging when using cultural sites and affect cultural and  
28 ceremonial practices accordingly.

29 Cultural knowledge, practices, and continuation, including language, continue to be of great importance to  
30 Tsawwassen First Nation (Tsawwassen First Nation 2019c). Hən'qəmin'əm is used for a number of  
31 geographical names of cultural significance for Tsawwassen First Nation community members  
32 (Tsawwassen First Nation 2019c). Every aspect of the Tsawwassen's territory holds cultural significance -  
33 from the river and ocean to the plants and animals. These elements are not just physical features, but are  
34 integral parts of their cultural narratives, spiritual beliefs, and historical memory. This guides Tsawwassen  
35 First Nation's stewardship of the land, their social structures, and their spiritual beliefs. Disenfranchisement  
36 from any part of their territory can therefore impact their cultural integrity, regardless of whether it's a  
37 recognized cultural site or not.

38 Tsawwassen First Nation has expressed concern regarding potential effects on Tsawwassen First Nation's  
39 identity as a result of changes in its ability to engage in stewardship over its lands, including changes to  
40 ongoing conservation efforts to restore important fish species and habitat. Tsawwassen First Nation way of  
41 life and identity is inherently linked with salmon and, as such, the ability for Tsawwassen First Nation  
42 community members to provide stewardship over and harvest salmon is critical (Government of Canada  
43 et al. 2010a).

### 1 FortisBC Perspective

2 The potential effects associated with Healthy Culture – Strong Stewardship are discussed with reference to  
3 available information specific to Tsawwassen First Nation and to predicted residual effects on linked VCs,  
4 including Surface Water (subsection 7.4), Vegetation (subsection 7.8), Wildlife and Wildlife Habitat  
5 (subsection 7.8), Fish and Fish Habitat (subsection 7.9), Land and Resource Use (subsection 7.11),  
6 Archaeological and Heritage Resources (subsection 7.13), and Culture (subsection 7.14). For a summary  
7 of the existing conditions and residual effects assessment conclusions of linked VCs, refer to subsection  
8 11.1.13. References to linked VC subsections are provided where applicable. Further detail is available in  
9 these subsections, including references to applicable technical data reports (TDRs).

10 FortisBC recognizes the importance to the Nation of furthering Tsawwassen First Nation's vision for  
11 ᓃᓃᓃᓃᓃᓃᓃᓃ, and that stewardship is integral to community health, prosperity, and self-determination.  
12 Since the proposed Project will no longer utilize the waterborne delivery of modular components and  
13 construction materials, does not require the MOF, and the proposed Project Footprint is not currently  
14 accessible for harvesting (except for a portion of the shoreline potentially accessible by boat) and will  
15 remain restricted for the life of the proposed Project, FortisBC does not anticipate interference with  
16 Tsawwassen First Nation's ability to engage in ᓃᓃᓃᓃᓃᓃᓃᓃ (stewardship) or practice, maintain and grow  
17 resilience of Tsawwassen culture and spirituality through actioning ᓃᓃᓃᓃᓃᓃᓃᓃ over Tilbury Island and  
18 the Fraser River. FortisBC also does not anticipate interference with Tsawwassen First Nation's ability to  
19 uphold Tsawwassen resource management principles in relation to Tilbury Island and the Fraser River.

20 Previously identified predicted residual effects for fish and fish habitat are also avoided due to the  
21 implementation of the proposed mitigation measure to avoid use of waterborne deliveries and the  
22 requirement for a MOF. The HHRA also concluded that contamination of country foods, including berries,  
23 fish, and wildlife located off the proposed Project Footprint as a result of proposed Project activities is  
24 highly unlikely. The proposed Project is therefore not anticipated to directly disturb cultural sites such as  
25 fishing grounds. FortisBC also does not have information to indicate that Tsawwassen First Nation  
26 members use the proposed Project Footprint or the LAA for spiritual or ceremonial activities. Therefore,  
27 changes in the availability and conditions of tangible and intangible cultural heritage resources on Tilbury  
28 Island and nearby areas of the Fraser River are not anticipated as a result of the proposed Project.

