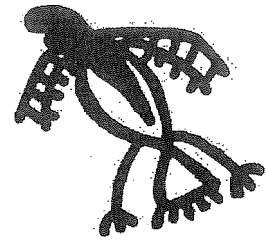


Neskonlith Indian Band

Box 318, Chase, BC V0E 1M0
Phone (250) 679-3295 Fax (250) 679-5306
www.neskonlith.org



Skat'sin te Secwepemc Neskonlith Consultation and Accommodation Policy

I. Introduction

The members of the Skat'sin te Secwepemc Neskonlith have always lived on, used, cared for and exercised jurisdiction over our homelands in accordance with Secwépemc laws, culture and protocol.

Skat'sin te Secwepemc Neskonlith holds unextinguished Aboriginal title and rights (Skat'sin te Secwepemc Neskonlith Rights) over the lands and waters of our territory as depicted in the map attached to this Consultation Policy as Schedule "A" (Skat'sin te Secwepemc Neskonlith Territory).

We are committed to protecting Skat'sin te Secwepemc Neskonlith Rights and to fulfilling our responsibilities to ensure that the Skat'sin te Secwepemc Neskonlith Territory remains healthy and protected for our future generations.

Skat'sin te Secwepemc Neskonlith faces pressure from the Crown and industry proponents to use and develop the lands and resources in Skat'sin te Secwepemc Neskonlith Territory. We recognize that the revenue from development in our territory has the potential to benefit our membership. At the same time, we remain committed to protecting Skat'sin te Secwepemc Neskonlith Rights and to fulfilling our responsibilities to ensure that our lands are healthy and protected for our future generations.

The Province of British Columbia and the Government of Canada (collectively, the Crown), hold constitutional obligations in respect of Skat'sin te Secwepemc Neskonlith including the obligation to consult and accommodate Skat'sin te Secwepemc Neskonlith about decisions which could affect Skat'sin te Secwepemc Neskonlith Rights and to justify any infringement of recognized Skat'sin te Secwepemc Neskonlith Rights.

Skat'sin te Secwepemc Neskonlith works with our Secwépemc Nation neighbours when we share common priorities and values to ensure that our collective inherent and Aboriginal rights are protected. Since we have not signed the 2019 B.C.-Secwépemc Letter of Commitment, we also expect the Crown and industry proponents to consult directly with us about decisions which could affect Skat'sin te Secwepemc Neskonlith Rights within Skat'sin te Secwepemc Neskonlith Territory, in addition to any engagement process that occurs with our Secwépemc Nation neighbours.

Prior to any decisions or activities which could affect Skat'sin te Secwepemc Neskonlith Rights, we expect that the Crown and industry proponents will engage in a collaborative and respectful process of engagement with the objective of obtaining our consent.

While the Crown is ultimately responsible for fulfilling the duty to consult and justifying any infringement of Skat'sin te Secwepemc Neskonlith Rights, we also expect that industry proponents wishing to undertake activity in our territory engage with us based on good faith, mutual respect and recognition of Skat'sin te Secwepemc Neskonlith Rights and jurisdiction.

II. Purpose

This Policy sets out the objectives, principles and process for meaningful consultation between Skat'sin te Secwepemc Neskonlith, the Crown and where appropriate industry proponents in a manner which is respectful of Skat'sin te Secwepemc Neskonlith Rights and consistent with the direction of the Supreme Court of Canada, the Crown's constitutional obligations, the United Nations *Declaration on the Rights of Indigenous Peoples* (the *UN Declaration*), the federal *United Nations Declaration on the Rights of Indigenous Peoples Act* (*UNDRIPA*), and the British Columbia *Declaration on the Rights of Indigenous Peoples Act* (*DRIPA*).

III. Objectives

Skat'sin te Secwepemc Neskonlith's objectives in relation to the engagement process set out in this Policy are to:

- ensure that Skat'sin te Secwepemc Neskonlith Rights are recognized and respected, consistent with the Crown's constitutional obligations, the *UN Declaration*, *UNDRIPA* and *DRIPA*;
- ensure that decisions relating to the use and development of Skat'sin te Secwepemc Neskonlith Territory are consistent with Skat'sin te Secwepemc Neskonlith laws, jurisdiction and stewardship responsibilities;
- where possible, achieve consensus between Skat'sin te Secwepemc Neskonlith, the Crown and industry proponents regarding use and development of lands and resources in Skat'sin te Secwepemc Neskonlith Territory;
- provide for economic opportunities and benefits for Skat'sin te Secwepemc Neskonlith in relation to use and development of lands and resources in Skat'sin te Secwepemc Neskonlith Territory;
- provide opportunities for Skat'sin te Secwepemc Neskonlith to monitor the health and wellbeing of the lands, waters and wildlife in our Skat'sin te Secwepemc Neskonlith Territory and promote the traditional use of lands and resources by Skat'sin te Secwepemc Neskonlith members; and
- support the development of collaborative decision-making processes between Skat'sin te Secwepemc Neskonlith, the Crown and industry proponents in relation to the use and development of resources in Skat'sin te Secwepemc Neskonlith Territory.

