

## Appendix C-19 - Stó:lō Collective

### I - Background Information

The Stó:lō Collective is a body established for the purpose of intervening in the National Energy Board (NEB) process, and for consultation with the Crown with respect to the Project. The Stó:lō Collective represents 13 closely related Aboriginal groups: Aitchelitz First Nation (Aitchelitz), Kwaw-Kwaw-Apilt First Nation (Kwaw-Kwaw-Apilt), Leq'á:mel First Nation (Leq'á:mel), Shxwhá:y Village (Shxwhá:y), Skawahlook First Nation (Skawahlook), Skwah First Nation (Skwah), Soowahlie Indian Band (Soowahlie), Sq'éwlets (Scowlitz) First Nation, Squiala First Nation (Squiala), Sumas First Nation (Sumas), Tzeachten First Nation (Tzeachten), and Yakweakwoose First Nation (Yakweakwoose).

The Stó:lō Collective groups are all Coast Salish peoples who refer to themselves as Stó:lō, or tribes of Stó:lō Nation. These communities all share close spiritual, physical, psychological, and cultural ties with the lands and resources of their traditional territory, which they call *S'ólh Téméxw*. The Stó:lō Collective groups share a common language, Halq'eméylem, which falls into the Coastal Salish language group. The [Report on the Status of B.C. First Nations Languages](#) (2014) states that amongst Stó:lō people, 1.4% are fluent speakers, 5.2% have some level of skill with language, and 10.9% are learners.

Although each Stó:lō Collective group has unique cultural characteristics, they all engage in fishing, hunting, gathering and trapping throughout their traditional territory. The Stó:lō Nation is party to a protective *Writ of Summons* filed with the BC Supreme Court on December 9, 2003, asserting Aboriginal title to a territory identified in the writ, referred to herein as the “Stó:lō Nation writ area”. Most of the members of the Stó:lō Collective are parties to the Strategic Engagement Agreement Amending Agreement in 2016 with the Province of BC.<sup>1</sup> Most of the members of the Stó:lō Collective were parties to that Stó:lō Nation protective *Writ of Summons*, with the exception of Skwah First Nation and Shxwhá:y Village.

As of Spring 2016, the proponent advised the Crown that they had a commercial agreement with Tzeachten to construct the Project across their reserve lands. The proponent will be seeking Governor in Council authorization for *Indian Act* s.35 tenures if the proponent is granted rights to expropriate to allow for the expansion of the pipeline. Tzeachten has a Land Code in place and, therefore, the proponent would be required to negotiate the tenure under the code.

In recognition of how the member communities of the Stó:lō Collective chose to organize themselves for the purpose of reviewing the Project, engage with the proponent, provide information during the NEB hearing, and engage with the Crown, the Crown has assessed the potential adverse impacts of the Project on the Aboriginal Interests of the Stó:lō Collective. The collective input of each member community has been considered. For further details on specific communities, please see Tables 1 and 2.

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<sup>1</sup> [http://www2.gov.bc.ca/assets/gov/environment/natural-resource-stewardship/consulting-with-first-nations/agreements/stolo\\_sea\\_amendment-3\\_spring\\_2016.pdf](http://www2.gov.bc.ca/assets/gov/environment/natural-resource-stewardship/consulting-with-first-nations/agreements/stolo_sea_amendment-3_spring_2016.pdf)

**Table 1 - Stó:lō Collective Member Community Summary**

Stó:lō Collective Member	Location	Population (June 2016)	Reserves	Pronunciation	Participation in BC Treaty Process	Associations/ Other
Aitchelitz First Nation (Aitchelitz)	Based in the Chilliwack area of the Upper Fraser Valley.	42 (20 living on reserve)	One reserve plus the shared Pék'w'xe:yles reserve in eastern Fraser Valley, Grass reserve in the Chilliwack Valley, and Skumalasp in eastern Fraser Valley.	"A-che-leets" Aitchelitz translates as "point where two rivers meet."	Stó:lō Xwexwilmexw Treaty Association represents Aitchelitz in the BC Treaty Process.	Identified as part of the Ts'elxweyeqw Tribe (also known as Ts'elxwéyeqw Tribe Management Limited) and of the Ch-ihl-kway-uhk Tribe.  <i>Signed a Forest &amp; Range Consultation and Revenue Sharing Agreement with BC in 2014</i>
Kwaw-kwaw-apilt First Nation (Kwaw-kwaw-apilt)	Based in the Sardis area of the Upper Fraser.	44 (30 living on reserve)	One reserve plus the shared Pék'w'xe:yles reserve in eastern Fraser Valley, Grass reserve in the Chilliwack Valley, and Skumalasp in eastern Fraser Valley.	"Kwa-kwa-a-pilt" The proper orthographic rendering appears to be Qweqwe'ópelhp.		Identified as part of the Pil'Alt tribe.  Member of the Stó:lō Tribal Council.  <i>Signed a Forest &amp; Range Consultation and Revenue Sharing Agreement with BC in 2015.</i>
Leq'á:mel First Nation (Leq'á:mel)	Located 22 kilometres (km) east of Mission, on the north side of the Fraser River.	412 (118 living on reserve)	Ten reserves in the centre of Stó:lō territory. plus the shared Pék'w'xe:yles reserve in eastern Fraser Valley	Leq'á:mel translates as "level place."	Stó:lō Xwexwilmexw Treaty Association represents Leq'á:mel in the BC Treaty Process.	Nicomén language dialect area in the Statement of Intent map produced by the Stó:lō Nation.  <i>Signed Strategic Engagement Agreement Between Stó:lō First Nations and British Columbia with BC in 2014.</i>

Stó:lō Collective Member	Location	Population (June 2016)	Reserves	Pronunciation	Participation in BC Treaty Process	Associations/ Other
Scowlitz First Nation (Scowlitz)	Located in the Harrison Bay area of the Upper Fraser Valley.	257 (108 Live on Reserve)	Three reserves plus the shared Pék'w'xe:yles reserve in eastern Fraser Valley.	"Scow-litz" Scowlitz translates as "turn of the river at bottom [of mountain]."		Scowlitz is identified as the historic Sq'ewlets Tribe.  Signed a <i>Forest &amp; Range Consultation and Revenue Sharing Agreement</i> with BC in 2015.
Shxwhá:y Village (Shxwhá:y)	Located 3 km west of Chilliwack.	412 (59 living on reserve)	One reserve plus the shared Pék'w'xe:yles reserve in eastern Fraser Valley, Grass reserve in the Chilliwack Valley, and Skumalasp in eastern Fraser Valley.	"Sh-why" Shxwhá:y translates as "a place where they made canoes"		Signed <i>Strategic Engagement Agreement Between Stó:lō First Nations and British Columbia</i> with BC in 2014.
Skowkale First Nation (Skowkale)	Located in the Sardis area of the Upper Fraser Valley.	257 (155 living on reserve)	Two reserves plus the shared Pék'w'xe:yles reserve in eastern Fraser Valley, and the Grass reserve in the Chilliwack Valley.	"Skow-kale" Skowkale translates literally as "at a bend in the [Chilliwack] River"	Stó:lō Xwexwilmexw Treaty Association represents Skowkale in the BC Treaty Process.	Skowkale identifies itself as part of the Ts'elxweyeqw Tribe and of the Ch-ihl-kway-uhk Tribe.  Signed <i>Strategic Engagement Agreement Between Stó:lō First Nations and British Columbia</i> with BC in 2014.

Stó:lō Collective Member	Location	Population (June 2016)	Reserves	Pronunciation	Participation in BC Treaty Process	Associations/ Other
Skwah First Nation (Skwah)	Located in the Sardis area of the Upper Fraser Valley.	514 (236 living on reserve)	Four reserves plus the shared Pekw'xe:yles reserve in eastern Fraser Valley, Grass reserve in the Chilliwack Valley, and Skumalasph in eastern Fraser Valley.	“Skwaa”  The proper orthographic rendering appears to be Sqwá.		Identifies as part of the Pilalt people and of the Ch-ihl-kway-uhk Tribe.  <i>Signed Ch-ihl-kway-ukh Tribe Forest Agreement with BC in 2014.</i>  <i>Signed a Forest &amp; Range Consultation and Revenue Sharing Agreement with BC in 2015.</i>
Skawahlook First Nation (Skawahlook)	Located in the Agassiz area of the Upper Fraser Valley.	87 (7 living on reserve)	Two reserves plus the shared Pekw'xe:yles reserve in eastern Fraser Valley.	“Skwa-ha-look”  The proper orthographic rendering appears to be Sq'ewá:lxw.	Stó:lō Xwexilmexw Treaty Association represents Skawahlook in the B.C. Treaty Process.	Identified as a Stó:lō community within the Tait language dialect area.  <i>Signed Strategic Engagement Agreement Between Stó:lō First Nations and British Columbia with BC in 2014.</i>
Soowahlie Indian Band (Soowahlie)	Located in the Cultus Lake area of the Upper Fraser Valley.	375 (167 living on reserve)	One reserve plus the shared Pekw'xe:yles reserve in eastern Fraser Valley and the Grass reserve in the Chilliwack Valley.	“Soo-wall-ee”  Soowahlie translates literally as “melting or dissolving away.”		Identified as part of the Ts'elxweyeqw Tribe (also spelled Ch-ihl-kway-uhk).  <i>Signed Ch-ihl-kway-ukh Tribe Forest Agreement with BC in 2014.</i>  <i>Signed Strategic Engagement Agreement Between Stó:lō First Nations and British Columbia with BC in 2014.</i>

Stó:lō Collective Member	Location	Population (June 2016)	Reserves	Pronunciation	Participation in BC Treaty Process	Associations/ Other
Squiala First Nation (Squiala)	Located on the Chilliwack River, in Chilliwack.	219 (112 living on reserve)	Two reserves plus the shared Pékwx'e:yles reserve in eastern Fraser Valley, Grass reserve in the Chilliwack Valley, and Skumalasp in eastern Fraser Valley.	“Skwye-ala”  Squiala translates literally as “gathering of a lot of people.”		Identified as part of the Ts'elxweyeqw Tribe (also spelled Ch-ihl-kway-uhk).  <i>Signed Strategic Engagement Agreement Between Stó:lō First Nations and British Columbia with BC in 2014.</i>
Sumas First Nation (Sumas)	Located in the Upper Sumas area of the Upper Fraser Valley.	329 (141 living on reserve)	One reserve plus the shared Pékwx'e:yles reserve in eastern Fraser Valley.	“Soo-mass”  Sumas translates literally as “level place lake.”		Scowlitz is identified as the historic Sema:th Tribe.  <i>Signed Strategic Engagement Agreement Between Stó:lō First Nations and British Columbia with BC in 2014.</i>  <i>Signed a Forest &amp; Range Consultation and Revenue Sharing Agreement with BC in 2013.</i>

Stó:lō Collective Member	Location	Population (June 2016)	Reserves	Pronunciation	Participation in BC Treaty Process	Associations/ Other
Tzeachten First Nation (Tzeachten)	Located 3 km south of Sardis.	522 (239 living on reserve)	One reserve plus the shared Pekw'xe:yles reserve in eastern Fraser Valley, and the Grass reserve in the Chilliwack Valley..	“Chak-tum”  Tzeachten translates literally as “place of the fish weir.”	Stó:lō Xwexwilmexw Treaty Association represents Tzeachten in the B.C. Treaty Process.	Identified as part of the Ts'elxweyeqw Tribe (also spelled Ch-ihl-kway-uhk).  <i>Signed Ch-ihl-kway-ukh Tribe Forest Agreement with BC in 2014.</i>  <i>Signed Strategic Engagement Agreement Between Stó:lō First Nations and British Columbia with BC in 2014.</i>
Yakweakwioose First Nation (Yakweakwioose)	Located in the Sardis area of the Upper Fraser Valley.	70 (32 living on reserve)	One reserve plus the shared Pekw'xe:yles reserve in eastern Fraser Valley, and the Grass reserve in the Chilliwack Valley..	“Yak-week-we-oose”  Yakweakwioose translates literally as “covering (of grass) burnt repeatedly.”	Stó:lō Xwexwilmexw Treaty Association represents Yakweakwioose in the B.C. Treaty Process.	Identified as part of the Ts'elxweyeqw Tribe (also spelled Ch-ihl-kway-uhk).  <i>Signed Strategic Engagement Agreement Between Stó:lō First Nations and British Columbia with BC in 2014.</i>

## II - Preliminary Strength of Claim Assessment

As part of Stó:lō's traditional system of governance, communities facing major decisions within S'ólh Téméxw form collectivities to study, understand and communicate the implications for the Nation as a whole. In the Stó:lō Collective's view, the Crown should support such a collective approach as it represents a Nation-to-Nation approach to consultation. As such, the Crown's typical approach for assessing preliminary strength of claim for each member band as defined under the *Indian Act* was viewed as imposing a "Western lens" on how the Stó:lō wish to govern themselves for the purposes of this Project review process.

Based on the Stó:lō Collective's understanding, taking a more holistic approach to strength of claim analysis across the broader territory would also be more reflective of the important connections between the Stó:lō bands, such as the intermarriages, movement between territories and cultural ties that are ongoing and dynamic.

Given Stó:lō's view that each member First Nation has a different form of relation to rights and title, the Crown has attempted to revise its approach and aggregate the preliminary strength of claim analyses while preserving the Crown's understanding of the ancestral connection to historic groupings and areas of more intensive use by those groupings within the broader Stó:lō Nation territory, as reflected in Table 2. Based on this approach, the Crown's preliminary assessment of the Stó:lō Collective's claim for rights over the section of the Project running through approximately 195 km of the Stó:lō asserted traditional territory, will range from weak to strong. Approximately 14.5 km of the marine shipping route is also within the Stó:lō Collective's asserted traditional territory, as delineated by the Stó:lō Nation *writ* area.