29 The proposed Project is not anticipated to directly disturb heritage resources, including archaeological and  
30 architectural sites. No archaeological or heritage resources were identified during the Archaeological  
31 Impact Assessments that took place in the proposed Project Footprint in 2013 and 2020 (subsection  
32 7.13). The proposed Project's location on the lower Fraser River contains many previously recorded  
33 archaeological and cultural resources (subsection 7.13), including archaeological site DgRs-017. DgRs-17  
34 is located within 1 km of the proposed Project Footprint on the opposite side of the Fraser River. Direct  
35 changes to archaeological sites and other culturally important sites are not anticipated for ground altering  
36 activities (such as excavating, backfilling, grading, and recontouring) or vehicle use during construction  
37 and decommissioning (refer to subsection 7.4).

38 FortisBC recognizes that Tsawwassen First Nation is concerned about potential effects on the Nation's  
39 identity, including the cultural, spiritual, psychological, emotional and social connection in and around  
40 Tilbury Island as a result of the proposed Project. As explained previously, construction activities are not  
41 anticipated by FortisBC to affect the accessibility and availability of preferred fishing areas within and  
42 adjacent to the proposed Project Footprint, and after the implementation of mitigation measures, effects  
43 to fish and fish habitat are avoided. In addition, FortisBC does not expect changes in Tsawwassen  
44 First Nation's ability to harvest near or within the proposed Project Footprint. Combined with the existing

1 industrialized and restricted nature of the area, FortisBC does not anticipated interactions with Tsawwassen  
2 First Nation's identity as a result of the proposed Project.

3 The proposed Project Footprint is located on private property with existing restricted public access in an  
4 industrialized area. Therefore, FortisBC does not anticipate changes in conditions that support Tsawwassen  
5 First Nation's access to culturally important sites on the river. In addition, these current conditions, along  
6 with other existing conditions (described in subsection 11.1.13, Summary of Valued Components Linked  
7 to Indigenous Interests) account for existing restrictions and barriers to Tsawwassen First Nation's  
8 participation in decision-making and ability to implement laws, customs, and protocols within the  
9 proposed Project Footprint. Changes to Tsawwassen First Nation's ability to advance cultural traditions,  
10 laws, and governance systems that inform how they advance their interests, from the proposed Project, are  
11 also not anticipated.

### 12 **11.9.7.3 Effects to Healthy Relationships**

13 This subsection provides an understanding of the potential effects of the proposed Project on the  
14 Indigenous interests of Tsawwassen First Nation related to Healthy Relationships, from both the  
15 perspective of FortisBC and Tsawwassen First Nation.

16 The potential effects on healthy Relationships are related to the creation of the foundation for a positive  
17 relationship between FortisBC and Tsawwassen First Nation that is based on mutual respect and respect  
18 for and recognition of Tsawwassen First Nation as a Treaty Nation.

### 19 **FortisBC's Summary of Tsawwassen First Nation Perspective**

20 The Tsawwassen First Nation Final Agreement is a tri-partite agreement between Canada, B.C., and  
21 Tsawwassen First Nation (Tsawwassen First Nation. n.d.f). The Tsawwassen First Nation Final Agreement  
22 establishes a government-to-government relationship based on mutual respect, providing the basis for a  
23 new approach to reconciliation between Tsawwassen First Nation and the Crown (Tsawwassen First Nation  
24 2022a). Tsawwassen First Nation has certainty of land ownership and law-making authority, self-  
25 determination, self-governance, and government-to-government relations (Government of Canada et al.  
26 2010b). Tsawwassen First Nation is also the first Indigenous Nation to become a full member of Metro  
27 Vancouver (Tsawwassen First Nation n.d.c).

28 Tsawwassen First Nation makes laws, regulations, policies, and programs that are within its authority  
29 and jurisdiction. The Tsawwassen First Nation *Constitution Act* outlines the principles of governance  
30 in accordance with Tsawwassen First Nation's traditional laws and its right to self-governance.  
31 The Tsawwassen First Nation *Constitution Act* describes citizenship, rights and freedoms, the Tsawwassen  
32 government and elections, Tsawwassen First Nation law-making authority and delegation of powers,  
33 among other matters (Tsawwassen First Nation 2009b).

