# **Collaboration in Action: Applying the šxʷkʷecxənəm Framework for Environmental Assessments in Tsawwassen First Nation’s Territory**

By: Shelia Williams, Brendan Mather and Analise Saely

**Introduction**: The hən̓ q̓ əmin̓ əm̓ word šxʷkʷecxənəm means “lookout” and is used in this context as being stewards of the land. This paper will explore the use of “two eyed seeing” in the context of developing and applying the šxʷkʷecxənəm Framework for assessments at Roberts Bank in British Columbia. The Framework was created by the Tsawwassen First Nation and applied to the assessment process collaboratively with the BC Environmental Assessment Office and Impact Assessment Agency of Canada.

All three governments integrated Tsawwassen’s cultural and stewardship knowledge into the assessment processes to understand how proposed projects, including the activity of marine shipping, may impact harvesting, cultural and stewardship practices. Working together under šx ʷk ʷecxənəm has helped Tsawwassen, Canada and British Columbia as treaty partners advance the assessment process to benefit all of us. Our paper will talk about how the three governments worked together to navigate complex assessments, developed a good working relationship and met all our needs through a collaborative processes.

**Tsawwassen First Nation Treaty**:

The preamble to the Tsawwassen Final Agreement (TFN Treaty) states: Tsawwassen First Nation claim aboriginal rights based on their assertion of a unique, current and historical, cultural connection and use, since time immemorial, to the lands, waters and resources surrounding those areas of Roberts Bank, the Fraser River, the Fraser River estuary, Pitt Lake, the Pitt River, the Serpentine River, the Nicomekl River, Boundary Bay and the Gulf Islands, that comprise Tsawwassen Territory in Canada; Canada and British Columbia acknowledge the aspiration of Tsawwassen First Nation to preserve, promote and develop the culture, heritage, language and economy of Tsawwassen First Nation; Canada and British Columbia acknowledge the aspiration of Tsawwassen First Nation and Tsawwassen people to participate more fully in the economic, political, cultural and social life of British Columbia in a way that preserves and enhances the collective identity of Tsawwassen people as Tsawwassen First Nation, and to evolve and flourish in the future as a self- sufficient and sustainable community.

Brought together through Treaty: In 2009, the historic Tsawwassen First Nation Final Agreement, the first modern urban treaty in Canada, came into effect, heralding a new relationship between Tsawwassen First Nation (TFN), the Government of Canada, and the Government of British Columbia. In addition to constitutionally protecting a new relationship, the Final Agreement recognized TFN’s deep connection to Roberts Bank, being the waters adjacent to the heart of TFN Lands under the Final Agreement. The Final Agreement also recognized the importance of TFN’s stewardship aspirations as a key pillar of the future that TFN hoped to create through the implementation of this modern treaty.

For TFN members to exercise their rights and culture, as outlined in the Final Agreement and protected by the constitution, sc̓ әwaθәn mәsteyәxw | Tsawwassen First Nation must be able to practice stewardship.

**British Columbia Environmental Assessment Office**

When a major project is proposed in British Columbia, it must undergo an environmental assessment. In B.C., environmental assessments are managed by the Environmental Assessment Office (EAO), a neutral regulatory agency within the provincial government. The EAO produces an assessment report for provincial Ministers to make a decision on whether the project should proceed.

The provincial environmental assessment process ensures that positive and negative potential environmental, economic, social, cultural and health effects that may occur during the lifetime of a major project are assessed. The EAO works with and seeks input from scientific professionals, Indigenous groups, proponents, the public, local governments, and federal and provincial agencies to ensure that no adverse effects are missed. Supporting reconciliation with Indigenous peoples in British Columbia is included in the EAO’s purpose.

**Impact Assessment Agency of Canada**

The Impact Assessment Agency of Canada (IAAC) is a federal body accountable to the Minister of Environment and Climate Change. IAAC serve Canadians by delivering high-quality impact assessments that look at both positive and negative environmental, economic, social, and health impacts of potential projects. Indigenous peoples' participation in the impact assessment process is important to the Government of Canada's understanding of the impacts of projects. IAAC seeks to work with Indigenous peoples in a way that advances reconciliation, respects the rights and culture of Indigenous peoples, and protects and ensures consideration of Indigenous knowledge.

**Landscape of Environmental and Impact Assessments in Tsawwassen territory**:

,sc̓ әwaθәn mәsteyәxw | Tsawwassen First Nation (Tsawwassen) territory is located on the southern shores of Delta, BC. Tsawwassen means “Land Facing the Sea”. Tsawwassen territory has become a highly developed part of Canada. Relatively recent environmental assessments for projects in the last few decades include [Deltaport Third Berth](https://www.ceaa-acee.gc.ca/052/details-eng.cfm?pid=3734) project, [Vancouver Airport Fuel Delivery](https://projects.eao.gov.bc.ca/p/5885117caaecd9001b820cd6/project-details) project,  [Transmountain Pipeline Expansion](https://www.cer-rec.gc.ca/en/applications-hearings/view-applications-projects/trans-mountain-expansion/project-background.html) project and many others.