From an area near present day Vedder Canal to the east side of the City of Chilliwack, and from Agassiz up to Hope, claims range from a moderate to a strong *prima facie* claim for Aboriginal rights, with stronger claims over the section of the Project from the west base of Sumas Mountain to, in and around, Vedder Canal. The pipeline proposes to cross over the valley area that was once Sumas Lake. Sumas Lake is a potentially important resource gathering area and was a central defining feature of certain Stó:lō communities until the lake was drained in the 1920's. Within the portion of the shipping route that falls within Stó:lō Collective's asserted traditional territory, there is a weaker case for Aboriginal rights given a lack of information to indicate that this area was associated with the member communities of the Stó:lō Collective.

The Crown's preliminary assessment of the Stó:lō Collective's Aboriginal title claim over the section of the Project running through approximately 195 km of the Stó:lō asserted traditional territory, as delineated by the Stó:lō Nation *writ* area, will also range from weak to strong. Of specific relevance, for the Project segment running east from an area near Vedder Canal to the east side of Chilliwack, and from Agassiz up to Hope, the Crown's preliminary assessment ranges from moderate to strong *prima facie* claim for title. For the Project segment running along the west base of Sumas Mountain in and around Vedder Canal, the Crown's assessment is a moderate-to-strong *prima facie* claim for title. This area, historically considered Sumas territory, includes the valley that once included Sumas Lake.

Seven Project facilities [Hope Station, Wahleach Station, Sumas Station, Sumas Tank Farm, Port Kells Station, Burnaby Terminal, and Westridge Marine Terminal (WMT)] fall within the broad asserted traditional territory of the Stó:lō Collective, and the proposed right-of-way (RoW) crosses the Fraser River from Ruby Creek and Skawahlook reserves between KPs 1025 – 1030, west of the Hope Pump Station. The proposed RoW runs immediately adjacent to a number of Stó:lō Collective member communities and First Nation reserves. In particular, the RoW would cross Grass No.15 and Tzeachten No. 13. In addition, the Sumas First Nation is flanked by the Sumas Tank Farm at KP 1085 and the Sumas Pump Station near KP 1082.

The Stó:lō Collective has articulated its disagreement with the Crown's assessment of the Stó:lō Collective's preliminary strength of claim. Furthermore, the Stó:lō Collective expressed disagreement with the Crown's assessment of Project impacts on the Stó:lō Collective's Aboriginal Interests.

### **III - Involvement in the NEB and Crown Consultation Process**

Given the nature and location of the Project, and the potential impacts of the Project on Stó:lō Collective's Aboriginal Interests, the Crown is of the view that the legal duty to consult Stó:lō Collective lies at the deeper end of the *Haida* consultation spectrum. Stó:lō Collective was placed on Schedule B of the Section 11 order issued by the BC Environmental Assessment Office (EAO), which affords Stó:lō Collective opportunities to be consulted at a deeper level.

The Stó:lō Collective participated in the NEB review of the Project as an intervenor. The Stó:lō Collective submitted a significant amount of information describing Stó:lō rights and concerns regarding the Project. The Stó:lō Collective submitted technical written evidence, correspondence, information requests, and responded to the Crown's Issues Tracking Table Information Request by further elaborating their concerns [[A71257](#)].

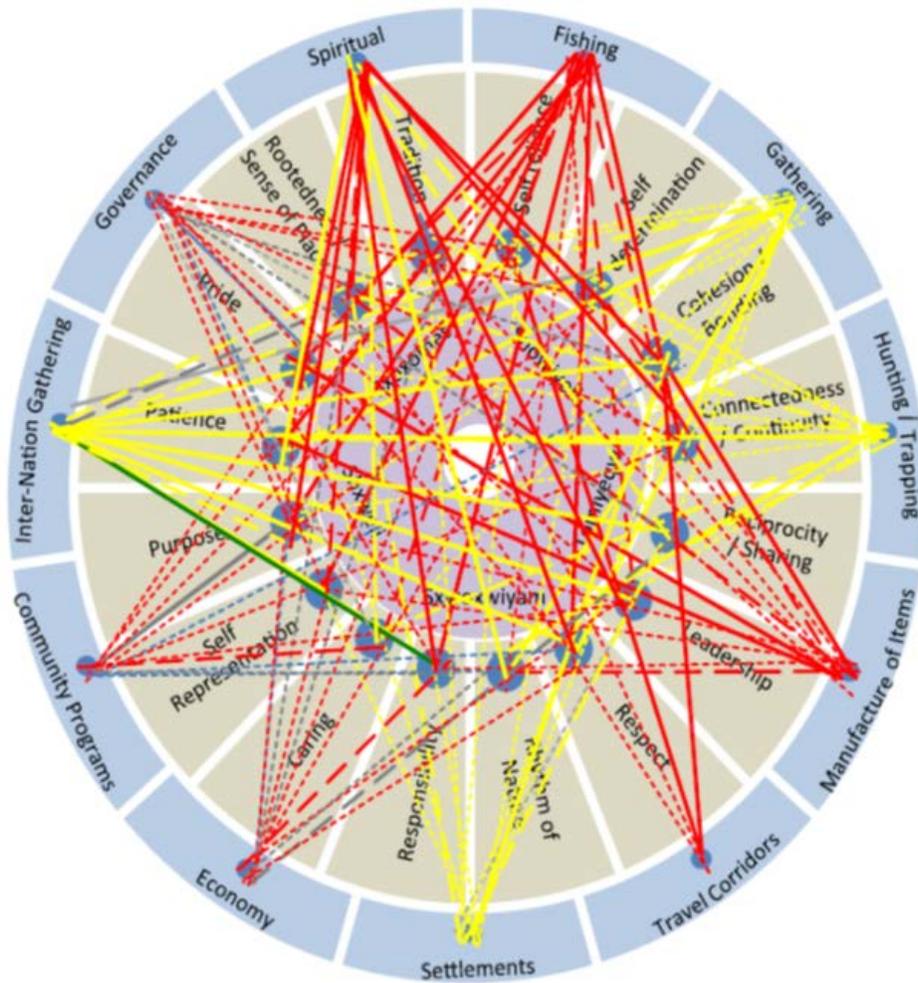
The Stó:lō Collective chose not to participate in the Oral Traditional Knowledge hearings as they objected to the process, which they felt unfairly restricted the kind of information that Aboriginal presenters could share, and limited the extent to which community representatives could describe potential impacts on community interests and rights. The NEB process also conflicted with Stó:lō customs and traditions that support knowledge transfer and honoring Elders. For example, Stó:lō noted that Elders were the only hearing participants subject to cross examination. As there were numerous concerns with the prescribed oral hearing procedures, the Stó:lō Collective chose to rely on the Stó:lō *Integrated Cultural Assessment* (ICA), which describes potential impacts the Project may have on resources, spirituality, economy, culture and unceded lands within S'ólh Téméxw [[A4F7Y9](#)].

As noted above, one of the key technical submissions made by the Stó:lō Collective is the ICA.<sup>2</sup> The ICA and its Cultural Heritage Overview Assessment presents the Stó:lō Cultural Model (see Figure C.19 – 1)

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<sup>2</sup> "Integrated Cultural Assessment for the Proposed Trans Mountain Expansion Project," (March 2014), Prepared by: Ts'elxweyeqw Tribe Management Limited (TTML), Stó:lō Research and Resource Management Centre (SRRMC),

which schematically depicts, according to the Stó:lō Collective's worldview, a suite of Stó:lō values and the inter-connected relations between people, places, and things. The ICA uses this model, and a series of unique impact rating criteria to evaluate potentially linked environmental, social and economic effects that may be associated with building and operating a new oil pipeline through *S'ólh Téméxw*, and provides mitigation recommendations to help reduce the overall impact of the Project on Stó:lō people.



**Figure 1: Stó:lō Cultural Model, showing threats to interlinked aspects of Stó:lō Cultural Integrity, without implementation of mitigation measures proposed to Trans Mountain by the Stó:lō Collective.**

At a meeting held on September 23, 2016, the Stó:lō Collective emphasized the potential of adverse effects of the Project on Stó:lō culture and traditions. The Crown understands that a foundation for Stó:lō's approach to assessing the potential adverse impacts from the Project is a view that culture

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and the Human Environment Group (HEG). The ICA is available on the NEB registry at Filing: A61882 (B-241-3 to B-241-6) or <https://docs.neb-one.gc.ca/ll-eng/llisapi.dll?func=ll&objId=2487587&objAction=browse&viewType=1>

affects the way in which people understand themselves, their relationship to the land, their community, their purpose, and their connection to the spiritual world. The concept of 'cultural integrity' is used throughout the ICA, which notes that cultural activities are shaped by environmental conditions and social circumstances, and that outside forces (such as large scale industrial developments) can change the environment or social structures in a manner that affects how, why, where and when cultural activities occur, thereby impacting cultural integrity.

The Stó:lō Collective exchanged detailed correspondence with both the NEB and the Crown (including Ministers). Crown officials met with the Stó:lō Collective to discuss the Project during the Early Engagement phase on July 18, 2014. During the Panel hearing stage, the Crown Consultation Coordinator met with officials from the Stó:lō Collective's technical team on December 3, 2015 to review their key concerns with the evidentiary record and follow-up on proponent commitments made to date. On April 13, 2016, the Crown consultation team met with the Stó:lō Collective for an all-day meeting prior to the release of the NEB Recommendation Report. Following the release of the NEB Report, the Crown met with the Stó:lō Collective on September 23, 2016. Dialogue between Crown officials and the Stó:lō Collective remains ongoing.

The Stó:lō Collective signed a contribution agreement with the NEB for \$550,000 (\$42,307.00 per First Nation) in participant funding. The Stó:lō Collective was offered \$60,000 (\$4,615.38 per First Nation) from the Major Projects Management Office (MPMO) for participation in the initial round of Crown consultations following the close of the NEB hearing record. The MPMO also offered the Stó:lō Collective an additional \$70,000 (\$5,384.61 per First Nation) to support their participation in consultations following the release of the NEB Recommendation Report. The Stó:lō Collective signed contribution agreements with the MPMO in response to both of these offers, for a total of \$129,962.92 in allocated funding. On August 30, 2016 the Stó:lō Collective was issued \$20,000 in capacity funding by EAO to participate in consultation with the Crown.

The Crown provided a first draft of the Consultation and Accommodation Report (the Report) on August 17, 2016 and the Stó:lō Collective hand-delivered comments on the draft Report at an in-person meeting with the Crown on September 23, 2016. A second draft of this Report was provided to the Stó:lō Collective on November 3, 2016. The Crown has not received comments from the Stó:lō Collective. Instead the Stó:lō Collective sent letters on October 12, 2016 and October 18, 2016, which review key messages from the September 23, 2016 meeting. The Stó:lō Collective also sent an email on November 7, 2016 with a chart that looks at the NEB conditions, with what was stated in the Stó:lō Collective's ICA and the commitments Trans Mountain has made to the Stó:lō Collective through IR's and other methods.

#### **IV - Summary of Stó:lō Collective's Key Issues and Concerns Raised**

The Crown has gained its understanding of the Stó:lō Collective's issues and concerns through the Stó:lō Collective's involvement in the NEB process, including the responses the Stó:lō Collective provided to Natural Resources Canada on its Information Request addressed to them [[A71257](#)], through written and oral evidence, through information shared at in-person meetings with the Crown consultation team

on December 3, 2015, April 13, 2016 and September 23, 2016, and through other engagement and correspondence with the Crown. The Stó:lō Collective also sent correspondence to the EAO between May and September 2016. The Crown is also in receipt of an open letter sent to Prime Minister Justin Trudeau, Alberta Premier Rachel Notley, and British Columbia Premier Christy Clark from a collective of Aboriginal groups, including Sumas First Nation. This letter identifies interests and concerns related to Indigenous consent for the Project and the Project's consultation process.

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

### *Cultural and Social Impacts*

The Stó:lō Collective has identified concerns over: potential socio-economic effects, including human occupancy and resource use; heritage resources; socio and cultural well-being; community safety; health; and, infrastructure and services. Also identified are concerns regarding potential effects to: burial sites; archeological sites; traditional spiritual and ceremonial areas; and effects to reserve lands, including Certificate of Possession lands and leased lands. The Stó:lō Collective considers Stó:lō culture and well-being to be intimately connected to the health and integrity of *S'ólh Téméxw*, and that from their perspective cumulative effects have eroded some aspects of Stó:lō culture over time and are vulnerable to additional incremental impacts. As currently planned and assessed, the Stó:lō Collective are concerned that the Project poses significant risks, and represents a significant threat to the cultural integrity and survival of core relationships at the heart of Stó:lō's worldview, identity, health and well-being.

Specifically, the Stó:lō Collective expressed concerns that Project activities will deter First Nation members from attending gatherings, the presence of the construction workforce will inflate cost of accommodation and travel, and the Project may be a divisive or negative influence on inter-nation relations.