34 The Final Agreement provides Tsawwassen First Nation with municipal, provincial, and federal types of  
35 jurisdictions on Tsawwassen Lands. Tsawwassen First Nation's Final Agreement identifies Tsawwassen  
36 First Nation's Wildlife Harvest Area wherein Tsawwassen First Nation community members may exercise  
37 their right to harvest and which include lands within the Fraser River delta extending to the Pitt River to  
38 Pitt Lake, encompassing the proposed Project Site (Government of Canada et al. 2010b).

39 The resources in the territory of Tsawwassen First Nation have, since time immemorial, provided a complex  
40 economic system of trade and bartering, as well as other specialized services (Tsawwassen First Nation  
41 2019c). Trade was facilitated by the lower Fraser River as a travel route to move through the territory to

1 upriver Indigenous nations, and the Strait of Georgia was used to travel to the Indigenous nations of the  
2 Gulf Islands, Vancouver Island, and the states of Washington and Oregon (Tsawwassen First Nation  
3 2019c). Historically, migratory birds were a source of economic trade for Tsawwassen First Nation  
4 community members, who would hunt and carry canoes full of migratory birds and waterfowl to trade with  
5 their neighbours upriver (Tsawwassen First Nation 2015c). Through the Tsawwassen First Nation Final  
6 Agreement, Tsawwassen members are able to continue to trade and barter wildlife or wildlife parts  
7 (Government of Canada et al. 2010a).

8 Tsawwassen First Nation has expressed concern regarding potential effects on Tsawwassen First Nation's  
9 identity as a result of changes in its ability to engage in partnerships and stewardship over its lands,  
10 including changes to ongoing conservation efforts to restore important fish species and habitat.  
11 Tsawwassen First Nation way of life and identity is inherently linked with salmon and, as such, the ability  
12 for Tsawwassen First Nation community members to provide stewardship over and harvest salmon is  
13 critical (subsection 11.9.2.18) (Government of Canada et al. 2010a). As described previously, fish  
14 resources are important for Tsawwassen First Nation ceremonies, community gatherings, identity,  
15 principles, protocols, and values (Tsawwassen First Nation 2009d, 2019b). Tsawwassen First Nation  
16 identified concerns about continued ability for community members to practice their Rights to harvest fish  
17 in the lower Fraser River within Tsawwassen Territory (Tsawwassen First Nation 2021b).

18 Tsawwassen First Nation identified three pillars of life that embody its values (Tsawwassen First Nation  
19 2019c), with Pillar three relating to relationships as identified below:

- 20 ▪ Pillar 3 – Culture and Heritage: Culture and heritage includes Tsawwassen First Nation's way of life,  
21 including its intangible cultural heritage, such as its spiritual relationship with the Southern Resident  
22 Killer Whales (SRKWs) and the significance of the spiritual relationships and the unique cultural values  
23 with which the relationships strengthen and enhance Tsawwassen First Nation's way of life. Access to  
24 the land, sea, and resources provides Tsawwassen First Nation with the ability to teach the language,  
25 laws, and culture to the next generations and to continue Tsawwassen First Nation's traditional way of  
26 life.

27 During Tsawwassen First Nation and FortisBC meetings, Tsawwassen First Nation described the importance  
28 of FortisBC experiencing Tsawwassen First Nation cultural events, so they feel the learnings as opposed to  
29 merely experiencing them. Tsawwassen stated that it is important that FortisBC not only attend the events,  
30 but also reflect on the learnings from the events, and to share them in subsequent meetings. In order to  
31 put this goal into practice, Tsawwassen First Nation requested the sharing of learnings be a standing  
32 agenda item for meetings. Additionally, Tsawwassen First Nation described the importance of working  
33 together collaboratively. As noted previously, Tsawwassen First Nation describes the process as not being  
34 in separate canoes paddling in different directions, but rather being in one canoe, paddling together and  
35 moving in the same direction.

36 Positive residual effects are predicted for Tsawwassen First Nation through improvement and  
37 advancement of positive relationships between FortisBC and Tsawwassen First Nation due to the Proposed  
38 Project.