IV. Guiding Principles

Engagement about proposed activities which could affect Skat'sin te Secwepemc Neskonlith Rights will be guided by the following principles:

1. Use and development of lands and resources in our territory may only take place with our prior engagement, involvement and consent, including Skat'sin te Secwepemc Neskonlith's free, prior and informed consent as provided for in the *UN Declaration*.
2. Use and development of lands and resources in our territory must be undertaken in a manner that respects Skat'sin te Secwepemc Neskonlith's inherent right to self-determination, laws, jurisdiction and stewardship responsibilities.

3. Prior to any decision which could affect Skat'sin te Secwepemc Neskonlith Rights, the Crown must take the necessary steps to consult with us and accommodate any potential impacts on Skat'sin te Secwepemc Neskonlith Rights, and attempt to justify any potential infringement of Skat'sin te Secwepemc Neskonlith Rights, including by addressing how a proposed activity will contribute to the existing cumulative effects of resource development on Skat'sin te Secwepemc Neskonlith Territory and the exercise of Skat'sin te Secwepemc Neskonlith Rights.
4. Skat'sin te Secwepemc Neskonlith members must be able to continue to exercise Skat'sin te Secwepemc Neskonlith Rights, including hunting, fishing, trapping and harvesting on the lands and waters in Skat'sin te Secwepemc Neskonlith Territory.
5. Areas within Skat'sin te Secwepemc Neskonlith Territory which are of cultural or spiritual importance to our members, including burial sites and other sacred areas, must be protected and respected.
6. Since the Skat'sin te Secwepemc Neskonlith is not a signatory to the 2019 B.C.-Secwepemc Letter of Commitment, the Crown and industry proponents must engage directly with Skat'sin te Secwepemc Neskonlith, in addition to any engagement processes which may be undertaken with our Secwepemc Nation neighbours.
7. The Crown and industry proponents must provide Skat'sin te Secwepemc Neskonlith with sufficient time and financial resources to allow us to fully and meaningfully participate in all aspects of the engagement process.
8. Use and development of the lands and resources in Skat'sin te Secwepemc Neskonlith Territory must enhance the economic, social and cultural wellbeing of Skat'sin te Secwepemc Neskonlith and our members.

V. Consultation Process

The Crown is obligated to consult Skat'sin te Secwepemc Neskonlith when contemplating a decision or activity which has the potential to affect Skat'sin te Secwepemc Neskonlith Rights.

Consultation regarding proposed activities in our territory should include the following elements:

- early notification to Skat'sin te Secwepemc Neskonlith of any contemplated decision or activity which could affect Skat'sin te Secwepemc Neskonlith Rights, including prior notification of high-level strategic or policy decisions;
- collaborative development between Skat'sin te Secwepemc Neskonlith, the Crown and where appropriate industry proponents of a mutually agreeable process for engagement, including a timeline, deliverables, and mechanism to attempt to resolve differences between the participants;
- funding to enable Skat'sin te Secwepemc Neskonlith's active participation in engagement, including funding for Skat'sin te Secwepemc Neskonlith to retain consultants or technical staff to ensure that our membership is able to make an informed decision as to whether they can support the proposed activity;
- an opportunity for Skat'sin te Secwepemc Neskonlith to carry out an independent assessment, if desired, of the potential impacts of the proposed decision or activity which incorporates Secwepemc traditional knowledge and/ or western-based science as determined appropriate by Skat'sin te Secwepemc Neskonlith;

- an opportunity for Skat'sin te Secwepemc Neskonlith to determine, on a preliminary basis, whether we could consent to the decision or activity if mitigation, accommodation and/or justification measures are implemented to address potential impacts or infringements of Skat'sin te Secwepemc Neskonlith Rights;
- subject to Skat'sin te Secwepemc Neskonlith's preliminary determination, an opportunity for discussion with the Crown and industry proponents regarding mitigation, accommodation and/or justification measures to address potential impacts or infringements of Skat'sin te Secwepemc Neskonlith Rights; and
- an opportunity for Skat'sin te Secwepemc Neskonlith to reach a final decision and advise the Crown and industry proponent about whether Skat'sin te Secwepemc Neskonlith will consent to the decision or activity and if so, what mitigation, accommodation and/or justification measures are required.

VI. Industry Proponents

In addition to the consultation process set out above, industry proponents seeking to use or develop land and resources in Skat'sin te Secwepemc Neskonlith territory must comply with the following:

- Prior to engagement with Skat'sin te Secwepemc Neskonlith, industry proponents will sign a confidentiality agreement to protect any cultural heritage property and traditional knowledge of Skat'sin te Secwepemc Neskonlith obtained during the engagement process;
- Unless an agreement with Skat'sin te Secwepemc Neskonlith is already in place, industry proponents with existing, ongoing activities in Skat'sin te Secwepemc Neskonlith Territory will negotiate partnership or other agreements with Skat'sin te Secwepemc Neskonlith confirming the conditions on which Skat'sin te Secwepemc Neskonlith will consent to the ongoing activities; and
- Industry proponents will provide capacity funding to enable Skat'sin te Secwepemc Neskonlith's meaningful participation in all engagement activities.