The Stó:lō Collective raised concerns about potential Project-driven impacts on historical camps and villages, burial sites, and impacts on housing and accommodation. Moreover, the Stó:lō Collective is concerned about protecting the health of Stó:lō people, which means ensuring the protection of spiritual places for future generations, and protecting the integrity of cultural sites and landscape features. Concerns were also raised with how Project plans have accommodated Stó:lō cultural heritage sites, Stó:lō cultural site protection, and impacts to historic trails and contemporary roads and infrastructure. For instance, at a meeting held on September 23, 2016, the Stó:lō Collective voiced their concern over potential adverse effects on Lightning Rock, which is considered to be a culturally significant spiritual and burial site. The Stó:lō Collective explained that the proponent plans to put a staging area in proximity to Lightning Rock, which they fear will destroy the cultural and spiritual connections Stó:lō maintain to this particular site and the surrounding area. Further to this, the

Stó:lō Collective raised frustration as their cultural heritage experts have been unable to meet with the proponent to participate in Lightning Rock management plans since September 2015.

Stó:lō raised concerns about the proponent's claim that traditional knowledge was provided by Aboriginal Monitors present during survey work when staff from a survey company named 7 Generations did not have site-specific knowledge of plant harvesting sites or archeological sites. Studies undertaken involving the Collective were deemed not complete when filed with the NEB. As these studies were to inform the proponent's general environmental and socio-economic studies including an archeological assessment along the proposed RoW, a gap was identified by the Collective in terms of information available to the NEB to adequately assess the cultural and social effects of the Project on Stó:lō.

To the Stó:lō, cultural sites are non-renewable valuable sites with an intangible element directly linked to Stó:lō 's need to manage its own historical connections and keep these intact. As described during consultation, the resources are not just physical and can be understood by the term 'belongings' that include the knowledge, and the continuity of intangible forms of knowledge that are intrinsically connected to belongings as opposed to artifacts. As described by a Stó:lō Collective member, even as fragments, the belongings can connect a people to their Elders, the past and the future.

Stó:lō expressed concern that neither NEB conditions nor provincial regulatory protections are currently able to adequately protect the intangible aspects of Stó:lō culture.

#### Methodology, Process and Consultation

The Stó:lō Collective does not consider the NEB process an appropriate venue for the Crown to rely on to discharge the legal duty to consult, as it limited face-to-face dialogue with the Crown. The Stó:lō Collective notes further its concerns that Canada, by relying on the NEB process and the proponent's submission, is receiving a "filtered" record and analysis. In their perspective, Canada needs to be aware of the Stó:lō Collective's view that the proponent's information is, at times, inaccurate, incomplete or insufficient. This particularly applies to information collected from meetings the proponent held with the Stó:lō Collective and other Aboriginal groups. The Stó:lō Collective identified their concern that the information they shared with the proponent had not been accurately reflected in its regulatory filings, leading to in their words "substantive concerns related to [the proponent's] ongoing, misleading and inaccurate portrayal of Stó:lō interests in the Project areas." The Stó:lō Collective feels that the NEB process failed to hold the proponent accountable for integrating Stó:lō's traditional use information into the assessment of Project effects, and as a result, NEB's assessment fails to recognize the important inter-relationships between Stó:lō's sacred sites and traditional use practices, and the potential impacts of the Project on Stó:lō's cultural expression and well-being. The Stó:lō Collective remains concerned about how the information on the NEB record will be used by decision makers moving forward.

Process-related concerns raised with EAO include: insufficient time to review the consultation materials, and incomplete and inaccurate communication logs that do not represent the effort the Stó:lō Collective communities have put into describing their interests and outstanding concerns with the proponent.

At both the April 13, 2016 and September 23, 2016 meetings with the Crown, the Stó:lō Collective provided examples of relevant Traditional Ecological Knowledge (TEK) which they felt should have been considered within the Project design, the environmental assessment, and mitigation planning. They noted that this knowledge has been ignored by the proponent. Such examples include the in-depth knowledge of historic waterways and complex hydrologic systems of the lower Fraser Valley, knowledge related to historic flooding, connectivity between wetlands and waterways, landslides and historic cycles of fish species and seasonal variations affecting fish habitat. The Stó:lō Collective also provided multiple examples of important traditional use sites, for instance the locations of bathing sites identified by First Nations within the 150 metre (m) RoW alignment at Bridal Veil Falls near Chilliwack, which did not appear on the proponent's detailed alignment sheets; nor did important wetland areas targeted for medicinal plant gathering, or harvesting areas for cultural species (such as eels traditionally used for harvesting sturgeon). Riverbank harvesting areas and various other spiritual and cultural sites also seemed to have been overlooked by the proponent in its more detailed planning work, which is alarming to the Stó:lō Collective. The Stó:lō Collective stated that the proponent's consultants also carried out testing on an archeological site in Stó:lō territory (Hunter Caves) and collected data and artifacts without approval or reason to do so, and took them to Alberta for testing without notifying the Stó:lō Collective. The Stó:lō Collective considers this theft and had to expend effort, time and energy to get them back. The Stó:lō Collective stated they have cooperated with the proponent and expended an enormous amount of energy and time in their engagement with the proponent, but the proponent has not been willing to change their Project design, mitigation plans, or approach to working within Stó:lō territory.

Procedurally, the Stó:lō Collective notes that during the NEB's 'time-out' relating to the Kelly evidence, the proponent continued to plan and refine their Project plans, and yet none of this newer information was able to be filed as evidence on the NEB record.

The Stó:lō Collective is concerned about the historical impacts of past development on collectively held Stó:lō rights, including inherent rights to title and govern lands and resource use, and the Stó:lō Collective's ongoing concern about cumulative impacts on rights that the Project will add to if it proceeds.

The Stó:lō Collective raised significant concerns regarding the lack of identification and assessment of impacts on Stó:lō rights and title through the NEB process, and stated that the Crown will need to make up for this shortcoming. At the meeting on September 23, 2016, the Stó:lō Collective expressed views on the NEB's conclusions, calling it a fundamentally flawed process. Citing the potential permanent impacts of the Project on sites of critical cultural importance, the Stó:lō Collective explained that damage to their traditional lands and culture should not be considered temporary, short-term or low magnitude. The

Stó:lō Collective feels that the proponent and NEB have shown continuous resistance to collaboration; a point that they feel needs to be brought to the attention of Crown decision-makers.

The Stó:lō Collective expressed concern that the NEB process failed to elicit the information required under the legislation governing the review of the Project, to determine if the Project is likely to result in significant adverse effects with respect to the rights, title or interests of the members of the Stó:lō Collective. The Stó:lō Collective was extremely concerned with the NEB's decision to eliminate cross-examination, to exclude evidence with respect to the existing pipeline, and to shut down the ability of intervenors to add relevant and important evidence for a period of approximately seven months prior to written submissions. The Stó:lō Collective also objected to the revised Final Argument filed by the proponent, and contends that all revisions should have been deleted except those directly related to replacement evidence.

The Stó:lō Collective is concerned by what they view as deficient terms and conditions for the Project, insufficient details of imposed mitigation measures, and the absence of a condition that the proponent must protect sacred sites and constitutionally recognize fishing rights of the members of the Stó:lō Collective. The number of management plans (Draft Conditions) that did not require Aboriginal consultation or traditional ecological knowledge were also of concern to the Stó:lō Collective.

The Stó:lō Collective also noted that the NEB conditions propose standards, but do not offer any form of "watchdog" regulation or oversight and that without a pre-determined system of check and balance, the NEB conditions will not be safeguarded. The Stó:lō Collective suggested that specific Aboriginal groups should be included within each NEB condition to ensure that the proponent works with respective Indigenous groups within their traditional territory and that commitments are upheld to each group.

The Stó:lō Collective stated that EAO capacity funding was insufficient to ensure all of the Stó:lō Collective member communities have the opportunity to understand the Project and the process, to review and understand information relating to potential impacts and mitigation, and to make informed contributions to the Stó:lō Collective's participation. The Stó:lō Collective further highlighted that they have many issues to be addressed in their communities; however, participation in the NEB process and the Crown consultation process has required a large portion of their resources, energy and attention.

The Stó:lō Collective explained that the Crown consultation team is working within an unnecessarily time-bound process, which they feel represents a roadblock to reaching the desired level of understanding of adverse effects on Aboriginal traditional uses, rights and culture. As such, the Stó:lō Collective feels that many of their issues will be left unaddressed and unresolved.

#### Cumulative Effects

The Stó:lō Collective's evidence filings ([A4L7A2](#)) state: "Stó:lō Collective are as concerned with the new pipeline proposal, as they were in 1952 when the existing Trans Mountain Pipeline was proposed. Based on Stó:lō records Ts'elxwéyeqw Tribe Chiefs first raised concerns related to the pipeline in 1952, through

Indian Affairs. The concerns of the Chiefs at that time were: a) the application did not mention future developments with regard to construction of further pipelines within the easement area; b) the depth the proposed pipeline would be in the ground; c) the lack of clarity in understanding of the developments or compensation; and d) the loss of their land by means of industrial developments." In terms of the current Project, the Stó:lō Collective have stated they have concerns about the cumulative effects of the Project together with the original project on culture, spirituality and ceremonial life of the Stó:lō people, and note specific concerns about potential for damage to areas of traditional, spiritual and ceremonial significance to the Stó:lō Collective.

#### Economic Impacts

The Stó:lō Collective has broad concerns about the Project's potential impacts on the economy and employment in their region. The Stó:lō Collective has stated it is interested in better understanding how they stand to economically benefit from the Project apart and outside of what might be included in a confidential Mutual Benefit Agreement negotiated with the proponent.

The Stó:lō Collective is concerned there will be limited economic benefit to Stó:lō people due to specific challenges faced by Stó:lō people when they try to participate in the wage economy, challenges that Stó:lō companies may face associated with the proposed Project, and potential adverse effects to existing economic activities.

#### Environmental Impacts

The Stó:lō Collective is concerned about all environmental issues as the environment - physical, biological, and human - is viewed by Stó:lō people as inseparable. The Stó:lō Collective has specifically highlighted their concerns related to potential environmental and cumulative environmental effects involving: protected areas; wildlife and wildlife habitat; fish and fish habitat; atmosphere, greenhouse gas emissions; vegetation; species at risk; marine environment; water, hydrology, and wetlands; and, the soils and geological structures along the RoW alignment. The Stó:lō Collective stated that concerns related to water quality and water withdrawals, timber and non-timber forest products, fish and wildlife, and wetlands have not adequately been addressed.

At the Crown consultation meeting on September 23, 2016, the Stó:lō Collective emphasized that the current scientific understanding of the fate and distribution of diluted bitumen accepted by the NEB is inadequate. The Stó:lō Collective explained that the NEB did not take into account that the Fraser River has a wandering gravel-bed, and that tidal forces can affect the Fraser as far upriver as Harrison Mills, not just to the Mission Bridge. It was noted that as Stó:lō are water people, the Fraser River acts as a source of sustenance, fishing and agricultural activity and a full understanding of the effects of a spill is needed. The Stó:lō Collective explained they are affected by issues of ground water; this is their drinking water and water for agriculture. Stó:lō people are fish and water people; they rely on this spiritually, culturally, mentally, and physically.

The Stó:lō Collective has highlighted air quality as a key environmental concern in relation to the Project, particularly that pipeline development, terminal operation and marine shipping could increase the

number of air pollutants within Stó:lō territory including in the Chilliwack area where the effects of air quality on cultural foods such as wind-dried salmon are well known. The Stó:lō Collective explained that air is funneled through the Fraser Valley and transports contaminants directly to their territory as seen by airport developments in Richmond and Abbotsford (another consideration overlooked by the NEB). In relation to environmental protection, the Stó:lō Collective commented at the September 23, 2016 meeting with the Crown that the last time they heard from the proponent was over a year ago and that since then, the Stó:lō Collective has asked about filing additional evidence and what they can do to move the process forward. The proponent responded that environmental experts were already in the field, which has left the Stó:lō Collective largely out of the process taking place within their territory; a fact which they deemed disappointing as they are the primary experts of their land.

### Impacts on Aboriginal Rights

The Stó:lō Collective asserts rights and title over their entire traditional territory (S'ólh Téméxw) which is based upon a unique relationship with the land, waters and resources. Stó:lō peoples continue to use and occupy the territory for activities relating to spirituality, health, economics, cultural practices, fishing, hunting and gathering. Many Stó:lō bands live in the Project area and Stó:lō have Aboriginal fishing rights on the Fraser River that have been affirmed by the Supreme Court of Canada. In terms of governance rights, the Stó:lō Collective states that there are governance issues in the event of a spill. If Stó:lō leaders are not involved in emergency response planning, spill identification and response will be, from the Stó:lō Collective's perspective, "basically helpless" which undermines self-government because what happens in Stó:lō territory is not under their control (e.g., when the spill occurred in Sumas and the nation was not informed of what was happening).

The Stó:lō Collective is concerned about a reduced ability to hunt or trap, and /or provide wild meat to family, Siyá:m, Big House-based activities, and cultural events. The Stó:lō Collective is concerned about a feeling of disempowerment or dislocation regarding control over S'ólh Téméxw and incompatibility of the Project with Stó:lō land use goals. Lost opportunities and/ or ability to gather traditional plants (i.e., cedar bark, roots, buds, wood, berries, and medicines) and contamination of gathering sites were also raised as concerns. The Stó:lō Collective is concerned about the level of input into fisheries management, damage to traditional waterways (fish habitat, water quality, water flows, fish health) during Project water crossings, access modifications (i.e., new access, traffic), loss of traditional fishing sites, damage to equipment/boats, and decreased quality/integrity of fishing sites.