### 39 **FortisBC Perspective**

40 The potential effects associated with Healthy Relationships are discussed with reference to available  
41 information specific to Tsawwassen First Nation and to predicted residual effects on linked VCs, including  
42 Employment and Economy (subsection 7.10), Land and Resource Use (subsection 7.11), Archaeological  
43 and Heritage Resources (subsection 7.13) and Culture (subsection 7.14). For a summary of the existing  
44 conditions and residual effects assessment conclusions of linked VCs, refer to subsection 11.1.13.

1 References to linked VC subsections are provided where applicable. Further detail is available in these  
2 subsections, including references to applicable technical data reports (TDRs).

3 Tsawwassen First Nation has the right to participate in decisions that may affect its Treaty Rights and the  
4 right to conduct enhancement initiatives and stewardship activities within the Tsawwassen Territory  
5 (Government of Canada et al. 2010b). The importance of stewardship and governance is evident in the  
6 multiple laws passed through the authority set out in the Final Agreement. The law-making is tied to  
7 Tsawwassen First Nation's connection to the land and waters and to Tsawwassen First Nation's tradition  
8 and culture with a view to caretaking the land, water and resources (Tsawwassen First Nation 2022a).

9 As previously discussed, the proposed Project Footprint is located on privately owned, developed land in  
10 an industrial area with restricted public access and is not currently accessible for resource harvesting and  
11 other cultural uses. These current conditions, along with other existing conditions (described in subsection  
12 11.1.13, Summary of Valued Components Linked to Indigenous Interests) account for existing restrictions  
13 and barriers to Tsawwassen First Nation's ability to exercise its Rights and steward the land and waters  
14 within Tsawwassen Territory. Given the current conditions in the proposed Project Area account for  
15 existing restrictions and barriers to Tsawwassen First Nation's cultural traditions, laws, and governance  
16 systems within the proposed Project Footprint, the proposed Project activities during all phases, is not  
17 anticipated to change Tsawwassen First Nation's cultural traditions, laws or governance systems that  
18 inform how it exercises its Rights compared to those already occurring during existing conditions.

19 FortisBC anticipates a positive effect to recognition of Tsawwassen First Nation as a constitutionally  
20 recognized order of governance. During Project planning, FortisBC has identified Tsawwassen First  
21 Nation's unique position as a modern Treaty Nation, that has led to a collaborative approach with the  
22 development of the IECP schedule, workplan, and section 11.9.

23 Negligible effects to fish and fish habitat due to the proposed Project are anticipated. FortisBC does not  
24 anticipate any adverse effects to Tsawwassen First Nation fish harvesting within the proposed Project  
25 Footprint or Healthy Rights – Healthy River LAA. As stated in previous sections, FortisBC anticipates a  
26 negligible interaction between the proposed Project and Healthy Relationships, including traditional ways  
27 of life. Due to this, proposed Project activities are not anticipated to result in changes to the quantity,  
28 quality, and availability of harvested resources (including fish), and any associated intercommunity  
29 relationships between Tsawwassen First Nation and other communities.

30 Positive residual effects are predicted for Tsawwassen First Nation through improvement and  
31 advancement of positive relationships between FortisBC and Tsawwassen First Nation due to the Proposed  
32 Project. In addition, FortisBC recognizes Tsawwassen First Nations unique position as a modern Treaty  
33 nation and has been working collaboratively with Tsawwassen First Nation on the IECP schedule, workplan,  
34 and section 11.9, leading to a positive effect on our relationship.

35 Positive residual effects are predicted through increased employment, enhanced opportunity, and a  
36 potential improvement of social conditions for Tsawwassen First Nation. Income, employment, education,  
37 and skills for Tsawwassen members; access to economic opportunities/economic equity; tax revenues;  
38 GDP contributions; business revenue; and cost of living are anticipated as positive effects (subsection 7.10,  
39 Employment and Economy) as a result of proposed enhancement measures outlined in Appendix A.

#### 40 **11.9.7.4 Effects to Healthy Future for Future Generations**

41 This subsection provides an understanding of the potential effects of the proposed Project on the  
42 Indigenous interests of Tsawwassen First Nation related to Healthy Future for Generations, from both the

1 perspective of FortisBC and Tsawwassen First Nation. The potential effects on Healthy Future for Future  
2 Generations are related to meaningful progress towards a future state of the Fraser River in the vicinity of  
3 the proposed Project site that supports the Treaty rights and interests of Tsawwassen First Nation's future  
4 generations.

