

qat^θ x^wεʔεθot tisk^wat

(planning together for tisk^wat)

A Protocol Supporting Collaborative Environmental
and Archaeological Work at tisk^wat



ᑭaʔamin
TLA'AMIN NATION

June 28, 2024





At the left on the foreshore, a Tla'amin home at the mouth of the river at Tiskwat

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A. WHEREAS

1. Tla'amin Nation (Tla'amin) and British Columbia (BC) are Partners in the Tla'amin Treaty and the yixmetštəm tisk^wat MOU. The MOU recognizes tisk^wat as an important Tla'amin settlement site and commits the partners to implement a whole-of-government approach to collaborative planning related to tisk^wat mill site acquisition, stewardship, and economic development.
2. The Catalyst tisk^wat mill site is currently subject to the site closure process in accordance with the *Environmental Management Act*.
3. Tla'amin cultural assets were unearthed at the tisk^wat site during preliminary environmental site investigations in January 2024 confirming previous occupation. The archaeological site is subject to automatic protection under the *Heritage Conservation Act (HCA)* and has been entered in the Provincial Heritage Register.
4. The Tla'amin Treaty recognizes Tla'amin's jurisdiction in culture and heritage on and off of Treaty lands and allows the Partners to develop collaborative management and information-sharing processes in relation to the use, possession, management and disposition of Tla'amin assets and artifacts.
5. The Partners have a shared interest supporting effective environmental investigation processes that will protect and mitigate impacts on Tla'amin's culture and heritage assets at tisk^wat with this Protocol.
6. The Partners recognize the importance of implementing this Protocol in alignment with the United Nations Declaration on the Rights of Indigenous Peoples, and specifically Articles 11.1 and 11.2 as they relate to culture and heritage.

B. PURPOSE

The purpose of this Protocol is to implement and communicate intra and intergovernmental collaborative processes and engagement to ensure that Tla'amin is engaged in provincial processes and decisions related to environmental and archaeological work at tisk^wat. The processes will respect Tla'amin's environmental stewardship objectives and culture and heritage values within tisk^wat. This Protocol is not legally binding.

C. HERITAGE CONSERVATION ACT PERMITTING AND DECISION-MAKING COLLABORATION

1. BC commits to ensuring Tla'amin review *Heritage Conservation Act* permit applications and amendments, seeking consent prior to decisions. BC will consider Tla'amin's taʔow (ancestral teachings) and management procedures when providing management direction to the proponent.
2. Tla'amin commits to sharing ethnographic and ethnohistorical knowledge to inform the archaeological work that will assess the impacts proposed activities will have on archaeological and cultural assets at tiskʷat; BC commits to considering this knowledge in all permit and report reviews
3. BC commits to encouraging any proponent working at the tiskʷat mill site to:
 - a. Collaborate with Tla'amin on archaeological permits and mitigation strategies, that incorporate Tla'amin taʔow and consider Tla'amin management procedures for cultural assets and ancestral remains.
 - b. Engage with Tla'amin Cultural Heritage Technicians and ensure their presence during ground disturbing activities on tiskʷat.
 - c. Include ʔayʔaʃuθəm (Tla'amin language) in any formal reports.
 - d. Hire archaeologists with previous positive working relationships with Tla'amin Nation
 - e. Use the Tla'amin's ʔəms ʔayε (future cultural centre) as the repository for material collected under the authority of archaeology permits when the ʔəms ʔayε is operational.
4. BC commits to supporting Tla'amin's repossession of any cultural assets found during archaeological or development work at the site.

D. ENVIRONMENTAL MANAGEMENT ACT PERMITTING AND DECISION-MAKING COLLABORATION

1. BC commits to engage Tla'amin in the review of all environmental permit applications and supporting documentation as well as the participation and confirmation of approval processes where regulation allows, and the development of plans and arrival at decisions related to the tiskʷat mill site before those permits, processes and decisions are implemented.
2. BC commits to considering Tla'amin ethnographic, ethnohistorical and traditional land use and stewardship knowledge in all permit and process reviews, and to assess the impacts that proposed environmental activities will have on Tla'amin stewardship objectives and cultural assets at the tiskʷat site.

3. BC commits to encouraging any proponent, when undertaking any environmental management and remediation work, or environmental work requiring ground disturbance at the tisk^wat mill site to:
- a. Collaborate with Tla'amin on permits, plans and mitigation strategies, and to support incorporation of Tla'amin taʔow and consideration of Tla'amin environmental stewardship objectives.
 - b. Engage with Tla'amin environmental technicians.
 - c. Include ʔayʔajuthəm (Tla'amin language) in any formal reports.
 - d. Hire consulting firms with previous positive working relationships with Tla'amin Nation.