SCHEDULE "A"

Skat'sin te Secwepemc Neskonlith Territory

SCHEDULE “A”

Skat'sin te Secwepemc
Neskonlith Territory and
the Neskonlith Reserve at 1865

-  Neskonlith Indian Band (NIB) Boundary
-  The Neskonlith Reserve in 1865 (NRCan map produced for the Indian Claims Commission by Blair Smith, March 13, 2006)

Skat'sin te Secwepemc Neskonlith holds unextinguished Aboriginal title and rights (Skat'sin te Secwepemc Neskonlith Rights) over the lands and waters of our territory as depicted in this map of Secwepemecul'ecw (Secwepemc Nation Territory).

Without prejudice - boundaries are based on the results of research to date and may change as additional materials are discovered.



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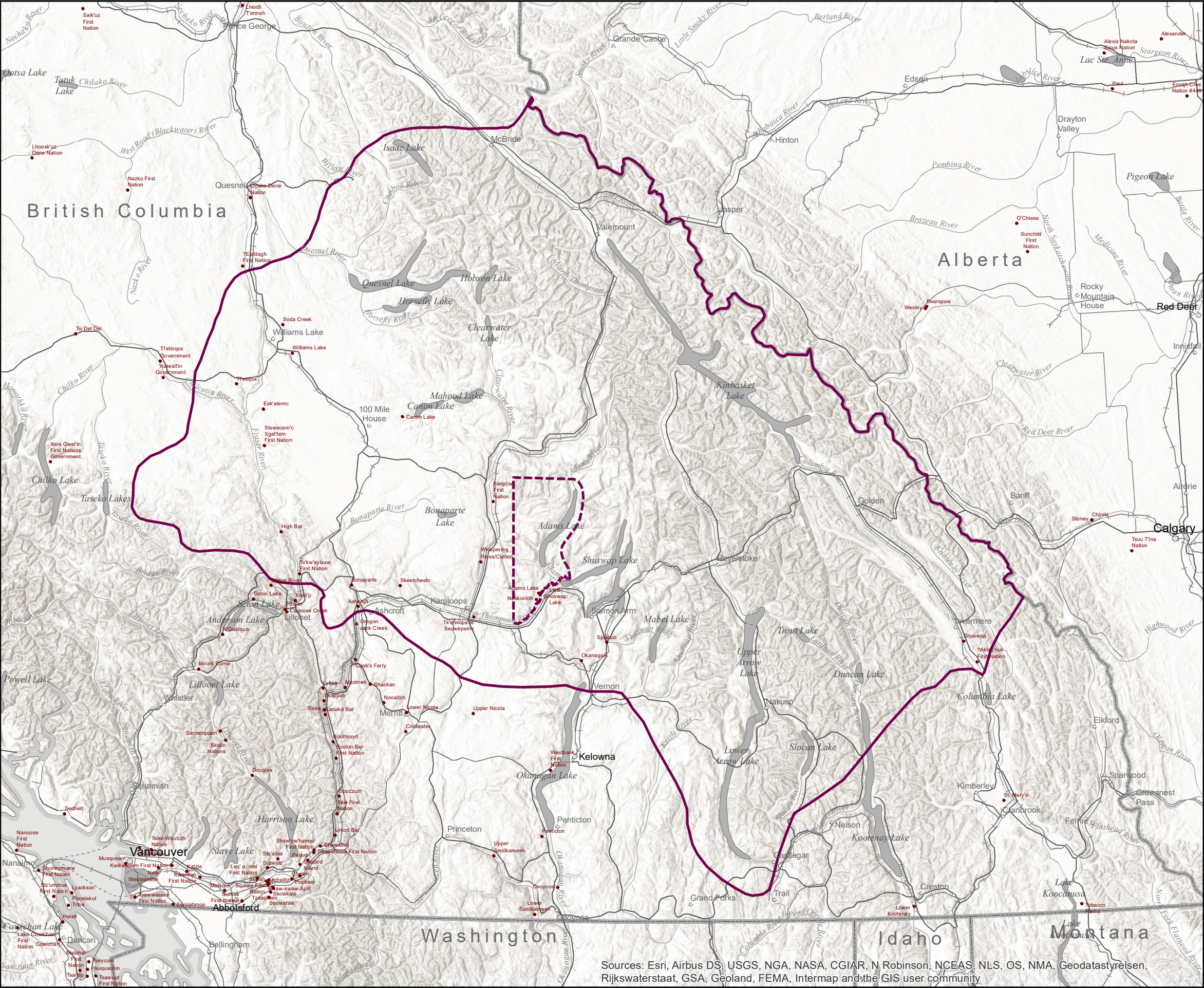
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Map produced by: D. Carruthers, PlanLab Ltd.
October 13, 2022
Tel: 416-828-0026 Email: david@planlab.ca
Data Source:
Framework: NRCAN Canvec 1:250,000; NRCAN Canada Lands
Digital Cadastral; ON File Geodatabase 20K
Projection: NAD 1983 BC Environment Albers



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community