### 5 **FortisBC's Summary of Tsawwassen First Nation Perspective**

6 Tsawwassen First Nation's cultural heritage, significance of the spiritual relationships and the unique  
7 cultural values, strengthen and enhance their way of life. Access to the land, sea, and resources provides  
8 Tsawwassen First Nation with the ability to teach the language, laws, and culture to the next generations  
9 and to continue Tsawwassen First Nation's traditional way of life (Tsawwassen First Nation 2019c). The  
10 ability of future generations to exercise rights and maintain its culture is of paramount importance to  
11 Tsawwassen First Nation (Tsawwassen First Nation 2019b).

12 Tsawwassen First Nation has described the importance of cultural learnings that support sharing through  
13 Indigenous exchanges during meetings with FortisBC. As one example, a Tsawwassen First Nation member  
14 shared a story about a recent fishing trip with their father and daughter on the Fraser River. The member  
15 had hoped to have her father share cultural learnings with her daughter (intergeneration knowledge  
16 transfer) through fishing. However, there was no fish to catch, and the planned learnings could not be  
17 passed down to the daughter. The Tsawwassen First Nation member is concerned because this is the first  
18 generation that there isn't enough fish to pass on knowledge of fishing, travelways, and the territory to the  
19 next generation. The inability to pass on knowledge can impact individual and community well-being.

20 Tsawwassen First Nation stated that the proposed Project area is significant to Tsawwassen identity and  
21 culture and understanding of this context is fundamental for consideration. The Tsawwassen people are  
22 salmon people, for whom the Salish Sea and Fraser River serve as the lifeblood of their food and cultural  
23 systems. Instances where Tsawwassen First Nation attempt to fish on the Fraser River and cannot catch  
24 fish, have potential to interrupt or impact this 'lifeblood', identity, culture and intergenerational  
25 connectivity. It is Tsawwassen First Nation perspective that the proposed Project contributes to the existing  
26 impacts.

### 27 **FortisBC Perspective**

28 The potential effects associated with Healthy Future for Future Generations are discussed with reference to  
29 available information specific to Tsawwassen First Nation and to predicted residual effects on linked VCs,  
30 including Employment and Economy (subsection 7.10), Land and Resources Use (subsection 7.11),  
31 Infrastructure and Services (subsection 7.12), Culture (subsection 7.14), and Human Health  
32 (subsection 7.15). For a summary of the existing conditions and residual effects assessment conclusions of  
33 linked VCs, refer to subsection 11.1.13. References to linked VC subsections are provided where  
34 applicable. Further detail is available in these subsections, including references to applicable technical  
35 data reports (TDRs).

36 Factors that support Healthy Future for Future Generations rely on Tsawwassen First Nation's ability to  
37 revitalize, develop, and participate in intergenerational cultural transmission. This includes sharing  
38 knowledge, language, and culturally important activities and practices on the land with young and future  
39 generations. Cultural transmission relies on secure access to Tsawwassen traditional territory, the ability to  
40 harvest culturally important resources and the ability to restore connections to and use of Tilbury Island  
41 and nearby areas of the Fraser River. Supporting a healthy future on factors such as available individual  
42 and community well-being that may rely on harvesting, housing, employment, language, and housing.

1 To support or improve social and economic conditions, opportunities are necessary for individual  
2 employment and businesses.

3 Considering the story that the Tsawwassen First Nation shared in the previous section, existing  
4 development in the proposed Project area has impacted the fish in the Fraser River. These impacts have  
5 affected the amount of fish available for fishing, cultural learnings related to fishing as well as rights.  
6 These impacts affect sharing knowledge and culturally important activities with young and future  
7 generations. There may be perception that the proposed Project along with other developments have  
8 impacted the future health and future generations of Tsawwassen First Nation.

9 The proposed Project Footprint is not currently accessible for on land harvesting and will remain restricted  
10 for the life of the proposed Project. There is little to no wildlife habitat within the proposed Project  
11 Footprint. The available potentially suitable wildlife habitat within the Wildlife and Wildlife Habitat LAA is  
12 limited and has been substantially degraded by past and existing disturbances. Prior to the  
13 commencement of construction of the proposed Project, vegetation within the existing facility site will be  
14 removed by construction activities associated with the existing Tilbury facility and the T1B project.  
15 Maintenance of existing landscaping and vegetation along existing fence lines are part of the existing  
16 facility and not part of the scope of the proposed Project. In addition, with the removal of the MOF,  
17 potential residual effects to fish and fish habitat are avoided; therefore, the proposed Project is not  
18 anticipated to interact with Tsawwassen First Nation fishing activities.

