



TSLEIL-WAUTUTH NATION



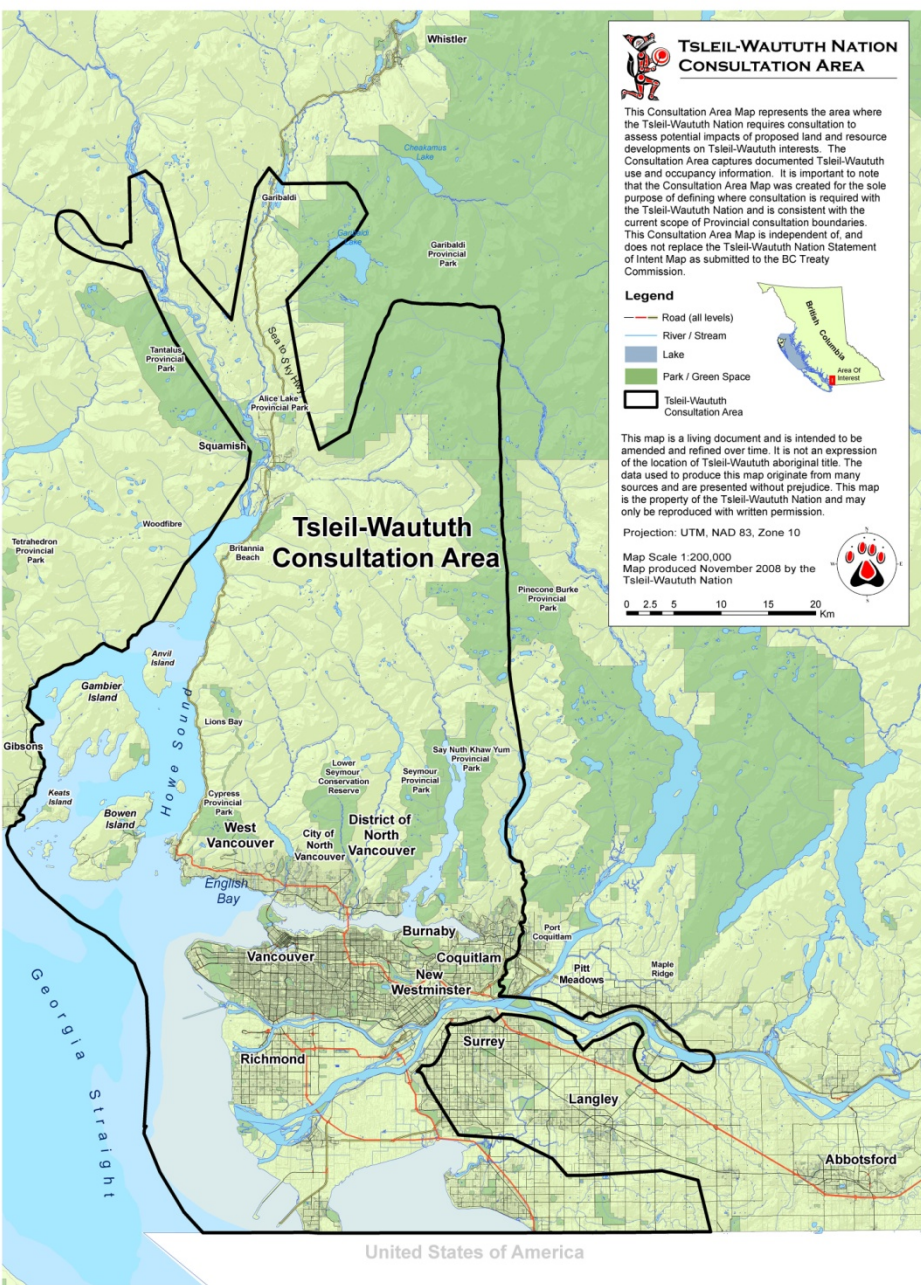
Welcome to Tsleil-Waututh territory. This Stewardship Policy is an invitation to all governments, individuals and organizations to participate in a process of land and resource stewardship.

