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#### BACKGROUND:

Thank you for this opportunity. My name is Shellene Paull and I am a Squamish Nation member who resides in North Vancouver, British Columbia – our village we call Uts7lawn. At the turn of the century our foreshores we right outside of our historical land mark St. Paul’s Indian Church. (Appendix A)

We have several watersheds within our traditional territories of Burrard Inlet, Howe Sound, Squamish River, and we as a Peoples understand how important water is to our way of life. Although this paper is not about the Squamish Nation Treaty Process but I wanted to demonstrate how important “water” is to our people. In the SKwxwu7mesh uxwumixw-s7ulh temixw Squamish People – Our Lands Treaty ewnsletter – Summer of 1997 identifies on page 4 that “what matters will be negotiated 1) Land 2) Water 3) Resources: Fish, Timber, Wildlife. “ To build upon the “sustainability” – where we promote the ability for an ecosystem to be able to maintain ecological processes and functionality, biological diversity, and productivity.

My grand mom swam with a seal, and this seal would wait at the beach just outside of St. Paul’s church, waiting for the children to come out to swim. My Mom Lucille and her cousin Joyce Joe spent many summer days swimming at the beach where the mud flats were referred to as the Sand Banks.

Happily, my formative years were spent playing by a natural occurring spring at an elevation level of 54.92 (marked on a sketch map 48-14, Mission IR No 1, dated 1955), which exists today. However the environment has been disturbed extensively and the original vegetation of thimbleberries, huckleberries, pussy willows, and ferns are all gone. I too swam at the beach for a few years, prior to the dredging of our beach with the installation of the Mosquito Creek Marina in 1963. Then we moved the swimming beach up the creek closer to the trestle by the Sacred Site.

#### CANOE TRAVELS

Our family holds oral history passed down from our great, great, grandmother who passed away in February 9, 1940 (Province Newspaper, page 6). Huxten, Skwet7siya was a well established weaver and (also known as Mrs. George Johnny) referred to in the Salish Weaving (by Paula Gustafson, page 86). Huxten used to paddle from Mission to Second Beach to collect the white clay, what is interesting is that she used to paddle through the tidal pool which filled in and has now become Lost Lagoon. This was a highly sought after resource found only in this location. (Conversations with Khahtsahlano 1932-1954

Compiled by The City Archivist Vancouver British Columbia). This is a great historical reference to all the shorelines we travelled, and harvesting the white clay from Second Beach.

From a historical perspective the dugout canoe was our primary source of travel, my grandmother recalled that her Grandmother shared some of her harvesting locations; she would paddle to the travelling site by Port Mann bridge to harvest cedar roots - because they were straighter than the roots that had to grow around the rocks. I learned that she used to paddle to Sta7mes (Stawamus) and she would stop over at Lighthouse Park to make her lunch, building her fire on the rock so it would not spread.

Tommy Moses, who we called Pa-ah, our grand uncle used to paddle to Vancouver to pick up Charles Cate's mail, Pa-ah carved a totem pole for the Cates Tug Boats, this monument still proudly stands at the Lonsdale Quay today. (photos attached is of Pa-ah paddling by Siwash Rock, the second photo is show his Indian Sweater see Appendix B &C).

August Jack Khahtsalano, and his wife Swanamia are shown in their dug out canoe at Kitsilano Indian Reserve (from the City of Vancouver Archives, CVA 1376-203 W Chapman photo). (Appendix D)

Collectively we are proud to look at the footsteps of our ancestors paddles to all these beaches:

Mission IR No 1 ("Mission"); Seymour I R No 2 ("Seymour"); Capilano IR No 5 ("Capilano"); Kitsilano IR No 6 (The unsettling and alienation of additional beach Lands at Kitsilano IR No 6); Chekwelp IR No 26 and No 26A (Gibsons), with over to step forward with such opportunities to monitor, report on our health and safety concerns for all of our reserves. Please see the attached traditional territory map (Appendix E)

## INDUSTRIAL WATER WAY USAGE

"From just one export vessel sailing abroad in 1864, volume mounted to forty-five ships in 1869." (page 28 of Mission on the Inlet. Foot note 98 ibidem, p. 20 footnote 97 Ibidem, p. 11. Footnote 96 Howay, .W. "Early Shipping in Burrard Inlet – 1863 -70," BC Historical Quarterly, v. 1, Jan. 19837, p. 4).

The objectives outlined in the report "Status of Water Quality Objectives Attainment in Burrard Inlet and Tributaries 1990 to 2010 dated July 2013 are quite similar to our philosophies.

## BURRARD INLET WATER STUDIES

I appreciate that the Burrard Inlet is a collaborative report between the Metro Vancouver and Tsleil Waututh First Nation. On page seven of 48 under sub section 2.3 Water Uses this paragraph is completely silent on the fact that Squamish dug out war canoe training on a daily basis during the (Spring, Summer months) since the mid 1960's was not listed, nor was the training of the ocean going canoe family activities which have been ongoing for almost two decades in recent history. In addition to the listed sport fishing, at the Capilano River many members harvest food fish during the appropriate seasons. It is necessary to reference the Ontario Water Policy model, this is a working example of consultation with First Nations.