E. TLA'AMIN ENGAGEMENT & CONSULTATION FOR DECISIONS

The attached Appendix includes a list of anticipated decisions (statutory and non-statutory) under the *Environmental Management Act* and associated permit requirements under the *Heritage Conservation Act*. While not an exhaustive list, it is intended to illustrate opportunities for collaborative planning.

Dated: June 28, 2024



Laurel Nash,

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Ministry of Environment and Climate Change Strategy



Jillian Rousselle

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Ministry of Forests



Russell Brewer

Chief Administrative Officer

Tla'amin Nation

Appendix

Decisions under the *Environmental Management Act (EMA)* and *Heritage Conservation Act (HCA)* and engagement with Tla'amin Nation at task^wat

Contaminated Site Remediation under the Environmental Management Act

Note: There are no remaining decisions to be made under EMA unless Tla'amin Nation or Catalyst/Paper Excellence makes a request to the Ministry of Environment Director to decide (i.e. for an extension of a deadline), or if EMA site investigations identify high-risk conditions.

Regulatory Requirement	Notes on Timelines	Potential Consultation Approach with Tla'amin Nation	Potential HCA permitting
EMA Part 4 Contaminated Sites Remediation s40.1 Investigations required with provision of site disclosure statements - confirmation of prescribed information by the director and s 41 Site Investigations - determination of compliance with applicable regulations and orders.	Preliminary site investigation (PSI) submission by the site owner/operator will be reviewed to determine if any immediate concerns need to be addressed Bi-monthly report submissions by the site owner/operator will be reviewed to determine if any concerns need to be addressed.	Notify Tla'amin regarding timelines or potential timeline changes. Share documents with Tla'amin consistent with this protocol. Provide opportunity to Tla'amin to review the reports, and any further investigation or reporting requirements that may be prescribed by the Director. Consult with Tla'amin before implementing requirements for remediation actions or providing notice of Director determination of compliance or any communication regarding acceptance or sufficiency of reporting,	Land-altering activities within protected sites require HCA permits (minimally s.12.4). BC will seek Tla'amin consent prior to permit issuance. s. 12.2 permit is recommended to identify sites, assess impacts, and ensure HCA compliance prior to proposed activities.
EMA Part 4 Contaminated Sites Remediation s40.1 Investigations required with provision of site disclosure statements - confirmation of prescribed information by the Director and s 41 Site Investigations - determination of compliance with applicable regulations and orders s 44 Determination of contaminated sites – determination of whether the site is a contaminated site	Detailed site investigation report submission by the site owner/ operator. Report to be reviewed to determined if site remediation is required.	Consult with Tla'amin regarding site closure deliverables submission timelines and potential timeline changes. Share documents, updates, and reports with Tla'amin consistent with this protocol. Provide Tla'amin the opportunity to review and comment on the DSI report and any further investigation or reporting requirements that may be prescribed by the Director. Consult with Tla'amin before implementing requirements for remediation actions or providing notice of Director determination of compliance or any communication regarding acceptance or sufficiency of reporting	Land-altering activities within protected sites require HCA permits (minimally s.12.4). BC will seek Tla'amin consent prior to permit issuance. s. 12.2 permit is recommended to identify sites, assess impacts, and ensure HCA compliance prior to proposed activities.

Waste Discharges under the *Environmental Management Act*

EMA Permit #	Decision	Notes on timeline	Proposed consultation approach with Tla'amin Nation	HCA permitting
153 (effluent)	Amendments to reflect current (post-closure) site discharges	When preliminary application is received by ENV. ENV determines timelines for final application submission during preliminary application phase.	Engage with Tla'amin in review of preliminary application and the setting of information requirements, assign applicant duty to share all information developed to satisfy information requirements, engage with Tla'amin to review final application, including submission to applicant for any additional information requests and including formulating consensus-based recommendations to SDM under EMA.	Land-altering activities within protected sites require HCA permits (minimally s.12.4). BC will seek Tla'amin consent prior to permit issuance. s.12.2 permit is recommended prior to land-altering activities to identify sites, assess impacts, and ensure HCA compliance.
3149 (air)	Amendment or cancellation to update permit to Tla'amin's operational needs	Following transfer of the air permit to Tla'amin. Alternatively, a new permit may be sought.	Consultation prior to decision for cancellation or transfer of permit. Full consultation for any significant amendment to permit (see steps above for effluent permit full consultation)	HCA permits not anticipated
4565 (refuse)	Amendments to allow one-off wastes that are not currently authorized to be disposed in the landfill to support site demolition or remediation.	To be determined based on future needs.	Notice upon receipt of application and opportunity to provide submission to decision maker under EMA, share proposed decision for review.	Land-altering activities within protected sites require HCA permits (minimally s.12.4). BC will seek Tla'amin consent prior to permit issuance. Section 12.2 permit is recommended to identify sites, assess impacts, and ensure HCA compliance prior to proposed activities.

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<https://tlaaminnation.com>
<https://gov.bc.ca>