This Policy applies to all lands and resources within the consultation area shown on the attached map. This consultation area map represents the area where the Tsleil-Waututh Nation requires consultation to assess potential impacts of proposed land and resource policies, plans and developments on Tsleil-Waututh interests.

The Consultation Area captures documented Tsleil-Waututh use and occupancy information. It is important to note that the consultation area map was created for the sole purpose of defining where consultation is required with the Tsleil-Waututh Nation and is consistent with the current scope of Provincial consultation boundaries. This consultation area map is independent of, and does not replace the Tsleil-Waututh Nation Statement of Intent Map as submitted to the BC Treaty Commission.

If you hold interests in the land, water and resources of the Tsleil-Waututh Nation territory, granted to you by other governments, or if you have plans or projects that involve the use of this area, we wish to talk to you about ways in which those interests can be used to better serve your needs and those of the Tsleil-Waututh Nation.

Leah D. George-Wilson
Chief, Tsleil-Waututh Nation



Tsleil-Waututh Nation Declaration

*We are the Tsleil-Waututh First Nation, the People of the Inlet.
We have lived in and along our Inlet since time out of mind.
We have been here since the Creator transformed the Wolf
into that first Tsleil-Wautt, and made the Wolf
responsible for this land.*

*We have always been here and we will always be here.
Our people are here to care for our land and water.
It is our obligation and birthright
To be the caretakers and protectors of our Inlet.*

*Our people descended from powerful Hereditary leaders, Waut-salk and Sla-holt
We know where we come from and we know who we are
We respect our heritage and
Nothing can change our history and our truth.*

*Our people travelled far and wide on our traditional territory, they paddled
Our waters and climbed our mountains.
They understood the richness that our traditional territory held, and in
Understanding this, they knew our land.
Our ancestors were responsible for our rivers, streams, beaches and forests
Of our traditional territory.
Our people knew our land well because it was for the benefit of everyone.*

*Our Tsleil-Waututh Nation is moving into our future.
Our children and our land are our future.
Our future will bring enough for our children's children to thrive.
We are looking forward,
We are ready to meet the next millennium.*

*Therefore, be it known far and wide that our Tsleil-Waututh Nation, the People
of the Inlet, are responsible for and belong to our traditional territory.
Let it be known that our Tsleil-Waututh Nation is a Nation unto itself,
Holding traditional territory for its people.*

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All images courtesy of the Tsleil-Waututh Nation.

Background

More than a decade ago, the Tsleil-Waututh community gave the leadership direction to put the Tsleil-Waututh “face” back on our traditional territory. Tsleil-Waututh began this journey by undertaking a traditional and contemporary analysis of the natural, cultural and societal conditions of the territory. The purpose of this analysis was to examine the partnership potential of working with governments and others to add the unique Tsleil-Waututh dimension to activities taking place within Tsleil-Waututh territory and to create greater economic and social results that can be equitably shared.

Tsleil-Waututh also began the steps necessary to resume our stewardship role for the lands and resources in the territory and our use and occupancy areas and to make every effort to engage others in rebuilding the health of the Burrard Inlet and its surrounding lands.

Tsleil-Waututh Stewardship Policy

We are pleased to provide this Stewardship Policy to all governments, businesses and individuals that may have interests within the consultation area. The Tsleil-Waututh Stewardship Policy is based on Tsleil-Waututh aboriginal rights and title and our relationship with the land. We have been taught by generations of our Elders that we have a responsibility to steward and share the land. We have been marginalized over the past 150 years and confined to our reserves. It is our intention to reverse that pattern and once again fulfill our obligation to take care of the land and share its bounty.

This Policy acknowledges the obligation of governments to consult with and accommodate Tsleil-Waututh interests and provides a collaborative and non- adversarial means for fulfilling that obligation.

