

# SPUZZUM FIRST NATION



## GUIDING PRINCIPLES DOCUMENT

October 2020

*\*\*\*NOTE: This Guiding Principles Document is a living document. The Policies, Protocols and Procedures outlined within are based on the best available research findings and traditional knowledge input from our Community Members at the time of writing and are subject to revisions from time to time, based on new research and updated input from our Community Members.*



**SPUZZUM FIRST NATION**

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This document is intended for all developers, proponents, consultants, government agencies, entrepreneurs, scientists, academics, and citizens involved with development projects, proposals, resource management initiatives or studies of any kind in Spuzzum First Nation Traditional Territory. We expect compliance with the terms and conditions outlined herein.

**A. GUIDING PRINCIPLES & GENERAL PROTOCOLS**

1. *Spuzzum First Nation is an independent and sovereign First Nation with a Traditional Territory located in the Lower Fraser Canyon region of British Columbia between Boston Bar and Yale encompassing both sides of the Fraser River as well as the adjacent Coastal and Cascade Mountain Ranges and associated watersheds. Our Traditional Territory is centered at Spuzzum BC extending upriver as far as Tsileuh Creek on the right bank of the Fraser River, 2km north of Black Canyon. The downriver boundary is Sawmill Creek, although we have extended cultural heritage resource interests extending as far south as Yale (see comments below). To the west, Spuzzum Traditional Territory extends to Harrison Lake, including the Clear Creek Hot Springs, as well as the watersheds of Spuzzum and Inkawthia Creeks, Inkawthia Lake, Inkawthia Mountain, Urquhart Mountain, and Spuzzum Mountain. In the past, we travelled to Harrison Lake via Inkawthia Creek south of Mt. Urquhart to Coburn Creek, and via Spuzzum Creek north of Mt. Urquhart to Clear Creek Hot Springs and the Silver River. East of the Fraser River, our Traditional Territory extends deep into the Cascade Mountains including hunting and berrying grounds at the Coquihalla Lakes, encompassing (but not limited to) Saddle Peak, Bombtran Mountain, Gemse Peak, Bighorn Peak, Alpaca Peak, and Guanaco Peak. Key geographical features to the south include the watershed of the Coquihalla River to as far as Coquihalla Canyon Provincial Park, the Othello Tunnels, and the Sunshine Valley. Historically, we utilized areas much further south including hunting grounds and resource sites at Chilliwack Lake, as well as quarry site within the Nooksack & Skagit River watersheds south of the Canada/USA border.*
  - *Maps of Spuzzum First Nation Traditional Territory are available through the Spuzzum First Nation offices at 36500 Main Road, Spuzzum BC V0K-2S1  
Website: <http://www.spuzzumnation.com/> Phone: 604-863-2395  
Email: [receptionist@spuzzumfirstnation.com](mailto:receptionist@spuzzumfirstnation.com)*
2. *As Huxamuxw/Utā'mq̓tamux (Canyon Nlaka'pamux) people, we have occupied our Traditional Territory since time immemorial. This is reflected in our traditional village and resource sites, and affirmed through our legends & traditions, our archaeological heritage, and our cultural heritage resource sites.*
3. *Spuzzum First Nation expects all proponents, consultants, government agencies and others involved with resource extraction activities, development projects, proposals, resource*



*management initiatives and related studies within our Traditional Territory to respect and abide by the terms and conditions of our Cultural Heritage Resources Policy (October 2020).*

4. *As an independent and sovereign First Nation, Spuzzum First Nation declares and asserts its Aboriginal Title and Rights over all lands and natural resources within its Traditional Territory, including all unceded lands, surface and subsurface resources, waters, mountains, forests, air, plants, animals and other natural resources.*
  - 4a. *Endangered Species/Species at Risk: Regarding any and all species determined to be at risk, our Nation's protocol is that we need to be immediately informed and consulted on any/all management recovery plans.*
  - 4b. *Old Growth Forests: It is Spuzzum First Nation's general policy that all Old Growth Forests are not to be logged without the explicit approval of the Spuzzum First Nation.*
  - 4c. *Grizzly Bear Habitat: It is Spuzzum First Nation's general policy that Grizzly Bear habitat is not to be disturbed under any circumstances.*
  - 4d. *Mining Exploration and Placer Mining: It is Spuzzum First Nation's general policy that no mining is to occur within Spuzzum First Nation's Traditional Territory without the explicit approval of the Spuzzum First Nation.*
  - 4e. *Resource extraction activities: It is Spuzzum First Nation's general policy that no natural resources are to be extracted from Spuzzum First Nation's Traditional Territory without the explicit approval of the Spuzzum First Nation and negotiated compensation.*
5. *As a sovereign indigenous people, the Spuzzum First Nation recognizes the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) which delineates and defines the individual and collective rights of all indigenous peoples, including indigenous ownership rights to cultural and ceremonial expression, identity, language, employment, health, education and other issues.*
  - a) *A set out in UNDRIP, the Spuzzum First Nation expects all governments and developers to consult and cooperate with us in good faith through our representatives and representative institutions in order to obtain our free, fair and informed consent, prior to the approval of any Project affecting Spuzzum First Nation lands or resources within our Traditional Territory. Regarding resource extraction and development projects, the Spuzzum First Nation affirms its right to redress through fair and equitable compensation for any lands or resources impacted through development within our Traditional Territory, as defined in the United Nations Declaration on the Rights of Indigenous Peoples.*
6. *Spuzzum First Nation asserts and affirms that Spuzzum Aboriginal Title includes the right to determine appropriate uses for all lands, waters and natural resources within Spuzzum Traditional Territory, that Spuzzum people need to be involved in all decisions regarding*