As of March 31, 2022 there are five active federal and provincial assessments underway in Tsawwassen territory, these include [GCT Deltaport Expansion](https://www.ceaa.gc.ca/050/evaluations/proj/81010) project, [Roberts Bank Terminal 2](https://www.ceaa.gc.ca/050/evaluations/proj/80054?culture=en-CA) project, [Tilbury Marine Jetty](https://www.projects.eao.gov.bc.ca/p/58851208aaecd9001b829b58/project-details) project, [Tilbury Phase 2 LNG Expansion](https://www.projects.eao.gov.bc.ca/p/5df7f1bfb7434b002164961c/project-details) project and the [Delta Grinding Facility](https://www.projects.eao.gov.bc.ca/p/5c82a7f3f7883500246b2f33/project-details) project.

These projects are being assessed under a variety of different legislative regimes by both Canada and British Columbia including the [Canadian Environmental Assessment Act 2012](https://laws-lois.justice.gc.ca/eng/acts/C-15.21/index.html), the [BC Environmental Assessment Act 2002](https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/environmental-assessments/act-regulations-and-agreements/2002-act-regulations-and-agreements), the Canadian [Impact Assessment Act, 2019](https://laws.justice.gc.ca/eng/acts/I-2.75/index.html) and the [BC Environmental Assessment Act 2018.](https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/environmental-assessments/act-regulations-and-agreements/2018-act-regulations-and-agreements) All these projects are conducted under the [Tsawwassen Final Agreement](http://tsawwassenfirstnation.com/wp-content/uploads/2019/07/1_Tsawwassen_First_Nation_Final_Agreement.pdf).

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Over the past decade, the Impact Assessment Agency as a representative of Canada and the BC Environmental Assessment Office as a representative of British Columbia have evolved our relationship as treaty partners with Tsawwassen First Nation. A key element of that evolution has been exploring options under the respective regulatory regimes to have Tsawwassen First Nation move from being a participant providing input into assessments in their territory to becoming a partner in conducting analysis and providing conclusions about what projects in their territory mean to them as a treaty Nation.

From the perspective of the Impact Assessment Agency of Canada and the BC Environmental Assessment Office, helpful regulatory tools to work with Tsawwassen as a partner include the ability to co-draft the Consultation and Accommodation Report for the Roberts Bank Terminal 2 project with Tsawwassen First Nation. The Consultation and Accommodation Report is the final assessment at the very end of a process of how a project may impact an Indigenous nation’s rights and is provided to all decision makers prior to them making a decision on whether to approve a project. For the GCT Deltaport Expansion project, a helpful regulatory tool has been the inclusion of project impacts on Indigenous rights as a factor to be considered under the Impact Assessment Act, 2019, and the BC Environmental Assessment Act, 2018. The Impact Assessment Agency has been working with Tsawwassen as a partner in applying our [Guidance on Assessment of Potential Impacts on the Rights of Indigenous Peoples](https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/practitioners-guide-impact-assessment-act/guidance-assessment-potential-impacts-rights-indigenous-peoples.html) for the project. Tsawwassen First Nation will lead the assessment of how the project will impact their interests. This included Tsawwassen designing and writing the section of the guidelines, with EAO and IAAC, to the proponent about what is need to undertake a Tsawwassen-led assessment.

**šxʷkʷecxənəm**:

šxʷkʷecxənəm means “lookout”: The hən̓ q̓ əmin̓ əm̓ word šxʷkʷecxənəm means to be stewards of the land. The “šxʷ” in the word change a word to a noun, while “kʷec” means to look or watch, “xən” is to do with a foot, and “əm” means the person that is doing the action. Thus, a rough translation of šxʷkʷecxənəm to English would be a person that is looking or watching on foot — or acting as a lookout. Three elements of šxʷkʷecxənəm: The term šxʷkʷecxənəm encompasses three distinct elements that are not fully captured in the English translation. First, as the English translation suggests, šxʷkʷecxənəm encompasses a number of practices close to the land and water. Second, the “šxʷ” in the word changing a word to a noun highlights that stewardship is also a matter of TFN identity. This is a state of being that is integral to who we are as Tsawwassen people because it reflects our holistic world view that everything is interconnected, both in physical and spiritual realities. Third, šxʷkʷecxənəm is a relationship and it goes beyond a simple desire to ensure resource abundance. TFN stewardship is a relationship built on respect and gratitude for having healthy waters, lands, and species in the territory that exist in equilibrium with the social, cultural, and economic lives and activities of Tsawwassen members.