This submission is being shared with the Squamish Nation reserves that will be directly impacted by the increase of the proposed tankers.

#### SOCIO-ECONOMIC IMPACTS

My Dad worked at the water front, as now does my brother. We appreciate industrial development as one of the benefits is meaningful fulltime employment with benefits. However, let's examine one past resource extraction industry. The International Longshoreman Worker's Union had a principle which was an advanced "employment equity", by agreeing to ensure that 15% of local First Nations were to be employed on the water front. That intent is not meeting the set aside opportunities promised on approximately January 29, 1939.

We stated in the Xay Temixw Land Use Plan, on pages 52-53 that job creation is critical whenever Squamish Nation enters into a joint venture. However, this is something that we need to improve on the job creation aspect for our people, employment opportunities for our people is a priority.

#### LASTING IMPACTS

On page 11 of the **Burrard Inlet & Tributaries Objectives Attainment Monitoring – 1990 to 2010** reports that:

"a significant oil spill occurred in Burnaby, from the land to the water in July 2007, when approximately 224,000 L of crude oil was released following a pipeline rupture during construction work on the Barnett Highway. Approximately 100,000 L of oil entered the storm drain system and was discharged into Burrard Inlet, which affected approximately 1,200 m of shoreline (Figure 2). Some oil was presumed to have entered the marine environment, as an estimated 6,000 L of oil was not recovered during cleanup efforts, although loss through volatilization also likely occurred (JWSA, 2009). Thus, PAHs in the sediment remain a concern and monitoring is ongoing."

The data does not include any testing for Mosquito Creek, and this is highlighted as a matter to address. This remains a serious concern for the Mission IR No 1 given the limited storm drain run offs, the lack of storm drains coming down Forbes Avenue and on other well travelled roads that intersect our reserve lands at the convenience for non-Squamish people.

#### DIRECT IMPACTS ON OUR LANDS

##### MISSION INDIAN RESERVE NO. 1

We identified in Xay Temixw Land Use Plan, First Draft May, 2001 one of the Management Objectives and Strategies was to "Protect burial sites – and other heritage and culture sites and property from erosion. (page 37)

I raise this point, the impacts of the tugboats, and proposed tankers will quickly erode our Sacred Site. This is a major concern because the Heritage Conservation Act is inadequate, and our nation has to

make this topic a priority as well. To avoid damage, desecration and preservation of our ancestors resting places is a priority; this cemetery was blessed on April 27, 1873 (Mission on the Inlet Thomas A Lascelles OMI 1984 page 16).

#### SEYMOUR CREEK INDIAN RESERVE NO. 2

We have been impacted by alienation of lands on this reserve, majority of the lands were taken to accommodate the Ironworkers, Lions Gate, and Burrard Street bridges. We are now living in a time where we are putting at risk the health and safety factor for our Residents at Capilano, Seymour and Mission.

- The Wilderness Committee prepared a report “Oil Spills and Vancouver’s Stanley Park” July 2012 on page nine it describes the severe limitations that a large container ship must navigate through in ideal condition. “The large oil tankers can only travel at high tide, and even then a loaded Aframax tanker has less than a two-metre clearance from the rocks below.”
- INFRASTRUCTURE - The status of the Second Narrows Tunnel to replace what was built in the 1940’s is estimated to cost approximately \$150 million according to the April 27, 2009 article in the Journal of Commerce. How has this project been impacted by the request of Kinder Morgan wants to dredge the narrows to allow for larger tankers, has this aspect been examined and modifications considered for this upgrade. (Again page 9 of Oil Spills and Vancouver’s Stanley Park)
- FEDERAL GOVERNMENT REGULATIONS - I read the 40<sup>th</sup> Parliament, 3<sup>rd</sup> Session, 2010/03/03-2011/03/26 which reads “We have strong regulatory regime in place in relation to the ability to see what goes on in our waters”. We learn that there are six regional advisory councils on marine oil spill preparedness and response across Canada. ... In 2009 the Marine Liability Act was amended by the Conservative government to further protect Canadians from those financial consequences, up to \$1.3 billion”. This may create a shortfall and be insufficient in terms of compensating anyone impacted by potential disasters. This serves the industrial developers with a new Act which weakened the National Energy Board’s role? See [www.parl.gc.ca/housechamberbusiness/ChamberPublications](http://www.parl.gc.ca/housechamberbusiness/ChamberPublications)
- FEDERAL GOVERNMENT POLICY & PRIORITIES & FUTURE DIRECTION - The optics of Work Safety issues is paramount, what is the philosophy of relocating the humans who work in the railway draw bridge to become automated and operated from New Westminster. At the risk of being an alarmist maybe the railway company can explain the optics or are they too silently fearful of the potential for the loss of life in the event there is a collision between a tanker and the bridge? Burrard Inlet does not have an operational.