19 Proposed Project activities are not anticipated to directly affect Tsawwassen First Nation community  
20 members' ability to physically access Tsawwassen Territory and resources for the purposes of  
21 exercising rights and maintaining its culture. The proposed Project is not predicted to affect Tsawwassen  
22 First Nation's community members' ability to engage in activities associated with revitalizing, developing,  
23 and participating in intergenerational cultural transmission while being on the land. The proposed Project  
24 is not anticipated to affect rights or harvesting activities such as fishing, plant gathering, or hunting  
25 compared to existing conditions.

26 Potential effects of the proposed Project include incremental contributions in increased demand for  
27 housing if workers are sourced from outside the region (subsection 7.12). With the implementation of  
28 mitigation measures, the potential effects are considered avoided or alleviated. The proposed Project is  
29 not anticipated to interact with Tsawwassen First Nation's community services.

30 The proposed Project may have a positive effect on Tsawwassen First Nation's ability to improve social and  
31 economic conditions for current and future generations. This is largely depending on whether Tsawwassen  
32 First Nation members are directly or indirectly employed by the proposed Project and whether  
33 Tsawwassen First Nation businesses can access contracting and procurement opportunities for the  
34 proposed Project (subsection 7.10). As a mitigation measure, FortisBC is implementing hiring policies for  
35 construction and operation that will aim to promote diversity in hiring consistent with FortisBC's  
36 Statement of Indigenous Principles.

37 Local and regional Indigenous businesses in the Healthy Future for Future Generations LAA, including  
38 businesses associated with Tsawwassen First Nation, could benefit from opportunities for contracting and  
39 procurement associated with the construction phase of the proposed Project. However, Indigenous  
40 businesses with similar workforce requirements (such as construction trades) could experience direct  
41 adverse effects by the proposed Project's demand for a large construction workforce. The proposed  
42 Project's anticipated regional labour market effects may disproportionately affect smaller businesses in  
43 the Healthy Future for Future Generations LAA and RAA that may already be struggling to find and retain  
44 workers and cannot compete financially with wages and benefits of large projects (Neustaeter 2021).

1 Smaller companies, including companies associated with Tsawwassen First Nation, could also experience  
2 barriers to participation in the proposed Project associated with inadequate capacity to deliver services for  
3 large projects (subsection 7.10). With the implementation of proposed mitigation measures, no negative  
4 residual effects from the proposed Project are anticipated.

### 5 **11.9.7.5 Effects Management**

6 Mitigation measures are identified in an attempt to avoid, reduce, offset, or otherwise address potential  
7 adverse effects as well as measures to enhance potential benefits of the proposed Project on the interests  
8 of Tsawwassen First Nation. Proposed measures from linked VCs are detailed in Appendix A of the  
9 Application.

### 10 **Tsawwassen First Nation-specific Mitigation Measures**

11 Tsawwassen First Nation has expressed support for FortisBC's decision to no longer utilize the waterborne  
12 delivery of modular components and construction materials.

13 Tsawwassen First Nation has indicated that insufficient information about proposed mitigation measures  
14 has been shared with the Nation. Tsawwassen First Nation has requested more information from FortisBC  
15 regarding the mitigation measures that FortisBC proposes to implement to reduce or eliminate effects to  
16 the Treaty Objectives and components of the environment that support the Treaty Objectives so that the  
17 Nation can provide detailed perspectives on the effectiveness of the proposed mitigation measures, as  
18 well as opportunities to improve or enhance proposed mitigation measures.