*Spuzzum traditional lands, waters and natural resources, and that all governments, proponents and developers must consult with Spuzzum First Nation representatives with respect to land use proposals and projects prior to developments being approved. Failure to consult will be considered a breach of Canadian law and the United Nations Declaration on the Rights of Indigenous Peoples.*

7. *Spuzzum First Nation is an Indigenous government organization with a mandate to manage the lands, natural and cultural resources within Spuzzum First Nation Traditional Territory. To this end, Spuzzum First Nation has a Referrals Manager, as well as a Lands and Natural Resources Manager under the umbrella of its Title & Rights Department, with professional and support staff charged with resource management responsibilities.*
8. *In line with the laws of Canada, the Spuzzum First Nation has developed 'Consultation Protocols', outlined herein, which it expects industry proponents and governments to adhere to. Our Consultation Protocols are designed to make Spuzzum Traditional Territory a good place for doing business and to provide a predictable, timely, systematic, scientifically defensible method for government and industry proponents to discharge their legal responsibilities with respect to "meaningful consultation".*
9. *Spuzzum First Nation will no longer respond to project/development referral requests for free. Fees will be charged for all technical, consultation, and professional services required of the Spuzzum First Nation according to our 'Consultation Rate Structure' (available upon request).*
  - b) *Generally, Spuzzum First Nation representatives assigned to reviewing development projects or resource management initiatives will charge a minimum of 2 (two) days professional services fees for reviewing and providing a preliminary assessment of such Projects/initiatives. For large projects, fees are to be negotiated.*
  - c) *Compensation/remuneration is expected for related executive/Chief & Council consultations.*
  - d) *Additional fees may include field inspections by Spuzzum First Nation technicians (Environmental, Archaeological, etc.) and/or contracted professionals.*
10. *Proponents unwilling to adhere to our Consultation Protocols and/or unwilling to compensate Spuzzum representatives as part of the consultative process will no longer have their development proposals reviewed or approved.*

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## **B. SPUZZUM FIRST NATION CONSULTATION PROTOCOL PROCESS**

Spuzzum First Nation's Consultation Protocol Process involves 4 Basic Steps:

### **STEP 1: Disclosure**

- Means full disclosure on the part of governments, developers, consultants, industry proponents and/or researchers with respect to any proposed natural resources and/or land-related developments within Spuzzum First Nation Traditional Territory.
- Formal non-disclosure agreements are available for those who so require them. As part of this process, Spuzzum First Nation representatives will respect the confidentiality of Non-Disclosure Agreements.



### **STEP 2: Assessment of Aboriginal Rights Infringements**

There are many types of possible impacts and infringements upon Spuzzum First Nation's Title & Rights that can arise from development projects. These may be economic, environmental, cultural, spiritual, archaeological, or health-related in nature. Ascertaining potential impacts of proposed developments and natural resource extraction projects within Spuzzum First Nation's Traditional Territory may include (but are not limited to):

- Cultural Heritage Resources Assessments, including: Traditional Land Use Studies, Traditional Knowledge Studies, Traditional Ecological Knowledge Studies, Archaeological Assessments.
- Environmental Impact Assessments (EIAs), including: terrestrial, aquatic and airshed/aeolian assessments, including relevant upstream/downstream impacts, wind-drift impacts associated with chemicals, organic compounds, herbicides & pesticides, and natural compounds (e.g., dust, silt & minerals discharged from mining operations).
- Investigations associated with the *Impact Assessment Act* (2019), *Fisheries Act* (2019); *Water Sustainability Act* (2016), *Navigation Protection Act* (2012), *Heritage Conservation Act* (1979), *BC Forest Range Practices Act* (2002), *etc.*
- Contemporary-Use Studies.
- Socio-economic Assessments.
- Engineering Assessments.
- Community consultations.
- Independent professional opinions.