### Accidents and Malfunctions (Marine/Terrestrial)

The Stó:lō Collective expressed concern about the possibility of a major rupture and the effect that would have on the lower Fraser River watershed. The Stó:lō Collective has sought a better understanding of the proponent's ability to respond effectively to any land-based spill. They state in their written evidence ([A4L7A5](#)) that "[t]he lack of communication surrounding emergency response procedures and remedial action has created anxiety related to wildlife health and personal safety." The Stó:lō Collective states that its communities have had negative experiences with the proponent following oil spills at the Sumas Terminal and the spill that affected Kilgard Creek. These events caused both confusion (around evacuation procedures, notifications and information sharing) and fear related

to health impacts, lack of remediation and long term effects to aquatic ecosystems and to local wildlife. The Stó:lō Collective is concerned that in the event of an accident or malfunction, additional tracts of the traditional territory of the members of the Stó:lō Collective may be impacted, including their reserves.

### *Project Construction Phase*

Some portions of the traditional territory of the members of the Stó:lō Collective will be directly affected by the construction and operation of the Project. Stó:lō Collective community members are very concerned with the proximity of the Sumas Tank Farm and pipelines to existing gravel operations and worry that blasting has the potential to affect pipeline integrity and may increase the risk of spills. The Stó:lō Collective also raised concerns that cultural heritage sites and resources could be impacted by: construction and installation of the proposed pipeline; construction and installation of new and modified facilities, including pump stations and tanks; and, construction of temporary access roads and an equipment staging area. In particular, the Project staging area at Lightning Rock, one of the Stó:lō Collective's important spiritual and burial sites, was flagged as a major issue.

### ***Accommodation Proposals***

The Stó:lō Collective recommended 89 actions in their submissions to the NEB that would assist the proponent in avoiding or mitigating adverse effects on the Stó:lō Collective's Aboriginal Interests and other interests. The 89 actions are grouped thematically and request proponent action such as technical working groups to be established with funding by the proponent to directly engage on detailed mitigation planning that would integrate, among other local expertise, traditional knowledge held by Stó:lō Collective members.

In respect of Crown accommodations, the Stó:lō Collective are seeking the following key measures:

- Commitment from the Federal Government that there will be inclusion of Stó:lō Collective's participation in planning, survey work, monitoring and reporting during construction, development, and operations throughout the life of the Project;
- Commitment from the Federal Government that the proponent will be required to develop a Stó:lō Engagement Plan and adequate resources for Stó:lō Collective participation in planning, survey work, monitoring and reporting; Implementation of an Indigenous Oversight Committee with an ability to ensure that traditional ecological knowledge and other traditional knowledge are fully integrated in to Project planning and that local benefits can be maximized. This would also ensure the ability of the Stó:lō Collective to monitor and enforce the commitments of the proponent. The Stó:lō Collective is of the view that having Stó:lō directly involved in field surveys, mapping and developing protection plans is the fastest, cheapest way to address Stó:lō concerns; development of a funding mechanism to support Aboriginal involvement in the Indigenous Oversight Committee, and the implementation of Regional Aboriginal Technical Working Groups to ensure the collaboration of local expertise in developing mitigation and management plans and that protect significant cultural sites and resources;

- Development of an Aboriginal Monitoring and Review Board with adequate resources and funding to undertake Project monitoring and reporting to affected Aboriginal groups; and
- A specific Project condition that would require Trans Mountain to develop agreements with the Stó:lō Collective that outline how collaboration would take place with the proponent and how the Stó:lō Collective would be resourced to update construction alignment sheets and EPPs to reflect information provided in the ICA. This contractual, legally binding agreement, would include a plan, schedule, oversight, the participation of Stó:lō Collective representatives, and resources to participate.

The Stó:lō Collective stated that accommodating impacts on rights and title could be partially addressed by the Crown by involving the Stó:lō Collective directly in the decision making process and by implementing all 89 recommendations from their ICA report.

Sections 4.2.6 and 5.2 of this Report provide an overview of how the Crown has considered accommodation and mitigation measures to address outstanding issues identified by Aboriginal groups. Accommodations proposed by the Stó:lō Collective that the Crown has not responded to directly via letter will be otherwise actively considered by decision-makers weighing Project costs and benefits with the impacts on Aboriginal Interests.

#### ***Stó:lō Collective's Response to NEB Recommendation Report***

During the meeting with the Crown on September 23, 2016, Stó:lō Collective representatives called the NEB review a fundamentally flawed process and disagreed with the NEB's conclusions in a number of key areas. Citing the potential permanent impacts of the Project on sites of critical cultural importance to Stó:lō, the Stó:lō Collective noted impacts related to access and use of natural resources that in the Stó:lō Collective's view are significant.

The Stó:lō Collective further raised concerns that during the NEB hearing process, which has largely been used to inform the recommendations of the Report, technical experts were not cross-examined. The Stó:lō Collective indicated that they feel that their views have been taken at face value; whereas the views and knowledge of Stó:lō Elders were cross-examined.

In particular, the Stó:lō Collective disagreed with the characterization of impacts on the ability of Aboriginal groups to use the lands, waters and resources for traditional purposes as temporary interruptions. Disagreement was also voiced in regard to the NEB's conclusion that the Project's contribution to potential broader cultural impacts related to access and use of natural resources would not be significant. Drawing from Stó:lō's ICA, the Collective explained that any damage caused to the Stó:lō Collective's traditional lands and culture should not be considered temporary, short-term or low magnitude.

In respect of the NEB's terms and conditions for the Project, the Stó:lō Collective indicated their view that too much discretion was provided in the conditions in regard to which Aboriginal groups the proponent would have to engage during detailed Project planning. The Stó:lō Collective noted that the

use of vague language minimizes the NEB's ability to hold the proponent accountable to its commitments. In particular, the Stó:lō Collective's view is that the use of the term "Aboriginal Monitors" is inappropriately broad, and that for any site-specific survey work within Stó:lō's territory, the Aboriginal Monitors should be Stó:lō Collective members, as they are most familiar with the traditional land use and valued cultural sites potentially impacted by the Project.

The Stó:lō Collective also noted to the Crown that Lightning Rock is only one of many sites that are culturally and spiritually significant along the pipeline corridor and within the RoW. The Stó:lō Collective's view is that mitigation that only addresses Lightning Rock, as described in condition 77, is inadequate for ensuring protection of other culturally and spiritually significant sites.

#### **V - Potential Impacts of the Project on Stó:lō Collective Aboriginal Interests**

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

The discussion in this section focuses on potential impacts of the Project on the Stó:lō Collective's Aboriginal Interests. These potential impacts are characterized by considering how the Project could affect several factors important to the Stó:lō Collective's ability to practice Aboriginal Interests. Where information was available, the Crown considered the following:

- Biophysical effects to values linked to Aboriginal Interests (e.g., fish) that were assessed by the NEB;
- Impacts on specific sites or areas identified as important to traditional use; and
- Impacts on social, cultural, spiritual, and experiential aspects of exercising Aboriginal Interests.

Additional factors considered in the assessment of impacts on Aboriginal Interests are described in Section 2.4.3 of this Report. The Crown's conclusion on the seriousness of Project impacts on the Stó:lō Collective's Aboriginal Interests considers information available to the Crown from the NEB process, consultation with the Stó:lō Collective, the Stó:lō Collective's engagement with the proponent, proponent commitments, recommended NEB conditions, as well as relevant proposed conditions of any Environmental Assessment Certificate issued by the Province.

The joint ICA ([A3Z4Z2](#), [A3Z4Z3](#), [A3Z4Z4](#), [A3Z4Z5](#), [A4C7K2](#)) was prepared by Ts'elxwéyeqw Tribes Management Limited (TTML), Stó:lō Research and Resource Management Centre, and Human Environment Group on behalf of: Aitchelitz, Kwaw-Kwaw-Apilt, Leq'á:mel, Shxwhá:y, Skawahlook, Skwah, Soowahlie, Scowlitz, Squiala, Sumas, Tzeachten, and Yakweawkwoose.

The Stó:lō Research and Resource Management Centre conducted community interviews and a literature review that focused on traditional land uses on the proposed pipeline corridor. In its

Supplemental Traditional Land and Resource Use Technical Report ([A3Z4Z2](#)), the proponent estimated approximate distances and directions from the proposed pipeline corridor based on some of the information provided in Appendix B and C of the ICA Report.

In relying on this information to understand potential impacts, it is important to note the views of the Stó:lō Collective, who raised concerns with the supplemental technical report ([A3Z4Z2](#)) in their letter to the proponent and the NEB ([A4G6G0](#)) objecting to the proponent's decision to independently reduce the number of traditional land use (TLU) sites affected by the Project. The Stó:lō Collective objected to the proponent suggesting some of these sites were "unimportant" and notes that the proponent later explained that they reduced the number of TLU sites for confidentiality purposes. Furthermore, the Stó:lō Collective continue to object to the proponent's response to the NEB that the Stó:lō Collective had no concerns or recommendations pertaining to a number of important traditional land uses such as medicinal and food plant gathering and traditional travel corridors, which was evidently untrue according to the Stó:lō Collective.

Additional traditional land and resource use (TLRU) information for Leq'amel First Nation (a member of the Stó:lō Collective) is also summarized by the proponent in *Volume 5D* ([A3S2G8](#)) of the Project application. However, according to the Stó:lō Collective, the TLRU conducted by the proponent's consultants for Leq'amel was never reviewed, approved, or even provided to Leq'amel.

### ***Impacts on Hunting, Trapping and Plant Gathering***

According to the Stó:lō Collective's written evidence, community members continue to rely heavily on wild game, berries and plants, medicines and materials. Presently, a wide variety of wildlife and plants are harvested and gathered for food, medicine, building materials, and ceremonial use by the Stó:lō Collective's community members. Hunting and trapping, in particular deer hunting using both traditional and modern practices, continue to be important cultural activities to the Stó:lō Collective's community members. Trapping, although rarely practiced, remains highly valued by Stó:lō people. Hunted species include elk, moose, deer, grizzly bear, black bear, coyote, grouse, bobcat, and cougar. Plant gathering activities include gathering cedar roots, buds, bark, and wood, harvesting and processing berries, and gathering medicinal plants. Commonly targeted habitats include cedar forests, wetlands and nutrient rich forests. Medicinal plant gathering areas are noted for the spiritual importance to Stó:lō culture. A traditional food diet of wild game, fish, wild greens, berries and fruit continues to be very important to the health of Stó:lō people.

The Stó:lō Collective identified many concerns related to environmental effects of the Project on hunting, trapping, and plant gathering activities, including loss of berries, traditional medicines, and harvesting opportunities; loss of plants and medicinal resources relied on by Stó:lō Collective members; impacts on a wide variety of wildlife species; spread of invasive species and use of chemical vegetation management; increased erosion and run-off, sediment control, reduced ability to hunt or trap, and /or provide wild meat to family, Siyá:m, Big House-based activities, and cultural events; lost opportunities and/ or ability to gather traditional plants (i.e., cedar bark, roots, buds, wood, berries, and medicines) and contamination of gathering sites; potential environmental and cumulative environmental effects

involving: protected areas, wildlife and wildlife habitat, vegetation, species at risk, and wetlands; potential of adverse effects of traditional plants collected in a variety of wetland types, which may not be considered as important under the listing of *BC Wetlands of Concern* but are still considered significant to the Stó:lō Collective; potential for construction activities to limit use of game trails, restricting wildlife movement; increased lines-of-sight affecting predator-prey dynamics due to clearing activities; effects on Aboriginal harvesting practices and subsistence living and medicinal purposes; and lack of communication surrounding emergency response procedures and remedial action has created anxiety related to wildlife health and personal safety.

As described in the NEB Recommendation Report, Project-related activities are likely to result in low to moderate magnitude effects on soil and soil productivity, rare plants and lichens and vegetation communities of concern, old growth forests, wetlands, and terrestrial wildlife and wildlife habitat (including species at risk), marine mammals, and marine birds. If the Project is approved, the NEB conditions would either directly or indirectly avoid or reduce potential environmental effects associated with hunting, trapping, and gathering (Section 4.3.1 of this Report). With regards to specific concerns raised by the Stó:lō Collective, the proponent would implement several mitigation measures to reduce potential effects to species important for the Stó:lō Collective's hunting, trapping, and plant gathering activities. The proponent is committed to minimizing the Project footprint to the maximum extent feasible, and all sensitive resources identified on the Environmental Alignments Sheets and environmental tables within the immediate vicinity of the RoW will be clearly marked before the start of clearing. Mitigation measures to reduce effects on habitat, limit barriers to movement, avoid attraction of wildlife to the work site, minimize sensory disturbance and protect site-specific habitat features are outlined in the Project Environmental Protection Plan and the Wildlife Management Plans.

The Stó:lō Collective identified 98 specific hunting sites within its TLU. Additionally, the Stó:lō Collective identified five site-specific areas significant for plant species gathered by community members, including Cheam Mountain, Cheam wetlands, Sumas Mountain, Chilliwack Mountain, and Skagit Mountain. Stó:lō community members identified three traditional hunting areas (Sumas Mountain, Mount Cheam and forested areas between Cheam and east of Hope), of which three contemporary hunting sites are located within 100 m of the proposed pipeline corridor, and 95 contemporary hunting sites are located within 2 km of the proposed pipeline corridor. Three trapping sites were identified, of which two (Sumas Slough and Bowman's Island) are currently used; however, the proximity to the proposed pipeline corridor was not provided.

Stó:lō people also gather plants that are located within forested, marshlike/swampy, and both alpine and lowland areas in and around their own reserves. Several plant gathering sites were identified and mapped within the proposed pipeline corridor (between km 960-964, between km 1015 – 1016, between km 1019 – 1024, between km 1027 – 1031, near km marker 1039, near km marker 1098). Multiple water-crossings also support traditionally used plants, however these are too numerous to map in a document like the CHOA (Appendix B and C of the ICA). A full inventory of traditional plant gathering areas potentially affected by the Project can only be determined through field surveys. The area of the

Fraser Valley downstream of the Fraser Canyon and the confluence of the Pitt and Fraser rivers were traditionally used for plant gathering, specifically bog cranberries and wapato.