This Policy does not constitute a blanket approval for land, water and resource decisions that have been made in the past in which the Tsleil-Waututh did not participate. Those decisions, and the tenures or interests that have been created from them, need to be dealt with through individual processes involving Tsleil-Waututh, the responsible governments and the various tenure holders in the consultation area.

We want this Policy statement to be a mechanism to further the growth of the relationships that we have built in recent years and to provide a certainty of purpose and intent that will invite and enable new partnerships and relationships. It is an invitation to work together with the full, up front and transparent knowledge of our needs and expectations.



Scope of Policy and Stewardship Framework

This Policy applies to all of the surface and subsurface air, land, water, cultural and natural resources within the Tsleil-Waututh consultation area. The following goals apply to all proposed land and resource policies, planning initiatives and all projects planned, designed, and implemented within the consultation area:

- Assurance that the proposed policy, plan, development or land and resource use will not pose a threat of irreparable environmental, cultural or resource damage;
- Assurance that all such policies and projects contain an element that can contribute to the restoration of the natural and/or cultural health of the territories;
- Assurance that any proposed policy or project will provide more positive than negative social impacts for Tsleil-Waututh people;
- Assurance that these policies and projects will not jeopardize, prejudice or otherwise compromise Tsleil-Waututh Nation aboriginal rights, titles and interests;
- Provision for the widest possible opportunity for education and direct employment- related training for Tsleil-Waututh people in connection with any agreed upon project;
- Provision for economic participation by the Tsleil-Waututh Nation where possible, in commercial and industrial development projects;
- Assurance that any development will maximize and promote the development of new Tsleil-Waututh business opportunities and the utilization of existing Tsleil-Waututh businesses which may be associated with that development; and
- Provision for the proponent and the regulators to assist the Tsleil-Waututh Nation to accomplish the objectives stated above by providing financial assistance where necessary to mobilize Tsleil-Waututh's capacity to engage.

Stewardship Policy – Principles, Processes and Specific Provisions

The Policy is divided into five sub categories:

1. Consultation and Accommodation
2. Land Alienation
3. Planning
4. Development Assessment
5. Resourcing Requirements for Tsleil-Waututh Engagement

1. Consultation and Accommodation

1.1 Introduction

Consultation with Tsleil-Waututh and the accommodation of Tsleil-Waututh interests where required is the over-arching theme of this Policy. It touches all of the other specific provisions in the Policy related to planning, development and resourcing. It provides direction for governments and others on how to engage with Tsleil-Waututh and sets out specific steps to achieve what Tsleil-Waututh defines as “meaningful consultation”.

Governments have a legal obligation to avoid the unjustified infringement of aboriginal rights and title, to mitigate impacts and to accommodate First Nation interests. Tsleil-Waututh is committed to participating in consultation processes that reflect the principles described in this Policy where adequately resourced to do so.

1.2 Principles for consultation and accommodation:

The following principles frame the Tsleil-Waututh approach to consultation and accommodation:

1.2.1 In all cases, consultation with Tsleil-Waututh Nation should seek to achieve our informed consent.

1.2.2 Governments have the legal obligation to consult with Tsleil-Waututh and accommodate where there is potential for adverse impact or infringement. Tsleil-Waututh will cooperate with

proponents and others whom government has enlisted to engage with First Nations, however Tsleil-Waututh is clear that governments cannot “contract out” of their legal responsibility for consultation and accommodation.

1.3 Steps for meaningful consultation

1.3.1 The consultation process will focus on identifying means for involving Tsleil-Waututh as early in the planning process and decision-making process as possible.