19 As part of guidance from Treaty-based engagement principles, FortisBC and Tsawwassen First Nation will  
20 work collaboratively to provide a process that affords Tsawwassen opportunities to validate mitigation  
21 proposals regarding impacts to Tsawwassen, as they arise, with the Tsawwassen community, and provide  
22 feedback to FortisBC; and for FortisBC to consider ways to incorporate such feedback into its mitigation  
23 proposals. As set in the AIR, this will also include opportunities for Tsawwassen to identify and propose  
24 mitigation measures and FortisBC's response to such proposals. Tsawwassen and FortisBC will collaborate  
25 on mitigation and offsetting strategies relating to Treaty rights.

### 26 **11.9.7.6 Proposed Residual Effects**

#### 27 **Tsawwassen First Nation Perspective**

28 The discussion of assessment using step by step processes for the identification of proposed Project  
29 effects, mitigation, residual effects and cumulative effects is indicative of standard methodology used by  
30 environmental assessment practitioners undergoing major projects review as part of the B.C. EAO process  
31 (described in Section 11.1). In the Tsawwassen First Nation briefing note to FortisBC titled Tsawwassen  
32 Principles for Impact Methodology, Tsawwassen First Nation provide a number of principles to support  
33 their preferred assessment methodology, which differs from the B.C. EAO guidance. While the Tsawwassen  
34 First Nation perspective discussed in preceding potential effects section do not specifically refer to  
35 residual effects, the assessment of impacts to interests and rights, includes residual effects as part of  
36 cumulative effects.

37 As previously noted, Tsawwassen First Nation asserts that FortisBC has not provided sufficient information  
38 about proposed mitigation measures or potential benefits for FortisBC to conclude that the proposed  
39 Project will have limited residual effects.

1 Tsawwassen First Nation has further shared that it is troubled that FortisBC appears to have ignored  
2 elements of the Treaty Objectives in its characterization of residual effects (such as cultural values,  
3 perceptions, intergenerational knowledge transmission and stewardship aspirations, among others).  
4 Tsawwassen First Nation has expressed disappointment that, when considering residual effects, FortisBC  
5 appears to have improperly characterized Tsawwassen's vision for a healthy future for future generations  
6 as one primarily driven by money to the detriment of other elements of Tsawwassen's way of life and  
7 holistic vision for its membership. In this regard, Tsawwassen First Nation has expressed that it disagrees  
8 with this outdated characterization of Tsawwassen's vision. Tsawwassen First Nation would like this  
9 problematic perspective addressed and encourages FortisBC to continue its journey to move past such  
10 characterizations. The Nation also asserts that FortisBC has not presented information in the Application  
11 to substantiate how positive benefits would be accrued by Tsawwassen First Nation or its members and  
12 encourages FortisBC to work on addressing this information gap.

13 Tsawwassen First Nation has indicated that it looks forward to further discussion with FortisBC in order to  
14 establish a more complete and sensitive identification and consideration of residual effects in the  
15 Application.

#### 16 **FortisBC Perspective**

17 From FortisBC's perspective, the characterization of residual effects is consistent with the AIR as approved  
18 in the Process Order.

19 The potential effects related to proposed Project construction, operation, and decommissioning activities,  
20 along with technically and economically feasible mitigation measures (measures identified in an attempt  
21 to avoid, reduce, offset, or otherwise address potential adverse effects of the Project), and potential  
22 residual effects (those effects that are anticipated to remain once mitigation measures have been  
23 implemented) are:

- 24 ▪ Healthy future for future generations – Tsawwassen efforts to achieve a future state of the River in the  
25 vicinity of the proposed Project site that supports the Treaty rights and interests of Tsawwassen's  
26 future generations. Refer to Table 11.9-6 for a summary of residual effects.

27 Positive residual effects are predicted for Tsawwassen First Nation through potential improvement of  
28 social conditions, as well as employment and business opportunities. Income, employment, education,  
29 and skills for Indigenous Peoples; access to economic opportunities/economic equity; tax revenues; gross  
30 domestic product (GDP) contributions; business revenue; and cost of living are anticipated as positive  
31 effects (subsection 7.10, Employment and Economy) as a result of proposed enhancement measures  
32 outlined in Appendix A.

33 Lack of interactions between the proposed Project and Indigenous interests (those effects determined to  
34 be effectively managed with the implementation of proposed mitigation measures for linked VCs),  
35 including potential positive residual effects are not carried through for further assessment. As no negative  
36 interactions were identified between the proposed Project and Tsawwassen First Nation Indigenous  
37 interests, a residual effects assessment was not conducted.