Project-related construction and routine maintenance is expected to cause short-term, temporary disruptions to Stó:lō Collective's access to hunting, trapping and plant gathering activities, largely confined to the Project footprint for the pipeline and associated facilities. The Crown understands that with construction and reclamation activities, disruptions to access may result in a loss of harvesting opportunities for the Stó:lō Collective. For traditional activities directly affected by the construction and operation of the WMT, traditional activities would not occur within the expanded water lease boundaries during the operational life of the Project. Project-related marine shipping is expected to disrupt Stó:lō Collective's marine vessels and harvesters, and this could disrupt activities or access to hunting, trapping, and plant gathering sites.

If the Project is approved, the NEB conditions would either directly or indirectly avoid or reduce potential impacts on specific locations and access associated with hunting, trapping, and gathering sites (Section 4.3.1 of this Report). With regard to specific concerns raised by the Stó:lō Collective, the proponent would implement several mitigation measures to reduce potential effects on TLRU sites important for the Stó:lō Collective's hunting, trapping, and plant gathering activities, such as management plans that include access management, scheduling and notification of Project activities, and environmental monitoring programs that monitor access control measures.

The Access Management Plan is intended to reduce disturbances caused by access, construction equipment and vehicle traffic during and following construction in order to minimize disturbance to access to the Stó:lō Collective's traditional lands. The proponent has committed to minimizing the development of access routes, controlling public access along the construction RoW, selecting appropriate access routes that cause the least disturbance to high quality, sensitive wildlife habitat, managing traffic on these routes and determining appropriate construction reclamation. The proponent has also committed to work with applicable resource managers, traditional land and resource users to define locations where access control is necessary, and what type(s) of access control will be implemented. In the event that hunting, trapping, and plant gathering sites are identified during ongoing engagement with the Stó:lō Collective prior to construction, the sites will be assessed, and appropriate mitigation measures will be determined. The proponent committed to working with the Stó:lō Collective to develop strategies to most effectively communicate the construction schedule and work areas to community members.

The Stó:lō Collective expressed concern with direct and indirect effects of the Project on social, cultural, spiritual, and experiential aspects of its hunting, trapping, and plant gathering activities, including: a sense of spiritual and cultural alienation on the land; impacts to human health from the use of pesticides to control invasive and other plant species, particularly impacts to community members that harvest country foods; sensory disturbance to birds and disturbance of bird habitat during construction; loss of opportunities and/ or ability to gather traditional plants (i.e., cedar bark, roots, buds, wood, berries, and medicines) and contamination of gathering sites; the possibility of a major rupture and the effect that

would have on the lower Fraser River watershed and the water-based culture of the community; and, lack of communication surrounding emergency response procedures and remedial action has created anxiety related to wildlife health and personal safety.

Project-related construction and routine maintenance is expected to cause short-term, temporary disruptions to the Stó:lō Collective's hunting, trapping, and plant gathering activities. The Crown understands that this short-term disruption could temporarily alter the behaviour of community members' hunting, trapping or plant gathering activities during construction, and that reduced participation in traditional activities, while not expected to occur from temporary access disruptions within the footprint of the Project, could have spiritual and cultural impacts on community members.

If the Project is approved, the NEB conditions may either directly or indirectly avoid or reduce potential social, cultural, spiritual, and experiential effects associated with hunting, trapping, and plant gathering activities (Section 4.3.1 of this Report). With regards to specific concerns raised by the Stó:lō Collective, the proponent would implement several mitigation measures to reduce potential effects to the Stó:lō Collective's hunting, trapping, and plant gathering activities. The proponent is committed to implementing weed management (as outlined in the Weed and Vegetation Management Plan) to reduce the potential for weed infestation following construction, and utilizing an Integrated Vegetation Management approach intended to reduce the use of herbicides and promote healthy ecosystems. The proponent will consult with Aboriginal groups regarding problem vegetation management and methods of treatment. Measures outlined in the proponent's Reclamation Management Plan are intended to stabilize and revegetate affected lands to achieve land productivity along the construction RoW and footprint, equivalent to the adjacent land use. The proponent has also committed to ongoing engagement with Aboriginal groups regarding the integration of traditional knowledge related to the location and construction of the Project.

In consideration of the information available to the Crown from the NEB process, consultation with the Stó:lō Collective, the Stó:lō Collective's engagement with the proponent, the proponent's proposed mitigation measures and the recommended NEB conditions, as well as relevant proposed conditions of any Environmental Assessment Certificate issued by the Province, Project construction and routine maintenance during operation are expected to result in a minor impact on the Stó:lō Collective's hunting, trapping and plant gathering activities. In reaching this conclusion, the Crown has considered several factors that have been discussed above, which are summarized as follows:

- Project-related pipeline, facility, and WMT construction and operation, and marine shipping activities are likely to have low to moderate magnitude environmental effects on terrestrial, aquatic, and marine species harvested by the Stó:lō Collective;
- Construction of WMT, the pipeline and associated facilities are likely to cause short-term temporary disruptions to Stó:lō Collective's members accessing traditional hunting, trapping and plant gathering sites within the Project footprint; Project-related marine shipping activities are likely to cause temporary disruptions to activities or access to sites during the period of time Project-related tankers are in transit through Stó:lō Collective territory; and

- Concerns identified by the Stó:lō Collective regarding Project-related effects on social, cultural, spiritual, and experiential aspects of their hunting, trapping and plant gathering activities.

### ***Impacts on Freshwater Fishing, and Marine Fishing and Harvesting***

Stó:lō, as people of the river, have a deeply established connection to fishing and marine harvesting, which are core to Stó:lō cultural activities and tradition, subsistence and economic purposes. This connection is considered essential to psychological, physical, and spiritual health. Historically, community members caught and processed fish using setting nets, torch lighting, dip netting, drift netting, and wind drying. Presently, fishing excursions continue to provide meaningful opportunities to teach traditional methods, share knowledge and learn the stories about the waterways. Most fishing occurs along the Fraser River, particularly at the Fraser Canyon where salmon are abundant and conditions for meat preparation are ideal. Traditionally, the mouth of the Fraser River has been used for harvesting marine mammals, shellfish and molluscs. Various species of fish continue to be harvested by Stó:lō community members, including: black crappie, brown bullhead, bull trout, prickly sculpin, sculpin, slimy sculpin, coastal cutthroat trout, chinook salmon, chum salmon, chiselmouth, coho, salmon, carp, cutthroat, dace, Dolly varden, eulachon, green sturgeon, lamprey, nooksack dace, peamouth chub, pink salmon, rainbow trout, redbelt shiner, sturgeon, sockeye salmon, steelhead, sum steelhead, Salish sucker, sucker, whitefish, and white sturgeon.

The Stó:lō Collective identified many concerns related to environmental effects of the Project on fishing activities, in particular, risks to the Stó:lō Collective's freshwater resources important to salmon in the Fraser River, the loss of traditional resources, and potential loss of wetland habitat, cumulative environmental effects involving fish and fish habitat, species at risk, marine environment, water, hydrology, and wetlands; and concern around water quality and effects to water quality and waterbodies during construction of the Project. The Stó:lō Collective emphasized that the Fraser River is a wandering gravelbed, meaning that fish and fish habitat is dynamic along with fishing sites.

As described in the NEB Recommendation Report, Project-related activities could result in low to moderate magnitude effects on freshwater and marine fish and fish habitat, surface water and marine water quality. Moderate effects to fish and fish habitat would be localized to individual watercourse crossings, and effects to marine fish and fish habitat would be limited to a few or many individuals, where any potential serious harm would be compensated by offset measures. NEB conditions, if the Project is approved, would either directly or indirectly avoid or reduce potential environmental effects on fishing activities (Sections 4.3.2 and 4.3.3 of this Report).

A number of recommended NEB conditions require the proponent to file reports that will monitor Project-related impacts on freshwater fish and fish habitat, marine fish and fish habitat, and riparian habitats. With regard to specific concerns raised by the Stó:lō Collective, the proponent would implement several mitigation measures to reduce potential effects to species important for the Stó:lō Collective's fishing activities. The proponent has committed to time watercourse crossing construction activities to occur within the least risk biological windows in an attempt to avoid causing serious harm to fish, has committed to working with Aboriginal groups to identify the most appropriate

means of offsetting serious harm to marine fish and fish habitat, and has proposed the implementation of channel and bank reclamation measures at each watercourse crossing to help maintain the productive capacity of water bodies that provide fish habitat. Further, the proponent has completed a preliminary offsetting plan for impacts on fish and fish habitat associated with construction and operation of the Westridge Marine Terminal. Key mitigations for marine shipping activities include the proponent's commitment (411) to require all tankers to process and empty their bilges prior to arrival and lock the discharge valve of the bilge water while in Canadian waters.

In the ICA, Stó:lō Collective community members identified waterways crossed by the Project that are associated with historic and contemporary fishing activities, including 11 segments associated with drift netting, three major areas associated with beach seining, and 140 known sites associated with setting nets. Twenty-four recorded fishing sites, including Silverhope Creek, Chawuthen Creek, Hunter Creek, Wahleach (Jones) Creek, Anderson Creek, Street Creek, Stewart Slough, Sumas Lake Canal, and 16 unnamed channels were identified. The locations of the fishing sites in relation to the Project were not provided.

The Stó:lō Collective raised concerns with the Project's potential impacts relating to specific locations and access to fishing activities, specifically: increased access to the land by members of the public due to Project-related activities, level of input into fisheries management, damage to traditional waterways (fish habitat, water quality, water flows, fish health) during Project water crossings, access modifications (i.e., new access, traffic), loss of traditional fishing sites, and decreased quality/integrity of fishing sites. The Crown understands that if construction and reclamation occur during the fishing season, there could be a potential reduction in access to waterways, staging areas, and fishing sites for Stó:lō Collective community members. However, disruptions to access would largely be confined to the Project footprint for the pipeline and associated facilities during construction and reclamation.

For fishing and harvesting activities directly affected by the construction and operation of the WMT, traditional activities would not occur within the expanded water lease boundaries during the operational life of the Project. Impacts on navigation, specifically in eastern Burrard Inlet, would exist for the lifetime of the Project, and would occur daily. Project-related marine vessels are expected to cause temporary disruptions to the Stó:lō Collective's marine fishing and harvesting activities. Disruptions to the Stó:lō Collective's marine fishing and harvesting activities are likely to be temporary when accessing fishing sites in the Burrard Inlet that require crossing shipping lanes, as community members would be able to continue their movements shortly after the tanker passes.

NEB conditions, if the Project is approved, would either directly or indirectly avoid or reduce potential impacts on specific locations and access to freshwater and marine fishing and harvesting sites important for the Stó:lō Collective (Section 4.3.2 and 4.3.3 of this Report). With regards to specific concerns raised by the Stó:lō Collective, the proponent would implement several mitigation measures to reduce potential effects on freshwater and marine fishing and harvesting sites, such as access management plans, scheduling and notification of Project activities including Project-related marine vessel traffic, and environmental monitoring programs. As previously discussed, the proponent is committed to minimize

disturbance to access to the Stó:lō Collective's traditional lands, as described in the Access Management Plan. The proponent committed to working with the Stó:lō Collective to develop strategies to most effectively communicate the construction schedule and work areas to community members. As described in Section 4.3.3, the proponent will be required to communicate Project-related vessel timing and scheduling to Aboriginal groups through a marine public outreach program (NEB Condition 131). This communication would allow Stó:lō Collective community members to take measures to reduce potential disruptions from tankers and allow planning for marine fishing and harvesting activities to take place that minimizes disturbance from Project-related tankers.

The Stó:lō Collective expressed concern with direct and indirect effects of the Project on social, cultural, spiritual, and experiential aspects of its fishing activities, including a sense of spiritual and cultural alienation, the loss of traditional resources, including spiritually and culturally important sites, and increased barriers to accessing traditional resources and practices. As described previously, the Project construction and routine maintenance is expected to cause short-term, temporary disruptions to the Stó:lō Collective's fishing activities. The Crown understands that this temporary interruption could mean that community members alter their fishing activities during construction, which could affect their participation in traditional activity. If the Project is approved, the NEB conditions would either directly or indirectly reduce the potential effects on social, cultural, spiritual or experiential effects associated with fishing activities (Section 4.3.2 of this Report).

Through the construction and operation of the WMT, the Crown understands that Stó:lō Collective community members, who may exercise their Aboriginal rights in Burrard Inlet, may experience noise disturbances and interruptions to cultural ceremonies along the shoreline, and loss or damage to visual quality of the Burrard Inlet. Project-related marine vessels are expected to cause temporary disruptions to the Stó:lō Collective's marine fishing and harvesting activities. The Crown understands that community members could be discouraged from travelling to marine fishing and harvesting sites that require these members to cross shipping lanes. As described in Section 4.3.3, the proponent will be required to communicate Project-related vessel timing and scheduling to Aboriginal groups through a public outreach program (NEB Condition 131). This communication would allow Stó:lō Collective community members to take measures to reduce potential disruptions from tankers and allow planning for cultural events to take place that minimizes disturbance from Project-related tankers. Reduced harvests, while not expected to occur from temporary access restrictions, could impact the Stó:lō Collective's cultural activities and sharing of marine food with the community.