1.3.2 Consultation with the Tsleil-Waututh Nation means:

- a) provision of notice by the responsible agency to the Tsleil-Waututh Nation of the matter to be decided;
- b) provision by the responsible agency and/or proponent of the re-sourcing required for the Tsleil-Waututh Nation to participate effectively in the consultation process (see Section 5 – Resourcing and the accompanying fee schedule);
- c) provision of information about the matter to be decided in sufficient form and detail to enable Tsleil-Waututh to understand the nature of the matter to be decided and its potential impact on Tsleil-Waututh interests and to prepare and present their views on the matter;
- d) provision of a reasonable period of time in which the Tsleil-Waututh Nation may prepare and present their views of the possible impact of the matter to be decided on their values, asserted aboriginal rights, titles and interests;
- e) provision for the responsible agency and the proponent to respond to the issues raised by Tsleil-Waututh; identifying those areas where the responsible agency agrees to incorporate Tsleil-Waututh views and identifying those areas of disagreement;
- f) establishment of an issue resolution process to deal with any disagreements arising from Tsleil-Waututh views and the response of the agency and proponent;

g) provision for full and fair consideration by the responsible agency and the proponent of the information provided by Tsleil-Waututh including a specific response to any outstanding issues not resolved through the issue resolution process referred to above.;

h) responsible agencies must notify Tsleil-Waututh in writing of the proposed decision by the statutory decision maker identifying how Tsleil-Waututh interests were considered and addressed;

i) Tsleil-Waututh must be provided with an opportunity to address any outstanding issues prior to a final decision by the statutory decision maker.

1.4 Steps for Accommodation

1.4.1 The consultation procedures outlined in Section 1.3 will include an accommodation process to address Tsleil-Waututh interests arising from potential adverse impacts or infringements. Accommodation arrangements may include, but are not limited to:

- a) economic accommodations;
- b) cultural accommodations;
- c) social accommodations;
- d) stewardship accommodations.

1.4.2 Tsleil-Waututh will take a flexible approach to structuring accommodation provisions. Depending on the nature of the proposed policy or project, Tsleil-Waututh may agree to offsetting stewardship initiatives, such as habitat restoration, carbon sequestration enhancement or other such projects, that contribute to the long term health of the territory.

2. Land Alienation

2.1 Introduction

Tsleil-Waututh has been excluded from government processes that enable the acquisition of so called “Crown land” from the early 20th century to the late 1950s. Since those laws were

changed, a combination of federal fiscal policies for Indian Bands and a general level of poverty in these communities have made it very difficult for First Nations and First Nation citizens to acquire land. This makes the need for land a critical element of First Nation socio-economic development. Tsleil-Waututh has acknowledged this need and has taken steps to begin to address land requirements. Tsleil-Waututh is not averse to buying back areas of our traditional territory whenever they become available. Through this mechanism, for example, Tsleil-Waututh has acquired all of the fee simple land in the Indian River watershed.

2.2 Policy Principles for Land Alienation

2.2.1 Land ownership together with appropriate jurisdiction is a key element of the Tsleil-Waututh community development strategy. Tsleil-Waututh is prepared to hold land in a number of ways, as 91(24) lands “reserved for Indians,” fee simple, leasehold and through other mechanisms. Tsleil-Waututh land requirements include the need for rural land and, most importantly, for urban land for community expansion.

2.2.2 Any proposed alienation of provincial or federal land must first be the subject of meaningful consultation as set out in this Policy.

2.2.3 Where the Crown proposes a sale, lease, license or other disposition of Crown land in the traditional territory, the Tsleil-Waututh Nation must have priority opportunity to acquire those lands or equivalent lands within the traditional territory.

2.2.4 Existing tenure holders and licensees are invited to contact Tsleil-Waututh. We wish to work with you to structure a more effective working relationship that will add value to your activities and at the same time, contribute to achieving Tsleil-Waututh Nation objectives.

3. Land, Resource and Other Planning Initiatives

3.1 Introduction

Land and resource planning has been one inter-governmental function within which Tsleil-Waututh believes First Nations and other governments have made significant strides. As examples Tsleil-Waututh has led and helped secure resources for the Indian River Sustainable Resource Management Plan, the Say-Nuth-Khaw-Yum Park Management Plan and the Whey-ah-Wichen/Cates Park Management Plan. The following principles and processes are built, at least in part, on those experiences.