**Table 11.9-6. Indigenous Interests – FortisBC View on Potential Effects, Mitigation Measures, and Potential Residual Effects**

Indigenous Interest	Proposed Project Phase	Potential Effect	Spatial Boundary	Proposed Mitigation or Enhancement Measures to Minimize or Eliminate Potential Effects to Indigenous Interests	Mitigation Tier, Timeline and Effectiveness	Potential Residual Effect
Healthy Future for Future Generations	All proposed Project phases	Effects on Tsawwassen efforts to achieve a future state of the river in the vicinity of the proposed Project site that supports the Treaty rights and interests of Tsawwassen's future generations	Health Future for Future Generations LAA	Enhancement measures identified in subsections 7.10, 7.12, Infrastructure and Services; Employment and Economy; and 7.14, Culture; 7.15, Human Health	Information on tier, timeline, and effectiveness available of enhancement measures identified in VCs linked to Indigenous interests are presented in Appendix A of the Application.	Positive residual effect – Increased ability for Tsawwassen First Nation to achieve support the Treaty rights and interests of Tsawwassen's future generations

1

1 **Monitoring Proposed Project Residual Effects on Indigenous Interests**

2 Monitoring will be developed by FortisBC in the CEMP prior to construction and will include engagement  
3 with Tsawwassen First Nation. Monitoring will occur during construction to determine that the mitigation  
4 measures are effective at reducing potential effects. If a mitigation measure is found to be ineffective at  
5 reducing potential effects, corrective measures will be taken through adaptive management, as specified  
6 in management plans, as applicable, through engagement with applicable regulators and Indigenous  
7 nations.

8 **11.9.7.7 Cumulative Effects**

9 **FortisBC Summary of Tsawwassen First Nation Perspective**

10 Development and activities in the lower mainland and along the Fraser River have degraded the  
11 environment and impacted harvesting activities and use of the traditional territory. All projects, including  
12 the proposed Project contribute to cumulative effects which can best be described as "death by a thousand  
13 cuts." Each project or activity claim to have little or no contribution to cumulative effects on the  
14 environment or Indigenous rights, however all together they have caused significant impacts. These  
15 significant impacts have affected treaty rights, the river, culture, stewardship, and relationships.  
16 Tsawwassen First Nation is resilient and will be persistent in maintaining treaty objectives even when faced  
17 with countless project proposals. Tsawwassen First Nation resiliency will enable them to grow their future  
18 generations.

19 **FortisBC Perspective**

20 As no negative residual effects to Tsawwassen First Nation were predicted by FortisBC due to the proposed  
21 Project, a cumulative effects assessment was not completed.

22 **11.9.8 Summary**

23 **Tsawwassen First Nation Perspective**

24 Tsawwassen First Nation is of the view that further work is required to identify potential effects, identify  
25 and evaluate mitigation measures, and consider residual/cumulative effects on Tsawwassen First Nation's  
26 Treaty Objectives. While the subsections relating to potential effects, effect management, characterization  
27 of residual effects, and cumulative effects are an initial start, it is Tsawwassen First Nation's perspective  
28 that these subsections are deficient and incomplete at this time as they rely on information that has not  
29 been provided to Tsawwassen and do not yet reflect consideration of cultural perspectives.

30 **FortisBC Perspective**

31 Given the scope of the proposed Project, FortisBC does not anticipated any adverse interaction between  
32 the proposed Project and Tsawwassen First Nation Indigenous interests. Positive residual effects are  
33 predicted for Tsawwassen First Nation through potential improvement of social conditions, as well as  
34 employment and business opportunities. Income, employment, education, and skills for Indigenous  
35 Peoples; access to economic opportunities/economic equity; tax revenues; GDP contributions; business  
36 revenue; and cost of living (subsection 7.10, Employment and Economy) as a result of proposed  
37 enhancement measures outlined in Appendix A of the Application.

## Environmental Assessment Certificate Application

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1 That said, based on the information Tsawwassen has reviewed, FortisBC understands that Tsawwassen  
2 anticipates that the Project will have adverse interactions with Tsawwassen's Treaty Objectives and that  
3 Tsawwassen currently predicts that these interactions will be negative.

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