In consideration of the information available to the Crown from the NEB process, consultation with the Stó:lō Collective, the Stó:lō Collective's engagement with the proponent, the proponent's proposed mitigation measures and the recommended NEB conditions, as well as relevant Provincial proposed conditions of any Environmental Assessment Certificate issued by the Province, Project construction and routine maintenance during operation are expected to result in a minor-to-moderate impact on the Stó:lō Collective's freshwater fishing and marine fishing and harvesting activities. In reaching this conclusion, the Crown has considered several factors that have been discussed above, which are summarized as follows:

- Project-related pipeline, facility, WMT construction and operation, and marine shipping activities are likely to have low to moderate magnitude environmental effects on freshwater and marine species harvested by the Stó:lō Collective;
- Construction of WMT, pipeline and associated facilities are likely to cause short-term temporary disruptions to the Stó:lō Collective's community members accessing traditional freshwater fishing and marine fishing and harvesting sites within the Project footprint; Project-related marine shipping activities are likely to cause temporary disruptions to activities or access to sites during the period of time Project-related tankers are in transit through the Stó:lō Collective's traditional territory; and
- Concerns identified by the Stó:lō Collective regarding Project-related effects on social, cultural, spiritual, and experiential aspects of their freshwater fishing and marine fishing and harvesting activities.

### ***Impacts on Other Traditional and Cultural Practices***

Trails and travelways, in particular the Fraser River and tributary systems, have supported traditional harvesting, socio-economic connections and factored into Stó:lō identity and cultural values. Presently, traditional travel continues to be used by community members to participate in spiritual and ceremonial activities (e.g., accessing spiritually significant sites such as bathing and fasting), gather plants, hunt, and fish, and for the Stó:lō seasonal round of activities. Historically, the Stó:lō people are known to have built large, permanent settlement sites. There is a close connection between the Fraser River (and tributary systems) and Stó:lō settlement sites because of the Stó:lō people's reliance on salmon from the Fraser River and the accessibility to different regions. The largest and most populated settlements are often located at the confluence of major waterways. Historically, inter-nation gatherings were created by kinship and friendship to support trading goods such as fish, berries, wild meat, sweaters, blankets, and baskets. Presently, Stó:lō people continue to attend different types of gatherings in different parts of the asserted traditional territory to celebrate cultural traditions and give strength to other First Nation initiatives aimed at environmental protection, Aboriginal rights and title, governance, and social activism.

The Stó:lō Collective identified many concerns related to environmental effects of the Project on other traditional and cultural practices, including: absence of a condition that the proponent must protect sacred sites of the members of the Stó:lō Collective; adverse effects on spiritually and culturally important sites, such as historical camps and villages, burial sites, archaeological sites, traditional spiritual and ceremonial areas; impacts on the ability of the Stó:lō Collective to protect the integrity of cultural sites and landscape features; adverse effects stemming from how Project plans have overlooked Stó:lō Collective cultural heritage sites; interruption of ceremonial and cultural activities; effects to and loss of traditional use sites, historic campsites, villages and cultural landscape features and travelways; cumulative effects of the Project together with the original project on culture, spirituality and ceremonial life of the Stó:lō people and, effects on sacred sites and burial sites and subsequently community connections to ancestry. As described in Section 4.3.4 of the Report, Project-related activities are not likely to result in significant adverse effects on the ability of Aboriginal groups to use

land, waters or resources for traditional purposes. NEB conditions, if the Project is approved, would either directly or indirectly avoid or reduce potential environmental impacts on physical and cultural heritage resources (Section 4.3.4 of this Report).

With regards to specific concerns raised by the Stó:lō Collective, the proponent would implement several mitigation measures to reduce potential effects on physical and cultural heritage resources important for the Stó:lō Collective's traditional and cultural practices. An environmental education program will be developed and implemented to ensure that all personnel working on the Project are informed of the location of known sacred sites and burial sites. The proponent has also committed to reduce potential disturbance to community assets and events by implementing several measures that include avoiding important community features and assets during RoW finalization, narrowing the RoW in select areas, scheduling construction to avoid important community events where possible, communication of construction schedules and plans with community officials, and other ongoing consultation and engagement with local and Aboriginal governments.

The Stó:lō Collective have identified at least 721 sites of cultural significance of which 17 are located within the pipeline corridor (potentially more due to undisclosed sites). The Stó:lō Collective's community members identified 14 trails and travelways that cross the proposed pipeline corridor. During the ICA, 151 previously recorded archaeological and historic sites (habitation and/or settlements) were identified within 1 km of the proposed pipeline corridor, of which 38 are located within 50 m of the corridor. The ICA also describes camps, winter villages and settlement sites on and off reserve as identified by Stó:lō community members. Two habitation sites were located within 50 m of the pipeline corridor. It should be noted that the Archaeological Impact Assessment (AIA) for the Project is not yet complete.

Additionally identified in the ICA were six Stó:lō gathering sites: Squiala, Shxwhá:y, Skowkale, Yakwekwioose, Cheam, and Sumas bighouses close to the Project. The locations of gathering places in relation to the Project were described in the ICA. During the ICA, approximately 550 cultural heritage sites used for spiritual activities were documented within 2 km of the proposed pipeline corridor. Stó:lō community members identified 73 sacred areas within 100 m of the proposed pipeline corridor: six burial sites, 11 Sxwo:yxwey places, 18 puberty places, 11 smilha/syuwel places, 10 historic bathing sites and 17 current bathing sites. Site-specific locations of the sacred areas were buffered to protect their specific locations on the maps presented in the ICA (Appendix C). As summarized in *Volume 5D* of the Project application, sacred areas are located at Cultus Lake, Mount Cheam (Cheam Peak), Echo Island (Harrison Lake), Echo Island (Harrison Lake), Mount Slesse (Slesse Mountain), Mount McGuire, and Mount Hope and Lady Franklin Rock, located between 3.3 km and 23.5 km from the proposed pipeline corridor. Semá:th Lake (Sumas Lake) is an important historical site crossed by the proposed pipeline corridor. Coqualeetza is an important historical and cultural site for the Stó:lō people approximately 1.6 km northwest of the proposed pipeline corridor.

The Stó:lō Collective raised a number of important concerns with the location of the Project in relation to specific locations and access points regarding other cultural and traditional practices and sites

including a Project staging area at Lightning Rock. Lightning Rock is one of many spiritual sites that Stó:lō Collective believe must be preserved both from a physical and cultural perspective. NEB Condition 77 (Archaeological and cultural heritage assessment – Lightning Rock) would require the proponent to file a report with the NEB on archaeological and cultural heritage field investigations undertaken to assess the potential impacts of Project construction and operations on the Lightning Rock site at Sumas. However, given that this is a sacred site with burial mounds, Stó:lō Collective have noted that any Project routing through this area is inappropriate given the need to preserve the cultural integrity of the site and the surrounding area. For the Stó:lō Collective, the site surrounding Lightning Rock should be a ‘no go’ area for the Project.

The Stó:lō Collective also noted the locations of various other culturally important sites including bathing sites within the 150 metre (m) RoW alignment at Bridal Veil Falls near Chilliwack, and an ancient pitt house within the RoW, none one of which appear on the proponent’s detailed alignment sheets, and for which no NEB conditions have been recommended.

The Stó:lō Collective voiced concern to the Crown on numerous occasions that the proponent has overlooked culturally significant sites of importance to the Stó:lō people, and that without a detailed understanding by the proponent of the locations and valued intangible properties associated with these sites, the Project could significantly affect areas of significant current and traditional use to Stó:lō Collective members. The Stó:lō Collective remains concerned that the proponent hasn’t fulfilled commitments it made in regard to protecting all cultural sites of importance to the Collective. While these commitments were made in meeting records with the Collective, failure to add these commitments to the proponent’s engagement logs means that the commitments are not captured by NEB Condition 2.

The Stó:lō Collective also expressed concern that there could be increased access to the land by members of the public due to Project-related activities. The Crown understands that there will be temporary interruptions to the Stó:lō Collective’s traditional and cultural practices, and there could be reduced access to traditional and cultural sites during Project operational activities. The expansion of the WMT and increased marine shipping within Burrard Inlet could also impose limitations on the Stó:lō Collective’s ability to use the water and surrounding lands for traditional activities in that area, given the acoustic and visual disturbance of WMT construction and increased frequency and presence of Project-related shipping. However, the Crown notes that effects of WMT construction on cultural activities would be temporary.

As described in Section 4.3.4 of the Report, Project-related activities are not generally expected to result in significant adverse effects on the ability of Aboriginal groups to use land, waters or resources for traditional purposes. If the Project is approved, the NEB conditions may either directly or indirectly avoid or reduce potential environmental impacts on physical and cultural heritage resources (Section 4.3.1 of this Report).

With regards to specific concerns raised by the Stó:lō Collective, the proponent would implement several mitigation measures to reduce potential effects on physical and cultural heritage resources important for the Stó:lō Collective's traditional and cultural practices. The proponent has also committed to reduce potential disturbance to community assets and events by implementing several measures that include avoiding important community features and assets during RoW finalization, narrowing the RoW in select areas, scheduling construction to avoid important community events where possible, communication of construction schedules and plans with community officials, and other ongoing consultation and engagement with local and Aboriginal governments.

The Stó:lō Collective expressed concern with direct and indirect effects of the Project on social, cultural, spiritual, and experiential aspects of its other traditional and cultural practices, including socio-economic concerns, such as human occupancy and resource use, impacts to heritage resources, and cultural well-being, health, and infrastructure and services. Additional concerns include that Project activities will deter First Nation members from attending gatherings, that the presence of the construction workforce will inflate cost of accommodation and travel, and that the Project may be a divisive or negative influence on inter-nation relations. Stó:lō Collective have expressed significant frustration with the way in which their traditional use and knowledge information was considered by the proponent and the NEB. Owing to a lack of specificity in the NEB's conditions and their experience with the proponent's implementation of commitments made to-date, Stó:lō Collective are not confident that the recommended NEB conditions will be able to adequately protect culturally important sites and ensure the integration of traditional use information into detailed Project planning.

Finally, the Stó:lō Collective raised concerns that cumulative effects have eroded some aspects of Stó:lō culture over time and are vulnerable to additional incremental impacts; and, the Project poses significant risks, and represents a significant threat to the cultural integrity and survival of core relationships at the heart of the Stó:lō worldview, identity, health and well-being.

The Stó:lō Collective are concerned with protecting the health of Stó:lō people, protection of spiritual places for future generations, and protecting the integrity of cultural sites and landscape features. As described previously, the Crown understands that this may result in temporary interruptions to the Stó:lō Collective's cultural and spiritual practices, or that their participation in the traditional activity is curtailed, during Project construction and operation activities, and during the transit of marine vessels associated with the Project. The Crown notes the proponent's commitment to ongoing engagement with Aboriginal groups that are interested in providing traditional knowledge related to the location and construction of the Project.

In consideration of the above information and other available to the Crown from the NEB process, consultation with the Stó:lō Collective, the Stó:lō Collective's engagement with the proponent, the proponent's proposed mitigation measures and the recommended NEB conditions, as well as relevant Provincial proposed conditions of any Environmental Assessment Certificate issued by the Province, Project construction and routine maintenance during operation and Project-related marine shipping activities are expected to result in a minor-to-moderate impact on the Stó:lō Collective's other

traditional and cultural practices. In reaching this conclusion, the Crown has considered several factors that have been discussed above, which are summarized as follows:

- Project-related pipeline, facility, WMT construction and operation, and marine shipping activities are likely to have low to moderate environmental effects on traditional and cultural resources;
- Construction of the WMT, pipeline and associated facilities are likely to cause short-term temporary disruptions to the Stó:lō Collective's community members accessing traditional and cultural practice sites within the Project footprint; Project-related marine shipping activities are likely to cause temporary disruptions to activities or access to sites during the period of time Project-related tankers are in transit through the Stó:lō Collective's traditional territory; and
- Concerns identified by Stó:lō regarding Project-related effects on social, cultural, spiritual, and experiential aspects of their other cultural and traditional practices.

### ***Impacts on Aboriginal Title***

The Crown notes that portions of the Project would be located within areas assessed as having moderate to strong *prima facie* claim for title. In particular, for the Project segment running east from an area near Vedder Canal to the east side of Chilliwack, and from Agassiz up to Hope, the Crown's preliminary assessment ranges from moderate to strong *prima facie* claim for title. For the Project segment running along the west base of Sumas Mountain in and around Vedder Canal, the Crown's assessment is a moderate-to-strong to strong *prima facie* claim for title.

The Crown has actively consulted with the Stó:lō Collective throughout the NEB process and Crown consultation process at a deeper level in an attempt to better identify, understand, and resolve concerns relating to Aboriginal title.

Concerns related to Aboriginal title raised by the Stó:lō Collective throughout the NEB and Crown consultation process include:

- Impacts that could impede or disrupt the Stó:lō Collective's use of its asserted traditional territory, including reduced ability to fish, hunt, trap, or gather plants, a major rupture on the lower Fraser River watershed, decreased quality/integrity of fishing sites, and proposed Project activities that may deter community members from attending gatherings;
- Impacts on historic settlements and camps: 151 previously recorded archaeological and historic sites (habitation and/or settlements) were identified within 1 km of the proposed pipeline corridor, of which 38 are located within 50 m of the corridor. The ICA also describes camps, winter villages and settlement sites on and off reserve as identified by Stó:lō community members. Two habitation sites were located within 50 m of the pipeline corridor;
- Activities that affect the Stó:lō Collective's ability to manage and make decisions over the Project area, including the loss of land by means of industrial developments, loss of fishing sites, and the potential lack of control over traditional territory in the event of a spill if Stó:lō leaders are not involved in emergency response planning; and

- Project-related activities that affect the Stó:lō Collective's economic development aspirations for its asserted traditional territory, including challenges that Stó:lō companies may face associated with the Project, and potential adverse effects on existing economic activities.