3.2 Principles to guide planning initiatives in the consultation area:

3.2.1 Effective planning is an important tool for the sustainable use of lands and resources.

3.2.2 Planning processes must be structured to reflect Tsleil-Waututh participation on a government-to-government basis.

3.2.3 All current planning processes and land use plan implementation processes should be evaluated and adjusted to be consistent with this policy.

3.2.4 New planning processes should consider Tsleil-Waututh's potential role as:

- process facilitator;
- the entity best suited to provide a balanced perspective on development and the environment;
- adding a cultural and historical perspective; and
- participating on the basis of our aboriginal rights and title.

3.3 Specific Steps for Successful Planning Processes

3.3.1 Any proposed planning initiative should first consider incorporating Tsleil-Waututh knowledge and proprietary information as a principal component of the data base for the plan. Tsleil-Waututh has collected and analyzed more information about the lands and resources of the traditional territory than any federal or provincial government agency, any local government or any present user of lands and resources. Tsleil-Waututh has built a highly competent planning and mapping function that is available to assist with undertakings in the consultation area.

3.3.2 The effectiveness of any planning initiative depends on the quality of the terms of reference for the plan. Tsleil-Waututh expects planners to engage Tsleil-Waututh prior to the completion of the terms of reference to ensure their thoroughness, relevance and applicability.

3.3.3 Tsleil-Waututh has demonstrated its ability to lead planning processes. Tsleil-Waututh suggests that planners consider using the Tsleil-Waututh expertise in this role.

3.3.4 Tsleil-Waututh may participate in “round table” stakeholder processes at their discretion provided that the government-to-government relationship has been established at the terms of reference stage and as an element of the final drafting and approval stages.

3.3.5 When a plan is near completion, Tsleil-Waututh needs to be involved in reviewing and providing input into a final draft before it is reviewed by other decision makers. The planning process needs to have a stage wherein Tsleil-Waututh and the planning agency can meet and resolve any outstanding issues on a government- to-government basis before approval.

3.3.6 Any plan that adversely impacts Tsleil-Waututh aboriginal rights, titles and interests, must be referred to Tsleil-Waututh with the intent of seeking Tsleil-Waututh’s consent and must include provisions to accommodate any such impacts.

4. Assessment of Proposed Developments

4.1 Introduction

Tsleil-Waututh uses two “lenses” to analyze land use decisions, proposed projects and new or amended government policy that may impact our traditional territories and our traditional use areas. First, is the decision proposed a good land use decision? Does it represent the best use of lands and resources for the present and for the future? What impact does it have on the natural and cultural resource base within which it is proposed? What does it contribute to the cumulative effect of past land use decisions and what implications does it have for future development to which it may be linked or that it may enable?

The second “lens” looks at impacts and benefits. Will the proposed decision, project or policy have the ability to provide benefits to the Tsleil-Waututh community that are commensurate with the impacts that it will have? In this context, Tsleil-Waututh takes a holistic view of the project, decision or policy in context with the alienation of resources, lands and economic opportunities that have occurred throughout the traditional territory since contact and the assertion of sovereignty by settler governments.

Tsleil-Waututh will not endorse, approve or otherwise remove their objection to proposed decisions, projects or policies until Tsleil-Waututh has conducted a diligent assessment of the project through these two “lenses”.

4.2 Principles for Assessing Policy and Project Development

4.2.1 Sustainable development is a key to supporting the social and economic objectives of the Tsleil-Waututh Nation and others.

4.2.2 Development assessment processes need also to reflect the government-to-government relationship between Tsleil-Waututh and the project review and approval processes. Key elements of that relationship are:

a) Early Tsleil-Waututh involvement in the development of the

scope of assessment documents

b) Tsleil-Waututh involvement that is voluntary and without prejudice in “round table” processes with stakeholders

c) An “end of process” decision forum between Tsleil-Waututh and government decision makers to ensure that adequate consideration has been accorded Tsleil-Waututh suggestions and concerns.