- I am glad that the Lighthouse Program remains in place. However; did the province oppose the closure of the Coast Guard station, and then removing the human operators from overseeing the inner harbour? How will the cameras monitor the harbour when there is thick fog?
- VANCOUVER PORT AUTHORITY – If I could share this point, that as a member of Ut7slawn we guide your attention to invest in protective measures implemented to protect and preserve our Sacred Site at Mission IR No 1. The water erosion will increase the already saturated state of the southern section of our graveyard. To undertake measures to break water erosion would be seen as both a social and moral positive corporate approach given the potential destruction as a result of increased traffic.

#### LEGAL SCOPE

The facts identified in the Union of BC Indian Chiefs summarizes the history of “*Water Act* Modernization initiative submission to: The Ministry of Environment, Water Stewardship Division Government of British Columbia April 30, 2010” is so well written I will simply state I support their position that we are not “stakeholders” with a quasi intervener status. The Assembly of First Nations of British Columbia are looking into the accumulated effects of water quality.

Trans Mountain Pipeline Company Ltd. (public listings) shows it was formed on July 17, 1951 and recently sold.

This was a time Trans Mountain Pipeline began business at the end of a time when First Nation’s we were prohibited from raising money or hiring lawyers as of 1927. Then in 1951 Parliament repeals laws prohibiting both potlatch and land claims activities. This occurred the same year we can engage the services of legal counsel – I do not believe we been consulted.

Impacts of Cross Jurisdictional matters: I own land adjacent to a natural occurring spring, and the pollutants that float downhill from the City of North Vancouver can pool on the reserve where I live. This is a major concern for me – the gas station has been known to contaminate the ground water in the past. The need for examining the greater issues must be addressed.

Being good neighbours includes the support of the Municipalities and Provincial government to support our ongoing bid for alienation of lands – we lost land to the railway right of ways and then the beach front was often expanded and we are left with railways running dissecting our lands. Road right of ways, and railways contaminating our lands.

In the Aboriginal Tenure in the Constitution of Canada, by Henderson Benson & Findlay (see page 4)

“...the Supreme Court of Canada affirmed and acknowledged a new constitutional meaning and role for Aboriginal tenure or title in Canadian constitutional law that must be read together with other constitutional principles and text.

The message from the modern framers of the constitutional order and the Lamer court is that Aboriginal tenure and rights and treaty rights constitute a distinct legal system, with

its own implicate architecture, sources, traditions, and texts that requires constitutional equality with the other parts”.

The United Nations Declaration on the Rights of Indigenous Peoples Article 32 sections 1, 2, and 3 are extremely important as it relates to 1. “the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources”. 2. States shall consult and cooperative in good faith... particularly in connection with the development, utilization or exploitation of mineral, water or other resources”. 3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.”

The Royal Commission on Aboriginal Peoples entire section under Healthy state of Mother Earth, and protection of water, air, and the subsurface.

*If you have any questions, or require clarification please do not hesitate to contact me. This paper does not even broach the topic of the sewer plant situated on the Capilano Indian Reserve No 5. The aroma from this plant pollutes the air in our neighbourhoods every summer when the wind is blowing eastward. The use of lily's and other natural water plants is underused I believe.*

*Philosophies shared on the Samaqan Water Stories, produced by Urban Rez Productions – Jeff Bear and team is a series that ought to viewed as well to expand on First Nation's perspectives.*

*As a member of Squamish Nation, my concern is for the people who reside adjacent to CN Railway, BC Railway Group of Railways, BC Rail Ltd., and every leaseholder situated along the Burrard Inlet or waters along the coastline which can be impacted by the tankers.*

*I would like to thank Randall Lewis, Environmental Advisor, Squamish Nation, Project Negotiation & Development. Mr. Lewis shared with me the damaging effects of products such as dish washer soap that is not phosphates requires extra work.*

*I thank Deborah Baker and Chris Lewis Councillors at Squamish Nation for assisting me to share my concern and passion for our waterways in the political table of the Squamish Indian Band and local Mayors.*

*I acknowledge and thank Leonie River, Senior Aboriginal Advisor on Aboriginal Relations for taking time to discuss my paper with me.*

*I also acknowledge my mother Lucille Nicholson for providing the pictures of Tommy Moses and reading the paper through many drafts. Thanks to my dad Ed Nicholson for taking time to review the early drafts as well.*

*Kind Regards,*

*Shellene Paull*



Figure 6. This view could have been anywhere on the west coast, but it portrays the last inhabited indigenous remnant of urban Vancouver. "View of Kitsilano Indian Reserve looking east," c. 1907, showing August Jack Khahtsalano, his wife Swanamia (Marrian), and a child in a dugout canoe. CITY OF VANCOUVER ARCHIVES, CVA 1376-203. W. CHAPMAN PHOTO