### **STEP 3: Mitigation / Compensation / Accommodation Alternatives**

Mitigation, compensation, and accommodation alternatives are to be addressed following an assessment of potential impacts and infringements to Spuzzum First Nation lands, resources and/or Title & Rights. Examples of Mitigation/Compensation/ Accommodation Alternatives may include:

- Establishing buffer zones around sensitive habitat, riparian areas, heritage sites.
- Archaeological investigations.
- Environmental enhancement measures.
- Total avoidance of specific sites or areas.
- Creation of compensation habitat/habitat offsets.
- Financial compensation for alienated lands or impacted resources.
- Royalties.
- Resource extraction fees.
- Utility subsidies.
- Access fees.
- Equity interests.
- Employment and business opportunities.
- Capacity development and training opportunities.
- The need for additional studies.

### **STEP 4: Qualified Consent or Dispute Resolution**



Once the nature and/or extent of potential impacts and infringements upon Spuzzum First Nation Rights & Title, Lands and Resources have been ascertained and mitigation/compensation alternatives identified, either:

- An Agreement will be reached, whereby resource extraction activities and/or a proposed development will receive approval from the Spuzzum First Nation to proceed.
- A proposed development may be rejected due to irreconcilable Title & Rights infringements and/or environmental/cultural impacts.
- An agreement cannot be reached. In this situation the Spuzzum First Nation endorses the concept of an arbitration/dispute resolution process agreed to by the Parties involved.

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## C. SPUZZUM FIRST NATION TRADITIONAL TERRITORY DESIGNATIONS

In addition to the comprehensive definition of Spuzzum Traditional Territory (Section A-1 Above), our Guiding Principles Document identifies three (3) categories of Lands with respect to development referrals:

### (1) 'Core Territorial Interests' (CTI)

- a) Core Territorial Interests includes Spuzzum First Nation's Traditional Territory as described in Section A-1 above. This area is of 'Core Jurisdictional Interest' to the Spuzzum First Nation and includes both sub-surface and surface resources, including Cultural Heritage Resources, as set out in Spuzzum First Nation's Cultural Heritage Resources Policy (October 1990). For lands and resources designated as Core Territorial Interests, Spuzzum First Nation is to be involved in comprehensive consultations for all developments and resource extraction activities within this region.

### (2) Extended Region of Community Cultural Significance (ERCCS)

- a) This is a slightly expanded area to Spuzzum First Nation's Core Territorial Interests and includes areas of cultural, spiritual, and environmental significance to the Spuzzum people which fall 'outside' of Spuzzum First Nation's Core Territorial Jurisdiction. In other words, these areas occur in other First Nations Core Territories.
- b) Spuzzum First Nation recognizes the primary jurisdiction of its First Nation neighbours over any delineated ERCCS which infringe upon its neighbours core traditional territories. However, given the significance of certain resources within Spuzzum First Nation delineated ERCCS, Spuzzum First Nation expects to be consulted on any development or resource management proposals which may impact Spuzzum First Nation's identified environmental, natural, or cultural heritage resources.
- c) As an example, there's a place at Yale referred to in our Utā'mq̓t language as Tsaxalī's, which the Stó:lō call Th'exelis, where the Coast Salish Transformer Xá:ls, known to our people as Huksxwat came and left his mark in the form of a number of 'scratchmarks' on a bedrock prominence near Lady Franklin Rock. (Reference to this is documented in Simon Fraser's Journal of 1808.) Our legends about this place differ significantly from



those of the Stó:lō. Stó:lō legends relate to a battle or duel between Xá:ls and the powerful Kwiyahtel (Mohs, 1976). Stó:lō legends tell the story of how, with each scratchmark made by Xá:ls, Kwiyahtel was weakened and was eventually defeated and transformed into a rock in the Fraser River at this place. Our legend relates to how the Transformer, Huksxwat, provided the Spuzzum people with the knowledge of fishing and how to fish salmon in the waters of the Fraser Canyon with dipnets. Previously, our ancestors used to suspend children by their ankles to catch fish. Huksxwat taught us how to catch, prepare and preserve salmon. With each scratchmark on the bedrock, a thought came into the heads of the people and they gained knowledge. This legend is documented in detail by James Teit (1912:31; also see Mohs, 1976:89). We acknowledge this place is in the Core Traditional Territory of the Yale First Nation, but we have a strong cultural interest in its protection.

### **(3) Greater Nlaka'pamux Territory**

- a) Nlaka'pamux Territory is well defined and there are numerous maps available online or through the Nlaka'pamux Tribal Council Office in Lytton.
- b) Generally, Spuzzum First Nation will not directly participate in investigative processes associated with development Projects within the greater Nlaka'pamux Territory. Jurisdictional authority rests with respective Nlaka'pamux First Nations in whose Core Territorial Area a development or impact is located.