4.2.3 The Stewardship Policy requires that projects provide commensurate benefits to the community in consideration of the impacts that it will have. Accommodation and impact and benefit arrangements can take many forms and Tsleil-Waututh will take a flexible and creative approach to discussions related to accommodation, impacts and benefits.

4.3 Specific Steps for Successful Development Assessment

4.3.1 Proposed projects should be referred to Tsleil-Waututh as early in the development process as possible. Tsleil-Waututh will be able to assist with compilation and verification of the data base which will inform project assessment decisions.

4.3.2 Project proponents are invited to contact Tsleil-Waututh Nation prior to submitting projects for municipal, regional, federal or provincial approval. We are interested in negotiating arrangements which may serve to strengthen proposals and contribute to achieving shared objectives.

4.3.3 It is very important that Tsleil-Waututh review and support the scope of review document or terms of reference. If consensus is achieved at the outset, the chances of an appropriate project assessment are greatly increased. If we get it wrong at the outset, it is much more difficult to correct.

4.3.4 Tsleil-Waututh will need to engage with government and/or the proponent to canvass the possible opportunities for benefit to come and to negotiate the necessary understanding for those benefits to be realized.

4.3.5 Tsleil-Waututh will monitor the environmental performance of the proponent as well as the regulatory performance of government. Tsleil-Waututh has only one traditional territory. Critical mistakes with respect to its integrity cannot be allowed to happen as they have in the past.

5. Resourcing Requirements for Tsleil-Waututh Engagement

5.1 Introduction

Tsleil-Waututh is currently funded only to participate in the management of our reserve lands. That means that at present, we have no resources dedicated or available to participate in the land, water and resource planning and management processes outside our reserve landbase.

This creates a serious imbalance and a basic unfairness. Up to now, we have been participating in dialogue with governments and proponents using borrowed treaty negotiation funding or trying to use other administration or program funding from already overstretched budgets.

Consequently, under this Policy, agencies and proponents will be expected to assist with resourcing needs on a case-by-case basis. Tsleil-Waututh has established a fee structure for various levels of consultation. This fee structure is not intended to create a barrier to consultation and accommodation, but is necessary to enable Tsleil-Waututh to engage in these processes.

5.2 Principles to Guide Resourcing

5.2.1 There must be complete cost recovery for all Tsleil-Waututh activities associated with consultation and accommodation.

5.2.2 Invoices are with payment issued due on receipt.

5.3 Specific Steps for Successful Resourcing

Step 1: Initial Referral Screening fee (\$600.00)

This fee establishes a specific project file in the Tsleil-Waututh Treaty, Lands and Resources Department. It covers costs of diarizing, distribution, and initial screening by Tsleil-Waututh staff and must accompany any letter initiating consultation.

Step 2: Information Sharing

Information sharing may take the form of a meeting, or an exchange of information via other means and is an opportunity for questions of clarification and additional information to be addressed.

During this step, the Tsleil-Waututh can assess the need for additional information on the initiative to be proposed, as well as outline any additional resourcing requirements for the analysis and preparation of Tsleil-Waututh response.

Additional costs are to be estimated at this stage and the estimated costs are to be submitted with additional information by proponent or decision maker.

A Cultural Heritage Investigation Permits may be required from Tsleil-Waututh for certain projects to identify, protect, conserve and manage cultural heritage resources. (Permit fee \$300-\$500)

Step 3: Review of Additional Information and Technical Analysis

If required, this step is dependent on the estimate in Step 2. The estimate may have to be adjusted depending on level of complexity and need for contract technical or professional reviews.

Step 4: Follow-up Meetings

The number of meetings will vary by project. Meetings will be organized to present TWN analysis results, work to resolve any outstanding issues, and to review and provide final remarks with respect to notification by decision maker. This step covers Tsleil-Waututh staff time and any contracted technical or professional services.

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