The Crown provides a description of the potential impacts of the Project on Aboriginal title in Section 4.3.5 of this Report, which includes a discussion of the numerous mitigation measures that avoid or minimize potential impacts associated with Project-related activities on asserted Aboriginal title claims. Some of these mitigations include NEB Conditions that would either directly or indirectly avoid/reduce Project impacts associated with the degree of disturbance to terrestrial, marine, and aquatic environments, ongoing engagement with Aboriginal groups that has the potential to reduce impacts on the ability of Aboriginal groups to manage and make decisions over the area impacted by the Project, as well as NEB Conditions that could provide Aboriginal groups with direct and/or indirect economic benefits if the Project is approved.

It is noted that the Stó:lō Collective has not executed a Mutual Benefits Agreement with the proponent.

Given the potential impacts of the Project on Aboriginal title and various measures to address those impacts, as described in Section 4.3.5, it is the Crown's opinion, the Project is expected to have minor-to-moderate impacts on the Stó:lō Collective's asserted Aboriginal title to the Project area.

#### ***Impacts Associated with Accidental Pipeline, Terminal, and Tanker Spills***

The Stó:lō Collective expressed several concerns with direct and indirect effects of Project-related spills on their Aboriginal Interests. As outlined within the Stó:lō Collective's ICA, the Stó:lō Collective feels that the Project poses significant risk and represents a significant threat to the cultural integrity and survival of core relationships at the heart of Stó:lō worldview, identity, health, and well-being. The possibility of a major rupture of the proposed pipeline and significant contamination of the lower Fraser River Watershed cannot be entirely negated. As a result, construction of the Project as currently planned and assessed in this Project would significantly jeopardize the survival of the unique Indigenous lifeway of the Stó:lō Collective, and unjustifiably infringe upon the Stó:lō Collective's Aboriginal Interests. Additionally, the Stó:lō Collective highlights that the significance criteria relating to a pipeline rupture that Stó:lō has created is different from that of the proponent; the Stó:lō Collective hope this will be considered by Crown and the GIC.

The Crown understands the Stó:lō Collective's concerns regarding spills, and the potential for a spill to significantly impact the Stó:lō Collective's use and occupation of its asserted traditional territory, ability to make decisions over the area impacted, and the potential for a spill to significantly impact any economic development aspirations the Stó:lō Collective has for its territory.

A discussion of the potential impacts of a spill on Aboriginal Interests is provided in Section 4.3.6 of this Report. In consideration of this information and analysis, as well as information available to the Crown on the Stó:lō Collective's Aboriginal Interests and concerns raised by the Stó:lō Collective during the NEB process and Crown consultation process, an oil spill associated with the Project could result in minor to

serious impacts on the Stó:lō Collective's Aboriginal Interests. The Crown acknowledges the numerous factors that would influence the severity and types of effects associated with a pipeline, terminal or tanker spill, and that an impacts determination that relates the consequences of a spill to specific impacts on Aboriginal Interests has a high degree of uncertainty. In making this general conclusion, the Crown acknowledges that Aboriginal peoples who live nearby and rely on subsistence foods and natural resources are at greatest risk for adverse effects from an oil spill<sup>3</sup>.

#### **IV - Conclusion**

The Crown understands the Project could adversely impact the ability of Aboriginal groups to use lands, waters and resources for traditional purposes. The Crown acknowledges that proponent commitments, recommended NEB conditions and the existing pipeline and marine safety regimes would only partially address these ongoing burdens and risks. Under the typical conditions for construction and operations of the pipeline and WMT, as well as Project-related marine shipping activities between the WMT and the 12 nautical mile limit (J-buoy) through the Salish Sea and Strait of Juan de Fuca, the Crown expects impacts of the Project on the exercise of the Stó:lō Collective's Aboriginal Interests would be up to minor-to-moderate.

The Crown is supportive of consultation requirements provided by the NEB and EAO in the various conditions, which would support the Stó:lō Collective's ongoing involvement and participation in the proponent's detailed Project planning, including the development of site-specific measures or pipeline routing to further avoid or mitigate adverse impacts on Aboriginal Interests, as well as the involvement of Stó:lō Collective in emergency response planning activities. The federal Crown is considering incremental measures that would further accommodate the potential adverse impacts of the Project on Stó:lō Collective, as discussed in Sections 4 and 5 of the main body of this Report.

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<sup>3</sup> Trans Mountain Final Argument, p. 85 and 207

**Table 2 - Stó:lō Collective Member Community Preliminary Strength of Claim**

Stó:lō Collective Member	Project Interaction	Preliminary Analysis – Aboriginal Rights	Preliminary Analysis – Aboriginal Title
Aitchelitz First Nation (Aitchelitz)	The proposed right-of-way (RoW) is estimated to run through approximately 17 km of the asserted territory of the Ts'elxweyeqw Tribe. Distance from the nearest Aitchelitz community to the proposed RoW is estimated at 0 km.	Aitchelitz is understood to be a part of the historic Chilliwack tribe, today associated with the Ts'elxweyeqw Tribe. The Chilliwack are one of several groups classified as Upper Stó:lō. The Crown's preliminary assessment of the Ts'elxweyeqw Tribe's claim for rights over the section of the Project, east from an area near present day Vedder Canal to the east side of the City of Chilliwack, ranges from a moderate to a strong <i>prima facie</i> claim for rights. Information indicates that at the time of contact (understood to be 1827) ethnographers did not associate the area north of Vedder Crossing with the Ts'elxweyeqw Tribe. Information indicates that the Ts'elxweyeqw began utilizing this northern area sometime after 1830.	The Crown's preliminary assessment of the Ts'elxweyeqw Tribe's title claim over the section of the Project, east from an area near Vedder Canal to the east side of the City of Chilliwack, ranges from a moderate to a strong <i>prima facie</i> claim for title. It is understood that by 1846, the Ts'elxweyeqw Tribe had migrated from the Chilliwack River Valley to Vedder Crossing, which resulted in Ts'elxweyeqw settling into villages in that area.
Kwaw-kwaw-apilt First Nation (Kwaw-kwaw-apilt)	The proposed RoW is estimated to run through 44.8 km of the Kwaw-Kwaw-Apilt's asserted traditional territory. One proposed Project facility (Wahleach Station) also falls within the asserted traditional territory. Distance from the nearest Kwaw-Kwaw-Apilt community to the proposed RoW is estimated at 0 km (as it crosses <i>Grass No.15</i> ).	Kwaw-kwaw-apilt is understood to be a part of the historic Chilliwack tribe (Pil'Alt), today associated with the Ts'elxweyeqw Tribe. The Chilliwack are one of several groups classified as Upper Stó:lō. The Crown's preliminary assessment of the Pil'Alt Tribe's claim for rights over the section of the Project, east from an area near present day Vedder Canal to the east side of the City of Chilliwack, ranges from a moderate to a strong <i>prima facie</i> claim for rights. Information indicates that at the time of contact (understood to be 1827) ethnographers did not associate the area north of Vedder Crossing with the Pil'Alt Tribe. Information indicates that the Pil'Alt began utilizing this northern area sometime after 1830.	The Crown's preliminary assessment of the Pil'Alt Tribe's title claim over the section of the Project, east from an area near Vedder Canal to the east side of the City of Chilliwack, ranges from a moderate to a strong <i>prima facie</i> claim for title. It is understood that by 1846, the Pil'Alt Tribe had migrated from the Chilliwack River Valley to Vedder Crossing, which resulted in villages being settled in that area.

Stó:lō Collective Member	Project Interaction	Preliminary Analysis – Aboriginal Rights	Preliminary Analysis – Aboriginal Title
Leq'á:mel First Nation (Leq'á:mel)	The proposed RoW is estimated to run through 23.9 km of the Leq'á:mel's asserted traditional territory. Two proposed Project facilities (Sumas Station and Sumas Tank Farm) also fall within the asserted traditional territory. Distance from the nearest Leq'á:mel community to the proposed RoW is estimated at 5.2 km.	The Crown's preliminary assessment of Leq'á:mel's <i>prima facie</i> rights over the section of the Project, from Abbotsford to Chilliwack, is weak to strong as the pipeline route falls within what was considered Leq'á:mel historic territory.	The Crown's preliminary assessment of Leq'á:mel's <i>prima facie</i> title over the section of the Project, from Abbotsford to Chilliwack, is weak to strong as the pipeline route falls within what was considered Leq'á:mel historic territory. Leq'á:mel village sites were described as being on lower side of Vedder mountain near Yarrow. Up until separation with Sumas, Leq'a mel was part of the lower Sumas reserve and territory.
Scowlitz First Nation (Scowlitz)	The proposed RoW does not cross the Scowlitz's asserted territory, nor do the proposed Project facilities fall within the Scowlitz's asserted traditional territory. The proposed RoW runs approximately 9 – 13 km from Scowlitz at Harrison Bay, and approximately 6 km from <i>Pekw'Xe:Yles</i> reserve.	The Crown's preliminary assessment of the Scowlitz's claim for rights in the area of its asserted territory in closest proximity to the section of the Project, located between Chilliwack and Agassiz, is a weak <i>prima facie</i> claim. The claim would most likely be limited to fishing rights closest to the confluence of the Harrison and Fraser Rivers. Ethno-historic information indicates Scowlitz's traditional territory southern extent is north of the Fraser River. The Project is on the south side of the Fraser River, outside of the Scowlitz's asserted territory.	The Crown's preliminary assessment of title is there is no information supporting a <i>prima facie</i> title claim by Scowlitz to the area within its asserted territory closest in proximity to the proposed ROW, as identified. There is no evidence of Scowlitz's occupation in the vicinity of the Project.

Stó:lō Collective Member	Project Interaction	Preliminary Analysis – Aboriginal Rights	Preliminary Analysis – Aboriginal Title
Shxwhá:y Village (Shxwhá:y)	<p>The proposed RoW is estimated to run through 17 km of the asserted territory of the Ts'elxweyeqw Tribe. The proposed RoW lies south of the reserves held by Shxwhá:y, with the exception of <i>Grass No. 15</i>, which it is proposed to cross. The reserves in the vicinity of Chilliwack are found between Kilometre Posts (KPs) 1055 – 1065 of the proposed RoW. The proposed ROW runs between 0 km and 8.4 km from Shxwhá:y reserves.</p>	<p>Shxwhá:y is understood to be a part of the historic Chilliwack tribe, today associated with the Ts'elxweyeqw Tribe. The Chilliwack are one of several groups classified as Upper Stó:lō. The Crown's preliminary assessment of the Ts'elxweyeqw Tribe's claim for rights over the section of the Project, east from an area near present day Vedder Canal to the east side of the City of Chilliwack, ranges from a moderate to a strong <i>prima facie</i> claim for rights. Information indicates that at the time of contact (understood to be 1827), ethnographers did not associate the area north of Vedder Crossing with the Ts'elxweyeqw Tribe. Information indicates that the Ts'elxweyeqw began utilizing this northern area sometime after 1830.</p>	<p>The Crown's preliminary assessment of the Ts'elxweyeqw Tribe's title claim over the section of the Project, east from an area near Vedder Canal to the east side of the City of Chilliwack, ranges from a moderate to a strong <i>prima facie</i> claim for title. It is understood that by 1846, the Ts'elxweyeqw Tribe had migrated from the Chilliwack River Valley to Vedder Crossing, which resulted in Ts'elxweyeqw settling into villages in that area.</p>
Skowkale First Nation (Skowkale)	<p>The proposed RoW is estimated to run through 17 km of the asserted territory of the Ts'elxweyeqw Tribe.</p> <p>The proposed RoW lies south of the reserves held by Skowkale, with the exception of <i>Grass No. 15</i>, which it is proposed to cross. The Skowkale reserves in the vicinity of Chilliwack are found between KPs 1055 – 1065 of the proposed RoW. The proposed RoW runs between 0 km and 6 km from Skowkale's reserves.</p>	<p>Skowkale is understood to be a part of the historic Chilliwack tribe, today associated with the Ts'elxweyeqw Tribe. The Chilliwack are one of several groups classified as Upper Stó:lō. The Crown's preliminary assessment of the Ts'elxweyeqw Tribe's claim for rights over the section of the Project, east from an area near present day Vedder Canal to the east side of the City of Chilliwack, ranges from a moderate to a strong <i>prima facie</i> claim for rights. Information indicates that at the time of contact (understood to be 1827), ethnographers did not associate the area north of Vedder Crossing with the Ts'elxweyeqw Tribe. Information indicates that the Ts'elxweyeqw began utilizing this northern area sometime after 1830.</p>	<p>The Crown's preliminary assessment of the Ts'elxweyeqw Tribe's title claim over the section of the Project, east from an area near Vedder Canal to the east side of the City of Chilliwack, ranges from a moderate to a strong <i>prima facie</i> claim for title. It is understood that by 1846, the Ts'elxweyeqw Tribe had migrated from the Chilliwack River Valley to Vedder Crossing, which resulted in Ts'elxweyeqw settling into villages in that area.</p>