The šxʷkʷecxənəm Framework was developed through a robust and structured community process led by , sc̓ әwaθәn mәsteyәxw , with support from federal and provincial government agencies, as part of the RBT2 EA process. It was developed as a Government-to-Government mechanism for addressing modern treaty implications of the RBT2 project and existing cumulative effects on the Treaty rights and aspirations of the Tsawwassen First Nation. This framework was presented to public servants from several federal and provincial government departments and helped shift the way the federal and provincial systems understand how a project can seriously impact a treaty that Canada and BC are signatories to and the benefits of having a Nation propose culturally relevant solutions. Many of the provincial and federal departments agreed with the concepts in the proposal, notably the stewardship aspirations of Tsawwassen First Nation. The šxʷkʷecxənəm Framework is being applied within the assessment of other major projects within Tsawwassen’s territory.

The TFN šxʷkʷecxənəm Framework consists of six strategies that provide an integrated plan for addressing the impacts of RBT2 on TFN’s stewardship goals under the treaty which include:

1. build understanding and plans for stewardship on TFN territory;
2. build necessary stewardship-related infrastructure;
3. create a team of Nation staff, including biologists, environmental technologists, and youth staff;
4. implement a youth stewardship program;
5. procure the tools and supplies needed to support TFN stewardship; and
6. restore TFN access to traditional food sources and harvesting practices.

**Collaboration in Action**:

One of the most powerful tools in the toolbox is humor, followed closely by trust. Tsawwassen First Nation, BC Environmental Assessment Office and the Impact Assessment Agency of Canada have regular meetings, which continued through the COVID pandemic over video, and have built a positive relationship between our respective teams. This relationship allows us to have conversations that are transparent, meaningful, creative, complex, and fun.

For the GCT Deltaport Expansion project Canada, British Columbia and Tsawwassen agreed to working together in a manner guided by the following principles:

* Reconciliation: All parties are committed to the practice of reconciliation, which involves all three governments (Canada, BC, and Tsawwassen) supporting the flourishing of Tsawwassen culture, language, and governance. Every participant in the assessment process expresses this commitment by contributing a level of effort that reflects the seriousness of the reconciliation imperative.
* Tsawwassen identity: Tsawwassen people are salmon people, for whom the Salish Sea and Fraser River serve as the lifeblood of its food and cultural systems. The parties recognize that the Project – given its proximity to Tsawwassen Lands, and marine location – is proposed to be constructed at “Tsawwassen’s kitchen table”.
* Tsawwassen vision: The parties share the view that enabling the implementation of Tsawwassen’s self-government strategic vision – as expressed through the governing Strategic Plan, and operationalized according to the priorities of elected leadership – is part of supporting the exercise of Tsawwassen’s right to self-determination.
* “Nothing about us without us”: Each of the governments shares the responsibility for ensuring that the understanding of impacts is tied to current and future community concerns, values, and practices. The parties will work together to validate any assessment information regarding Tsawwassen with the Tsawwassen community.
* Solution-oriented: Each participant in the assessment process will approach their work in a solutions-oriented manner. This means that when concerns are expressed that are beyond the scope of the assessment, the parties will consider other alternatives such as broader systems change efforts. The parties are committed to candid dialogue, and approaching all work with open hearts and minds. Recognizing this, the Parties will work towards flexibility and nimbleness in the assessment, in a manner that supports course correction where necessary.

For the Roberts Bank Terminal 2 project, Tsawwassen identified three key values: stewardship and governance, culture, and harvesting for a joint assessment between Tsawwassen First Nation, BC Environmental Assessment Office and the Impact Assessment Agency of Canada of project impacts on Tsawwassen rights. The understanding of impacts for the federal and provincial systems came from much of the western science done by departments and an independent review panel.

**What Can the Future Hold?**

Tsawwassen First Nation, the BC Environmental Assessment Office and the Impact Assessment Agency identified some goals we have to put the concept of collaboration into action in future work with one another:

1. Keep learning from each other. The federal and provincial governments need to be open to learning from the Tsawwassen government about their governance systems and from Tsawwassen members about their culture and who they are as a people.
2. Share our visions and goals for what the assessment processes should look like and what they should achieve. This can include how decisions at the end of a process should be made together.
3. Have fun together, make mistakes together and forgive each other for the mistakes. Working together collaboratively involves trust and that takes energy and purpose to build so there is the ability to disagree and have hard conversations but still maintain a positive relationship afterwards. All parties can continually revisit how we work together and improve the relationship and build trust that goes beyond personal relationships to intuitional relationships.
4. Capacity funding and certainty of ongoing funding is needed to allow for meaningful Indigenous led assessments under both the BC and IAAC legislation.
5. The relationship between all our governments is grounded in the treaty, and that relationship will still be there as the legislation and regulations surrounding environmental and impact assessment change over the years. All parties hope the learning we have done from one another can inform future iterations of federal and provincial assessment processes to work in harmony with our Indigenous treaty partners.