Stó:lō Collective Member	Project Interaction	Preliminary Analysis – Aboriginal Rights	Preliminary Analysis – Aboriginal Title
<p>Skwah First Nation (Skwah)</p>	<p>The existing and proposed RoW travels through approximately 45 km of Skwah's asserted traditional territory. One Project facility (Wahleach Station) also falls within the asserted traditional territory.</p> <p>The proposed RoW would be located largely within the existing RoW with some adjustment for habitat and geological considerations. Skwah has six reserves, one of which would be crossed by the proposed RoW (<i>Grass No. 15</i>).</p>	<p>Skwah is understood to be a part of the historic Chilliwack tribe, today associated with the Ts'elxweyeqw Tribe. The Chilliwack are one of several groups classified as Upper Stó:lō. The Crown's preliminary assessment of the Ts'elxweyeqw Tribe's claim for rights over the section of the Project, east from an area near present day Vedder Canal to the east side of the City of Chilliwack, ranges from a moderate to a strong <i>prima facie</i> claim for rights. Information indicates that at the time of contact (understood to be 1827), ethnographers did not associate the area north of Vedder Crossing with the Ts'elxweyeqw Tribe. Information indicates that the Ts'elxweyeqw began utilizing this northern area sometime after 1830.</p>	<p>The Crown's preliminary assessment of the Ts'elxweyeqw Tribe's title claim over the section of the Project, east from an area near Vedder Canal to the east side of the City of Chilliwack, ranges from a moderate to a strong <i>prima facie</i> claim for title. It is understood that by 1846, the Ts'elxweyeqw Tribe had migrated from the Chilliwack River Valley to Vedder Crossing, which resulted in Ts'elxweyeqw settling into villages in that area.</p>

Stó:lō Collective Member	Project Interaction	Preliminary Analysis – Aboriginal Rights	Preliminary Analysis – Aboriginal Title
<p>Skawahlook First Nation (Skawahlook)</p>	<p>The proposed RoW is estimated to run through 195 km of Skawahlook’s asserted traditional territory also delineated as the Stó:lō Nation <i>writ</i> area.</p> <p>Approximately 14.5 kms of the marine shipping route is also within Skawahlook’s asserted traditional territory.</p> <p>Seven Project facilities (Hope Station, Wahleach Station, Sumas Station, Sumas Tank Farm, Port Kells Station, Burnaby Terminal, and Westride Marine Terminal) also fall within the asserted traditional territory.</p> <p>The proposed RoW crosses the Fraser River from Ruby Creek and Skawahlook reserves between KPs 1025 – 1030 of the proposed RoW, west of the Hope Pump Station. The proposed RoW runs less than 1 km from the Skawahlook reserve.</p>	<p>Skawahlook is understood to be a modern descendant of the group ethnographically identified as the Tait. The Tait are one of several groups classified as Upper Stó:lō. The Crown’s preliminary assessment of the Tait’s <i>prima facie</i> claim for rights over the area identified for the Project ranges from weak to strong. The portion that spans the asserted territory falls within the area ethnographers attributed to the historic Tait territory and would support a strong <i>prima facie</i> claim.</p> <p>The Crown’s preliminary assessment of the <i>prima facie</i> strength of claim for rights within the portion of the shipping route that falls within Skawahlook First Nation asserted traditional territory is weak. There is no information to indicate that ethnographers associated this area with Skawahlook First Nation.</p>	<p>The Crown’s preliminary assessment of Tait’s <i>prima facie</i> claim for title over the area from Agassiz up to Hope is considered moderate to strong, and the claim is strong for the portion of the Project in proximity to Hope. This is supported by the number of historic Tait village sites scattered from Popkum up through to Ruby Creek on towards Hope, including the historic site of <i>C’Kals</i>, a large village site where Hope is now located. The stretch of territory northwest of Hope is moderate, an area likely utilized for resource gathering activities by those who occupied the Tait villages in and near Hope and northwards. The claim diminishes to a weak <i>prima facie</i> claim for title for the remaining portions of the Project falling within the Stó:lō <i>writ</i> boundary as ethnographers did not associate these areas with the Tait.</p>

Stó:lō Collective Member	Project Interaction	Preliminary Analysis – Aboriginal Rights	Preliminary Analysis – Aboriginal Title
<p>Soowahlie First Nation (Soowahlie)</p>	<p>The proposed RoW is estimated to run through 195 km of Soowahlie’s asserted traditional territory also delineated as the Stó:lō Nation <i>writ</i> boundary.</p> <p>Six facilities (i.e. Hope Station, Wahleach Station, Sumas Station, Sumas Terminal, Border Traps, and Westridge Marine Terminal) would be located within Soowahlie’s asserted traditional territory.</p> <p>Approximately 14.5 kms of the marine shipping route is also within Soowahlie’s asserted traditional territory.</p> <p>The reserves held by Soowahlie lie north and south of the proposed RoW, with the exception of <i>Grass No. 15</i>, which it is proposed to cross. The Soowahlie reserves in the vicinity of Chilliwack are found between KPs 1055 – 1070 of the proposed RoW. The proposed RoW runs between 0 km and 6 km from Soowahlie reserves.</p>	<p>Soowahlie is understood to be a part of the historic Chilliwack tribe, today associated with the Ts’elxweyeqw Tribe. The Chilliwack are one of several groups classified as Upper Stó:lō. The Crown’s preliminary assessment of the Ts’elxweyeqw Tribe’s claim for rights over the section of Project, east from an area near present day Vedder Canal to the east side of the City of Chilliwack, ranges from a moderate to a strong <i>prima facie</i> claim for rights. The claim diminishes to a weak <i>prima facie</i> claim for the remainder of the pipeline falling within the Stó:lō <i>writ</i> boundary as ethnographers did not associate these areas with the Ts’elxweyeqw Tribe.</p> <p>Information indicates that at the time of contact (understood to be 1827) ethnographers did not associate the area north of Vedder Crossing with the Ts’elxweyeqw Tribe. Information indicates that the Ts’elxweyeqw began utilizing this northern area sometime after 1830.</p> <p>The Crown’s preliminary assessment of the <i>prima facie</i> strength of claim to Aboriginal rights within the portion of the shipping route that falls within Soowahlie’s asserted traditional territory is weak. There is no information to indicate that ethnographers associated this area with the Soowahlie.</p>	<p>The Crown’s preliminary assessment of the Ts’elxweyeqw Tribe’s title claim over the section of the Project, east from an area near Vedder Canal to the east side of the City of Chilliwack, ranges from a moderate to a strong <i>prima facie</i> claim for title. It is understood that by 1846, the Ts’elxweyeqw Tribe had migrated from the Chilliwack River Valley to Vedder Crossing, which resulted in Ts’elxweyeqw settling into villages in that area. The claim diminishes to a weak <i>prima facie</i> claim for title for the remainder of the Project falling within the Stó:lō <i>writ</i> boundary as ethnographers did not associate these areas with the Ts’elxweyeqw Tribe.</p>

Stó:lō Collective Member	Project Interaction	Preliminary Analysis – Aboriginal Rights	Preliminary Analysis – Aboriginal Title
Squiala First Nation (Squiala)	<p>The proposed RoW is estimated to run through 17 km of the asserted territory of the Ts'elxweyeqw Tribe.</p> <p>The proposed RoW lies south of the reserves held by Squiala, with the exception of <i>Grass No. 15</i>, which it is proposed to cross. The reserves in the vicinity of Chilliwack are found between KPs 1055 – 1065 of the proposed RoW. The proposed ROW runs between 0 km and 8.4 km from Squiala reserves.</p>	<p>Squiala is understood to be a part of the historic Chilliwack tribe, today associated with the Ts'elxweyeqw Tribe. The Chilliwack are one of several groups classified as Upper Stó:lō. The Crown's preliminary assessment of the Ts'elxweyeqw Tribe's claim for rights over the section of the Project, east from an area near present day Vedder Canal to the east side of the City of Chilliwack, ranges from a moderate to a strong <i>prima facie</i> claim for rights. Information indicates that at the time of contact (understood to be 1827), ethnographers did not associate the area north of Vedder Crossing with the Ts'elxweyeqw Tribe. Information indicates that the Ts'elxweyeqw began utilizing this northern area sometime after 1830.</p>	<p>The Crown's preliminary assessment of the Ts'elxweyeqw Tribe's title claim over the section of the Project, east from an area near Vedder Canal to the east side of the City of Chilliwack, ranges from a moderate to a strong <i>prima facie</i> claim for title. It is understood that by 1846, the Ts'elxweyeqw Tribe had migrated from the Chilliwack River Valley to Vedder Crossing, which resulted in Ts'elxweyeqw settling into villages in that area.</p>

Stó:lō Collective Member	Project Interaction	Preliminary Analysis – Aboriginal Rights	Preliminary Analysis – Aboriginal Title
Sumas First Nation (Sumas)	<p>The proposed RoW is estimated to run through 21 km Sumas’s asserted territory. Two proposed Project facilities (Sumas Station and Sumas Tank Farm) also fall within the asserted traditional territory.</p> <p>The proposed RoW lies north of Sumas, which is found between KPs 1080 – 1085. Sumas is flanked by the Sumas Tank Farm at KP 1085 and the Sumas Pump Station at near KP 1082. The proposed RoW runs between 0.9 km and 8.4 km from Sumas reserves.</p>	<p>The Crown’s preliminary assessment of Sumas' <i>prima facie</i> claim to rights is strong over the section of the Project from the west base of Sumas Mountain to, in and around, Vedder Canal, an area historically considered Sumas territory. The pipeline crosses over the valley area that was once Sumas Lake. Sumas Lake was an important resource gathering area and a central defining feature of the Sumas Nation until it was drained in the 1920's. Moving east from Vedder Canal. Sumas rights would reduce to weak-to-moderate as the pipeline crosses into Ts'elxweyeqw Tribal territory in and around Vedder Canal.</p>	<p>The Crown’s preliminary assessment of Sumas' <i>prima facie</i> claim to title is moderate-strong to strong over the section of the Project from the west base of Sumas Mountain to Vedder Canal, which overlaps with historic Sumas' territory and an area in proximity to Sumas village sites - moving east from here the Sumas title would reduce sharply to weak as the proposed RoW crosses into Ts'elxweyeqw Tribal territory in and around Vedder Canal. The proposed RoW crosses over the valley area that was once Sumas Lake. Sumas Lake area contained a primary village site on the lower portion of the Vedder River near Yarrow, and was an important resource gathering area for the Sumas; this area of central importance to the Sumas Nation until it was drained in the 1920's. When the lake was drained there was a slight geographic movement by the Sumas as a result of the draining of Sumas Lake, immediately adjacent to Sumas Mountain (1924) which forced the Sumas to move even closer to the Mountain at the core of their asserted territory.</p>

Stó:lō Collective Member	Project Interaction	Preliminary Analysis – Aboriginal Rights	Preliminary Analysis – Aboriginal Title
Tzeachten First Nation (Tzeachten)	<p>The proposed RoW is estimated to run through 17 km of the asserted territory of the Ts'elxweyeqw Tribe.</p> <p>The proposed RoW is proposed to cross <i>Tzeachten No. 13</i> and <i>Grass No. 15</i>. The Tzeachten reserves in the vicinity of Chilliwack are found between KPs 1055 – 1070. The pipeline corridor runs between 0 km and 6 km from Tzeachten reserves.</p>	<p>Tzeachten is understood to be a part of the historic Chilliwack tribe, today associated with the Ts'elxweyeqw Tribe. The Chilliwack are one of several groups classified as Upper Stó:lō. The Crown's preliminary assessment of the Ts'elxweyeqw Tribe's claim for rights over the section of the Project, east from an area near present day Vedder Canal to the east side of the City of Chilliwack, ranges from a moderate to a strong <i>prima facie</i> claim for rights. Information indicates that at the time of contact (understood to be 1827), ethnographers did not associate the area north of Vedder Crossing with the Ts'elxweyeqw Tribe. Information indicates that the Ts'elxweyeqw began utilizing this northern area sometime after 1830.</p>	<p>The Crown's preliminary assessment of the Ts'elxweyeqw Tribe's title claim over the section of the Project, east from an area near Vedder Canal to the east side of the City of Chilliwack, ranges from a moderate to a strong <i>prima facie</i> claim for title. It is understood that by 1846, the Ts'elxweyeqw Tribe had migrated from the Chilliwack River Valley to Vedder Crossing, which resulted in Ts'elxweyeqw settling into villages in that area.</p>
Yakweakwioose First Nation (Yakweakwioose)	<p>The proposed RoW is estimated to run through 17 km of the asserted territory of the Ts'elxweyeqw Tribe.</p> <p>The proposed RoW lies south of the reserves held by Yakweakwioose, with the exception of <i>Grass No.15</i>, which it is proposed to cross.</p>	<p>Yakweakwioose is understood to be a part of the historic Chilliwack tribe, today associated with the Ts'elxweyeqw Tribe. The Chilliwack are one of several groups classified as Upper Stó:lō. The Crown's preliminary assessment of the Ts'elxweyeqw Tribe's claim for rights over the section of the Project, east from an area near present day Vedder Canal to the east side of the City of Chilliwack, ranges from a moderate to a strong <i>prima facie</i> claim for rights. Information indicates that at the time of contact (understood to be 1827), ethnographers did not associate the area north of Vedder Crossing with the Ts'elxweyeqw Tribe. Information indicates that the Ts'elxweyeqw began utilizing this northern area sometime after 1830.</p>	<p>The Crown's preliminary assessment of the Ts'elxweyeqw Tribe's title claim over the section of the Project, east from an area near Vedder Canal to the east side of the City of Chilliwack, ranges from a moderate to a strong <i>prima facie</i> claim for title. It is understood that by 1846, the Ts'elxweyeqw Tribe had migrated from the Chilliwack River Valley to Vedder Crossing, which resulted in Ts'elxweyeqw settling into villages in that area.</p>